Abstract: Elections are defining moments in which the stability of democracies is tested. The behavior of losing parties is key in this stage of the democratic process. In authoritarian regimes, losing parties might reasonably challenge the outcome of elections as consequence of widespread and systematic fraud that reverts the outcome of the election. However, post-election disputes also happen in 21% of the democratic presidential elections since the beginning of the third wave of democracy. Why so? I argue that in presidential democracies, losing political parties are not rejecting the outcome of the election to publicize fraud but rather to induce the winning party to negotiate benefits for the losing party, and to win leverage during these negotiations. Using an original dataset that codes behaviors of runner-up candidates in 180 presidential elections (1974-2012) and that codes 763 years of electoral legislation, and after controlling for the quality of the election and the margin of victory, I find evidence that in democracies losing parties with an unfavorable negotiating position in Congress will be more prone to dispute presidential election outcomes.
Elections are defining moments in which the stability of democracies is tested. The behavior of losing candidates is key in this stage of the democratic process. If a losing candidate challenges the outcome of an election, this action opens the door to political instability and chaos. Even in an established democracy like the United States, Al Gore’s contestation of the 2000 presidential election lead to an unprecedented constitutional crisis for which American institutions will be ill prepared (Posner 2004) and put in question the institutional legitimacy of the U.S. Supreme Court (Gibson et.al. 2003). In other democracies, contesting election results could result in electoral apathy and lower turnout (Simpser 2012, Birch 2010). It might also represent a motive for post-electoral violence; consider that ethnic civil wars are most likely to start as post-electoral conflicts (Cederman et.al. 2011). For example, in Nigeria there were around 1,000 deaths after the 2011 presidential election when the defeated candidate failed to contain his supporters. Given that challenging electoral results has the potential to break down constitutional order and democracy itself, understanding the conditions under which losing candidates contest elections becomes relevant. 

In theory, parties participating in democratic elections know the rules of the game in advance and agree to compete under those rules and accept the results. But, as Przeworski (1991) puts it, democracy is a system that produces winners and losers. The norm is that in democracies losing parties accept defeat and go home to wait for the next election. However, disputed election results are not an anomaly in presidential democracies. In 21% of the 180 democratic presidential elections in the world since 1974 the losing party challenged the outcome (See Figure 1 for a geographical description). Such initial challenges—which take the form of losing candidates or party leaders
announcing their refusal to accept the results of the election, proclaiming themselves winners, or announcing their intention to take a legal route or to protest to challenge the results of the election—occur even when elections are relatively free and fair and when there were big margins of victory.

Why does this happen? In authoritarian regimes, losing forces might reasonably dispute the results of the election as result of widespread, systematic and massive irregularities that revert the outcome of the election; but this problem is less acute in democracies, at least not to the extent of determining the outcome by outright fraud. One of the motivations for losing forces to challenge the outcome of the election might be to declare null and void an allegedly fraudulent election and call for a new one, but this does not happen in democracies. Among the subset of democratic presidential elections, only one has been declared null by the electoral justice authorities: the presidential election of 1989 in Panama. Additionally, having free and fair elections does not prevent challenges to elections results. Of 172 presidential elections in Africa (1989–2003) considered free and fair (in both democratic and authoritarian regimes), the losers accepted the outcomes in 75 elections, but rejected them in 71 (Lindberg’s dataset, 2006). Conventional wisdom might also posit that close margins of victory induce losers to challenge election results, but still we see cases of close results that generate compliance (Uruguay 1994, Bolivia 2002, Costa Rica 2006, El Salvador 2009). In fact, we even see elections with big margins of victory that had no serious irregularities according to standards of international observation missions, such as Benin in 2011, Dominican Republic in 2012 and Mexico in 2012, in which the losers still rejected the outcome of elections. Why so?
“Loser’s acceptance is a contentious issue, with significant ramifications, and one we should commit to follow.” (Lindberg 2006, 92)

In contrast to existing explanations that focus on the quality of the election, I argue that that in presidential democracies, losing parties are not challenging election results to publicize irregularities and flaws, but rather as a strategy to strengthen their own capacity for negotiation with the newly elected government. It is losing political parties with an unfavorable negotiating position in Congress who will be more likely to use this strategy. My argument has two stages. First, losing parties decide if they challenge the outcome of the election or not. I argue that in democratic regimes in which elections are, generally speaking, free and fair, losing parties might not be challenging the results of elections as a way to complain about the quality of the election, as it is the case in authoritarian regimes (Schedler 2013, Beaulieu 2014), but rather as a mechanism for inducing the winning party to negotiate some concessions with the losing one. Despite having lost an executive election, a losing party still stands to secure a win in other areas that may help them improve their chances of winning future executive elections (policy, pork, more committee chairs in congress, cabinet positions, and so on), if only they can drive negotiations with the winner.

Such negotiations usually require the involvement of Congress precisely because it is in this institutional setting that budget and high-level appointments occur. This is an important institutional feature to consider: losing parties will dispute election results as a negotiation strategy if their congressional delegation is weaker in Congress than that of the party that has won the presidential election. Therefore, as the power gap in Congress between the two leading parties increases in favor of the winner, the loser might consider
rejecting the outcome of the election as a blackmailing strategy, in an attempt to gain leverage in negotiations with the winning party. If the party that lost the presidential election has a similar position in Congress than that of the winner, then the loser will probably avoid resorting to this strategy, which can have serious economic and reputational costs.

In the second stage, once political forces have decided to challenge the results of the election, they must decide what strategy to implement: taking a legal approach, mobilizing their supporters through protesting, or both. I analyze 1) if the level of *de-jure* autonomy of institutions that adjudicate election disputes (congresses, supreme courts, administrative courts, electoral courts, and ad hoc commissions) has an impact on the level of litigation and 2) if these legal institutions avoid the use of non-institutional means to express disagreement with the outcomes of elections.

Conventional comparative scholarship on election disputes has offered institutional explanations to the puzzle of compliance (Lehoucq 2002, Eisenstadt 2004, Hartlyn *et.al.* 2008, Rosas 2010) or has focused on developing (Linderberg 2006, Beaulieu 2014) and non-democratic countries (Schedler 2013) in which fraud is prevalent. My argument shifts the traditional focus of post-electoral political stability away from institutions and regime type, and focuses on political strategies based on the congressional balance of power among competing forces.

In this article, I first outline conventional comparative scholarship on compliance with election results. Then, I develop a theory of electoral blackmail to identify the political conditions under which losing parties have the greatest incentives to challenge election results. Next, I discuss the research design and situate my variables within the
literature, to immediately proceed to test the theory using an original dataset of all the
democratic presidential elections around the world (1974-2012). This dataset codes the
behavior of runner up candidates based on newspaper reports and history books for 180
presidential elections, and carefully codes the institutional structure to handle presidential
election disputes based on the coding of 763 years of electoral legislation in the 31
countries covered in the study. Finally, I summarize and discuss the main findings.

