The Politics of the Ballot in Colombia: Access, Production, Distribution, and Design*

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I. Introduction.

No systematic study of the role of the ballot in Colombian democracy exists. However, this is true for most countries. While there exists, for example, a literature on the role of ballots in terms of American political behavior,¹ there is very little in the comparative politics/electoral studies literature² on the topic of the ballot's role in the process, save basic structural questions of whether voters must make cardinal or ordinal choices on a given ballot.³

Why is this the case? One explanation is that the ballot itself is so woven into a given electoral system that its existence and function can be a stipulated part of the discussion. It may also be that in a given electoral system that the ballot does not matter as much as in others. It is also likely the case that the evolution of the study of elections required an attention to rules and process first in terms of vote conversion to office before turning to issues like physical ballots. This latter point simply indicates that there is room for further work on this subject.

Colombia presents an intriguing case for examining the role of the ballot. First, there has been consistent usage of ballots of relevance for such study for over eight decades.⁴ Second, there have been changes (from private to public) and then in the design of the public ballots, both

¹ There have been studies over time about the private/public production issue (Albright 1942; Allen 1906; Rusk 1970), order of candidates on the ballot (Brockington, 2003; Darcy 1986 and 1998; Faas and Schoen 2003, Kopell and Steen 2004), and, of course, American voters will recall the role played by ballot design in the 2000 presidential elections in Florida, which sparked a great deal of academic attention to the question of ballot design (e.g., Brady, et al. 2001; Herron and Sekhon, 2003; and Wand, et al., 2001) as well as a national conversation about voting methods (e.g., Voting Technology Project 2001).

² A notable exception is the comparative study done by Reynolds and Steenbergen (2006).

³ Within the electoral studies literature, the main issue regarding the ballot has typically been that of what Rae (1967) called "ballot structure" which was focused on the issue of whether voters are required to be make a categorical choice (i.e., voting for just one party or candidate) or whether the voter can provide a rank-ordered preference of parties/candidates. Most references in the relevant literature (e.g., Lijphart 1994, 118-124; Taagepera 2007, 18 and 23) tend to focus on this aspect of ballot alone. Taageperga and Shugart 1989 mentions both the categorical/ordinal issue (12-13) and the fact that "Voting methods may make a difference psychologically" (11). ⁴ Indeed, it could go back further than that. However, the prevailing electoral rules that have dominated Colombian elections, and therefore the basics of the ballot, date to the early 1930s (see Taylor 2009:83-86).

of which allows for studying the effects of changes in behavior within the same system. Third (also less significantly), Colombia also presents a case of curiosity because the usage of privately produced ballot facilitated a referendum that ended up sparking constitutional reform in the March 1990 congressional elections.

As a topic for research, this specific inquiry derives from the convergence of two strands of thought and research on the importance of the ballot in the Colombian context. One is a longterm project aimed at understanding the evolution of the Colombian party system as it has moved from a strong two-party system for most of its history to a multi-party system (see, for example, Taylor 1995, 1996 and especially 2009). The other is a spin-off of that research and is focused more specifically on the actual effects of the ballot in terms of partisan and voter behavior (e.g., Taylor 2008), especially in the last four decades. These are related, though distinct topics.

This paper examines the ballot in the context of four descriptive variables: access, production, distribution, and design. The discussion here encompasses research dating back to the early 1930s, although the main focus is the 1974-2010 period. As such, it is based in a comprehensive discussion of the role of the ballot in Colombian democracy. This examination demonstrates how the four variables listed above influence party, candidate and voter behavior in three distinct arenas: party factionalization, candidate understanding/voter knowledge, and voter error. The latter two issues are addressed by looking at candidate order on the ballot and the rate of error in elections are measured by nullified ballots. As a general conclusion it is demonstrated how the ballot itself was (and continues to be) part of the institutional structure of Colombian

democracy.⁵ This discussion is divided into three main sections. The first examines the general issue of studying the ballot, providing a general framework for the undertaking. The second take the framework in question and applies it to the Colombian case. The third section looks at the relationship of the ballot to party and voter behavior.

II. Studying the Ballot.

Voting is the fundamental act of democratic citizenship and the vehicle upon which a citizen's vote travels is the ballot. As such, it is a worthwhile objection of investigation, but that leads to the issue of what aspects of the ballot are in need of study.

The fundamental questions regarding ballots include: how do candidates get onto them? where do they come from? how do they get to voters? how do they present the options to those voters? and how they are counted? These questions can be translated into four basic descriptive variables: access, production, distribution, and design (which are summarized in Table 1). It is assumed that these factors all have the potential to affect both party/candidate behavior as well as voter behavior.

Ballot access is a fundamental issue, as if a candidate or party cannot get onto the ballot, it cannot participate it the electoral process. There is a balancing act that must be entered into between open access (allowing all comers onto the ballot) and too much restriction. Control of access is typically linked both to legal and party requirements. Indeed, the question of how candidates are nominated presents a major area of study in its own right.⁶

⁵ Indeed, contained herein is the seed of an idea that ballot structure and evolution is a worthy course of study for all democratic systems and therefore may well be an important part of the institutional structure of said systems. ⁶ For a comprehensive discussion of candidate selection in Latin America see Siavelis and Morgenstern 2008. For

Colombia in specific see Moreno and Escobar-Lemon 2008 and Taylor, Botero and Crisp 2008. For an additional general discussion, see Taylor 2000.

Table 1: Relevant Descriptive Variables for Studying the Role of Ballots
Access (How to Get on the Ballot?)
• Party requirements (i.e., candidate selection processes).
Legal requirements.
Production (Where do they Come From?)
• Private or public?
• If private: party controlled or outside of party control?
Distribution (How do voters get them?)
• State produced ballots will be distributed by the state at the polling place.
• Privately produced ballots might be distributed in a variety of ways.
Design (What does it look like?)
• Simple or Complex?
• Organization of the document (e.g., office-block v. candidate-block)
Electoral rules-specific issues.
Counting technology issues.
Country/constituency-level eccentricities.

Ballot production deals with whether or not the state produces ballots (i.e., which is often called the Australian ballot, as the innovation of state-produced ballots dates to mid-19th Century Australia). The private/public distinction is perhaps the most central issue for the study of ballots as private ballots are likely party-line ballots (meaning the public ballots allowed for the innovation of split-ticket voting) and may not allow for truly secret ballots (for example, party ballots could be differing colors or sizes). The issue of production leads directly into distribution. State produced ballots are distributed at polling stations by the agents of the state, while privately produced ballots are distributed by parties and other partisan entities, and perhaps even by voters if the law allows voter-created ballots.

Ballot design presents a variety of issues such as candidate order, party identification and general organization. It is further the case that design is a manifestation of a given electoral system. To wit: a ballot for a single member district plurality election will, by necessity, be structured differently than a ballot for an alternative vote system, list-PR system, or a single transferable vote system. Design also is linked to how votes are counted because the

method/technology used to count votes can dictate how a ballot is laid out (such as the difference between punch-card ballots, optical scan ballots, and electronic ballots).

