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Critical review of the electoral reform of 2006 in Perú  
The case of the electoral fines as a perverse incentive

**Master thesis**

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I have written this Master's thesis independently. All viewpoints of other authors, literary sources and data from elsewhere used for writing this paper have been referenced.

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## Abstract

The main purpose of this work is to question the utility of public policies and norms adopted by the state to promote participation in elections, in this case fines as an incentive to increase voter turnout. Considering the fine as a norm that affects the economy of people, this thesis seeks to lay out if fines affect the population in different ways according to their social class. To this end, the case of Perú -- a country with mandatory voting and an electoral fine -- is analyzed. In 2006, the government carried out an electoral reform, which ultimately divided counties in the country into three categories: nonpoor, poor, and extremely poor. This public reform established that with a higher level of poverty, lower fines are imposed. In this regard, a critical analysis of this reform is made, hypothesizing that reducing the fine would affect the participation of the poorest areas more significantly than the non-poor areas.

On the other hand, certain authors point out that compulsory voting systems encourage people to make an uninformed vote. In this context, Perú is among the countries with the highest invalid voting rate in the world. Thus, within a trend of low levels of participation, the electoral behavior of those who previously voted to avoid the fine evolves. By decreasing the incentives to vote, will those really interested who show up at the polls? The second axis of this thesis will be tested through the hypothesis that reducing the amount of the fine will decrease the percentage of people that mark an invalid vote, in a country with compulsory vote such as Perú.

*Keywords: Fines, compulsory voting, invalid vote.*

## List of abbreviations with explanation

**JNE:** The National Elections Jury is an autonomous constitutional body of the Peruvian State. Its purpose is to control the legality of the exercise of suffrage, electoral processes and popular consultations.

**ONPE:** National Office of Electoral Processes. This is an autonomous and constitutional entity in charge of the organization of the electoral processes, deliberation of electoral results in Perú.

**UIT:** The Taxation Unit (UIT) is the value in the currency of Perú, soles, established by the state to determine the amount of fines.

**RENIEC:** The National Registry of Identification and Civil Status, is an autonomous body of the Peruvian State responsible for the identification of Peruvians, granting the National Identity Document.

**NC:** No category (of poverty)

**S:** Fines for abstention.

**M:** Fines for not showing up at the polling station as coordinator of the table.

**F:** Total number of people fined (S+M)

**CV:** Coefficient of variation

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## **Chapter I**

### **Introduction**

In the construction of the electoral system, there is a common element in the Latin American context, compulsory voting. In other latitudes, Belgium was the first country to introduce compulsory voting laws in 1892. Other pioneers of the system were Argentina, which implemented equivalent laws in 1914 and Australia, who did so in 1924 (IDEA, 2017). Nowadays, there seems to be a clear predominance of a voluntary voting system worldwide. There are 172 countries with voluntary systems, which significantly outpaces the number of countries with compulsory voting (ibid). In times when the percentage of people who exercise their right to vote has declined drastically, measuring the degree of representation of governments and their legitimacy becomes a confusing task (Hupe & Edwards, 2012). For this reason, the way in which the electoral system elaborates the normative framework of compulsory voting is an element worth analyzing.

In Perú, once a person deposits his vote in the ballot box, the president of the polling station puts a stamp on his national identification document. Without this stamp, the person faces different sanctions. Among those are the impossibility of carrying out banking procedures, signing contracts and even making use of the passport to travel abroad. Regarding fines related to the vote, there are two different types. The first one is given in case of not voting; and the second one is exercised in case the person does not attend his/her position as member of the electoral table at the polling station. The meaning of this measure can be analyzed from two positions. Some see it as a way to encourage participation by making people avoid the payment of a certain amount, whereas others see it as a punishment for those who do not exercise their right to vote. The literature offers different arguments for both cases. On the one hand, an increase in participation and benefits for the poorest of society support its existence. In contrast, it can be seen as an element that affects the freedom and choice of individuals inferring monetary punishment for an act that should be voluntary. Attempting the freedom that should exist in democracy is the main argument raised by its detractors.

About this subject, a recent event occurred with the amount of the electoral fine. Normally the amount of the fine is adjusted annually or by-elections according to the growth of the economy of the country. However, in 2006, after the realization of the presidential elections and prior to

the regional elections of the same year<sup>1</sup>, there was a partial reduction in the amount of the fine for the poorest people, dividing the population according to their level of poverty into three large groups: extremely, poor, and non-poor. For this, the district in which people live at the time of the election is taken as a reference, giving the category of poverty to the district according to the data of the National Institute of Statistics of Perú. This measure sought to make the fine an element of coercion which is fairer according to the social class of the person.

Therefore, through the analysis of electoral data from the period 2002 to 2016, an attempt will be made to review the consequences of decreasing the amount of the fine in the district according the class. By means of empirical analysis with data of the elections in Perú from 2002 to 2016, it will be an attempt to test the hypothesis regarding whether a reduction in the amount of the electoral fine discourages the electoral participation of the poorest classes. For this, a comparison of the participation data obtained from the electoral institutions of Peru in the elections carried out before the reform will be made and compared with the results once the electoral reform has been carried out.

On the other hand, a large part of the electoral literature indicates that compulsory voting helps the most popular classes to be more represented, assuming a positive correlation between education, poverty level and electoral participation. However, in compulsory voting regimes, there is a possibility that people will vote without worrying about getting informed about the candidates' electoral programs as a way to avoid the fine. This lack of political interest and information could be considered an unwanted effect in a system of compulsory voting, because there will be less incentive for political interest and understanding. Consequently, assuming that with the reduction of fines forcing citizens to vote, those less interested in the elections would not be interested in attending the elections. Therefore, especially citizens who are more interested in participating will do so, making invalid voting levels lower. Hence, an attempt to prove the hypothesis that the decrease of the electoral fine, would lower the percentage of people marking invalid votes.

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<sup>1</sup> The second presidential round of the year 2006 was held on June 4, and the publication of the reform to the electoral law number 28859 it was published on August 3 of the year 2006. The regional elections of the year 2006 were carried out on November 19 of the year 2006, being the first election with categories of poverty for the application of fines (ONPE, 2006).

## LITERATURE REVIEW AND THEORETICAL FRAMEWORK

### The notion of compulsory voting

At the end of the nineteenth century, intellectuals estimated that with the expansion of the vote, it would be the dominant classes and the elite, the ones who would reflect more about the benefit from act of voting (Tingsten, 1937). This is because they would be able to understand that their vote does not have greater significance in a larger universe. The development of electoral studies over time, however, have been demonstrating just the opposite. From the perspective of the rational choice theory, the utility of the act of voting is close to zero, considering the cost involved in the process resulting in a paradox in rational terms (Downs 1957; Blais & Young 1999). Yet, as the lack of participation threatens democracy itself, Maldonado describes that “some countries have tried to ease the process of voting for citizens in the form of automatic registration, weekend voting, machine voting, and absentee voting” (2015:2). Thus, these measures are a way to make access to the vote as transversal and as democratic as possible. Similarly, compulsory voting was presented as another tool to prevent abstention. Here, fines function as a legitimate negative incentive in order to promote participation in voting (Lijphart 1997; Rovensky, 2008).

As a way to be even more specific regarding the concept of compulsory voting, some scholars insist on clarifying that compulsory voting “is misnomer” (Caylak & Kaser, 2017:422). Compulsory voting does not force people to vote for X candidate, but simply forces them to attend the polling station. In this regard, Lever (2008) describes the act of voting, at least in a liberal democracy with common standards, as a secret act, where it is not possible to know if the vote was executed correctly. However, because the term compulsory voting is widely used in the literature, it will be used in this investigation.

To several authors, legality defines the core essence of compulsory voting. Simon Jackman described compulsory voting as "a system of laws or norms mandating that enfranchised citizens turn out to vote often accompanied by a system of compulsory voter registration and penalties for non-compliance" (2001:1). For Sarah Birch, "compulsory voting can be defined very simply as the legal obligation to attend the polls at election time and perform whatever duties are required thereof electors" (2009:2).

Nevertheless, not every scholar shares the same view about compulsory voting. Authors such as Matsler highlight the benefits of compulsory voting because it guarantees a level of participation that would not be possible due to other alternatives such as voluntary voting (2002). On the other hand, those opposed to mandatory voting argue that it contradicts democracy by restricting the rights and freedom to choose whether to vote or not. In other words, "between ideals of social interest and individual freedom, opponents of compulsory voting opt for the latter" (Maldonado, 2015:5). In this way, the fact that the law can compel people to vote, by the use of force, leaving aside individual freedom of choice, is questioned.

The debate also contains a normative aspect: "some academics see voting from a civic duty perspective, in which the focus relies on principles such as representativeness, majority will, inclusive participation, and legitimacy" (Maldonado, 2015:4). Studies such as those conducted by Fowler (2005) and Singh (2015) indicate that abstention is higher among the poorest sectors, women, discriminated social groups, and inhabitants of remote areas, which reinforces the cycle of exclusion of their interests in the political system. This could be alleviated with the adoption of mandatory voting. Lijphart emphasizes that in addition of being an effective enhancer of turnout in practice, the basic logic of compulsory voting as an egalitarian instrument is that it prevents greater participation of the richest sectors (1997:1-2). Otherwise, Jackman and Miller (1995) described the effects of compulsory voting in terms of participation as an increase of 10 to 15 percentage points, in industrialized countries, besides similar numbers can be found in Latin America (Fornos, Power, and Garand, 2004).

In all the definitions described above, the authors use the idea of compulsory voting related to a group of norms and laws that imply a punishment for not complying (the act of voting). The type of sanctions and its implications become relevant as a negative incentive to make the decision to attend or not on the day of the election. These mechanisms of sanctions vary according to the context of the country in question, and one of the most common tools of sanctions are fines. Likewise, the amount of fine varies according to the country. There are cases where the fine is proportional to the salary, as in Ecuador, or where it differs according to the levels of poverty in the region, as it is in Perú. Other countries such as Argentina have a fixed amount.

## Invalid votes

Why deposit an invalid vote when the effort or cost associated to attend the polling station are already made? The vote itself is maybe the most visible element in the representative democracy. For that reason, the origin of the invalid vote and possible explanations need to be explored from the conceptual point of view. In this aspect, Power and Garand described three main sources of studies related to invalid votes, "the institutional approach, the socioeconomic approach, and the political-protest or regime-level approach" (2007:434). The institutional edge points out the design and operation of institutions as the main responsible, where the complexity of norms, laws, or the way the vote is built can be translated in a higher number of invalid votes, leaving socioeconomic variables in the background (Powell, 1986; Jackman, 1987; Jackman and Miller, 1995; Perez-Liñan, 2001; Power & Garand, 2007). As an example they describe countries with compulsory voting, where people who normally would not go to vote, at the end they do in order to avoid sanctions (2007). In the same line, scholars claim that in countries with compulsory voting, the number of invalid votes can be the equivalent to the level of abstention in countries with voluntary voting system (Lavareda 1991; Power & Garand, 2007). Secondly, with respect to the socioeconomic variable, this approach describe that invalid votes are the connected with the class of the voters. Here variables such as illiteracy, the degree of urbanization, or income can affect the number of invalid votes. This explanation find support in the German political scientist Dieter Nohlen, who describes how the educational level of the electorate can be connected with the number of invalid votes, due to the level of complexity of the electoral process it will affect those with the lowest level of instruction (2004), were education and class are also connected. In other words, people with less education are more likely to mark the vote in the wrong way, and as result voiding its vote. Other authors such as Arbache pointed out that "educational levels can also be related to voluntary spoiled votes, when people lack the ability to decide who to vote for" (2015:33). The last branch of studies about invalid votes raise the issue of this type of vote as a way of showing discontent, protest or claim the lack of alternatives (Power & Garand 2007; Ugglá 2008; Driscoll & Nelson, 2014). To exemplify, Power & Robert (1995) described how during the lowest level of the dictatorship in Brazil during the 60s and the 70s the number of invalid votes increase.

In relation to the definition of the invalid votes, scholars such as Aldashev and Mastruboni (2016) identified three categories of votes in elections that are using paper as a way to vote. The "valid, blank (the voter did not express any preference), or invalid (the election officers

consider that the voter did not express her preference correctly)" (2016:4). Once the process is done, people in charge of counting votes in the polling station categorized each vote according to the categories above mentioned. Among the votes considered as invalid, are those who marked more than one candidate, or put any sign on the vote that can violate the secret aspect of the ballot (ibid). On the same edge of studies, Cohen defined an invalid vote as "one that has been destroyed (e.g., ripped) or marked in such a way that election officials are unable to identify the voter's candidate preference" (2016:3). The same author described how the existence of two types of invalid votes is commonly accepted, the ones not modified or frames are generally known as blank and those that have been modified but cannot be attributed to any candidate as null (ibis). While it is true, blank, null or spoiled votes can respond to different reasons, Driscoll and Nelson point out, "the blank may stem from voters' ignorance or apathy (...) a deliberately invalidated ballot is a clear and costly signal of voter discontent" (2014:547). However, since the aim of the present thesis is to compare the number of voters before and after the reform of the electoral system in 2006, and not search for an explanation in the variation within blank and null votes, the invalid votes are going to be considered as the sum of null and blank votes in the Peruvian elections under analysis.

### **Findings in the prior literature**

According to Blais (2003) there are three elements that could be named with confidence in terms of electoral behavior. First, the percentages of participation in the elections are higher in the richer countries, second, the adoption of a mandatory voting system makes the percentages of participation are higher, and finally that the levels of participation are higher in more contested elections because the vote would be more valuable, according to the rational choice theory (Downs, 1957). However, by dissecting this statement, the scheme becomes more complex. In the field of electoral studies, there is a large amount of literature regarding electoral behavior and participation, but some authors such as Timothy Power emphasize the little knowledge about compulsory voting in the comparative field (2009), affecting especially the Latin American context. Among the reasons listed by the author, the vast majority of the research has focused on countries with compulsory voting system, but also with high levels of development such as Australia, Belgium, Luxembourg and one canton in the case of Switzerland. Countries that differ largely in the economic variables and cultural context with countries in Latin America.