Compliance with Election Results

Democracy produces winners and losers. Given that post-electoral challenges are almost
never successful and challenging parties has much to lose in term of reputation, it is
surprising that they ever challenge results. The conventional answer to the compliance
puzzle is that democratic institutions make losers believe that they have some probability
of winning elections in the future. It is parties’ focus on the long-term—the potential
victory on the horizon—that induces them to comply (Przeworski 1991). However, this
answer seems problematic for at least three reasons. First, it assumes that the party
system is institutionalized. Is the long-term explanation valid if there is high volatility in
election outcomes and no regularity in patterns of party competition? Second,
Przeworski’s theory is difficult to test; in fact, it has yet to be tested. How do we prove
that actors’ beliefs about the long-term horizon induce compliance? Under what
conditions does this argument apply? Third, this argument neglects that candidates have
short-term interests that are not necessarily electoral. The stakes in an election oftentimes
are enormous and parties have other goals besides winning elections.
Several scholars argue that post-election disputes are more likely to arise where electoral institutions are weak, or dominated by the victorious party, mainly because this leads to electoral malpractices and therefore to more post-electoral contestation. Lehoucq (2002) argues that when responsibilities over the management and validation of elections are divided between the executive and the legislative, the system may produce acceptable outcomes, since one branch of government checks the work of the other. However, in the case of a unified government, the tasks of conducting and validating the election rest in the hands of the same party and affect the loser’s willingness to accept the results. Once parties delegate these prerogatives to autonomous electoral bodies, election conflicts generally stop. Grimmer et. al. (2011) argue that partisan control over pivotal steps in the election invites fraud and manipulation. More autonomy improves elites’ trust in elections (Rosas 2010) and the quality of electoral processes (Hartlyn et. al. 2008).

In terms of the validation of elections, it has been showed that there is partisan bias when a party has a majority in the body adjudicating election disputes in both houses of the U.S. Congress (Jenkins 2004 and 2005). Similarly, in the context of Mexico’s protracted transition to democracy, Eisenstadt (2004) explains that parties moved their post-electoral complaints from the streets into electoral courts as these became more autonomous. Recent experiences show, however, that autonomous election management bodies are not the panacea,¹ and they do not deter challenges to election results, but rather shape political strategies. Despite having sound institutional structures to handle elections,

¹ “Nigeria [2011] is not alone with the conundrum of an improved electoral management body and increased violence.” (Bekoe 2011) Similarly Mexico, “the country, admired and applauded world-wide for the integrity and professionalism of its electoral apparatus” had a presidential election in 2006 that produced massive street protests and ended up in a post-electoral conflict that “at the level of rhetoric and ritual at least, […] had led to a quasi-revolutionary situation.” (Schedler 2007: 89, 91, 92)
politicians will still find excuses to complain about the electoral process in order to advance their own agendas.

Several scholars have examined the behavior of opposition parties under authoritarian regimes. They argue that these parties play a dual game in which they compete in elections with the hope of winning someday, but at the same time they seek to renegotiate the rules of the game in order to improve the fairness of game (Schedler 2002 and 2013, Mainwaring 2003, Eisenstadt 2004). It is when the incumbent and the opposition fail to reach an agreement on the rules of the game and the “appropriate” magnitude of electoral manipulation, because of information or credibility problems (Beaulieu 2014), or when there is uncertainty brought on by changes in election-related institutions prior to the election (Chernykh 2014) that electoral protest occurs. These explanations are focused on strategies implemented by opposition parties under authoritarian regimes that many times seek to level the playing field using protest. They do not, however, account for what motivates electoral protest in democratic regimes.

The comparative literature on election protest has found that one of the main reasons for challenging election results is usually a complaint about consistent patterns of irregularities that affect election results. These studies have a good reason to make this claim based on the cases they study. The focus of this literature has been on the developing world (Lindberg 2006, Beaulieu 2014), authoritarian regimes (Eisenstadt 2004, Schedler 2013), non-consolidated democracies (Beaulieu and Hyde 2009), or, at its best, new democracies in Eastern Europe and the former Soviet Union (Chernykh 2014). However, this might not necessarily be the case in democratic elections. This literature recognizes “possible misrepresentations of reality that opposition parties offer.” If we
consider that post-election protest is present in one fifth of the democratic presidential elections of the world—recognizing that, even in democracies, elections have some degree of irregularities and flaws but are freely and fairly conducted in general—it is possible that in democracies protests against fraud are fraudulent themselves.

**The electoral blackmail in democracies**

Once a party loses an election for the executive, it faces the dilemma of accepting the outcome or challenging the result. I argue that despite losing the executive election, losers can still win something if they negotiate with the new government, given that parties have other goals beyond winning elections such as coordinating decisions in Congress (Aldrich 1995, Cox and McCubbins 1994, Shepsle and Weingast 1994). Before deciding to challenge election results, losers will consider the costs and benefits.

If challenging the outcome of an election had no cost, we likely would see most losing parties challenging election results. However, there are several costs associated with challenging election results. First, parties need to develop and train legal teams with expertise to present a case before the appropriate authorities. This is not a trivial matter. Wrongly filing a case might become an additional and visible failure for the losing party. For example, Justice Nabarese of Ghana showed that 70% of electoral disputes were wrongly filed and, as a consequence, dismissed (Ghana News Agency, 2012). Second, most of the systems designed to solve post-election disputes place the burden of proof on the losers. They need to provide complete and irrefutable legal evidence that certain irregularities occurred. Third, challenging election results takes a toll on the reputation of the challenging party, which may be perceived as being a sore loser and putting
democratic stability at risk, especially if the dispute lacks credibility or is unreasonable. And fourth, there economical costs to mobilize their supporters into the streets.

Regarding the benefits and motivations for challenging election results, the losing political forces might be interested in reforming the electoral process, in legislating on some key issues for their party’s agenda, in getting pork barrel, in getting committee chairs in Congress to influence the legislative process, in obtaining cabinet positions, in appointing members of their party as judges, and so on. Getting these benefits can help increase their chances of success in the next election and could also increase their share of power right now. Losing parties could also be interested in addressing actual grievances from the elections (Schedler 2013, Beaulieu 2014), or even in reverting the outcome of it, but as mentioned before this hardly ever happens in democracies.

My argument maintains that in presidential democracies losing political parties with an unfavorable negotiating position in Congress will opt for disputing election outcomes in order to strengthen their own capacity for negotiation with the new government. In the event that a party does not win the presidency, it can still secure other benefits that might increase its chances of winning future elections, if it knows how to negotiate to its advantage in the post-electoral setting. If these negotiations occur, Congress might naturally become involved, since in most presidential systems, Congress has the power to approve and allocate budget and authorize the appointment of high-level officials, judges, and diplomats. But not all political parties are likely to benefit from this sort of blackmail strategy that involves conceding defeat in exchange for some benefits. Big political parties in Congress, despite representing a credible threat, will not incur the economic and reputational costs of challenging electoral results because they already
have a good position from which to engage in negotiations with the winner. Only when a losing party is in an unfavorable position to negotiate in Congress will it be willing to bear the costs of strategically challenging the results of an election with the aim of benefiting from the negotiations that will ensue thereafter.

Thus, the decision of when to challenge the election outcome will depend on the assessment that each party makes regarding how that strategy could improve its capacity to negotiate with the new government. We can synthesize the previous arguments in the following hypothesis:

**HYPOTHESIS 1**: As the margin of seats in Congress increases in favor of the party that won the presidential election, it is more likely that the runner-up party will challenge the outcome of the election.