In most modern democracies, ballots are state produced and state distributed, which simplifies the study of the ballot in that regard. However, ballot access and ballot design remain key issue across cases.

III. The Ballot in Colombia.

Having established some basic issues about the basic study of ballots, we can turn specifically to the Colombian case in terms of access, productions, distribution and design over time. This discussion ranges from the 1930s to 2011, with a specific emphasis on the 1974-2010 period. In terms of orienting the discussion a few historical and contextual issues should be briefly introduced. First, the period under examination is one of party system differences. Much of the discussion takes place in the context of a strict two party system (although one marked by substantial internal factions within said parties). Until the 1990s, in fact, the system was dominated by the Liberal Party (PL) and the Conservative Party (PC). Indeed, an interest in how ballot strategies helped maintain the two party system is an important motivating factor in terms of pursuing this study. The 1990s into the 2000s saw the development of a multiparty system that is still in an evolutionary stage (i.e., as actors continue to adapt to various systemic issues, such as electoral rules and ballot format changes, it would seem that a new equilibrium has not yet been reached). These changes are illustrated in Table 2, which details the effective number of parliamentary parties (ENPP) in the system from 1974-2010. The shaded areas indicated differing ballot eras, which will be detailed below. One factor that should be readily noted by looking at the table is that changes in ballot format do correlate to changes in the ENPP (especially in the shift from the 1974-1990 period to the 1991-2002 period). Now, while it is not

suggest here that the main reason for the change in the ENPP was due to ballot format changes, but that nonetheless ballot factors are of issue when looking at party and voter behavior, which in turn do influence ENPP. But another way: these changes are linked to not simply ballot format changes, but are linked to broader institutional reforms of which ballot changes are simply a manifestation. The issue of how the country's electoral rules were relevant to party behavior can be found in Taylor 2009 (especially chapter 5 and 6).

Table 2: Effective Number of Parliamentary Parties, Colombian Congress,					
1974-2010 (Shaded to indicate changes to ballot)					
	Chamber	<u>Senate</u>			
1974	2.28	2.17			
1978	2.06	2.01			
1982	1.98	2.04			
1986	2.46	2.47			
1990	2.20	2.24			
1991	3.03	3.10			
1994	2.82	2.90			
1998	3.27	3.56			
2002	7.39	9.19			
2006	7.60	7.10			
2010	5.15	5.57			

Also worthy of note, the years under examination are not uniform in terms of the quality and operation of democracy. The 1930s and 1940s were decades marked by limited suffrage (women, for example, could not vote), not to mention several elections affected by major party boycotts as well as partisan civil between the PL and PC starting in 1948 and giving way to a military coup and government from 1953-1958.⁷ The civil war lead to a power sharing

⁷ Civil war ignited after the murder of Jorge Eliécer Gaitán on April 19, 1948 and the subsequent riot known as the *Bogotazo*. This led to rural fighting between Liberal and Conservative partisans during the era called *La Violencia*. General Gustavo Rojas Pinilla took power in June of 1953. He was ousted in May of 1957 and a junta governed until civilian elections were held in 1958. A plebiscite in December of 1957 was held to ratify the rules of the National Front.

agreement from 1958-1974 called the National Front.⁸ The Front essentially split the Colombian state down the middle, with each of the mainline parties getting half⁹ with specific control being the result of intra-party electoral competition. Those rules had expired by the 1974 elections. The research focus on 1974-2010 therefore is because of a) it was an era of full electoral democracy and b) it was post-power sharing rules which could muddy the analytical and comparative waters.¹⁰ Additional factors worth noting included constitutional reform in 1991(which is why there were congressional elections in 1990 and 1991) as well as substantial electoral reform in 2003.

Access to the Ballot. While references to basic voting procedures as related to the ballot can be found as far back as at least Law 85 of 1916 (article 87), legal control of party label on the ballot in Colombia did not emerge until Law 130 of 1994. The effective upshot of this fact is that prior to 1994 there was not even a mechanism, let alone the will, for the PL and the PC to control who used their labels. This fact, combined with the discussion below about who produced ballots, meant a system for many decades wherein there was frequent intra-party, as well as inter-party, competition. No label control meant that factional lists¹¹ could be offered--often referred to as "dissident" lists by the mainline party leadership which were frequently condemned by party elites.¹² Even once parties were granted legal control of party labels, it was common practice to allow whomever wanted to use that label access. As such, candidate

⁸ See Taylor 2009, 44-53 for an overview of the National Front.

⁹ Such as half the seats in Chamber of Representatives, half the Senate, half the Departmental Assemblies, etc. ¹⁰ Although the discussions herein of production and distribution as it pertains to party factionalization during the front, as well as how third party actors, like the National Popular Alliance (ANAPO) used factional rules and lists to insinuate itself into a process that was supposed to be pure PL v. PC is worthy of further and more complete study. ¹¹ For example, *El Heraldo*, a Medellín paper (or Liberal persusasion), ran two lists on page 6 of the October 1,

¹⁹⁴¹ edition: one supporting the ex-president, Alfonso López and his bid to run for re-election in 1942 and another from the "anti-reelectionist plank."

¹² It was not unusual for the partisan press to carry stories from elites condemning dissident lists.

selection in Colombia was, for many years, a process of self-nomination for legislative offices. As such, Colombia's system of closed list-PR was often referred to as personal list-PR and to SNTV (the single non-transferable vote).¹³

Production: Private to Public. The second variable under discussion is production: is the ballot produced by private individuals (i.e., parties or candidates) or is the ballot being produced by the state? There have been two broad eras of the ballot in Colombia with each divisible into sub-eras. Table 3 details these eras. In the first era, ballots were privately produced and referred to as *papeletas* (or ballot papers) and in the second era they were state produced and called *tarjetones* (or ballot cards). In terms of sub-diving these ears, the *papeleta* should be divided into the pre-National Front era (pre-1958), the National Front era (1958-1970) and the post-Front era (1974- March 1990). The *tarjetón* period is divisible into the Hare quota era (May 1990-2002) and the D'Hondt era (2006 to the present period).

Table 3: Ballot Eras in Colombia					
1. Papeleta I	Era (until March 1990)				
А.	Until 1953 (until military coup of Rojas)				
B.	1957-1970 (National Front)				
C.	1974-1990				
2. Tarjetón Era (May 1990-present)					
А.	Hare LR (May 1990-2002)				
B.	D'Hondt (2006-present)				

The *tarjetón* era started with the May 1990 presidential elections, and the first usage of state-produced ballots for a legislative election was for the National Constituent Assembly elections in December of that year. They were used again in March 1991 with the election of a

¹³ See Taylor 2002 and Taylor 2009:110-111 as well as Moreno and Lemon-Escobar 2008.

new congress until the aegis of a new constitution. As such, the *tarjetón* is closely linked to a new political era in Colombia. Further changed came with Legislative Act Number 1 of 2003, which changed the Colombian electoral system away from its own unique version of Hare LR to D'Hondt, which required a change in ballot format again. The reform also required that each party offer only one list per office.