In Latin American only six countries appear with voluntary system, Nicaragua, Chile, Venezuela, Suriname and Colombia (IDEA, 2017). Within this group, Power indicates that Nicaragua in 1987 and Venezuela in 1999 suppressed compulsory voting by the left or center-left government (2009). In the Chilean case, compulsory voting is the most recent in the region, held in 2012 in the government of Michelle Bachelet's center-left coalition. Colombia, for its part, appears as the only country in the list that has a long history of voluntary voting (ibid), indicating a certain ideological tendency of governments when making the decision to opt for a voting system in the Latin American context, as regard the levels of participation in countries with compulsory voting.

The idea that compulsory voting increases the levels of participation can be find a broad list arguments and data in favor. Jackman demonstrates that compulsory system increases participation levels by 15 percent average (1987). This percentage remains in the range of 10 to 15 percent in most Western democracies tested (Blais & Carty 1990; Blais & Dobrzynska 1998; Franklin, 1996, 2004; Blais & Aarts, 2005). In this aspect, the research of Blais et al (2003) found that in order for the CV system to be effective, it must be accompanied by sanctions. To reach this conclusion, 61 cases were reviewed, covering countries categorized as new and old democracies according to the division made by Norris (2002). Regarding to this, IDEA (nd) describe several ways that are having the states to enforce the participation of its citizens in countries with compulsory voting system. In the case of Belgium, it can result complicate to work in the public sector if the person cannot prove its participation in the last elections, in the case of Bolivia the person could be not able to take its salary if is not able to present the card given after participate in the elections, in Singapore the person will be removed from the electoral roll and be reintegrate only if is able to prove its absence in front of the authorities in charge of the process<sup>2</sup>.

In this way Blais, launches the question about what the most effective types of sanctions are when compelling people to attend elections, making emphasis on the lack of production of material regarding this edge (2003). Besides, among the attempts to compile the different ways that the states have to force their voters, "the available data remain relatively rudimentary and impressionistic" (Power, 2009:100).

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<sup>2</sup> The integrate list of countries with compulsory voting system and the list of different types of sanctions describe by IDEA is available in the following link: <https://www.idea.int/data-tools/data/voter-turnout/compulsory-voting>

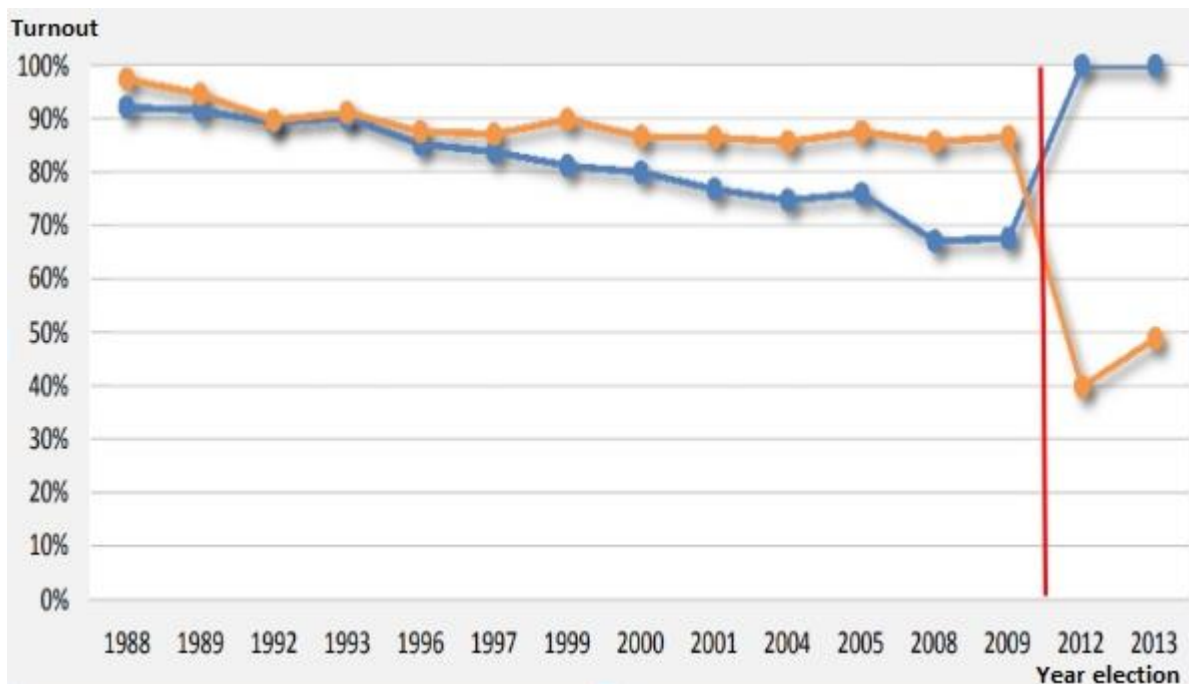
With respect to the discussion of poverty and political engagement, classic intellectuals were part of the debate as well. Alexis Tocqueville described how the "universal vote really grants the government of a society to the poor" (1981: 300). Nonetheless, in words of the French intellectual, the poor are too busy to be able to deal seriously, to inform themselves and participate in the political debate. In the same line, almost two centuries later Arend Lijphart argues that there is a relationship between the level of poverty and education of the people and their electoral participation (1997). In other words, those who are in the most affluent classes would have a higher level of electoral participation. In this discussion, the Dutch author proposes the existence of compulsory voting as a measure that would make the popular classes more involved in politics. In this way, their concerns and needs would be considered by the ruling class, putting pressure on the agenda (ibid). This idea has had great acceptance and diffusion in the specialized literature, finding a strong connection between the social class and the level of political participation. Otherwise, Larry Bartels refers to how the disparity in the accumulation of wealth finally affects the power of action of the popular classes against the lobby exercised by the richest classes. In his words "in theory, public opinion constrains the ideological convictions of political elites in democratic political systems" (2008:3). However, the academics Maroto and Dosek (2018) make emphasis on the methodological problems of the studies developed on this problematic, due to failures such as the choice of the time periods to be analyzed and the lack of comparative cases using the same methodological criteria. An example expressed by the authors is the assumption implied by Lijphart (1997) that the poorer classes would be closer to redistributive social policies.

The compulsory vote as an effective measure to increase the levels of electoral participation finds detractors as defenders in the literature. One of the elements with little discussion is the beginnings of fines for not participating in elections. Scholars such as Myers and Cavalcanti (2014) mention how in the State of Georgia in the United States, in 1777, a fine of approximately five pounds was imposed in case of non-voting. Although it is not specified what is it was understood for justifiable reasons, it is the first record of coercive measures to punish the lack of voting.

One of the last cases of a country who changed from compulsory voting system into voluntary system is Chile in 2012. This change, as described by Matta (2009), does not occur frequently, and only five cases of countries that passed from compulsory to voluntary voting are registered. In the Chilean case, with the reform all persons over the age of eighteen became automatically qualified to vote. Among the arguments put forward by the parties in favor of the change, the

argument that the population in Chile was aging was included, and it was precisely the youngest ones who were not registering. By becoming a voluntary voting system, the voter registration list would be expanded and there would be no drastic reduction in the levels of participation. However, in reality the levels of participation fell sharply. Also, changes were observed in the age component of voters, where the youngest increased participation and the older ones decreased, but in net terms the total number was lower. In addition, studies where a sampling was done by social class observed that the richest communes diminished to a lesser extent their electoral participation. In any case, the class component did not present itself as a decider to generate conclusions (Cox & Gonzalez, 2016).

Figure 1. The case of Chile 1988 - 2012. In orange the level of participation, and in blue the voter registration.



Source. Cox & Gonzales 2016.

In relation to the effects of fines, León (2017) presented an article referring to the effects in turnout from changes in the amount of the sanctions in the 2010 municipal elections in Perú, by comparing voters exposed to different levels of fines. Among the findings, the author expressed that "voters whose turnout decisions are more sensitive to a change in the fine do not have distinct policy preferences. Furthermore, voters who respond to the reduction in the fine by abstaining do not acquire less political information" (León, 2017:3). Nevertheless, the study of León as a single case study, in one specific district in Perú, cannot be used as a reference to

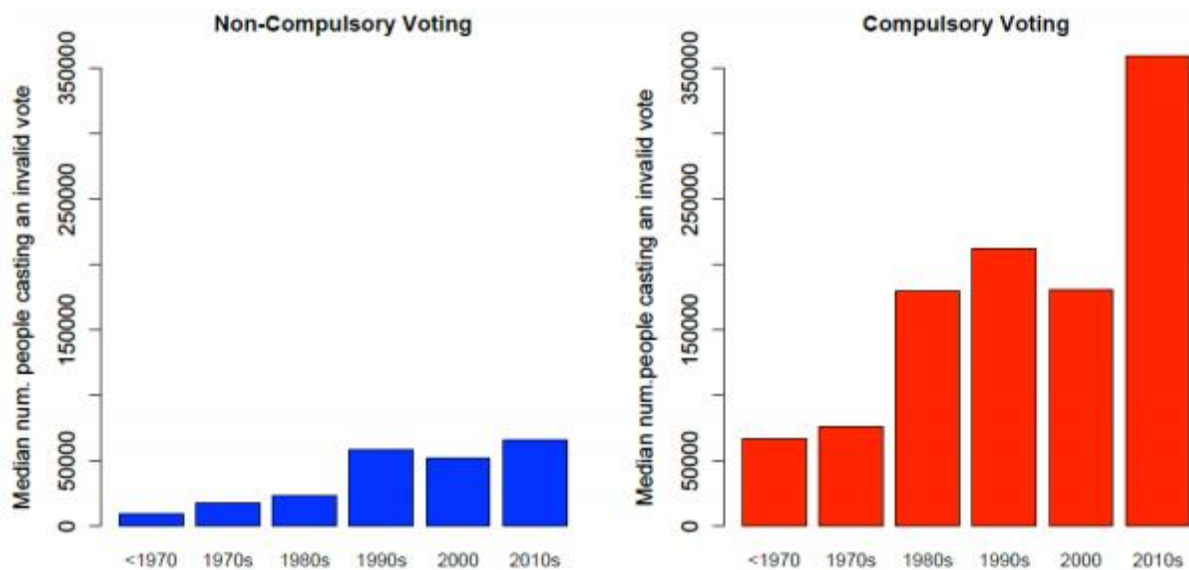
test the level of participation of the indigenous population. Another research found related to the effects of fines and the level of participation is the one carried out by Paredes and Martinez (2017). In this work the scholars review the possible causes of the drop-in participation percentages by analyzing the second electoral rounds of 2006 and 2016. Among the findings, the authors mention that members of social strata with higher education and income would be less susceptible to changes in the amount of the fine, this is in line with the existing literature regarding the correlation between wealth and participation. However, this period of study does not include the elections carried out before the reform, and also omit the general election of 2011 and the first round without justification. One of the characteristics of Peruvian democracy is the large number of elections carried out, so it is possible to generate studies with a more representative statistical significance.

Finally, Anthony Fowler (2013), describes how the great amplitude of studies based on correlations of how an exogenous element affects the levels of participation can leave all positions satisfied. As an example, it enumerates the studies of Herron (1998) and Mackerras & McAllister (1999) that indicate that a large percentage of participation in elections mostly favors the left political parties. In contrast, the opposite argument finds validity in the studies of Highton and Wolfinger (2001) regarding right wing parties. Therefore, the author describes that to avoid methodological errors and lack of objectivity "the most compelling causal evidence on the effects of turnout comes from studies of small shocks to turnout" (Fowler, 2013: 161). In this way, the study of the districts in the Peruvian case, being the smallest territorial unit, it would allow to know better how an exogenous element, such as the fine, would have effects on the levels of participation.

In summary, the literature regarding compulsory voting in the Peruvian case is limited, rather from the legal field, or emanated by public institutions of Perú that do not have an academic methodology in the elaboration of documents. It is so characterized by being descriptive of the way in which the electoral system and institutions are working. As well, studies of the implications of compulsory voting measured in terms of social class, or the impact of the fine in people behavior are scarce. While it is true, the level of detail of such information is high, there is no theoretical discussion about it. Therefore, the literature review prior to the beginning of this research was based on the experience of foreign countries with and without compulsory voting, partly because the debate is always present, even more so when the levels of participation in politics continue to fall in the western democracies.

In the Australian context, Jackman found that in wealthy constituencies such as Higgins, the invalid vote in the 2004 elections reached 3%, but in the case of Greenway, a working-class district with a high rate of migratory population, the vote invalid reached 12% (2005), giving sustenance to the literature that relates educational level and wealth with low levels of invalid votes. Among the reasons found in his study, the migratory edge rise in this case, due to the complexity of the voting system in Australia, a person coming from not a non-native English-speaking country, it would be more likely to make mistakes when voting. As a contrary, the research of Cisneros (2013) describes how in the federal elections of 2009, in Mexico, social movements organized around the idea of attending the elections and mark null. The aim of the movement was to express discontent and lack of credibility for the political parties. Inside of these groups, the participants belonged to the educational segment above the average, appearing as a counter-argument for theories that connect in a positive way the vote of protest with higher levels of instruction (Galatas, 2008).

Figure 2. Median of people exercising an invalid vote.



Source. Data collected from IDEA (2013) by Superti (2016). Sample made of 1439 elections in non-compulsory voting system and 566 with compulsory system at national level.

On the other hand, scholars such as Rodriguez, show how the existence of penalties end up transforming the electoral participation into a mandatory act, where the voter is informed shortly before voting and his biggest incentive is to avoid economic penalization (2010). Besides, Schlomoff shows as measures in charge of increasing the levels of electoral

participation, they end up increasing the numbers of people attending to vote, but without any type of involvement in the previous political discussion (2009). Moreover, Timothy Power describes how in the Latin American political context the change from a compulsory voting model to a voluntary one would have more benefits, such as the appearance of a more informed and conscientious type of voter. This result would be worthwhile, considering the decrease in participation levels when going from a mandatory system to a voluntary one (2009).