It is worth noting that I am assuming that the losing party and the losing candidate act as a unitary actor. This might be a problematic assumption since it has been argued that in presidential systems, parties cannot assume the alignment of their executive and legislative branches. Samuels and Shugart (2010, 3) point out that “after a presidential election, intraparty accountability virtually ceases, because once in office parties cannot ‘fire’ their leaders as presidents.” However the losing candidate of a presidential election is not in the same position of independence as the candidate that won the presidential election and might have incentives to align with the party. Party leaders can impose discipline over the losing candidate since the party controls valuable resources that the losing candidate might be interested in maintaining access to, like a subsequent nomination and the distribution of resources for future campaigns (Aldrich 1995).
Once a party has decided to challenge election results, the next decision it faces is choosing the ideal mechanisms through which to do so. I classify the mechanisms for challenging the outcome of elections in two groups: 1) institutional and 2) non-institutional. The first type includes legal cases filed before the respective electoral authorities in charge of adjudicating post-election disputes.

Institutional mechanisms to challenge the outcome of an election must have a feature that is central to politicians: autonomy. If an agency adjudicating an election dispute is suspected of favoring its political allies, its final ruling will lack legitimacy (Jenkins 2004 and 2005). The process for solving a post-electoral dispute should be as fair and impartial as possible in order to ensure that the justly elected officials voted into office can govern the citizens who elected them. In theory, fairness and impartiality can be improved by affording greater autonomy to election management and adjudicating bodies (Lehoucq 2002, Eisenstadt 2004).

If there are institutional mechanisms to challenge the outcome of an election, and are capable of doing so with some degree of efficiency and autonomy, the runner-up must decide if it will make use of them or not. Independent authorities that adjudicate election results will probably rule in favor of the plaintiff, at least partially, if widespread irregularities occurred during the election. However, in democratic regimes or in the context of elections with minor irregularities we should expect the opposite. If it is true that in democracies losing parties reject election results as a negotiation strategy—meaning that losing parties are pursuing political ends rather than rejecting the results of the elections as a consequence of fraud—then we should find that the presence of more autonomous institutions decreases the level of post-election litigation. If there is a purely
political case with no solid evidence of irregularities in the elections, and the dispute reaches an autonomous and professional adjudicating body, then the case will likely be dismissed due to a lack of merit. A political party that is using the rejection of election results as a political strategy will not want evidence to surface that its case lacks a solid foundation and would therefore avoid having an autonomous and professional adjudicating institution reviewing the case. Rather, it would probably opt for simply making political statements to the press, or using other non-institutional means to reject the outcome of the election. These arguments lead to the following hypothesis:

**HYPOTHESIS 2**: Where fraud is not widespread enough to be electorally decisive, as is presumably the case in democracies, the level of litigation will decrease as the level of autonomy increases in institutions adjudicating election results.

Another alternative, or a complementary strategy, is to make use of protest and mobilization. Among the repertoire of actions included in the category of non-institutional means are street protests, occupying public buildings, blocking main avenues, and calling for strikes and massive demonstrations. In democracies, protest can be used to complement legal measures, but it also is less likely to happen in the presence of more autonomous electoral adjudicating institutions (Eisenstadt 2004) or when elections become increasingly free and fair (Trejo, forthcoming). Parties must have extremely powerful reasons to express their discontent in order to make use of protest. Otherwise making public statements in the media or using institutional means to challenge an election might suffice. However, when losing political forces make the decision to escalate their challenge and take the issue to the streets, they will mainly consider two
things: the potential popular support they might gain and if there is a social structure that facilitates mobilizing their supporters.

People who voted for the losing party will consider supporting a protest strategy if they do not believe that the election was free and fair. Therefore, before challenging election results by way of contentious political means, losing forces will consider popular perceptions of the electoral process, and not necessarily the actual levels of cleanliness and impartiality with which the election was conducted. Additionally, political leaders need social networks that help them to overcome collective actions problems in order to mobilize their supporters. Political parties have a technological advantage in terms of mobilization since parties are social networks that have been previously mobilized for campaigns and canvassing (Trejo, forthcoming). Previous history of protest might be an indicator of how easy it will be to mobilize party supporters in the context of a post-election dispute; although it has been argued that electoral protests look rather disconnected from preceding levels of mass contention (Schedler 2013, 330). Considering these facts, it is difficult to predict under what conditions protest happens in democracies, but maybe we should see a tendency for political parties to use contentious political protest to challenge election results when there is a structure in place that facilitates social mobilization.

Just to clarify a point made earlier, I am excluding non-democracies because the logic of loser’s non-compliance in other regimes is different. In authoritarian regimes—particularly in competitive authoritarian regimes—the main reason for participating in elections is to contribute to the liberalization of the regime (Gandhi and Lust-Okar 2009, Magaloni 2006) or, broadly speaking, to challenge the regime (Levitsky and Way 2002).
More specific actions, such as challenging the results of an election and engaging in post-election protests claiming electoral fraud, are mainly used to signal to the world the lack of democracy in a given country and hopefully liberalize the regime (Beaulieu and Hyde 2008, Bunce 2006, Howard and Roessler 2006, Kelley 2011, Tucker 2007, Eisenstadt 2004). In contrast, however, according to my main argument, challenges to election results in democracies occur as a tactic for negotiation with aims that go beyond the electoral arena. Losers in democracies challenge results to share institutional spaces with the insiders; those in autocratic settings want to dislodge the insiders altogether.

I will focus only on presidential elections herein because my argument applies to regimes with a traditional division of powers between the executive, legislative, and judicial branches of government. First, the stakes in elections for choosing the executive are higher because the executive is popularly elected and is not appointed as the result of a parliamentary negotiation, and also because it is the only way to office and to have an impact on policy making. This narrow focus on presidential elections dominates politics and leads to the “presidentialization of elections” (Samuels and Shugart 2010). Therefore, complaints about the election of the executive are more likely than in a parliamentary system. Second, my argument assumes division of powers because I am arguing that parties look at potential gains over the long-term and not only at the outcomes of executive elections; therefore, they may dispute election results as a way to increase their negotiation capacity in Congress.

In sum, within the subset of democratic presidential elections, when facing the decision to challenge or comply with election results, losing parties will first look at their negotiation capacity in Congress; they will challenge results in those cases in which they
have a smaller share of power relative to the winner, because in this case they see an opportunity to improve their bargaining power. Once they have decided to challenge the result of an election, they can choose an institutional and/or a contentious political strategy. This decision of strategy is shaped by the margin of victory itself, the quality of the election, the balance of power in Congress between the leading forces, and the level of autonomy of the institutions adjudicating election disputes.

**Empirical strategy**

In order to test the hypotheses outlined above, I will make a cross-country comparison of all democratic presidential elections since the third wave of democracy began in 1974. This includes presidential elections in 19 countries in the Americas, eight countries in Africa, and four countries in Asia. My unit of analysis is country-year elections.

