

# **The Problem of Money in Electoral Politics: A Latin American Perspective**

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## **Background and Motivation<sup>1</sup>**

Most of my training and professional experience has been that of an academic studying electoral behavior, political parties, and democratic representation. It was only two years ago, lured by the opportunity to help the ongoing strengthening of Mexico's electoral democracy, that I accepted the invitation of the new Councilor President of the Federal Electoral Institute (IFE), Dr. Luis Carlos Ugalde, to become the agency's executive, and thus in charge of the office which lies at the heart of the interaction between Mexico's political parties and the state. The experience was most challenging, and, equally, gratifying. For the opportunity and trust, I will remain thankful to Dr. Ugalde and all of the other Council members who backed my nomination.

And yet, as I conducted the auditing of billions of pesos spent during 2003, prepared rulings fining political parties for amounts larger than ever before during IFE's regular oversights, designed new norms and measures to strengthen monitoring of early spending by presidential hopefuls, led the implementation of intricately complex judicial sentences that allegedly sought to force the Green Party (*Partido Verde Ecologista de México, PVEM*) to democratize, and directly monitored the formation of two new national political parties under the most stringent legal conditions, I could not help but wonder whether I was actually doing the right thing for my country. In fact, I was often convinced that the better I did my job, the worse the effects might be for democratic representation over the long run in Mexico.

This paradox, of course, had a lot to do with the myriad inefficacies and tensions present in Mexico's highly touted electoral law. But my unease went a bit beyond enforcing a law that I ultimately realized was deeply flawed. It had much more to do with the urgent need to think about its reform in a way in which almost nobody in Mexico, or, for that matter, in many Latin American countries, seemed to be thinking.

So here I am, working on the following endeavor: to conduct a systematic analysis, from a rigorous scientific perspective and with strong concern for its immediate consequences, on the problem of money in electoral politics, seeking ways to address it that may help produce a more vibrant, authentic, representative democracy.

## **The Normative Concern with Money in Electoral Politics**

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<sup>1</sup> I am deeply honored by the David Rockefeller Center for Latin American Studies' invitation to join the illustrious group of Robert F. Kennedy Professors. I am also grateful to Deans David Ellwood and Steve Walt at the Kennedy School of Government for their hospitality and support, and very especially to Professors John Coatsworth and Merilee Grindle for offering me this remarkable opportunity. I also want to express my endless gratitude to Professor Jorge Domínguez and admiration for his outstanding academic entrepreneurship.

There is an inherent tension between democracy and representation. It is a tension that stems from the need to establish a trustworthy linkage between citizen preferences and the representative's interests, coupled with the need to find a proper way to aggregate these citizen-representative linkages into coherent public policy.

In contemporary democracies, great amounts of resources are necessary for electoral activities to take place, and this further complicates democratic representation. As Lawrence Whitehead has recently warned, "a liberal democracy is one that decides public policy (including the distribution of 'social goods') in accordance with citizen choices, not the decisions of the powerful or the wealthy. But to achieve such a distribution of social goods according to democratic principles, civic and political rights must be insulated from the cash nexus, political power must not be for sale and bribery must be effectively sanctioned" (Whitehead 2005: 13).

This passage correctly alludes to a second potential problem with the role of money in electoral politics, namely, that should moneyed interests effectively infiltrate the public apparatus, then the rule of law, understood as the ability of a strong, autonomous state to uphold citizen rights and at the same time be accountable to them, is in serious jeopardy.

Hannah Pitkin's statement of concern that contemporary democracy has become "a new form of oligarchy, with ordinary people excluded from public life" (Pitkin 2004: 335) is a straightforward reminder of how even an effective representative democracy could be subject to substantial shortcomings in terms of social justice, should it produce a systematic bias against those who are less well-off.

Thus, even as we accept that democratic elections are in themselves insufficient in the creation of a high-quality democratic polity, we must recognize the necessary role of such elections for the existence of most other public outcomes deemed valuable. It is from this condition that the centrality of electoral finance arises.