In the case of Brazil, a survey conducted by the Datafolha Survey Institute<sup>3</sup> in 2010 showed that in the presidential elections of that year, in which parliamentarians are also elected, 30 percent of the respondents had forgotten the name of the person for whom they had voted within a week after the elections. This situation supports the arguments of those who target the voters of countries with compulsory voting, as less informed people, who care more to attend the elections than to inform themselves in an appropriate manner (Myers & Cavalcanti, 2014). Additionally, the case of Brazil is interesting taking into account that has the largest electoral registry with compulsory voting system (IDEA, 2016), and third world largest democracy in the world. In this regard, the investigation by Power & Roberts reviews the legislative elections between 1945 and 1990, finding that high levels of participation, derived in part from the compulsory voting system, are having high levels of invalid votes. On the other hand, contrary to the belief that null or blank votes were a way to demonstrate discontent during the period of military dictatorship between 1964 and 1985, the indexes of invalid votes have remained constant and even increased. As example the authors described the parliamentary election of 1986 in which the level of null and blank voters reached nearly 40 percent (Power & Roberts 1995).

In the Peruvian case, Cecile Lavrad describes how certain poor districts of Lima show a percentage of null and blank votes above the average in all elections since the return to democracy in 1980 until 2006 (2007). However, voting null or blank does not imply low participation of these districts. The participation in the Peruvian case, in the decade of the eighties, showed a strong class connection, where the social class found a grip on certain electoral behavior. However, the electoral analyzes made by Lavrad are limited to the departmental level. In this way the districts, which are those that present a level of fines differentiated according to their level of poverty, are outside the analysis. In the same line,

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<sup>3</sup> Datafolha Research Institute 2010 source: <http://datafolha.folha.uol.com.br/eleicoes/2010/presidente/indice-4.shtml>

Cohen (2016), exemplifies the notoriety of the issue in the Peruvian and Latin American context by showing that in the surveys conducted prior to the first electoral round in Perú in 2016, the null or blank vote ran second after Keiko Fujimori, daughter of Alberto Fujimori.

Furthermore, according to data collected by LatinoBarômetro<sup>4</sup>, Perú is in second place in the region in levels of invalid votes, only behind Bolivia, a country that also has a mandatory vote. Among the responses of those consulted, those who declare that they have voided their vote intentionally more than 55% stated that they did so in protest against the existing candidates (Barometer, 2016). Something that has consistency considering the high levels of corruption in Perú that have led to jail, or being underdogs of justice to all the Peruvian presidents elected in elections since 1980. The most recent case of the suicide of former president Ollanta Humala graphs the freshness of events in Peruvian events.

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<sup>4</sup> Information extracted from: <http://www.latinobarometro.org/lat.jsp>

## **CHAPTER II**

### **The Peruvian context**

To understand from where the data that is present will be taken, it will be made a brief description of the origin of compulsory voting in Perú and its way to enforce the citizens to attend the elections. Additionally, a description of the reform of 2006 and its reach, to finalize with the enumeration of the main reform that increases the universe of the voters, as measures that included people from groups that can potentially be considered as one of the sources for invalid votes. Taking the argument from the literature that associated class and its correlation with invalid votes, affecting groups like the indigenous population or the illiterate ones.

### **Compulsory voting in Perú**

Authors such as Valentin Paniagua (2003) mentioned that since 1826 there were already electoral laws that clarified the different sanctions in case of not omitting the suffrage. In said laws it was established that those who omitted to vote could not opt for public offices of popular representation. It was specified that the sanction was due, among other reasons, to "(...) indifference to the good of the community and in contempt of its own right, being able more in them a criminal indolence than the love of the country" (2003:66). In addition, two were the reasons to be absent on the day of the elections, illness and having missed the previous election. The Senate on the other hand, should have a list of the people who had defrayed, since with the names of this list the highest positions of the public administration would be chosen. In 1834, the electoral law used the fine for the first time as a tool to punish those who did not exercise their right to vote. In addition, sanctions such as the loss of citizenship for one or two years and the specification of amounts in "pesos" are established.

Furthermore, once an election was missed without a valid justification, the person lost his/her right to vote for the successive elections. This could be verified with the signature and stamp that was placed on the electoral book, which was the document at that time was used to prove that a person had voted (Paniagua, 2003). As of 1945, an unofficial custom began, partly due to the succession of non-democratic governments that ruled Perú during the 20th century, to grant amnesty to the omitted in the amounts of their electoral fines after a while. This remained constant until 1999. In that year, by means of law 27190 the amount of fines that had not been paid by citizens was reduced. This reduction, instead of a total abolition, occurred partly due

to the pressure of the electoral institutions. Given that an important part of the budget for its operation comes from the collection of electoral fines, as is the case of the JNE and the ONPE.

*Table 1. Measures for absence to suffrage in Perú 1826-2006*

<b>Year</b>	<b>Description of the sanction</b>
1822	Impossibility to participate in the successive elections and prohibition to work in public positions.
1828	Publications in the official newspaper of the republic of the Republic, the list with the name of those who did not fulfill their right to vote.
1834	It begins to charge a fine for omitted, corresponding to 4 pesos of the time.
1896	It is mandatory to register in the National Electoral Registry, in order to exercise the right to vote and also to be elected.
1931	The fulfillment of the right to vote is understood once the voter acquires the stamp and the signature of the President of the polling station of the corresponding election. The price of the fine was established based on two days of salary of the person who did not go to vote.
1945	A non-regular period of amnesties of fines begins, after a certain period after the election. This practice will last until 1999.
1999	A discount is applied, not an amnesty, by means of a law (21790) that reduces the amount of fines corresponding to past election processes.
2006	A differentiation is applied in the fine, according to the level of poverty that the district in question has. The amount is established as a percentage of the ITU. It ends with the electoral fine for abstention to Peruvians abroad, but it is maintained for those selected as member of the polling station.

*Own elaboration with the information published by Panigua (2003) and JNE (2016).*

Nowadays, the institution in charge of fining the absentees in the elections is the National Jury of Elections. With the National Office of electoral processes, the two organisms in charge of the elections in Perú, have carried out 52 elections at the national, regional and municipal level in the period 2000-2018 (ONPE, 2013). A considerable figure and that contrary to the world trend maintains a high participation rate in the elections.

In the 2016 election where Pedro Pablo Kuczynski was elected president, there was an 81.2% participation in the first round. Making a simple comparison with the its two neighbor countries in the south and the north with voluntary voting system can result in a good picture of the

situation in the region regarding turnout. In the case of Colombia, its last elected president in 2018 Ivan Duque was elected with 54.22% of the total electoral roll. In the case of Chile its percentage of participation it was 46.7%<sup>5</sup> in the first presidential round of 2017, considering the entire electoral roll. For this reason, shredding the different existing institutional and legal mechanisms to maintain high levels of electoral participation is a key element of analyzing.

Another important feature of mandatory voting in Perú is that with the amendments to the 1979 Constitution, voting also became mandatory for Peruvians residing abroad. Therefore, all Peruvians were required to establish a residence. In the case of living abroad, and not having updated his electoral address, his last registered home was taken into account, thus becoming omitted. On the other hand, there is an important number of the electorate (3,86%), making its performance decisive. As example, the result of the elections 2006, where their support for one of the candidates almost avoids the second arrival of Alan Garcia for the presidency. With the reform of 2006, Peruvians living abroad ceased to be subject to a fine, but those who were in charge of the polling stations maintained the fine of 2% of the UIT.

### Electoral reforms and compulsory voting

Among the main reforms of the Peruvian system are the inclusion of women in 1933, and the possibility of voting for the illiterate in 1979. During the same year, the age to vote decreased from 21 to 18 (Sardon, 2010). These two reforms expanded the electoral register, and in the case of the integration of illiterate people, it would have an impact on the number of null votes over the years. In the case of the illiterate, a large part of this group belongs to indigenous communities. Besides, the indigenous population in South America represent the most disadvantaged groups, suffering directly from problems related to the implantation of a culture and model of forced development, in addition to being seen as people that impede national development (Popolo ; Jaspers, 2014). The clash of their worldviews is opposed to the modern idea of state and, any kind of law or norm that can affect in a disproportional way this vulnerable group at elections has a critical importance in the representation of their interests. However, the lack of literature and historical statistics to compare the evolution of compulsory

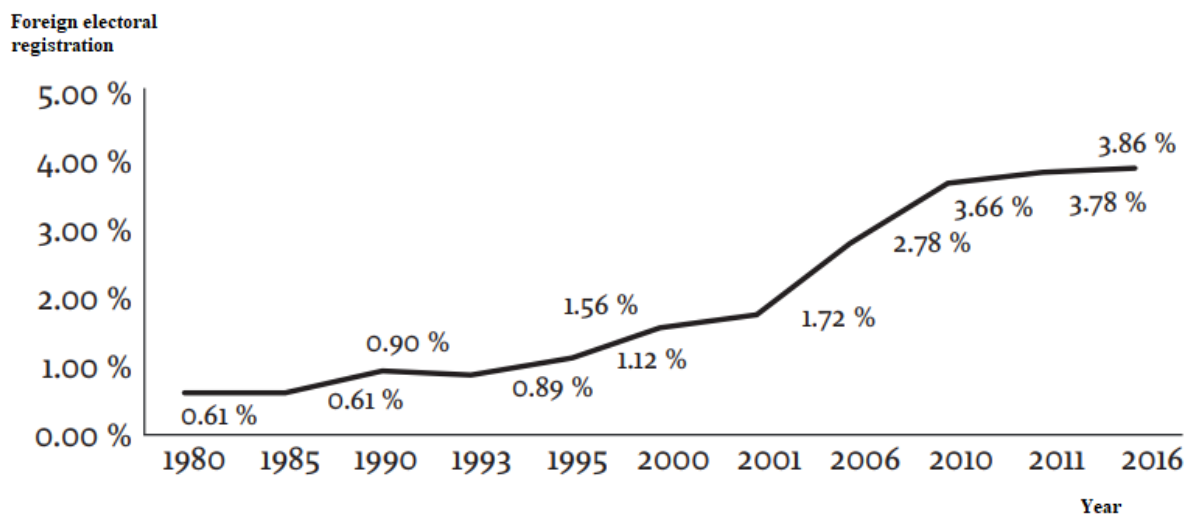
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<sup>5</sup> In the presidential elections of 2016, the electoral roll was made of 14.347.288 citizens allowed to vote and 6.650.000 exercised its right. Source: Emol.com <https://www.emol.com/noticias/Economia/2017/11/19/884005/Menos-de-la-mitad-de-los-chilenos-voto-Participacion-electoral-alcanza-un-46-del-padron.html>

voting where indigenous populations are concentrated, do not allow studies on the way in which the compulsory vote.

Another reform that broadened the electoral roll and had effects to discuss regarding the obligatory nature of the vote, it was launched in 1979 allowing Peruvians residing abroad to vote in the presidential elections, a pioneering change in the South American context. Authors such as Soldevilla (2015), make it clear that this reform, though it extends the right to participate in the election of authorities does not allow residents abroad to choose its own representatives, making this expansion a passive participation.

Figure 3. Compulsory voting and Peruvians abroad



Source. Castillo (2016)

While it is true, it includes this large group of almost four millions voters in the representative democratic system, it does not allow them to have more interference in the political plane. As an example, Castillo cites countries such as Croatia and Colombia that "have special constituents of national residents living abroad" (2016:46). In addition, this lack of inclusion is debatable because until 2006, prior to the electoral reform, they were also subject to electoral fines in case of omission. This rule changed, in the case of the omission, but it was maintained in the case of not showing up to work as a member in charge of the polling station in the voting center.

During the decade of the 1980s, Peru also returned to have competitive elections. Along with this, it began to become evident that having a centralized body in charge of the administration of the entire electoral system was inefficient. It was difficult to combat episodes of corruption, due to the lack of human resources to monitor. The lack of transparency policies that make the work carried out by the JNE difficult to audit (Salsedo, 2017). In addition, Rubio emphasizes that the deficiencies arising from the lack of professional staff, with exclusive dedication to the National Electoral Board (JNE) hindered the correct preparation of elections (1999).

With the Constitution of 1993, a reform was made to the National Elections Board. In this way, the tasks and functions of the JNE are divided between the ONPE, and the RENIEC. The functions of these three institutions are regulated at the constitutional level by article 177 (Salsedo, 2017). They are performed by these three organisms and among their main tasks are:

i) JNE: An institution with constitutional status and that enjoys autonomy in its functions. It is headed by a plenary of five members, among whom is a judge of the Supreme Court, a member of the Board of Prosecutors, a dean of a faculty of law of public universities and a dean of a faculty of law of the private universities, and a member of the bar association of Perú. It is also the highest instance in electoral justice and its decisions are final, without the right to appeal. The JNE exercises control over all elections held in Perú, including elections for the positions of President, Congressmen, Governor and Vice-Governor, Mayor and Municipal Councilor. Finally, the JNE is in charge of collecting the fines related to the electoral process. Fifty percent of said fines become funds available to the JNE for its operation. The other fifty per cent goes to the Peruvian fiscal coffers.

ii) ONPE: Autonomous body and constitutional type. It is responsible for logistics in elections, referendums and consultations of a popular type. The ONPE is also responsible for the verification in the number of adherents to political parties in Perú. It also has an educational role, developing activities throughout the country to give an understanding of the Peruvian electoral system. The body is also in charge of carrying out the electronic vote, which was introduced for the first time in an election in 2006. Finally, ONPE publishes electoral results. This information is available on its website, with the electoral results since 1995.

iii) RENIEC: Autonomous body and constitutional character. Among its functions are the administration and elaboration of the database with the information of all Peruvians

through the national identity document (DNI). In electoral matters, it has a joint role with the two previous organizations, elaborating the electoral register, and then sending this information to the JNE, who approves the legitimacy of the document and finally sends it to the ONPE for its use in the elections.

In Perú, elections are controlled by the organic law number 26.859. Chapter 1 Article 50 specifies the official elections that are held in Perú. These elections are:

- a) Presidential elections, which include the processes to elect the President and Vice Presidents of the republic.
- b) Parliamentary elections, which include the election of the congressmen of the republic.
- c) Elections of judges according to the constitution, which includes the election of Judges in accordance with the constitution. d) Referendum and revocation of authorities. (LOE, 1995).

### The reform of 2006

In 2006, a reform carried out by Congress changed the way in which the fines were distributed throughout the national territory according its level of poverty. In this way, the national territory of Peru is divided, from major to minor, into departments, provinces and districts which receive a category of extremely poor, poor, and non-poor. This poverty index is calculated by the National Statistics Institute and it has been updated for electoral issues. For the assignment of the levels of poverty at the level of districts, the INEI utilized the methodology of the World Bank made by Elbers, Jean and Peter Lanjouw (2003) crossing information obtained from census data and surveys at the household level.