To select my cases, I follow the Cheibub et al. (2010) definition of democracies, including countries in which 1) the executive and the legislature are popularly elected, 2) there is more than one party competing and there is alternation in government, and 3) the survival of the executive does not depend on the assembly. I include presidential elections spanning from 1974 (the beginning of Huntington’s 3rd Wave of Democracy) to 2012. I exclude from the list of presidential elections between 1974 and 2012 in the IFES Election Guide those elections that, according to Cheibub et al. (2010), are not presidential democracies and countries with less than 3.5 million inhabitants.

I code my dependent variable in four ways. First, I identify if within the first three days following the election, the losing candidate or a party official publicly announced

---

2 This is an arbitrary threshold but it tries to capture the first reaction of the loser towards the election. His later strategy may differ from his initial reaction.
his or her refusal to accept the results of the election. This is a dummy variable called *Intention to challenge*, and it takes the value of 1 if the loser announced his refusal to accept the results of the election, if he made public his intention to take a legal route or to mobilize his supporters to dispute the results, or if the runner-up candidate proclaimed himself the winner; the variable takes the value of 0 if the candidate or a party representative conceded defeat. Second, I identify whether there were post-electoral complaints in the form of legal petitions filed before the respective adjudicating electoral authorities (a dummy variable called *Legal challenge*). Third, I identify whether there was an act of protest (street protest, civil disobedience, takeover of public buildings, use of violence, coups, et cetera) to challenge election results. Since I am interested in the strategic choices that party leaders make, and following the way in which Beaulieu (2014) coded opposition protest, I only include cases in which party leaders were instrumental in bringing in the mass demonstrations, either by explicitly calling their supporters into the streets or by taking part in the demonstrations; this is a dummy variable called *Political challenge*. And fourth, I identify whether there was a combination of these two strategies, legal and non-institutional challenge (*Combined challenge*).

My main sources of information are newspaper reports, an approach taken by Kelley (2011) to code electoral boycotts and Howard and Roessler (2006) to code unity in electoral coalitions. I got this information from the archives of the Spanish newspapers *El País* and *ABC*, from the *New York Times*, and from *The Guardian*. For those elections in which I did not find the necessary information in newspapers, I consulted academic
articles, history books, biographies, and books on political parties from the respective
country.3

To test the hypothesis about an increase in the margin of seats in Congress
between the winning party of the presidential election and the runner-up party leading to
more challenges of presidential election results, I measure the percentage seat difference
in Congress of the leading parties in the executive election. I simply take the percentage
of seats that the party that won the presidential election obtained at the most recent
congressional election, and subtract the percentage of seats that the runner up party of the
presidential election obtained that year. Most of the time, the presidential and
congressional elections were concurrent, but for those cases in which they were not, I
took the percentage of seats from the most recent previous congressional election4 or the
values of the congressional election that came after the presidential election if it occurred
within one month of the presidential election. I obtained the data about legislative
elections from Nohlen’s Data Handbooks of Elections in the Americas, Asia and the
Pacific, and Africa, and from Georgetown’s Political Database of the Americas (PDBA).
For the few cases that were not available in these sources, I obtained the information
directly from the election management bodies of the respective countries.

To test the hypothesis about more autonomous electoral adjudicating institutions
decreasing the levels of litigation in democratic regimes, I built an original dataset of
autonomy of institutions adjudicating election disputes in which I identified the

---

3 All the information with the coding rules, the justification for how each country-election was coded, and
the excerpts of information with its respective sources are stored in a 504 page appendix.
4 For instance, for the presidential elections of 2006 and 2010 in Chile I took the value of the congressional
elections of 2005 and 2009. The most extreme cases are the Dominican Republic, in which congressional
elections between 1994 and 2012 happened two years in advance of the presidential election, and the South
Korean 2004 congressional election that preceded the 2007 presidential election.
institution in charge of adjudicating election disputes and then I built an index to measure how insulated those institutions are from politics. The first is a categorical variable, which identifies the authority in charge of adjudicating post-election disputes and whether this authority changes over time. If specialized electoral courts solve the disputes, this variable takes the value of 2. If regular courts solve the disputes, the variable takes the value of 1. Lastly, if the legislature adjudicates the disputes, it takes the value of 0. For those cases with mixed strategies, in which either the legislature or courts could solve disputes, as in the case of United States, I assign the value of the last institution that solved a dispute of this nature (See Appendix 1 for coding rules).

The second component of the dataset is an index of *de jure* autonomy of those institutions. This index focuses on the rules designed to insulate authorities from political pressures like fixed term tenure, multilateral appointment procedure, required minimum qualifications, budgetary autonomy, procedure for removal and multiple member governing body (See Appendix 2 for coding rules). This is an additive index that goes from 0 to 9. The sources of information for this dataset of electoral justice are national constitutions, constitutional amendments, secondary legislation such as electoral statues and laws regulating the functioning of the judicial branch, and their respective amendments, year by year, in order to capture changes over time since the third wave of

---

5 I am aware that the *de-jure* measures do not necessarily converge with the *de-facto* measures of judicial independence, as shown by Ríos-Figueroa and Staton (2012), but from the theoretical point of view it makes sense to focus on the enumerated items of institutional insulation to test their effect on the behavior of candidates. Additionally, Rosas (2010) showed that the nominally autonomous EMBs increase the elite’s confidence in the electoral process. Given my focus on the strategic decision of party leaders, it might be reasonable to focus on institutional indicators of autonomy.
democracy in each country. I additionally included a dummy to specify if the constitution mentions an explicit procedure for solving presidential election disputes.

For the hypothesis concerning politicians’ consideration of potential popular support to determine whether they will escalate their challenge to election results to legal actions or beyond, I collected survey measures of popular perceptions of trust in elections and trust in the electoral authorities before the election takes place to avoid having the perceptions be affected by post-election complaints. I retrieved the data from LAPOP, Latinobarómetro, Asiabarometer, and Africabarometer. For the structure of social mobilization, I will use the number of anti-government demonstrations the year before the presidential elections take place. This information comes from the “Anti-Government Demonstrations” variable in the Databanks International data set.

Regarding the controls, the first and most obvious is the margin of victory in the presidential election itself. Certainly, one of the objectives of challenging the outcome of an election can be to revert its result. But this is not likely to occur unless the margin of victory is so small that a partial recount might correct the errors that the losing candidate identified. Therefore, narrower margins of victory might provide an incentive to challenge the result of an election (Grimmer et.al. 2011, Smith and Shortell 2007). In a study of electoral challenges in Australia, Orr and Williams (2001, 92) concluded: “The first law of electoral law […] holds that it is not the seriousness of the breach of electoral process, but the closeness of the contest that gives rise to litigation.” I built this variable

---

6 This represents the codification of 763 years of the evolution of electoral legislation in the 31 presidential democracies. All the information with the coding rules, the justification on how each country-year was coded, and the excerpts of information with its respective sources are stored in a 350 pages appendix.

7 For most of the countries in the Americas, Asia and Africa, there is survey data available after mainly after late 1990s. I got information about trust in previous elections for 71 presidential elections, and information about trust in the electoral authority for 64 elections. When I included these variables in the regressions 2.3 and 2.4 there was not enough information to estimate them, and therefore I did not include these variables in any the models.
by subtracting the percentage of votes for the runner-up candidate from the percentage of votes for the winning one. I took this information from the Nohlen’s handbooks and the Political Database of the Americas (PDBA).

