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# The 2015 general elections in Guatemala

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On 6 September 2015, Guatemala held its most anomalous election in 30 years of democracy, in the immediate aftermath of the president and vice-president resigning and being detained in connection to accusations of corruption, and amid a popular outcry to reform the political system.

Guatemalans went to the polls to elect a president, members of the National Congress and the Central American Parliament (Parlacen), as well as mayors and municipal councillors of the country's 338 municipalities. As no presidential candidate obtained more than 50% of the vote, a run-off was held on 25 October. Along with the second round of the presidential elections, municipal elections were repeated in 11 municipalities where they had been suspended or annulled because of violence.

The winner of the presidential election was Jimmy Morales, a former comedian and TV producer with no political experience. Six months beforehand, his chances of being elected had seemed slim. He ran for the presidency with FCN-Nación, a party founded in 2004 by retired military personnel. The party competed in the elections for the first time in 2011, but did not present a presidential candidate nor get any of its Congress or municipal candidates elected. Morales convincingly presented himself as the only candidate who was not part of the corrupt political elites. His platform rested on a broad promise of renewing the country's political system.

Morales' main contenders were Sandra Torres, from the centre-left Unidad Nacional de la Esperanza (National Hope Union, UNE), and Manuel Baldizón, presidential hopeful of the right-wing party Líder (Spanish acronym for Renewed Democratic Freedom). Both had the support of much stronger party machineries than that of Morales. Torres had been the country's First Lady during the

government of Álvaro Colom. Baldizón came in second place in the 2011 election, but in 2015 he was unexpectedly eliminated in the first round, despite having led most polls up until the start of the election campaign.

### 1. Background

The election was marked by the most profound political crisis in Guatemala since democracy was restored in 1985. The immediate origin of the crisis was the corruption charges raised in April 2015 against government officials by the International Commission against Impunity in Guatemala (CICIG), a judicial body sponsored by the United Nations. Created in 2006, CICIG's aim is to help the Attorney General's Office to investigate illegal activities by State institutions that might affect fundamental rights.

The CICIG charges initially implicated tens of high-ranking officers, including vice-president Roxana Baldetti, in the setting up of a scheme to obtain bribes from foreign companies that import goods into Guatemala, in exchange for evading custom duties. Despite Baldetti's resignation on 8 May, barely six days after the start of the electoral campaign, popular protests, including marches on Guatemala City's Central Square every Saturday, mounted to demand that President Pérez Molina step down and Congress pass reforms to the electoral law, starting a real change of the country's political structures.

On 27 August, a general strike supported by diverse sectors, such as Cacif (the country's main trade association), the Catholic Church, and student and labour unions paralysed the country. On 2 September the President resigned. Shortly after, at the Supreme Court of Justice's request, a Congress commission unanimously voted in favour of stripping him of his immunity. Alejandro Maldonado, a former minister and Constitutional Court's judge who had been appointed by Congress to substitute vice-president Baldetti, took Pérez Molina's position until Morales was sworn in as president on 14 January 2016.

### 2. Electoral system

Guatemalans choose all their elected authorities every four years in general elections, which are set by the Constitution for the first Sunday of September.

Along with Mexico and Paraguay, Guatemala is part of the ever-

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shrinking group of Latin American countries which explicitly ban more than one presidential mandate. Article 186 of the Constitution extends the prohibition to presidents' relatives, as well as persons who have taken part in *coups d'état*. For this reason, the Constitutional Court excluded Sandra Torres from the 2011 presidential election, as she had been married to president Álvaro Colom (2007–2010), although she had previously divorced him. In a divided, controversial decision, the Court did allow Zury Ríos, a daughter of former *de facto* president Efraín Ríos Montt, to run for the presidency in 2015, arguing that the Supreme Electoral Court was not competent to overturn a Supreme Court of Justice's previous decision to grant Ríos a provisional injunction. Moreover, article 113 of the Constitution establishes that candidates shall meet merits of “capability, suitability and honesty” to occupy a public position, without further elaboration. On these grounds, the electoral management body rejected the candidacy for Congress of former president Alfonso Portillo, as he had been sentenced to one year in prison in the United States for money laundering, although he had already served the sentence.

Candidates for the unicameral Congress, Parlacen, and the municipal councils can run as many times as they wish. They are all elected in closed lists. Seats are distributed using the D'Hondt formula, whereas a relative majority of votes determines the election of mayors. For Congress, voters cast two different ballots, one to elect 31 members on a national list and another one to elect the remaining 127 members in 23 different constituencies, including the country's 22 departments plus Guatemala City.