This broad concern should not derive, in my opinion, into an overreaching argument about the essential nature of political finance for all questions relevant to democratic politics. In particular, the extent to which social justice is a feasible public goal will no doubt be influenced by a properly functioning electoral system; yet such an issue goes well beyond the boundaries of our current topic. It does, however, lie at the heart of our concern with representation, accountability, and the rule of law; it is within this framework that I propose to study the problem of money in electoral politics.

As regards the Latin American perspective alluded to in the title of this essay, at least one thing must be kept in mind. It is not that we Latin Americans are slightly better trained in the strategy and tactics of political graft, or somewhat more prone to the shady deals that grease the wheels of money and politics. It is simply important to keep in mind that Latin American democracies are fairly recent, and more poorly institutionalized and fragile than one might want. As scholars of statehood and corruption have indicated, it is within this context that special interests might be most abusive of public goods (Huntington 1968).

Such would also be the lesson derived from a simple review of the available literature on the matter. A great many survey analyses have been published on the topic, all lamenting the lack of systematic study of alternative regulatory frameworks, and all falling short of achieving it (Alcántara and Barahona 2003; Fisher and Eisenstadt 2004; Griner and Zovatto 2004; Nassmacher 2003; Navarro Fierro 2005; Posada-Carbó 2005). Many of these are in Spanish, or share a specific concern for the Latin American case. Many of them are mostly descriptions of some of the basic rules governing party finance in different countries, and most are presented as a set of fairly vague recommendations for reformers and policy makers.

From this group of prescriptions, it is perhaps worth listing those presented in the introductory chapter of the Handbook on the subject from the International Institute for Democracy and Electoral Assistance (Nassmacher 2003: 17):

1. *Be innovative.*
2. *Generate grass-roots contributions.*
3. *Focus on incentives, not constraints.*
4. *Keep it simple.*
5. *Be realistic.*

The ambiguity of these lessons is perhaps not surprising for the kind of publication that carries them. Yet they highlight the fact that most political finance reforms are fairly complex legislative episodes, typically following scandals of political corruption or instances of broader democratization.

This origin in turn tends to imply that the outcome of these reforms is bound to focus mostly on some of the problems most evident during the recent past (Zovatto 2003), and that the reformers tend to lack a comprehensive understanding of the effects of possible reforms. This is a problem of the political practice of finance reform as much as it is a problem of the comparative literature on money and politics.

My point of view, I must warn the reader, is not prescriptive in terms of policy recommendations. I will try to present an agnostic view of alternative measures that might be used to address the role of money in electoral politics. I will be very emphatic, however, on the need to do so from an academic perspective, where several problems have prevented a better understanding of our subject matter.

## **Towards a Comprehensive Research Agenda**

It is obvious that several problems confront any systematic comparison of the effect of money on electoral representation. Institutional, cultural, and economic differences make comparability among countries inherently complex, of course, but to these you must add the proverbial issue of little data availability—almost defining of most research projects in developing countries—and, most remarkably, the fact that the data we are going to try to deal with is perhaps not even generated in many places in the world, and when generated, is of dubious quality. Information on how much money parties spend and raise, where they obtain their funds, how much is donated to them as in-kind support, is not only rare but most likely unreliable. Even in cases where there is a strong public investment in generating trustworthy information, as for example in Mexico, translation of publicly available records into researchable data requires a great deal of specialized effort.

This is not a reason to abandon the cause, but it is certainly a reason to think about innovative methodological perspectives that might allow us to work through these complications, and to argue for a strong investment in theoretical efforts.

The urgency of the academic project is reflected not only in the burgeoning literature and its increasingly pessimistic conclusions, but also in the bustling of initiatives on this matter from Bolivia to Brazil, from Chile to Mexico to Colombia, and even, of course, the United States.

Adding to the difficulty inherent in lack of information and inadequate methodology, something that only makes the project more enticing, there is another important complication that needs to be reckoned with in the study of party and campaign finance. Social science is always besieged by normative concerns. Political values and preferences are present in the researcher's work, Max Weber would say, at the very least behind his choice of topics to be studied, and at the very worst at the forefront of a research agenda and our interpretation of its findings (Weber 1969).