We could also expect the age of the democracy to matter. It is reasonable to expect that learning the rules of the democratic game requires time. It is not until all political parties learn that it is in their advantage to submit themselves to the democratic procedures that complying with election results becomes an equilibrium (Przeworski 1991). Therefore, we should expect that in older democracies, challenges to election results are less frequent than in younger ones. To test this hypothesis, I used the number of years that each country has been a democracy at the year of the presidential election since 1945, based on the agedem variable of Cheibub et al. (2010).

Although democratic elections are expected to be free and fair, this does not necessarily mean that they will be exempt from irregularities and flaws. These factors can provide legitimate reasons to challenge the outcomes of elections, particularly in the presence of close results. In order to control for the quality of elections (Election Quality), I used Kelly’s (2010) Quality of Elections Dataset (QED) and used the sa2 variable as the main variable. This variable is an overall measure of the quality of the election and includes variables such as pre-election political conditions, Election Day explicit cheating, and overall pre-election and post-election administrative capacity. For those elections that were not covered by this data set, I drew from Hyde’s National Elections Across Democracy and Autocracy (NELDA) data set (Hyde and Marinov 2011). From this data set, I mainly used two variables: if there were significant concerns before an election that
the election would not be free and fair, and if after the election there were allegations made by Western monitors of significant vote-fraud.

In terms of institutional variables I need to consider the method for electing the president (MEP). Among the disadvantages of the plurality method for electing presidents, some have argued that it does not guarantee a winner preferred by the majority if there are three or more alternatives, and that it can even lead to the election of the least preferred candidate—the Condorcet loser— as was the case of the election of Allende in Chile in 1970, leading to a polarized social environment that ended in a coup (Colomer 2001). Therefore, the argued disadvantages of the plurality method can affect the acceptability of election results. I built a categorical variable that ranges from 1 to 4. Higher values represent more filters between the preferences of the electorate and the final choice of the president. The methods for electing the president are: 1 = plurality of popular vote, 2 = second round, 3 = second round in which the congress selects from among the most voted candidates, and 4 = the president is elected by an electoral college.

Additionally, it is possible that the behavior of runner-up candidates in past elections has an influence on the current behavior of losing candidates, by setting a precedent of what happens once the results of elections are announced. “The past shows the path to the future” (Schedler 2013, 327). If in a given country losing candidates frequently challenge the results of the election, this behavior might be perceived as normal, which in turn might lower the reputational costs of non-compliance with election results. This might be especially true in countries like the Philippines, Mexico, or Nigeria, where the results of the election have been rejected, respectively, in 60, 66.66, and 100% of the democratic presidential elections that have been held since the third wave of
democracy. Therefore, I also include as a control one dummy variable that captures whether in any of the two previous presidential elections the results were rejected, in one way or another, by the runner-up candidate.

**Regression results**

Out of 180 presidential elections in democratic regimes, in 38 cases (21.11%) there was an initial public statement from the losing party rejecting the results of the election. To test under what conditions the losing parties takes the initial decision to challenge election outcomes, and given that my dependent variable is dichotomous (intention to challenge), I used pooled logistic regressions with clustered standard errors by country (Model 1.1), random intercept logistic regressions (Models 1.2 and 1.4) and conditional logistic regressions (1.3) to check the robustness of the findings. Finally, I used one of the random intercept logistic regressions (Model 1.2) to make estimations of the substantive impact of my key independent variable on the probability of a losing candidate rejecting the results of a presidential election.

In the first model (Table 1), I ran a pooled logistic regression with clustered standard errors by country. These initial results support the idea that as the percent seat difference in Congress between first and second place parties increases the probability that the runner up candidate initially rejects the outcome of the election also increases. However, Model 1.1 treats the dependence among challenges to election results for the same country as a nuisance, by just fitting an ordinary logistic regression model with standard errors for the clustered data (Rabe-Hesketh and Skrondal 2012: 520). It would be a mistake to treat the 31 countries measured across time as if they were 180
independent observations. We cannot take the challenges to presidential election results in a given country, or an absence thereof, as independent events. Different observations over time in the same country must be somehow correlated, and it is necessary to control for that.

To relax the assumption of conditional independence among observations for the same country, I include a random specific intercept for each country. This is precisely what the random effect logistic regression model does (Model 1.2). It differs from ordinary logistic regression models, which only fit overall population averaged probabilities, because this model fits subject-specific probabilities for individual countries. It gives a subject specific random intercept for each unit, while the covariates remain fixed (Rabe-Hesketh and Skrondal 2012). That is why this model is also called a mixed effects logistic regression: it has fixed covariates, but a random intercept. Model 1.2 also supports the hypothesis that as the gap of power in Congress between the winning and the losing candidate increases, the probability that a losing candidate will reject the result of an election also increases. It is worth noting that now that the assumption of conditional independence among observations by including the country specific random intercept was relaxed, the statistical significance of the variable capturing previous election challenges goes away.

Then, in Model 1.3 I use a conditional logistic regression, which instead of using random intercepts for clusters, uses fixed intercepts by including a dummy variable for each country. In this model, countries serve as their own controls. The inconvenience of this model is precisely that the fixed effects transformation is estimated through time-demeaned data, in which the mean of different units for each variable (dependent and
independent) is subtracted from the observed values of each variable-unit; therefore, the
time invariant variables are eliminated (Wooldridge 2009, Allison 2009). This is an
inconvenience because those countries in which the dependent variable does not change
over time get dropped from the analysis when the demeaning variables procedure is
applied. Countries in which the losing candidates always accept the results of the election
(Costa Rica, Venezuela, Peru, Brazil, Paraguay, Chile, Argentina, South Korea, and
Burundi) or countries in which the losers always reject the outcome of the election
(Nigeria and Liberia) are dropped from the analysis.

Model 1.3 shows the results of the conditional logistic regression for the purpose
of checking the robustness of the variables. Only two variables remained statistically
significant: 1) the percentage seat difference in Congress between the two leading parties,
which is my main independent variable, and 2) the margin of victory in the presidential
election. However, this analysis only included 15 of the 31 countries in the dataset and
used only 90 observations as opposed to the 153 observations used in previous models.
Therefore, in order to make meaningful estimations of the effect of my independent
variables and controls on the probability that results will be challenged, I use the random
effect logistic regression model with 153 observations (Model 1.2).

I ran a fourth model, a new random effect logistic regression that includes one
additional control: the mechanism for electing the president. Given that this variable is
categorical it uses plurality election as the reference group and makes comparisons
against a run off election, second round in which the Congress chooses the president, and
an election through an Electoral College. In this model, the effect of the gap of power in
Congress among the leading parties and the initial challenge to election results remains positive and attains conventional levels of statistical significance.\footnote{The correlation between the percentage seat difference in congress and the margin of victory in the presidential election is 0.40. I performed a VIF test, whose mean was 1.37 indicating that there are not multicollinearity problems. The low correlation between these two variables is not surprising since in presidential regimes “a politician can ascend to and remain in the top executive post even if his or her party performs poorly in legislative elections” (Samuels and Shugart 2010, 18).}

The four models show that if the party that finished second in the presidential election is in a similar position of power in Congress to that of the winner, there are fewer incentives to challenge the outcome of the election as a negotiation strategy. Given that the runner-up party is already in a similar power position relative to the winner, the losing party can negotiate benefits with the winning party directly in Congress, and it can use other threats, such as becoming a veto player in Congress. Given the costs of rejecting the results of an election, this might be a good strategy. But when the party that lost the presidential election has fewer seats in Congress relative to the winner, the blackmailing strategy to extract some benefits from the winner becomes more appealing in this post-electoral scenario.