Distribution: Parties, Papers and *Papeletas*. The second variable is that of distribution: how do the ballots get to the voters? With state produced ballots this is easy: they are available to the voter at the polling place. But privately produced ballots require other distribution mechanisms.

Ballot distribution during the *papeleta* era was conducted through a combination of printing ballots in newspapers and party distribution (via party volunteers handing out ballots or via booths set up on election day). Newspaper distribution for most of Colombian history was a clearly partisan affair wherein Liberal papers would only publish Liberal ballots/lists of candidates and, likewise, Conservative papers producing Conservative information. Papers often only published information relevant to a particular faction of a given party, depending on the political predilections of the publication in question.

During the pre-National Front era (i.e., prior to 1957) it was not unusual for newspapers to almost gloat in stories if the opposition party had multiple lists while the paper's preferred party had a unified list.¹⁴ Further, intra-party combat could emerge when one paper supported a specific faction of the party, while another paper supported another faction. This was especially evident over the years between two Conservative dailies in Bogotá: *La República* and *El Siglo*.

¹⁴ For example: *El Liberal*, September 28, 1951, p. 2: "Muy grave la división azul ahora en Bolívar."

The ability of rival faction to offer their own lists and yet still utilize one of the two traditional party labels is key for understanding why the system remained a strong two party one for as long as it did (see below). The ballot distribution process discussed herein helped maintain that situation.

In the National Front period there was a shift in this pattern to publication of both Liberal and Conservative ballots across partisan platforms because the official party line was no longer simply one of pro-Liberal or Conservative, but support for the National Front's power-sharing arrangement. This also led to the appearance of some factional ballots in mainline papers in a way that had been largely unknown during the pre-1953 period.

The post-National Front period saw an even greater increase of cross-pollination of newspapers by parties and actors of various partisan flavors as Colombian newspapers started (in varying degrees) to shift their *modus operandi* to a more standard journalistic model away from papers functioning as party organs. Although it is also true that the papers did not become utterly neutral and comprehensive in their structure and behavior—i.e., they did not produce all ballot for all candidates for all elections. For example, the first time that all presidential ballots appeared on the same page was in an advertisement paid for by Caracol Radio and published in two major Bogotá dalies: *El Espectador* and *El Tiempo* in 1986.¹⁵

Of course, starting in May of 1990, ballots were available to all comers at the polling locations and the newspapers because vehicles for advertisement rather than ballot distribution.

¹⁵ Indeed, this is the only examples that I found in my research to date of a comprehensive set of ballots for a given race. Given that my research is not exhaustive, it is possible that there are other such examples that I missed (although, as the appendix details, I have made a systematic examination of the issue).

Design: Simple to Complex. The evolution of the Colombian ballot has been to go from the relatively simple to the rather complex. The original *papeletas* were party-specific and listed all the candidates for all the offices being contested in that election. While it was technically possible to split one's ticket by dividing a ballot paper into its office-based portions (see Cepeda 1986, 89), the likelihood was that a given voter would simply deposit a single strip of paper into an envelope and then into the ballot box. This is to be contrasted with elections in the *tarjetón* era where voters have to juggle ballots for each contest in a given election. In March, 2010, for example, a given voter might have had four ballots (Senate, Chamber, Andean Parliament, Presidential Primary either for the Green Party of the Conservative Party) and three different ballot boxes to deal with (one for the three national ballots and then one each for the primaries).¹⁶

Figure 1 contains a mock-up of a party produced ballot from the 1974 elections (which were the last where congressional and presidential elections were held concurrently). The mock-up is provided for ease of reading. Figure 2 is a partial scan of an actual *papeleta* from that same election. The mock-up represents a series of attached *papeletas* as would have been published in Colombian newspapers.

The original ballot had fifteen candidates (and alternates) listed for the Senate, twentynine for the Chamber, thirty for Departmental Assembly and twenty for Municipal Council. Voters could either use all these lists, or they could mix and match lists of other candidates from the above with *papeletas* from other published lists. For example, one might use the above for President, Senate and Assembly, but use different lists for Chamber and Municipal Council. It should also be noted that for all office (save President) that there are two columns. The first

¹⁶ Further, voters in eight northen departments had a sixth ballot (a *papeleta*, in fact) to use and an additional ballot box for a non-binding referendum on increased regional autonomy. See de la Cruz 2010.

column is for the actual candidates, while the second column is for the *suplentes* or alternates. Theoretically the purpose of the *suplentes* was to have someone to replace the candidate if he or she could not finish their term. In terms of actual practice it was not unusual for the main office holder to step down during a significant portion of the term to allow the *suplentes* to serve part of the term. In fact, before the practice was banned in the 1991 Constitution, regional party elites often would head a congressional list and a departmental assembly or municipal council so as to boost the electoral appeal of the local list, but where the candidate had no intention of actually serving in the office. Instead, the *suplentes* automatically took the seat.

Figure 2 is a scan of the actual ballot as published in the Bogotá daily, *El Espectador* on April 20, 1974 on page 5c. The actual ballot was approximately 10.5 x 2.5 inches and contained lists for all of the office noted in the previous paragraph. This particular ballot for the PL and supported the party's presidential candidate, Alfonso López Michelsen as well as the office for the Department of Cundinamarca and the city of Bogotá for the Senate candidate Julio César Turbay Ayala and his faction of the PL in that region. Turbay's list was one of five liberal lists competing in 1974 in Cundinamarca for the Senate (and there a total of seven Chamber lists). Turbay's list won seven seats.

Starting in 1978, congressional election came first with presidential elections being held a few months later. This allow for the usage of the congressional elections as a quasi-primary. The Liberals utilized this mechanism in the 1978 and 1986 electoral cycles.¹⁷ Since the congressional elections came first, *papeletas* could be labeled in terms of which candidate the list supported. As such, instead of having a presidential candidate at the top, as was the case in

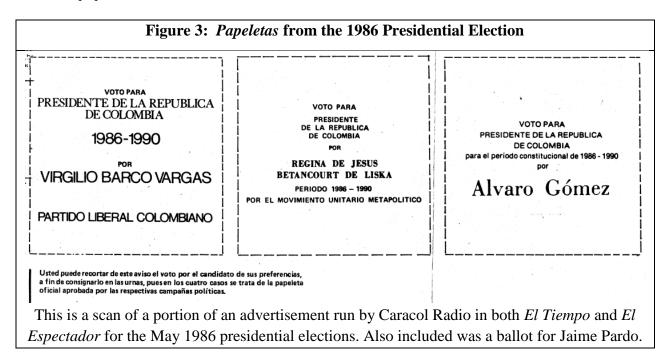
¹⁷For a discussion of this mechanism see Taylor, Botero and Crisp 2008. A similar mechanism was used in 1937 to decide if Eduardo Santos or Darío Echandía would be the PL's 1938 nominee.