Table 2. Categories of poverty in prices 2018

Level of poverty in the district	Non-poor	Poor	Extremely poor	Citizens with residence abroad
Amount of the fine in soles (2018)	S/83	S/41.50	S/20.75	S/207.50
% of the UIT to pay after the reform of 2006	2	1	0,5	5
Convergence in Euros (2018)	€22	€11	€7	€56

Own elaboration with the amounts of fines published by JNE 2018. Source: <https://portal.jne.gob.pe/portal/Pagina/Ver/314/page/Multas>

Furthermore, there are non-monetary consequences related to the electoral absence. Where the realization of contracts, the completion of banking procedures, and the impossibility of making trips abroad. It is necessary to mention also, that in case of missing the vote on the day of the election, there are two ways to avoid paying the fine. The first one has relation with the justifications before the process when the person that was not in the territorial circumscription informed in the RENIEC. In addition, there are eight reasons that are considered valid to justify the abstention after consummated the election:

- A. A lost identity document, with the corresponding validation of the national police. The loss of the document must have occurred in the range of ten days prior to the completion of the election.
- B. Due to natural disasters that prevented the person from going to his place of voting.
- C. For being deprived of liberty, in a Peruvian penitentiary center during the day of the presidential election.
- D. For reasons related to studies. This justification is related to people who are outside of Peru and who have not changed their electoral address in the corresponding consulate.
- E. For health issues, that incapacitate the person to move by their own means. This justification must be accompanied by a receipt issued by a doctor.

- F. By electoral issues. This option refers to the fact that the responsibility falls on the organization of the polling place, for lack of the necessary means to vote correctly, for lack of material, or because the conditions existing in the polling station not ensure normal performance of the vote respecting the privacy of the elector and the anonymity in the vote.
- G. By labour issues. Although it is true, employers by law are obliged to give their workers enough time to carry out suffrage. Therefore, this option is linked to public workers and the armed forces that perform functions related to the correct performance of the elections.
- H. For religious reasons. This option is for those people who are enrolled in a cloister regime within religious congregations in Peruvian territory. For those people who are on religious missions abroad<sup>6</sup>.

The second reason is the exception described in Article 9 of the Organic Law on Elections, for those over 70 years of age, voting is voluntary (LOE, 1997).

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<sup>6</sup> The information regarding the justifications for absences in the elections are available on the Peruvian government website, on the website of the national elections office (ONPE) and on the website of the National Electoral Board (JNE)

## CHAPTER III

### METHODOLOGY & SOURCES

To carry out the statistical analysis, it will be used the information regarding the regional and presidential or general elections will be used in the period 2002-2016. Considering that the number of districts to be reviewed will be 81, and ten elections, there will be a total of 810 elections to be check.

In order to exploit this database and achieve a statistical analysis, SPSS (*Statistical Package for the Social Sciences*) - a software that allows to relate several variables at the same time - was used. As a way to achieve this objective, the tables of contingency were chosen as a tool. It also serves as a means to establish if there is a correlation between the period previous and after the reform and how this measure affects the percentages in the districts of the sample regarding invalid votes, turnout, and people fined by omission (S), or people fined for not attending the polling station as a table manager (M). Since, one of the main primary objectives of this thesis was to measure the impact of the electoral reform of 2006. It was necessary to divided the elections in two groups. That is, the three elections held previous to the electoral reform of 2006 and seven elections held after the reform, totalling ten elections to measure.

In order to pursue this aim, it was necessary to codify the database. The compilation of the data was done in Microsoft Excel, and the information was encoded in a way that could be processed by SPSS. Therefore, it is important to note that for certain values present in this table, it was necessary grouping the results by segments in order to have significant results within the statistical analysis. As example in red are the groups made in order to have significant results.

*Table 3. Example of crossed table*

		Turnout percentage					
		0-65%	65-75%	75-85%	85-100%	Total	
Poverty category	EP	Count	5	9	14	2	30
		Expected Count	2,2	7,0	13,3	7,4	30,0
		% within Poverty category	16,7%	30,0%	46,7%	6,7%	100,0%
		% within Turnout percentage	83,3%	47,4%	38,9%	10,0%	37,0%
		Adjusted Residual	2,4	1,1	,3	-2,9	
	No P	Count	1	2	11	13	27
		Expected Count	2,0	6,3	12,0	6,7	27,0

*Own elaboration with electoral result published by ONPE (2019)*

In this way, the categories of poverty were used as groups for the general analysis of the information, grouping all the districts according to their poverty category, in each election.

In order to analyze districts without the categorization of poverty, two groups were made: one about the period before the reform including the 243 elections called NC (no category), and one after the reform with the three levels of poverty as a whole with 567 elections measured. As an example, one of the tables that were used to find significance among the variables is presented.

Table 4. Example of cross table “Poverty\*Fines for omission“

			People fined S				Total
			0-25%	25-50%	50-75%	75-100%	
Poverty Category (Before and after the reform)	No Category (Before the reform)	Count	178	40	20	5	243
		Expected Count	56,1	12,3	6,0	168,6	243,0
		% within Poverty Category (Before and after the reform)	73,3%	16,5%	8,2%	2,1%	100,0%
		% within People fined S	95,2%	97,6%	100,0%	0,9%	30,0%
		Adjusted Residual	22,2	9,7	6,9	-27,2	
	PC (After the reform)	Count	9	1	0	557	567
		Expected Count	130,9	28,7	14,0	393,4	567,0
		% within Poverty Category (Before and after the reform)	1,6%	0,2%	0,0%	98,2%	100,0%
		% within People fined S	4,8%	2,4%	0,0%	99,1%	70,0%
		Adjusted Residual	-22,2	-9,7	-6,9	27,2	
Total	Count	187	41	20	562	810	
	Expected Count	187,0	41,0	20,0	562,0	810,0	
	% within Poverty Category (Before and after the reform)	23,1%	5,1%	2,5%	69,4%	100,0%	
	% within People fined S	100,0%	100,0%	100,0%	100,0%	100,0%	

Own elaboration with SPSS (2019)

This will allow us to see if there is any difference in the behavior between the districts before and after the reform of 2006. Additionally, it gives the possibility of crossing these two categories with the turnout, invalid votes, and the percentage of people fined to compare the behavior and the impact of the reform with the categorization of districts by poverty. Then, this comparison logic was applied for the period after the reform, while keeping the three poverty categories and excluding the category of NC. The idea is to see, in a general way, if there is any difference in voter behavior according to the aforementioned variables among these three categories. Although this model has limitations, particularly in the cases of districts with values close to the edge, the groups were made in a way that it can be as representative as possible. The goal is to observe significant trends from the macro level, given the large amount of data collected. In order to make use of these sheets and to highlight the cleavage between pre- and post-reform period, it was necessary to select a single variable such as poverty level, invalid vote, or percentage of people fined. In this, it was possible to check each period of time and specific election. In the case of the elections following the electoral reform, variable category of poverty was crossed against turnout, invalid votes and percentage of people fined. Tables will follow at the end of work to clarify, while supplemental tables can be found in the annex. Finally, graphs and tables with the most significant results will be displayed in each election to more clearly illustrate if there was an influence or not of the reform on electoral behavior.

## Data and sources

Electoral data for this research was collected from two Peruvian institutions in charge of the production and storage of electoral statistics: the ONPE and JNE. Data regarding the results of the electoral elections carried out at the national level between 2002 and 2016 at the level of districts was taken from the ONPE. The detail of the information available in their electoral reports, allowed for the collection of the participation of each district. It is important to mention that the way to calculate the electoral participation by the ONPE takes into account only the percentage of valid votes. Null and blank votes are not taken into account. However, for this research, the calculates were made with all votes, including null and blank. This figure often appears as "votes cast". With this number of votes, the electoral participation calculation was made based on the total number of the electoral roll.

In addition, the information referring to the number of people fined for not participating in the Peruvian elections, could not be found in the bibliography specialized in electoral matters of Perú in the bibliographic reviews made. Said information is not publicly available on the web pages of the aforementioned electoral services. For this reason, it was requested using the legal recourse of the transparency law<sup>7</sup>, which exists in Perú since 2002. Finally, with the data available on both electoral data from the ONPE and that on the fines implemented from the JNE, it was possible to start the data crossing,

## Time period

In order to assess the state of electoral participation and the number of people fined prior to the reform (carried out in 2006), the data of the 2002 presidential election was used along with presidential elections results from the years 2006, 2011 and 2016. This finally left the period to analyze between 2002 and 2016.

## Samples

Because of the large number of districts Perú in 2018, random selection of one hundred districts was chosen for this analysis (CEPLAN, 2019). With the progression of this research, this number was reduced to 81, due to the lack of information and inconsistency with numbers in some districts as well as the changing composition (i.e. joining others or further subdividing themselves) over the course of this time period. With this final selection of districts, the total number of elections to reviewed was 810. Moreover, it is necessary to consider that second electoral rounds are counted as a separate election for the purposes of analysis. In the case of regional elections, due to the electoral law in Perú established a minimum of thirty percent in order to be elected, only in some departments this percent is reach.

## Cases

Through the review of the elections, an exposition of the main findings will be made in each election included in the period under study. In this way the regional elections of 2002, 2006, 2010 and 2014 will be reviewed. General elections will be reviewed in the first and second rounds of the years 2006, 2011, 2016. In total, ten elections were considered. A distinction is

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<sup>7</sup> The transparency law in Perú was enacted in 2002 under the presidency of Alejandro Toledo, within the process of modernization of the Peruvian State. (MEF,2019)

also made between the elections carried out prior to the electoral reform and the elections held later (three and seven elections respectively).

### Formulas

To calculate the coefficient of variation the following formula was used:

$$C_V = \frac{\sigma}{|\bar{x}|}$$

Where:

$C_V$  = *Coefficient of variation*

$\sigma$  = *Standard deviation*

$X^*$  = *Arithmetic media*

## Elections held before the reform

### **Regional elections of 2002**

The 2002 regional elections were the first in which the regional authorities were elected by direct and universal vote, as part of the process of decentralization by means of the organic law N° 27867<sup>8</sup>. At that time Perú had 1634 districts (ONPE, 2003), which meant a complex logistics for the electoral authorities. At the national level, electoral participation increased by five points compared to the three previous municipal processes in

The data review found that the number of people fined in the elections changed considerably from the percentages of those fined for electoral abstention before the reform. During the regional elections of 2002 and the presidential elections of 2006 in the first and second round, the number of people fined was much lower than the percentage of abstention, in other words there were people who did not vote, but did not receive a fine. Then, the situation is accentuated during the presidential elections of 2006. In addition, the vast majority of these fines correspond to fines for not attending positions at the polling station as coordinator of tables (M).

One way to explain this could be that the absence of a person to fulfill their duty to administer the polling station generates greater impact because it affects all voters at that polling station. Thus, makes it easier to trace the fault from the administrative level and fine it with M. In addition, the 2006 reform implied a modernization of the electoral system and the resources allocated to the JNE. At the same time, the creation and categorization of the districts required a coordination with the National Statistics Institute of Perú, which raised the standards regarding the information that was held from the district level. After the implementation of the 2006 reform, the margin between people fined and abstention stabilizes within 3 percent. In this manner, there is a significant increase in the number of people fined for the concept of S.

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<sup>8</sup> The organic law N° 27867 it was approved during the government of Alejandro Toledo as part of the process of modernization of the state.

Table 5. Gap between abstention and fines.

<b>Election</b>	<b>Turnout (%)</b>	<b>Percentage of people fined (%)</b>	<b>Difference between abstention and fines (%)</b>
Regional 2002	80,02	1,61	18,37
Presidential 2006	86,67	0,51	13,49
Second round 2006	85,20	0,56	14,24
<b>The reform begins</b>	<b>Percentage of participacion</b>	<b>Percentage of people fined</b>	
Regional 2006	86,95	9,66	3,39
Regional 2010	86,21	10,58	3,21
Presidential 2011	78,33	18,59	3,08
Second round 2011	76,27	20,62	3,11
Regional 2014	83,86	13,51	2,63
Presidential 2016	74,03	22,01	3,96
Second round 2016	70,38	25,41	4,21

Own elaboration with data from ONPE (2019) for turnout and fines from JNE (2019) for the number of people fined.

Secondly, we must consider that the Peruvian electoral system contains measures to excuse the abstention, what would make the difference between electoral turnout and percentage of people fined not fit perfectly. Another reason to explain the difference between fines and people who abstained from voting, is that in order to assign the poverty categories to the different districts, the electoral rolls had to be revised and updated in a coordinated work with the RENIEC (ONPE, 2006). In this way, the existence of people who died or who had changed their electoral domicile, were eliminated, reducing the size of the electoral roll.

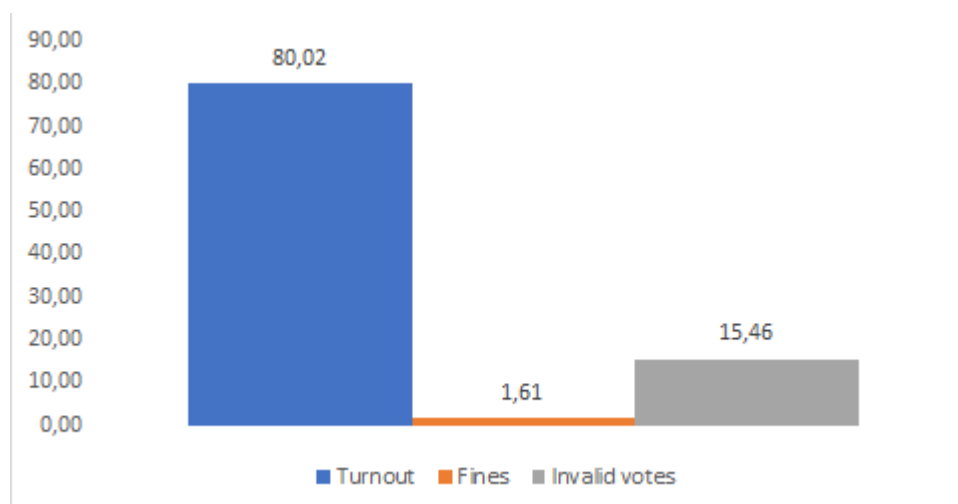
Moreover, when we dissect the percentage of the fines made, we see that the majority correspond to those of type M. That is, 61.56% are fine M, while type S fines are 38.44%. Considering the low percentage of fines paid, the significance of more fines can hardly be considered as a variant that influences electoral behavior.