In this case, partly because of how the issue usually arises in the public sphere (through nasty instances of corruption), but also because finance regulations cut at the heart of several political values often in tension with one another, normative bias is a fairly strong obstacle to overcome for a more fruitful academic endeavor.

As an example, some countries emphasize freedom of speech and political expression in their regulation, and thus have mostly banned most types of campaign spending limits. Alternatively, some countries are more concerned with the overall cost of elections and the corrupting influence of private donations, and have then focused on limiting media expenditures and set up several types of restrictions on contributions to parties and candidates. Yet other countries are most concerned with the citizen's right to be properly informed and with political equality, and try to achieve these objectives by providing public funding to political parties and imposing severe campaign spending limits.

These alternative configurations are also quite likely to have substantial redistributive consequences for different parties or segments of the population. And given the dearth of comparative empirical studies on the matter, and the relative ambiguity of the results obtained in the American politics literature (Squire 1995), debates quite quickly abandon the realm of the academic and are dragged into the realm of the ideological. Even the discussion of this topic in the thoroughly researched American context often cannot escape this pitfall (Lubenow 2001).

My quest and pledge is then twofold: we must embark on this project with a broad comprehensive view of our subject, firmly grounded in theory and empirical confirmation, and, most importantly, we must embark on it with an evenhanded normative approach, with the understanding that its results may not satisfy us. They may run directly against our predispositions; further, they may be entirely dismaying, whether because we may not be able to solve some of the problems, or because these results are less problematic than we thought they were.

Yet my outlook is fundamentally optimistic. After all, academic research, even that which touches upon matters of such direct political significance, must be driven above all by a search of truth as an end in itself, and from this platform, serve the purpose of a possible quest for public virtue.

### **What is a Market for Electoral Resources?**

What I propose to do now is to present a conceptualization of the market for political money. This is not a lecture on political corruption. It is a theoretical outline showing the implications of the existence of a market for resources relevant to capture political office, some of its most common pitfalls, and the regulation used to try to address them.

When we think of the problem of money in electoral politics we tend to focus, as I did only a few paragraphs earlier, on the corrupting influence of interest groups--whether legal or illegal--on democratic representation. This characterization, while useful, is incomplete and perhaps fundamentally flawed. Democracy does require large amounts of resources in order to function. From a normative standpoint, of course, the principle of "one person, one vote" is effective only if the voter is properly informed about the choices available, and this, in turn, will only be realized if enough effort is devoted to guarantee that the otherwise uninterested citizen will be minimally informed about her choices.

Beyond this functional perspective, parties and their members are in constant need of money, voluntary labor, and organizational power to get their message out, mobilize support on their behalf, demobilize opponents' supporters, and, more generally, to increase their chances of being elected to public office (Rosenstone and Hansen 1993). This is true not only of the candidate-centered model of the United States.

A recent study of developed democracies identifies four basic models of party finance systems (Hopkin 2004); namely, the clientelistic mass party—as the case of the PSDB in Brazil; the externally financed elite party—as the Democrats and Republicans in the US; the internally financed elite party—as would be the case of Berlusconi's Forza Italia; and the cartel party model—epitomized by the Mexican publicly hyper-funded party system (Poiré, forthcoming).

Each of these may be construed as an alternative solution devised and enforced by politicians to keep their parties properly funded. Even in the romanticized model of the old mass party, where membership dues were used as a key financial support, there were institutions, devised and enforced by party politicians, that made this model a viable alternative (such as political and social membership benefits, closed-shop unionism, and the like).

It may be posited, therefore, that the market for political resources is mostly generated by the demand of ambitious politicians interested, above all, in attaining public office (Aldrich 1995). From this perspective, money is one among many types of inputs that politicians will be demanding and donors *may be* willing to provide. Yet it is also the most fungible of resources, and thus the one which politicians may have the most interest in obtaining.

More importantly, there is something unique about demand for political money, which makes its analysis perhaps more essential than the study of the supply of these resources. In the same way in which votes are essential for politicians and only marginally important for the citizen (Aldrich 1993), money is the lifeblood of access to political power in a way that does not benefit interest groups, businesses, and unions.