1974, a specific congressional list could instead list which pre-candidate that it supported. In 1978, for example, the contest was between two prominent Liberals, Julio César Turbay Ayala and Carlos Lleras Restrepo, and listed would state which candidate it supported, such as the congressional list headed by Álvaro Uribe Rueda, which contained then message that the list "supported the presidential candidacy of Doctor Julio César Turbay Ayala." The nomination was settled by which lists won the most votes. In 1978, Turbay was the victor both in terms of the nomination, but also the presidency.

Figure 2: Partial	Scan of 1974 <u>Papeleta</u>
Listas	oficiales
VOTO PARA DE LA REI EL DOCTOR ALFONS	RAL COLOMBIANO PRESIDENTE PUBLICA POR SO LOPEZ MICHELSEN UCIONAL 1:974 - 1.978-
AL SENADO DE LA REPUB	DATOS DEL PARTIDO LIBERAL LICA, EN LA CIRCUNSCRIPCION IMARCA PARA EL PERIODO NAL 1.974 - 1.978
Principales JULIO CESAR TURBAY AYALA Indalecio Liévano Aguirre Germán Zea Hernández Virgilio Barco Vargas Jaime Fosada Díaz Enrique Pardo Parra María Elena do Crovo Cecília Vargas de Reyes- Juan Pablo Gómez Gregorio Duarte Jiménéz Luis Alberto Blanco Gutiérrez	Suplentes RAUL VASOUEZ VELEZ Alfonso-Angarita 'Baracaldo Migdonia Barón Restrepo Francisco Gaviria Rincón Alícia Cuervo de Barrero Alfonso Rodríguez González Jaime. Pinzón López Eduardo Vanegas Antonio Bustos Esguerra Mario Calderón B. Jorge Cáceres Bejarano Manuel Arbeláez Fava.
A LA CAMARA DE REPRESENT ELECTORAL DE CUNDINA	DATOS DEL, PARFIDO LIBERAL ANTES, EN LA CIRCUNSCRIPCION MARCA, PARA EL PERIODO NAL 1.974 – 1.978
Principales LUIS VILLAR BORDA Fabio Lozano Simonelli Abelardo Forero Benavides Consuelo Lieras de Zuleta Antonio Izquierdo Dávila Héctor Charry Samper	Suplentes LUZ CASTILLA DE MELO Rafael Corrales Ramírez Alberto Orjuela Misael Chaves Rey Aníbal Acosta Alfonso González

When the presidential elections were separated from the congressional elections, the *papeletas* for that office were quite straightforward—basically one small piece of paper with a single name.¹⁸ Figure 3 has an example from the 1986 elections, the last presidential contest that used the *papeleta*.



The most famous *papeleta* was the *séptima papeleta* (the "seventh ballot") that was used in the March 1990 elections. In that contest there were six other possible *papeletas* that could be used for voting: Senate, Chamber, Assembly, Council, Mayor and the PL presidential primary. The seventh ballot was an unofficial ballot that was promoted by student movements and other groups who were seeking a constitutional assembly. The seventh ballot led to an official referendum in the May presidential elections that called for the convocation of a National Constituent Assembly. The text of the ballot, as published in newspapers and elsewhere, is contained in a mock-up of the ballot in Figure 4 (which has been presented in English).

¹⁸ Such a divided electoral calendar is the historic norm, but prior to and after 1974.

If anything, the seventh ballot demonstrated what could happen with a determined population, the appropriate political moment and privately produced ballots. Interestingly, a *papeleta* not dissimilar to this one was used in a non-binding referendum in eight departments on the Caribbean coast in March 2010 (see de la Cruz 2010).

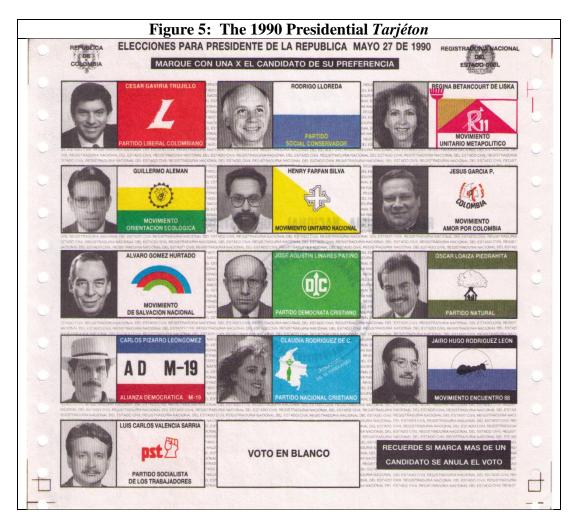
Figure 4: Mock-up of the Séptima Papeleta
VOTE FOR COLOMBIA
FOR A NATIONAL CONSTITUENT
ASSEMBLY TO REPRESENT DIRECTLY THE COLOMBIAN
PEOPLE, WITH THE AIM OF REFORMING
THE NATIONAL CONSTITUTION
As an exercise of the sovereignty recognized en the Second Article of the National Constitution. The electoral authorities will count this vote.
ource: Taylor 2009:184.

Starting in May 1990, the state started producing *tarjetones electorales* (literally "election cards"). Each office has a separate *tarjetón*. The legal basis of the move from *papeletas* the stateproduced *tarjetones* was Law 62 of 1998. Like the *papeletas*, there would be one *tarjetón* per office. But unlike the *papeletas*, they would not be connected. The ballots were color-coded by office. For example, Senate ballots were orange, Chamber ballots a greenish-blue, and presidential ballots brown. Instead of a list of names, however, the new ballots would be much more visually stimulating (and potentially confusing). Each would feature, for example, a small photograph of each candidate (or of the list head for legislative offices), the name of the candidate and the candidate's party label. Legislative ballots would also have a number assigned to each list. The order in which the candidates would appear on the ballot was random and campaign were notified in advance of their number so that they could inform voters in advance of the election. It was not unusual for candidates to use that number, and even an image of what their ballot slot would look like (photo and all) in campaign literature.

Figure 5 has the 1990 ballot (note: it is a ballot that was produced before the assassination of M-19 candidate Carlos Pizarro Leongoméz. Ballots used on election day had Antonio Navarro Wolff correctly inserted). The original ballot was eight inches wide and seven and a quarter inches tall.