Regarding the number of people who cast invalid votes, this percentage reached 15.46% as average of the 81 districts. Unlike the percentage of participation, the dispersion in this category is higher, with a CV of 3.94 compare to the CV of 1.08 in turnout showing greater heterogeneity in the behavior of the districts. This difference between the districts will become more evident with the separation of the districts by category of poverty.

Another way of doing an analysis would have been to assume that the poverty level of the districts would not change over time. Thus, we could have awarded the same level of poverty given by the INEI in the first publication of 2006 to the districts prior to the reform. This option, however, was ruled out for two reasons. The first one is that the level of poverty as shown by the following elections is updated by the National Institute of Statistics. Hence, it cannot be assumed that a district will maintain its rank over time. In fact, the tendency in the district under study was to decrease in poverty levels. As result, the amount of fines will increasingly affect the way of people vote. The inhabitants of the district are expected to change their electoral behavior as a result of the reduction in the fine, causing the results to differ in times where the amount was equal for the entire country.

The high percentage of people who voted invalidly during the first electoral round finds support in the argument that voters in systems of mandatory regime would exercise the vote with a lower level of analysis prior to the elections. On the other hand, the high variability observed within this percentage would show that in certain districts this percentage would be quite high.

Figure 5. Summary of Regional elections 2002.



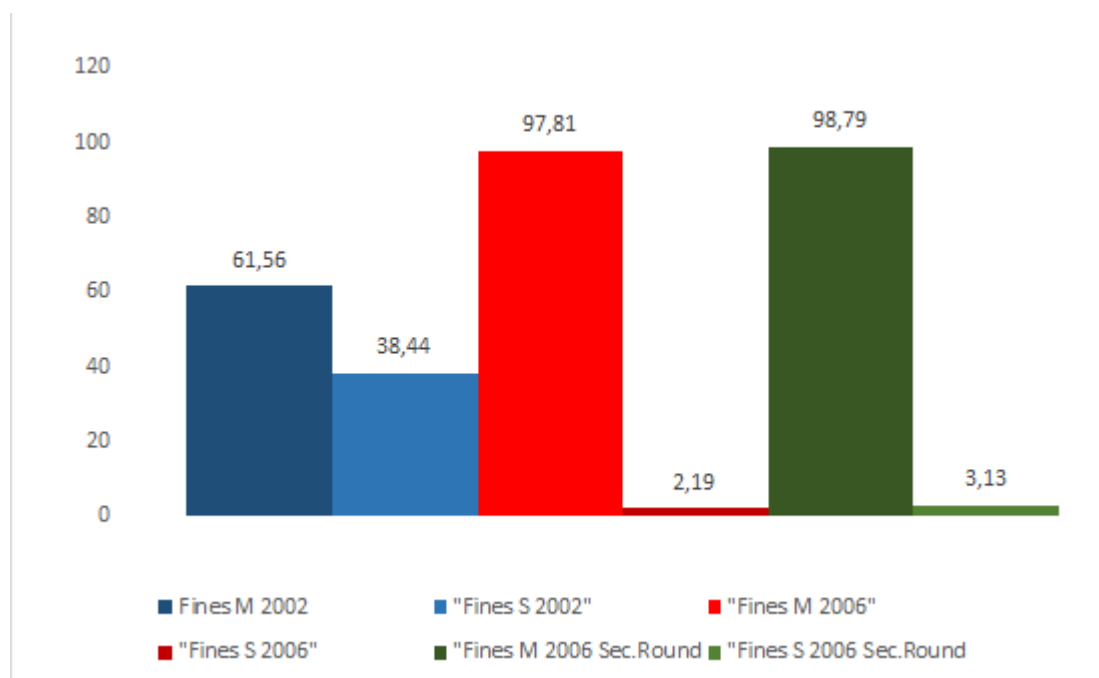
Own elaboration with data from ONPE & JNE (2019)

## General elections 2006

The general elections of 2006 were the last elections carried out at national level before the reform of the electoral system. In those elections, an electoral ballot was held between the two candidates with the highest vote, because none of the candidates achieved more than fifty percent of the votes in the first round. The electoral participation at the national level was 88.71% (ONPE, 2017). While the participation in the sample was of 86,68%. Regarding the coefficient of variation in the turnout, this was 0.43. Showing a greater level of homogeneity in the results, compared to the regional elections of 2002.

In regard to the number of people fined, the trend of the previous regional election was maintained. It represented a marginal number of the total electoral roll with a 0,52 per cent. However, this time the proportion of fines changed drastically. Leaving fines M, almost exclusively as a percentage of the total fines and reducing almost for complete the number of fines for electoral omission or S, with percentages of 97.81% and 2.19% for M and S respectively.

Figure 6. Types of fines taken previous the reform



Own elaboration with information from the office of accounting administration JNE (2019)

This distribution in the type of fine to change, and it will change considerably with the application of the reform. In relation to the percentage of people who marked their vote as invalid, this number rose by almost 7% from the previous election passing from 15.43% to a 23.04% respectively. With respect to the dispersion of the percentage of invalid votes, the coefficient of variance shows that it remained almost the same, going from 3.94 to 3.64.

### **General elections 2006 second round**

In the second electoral round of the presidential elections, the tendency for lower participation than the one of the first round was maintained, but not in a significant way. Authors such as Paredes and Martinez (2017) indicate that in the peruvian case the high number of options presented a record in the first round of general election of 2006 since 1978, something that has influenced this trend of high participation. When reviewing the general participation data at the country level it is possible to see that the first round obtained a participation level of 88.71%, while the second round of voting 87.71% (ONPE, 2019). This shows that participation did not decrease significantly. Regarding the dispersion of data, the coefficient of variation shows a certain homogeneity in the percentages of participation, with a value of 0.47.

Furthermore, the trend of fines M on fines S in their distribution levels, where almost all of the fines are of type M, is maintained. A small decrease in the number of fines taken for the concept of S can be seen, though it is not statistically significant.

In the second round, there is a notable drop in invalid votes compared to the first round of elections. Invalid votes pass from 23.04% of votes to 8.01% of votes. In the same way, the dispersion coefficient changes considerably in relation to invalid votes. Going from a 3.64 in the first round to a 1.33 in the second round. Thus, one can argue that in the second-round invalid votes were less and at the same time the behavior of the districts was more similar.

One of the explanations that maintains high participation rates, and at the same time explains the percentages of invalid votes, is that fines would incentivize a person to vote, independent of whether he or she had a political option or not. However, if we refer to the data for 2002 and the first round of 2006 delivered by the JNE, we see that the fine does not play a significant role. To graph this, the contingency table is presented below with the values of people fined in the period prior to the reform that includes 243 elections and is confronted with the information related to the elections carried out after the reform. This table shows that in the period prior to the electoral reform, 99.2% of the elections carried out received a 12.5% or less percent of

finer. This situation changes with the beginning of the reform, distributing the districts between the segments of 0-12.5% and 12.5 and 25% respectively. Proving that the number of people fined increases considerably after the reform.

In percentage terms, the number of people fined corresponds to 0.52% and 0.57%. However, it is important to emphasize the existence of sanctions related to electoral abstention, that are not referred to the fine. For example, a person who does not vote cannot carry out paperwork in the public sector, contracts, or bank. It could be that these measures do influence the behavior of people when voting. Measurement of this variable, however, is not possible to analyze. It affects each person individually, due to the level of importance that the person gives to each of these measures separately. Perhaps, a way to measure the importance that people give to the different ways that the State has to enforce the vote could be done through interviews or surveys. However, it is something that by methodological issues are not addressed in this thesis.

## Elections held after the reform

### **Regional elections 2006**

The regional elections of the year 2006, are the first elections carried out in which the electoral reform of fines was applied. Here, it is possible to make a separation of the districts according to their level of poverty for the first time. The said distribution in our sample leaves a total of forty-six districts in the category of extremely poor, twenty-seven districts in the category of poor and eight districts in the non-poor category. This list will be updated three times for the years 2006, 2010 and 2016.

An analysis of the voting at a general level of all the districts shows voter turnout of 85.95%. This implies the maintenance of the levels of participation with respect to the presidential elections carried out in the same year, and an increase in the levels of participation with respect to the regional elections of the year 2002. In the extremely poor category, the percentage of voter participation is 86.46%. In the case of districts categorized as poor, the percentage of participation is 87.33%. Finally, in the case of the non-poor districts, participation was registered in 88,49%. In this election, one would also expect to see the first effects of the reform, considering the decrease in the amount of fines, especially for the poorest sectors. Nonetheless, with the availability of the results, participation did not decay in any of the three

categories of poverty in an important way. However, it is necessary to consider that the reform to the system of fines was published only a couple of months before the elections<sup>9</sup>. Nonetheless, it is also possible that the lack of information about the reform has influenced participation percentages, causing them to remain almost the same. Nevertheless, a trend of lesser participation among the poorest districts begins to emerge.

The percentage of invalid votes from all the districts is an average of 17.9% of all votes. When making a separate analysis by poverty category, in the districts categorized as extremely poor, this percentage represents 20.3%. However, when analyzing the number of invalid votes, this decreases to 6.85%, which is almost three times lower than the average of the districts and 12 percentage points lower than the extremely poor districts. In this way, a correlation could be deduced between the socio-economic level and the percentage of invalid votes.

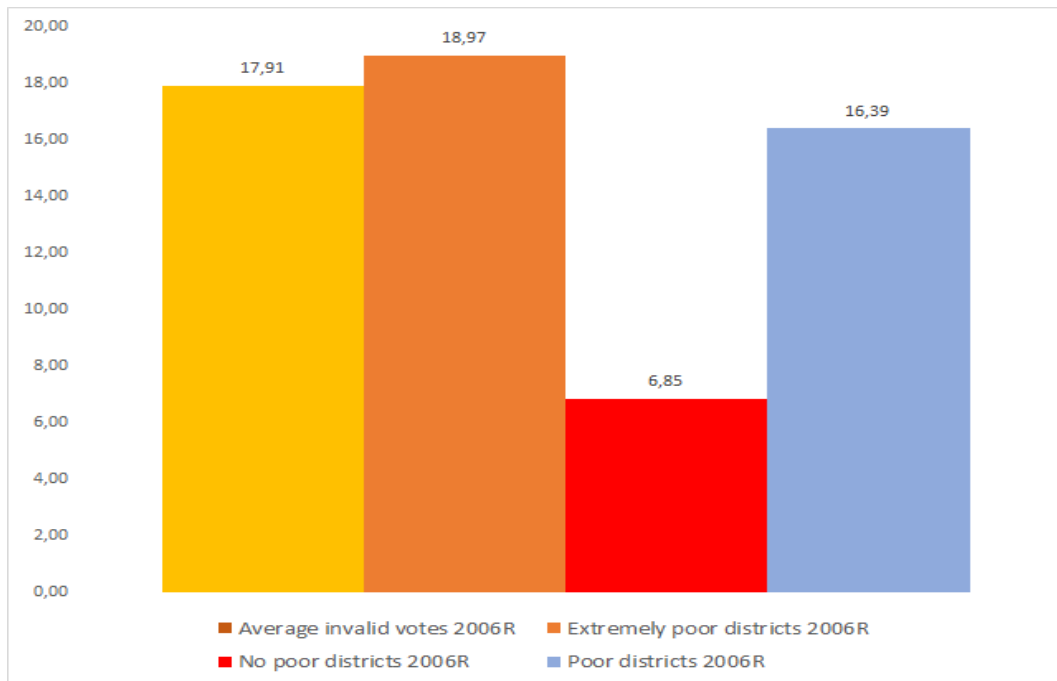
By reviewing one by one the districts considered extremely poor, we see that the number of null votes in one of the districts escapes from the average. The district of Miracosta<sup>10</sup>, in the Province of Chota corresponding to the Department of Cajamarca, presented a percentage of one hundred invalid votes. Considering that this data could distort the results, a test was conducted without the district previously mentioned. In this way the participation percentage decreases from 86.46% to 86.16%. In the case of invalid votes, this percentage drops from 20.3% to 18.97% of the votes, almost one percentage point, but still eleven points above the average of the district considered as non-poor. In relation to districts considered as poor, the percentage of participation was 87,33%, keeping within the range of variation with the total list of districts. The percentage of invalid votes was 16.39%. This is one percentage point below the district average, and close to the behavior of districts considered as extremely poor.

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<sup>9</sup> The amendment to Law Number 28859 was published on August 3 of the year 2006. While the regional elections were held on November 19 of the same year.

<sup>10</sup> Only once the analysis of the results it will be done without the district of Miracosta in the regional elections of 2006. In the rest of the cases, it will continue to be used in the analysis. As the ONPE website shows, the totality of the votes corresponded to null votes  
<https://www.web.onpe.gob.pe/modElecciones/elecciones/resultadoserm2006/>

Figure 7. Percentage of invalid votes Regional elections 2006



Own elaboration with data from ONPE (2019).

However, the variable that presented the most significant variation was the percentage of fines applied. Moving from 0.54% in the last presidential elections to 9.66% of the votes. In addition, the trend is reversed, and the fines of type S are for the most numerous. Moreover, making the analysis by poverty category in the case of the extremely poor districts, the percentage of people fined reached 10.55%. Within this percentage, the number of fines by omission, of type S, reached 96.3% of the fines. Besides, it is important to point out that, although the reduction was transversal to all the socioeconomic strata in percentage terms, it was large for the districts categorized as extremely poor. As seen in the following table, which presents the values of the UIT - the unit to measure the amount of fines in Perú.

Table 6. Evolution of salary and UIT 2002-2006

Year	Minimum wage	UIT	Fine as % of UIT	Amount of the fine in Soles
2002	S/410	S/3100	4%	124
2006	S/500	S/3400	4%	136
<b>Beginning of the reform</b>	-----	-----	<b>According poverty category</b>	-----
2006* <sup>11</sup>	S/500	S/3400	2% (NP)	68
			1% (P)	34
			0,5% (EP)	17

*Own elaboration with the information of the Ministry of Economy and finance of Perú and table with amounts of the fine made by the JNE (2006).*

In relation to the percentage of people fined in the district classified as non-poor, this percentage represented 7.65% of the electoral roll, under the average, but not significantly. In addition, the percentages of people fined were proportional to the percentage of abstention. Thus, the increase of turnout should be translated into a decrease in the percentage of people fined. Despite the obviousness of this assessment, the revision of the data prior to the electoral reform, showed that said correlation did not exist. On the other hand, the trend of a greater number of fines pursued by S was maintained with 93.58% of the total fines. Moreover, the price of the fine to pay for the non-poor strata is cut in half, going from 4% of the UIT to 2% of the UIT. In the districts classified as poor, the percentage of people fined was 9.14%. Of the total fines paid, type S fines were 95.02%.