Graph 1 uses the estimates from Model 1.2 to show how the probability that a runner-up will reject the results of an election increases as the percentage seat difference in Congress between the leading parties increases. Given that the quality of the election is an important variable that also affects the likelihood that the results of an election will be rejected, I compare how the probability of challenging elections results changes as the percentage seat difference changes in both scenarios: an election with medium and high levels of irregularities and an election with minor or no irregularities. In order to estimate these effects, all the variables were set at their means. When the losing party of the presidential election has 10% more seats in Congress than the party that won the election,
there is a low probability of challenging election results: 7.19% in an election with low
levels of irregularities, and 18.9% in an election with medium and high levels of
irregularities. Venezuela 1978 is an example in which the margin of seats in Congress
improves our understanding of the decision to challenge the outcome of an election. In
this election, despite the narrow margin of victory (3.3%) and evidence of irregularities
and flaws in the election, the runner-up candidate Piñerúa and his party (Acción
Democrática) did not protest the results. The international press celebrated the peaceful
transfer of power to the opposition. Perhaps, the fact that Acción Democrática obtained
more seats in Congress than COPEI (2% more) affected the political calculus of the
losing party and detered it from rejecting an election that otherwise —because of the
narrow margin and the level of irregularities—would have been rejected.

Reverting the results of the congressional election increases the likelihood of
rejecting presidential election results, when the runner up party in a presidential election
has 10% fewer seats in Congress than the winner, the probability that the results of the
election will be rejected is 12% in a clean election and 29% in an flawed election. When
the margin in Congress is 20% in favor of the winner, the losing party will dispute the
election results 16.7% of the times in a clean election and 35.8% in a flawed one. In the
presidential election of 2009 in Indonesia we should have expected to observe
compliance with election results, since according to the reports of international missions
of electoral observation there were not substantive irregularities in the conduction of the
election, and the margin of victory was of 34%. However, in a context in which the
losing coalition also had 17% less seats in Congress than the winning party, Indonesian
opposition leader Megawati Sukarnoputri rejected President Susilo Bambang
Yudhoyono's landslide re-election win, filed an application for a presidential election re-vote before the Indonesian Constitutional Court, and mobilized supporters in the streets. After reviewing the evidence, Constitutional Court Chief Mahfud MD asserted that although there were some problems, none of these “could be described as structural, systematic or massive.”

There is also anecdotal evidence showing that challenges to elections election results are preceded by negotiations between the leading parties. In Sierra Leone in 2012, Julius Maada Bio —whose party obtained 34% of seats in Congress as opposed to the 54% obtained by the winning party— initially refused to concede defeat claiming ballot stuffing, rigging and intimidation of supporters, but after talks between president Koroma and Maada Bio, the later conceded defeat. In Liberia in 2011, Winston Tubman of the Congress for Democratic Change did not recognize the results of the election, despite the wide margin of difference (81%). Nonetheless, the results of the congressional election were more even and the Congress for Democratic Change had only 17% less seats than the Unity Party that won the presidential election. Tubman and his party called for street protests after the results of the election were announced. The protests were called off after negotiations with the winning party commenced.

The other important variable that seems to affect the initial decision of rejecting the outcome of the election is the margin of victory in the presidential election itself. Graph number 2 shows how narrow margins of victory are associated with a higher probability that electoral results are rejected. In elections in which the margin of victory is close to zero percent, the estimated probability of rejecting the outcome of the election is 29.4% when the election is regarded as free and fair and 51.9% when there are
irregularities and flaws. This probability goes down to 16.5% for clean elections and 35.4% for flawed elections when the margin of victory is 10%; and when the margin of victory is 20% the probability of rejecting the outcome of a clean election is 8.7% and 21.6% if the election had irregularities.

The rest of the variables in the model are not significantly associated with the probability of challenging the results of the election, except for the number of years that a given country has been democratic since World War II. The more years a country has been democratic, the less likely it is that the loser will reject the outcome of the election. However, the level of significance of this variable is only at the 10%.\footnote{For this model I also added the logarithm of the number of years the country has been democratic. But the logarithmic version of this variable was not significant and the goodness of fit of the whole model decreased, so I decided to stay with the raw measure of age of democracy.}

Regarding the method for electing the president, it seems that this variable does not affect the probability of challenging the result of the election. The literature in the social-choice tradition has analyzed the effects of various voting methods. It has been argued that one of the advantages of the majority run-off over the plurality rule is that the former prevents the winner from being narrowly endorsed (Shugart and Taagapera, 1994). However, Pérez-Liñán (2006: 145) found that although the runoff electoral system by itself may reduce the propensity of governability crisis, its convenience becomes dubious for party systems with low levels of institutionalization, and therefore “the wisdom of the electoral system can be questioned for about 92% of the elections conducted under balotaje in Latin America between 1979 and 2002.” With regards to the probability that a runner-up candidate will decide to reject the outcome of an election, and controlling for the margin of victory and other variables, it seems that a system with a second round does not have an advantage over plurality rule.
In Model 1.4, once we control for other variables and take into account the variation within units, it seems that previous rejection of election results does not have an influence on current challenges to election results. Further exploration reveals that for a country whose fixed part of the linear predictor is evaluated at the sample median, the marginal probability of rejecting the outcome of the election on one occasion is 0.13 and the joint probability of rejecting the outcome of the election twice is 0.025. In terms of odd ratios, the odds that the results of an election will be rejected in a country that has experienced the rejection of election results once are 1.56 times higher than the odds that a country with the same characteristics that has not experienced rejection results will experience such a situation.\footnote{Estimates based on Rodriguez and Elo’s (2003) \textit{xtrho} program for Stata.}

Thus far, I have only discussed the conditions that might lead a runner-up candidate to reject the outcome of the election. Once he decided to reject the outcome of the election, the next step is to explain what strategy the runner-up will implement. His alternatives at this point are either to present a legal complaint before the authority in charge of adjudicating election results, engage in non-institutional protests, or pursue both avenues.