The 1985 Electoral and Political Parties Law is the core of the Guatemalan legal framework for elections. Different proposals to amend it since 2006 have been swept under the rug by Congress. The institutional and political crisis, however, put the law at the centre of public debate in the run-up to the 2015 elections. Civil society groups considered that a reform of the political system had to necessarily include changes to the electoral law. The most radical critics demanded that the reforms be passed before the polls, in spite of the fact that elections had already been called for, or alternatively that elections be postponed.

Congress heard neither of these demands. In September, Members of Congress debated for the third time a proposal to amend the electoral law (all laws need to be debated thrice in order to be passed in Guatemala), but they did not vote on the proposal before their last session period in November. The proposal included measures such as the implementation of voting rights for Guatemalan residents abroad, a limitation of two mandates for Congress members, the annulment of elections in cases with a certain proportion of invalid votes, a prohibition on elected officials crossing party lines, an increase in the quota of female and indigenous Congress members, and stricter controls of party funding, among others.

A report on party spending released by CICIG in July 2015 increased pressure on legislators to strengthen supervision of party finances by reforming the electoral law (see [CICIG, 2015](#)). The report stated that party funding in Guatemala was excessive, opaque and under-regulated, and that it violated the principle of equal opportunities for candidates. The report claimed to reveal the existence of a network, which worked at local and departmental levels to illegally obtain funds for the electoral campaigns and activities of the main Guatemalan parties.

The Supreme Electoral Tribunal (TSE), the Guatemalan electoral management body, is the authority in charge of monitoring party expenditures, but two problems hinder its ability to fully accomplish the task, namely the lack of adequate economic and human resources, and the inadequacy of sanctions, which are either relatively small fines or, more drastically, a party's suspension, which may eventually become a definitive dissolution. Due to its lack of

resources, the TSE limits itself to reviewing the finance reports provided by parties, without rigorous verification. It did impose fines on several parties for campaigning outside the temporal limits set by law, but the parties paid the fines and continued their activities.

On 7 August, the TSE ordered Líder to suspend campaign activities for having exceeded spending limits, set at 58,200,000 quetzals (around 7.5 million dollars), but the party ignored the prohibition. Rival parties and civil society groups criticised the Tribunal for not suspending the rebellious party. According to the national observer group Acción Ciudadana, Líder had already reached the spending limit in April 2015, one month before the official campaign started (see [Medina, 2015](#)).

## 2.1. Campaign

Overshadowed by the political crisis, the campaign was very low-key compared to past elections, especially in the largest cities, where parties and candidates staged very few rallies. Several debates were broadcast by cable TV during the first and second round of the elections, but the platforms presented in these occasions were very general and unspecific, and the debates' format did not encourage a real exchange of views, nor did they receive wide coverage in the rest of the media.

Jimmy Morales was the candidate who best attuned his campaign message to the political atmosphere, successfully transforming his lack of experience into his main virtue. His campaign motto was “neither corrupt, nor a thief”. His main rivals could not overcome the prevailing climate of political disaffection. Mario David García, the ruling Partido Patriota's candidate, obtained a meagre 4.5 per cent of the vote. Manuel Baldizón became the first candidate in the last five elections not to win after coming second in the previous race for the presidency. The informal coalition his party had in Congress with Partido Patriota and allegations that he and his family had made their fortune from illegal activities led him to be perceived as a member of the corrupt political elites. Attempts by Sandra Torres to detach herself from the traditional ruling class were similarly unsuccessful, as were her attempts to contrast Morales' inexperience against the knowledge she had gained as manager of social programs during her period as First Lady, a knowledge she deemed as necessary as ever due to the country's serious political and economic situation. “Guatemala is not a joke”, she declared to metaphorically depict former comedian Morales' inadequacy to govern the country.

The candidates' media presence was as unbalanced as their resources. According to media monitoring reports by national NGO DOSES, coverage generally favoured Manuel Baldizón, who received 26% of the mentions the media devoted to the 14 presidential candidates (see [DOSES, 2015](#)). Nonetheless, the proportion of mentions with a negative tone was also larger for Baldizón (31%) than for any other candidate. During the second round of the elections, coverage was more balanced. Jimmy Morales received slightly more media attention than Sandra Torres (54% vs. 46%), and coverage was also more positive to him<sup>1</sup>.

The monitoring by DOSES also unveiled the existence of publicity disguised as news in favour of parties and candidates, a phenomenon known as *infomercials*, which had already been observed in past elections, although not as widespread as in the 2015 campaign. The TV and radio outlets owned by Ángel González, the powerful media mogul who possesses all the open access TV

<sup>1</sup> For DOSES monitoring reports, see section “Documentos” of Mirador Electoral's webpage, at <http://www.miradorelectoral2015.org/categoria-documentos/documentos/>. Last accessed on 22 January.

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