<sup>11</sup> Regional elections after the reform with categorization by level of poverty.

## **Regional elections 2010**

In the regional elections of 2010, one of the changes observed was the number of districts classified as extremely poor. The new disposition of districts was of 30 districts categorized as extremely poor, 24 districts classified as poor and 27 districts classified as non-poor. In other words, it could be said that extreme poverty decreased in Perú. Regarding the electoral participation of all the districts the percentages were 86.20%. When doing the analysis by poverty category, the districts classified as extremely poor registered a participation of 85.69%. Maintaining the high level of participation and without differing too much from the average. In the districts categorized as non-poor. The level of participation registered was 87.08%. Two points above the average and one point above the extremely poor respectively. Finally, in the case of districts classified as poor, the percentage of participation was of 85.88%. These three data suggest that, in this sample, in the regional elections of 2010 the level of participation did not vary, after 4 years of the reform that decreased the amounts.

In addition, within the number of invalid votes, the average of all the districts was 22.15%. In the revision of invalid votes by poverty categories. In the extremely poor districts, the percentage of invalid votes was 25.03%. In the case of districts classified as poor, the percentage was 20.98% and in the case of non-poor districts, it was 19.99%. Although the percentages between extremely poor and non-poor do not vary significantly, they keep Perú within the top of the list of invalid votes in the region. According to IDEA data (2017), Perú remains at the top of the list of South American countries with 23.1%<sup>12</sup> of invalid votes.

About the number of fines issued for S and M, the tendency is maintained and in the three districts the percentage of fines ranges from 10.69% in the extremely poor districts, of 11,25% in the districts categorized as poor and 9.86% in the districts categorized as non-poor. In addition, the tendency in which most of the fines are M, is repeated. This is paradoxical in the sense that a rule such as lowering the amount of fines, which seeks to generate a progressive and fairer collection system, at the same time, it charges more fines. On this point, an important part of the electoral fines is part of the budget of the institutions in charge of the elections. Therefore, a reduction in the amount of the fine also implies a decrease in the amount of money

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<sup>12</sup> IDEA clarified in its website that this percentage is was taken from its last record of elections held in Peru during the Presidential elections of 2016.

collected, generating incentives for the institutions to make the effective collection in a more efficient manner.

### **General elections 2011**

On April 3 2011, the general elections were held in Perú to choose the President of the Republic and the members of the Parliament. The average of participation of all the districts was 78.33% (ONPE, 2017). In the detailed observation by level of poverty, in the case of the districts classified as extremely poor, they presented a level of participation of 73.87%. Being the first time since the electoral results have been analyzed in which participation falls below the 80% barrier. This is consistent with the 22.51% of fines applied compared to the total of the electoral roll. When reviewing the participation of the districts classified as poor, they present a participation of 78.18%. And in the case of the non-poor districts, the electoral participation was the highest with 83.43% of the votes. This election would respond in a better way to the logic that by decreasing the amount of the fine the poorest sectors would have less incentive to vote.

In the revision of the data regarding to invalid votes, the level of the sample the percentage was 15,36 per cent of the votes. Later, making the analysis by category of poverty in extremely poor districts the percentage increase to 17,74%. Almost the same, as in poor district with 17,66%. However, in district categorized as non-poor, this percentage represented the 10,65% of the votes. Regarding the collection of fines, the trend is maintained and the margin between the percentage of abstention and the percentage of people fined is reduced to 3.08% at a general level. And it is equal by level of poverty, where the most fined are the extremely poor, then the poor and finally the non-poor. This is consistent with the levels of electoral participation.

### **General elections 2011 second round**

The second round of the elections 2011 were held almost two months after the first round. The candidate elected was Ollanta Humala, who in previous general elections of 2006 had come in second place. Regarding the participation indices, the trend of a decrease was maintained. At the general level of the sample, the 81 districts presented an average participation of 76%. Once the analysis was carried out by level of poverty, the levels of participation followed a decreasing order of non-poor to extremely poor. In this election, the lowest percentage of participation was registered in the extreme poverty group with 71.23% of the votes, followed by the districts categorized as poor with 75,81% of participation and finally the districts

categorized as non-poor with 82,26% of participation. This is reflected in extremely poor districts being the group that received the biggest number of electoral fines with 96.16% of the fines corresponded to fines of type S.

In relation to the votes considered invalid. At the general level of the sample, the percentage of invalid votes was 4,83%, a fall of almost ten point comparing to the first round. In the analysis by category of poverty, all groups recorded a decrease in the percentages of invalid votes with respect to the first electoral round as well. However, in the case of the districts categorized within the extreme poverty group, this decrease in participation from 17,74% to 5,69% represents the most drastic fall in the elections measured. Therefore, the protest voters or those people who had no interest in participating stayed in their homes, thus decreasing the percentages of participation and at the same time decreasing the percentages of invalid votes. This behavior was also registered in the second round of the general elections of 2006, with a drop of 23% to 8% of invalid votes. However, in these elections there was still no distribution of districts by level of poverty, so their behavior could not be tracked in isolation. In the case of districts in the category of poor, while it is true, they presented a decrease in the level of participation of 2 two points reaching a percentage of 76% of the votes, this group decreased its percentage of invalid votes by almost thirteen points. Following the same effect seen in the group of extremely poor districts.

On the other hand, in the case of districts categorized as non-poor, percentages of participation and invalid votes remained within the same range without showing great changes, with five points above the average in the case of participation and a point below the average of the districts in the percentage of invalid votes with 3.94%.

### **Regional elections 2014**

The regional elections of the year 2014 presented in the 81 districts a participation percentage of 83% of the votes. Thus, showing an increase with respect to the presidential elections of 2011 in the first round and a slight decrease of two points with the regional election of 2010 and 2006. Hence, indicates that in the last three regional elections, the percentage of participation has been higher than in the presidential election of 2006 and 2011. In the analysis by level of poverty, in the districts of extreme poverty the percentage of participation reached 82.23% of the votes. The percentage of voters fined reached 14.9% where the percentage of fines of type S reached 95.7% of the total. Regarding the percentage of votes considered invalid

is 18, 89%. Within the category of poor districts, the participation maintains its closeness to the average and not far from the extremely poor districts and non-poor districts, with a percentage of turnout of 84,89%. As regard invalid votes, in poor districts find its highest percentage with 20,35% of the votes. It would be interesting to check the level of participation and invalid votes in the second regional rounds. However, because this type of election is not carried out uniformly throughout the country, it has not been included in the sample. To conclude with the analysis per category, the district with the category of non-poor reached a percentage of 84,8% in turnout and 14,6% in invalid votes. With respect to the number of fines, it remains constant and proportional to the percentage of abstention. With a clear predominance of fines S, which represent more than 95 percent of the fines in the three types of districts.

### **General elections 2016**

In the most contested elections in the region in the last decades and with less than one percent of difference (McNulty, 2017), Pedro Pablo Kuczynski became President of Perú in the general elections of 2016. During this election, the average of turnout in the 81 districts was of 74.2%. With respect to the votes considered invalid, this number reached 19.4% among all the districts. When making the analysis by poverty category, the percentage of participation reaches 66.96% in the extremely poor districts, the lowest percentage from all the elections reviewed. Concerning the percentage of invalid votes, they reached 18% of the electoral roll. With regard to the amount of fines, this reaches 33,48% of the electoral roll, showing an increase in electoral absenteeism among the poorest population. The comparison with the non-poor districts comes to support this idea. Although it is true, this sector saw the fine diminishes by half, it keeps maintaining its participation margins constant over 80%. Giving arguments in favor of literature describes a correlation between education, and wealth with high levels of participation. Finally, in districts with a category of poverty of poor, the percentages are showing similarities with the average of the districts but two points above in the invalid votes' category and eleven points below the previous election.

### **General elections 2016 second round**

The second round of the 2016 presidential election is the last election to be examined. It presents the lowest participation rates of all the elections seen, with an average of participation of 70.38% among all the districts in the sample. When doing the analysis by poverty category, the districts classified as extremely poor reached 61.20% in turnout. At the same time, the

number of fines taken reaches 33.48% in a sample that with a system of operational fines, people still vote less than previous processes. Regarding the number of invalid votes, this percentage fell from 18% to eight percent. In the case of participation in the poor districts, it differs by almost ten points from the extremely poor with 71 percent of participation. On the other hand, their percentage of invalid votes also decreases noticeably, from 19 percent in the first round to 8.68 percent in the second round. Finally, in districts with a category of poverty of poor, the percentages are showing similarities with the average of the districts but two point above in the invalid votes' category and eleven points below the previous election.

## Findings

As already mentioned above, once the data regarding the number of people fined was reviewed, the first thing that drew attention was that in the elections prior to the electoral reform, the number of people fined by abstention. In these elections the percentage of fines did not exceed the 1%, leaving a gap between people who did not vote, and the number of fines registered. As a way of showing this with the cross table, the totality of the elections made in the period prior to the reform, and the elections carried out after the reform is shown. In this way is possible to appreciate that it was in the period prior to the 2006 reform the moment in which the lowest percentage of fines was charged. Showing a total disparity with the percentages of participation, considering that the percentage of fines should be only slightly lower than the percentage of abstention, considering the percentage of people who justify their absence.

Table 7. Poverty category \* people fined

			Fined People				Total
			0-12,5%	12,5-25%	25-40	40-53,22%	
Poverty Category (Before and after the reform)	No Category (Before the reform)	Count	241	2	0	0	243
		Expected Count	137,4	74,1	24,6	6,9	243,0
		% within Poverty Category (Before and after the reform)	99,2%	0,8%	0,0%	0,0%	100,0%
		% within Fined People	52,6%	0,8%	0,0%	0,0%	30,0%
		Adjusted Residual	16,0	-12,0	-6,3	-3,2	
	PC (After the reform)	Count	217	245	82	23	567
		Expected Count	320,6	172,9	57,4	16,1	567,0
		% within Poverty Category (Before and after the reform)	38,3%	43,2%	14,5%	4,1%	100,0%
		% within Fined People	47,4%	99,2%	100,0%	100,0%	70,0%
		Adjusted Residual	-16,0	12,0	6,3	3,2	
Total	Count	458	247	82	23	810	
	Expected Count	458,0	247,0	82,0	23,0	810,0	
	% within Poverty Category (Before and after the reform)	56,5%	30,5%	10,1%	2,8%	100,0%	
	% within Fined People	100,0%	100,0%	100,0%	100,0%	100,0%	

Own elaboration using SPSS and data from the JNE (2019)

As can be seen in the cross table, in the period before the reform that it is indicated as "no category", of a total of 243 cases 241 are inside of the segment 0%-12,5% of people fined. This means that during the course of the three elections held only in two districts people were fined in more than 12,5 percent. The percentage of these segment was chosen based on the percentage of abstention seen during this period. On the other hand, in the period post-reform, districts are distributed in a more equilibrated way between the segments of 0%-12,5% and 12,5%-25% with 217 and 245 respectively, showing an increase in the number of people fined, more accurate with the percentage of abstention registered.

With reference to the possible explanation of why the fines were not collected, it can be argued several reasons. Assuming that the data delivered from the first source by the JNE are correct, the extremely low number of fines applied to people shows how bureaucracy can function in a way on paper, and otherwise in reality. At the time of the reform, what it can be assumed is that the state was looking for a progressive collection system, fairer for its citizens. But in the reality, the data indicates that such collections were not being made because people were not

being fined. Therefore, when reforming the system of fines, although it is true that people pay less, the number of people fined increases considerably.

Other explanations for this data may be related to the process of modernization of the State initiated under the government of Alejandro Toledo in 2002. These innovations may require changes in the legal framework, consensus between state functions, training of public officials and structures that encourage coordination and teamwork (Garcia Lopez & García Moreno, 2010). An example is the joint work of four public institutions for the implementation of the reform. The INEI in charge of the categorization of the different districts according its poverty levels, the RENIEC in charge of updating the electoral roll and the ONPE with the JNE in charge of the electoral process and fines. Perhaps, it is not a coincidence that after this reform the number of people fined has increased. It was the simple result of a better organized state.

Also, as a result of the effective collection of fines by the JNE it can see another aspect of the reform through the following table, where people are more fined according to their category of poverty. This can seem to be an obvious conclusion, but after the corroboration in the number of people fined during the period before the reform, it was proceeded to verify if indeed people were being fined. Else ways, it is possible to see that in the category of poverty of extremely poor the number of people fined in more than 40% occupied the 78% of all districts fined in that segment. In the case of poor districts, in the segment 40% or more, only two districts were found representing 8,7% of people fined, and in non-poor districts, the number of cases was 3 representing the 13% of people fined. The segment 20%-40% of people fined shows more clearly the difference between poverty and level of people fined. In the extremely poor districts, the number of cases represented 53% within all districts with 44 districts, in the case of poor districts the percentage of people fined represented 36,6% with thirty districts inside the segment 20%-40% and finally non-poor districts with 8 cases representing 9,8% within all the districts. This table is important because proves that extremely poor people are more fined than non-poor people but anyway are voting less at the end.

