

## Peru's election

# A dangerous farce

**Daft decisions from the electoral authority subvert democracy and undermine the rule of law**

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FOOTBALL fans are familiar with the occasional match in which the referee changes the course of the game by mistakenly sending off players and awarding a dubious penalty or two. Peruvians are discovering, to their bemusement, that the referee can determine who wins in politics, too. On April 10th they will go to the polls to choose a new president. Two names, those of Julio Guzmán and César Acuña, will not be on the ballot, although polls promised them almost a quarter of the vote between them. However, barely a month before the election and after weeks of legal gyrations, the electoral authority disqualified them.



Mr Guzmán, who had a good chance of reaching and winning the probable run-off ballot and thus becoming president, was thrown out because the small party which had adopted him changed its procedure for choosing its candidate without informing the electoral authorities beforehand. Mr Acuña was expelled for handing out a total of around \$4,400 during a couple of campaign stops.

“The law is the law,” parroted many of the two men’s rivals and Peru’s media establishment. Fine, except that in this case the law is an ass, is being misapplied and, it seems, is not the same for everyone. The electoral law has been disfigured by frequent amendments and absurd regulatory detail. Nobody in Mr Guzmán’s party complained of a violation of internal democracy. Disqualification is a grossly disproportionate punishment and elevates a minor administrative error above the constitutional right to participate in politics. Mr Acuña fell foul of a provision approved only in mid-January that bars candidates found to have handed out money or gifts.

Then videos emerged of Keiko Fujimori, long the front-runner, at a hip-hop competition organised by her party's youth group at which the winners were given prizes of about \$90 each. Facing the prospect of an election deprived of all credibility, the parrots changed their tune. The law, it seems, is not always the law. An electoral tribunal, in a judgment smuggled out at 12.05am on Good Friday, decided that Ms Fujimori should not be disqualified. It rejected a similar allegation against another candidate. But Ms Fujimori's campaign was in any event unfairly damaged by the referee's actions, since she was wrongly blamed for Mr Guzmán's exclusion.

#### A warning for Latin America

Since democracy spread across Latin America in the 1980s, no presidential candidate has been banned so close to an election. Some Peruvians spy partisan conspiracy; the charitable view is that it is blind incompetence. Whatever the explanation, the winner of the election will enjoy less than full legitimacy. That is unfortunate: even by Latin American standards, Peruvians are contemptuous of their politicians and dissatisfied with their democracy. If Peru is to remain a Latin American growth star, it needs reforms that only a strong and credible government can provide (see [article](http://www.economist.com/news/americas/21696541-latin-american-success-story-threatened-political-weakness-choosing-new-broom) (<http://www.economist.com/news/americas/21696541-latin-american-success-story-threatened-political-weakness-choosing-new-broom>) ). The worry is that it will see social conflict and lawlessness instead.

Peru's electoral farce also holds a wider warning for the region. Faced with weak political parties and cronyism, Latin American countries tend to respond with regulatory overkill. Like the red tape that chokes business, this fails to achieve its aim, because it brings the law into disrepute and leads people to break the rules. Many of the region's democracies need reforms to restore public trust in politics. The touchstone for these should be: the simpler the better. They should deter wrongdoing, not upend elections because of procedural slip-ups. Above all, if in doubt, don't ask the lawyers to decide: look to the voters instead.

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