Put simply, demand for political resources should be understood as the driving force of the market for money in electoral politics, since most societal actors will not need to contribute to political campaigns for their existence, and those who may find it in their benefit to do so are likely to have alternative ways to exert pressure on the government and obtain private concessions from the public arena.

In fact, evidence regarding the size of private donations in U.S. politics, the so-called check-book democracy that is supposedly most vulnerable to the influence of money in the world (Whitehead 2005), supports the point that these resources are more important for parties and politicians than they are for most donors. The total amount of contributions to federal candidates and parties by interest groups—soft money included—seems very small (560 million USD in the 97-98 election cycle) when compared to the sums devoted to lobbying (2.6 billion), and especially with what is spent on charity (17 billion) (Ansolabehere, de Figueiredo, and Snyder 2003).

As Gordon Tullock famously asked more than 30 years ago, and Jim Snyder, Steve Ansolabehere, and colleagues ask again today: if the rewards from political contributions are as large as the Halliburton/Enron case would suggest and as “special interest legislation,” with its huge subsidies and larger tariffs, might indicate, why then is there so little money in U.S. politics, if it is such a beneficial market? In other words, do we really think that only 3 billion U.S.dollars in total political spending in the 1999-2000 cycle can actually buy the 2 trillion in government spending for the same years? (Ansolabehere, de Figueiredo, and Snyder 2003)

The analysts’ response is to underscore the limited rationality of the campaign contribution as a political bribe on behalf of the donor, and to stress the high levels of demand for these resources generated by competitive incentives from the electoral arena—embedded of course in the American system. What is certainly not an American peculiarity is that electoral money is essential for politicians in a way that it is not to contributors. Much as it is a politician’s task to convince the voter to perform her essential political right of suffrage, it is a politician’s burden to convince a donor to invest on the uncertain business of electoral contributions. In short, the problem of money in electoral politics is the problem of the ambitious individual turned political fund-seeker.

This conceptualization does not ignore the fact that for a market to exist there need to be both consumers and producers of the goods to be exchanged, and it would certainly be naïve to assume away the rent-seeking intentions of political donors (Samuels 2001; Treisman 1998). The model is, however, geared towards a comprehensive understanding of this market and all of its imperfections, with a strong emphasis on the demand side.

Such conceptualization will be quite useful to the extent that it recognizes that the incentive to obtain money or other resources deemed useful to win an election cannot simply be regulated away; that political finance is likely to be only one potential instance of political corruption more generally understood (Lamo de Espinosa 2005); that the “hydraulic nature” (Palda 2002) of money suggests that zero-tolerance policies may only be effective at shifting irregularities from a site with better lighting to more obscure settings, where their effects may end up being worse.

This conceptualization also stresses that democracy entails political competition, and that increasing levels of competition are likely to generate a greater demand for the available resources. This is a point that should not be taken lightly: from this theoretical perspective, measures oriented towards allowing for greater electoral competitiveness are likely to engender a greater need for political money (Jacobson 1978). Conversely, measures intended to limit the amount of resources present in the electoral arena may end up limiting the competitiveness of elections, typically understood as an necessary condition for responsiveness and accountability.

To be sure, democratic competition is built upon a society which is itself unequally endowed, and political competition by itself may be unable to prevent it from further increasing such inequality. But, on the other hand, political competition is quite unlikely to reduce, by itself, the unequal endowment of resources relevant for political representation. With this perhaps somber, yet probably more useful conceptualization in mind, I now turn to a brief critique of the most common contemporary remedies offered for some of the symptoms present in party and campaign finance.

## Problems and Solutions

One concern is that donors (special interest groups, organized crime, etc.) will buy legislation or policy decisions through campaign contributions, biasing representation away from citizens' preferences, or from otherwise efficient outcomes. This may be done both in a positive way, by promoting certain types of bills, or in a negative way, by defending the *status quo* and avoiding incurring certain costs that might be beneficial to the public interest (Grossman and Helpman 1996).