The move to the *tarjetón* also led to great complexity from the point of view of the voter. Not only did it mean multiple ballots to juggle at the polls, but the aforementioned propensity for the parties to offer multiple lists per office meant very long ballots. Typically when the issue of long ballots (such as in the United States) are discussed, the length is a function of a large number of offices being contested in a given election (from President down to various country and municipal positions). This can mean that voters in the US can face a ballot of perhaps two pages in length. A Colombia voter in 2002, for example, would have been given a ballot for just the Senate that was a standard letter-size piece of paper (i.e., 8.5x11 inches) that folded out to reveal four full pages of candidates from which the vote would select one. This would go along with a ballot for the Chamber of Representatives that might also be a page long. Consider that the recall/replace election of California Gray Davis in 2003 featured a ballot with 135 candidates on one page. Each Colombia Senate election for just over a decade (four elections total) was like voting in the California recall, but with between twice to almost three times as many candidates and a ballot roughly four times as large in terms of physical space. Of course, like the California recall situation, the reason for the extremely long ballots in Colombia was ease of ballot access,

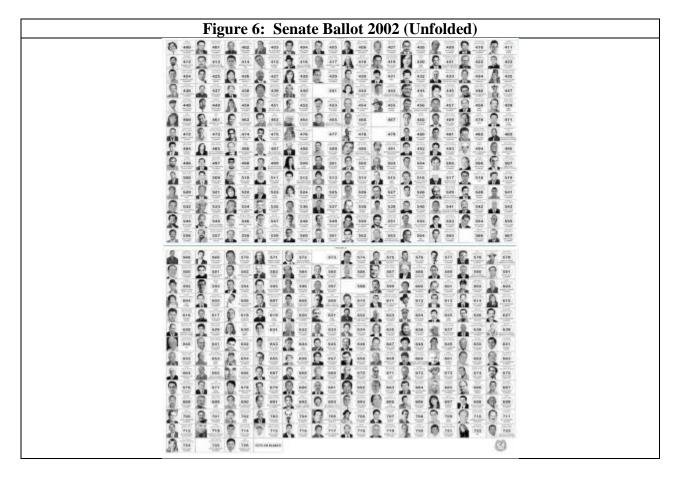
which was (as noted above) a system basically of self-nomination. To wit: in California's recall election it took only 65 signatures from a member of one's party plus a \$3,500 fee or 10,000 signatures.



While *tarjetones* for executive office (president, governor, mayor) are all rather straight forward, *tarjetones* for legislative office (first the National Constituent Assembly and then the Senate, Chamber, Departmental Assembly, Municipal Council and Neighborhood Councils) during this period were more extensive, especially for the Senate (as Figure 6 illustrates).

Electoral reform in 2003 brought the need for redesign of the *tarjetón*. The reform shifted legislative elections from the Hare quota with largest remainders to the D'Hondt method.

The reform also stipulated that each party could only offer one list per office.¹⁹ So while voters would still have one ballot per office, the number of choices per ballot would be lessened. A new wrinkle was added, however, as the new system allowed for open lists (the *voto preferente*), so boxes were included for voter wishing to vote both for their party of preference and their preferred candidate on the given list. As discussed below, this led to new confusion problems and eventually a redesign to be used in the 2011 local elections.



¹⁹ The uni-list requirement was ultimately unlikely, as while under the Hare quota there were advantages for parties offering multiple lists (as there is some advantage afforded to smaller parties in that system), that strategic advantage does not exist under D'Hondt (which slightly rewards larger parties). Of course without the legal requirement, it might have taken parties a while to figure out the appropriate strategy under the new rules.

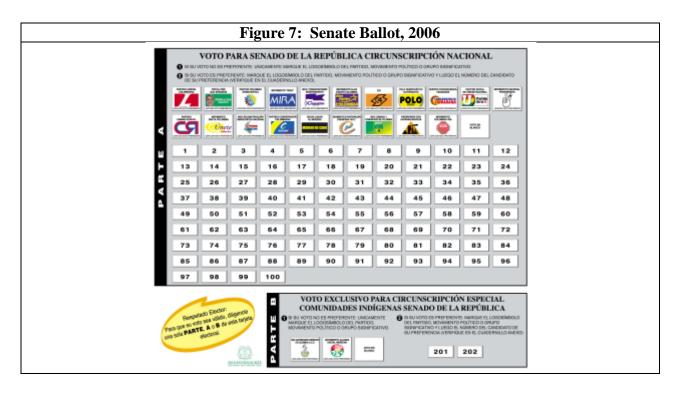


Figure 7 shows the 2006 Senate ballot, which has several elements needing explanation. Parte A is dedicated to the election of vast majority of the Senate, i.e., the 100 members elected in one national district. Parte B is for the election of the seats designated for indigenous communities which is also a national district, but only has a magnitude of two. Voters must first decided if they are voting in Parte A or Parte B as voting in both will nullify the ballot. Once a selection of A or B is made, voters have the following options: vote for a party by marking the appropriate party logo, vote for a party and register a preference of candidate if the party had an open list, or vote "en blanco" (none of the above). Note that marking *en blanco* in both box would nullify the ballot.

IV. Ballot Effects: Factions, Order and Error.

Having provided the basics of the evolution of the Colombian ballot over time, the question can now be asked as to the basic political effects thereof. This section examines the relationship of ballot distribution to the list proliferation issue that dominated Colombian politics

until the 2003 reforms both in terms of the way it supported factions as well as the way it contributed to the length of individual ballots. The length of ballot issues also allows for a discussion of whether ballot order matters and the degree to which candidates and voters adapted well to this issues. Lastly the section looks at how the growing increase of complexity in terms of ballot design has affected the electoral process in terms of voting errors.

Sea of Lists Part 1: Factions. As noted in the above section on distribution of ballots in various partisan newspapers the parties were not fully unified and, further, as noted in the ballot access section, parties either lacked legal control over their labels or chose not to fully employ said control. Both lack of unity and lack of label control were the norm for most of Colombian history. Further, list proliferation was a conscious political strategy in the 1990s (see Moreno and Escobar-Lemon 2008:121-126, Taylor 2002 and Taylor 2009:110-117 and 122-128). While privately produced ballots and partisan newspapers were not the cause of factionalization of the parties, it made such factionalization much easier since it provided a method for dissident factions to be part of the election process without central party sanction. This was also quite handy for the various party factions that competed for their half of the Colombian state with their co-partisans in the National Front period.

The privately produced ballots used until 1990 were the physical manifestation of the aforementioned personal list PR system in Colombia, wherein multiple factions within the two traditional parties offered increasingly greater numbers of electoral lists for electoral office. For example, in 1974 the Liberals offered 110 lists for Chamber seats and the Conservatives 75. They were only 26 districts, meaning under normal condition of a list PR system, each party should have submitted only one list per district, or 26 each (i.e., what would have been 52 total lists in a typical close list PR system instead had 185 lists). Instead, both parties consistently

offered dozens of lists for both Chamber and Senate races. And those lists were all distributed as privately produced *papeletas*. The average number of Chamber lists offered by the PL from 1974-1990 (exclusion of 1978 due to missing data) was 141.5 for the PL and 100.5 for the PC. Table 4²⁰ dramatically illustrates the list proliferation issue for the Senate just for the PL and PC.

Table 4: Lists and the Senate, 1974-2002						
				Number of PL + PC Lists		
			Total	Under a One List Per		
	<u>PL</u>	<u>PC</u>	PL+PC Lists	Party System		
1974	67	54	121	44		
1978	92	61	153	44		
1982	102	72	174	46		
1986	73	67	140	46		
1990	107	57	164	46		
1991	90	25	115	2		
1994	134	39	173	2		
1998	147	25	172	2		
2002	148	30	178	2		

The list proliferation issue also shows how a change in one variable (from private to public production) may not affect political behavior. Indeed, list proliferation increased with the introduction of the privately produced ballot as the parties did not seek to impose discipline on its rank and file and nor did the law require it.