Out of the 38 elections in which the runner up party announced his decision to reject the outcome of the election: in 30 cases it engaged in some legal action to revert the outcome of the election; in 20 cases it started some sort of protest or popular mobilization against the results of the election; and in only 17 cases it engaged in both.\footnote{There is one case (Ghana 2004) in which John Atta Mills, presidential candidate for the National Democratic Congress (NDC) congratulated President Kufuor for emerging victorious in the December 7 presidential election, but still the NDC, asked for a vote recount given that Kufour won with 52.45% of the votes, a slight majority over the required 51% to avoid a run off election.} In order to study the determinants that lead to each course of action, I ran separate
logistic regressions for each dependent variable, with and without clustered standard errors (Table 2). These analyses are done based on the cases in which the runner-up party announced his intention to reject the outcome of the election, so the sample size is significantly reduced in comparison to the previous models.\textsuperscript{12}

Models 2.1 and 2.2 test the hypothesis about the relationship between autonomous adjudicating institutions and the likelihood of presenting a legal case to challenge election results. One of the findings in these regressions is that once the losing candidate decided to reject the election result, having more autonomous institutions in a given country decreases the likelihood of presenting a legal complaint before the electoral authority in charge of adjudicating election disputes. This might happen if democratic elections are generally free and fair, and if the institutions adjudicating election disputes are unbiased. If this is the case, when a losing party is just following a political strategy rather than publicizing case of electoral fraud, then it is likely that upon reviewing the complaint, the adjudicating institution will find insufficient evidence to revert the outcome of the election, and thus maintain the status quo. Facing this possible outcome, runner-up candidates might chose to only make public statements complaining about the quality of the election rather than taking any legal action, to avoid the risk of being discredited in the end.

On the other hand, Models 2.1 and 2.2 also show that if the constitution for a given country-year establishes an explicit rule as to how to proceed in the event that there is an election dispute, then it is more likely that a losing candidate will take the legal route to complain about the result of an election. Only 67.72\% of the constitutions, for

---

\textsuperscript{12} I also tried to run multinomial logistic regressions and random intercept logistic regression, but because of the reduced size of N (=34) it was not possible to estimate those models.
the country-year in which the presidential election took place, established a rule as to how to proceed in the event that an election is contested. Having clearer rules for procedures taken to dispute an election might incentivize taking the legal route. Similarly, Ward (1974) found that in the late 1960s when the House of Commons provided general guidelines for validating or voiding elections there was an increase in the level of litigation.

Models 2.1 and 2.2 present a seemingly counterintuitive finding: having a flawed election decreases the probability of presenting a legal complaint. The level of significance even increases with robust standard errors clustered by countries. This finding might suggest that, clean elections are more likely to be protested than flawed ones. This might also indirectly support the main hypothesis that losing candidates and parties mainly challenge election results to pressure the winner into entering negotiations over concessions or benefits, rather than to raise challenges founded in legitimate grievances over the quality of the election. Another alternative explanation for this finding is that flawed elections take place precisely in countries where actors do not trust the legal system, and therefore runner-up parties prefer not to use the institutional route to challenge election results. It is known that having more autonomous Electoral Management Bodies (EMBs) increases the trust in elections among political elites (Rosas 2011) and among non-partisan actors (Hartlyn et. al. 2008). However, the negative relationship between the presence of flaws and the level of litigation holds even after controlling for the level of de-jure autonomy of the institutions adjudicating election disputes. Based on this evidence, it is possible that in democracies protests against fraud are fraudulent themselves.
Regarding the other variables, the number of antigovernment demonstrations the year before the election is positively related with filing a legal suit challenging the outcome of the election, and attains conventional levels of statistical significance. The other control variables, age of democracy and the type of institution that adjudicates election disputes, do not seem to have an effect on legal challenges.

With regards to the reasons leading to post-electoral mobilization and protest, Models 2.3 and 2.4 indicate that none of the variables seems to trigger this course of action. The main independent variable here is the number of anti-government protests that were held the year before the election, as measured by the Databanks International; however, this variable has a positive relationship with post-election protest but it is not statistically significant. This variable attempts to measure the previous existence of networks for social mobilization that could facilitate non-institutional types of protest. More research is needed, however, to understand what factors stimulate protest in democratic regimes. Nevertheless, out of 180 presidential elections in democratic regimes, only in 20 cases (just 11.1% of the total) was there some type of non-institutional protest. Similarly, Schedler (2013, 330), in his study of authoritarian regimes, finds that post-election protest looks rather disconnected from preceding levels of mass contention.

Finally, Models 2.5 and 2.6 have as a dependent variable a joint course of action, those cases in which after announcing a rejection of election results, the candidate ensued a combined strategy in which a legal suit was filed and post-election protests occurred. The results of this part of the analysis fade away once we add the robust standard errors clustered by country. However, the ordinary logistic regression shows similar results to Models 2.1 and 2.2. When a government has more autonomous election-adjudicating
institutions, the probability that a losing candidate will follow a joint course of action decreases. Having an explicit legal mechanism in the constitution and previous antigovernment protests also seems to trigger this joint outcome. And the seemingly counterintuitive result that elections with flaws decrease the likelihood that the losing candidate will take some type of action partially holds as well.

**Conclusion**

Even in democratic presidential elections, there are cases in which the losing party decides to challenge the outcome of the election. In the case of the Americas, since the commencement of the third wave of democracy, this has happened 15.63% of the times, and in the whole set of democratic presidential elections in the world, this number is 21.11%. But the decision to challenge the outcome of an election in a democracy is not necessarily motivated by the presence of fraud or widespread irregularities; rather, political motivations may be behind a losing candidate or party challenging elections in an attempt to reap potential benefits from the winner.

According to the regression results, the two main determinants of the intention to challenge the outcome of elections in presidential democracies are 1) the margin of victory in the presidential election itself and 2) the relative power that the losing party has in Congress. The autonomy of the institutions adjudicating election disputes, and the rules under which the president is elected do not seem to have an impact on the intentions to challenge election results.

Assuming that politicians are self-interested rational actors, it is not surprising that when they have the opportunity to benefit themselves or their parties with their actions, they very well may pursue that end. Once a political party has lost the
presidential election, the post-electoral setting represents a golden opportunity to blackmail the winner with the threat of challenging electoral outcomes in order to obtain some benefits. However, only when a losing party sees an opportunity to improve its negotiation capacity over the winner by using this electoral blackmail strategy will they proceed in that fashion. This is dependent on their relative position of power in Congress. I have shown that as the percentage seat difference in Congress between the leading parties widens, the probability that the runner-up will reject the result of an election increases.

Once the decision to challenge the results of the election is taken, the runner-up candidate will determine what strategy to follow. If a candidate challenges the outcome of the election in a political maneuver to put pressure on the newly elected government, then the candidate will simply make public statements complaining about the election but avoid using the institutions designed to reject the outcome of the elections. Evidence shows that having autonomous and independent electoral adjudicating institutions, in a context of relatively free and fair elections, decreases the likelihood of the runner-up candidate presenting a legal complaint. If the challenges to election results are mainly a media and political strategy that lacks solid evidence about the quality of the election—an element that is necessary to present a legal case before the respective adjudicating institutions—then the challenger will avoid using the legal instruments available because it is likely that the adjudicating institutions will rule against him or her. When electoral adjudicating institutions make a decision about the post-election dispute, they present detailed arguments explaining why the complaint did not proceed, making more explicit that the losing party lacked evidence to reject the outcome of the election.
Additionally, evidence shows that in this second stage, having elections with some degree of irregularities and flaws decreases the likelihood of presenting a legal challenge. Therefore, it is actually free and fair elections that are primarily protested in democratic regimes. This indirectly supports the idea that challenges to presidential election results in democratic regimes form part of a negotiation strategy and do not necessarily represent honest complaints about the quality of an election, as might be the case in an authoritarian regimes.