Alternatively, and to the extent that legislative votes are highly visible and much more costly to change for a legislator, donors will buy privileged access to policymakers and legislators, and thus their voices will be louder than those of the citizens in the policymaking process, ultimately altering policy decisions (Hall and Wayman 1990).

However, looking at the minimal evidence in favor of this perspective offered by analysts of the U.S. legislature, some have argued that money from interest groups only strengthens legislators' incentives to stick to certain ideological tenets that a majority of voters originally chose (Bronars and Lott 1997), but that over time the elected legislator ends up representing the preferences of interest groups more than those of her constituents .

With these pitfalls in mind, regulation has focused on limiting the size of individual donations to parties and politicians, as well as on restricting the total amounts to be obtained from private sources, to avoid the possibility that concentrated funding would determine politicians' strategies. Additionally, or alternatively, certain types of donors are banned, such as businesses, government contractors, foreigners or foreign parties, religious groups, and more generally others whose political participation is deemed inappropriate. Interestingly, this perspective recognizes donation as political participation, regardless of its rent-seeking or public-spirited intentions (Nassmacher 2003).

In the electoral arena, it is often assumed that money skews electoral outcomes, and ultimately representation, since those with most money are most likely to win, and they are not necessarily those who best represent the electorate (Griner and Zovatto 2004). This is the key reason, alongside parties' failures to maintain a broad base of donors, behind the push for public finance of parties and candidates (Van Biezen 2004). Private money, the argument goes, will pervert political representation precisely because representatives' election-driven demand for resources will make them vulnerable to contributions offered in the form of policy bribes by private donors.

Moreover, only certain types of candidates will have the characteristics necessary to obtain sufficient private financial support to compete (De la Calle 2004). This concern actually has several refinements, since these characteristics can be associated with personal wealth, interest-group support, or, even if the money raised for campaigning comes only from individual citizens, perhaps only those representing the rich are likely to win.

In countries with recent transitions to democracy, like many Latin American ones, it is possible to argue that to the extent that formerly hegemonic parties retain some advantages in fundraising capabilities over newer, smaller parties, authoritarian entrenchment is possible given financial advantages—and thus the rationale for explicit bans on donations from public bureaucracies to political parties. Alternatively, in foundational elections, incumbent governments may be more than willing to dissuade potential donors from contributing to opposition parties, through intimidation and the like, thus generating a very strong bias against them.

The key means to prevent these pitfalls are, typically, public funding of parties, campaign spending limits, free media access to candidates and parties, seed public money to new parties, and in addition, with a strong emphasis on the goal of equal political opportunity, a semi-proportional or even flat distribution of several subsidies, including media access and cash allowances.

In a similar fashion, critics worry that money may be used as a deterrent for quality challengers to enter the electoral contest (Ansolabehere and Snyder 2000). This may be done strategically by weak incumbents trying to appear stronger than they really are (Epstein and Zemsky 1995). But it may also be non-strategic, since large war-chests or early spending by incumbents may simply increase their advantage so much that challengers cannot overcome that obstacle.

Again, total spending limits, but especially limited campaign seasons, and bans on media buys by parties or politicians more generally, are intended to limit the type of advantages stemming from larger spending capabilities by certain competitors, typically incumbents.

Overall, the evidence of the influence of money in electoral outcomes in the case of the United States might be summarized as follows: while it is true that the candidate who spends most wins most of the time, funding is most often a consequence and not a cause of the candidate's electoral strength (Levitt 1994). Additionally, and there is substantial debate on this, both challengers and incumbents derive very modest increases in electoral performance from large levels of spending (about half a percentage point per 100,000 Dlls, according to Levitt's study of the House, but see Gerber on evidence for the Senate (Gerber 1998; Levitt 1994). In other words, if fundraising capability is strongly correlated to representativeness, and barriers to entry are not too high, then we need not worry very much about the fact that the best funded candidate wins. Simply put, the richer is also the best, and more money is spent in most competitive elections. In this case, more spending is actually a manifestation of more democracy.