Sea of Lists 2: Ballot Order. As noted above, one of the elements of ballot design that has received a fair amount of scholarly attention has been that of the influence on voting by the order in which candidates are listed on the ballot. The lengthy ballots used for a variety of Colombian legislative elections from 1990 to 2002 provide an interesting case for studying this question.²¹ Of specific interest is the ballot used for the 1990 National Constituent Assembly

²⁰ Table 4 appeared originally in Taylor 2009:117.

²¹ Colombians elect both chambers of the national legislature plus departmental assemblies and municipal councils. Large urban areas are often broken down in the local councils. All of these are elected in the same manner.

election and those used for the Senate from 1991 to 2002. In these cases, which encompass five contests total, the elections were held in national electoral districts with a magnitude of 70 in the 1990 NCA contest and of 100 for the Senate contests.

Owing to the aforementioned personal list-PR system that prevailed in Colombia during most of its history, the number of lists in each election was quite large, meaning the ballots were exceptionally long (in all five cases, the ballot was four pages in length, but with the number of lists per page increasing over time). As such, the question of whether candidate placement on the ballot (which was random) affected the ability of voters to find their preferred candidates is quite salient. There were 116 lists for 70 seats in the 1990 NCA election, with 144, 251, 314 and 321 lists for the 1991, 1994, 1998 and 2002 Senate contests respectively. The 1990 and 1991 ballots were four pages total, printed front and back and opened like a pamphlet. The 1994-2002 ballots unfolded like a poster to reveal four connected letter-sized pages listed with candidates. In all case, as described above, the head of each list was pictured along with their name, a number and their party affiliation.

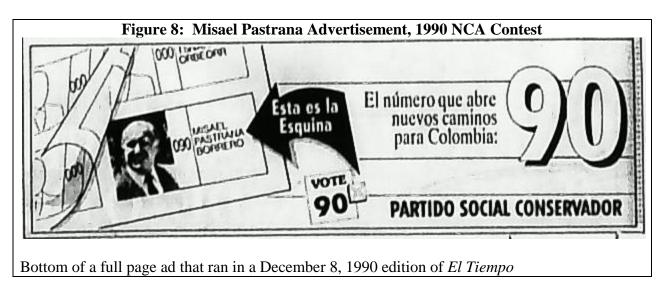
My initial hypothesis in regards to the seeming lack of effect of ballot position on outcome is that advanced knowledge of ballot position and ease of identification (via photo and number) allowed for sufficient advertisement of candidate location on the ballot. However, a more sophisticated test is likely needed. Still, the findings in Table 5 are interesting, insofar as they initially show the behavior we would expect: there was a marked advantage to being on the first page of the ballot in the early goings of the process. However, as voters (and candidates) adapted to the format it would appear that the advantage lessens. This change over time would indicate political learning both on the part of candidates, who learned how to point their voters to the appropriate portion of the ballot, but also by voters who learned how to find their preferred candidates.

Table 5: List Position by Ballot Page, Seats and Votes, NCA 1990 and Senate 1991- 2002						
1990NCA	<u>Seats</u>	<u>% Seats</u>	Votes	<u>% Votes</u>	<u># Lists</u>	Votes/List
Page 1	28	40.00%	1,411,516	38.69%	24	58,813.17
Page 2	21	30.00%	1,118,278	30.65%	32	34,946.19
Page 3	13	18.57%	748,237	20.51%	32	23,382.41
Page 4	8	11.43%	370,324	10.15%	28	13,225.86
	70		3,648,355		116	
1991 Sen	Seats	% Seats	Votes	% Votes	<u># Lists</u>	Votes/List
page 1	14	13.73%	633,824	13.04%	24	26,409.33
Page2	32	31.37%	1,517,493	31.21%	40	37,937.33
Page3	31	30.39%	1,543,356	31.75%	40	38,583.90
Page4	25	24.51%	1,166,997	24.00%	39	29,923.00
	102		4,861,670		143	
1994 Sen	<u>Seats</u>	%Seats	Votes	%Votes	#Lists	Votes/List
Page1	23	22.55%	1,137,470	22.43%	65	17,499.54
Page2	30	29.41%	1,372,580	27.06%	65	21,116.62
Page3	23	22.55%	1,158,562	22.84%	61	18,992.82
Page4	26	25.49%	1,402,944	27.66%	60	23,382.40
	102		5,071,556		251	
1998 Sen	Seats	<u>%Seats</u>	<u>Votes</u>	%Votes	<u>#Lists</u>	Votes/List
Page1	30	29.00%	2,402,567	29.41%	83	28,946.59
Page2	30	30.00%	2,518,449	29.41%	81	31,091.96
Page3	18	18.00%	1,550,174	17.65%	78	19,874.03
page4	24	23.00%	1,849,630	23.53%	72	25,689.31
	102		8,320,820		315	
2002 Sen	Seats	%Seats	Votes	%Votes	<u>#Lists</u>	Votes/List
Page1	25	24.51%	2,319,975	26.54%	82	28,292.38
Page2	23	22.55%	2,163,001	24.75%	82	26,378.06
Page3	28	27.45%	2,150,123	24.60%	80	26,876.54
Page4	26	25.49%	2,106,842	24.11%	77	27,361.58
	102		8,739,941		321	

Candidates understood from the beginning that they need to point voters to their numbers on the ballot, and perhaps even the specific location of their list on the ballot. For

example, Figure 9 shows how Misael Pastrana, head of one of the Conservative lists for the December 1990 National Constitution Assembly election alerted voters of his position. Indeed, the most prominent feature of the advertisement is the list's number. This type of advertisement was quite standard in this period (and is still relevant for the open-list aspect of the current ballot regime). This is an excellent visual manifestation of the cultivation of a personal vote à la Carey and Shugart (1995). Specifically: three of the four main factors on the ballot (photo, name and number) were personally linked to the list head and only one, party label, was oriented toward a more collective identity. The 1990 NCA *tarjetón*, in fact, did not list party affiliation (although lists were registered as linked to parties. Indeed, during the period running from the NCA 1990 election through to the 2002 congressional elections it was rare (and became increasingly rarer) for a given list to win more than one seat. As such, lists were submitted, but candidates largely ran as individuals—a fact that the visual presentation of the ballot reinforced.

As citizens and candidate grew more accustomed to this ballot format, political advertising of the type illustrated in Figure 9 became the norm.



Design and Error. One key way to evaluate the effects of differing ballot design over time is to look at issues of voting error. In the Colombian case one way to approach this question is to look at the rates of null votes over time, as well as categories like blank votes and unmarked ballots. While some level of surmise is needed in analyzing these numbers, it is clearly the case that there have been changes in voter behavior as the system has moved through different voting techniques.

There are two basic categories of votes in Colombian elections: valid votes (either votes for a party/candidate or a blank vote, which is a formal expression of "none of the above") and null votes (spoiled or incorrectly cast ballots). As such, a possible measure of voter confusion would be to look at null votes, which is what I have done below. Indeed, it can be assumed that for the most part that null votes are the result of voter error, although in some cases the ballots may be spoiled on purpose (such as by writing "¡Ladrones!" (thieves!) across the ballot instead of casting an actual ballot.