In sum, when losers reject the outcome of the election in democratic regimes, they do so with the aim of negotiating benefits with the winner in order to improve their share of power at the present time, instead of waiting until the next presidential election to have a new distribution of power. If the losing party perceives that it can improve its power of negotiation by blackmailing the winner, playing the card of the refusal to concede defeat, then we might see public statements rejecting the election results.

References


http://www.ghananewsagency.org/details/Politics/Majority-of-Election-2008-disputes-were-wrongly-filed-Justice-Nabarese/?ci=2&ai=46001


http://ssrn.com/abstract=1694654


Table 1. Regressions for intention to challenge election results

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>(1.1) Pooled logit with clustered SE by country</th>
<th>(1.2) Random intercept logistic regression</th>
<th>(1.3) Conditional logistic regression</th>
<th>(1.4) Random intercept logistic regression</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent Seat Difference</td>
<td>0.0333* (0.0177)</td>
<td>0.0354** (0.0167)</td>
<td>0.0414* (0.0234)</td>
<td>0.0334** (0.0169)</td>
</tr>
<tr>
<td>Previous Challenge</td>
<td>1.016** (0.487)</td>
<td>0.831 (0.604)</td>
<td>-0.215 (0.741)</td>
<td>0.785 (0.615)</td>
</tr>
<tr>
<td>Index Elect Justice</td>
<td>0.0531 (0.0839)</td>
<td>0.0548 (0.102)</td>
<td>0.268 (0.335)</td>
<td>0.0802 (0.116)</td>
</tr>
<tr>
<td>Margin</td>
<td>-0.0808** (0.0337)</td>
<td>-0.0875*** (0.0299)</td>
<td>-0.113*** (0.0379)</td>
<td>-0.0823*** (0.0310)</td>
</tr>
<tr>
<td>Age of Democracy</td>
<td>-0.0351** (0.0168)</td>
<td>-0.0382** (0.0188)</td>
<td>-0.0236 (0.0415)</td>
<td>-0.0356* (0.0205)</td>
</tr>
<tr>
<td>Election Quality</td>
<td>1.266** (0.614)</td>
<td>1.244** (0.565)</td>
<td>0.451 (0.682)</td>
<td>1.215** (0.585)</td>
</tr>
<tr>
<td>Protest</td>
<td>0.0607 (0.160)</td>
<td>0.0447 (0.153)</td>
<td>0.0258 (0.206)</td>
<td>0.0734 (0.168)</td>
</tr>
<tr>
<td>MEP (Plurality)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second Round</td>
<td>-0.469 (0.669)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scnd Rnd Congress</td>
<td>-0.0305 (0.856)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electoral College</td>
<td>-0.144 (1.663)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>-1.001 (0.738)</td>
<td>-0.928 (0.768)</td>
<td>-0.960 (0.852)</td>
<td></td>
</tr>
<tr>
<td>Random intercept</td>
<td>0.7376 (0.5724)</td>
<td>0.7119 (0.591)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N</td>
<td>153</td>
<td>153</td>
<td>90</td>
<td>153</td>
</tr>
<tr>
<td>Prob &gt; chi2</td>
<td>0.02</td>
<td>0.02</td>
<td>0.02</td>
<td>0.09</td>
</tr>
<tr>
<td>Pseudo R-sq</td>
<td>0.17</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1
Table 2. Second stage decision: what strategy to follow

<table>
<thead>
<tr>
<th>VARIABLES</th>
<th>Legal challenge</th>
<th>Legal Mechanism</th>
<th>Election Quality</th>
<th>Protest</th>
<th>Age of Democracy</th>
<th>MEDR (Court)</th>
<th>MEDR (Electoral Court)</th>
<th>Constant</th>
<th>Observations</th>
<th>Prob &gt; Chi2</th>
<th>Pseudo R-squared</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2.1</td>
<td>2.2 †</td>
<td>2.3</td>
<td>2.4 †</td>
<td>2.5</td>
<td>2.6 ‡</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Index Electoral Justice</td>
<td>-0.66**</td>
<td>-0.66</td>
<td>-0.32</td>
<td>-0.32</td>
<td>-0.78**</td>
<td>-0.78</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.32)</td>
<td>(0.46)</td>
<td>(0.22)</td>
<td>(0.26)</td>
<td>(0.35)</td>
<td>(0.56)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Mechanism</td>
<td>6.14***</td>
<td>6.14**</td>
<td>1.77</td>
<td>1.77</td>
<td>7.16**</td>
<td>7.16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2.28)</td>
<td>(2.46)</td>
<td>(1.29)</td>
<td>(1.45)</td>
<td>(3.15)</td>
<td>(4.81)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Election Quality</td>
<td>-3.16*</td>
<td>-3.16***</td>
<td>0.67</td>
<td>0.67</td>
<td>-2.94*</td>
<td>-2.94</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1.74)</td>
<td>(1.07)</td>
<td>(0.86)</td>
<td>(0.67)</td>
<td>(1.50)</td>
<td>(2.29)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protest</td>
<td>1.99**</td>
<td>1.99**</td>
<td>0.23</td>
<td>0.23</td>
<td>1.16*</td>
<td>1.16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.85)</td>
<td>(0.83)</td>
<td>(0.39)</td>
<td>(0.42)</td>
<td>(0.65)</td>
<td>(0.99)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age of Democracy</td>
<td>-0.01</td>
<td>-0.01</td>
<td>-0.02</td>
<td>-0.02</td>
<td>0.04</td>
<td>0.04</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.04)</td>
<td>(0.04)</td>
<td>(0.03)</td>
<td>(0.03)</td>
<td>(0.04)</td>
<td>(0.03)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MEDR (Court)</td>
<td>-0.33</td>
<td>-0.33</td>
<td>0.25</td>
<td>0.25</td>
<td>-3.96</td>
<td>-3.96</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2.46)</td>
<td>(1.91)</td>
<td>(1.99)</td>
<td>(1.30)</td>
<td>(2.90)</td>
<td>(2.98)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MEDR (Electoral Court)</td>
<td>-3.10</td>
<td>-3.10**</td>
<td>1.24</td>
<td>1.24</td>
<td>-4.72</td>
<td>-4.72</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2.56)</td>
<td>(1.44)</td>
<td>(1.95)</td>
<td>(1.35)</td>
<td>(3.12)</td>
<td>(3.21)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>2.49</td>
<td>2.49</td>
<td>-0.21</td>
<td>-0.21</td>
<td>1.25</td>
<td>1.25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2.79)</td>
<td>(1.57)</td>
<td>(1.84)</td>
<td>(1.03)</td>
<td>(2.02)</td>
<td>(1.60)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Observations</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td>34</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prob &gt; Chi2</td>
<td>0.0102</td>
<td>0.2278</td>
<td>0.0101</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pseudo R-squared</td>
<td>0.469</td>
<td>0.469</td>
<td>0.201</td>
<td>0.201</td>
<td>0.400</td>
<td>0.400</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Standard errors in parentheses (†: Robust standard errors clustered by country)

*** p<0.01, ** p<0.05, * p<0.1
Graph 1. Effect of the percentage seat difference in Congress on the probability of rejecting election results by the quality of the election.
Graph 2. Effect of the margin of difference in the presidential election on the probability of rejecting election results by the quality of the election.