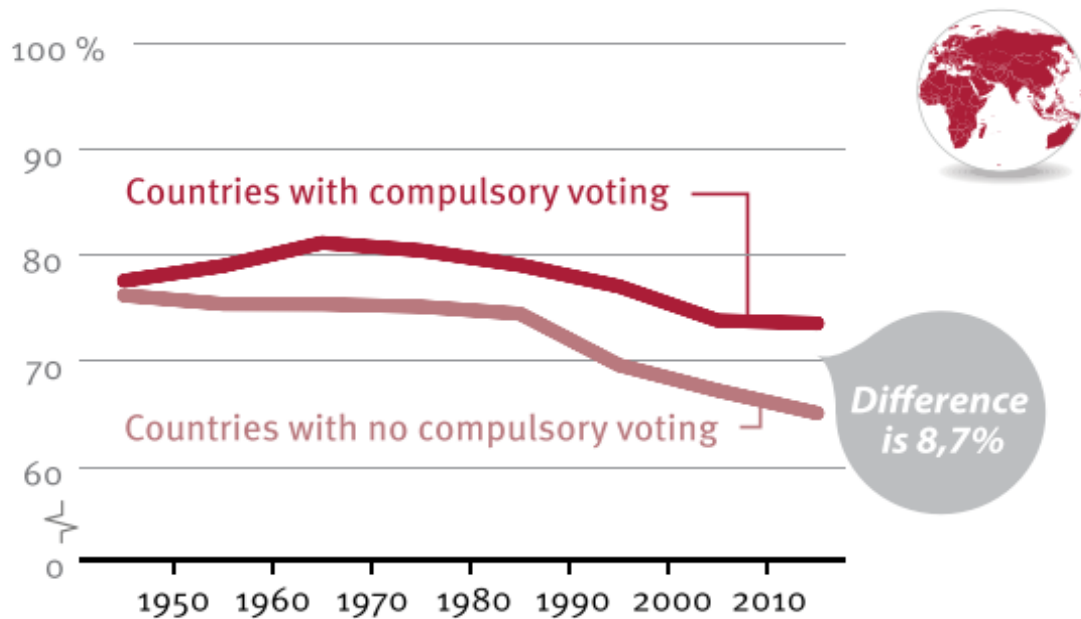
Table 8. Poverty category\* people fined

Poverty category	EP	Count	Fined People				Total
			0-12,5%	12,5-25%	25-40	40-53,22%	
		Count	68	96	44	18	226
		Expected Count	86,5	97,7	32,7	9,2	226,0
		% within Poverty category	30,1%	42,5%	19,5%	8,0%	100,0%
		% within Fined People	31,3%	39,2%	53,7%	78,3%	39,9%
		Adjusted Residual	-3,3	-,3	2,8	3,8	
	No P	Count	86	73	8	3	170
		Expected Count	65,1	73,5	24,6	6,9	170,0
		% within Poverty category	50,6%	42,9%	4,7%	1,8%	100,0%
		% within Fined People	39,6%	29,8%	9,8%	13,0%	30,0%
		Adjusted Residual	3,9	-,1	-4,3	-1,8	
	P	Count	63	76	30	2	171
		Expected Count	65,4	73,9	24,7	6,9	171,0
		% within Poverty category	36,8%	44,4%	17,5%	1,2%	100,0%
		% within Fined People	29,0%	31,0%	36,6%	8,7%	30,2%
		Adjusted Residual	-,5	,4	1,4	-2,3	
Total		Count	217	245	82	23	567
		Expected Count	217,0	245,0	82,0	23,0	567,0
		% within Poverty category	38,3%	43,2%	14,5%	4,1%	100,0%
		% within Fined People	100,0%	100,0%	100,0%	100,0%	100,0%

Own elaboration with SPSS (2019). Elections after reform.

In the line of analysis of participation, it was possible to confirm the first notorious fall in the general elections of 2011, something that it was accentuated in the second round of the same process. However, this drop-in participation is not progressive, considering that participation percentages were around 80% in all three categories of poverty in the regional elections of 2010 and 2014. Furthermore, it is not possible to adjudge the total responsibility of the fall in the levels of participation of the poorest segments of Perú to the reduction of the electoral fine. For example, authors such as Solijonov emphasize the fact that electoral participation has fallen sharply since the nineties globally, "and continued its decline to reach 66 per cent in the period of 2011-15" (2016:23), thus it can be presented as a counterargument to blame only in the reduction on the fine. At any rate, even the lowest percentages of participation during the elections held in Perú would be within the global average.

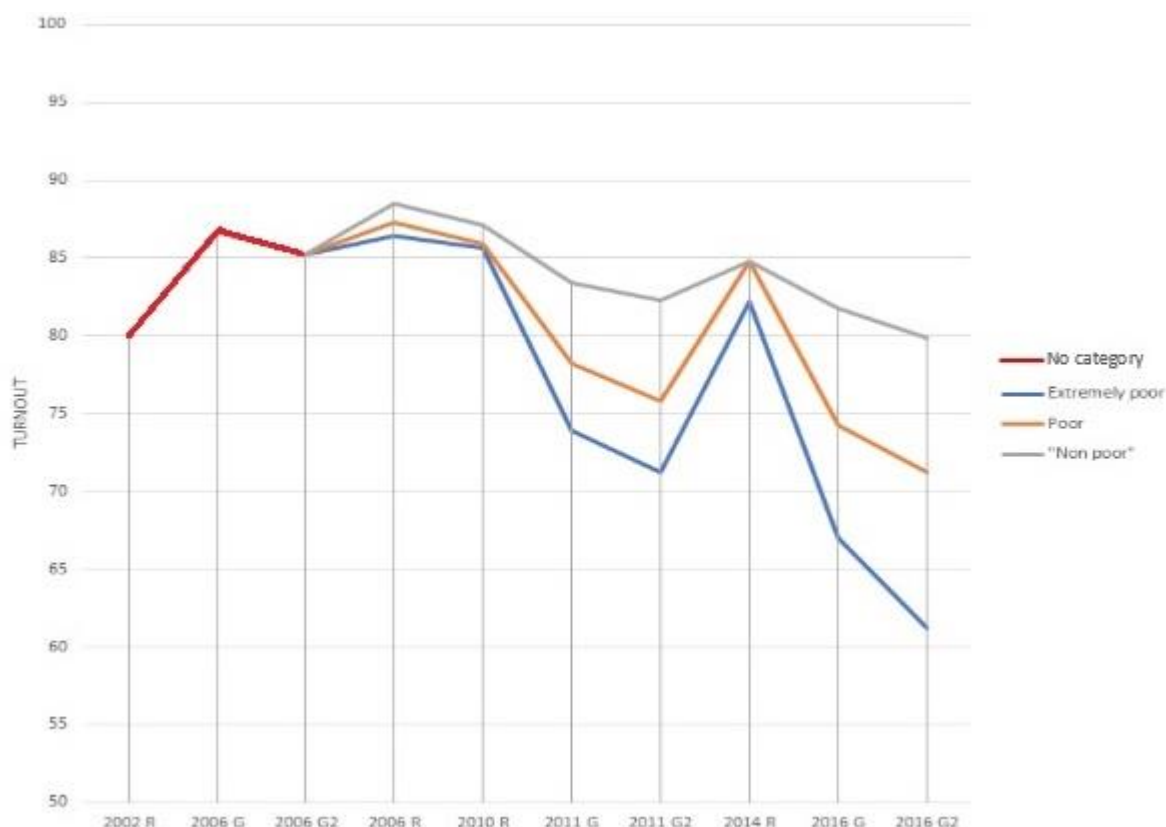
Figure 8. “Countries with compulsory voting system and decrease in turnout”



Source. IDEA (2016)

Furthermore, what can be evidenced, is a fall in the levels of participation in the poor and extremely poor districts more stressed than in the non-poor districts, since the first election with differentiated fines carried out in 2006. Another reason that could explain this differentiation in the participation according to the level of poverty, is that over the years the categories of poverty have also changed. So the number of districts categorized as extremely poor has decreased. Through this process, over time, the districts that escape from the category of extreme poverty and become poor, or the poor districts that become non-poor, ended up making the analysis more homogenous. So in the case of existing correlations of wealth and electoral behavior, these would be exacerbated over time. The same logic can be applied for the other two groups of poverty.

Figure 9. Historic turnout between 2002-2016 according to the category of poverty



Own elaboration with the participation averages according to the ONPE (2019) and according to the poverty category delivered by the JNE (2019).

Another aspect to consider is the fragility of the economy of the poorest sector in the Peruvian society, that would make them more sensitive to changes in fines amounts than the less poor districts. When analyzing these data taking into account the state of poverty in Perú, in official terms to the year 2018 the minimum salary in Perú is 930 soles, an amount that has grown exponentially in the last 2 decades in Perú as a result of the opening of its markets and the adoption of neoliberal policies since the Presidency of Alberto Fujimori. Nonetheless, following the path of the South American countries, this increase in the minimum wage is disproportionately low in comparison with the increase in wealth of the highest strata of society. This is reflected in the Gini coefficient of Perú<sup>13</sup>, a measure where its value is zero in a country where everyone has the same income and 1 in a country where one person has all the

<sup>13</sup> The GINI coefficient of Perú in the period 2014,2015, 2016 was 0.43. By way of comparison, in the European Union the coefficient in the same period was 31, 31, and 30 respectively. Source World Bank: <https://data.worldbank.org/indicator/SI.POV.GINI?locations=PE>

income (OECD, 2016). Passing from almost a third of the minimum wage to represent two percent of the minimum wage for the poorest sectors it meant that the decrease in the amount of the fine for the extremely poor segment of the population was significant, founding support in the research made by Paredes and Martinez (2017).

Additionally, some consideration must be taken into account. While it is true, the minimum wage in Perú, increased in the last two decades, there is a high number of people who work without a contract and that precisely belong to the lowest social strata. Taking a definition of labor informality generally accepted as "individuals who are self-employed in the sense that they do not work for any particular employer or firm" (Smith & Wandner, 2011:1) informal market maintains a large part of the local economy, which structurally affects the lives of people. By not contributing taxes, these workers are stripped of basic social rights such as pensions and health care, which leads them to be in a situation of high vulnerability. In the case of illness, there is no coverage and no compensation for days not worked. This figure is not less in the Peruvian context, where according to projections for the year 2050 the six percent of Peru's gross domestic product would be produced in informal markets (CEPLAN, 2016). On the other hand, a large part of the people that make up this group are from indigenous ethnic groups, in a country where the relationship between poverty and being indigenous is strong. For these reasons, it is understandable that the Congress wanted to equate the system by making the poorest people pay a lower amount for not attending the elections. What they might not have considered was that by doing the reduction of the fine in such a drastic manner, the state weakened its most effective tool to enforce the poorest sector to attend the elections.

Regarding the fall in participation, there is an exception in the regional election of 2014 that presented higher rates of participation than the presidential elections of 2011. This tendency is the same on the three levels of poverty. Among the possible explanations of why the regional elections have a higher level of participation than the general or presidential ones, it could be that the regional authorities are seen as a closer and more operative institution, with actions that will have greater impact on the daily life of the people. With the process of regionalization initiated in Perú in 1989 (Contraloria of Perú, 2014) the departments, which is the largest political and administrative unit, began to obtain budgets independent from the central power. As well, democracy becomes more evident and direct among citizens making the role of the state more visible, increasing citizen participation and improving the quality of institutions, it could be a factor that make Peruvians more involved in regional elections than in presidential ones.

In addition, the constant scandals of corruption that have involved all the presidents democratically elected since 1990 could be another reason to explain the low participation in the general elections compared with the regional ones. In the case of the former presidents, while it is true, since Alberto Fujimori, all have been able to finish their mandates. Once they leave the presidential band, they fall into the hands of justice.

Another element to consider, are the elections for the Congress that take place on the same day as the presidential elections. An institution that is not seen as credible by citizens<sup>14</sup>. To this argument, Carlos Ponce (2015) mentions how the Congress of Perú became the most unrepresentative of the region due to the number of member of the chambers and the inhabitants of the country. Indeed, in term of numbers of size at the international level the comparison is only compatible with smallest countries such as Israel, Gabon, or Senegal with the difference that the addition of all the inhabitants of these countries result in less person than Perú (Tuesta, 2004). This adds to problems of corruption and distrust in the parties of the congressmen plus the low credibility in the presidential figure and the congress, it could exacerbate the effect produced by the reduction in the amount of the electoral fine reducing. Furthermore, the first election in which there was a clear differentiation in the levels of participation was in the general elections of the year 2011. As shown in the following table, it can be seen more clearly how for the first time the districts are grouped around their poverty levels in a homogeneous way in disparate segments of participation.

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<sup>14</sup> According to the data delivered by IPSOS The credibility of the Peruvian Congress was 31% (2006), 20% (2009), 9% (2013), 22%(2016). Source <https://bit.ly/2Hq04py>

Table 9. Poverty category \* turnout percentage General elections 2011

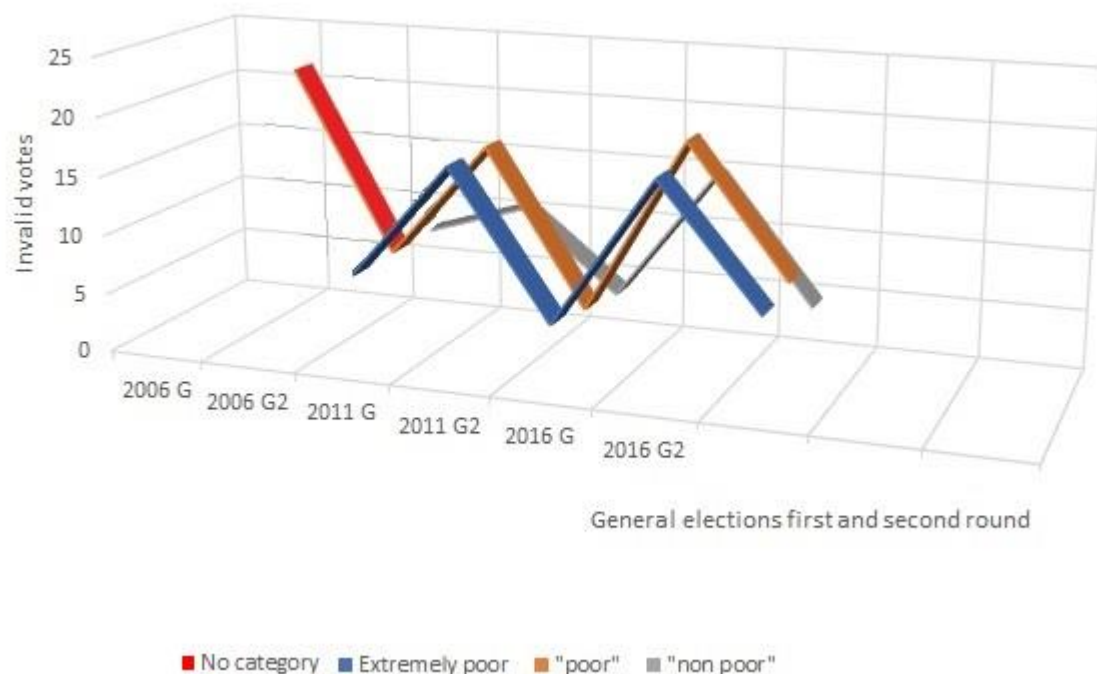
Poverty category	EP	Count	Turnout percentage				Total
			0-65%	65-75%	75-85%	85-100%	
		Count	5	9	14	2	30
		Expected Count	2,2	7,0	13,3	7,4	30,0
		% within Poverty category	16,7%	30,0%	46,7%	6,7%	100,0%
		% within Turnout percentage	83,3%	47,4%	38,9%	10,0%	37,0%
		Adjusted Residual	2,4	1,1	,3	-2,9	
	No P	Count	1	2	11	13	27
		Expected Count	2,0	6,3	12,0	6,7	27,0
		% within Poverty category	3,7%	7,4%	40,7%	48,1%	100,0%
		% within Turnout percentage	16,7%	10,5%	30,6%	65,0%	33,3%
		Adjusted Residual	-,9	-2,4	-,5	3,5	
	P	Count	0	8	11	5	24
		Expected Count	1,8	5,6	10,7	5,9	24,0
		% within Poverty category	0,0%	33,3%	45,8%	20,8%	100,0%
		% within Turnout percentage	0,0%	42,1%	30,6%	25,0%	29,6%
		Adjusted Residual	-1,7	1,4	,2	-,5	
Total		Count	6	19	36	20	81
		Expected Count	6,0	19,0	36,0	20,0	81,0
		% within Poverty category	7,4%	23,5%	44,4%	24,7%	100,0%
		% within Turnout percentage	100,0%	100,0%	100,0%	100,0%	100,0%