Table 6 tracks the null and blank votes from 1974-2010 for the senate, chamber and presidency.²² The shading indicates common ballot eras/sub-era by office, such as the *papeleta* for the congress from 1974-1990 and the presidency from 1974-1986, and the *tarjetón* for presidency from 1990-2010 and the congress from 1991-2010 (sub-divided into the Hare quota system, 1991-2002, and the D'Hondt system, 2006-2010).

The numbers clearly show significant shifts in voter behavior with changes in the ballot format. For this discussion there is an assumption that most null votes are the result of voter error while the blank vote is to be considered a purposeful vote for "none of the above." Indeed,

²² Data for the Chamber is incomplete due to a combination of unavailability and lack of compiling. Note that there was no presidential election 1991, hence the blank for that year.

under Colombian law if "*en blanco*" wins, then a new election for that office must be held.²³ The overall low incidence of *nulos* and *en blancos* in the *papeleta* era is understandable. First, the process of voting in that period was pretty easy. Further, one had to go out of one's way to spoil the ballot or to engage in other purposive action to achieve a blank or null vote. Instead, it was fair easier to take one's ballot paper, put it in an envelope, and place it in the ballot box. Most null votes during this period were likely envelopes with multiple *papeletas* contained therein.

T	Table 6: Votos Nulos and Votos en Blanco, 1974-2010 by National Office(Similarly Shaded Areas Detail Shared Ballot Format)					
	Senate			hamber	Pr	esident
	<u>% Nulos</u>	<u>% en Blanco</u>	<u>% Nulos</u>	<u>% en Blanco</u>	<u>%Nulos</u>	<u>% en Blanco</u>
1974	0.07%	0.17%	0.07%	0.15%	0.11%	0.13%
1978	0.13%	0.11%	0.12%	0.09%	0.16%	0.20%
1982	0.13%	0.09%	0.10%	0.09%	0.14%	0.13%
1986	0.17%	0.22%	0.17%	0.19%	0.11%	0.58%
1990	0.22%	0.13%	0.24%	0.15%	0.75%	1.29%
1991	2.98%	8.41%				
1994	6.22%	2.66%	5.09%	3.50%	0.52%	1.12%
1998	2.67%	3.84%			0.75%	1.15%
2002	3.25%	4.42%	3.88%	5.10%	1.33%	1.74%
2006	11.23%	2.70%			1.10%	1.88%
2010	11.03%	3.73%			1.16%	1.52%

Starting in 1991 two factors changed. First, voting becomes more complicated and second, it became easier to vote *en blanco* as there was a box on the *tarjetón* for that option. The introduction in 2006 of the open list system further complicated matters, as voters had the option of voting just for a party or for a party and a candidate, plus voters could vote *en blanco* or for indigenous candidates.

²³ Unlike, for example, the system used in the state of Nevada where voters are given the option to vote for "none of these candidates" but even if that category were to "win" the office would go to the human candidate with the plurality of the vote.

If we consider null votes in particular to represent mostly voter error, we can see such errors substantially increasing with each change to the ballot. The average rate of null votes from 1974-1990 was only 0.14%. This jumped to 3.78% in the 1991-2002 period and then skyrocketed to 11.13% in the 2006-2010 period.

Even the presidential contests show how moderate increases in complexity led to increased error rates. In the 1974-1986 period, all voter had to do was put one piece of paper with one name on it in an envelope and then deposit the envelope in the ballot box. Starting in 1990, voters had to mark their one preference out of several possibilities. While the increase in null votes was nowhere near as dramatic for legislative elections, it was nonetheless substantial. From 1974-1986, each election averaged 0.13% null votes, while the 1990-2010 period had an average of 0.93%.

Another measure is that of unmarked ballots. Given the option of the *voto en blanco*, the depositing of an unmarked ballot by voters might indicate a lack of understanding by voters, and hence an error. Why go to the trouble of going to the polling place and then not mark the ballot when, in fact, there is a legal option for voting "none of the above"? And yet, in the Senate races from 1998-2006 there was an average of 5.15% of all vote casts being unmarked ballots.²⁴ In raw numbers the total unmarked ballot were 524,894 in 1998, 656,158 in 2002, and 381,328 for 2006 (which used a different ballot format than the prior two years).

It is worth noting that the shift in the ballot format that took place between the 2002 and 2006 elections confused not only voters, but poll workers as well (who not only monitor the polling place throughout the day but also count the votes at their specific *mesa*). The Colombian

²⁴ The stat appears not to have been kept prior to 1998 and as of this writing the number for 2010 had not been released.

system employs hand-counts at each polling station. Electoral observers in the 2010 election, for example, noted lack of understanding by poll workers over what ballot may be valid and which may be null.²⁵ Indeed, the report issued by the Misión de Observación Electoral (MOE) recommended not only increased education for voters, but for poll workers as well (MOE 2010:52). The poll workers in question are volunteers and receive minimal training. While election officials from the National Registry are nearby to answer questions that the workers may have, inquiries are not always made. Further, MOE observers in 2010 saw Registry officials provide incorrect advice to poll workers.²⁶

One thing the issue of poll workers and misunderstanding of the post-2002 ballot underscores is that one factor that has not changed for Colombian elections over the entire period under investigation is that the method of counting remains the same, i.e., by hand. As the ballots have become more complicated the procedures for dealing with them have not. Indeed, those procedure have their origins in the electoral laws passed in the early 20th Century.

V. Conclusions.

Two general areas of conclusion can be reached. One has to do with our general understanding of the evolution of Colombian democracy and the second with the contemporary situation with Colombia elections and the practical recommendations needed in terms of increasing the quality of Colombian democracy.

Enhancing Basic Understanding. As a general issue, this study has provided a missing piece to the discussion of Colombian electoral institutions, insofar as no previous systematic

²⁵ Indeed, as an member of the international team of observers working with the Misión de Observación Electoral (MOE) in Bogotá, Colombia on March 14, 2010, I saw several instances of confusion wherein the poll workers counted a vote as null which was, in fact, valid. This experience was shared by the entire team of observers.
²⁶ Myself included.