To sum up, given that candidates are going to behave as fund-seekers for their electoral campaigns, several minimal conditions are necessary to make sure that campaigns which are principally funded through private donations are not going to bias political representation. First, donations must not be given in exchange for public policy outcomes. Second, total spending (especially early spending and fundraising) must not be allowed to serve as a barrier to the participation of quality challengers. Third, different types of fundraising capabilities are either directly related to virtuous representation or randomly distributed among the population, or at least not biased in any politically relevant direction. Fourth, the propensity to contribute to campaigns ought to be equally unbiased in political terms. Should these conditions exist, campaigns may end up being costly, but they would result in greater political competition, larger citizen involvement, and, ultimately, a more vibrant electoral cycle.

As is obvious, these conditions are not likely to be naturally present in a market driven by fund-seeking political candidates. But neither are some of the most common political finance institutions likely to help in attaining these conditions. Disclosure of party finance in general, the small size of donations per citizen, and certain bans on the origins of these donations are perhaps the least controversial of the measures I mentioned, to the extent that they make *quid pro quos* in the legislative arena more difficult.

But public financing of political parties, campaign spending and campaign length limits, and media regulation more broadly are highly controversial measures with scarce evidence in their favor, and high trade-offs typically ignored by its proponents. These costs may be listed as follows:

Campaign spending limits may generate advantages for incumbents if they impede less known challengers from spending the necessary money to get their message out (Jacobson 1990; Milyo 1997). Public funding of parties may not only give parties themselves rent-seeking incentives to extract money from the state, but can even serve as a subsidy to donors who may then only have to contribute the marginal dollar, and not the mean dollar, to extract private benefits from public action. Finally, restrictions on access to the media and on the timing of campaigns are likely to generate further advantages for incumbents in public office and thus serve as greater barriers of entry to newcomers and quality challengers.

That said, we have to admit that we still know very little about the actual effect of these regulations on political competition.

## **The Oversight and Enforcement Quagmire**

I want to make one final point that will perhaps be interpreted as a very conservative idea, but should be better understood as a call for further research before more reforms are implemented. This is what I have personally called the Lujambio Paradox, which I named after the former IFE Council member in charge of investigating and imposing the fines derived from the presidential election scandals in Mexico in 2000, the so-called Pemexgate and Friends of Fox (Córdova Vianello 2005; Eisenstadt and Poiré 2005).

In a recent essay, Alonso Lujambio reminds us that political finance regulation is very hard to monitor and also quite hard to enforce (Lujambio). Agencies in charge of this task must be endowed with political and financial power, autonomy from political parties, and proper career incentives, to begin with. Also, they must have sufficient specialization and expertise to focus effectively on the issues of their concern. The sanctioning system has to be adequately targeted to guarantee compliance. Above all, agencies must have the legal direct and indirect oversight capacities and the investigative powers needed to make sure that they will succeed in their complicated task.

I argue, moreover, that absent these conditions, the outcome of regulatory efforts, even if wisely devised, may be more detrimental to accountability and the rule of law than we imagine. Adding regulatory demands to a polity that may not be able to enforce them effectively could generate a situation in which finance scandals are brought into light, yet society sees no adequate retribution for the alleged illegalities committed.

## **A Note of Moderate Optimism**

Well, the greater the challenge, the more rewarding its conquest. The amount of brainpower, both from academia and from policy circles, incrementally being devoted to this matter is perhaps a reason for hope. Much more academic research is needed in this area. Fortunately, much more is beginning to be done, by people like myself and many others. And one would expect that in this collective endeavor, students of comparative politics learn from the methodological and normative battles that highlight the history of the study of campaign finance in the United States.

I want to conclude with a summary of the central claims of this essay. Political finance is better understood if we place it mainly in the hands of fund-seeking politicians, rather than in those of privilege-seeking interest groups. Systematic knowledge of the effects of political finance regulation is still limited and subject to great obstacles, not the least of them normative ones. We must, however, see the reform of political finance and the demand for money that comes with it not as an end in itself, but as a means for fostering democratic politics so as to produce better public outcomes.

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