Own elaboration with SPSS and electoral data from ONPE (2019)

In the case of the segment of districts that had a percentage of participation equal to or less than 65%, the 83% of the total of districts that fall into this category correspond to the districts categorized as extremely poor, showing for the first time an average of participation under 70 percent and in also concentrated in the same level of poverty. At the other extreme, of districts with participation percentages above 85%, those categorized as non-poor reach 65% of the total number of districts, while the extremely poor reach 10% and the poor 25% respectively. In summary, what can be said is that the reduction of the fine was sharp for the poorest sectors that came to pay almost ten times less than before the reform. This would not generate enough incentives to get people to the polls. As well, it would keep the districts classified as non-poor within similar ranges of participation, something that finds support in the literature that explains the correlation of wealth, education and participation.

Another element visualized during the revision of the data, it was the behavior of the voters of the poorest sectors and its interaction with invalid votes during general elections. In the same way as the percentage of participation was declining over the years, due, among other factors, to the reduction of the electoral fine, the number of invalid votes decreases in a more notorious way. As can be seen in the following figure, in the first and second rounds of the 2006 general elections, the division between categories of poverty was not made yet. Thus, it is not possible to see the behavior according to categories of poverty. Anyway, it can be seen a clear decrease in the percentage of people marking an invalid vote between the first and the second round.

Figure 10. Invalid votes in general elections 2006-2016



Own elaboration using the electoral data of ONPE (2019).

Later, during the general elections of 2011, with the categorization by poverty levels it was possible to observe how during the first round the percentage of people who mark an invalid vote was similar among poor and extremely poor districts with 17%. While it is true, in non-poor districts the percentage of invalid votes was 10,65%, it represents a smaller gap than the one existing in the participation. The interesting thing is that in the second round, this percentage decreases almost to the same level in all the categories of poverty with percentages of 5,69% (EP), 4,77% (P), and 3,94% (NP). Something that became more visible during the general elections of 2016, with all the districts within the range of 14,91% and 18,11% of

invalid votes in the first round, and then diminishing to 8,17%, 8,68%, and 4,45% from extremely poor to non-poor. In the following graph can be seen that the three categories of poverty in the second electoral rounds are almost at the same level. This situation of falling in the percentages of invalid votes in the second electoral rounds it could also happen in the case of regional elections. Moreover, because the second round for regional elections does not take place in all the departments at the same time, it is not possible to extend the analysis to this level.

Among the possible explanations for this phenomenon could be found in the fact that with the decrease in the number of voters, those who persist in exercising their right to vote in the second round would have an additional motivation, considering that the effect of the fine became a weak measure to enforce people to vote. This finds support also in the literature that describes as in compulsory voting systems, the percentage of invalid votes would come to represent the percentage of abstention. As well, this behavior is in line with the literature that describes that in the second electoral rounds the number of invalid votes decays in the Latin American context (Cohen, 2016) were votes becomes more valuable if the elections are more competitive. As an example, we can mention the result of the presidential elections in the second round of 2016 between Pedro Pablo Kuczynski and Keiko Fujimori, in which the center-right candidate obtained 50,12% of the votes against a 49.88% on the part of Fujimori making these elections the closest elections in the history of Perú and the most hard-fought that has record in South America at the presidential level. In this context, the percentage of invalid votes was 7,08 percent. What calls the attention of this situation, is that although it is true, Hirczy (1994) and Cohen (2016) raise a relation between the regimes with compulsory voting and the proliferation of invalid voting. None had mentioned that in the second turns the behavior of people, independent of their social class, becomes more homogeneous. Partly, certainly, due to the special characteristics of the Peruvian case that has its population divided by poverty categories. However, it can be considered as a small finding of this thesis.

## Conclusion

The debate regarding compulsory voting takes importance considering the low participation rates in elections around the world in the last decades. Therefore, in the states in which the vote is compulsory, the rules to enforce its citizens to go to the polls appears as the key element when establishing the success of its electoral system. In the Peruvian case, as evidenced throughout this thesis, it can be seen how a measure that sought to turn the system into something fairer, ended up making the fine not relevant, and inoperative to enforce people to vote, diminishing specifically the participation of the poorest. Nevertheless, it is necessary to mention that fines are one variable among many others that influence the behavior of the voter. Therefore, their interaction with the aforementioned elements such as the lack of credibility of the politicians, the high economic fragility of the people living in the poorest segments of the population, or territorial characteristics in which there are still large non-urbanized spaces could further decrease the incentives to vote.

With the data exposed, it is possible to confirm the correlation of wealth and participation, that already has a vast support in literature, due to results showing that non-poor districts are having higher levels of participation in every election measured since the beginning of the reform. Moreover, even with the results of the regional election of 2014, which show an increase in the electoral participation with respect to the presidential elections of 2011, the poorest districts were always those that had the lowest levels of participation. In this way, making the hypothesis that a decrease in the amount of the fine would affect the participation of the poorest districts more than the non-poor districts can be considered positive. Regarding the implications of this type of policy the debate is more complex. For one side, it can be argued that in this way the poorest segments of the population are under-represented, and as Liphjart (1997) mentions, their interests and the promotion of redistributive policies would be affected. However, to prove this idea, it would be necessary to make a revision of the way in which these districts are voting. Later, make a review of the political programs of the candidates for which the poorest districts vote to see if they have a redistributive tendency in the policies they claim to represent. And that would be part of another investigation or thesis. In another aspect, with the revision of the data obtained from the fines collected by the JNE, it can be observed how the lack of communication between state apparatuses can lead to a reform that sought to alleviate the economic burden for the poorest, obviates first that the institution in charge of making the collection of money, was not properly doing it.

In the aspect of the invalid votes, this thesis sought to contribute to the literature that said that in the second round of elections the number of invalid votes tends to decrease in the South American spectrum. By means of the hypothesis that the reduction of the invalidated votes would be transversal to the first and the second round, because with the reduction of the fine only the citizens more interested in politics will be the ones attending the polling station. And those who were originally going to vote just to not pay the fine, and who were an important source of invalid votes, would now stay at home because the fine was much cheaper. However, this was not the case, and the pattern described in the literature was repeated, in which the first round has a higher number of invalid votes than in the second. Nonetheless, what was evidenced and at least until the knowledge of this thesis has not been investigated, that by lowering the amount of the fine and therefore reduce incentives and weaken the measures to force citizens to vote, the turnout of the Peruvian electorate in the case of the poorest districts is similar to the percentages of participation of countries with voluntary system. For example, in the general elections of 2011, comparing the global percentages of participation in countries of voluntary vote delivered by Solijonov (2016), the percentages of participation were within the same range.

Finally, although it is true, the debate regarding the ethical and moral consequences of compelling citizens to vote, should also consider aspects such as the guarantees given by the states, to guarantee that citizens will find all the necessary tools to make an accurate decision according to their needs and convictions. First, in order to achieve this, edges such as public education, or an economy that allows people to develop comprehensively in society, and leave time to reflect in politics, and not to work only to survive, are pending issues in a underdeveloped countries such as Perú. Thus, the jump to the voluntary voting system, requires minimum guarantees, that after the bibliographic revision made for this work, still do not exist in the Inca country.

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Appendix 1. List of the 81 district and its categories of poverty in the period 2006-2016.  
Retrieved from <http://cort.as/-IQOn>

<b>Department</b>	<b>Province</b>	<b>District</b>	<b>2006R</b>	<b>2010R</b>	<b>2016G</b>
Cusco	Paruro	Accha	EP	EP	EP
Junin	Concepcion	Aco	P	P	P
Ayacucho	Victor Fajardo	Alcamenca	EP	P	P
Arequipa	Caraveli	Atico	No P	No P	No P
Puno	Puno	Atuncolla	EP	P	P
Puno	Azángaro	Azángaro	P	EP	EP
Piura	Sechura	Bernal	P	No P	No P
Lambayeque	Ferreñafe	Cañaris	EP	EP	EP
Piura	Plura	Catacaos	P	No P	No P
San Martin	Lamas	Caynarachi	EP	No P	No P
Ica	Nasca	Changuillo	P	No P	No P
Ica	Chincha	Chavin	EP	No P	No P
Cajamarca	Cajamarca	Chetilla	EP	EP	EP
Lima	Huarochiri	Chicla	P	No P	No P
Amazonas	Rodriguez de Mendoza	Chirimoto	EP	P	P
Cajamarca	Chota	Choropampa	EP	EP	EP
Huancavelica	Churcampa	Churcampa	P	EP	EP

Cajamarca	Chota	Conchan	EP	P	P
Ancash	Pallasca	Conchucos	EP	EP	EP
La Libertad	Bolívar	Condormarca	EP	EP	EP
Lima	Cajatambo	Copa	EP	EP	EP
Cajamarca	Celendin	Cortegana	EP	EP	EP
La Libertad	Sánchez Carrión	Curgos	EP	EP	EP
Puno	Chicuito	Desaguadero	P	P	P
Amazonas	Condorcanqui	El Cenepa	EP	EP	EP
Ica	Nasca	El Ingenio	P	No P	No P
Junin	Huancayo	El Tambo	No P	No P	No P
Madre De Dios	Manu	Fitzcarrald	EP	No P	No P
Piura	Ayabaca	Frias	EP	EP	EP
Ayacucho	Victor Fajardo	Hualla	EP	EP	EP
Huancavelica	Castrovirreyna	Huamatambo	EP	EP	EP
La Libertad	Julcán	Huaso	EP	P	P
Apurímac	Andahuaylas	Huayana	EP	P	P
Madre de Dios	Tahuamanu	Iberia	P	No P	No P
Madre de Dios	Tambopata	Inambari	P	No P	No P
Tacna	Jorge Basadre	Ite	No P	No P	No P
Cajamarca	San Marcos	José Manuel Quiroz A	EP	EP	EP
Cajamarca	San Marcos	José Sabogal	EP	EP	EP
Apurimac	Andahuaylas	Kaquiabamba	P	P	P
Cajamarca	Celendín	La Libertad De Pallán	EP	EP	EP
Callao	Callao	La Punta	No P	No P	No P
Cajamarca	Cutervo	La Ramada	EP	P	P

Madre de Dios	Tambopata	Las Piedras	P	No P	No P
Piura	Talara	Lobitos	P	No P	No P
Cusco	Quispicanchi	Lucre	P	P	P
Cusco	Urubamba	Machupicchu	No P	No P	No P
Madre De Dios	Manu	Madre De Dios	P	No P	No P
Ica	Nasca	Marcona	No P	No P	No P
Ancash	Yungay	Matacoto	EP	No P	No P
Cajamarca	Chota	Miracosta	EP	EP	EP
Junin	Jauja	Molinos	EP	No P	No P
Puno	Lampa	Nicasio	P	P	P
Ica	Ica	Ocucaje	P	No P	No P
Junin	Jauja	Paca	EP	No P	No P
La Libertad	Chepen	Pacanga	P	No P	No P
Moquegua	Ilo	Pacocha	No P	No P	No P
Junin	Tarma	Palcamayo	P	P	P
Ica	Pisco	Paracas	No P	No P	No P
Amazonas	Luya	Pisuquia	P	P	P
Puno	Puno	Plateria	P	P	P
La Libertad	Trujillo	Poroto	P	No P	No P
Apurimac	Grau	Progreso	EP	P	P
Cajamarca	Cutervo	Querocotillo	EP	EP	EP
Huanuco	Huanuco	Quisqui	EP	P	P
Cajamarca	Jaen	San Felipe	EP	EP	EP
Amazonas	Luya	Santa Catalina	EP	P	P
Ayacucho	Huanta	Santillana	EP	EP	EP

Ayacucho	Victor Fajardo	Sarhua	EP	EP	EP
La Libertad	Santiago De Chuco Si	Sitabamba	EP	EP	EP
Cajamarca	Celendin	Sorochuco	EP	EP	EP
Huancavelica	Castrovirreyna	Tantara	EP	EP	EP
La Libertad	Pataz	Taurija	EP	P	P
Pasco	Pasco	Ticlacayan	EP	EP	EP
La Libertad	Bolívar	Ucuncha	EP	EP	EP
Puno	Yunguyo	Unicachi	P	P	P
Cajamarca	San Miguel	Union Agua blanca	P	P	P
Cusco	Chumbivilcas	Velille	EP	EP	EP
Piura	Morropon	Yamango	EP	P	P
Loreto	Requena	Yaquerana	EP	EP	EP
San Martin	Rioja	Yorongos	P	P	P
Puno	Yunguyo	Yunguyo	P	P	P
R:REGIONAL					
G: GENERAL					