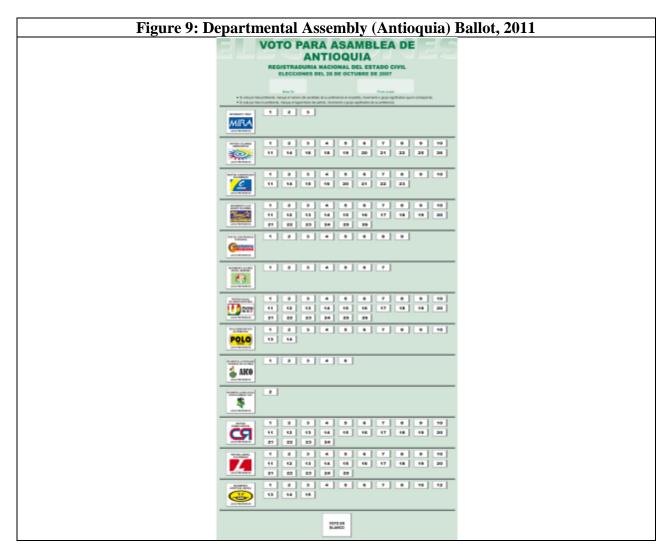
study of the ballot over time exists. More specifically, the discussion of the pre-1990 era in terms of production and distribution illustrate how party factions were able to exist both as part of the broader mainline party franchise while simultaneously existing as individual political entrepreneurs. While studies have looked extensively at the list proliferation issue, the physical manifestation thereof has not been well examined.

Also, the examination of recent patterns of voter behavior indicates that voters are having a difficult time adapting to the changes, which is a general problem for democratic quality in Colombia.

The Contemporary Scene. A major conclusion that the null vote rates (as well as those of unmarked ballots) suggest is that ballot reform is needed alongside better understanding by both the voting public and the poll workers is needed.

One portion of that conclusion has not escaped Colombian election officials. The error problem with the legislative ballots was sufficient to cause the Registry to reorganize the ballot for the 2011 local elections. It will be interesting to see if that reorganization has an effect on null and blank votes in that contest, as well as in the 2014 congressional elections. Figure 9 shows the new version of the *tarjetón* with lists the exact number of candidates, with their respective numbers, for each party in terms of the open lists (rather than having just one long set of numbers as a common pool as with the 2006 and 2010 ballots—see Figure 6).

At a minimum, it is quite likely (indeed, as close to certain as one can get in the political realm) that improvements to the error question as it pertains to vote-counting would be enhanced by moving to some form of mechanical/electronic counting of ballots.



Ultimately, it has been demonstrated that the ballot production and distribution mechanism in Colombia over time has interacted with other variables in the electoral system to affect the behavior of candidates, parties, and voters. The degree to which this line of inquiry is as relevant to other cases is an open question, but there does appear to be useful work to be done in that direction. Certainly there is more to be done to amplify this study in regards to the Colombian case.

Appendix: Notes on Colombian Newspapers as Data Sources

Data Collection

Most of the materials collected for this paper were obtained at the U.S. Library of Congress and the Luis Ángel Arango Library in Bogotá, Colombia. Some additional materials were obtained at the libraries of the University of Alabama and Tulane University.

My goal was to obtain as many samples of campaign/election coverage as possible from the early 1930s to 1990 (the last year of the *papeletas*), with a specific focus on publication of electoral lists, ballot papers, as well as examples of the specific partisan biases of the papers in question. Further, when possible my goal was to obtain examples of party factionalization (the best and easiest being between the two major Conservative papers in Bogotá: *El Siglo* (an organ of the Gómez faction) and *La República* (which represented the Ospina faction). Also, some sampling of regional papers was included, with papers from Medellín being the main option. Some sampling of the post-1990 period was done as well to provide a contemporary baseline for comparing past treatment of political issues (those are not accounted for below). The main area of focus in terms of systematic data collection was 1957-1990.

Systematic sampling in terms of regional papers was limited by the holdings of the libraries in question (likewise in terms of some of the gaps in the years covered). As such, some papers received far more comprehensive coverage than did others, although when possible additional papers were examined. In some cases, practical considerations of time played some selections (such as the lack of sampling of mid-term elections from *El Espectador* in the 1958-1970 period).

While it appears that adequate information has been obtained to identify the patterns analyzed in this article, more data would, no doubt, be useful in refining the analysis. Ideally more regional coverage would be helpful, as would the addition of more obscure outlets.

Colombian Papers as Political Entities.

For most of Colombian history newspapers have been consciously partisan. Even in the contemporary period this is the case, although not nearly in the same way as the past, with some papers taking on a more overtly political approach than others. Further, even with known partisan affiliations, the treatment of the news has become more in line with what would be considered standard journalistic practices. For example: in the 1950s headlines both before and after elections clearly indicated the rooting interests of the papers in question. That started to

change in the 1960s during the National Front and the general tone of papers in the 1970s onward demonstrated an evolution away from such overt partisanship (which some exceptions).

The most important newspapers for this analysis are four Bogotá dailies: *El Tiempo, El Espectador, La Republica,* and *El Siglo*. The first two are Liberal in orientation, while the later two are Conservative, with *El Siglo* being aligned with the Laureano/Álavaro Gómez wing of the part and *La Repúlica* being an organ of the Ospina faction. Again: over time these overt orientations fade, although less for some papers than others. I also have comprehensive sampling for the appropriate period for *El Colombiano*, a Medellín daily of Conservative orientation.

Alphabetical List of Newspapers used in Study.

The following are part of the research project to date. I have identified the name of the paper, the partisan affiliation, city of origin, and the years from which information was obtained. In each case the definition of "sample" was examination of the paper approximately least two weeks prior to a given election and a few days after.

El Colombiano

- Conservative
- Medellin
- Years sampled: 1941, 1957, 1958, 1964, 1966, 1968, 1970, 1974, 1978, 1982, 1990

La Defensa

- Conservative
- Medellin
- Years sampled: 1941

El Espectador (known briefly as El Independiente in the late 1950s)

- Liberal
- Bogotá
- Oldest paper in Colombia (founded in 1887)—originally published in Medellín.
- Years sampled: 1946, 1953, 1957, 1958, 1962, 1966, 1970, 1970, 1974, 1978, 1982, 1986, 1990

El Heraldo

- Liberal
- Medellín
- Years sampled: 1931, 1941

El Liberal

- Liberal
- Bogotá
- Years sampled: 1942, 1947, 1949, 1951

El País

- Cali
- Year sampled: 1990

La Prensa

- Baranquilla
- Years sampled: 1958, 1960

El Relator

- Liberal
- Valle del Cauca
- Years sampled: 1930

La República

- Conservative (Ospina faction)
- Bogotá
- Founded in 1956
- Has evolved into more a financial paper in recent years.
- Years sampled: 1957, 1958, 1960, 1962, 1966, 1968, 1970, 1974, 1978, 1982, 1986, 1988, 1990

El Siglo (later known as El Nuevo Siglo)

- Conservative (Gómez wing of the party)
- Bogotá
- Years sampled: 1947, 1949, 1953, 1957, 1958, 1960, 1962, 1964, 1966, 1968, 1970, 1978, 1982, 1986, 1988, 1990

El Tiempo

- Liberal
- Bogotá (has national circulation)
- Owned for many years by the Santos family (a prominent Liberal family).
- Since 2007 it has been majority owned by Spanish media conglomerate Grupo Planeta.
- Years sampled: 1914, 1931, 1933, 1937, 1938, 1941, 1943, 1946, 1947, 1948, 1953, 1957, 1958, 1960, 1962, 1964, 1966, 1968, 1970, 1970, 1974, 1978, 1982, 1986, 1988, 1990

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