

Date Printed: 04/21/2009

JTS Box Number: IFES_66
Tab Number: 11
Document Title: 1997 Federal Election process : Basic
information
Document Date: 1997
Document Country: Mexico
Document Language: English
IFES ID: CE01009

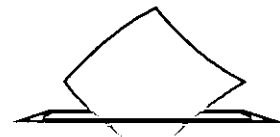


* A 5 0 B 5 7 9 E - 3 0 D D - 4 7 A 4 - A 7 A 0 - 2 F 5 6 A F 4 F D F C 1 *

1997

***Federal
Electoral
Process***

Basic Information



IFE

INSTITUTO FEDERAL ELECTORAL

UPDATING THE MEXICAN ELECTORAL SYSTEM

- In the last few years, a systematic process of revision and updating of the electoral rules, institutions and procedures has been conducted in Mexico, with the purpose of answering with certainty and opportunity the social mandate to strengthen democratic plurality, to consolidate a competitive party regime and to attain the highest degree of transparency, impartiality and trust in the organization of elections.
- This important process has involved the active and co-responsible effort of the Executive and Legislative Branches of the Union, the political parties and the citizenry, which is gradually becoming more plural, critical and participating. The magnitude and reach of the changes agreed upon has been expressed in the approval of four projects of constitutional and legal reforms between 1989 and 1996.
- The first of these reforms, developed in 1989 and 1990, resulted in the adoption of a new legislation in the matter: the Federal

Code of Electoral Institutions and Procedures currently in place. One of its main innovations was the creation of the Federal Electoral Institute as a permanent and autonomous institution responsible for the state function of organizing elections.

- The main contributions and innovations of the second reform, approved in 1993, were related to the widening of spaces for plural representation and participation in the conformation of the Congress, and the guarantee of greater equality in the political contest.
- The third process of reform was developed from the commitment of leaders and presidential candidates of eight national parties contending in the 1994 federal election, in order to ensure a credible and legal election. This culminated in May of that year with a new package of changes and additions, mainly a significant increase in the influence of independent councillors

who formed the governing bodies of the Federal Electoral Institute, as well as the attributions of these collegiate bodies.

- The most recent reform was completed on the second semester of 1996, making important contributions regarding the strengthening of a competitive regime of political parties, as well as better conditions for an equal electoral contest, thus consolidating the attributions of independence and autonomy of the institution endowed with electoral authority. Other important innovations are related to electoral justice and electoral regimes on the local level.
- In sum, a systematic effort has been developed —not without difficulties— in order to build a juridical and institutional framework adequate to answer the social imperative of guaranteeing transparent, impartial, fair and legal elections.

1997 FEDERAL ELECTIONS

In Federal elections to be held on Sunday July 6th, 1997, organized and conducted by the Federal Electoral Institute, the following positions of national representation will be renewed:

- The 500 members of the chamber of Deputies, 300 of which are elected by the principle of relative majority in 300 single member districts, and 200 by the principle of proportional representation, who are elected by lists in five multi-member districts.
- A quarter of the 128 members of the Senate. This time 32 senators will be elected by the principle of proportional representation, by means of lists to be voted in a single multi-member district, which is an innovation introduced by the 1996 electoral reform. The other 96 seats of the Senate will be renewed until the year 2000, three of them in each of the 32 states; two by the principle of relative majority, whereas the third one will be assigned to the first minority.

There are eight national political parties with the required register to participate in the next federal election:

- National Action Party (Partido Acción Nacional, PAN).
- Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI).
- Democratic Revolution Party (Partido de la Revolución Democrática, PRD).
- Cardenista Party (Partido Cardenista, PC).
- Labor Party (Partido del Trabajo, PT).
- Green Ecological Party of Mexico (Partido Verde Ecologista de México, PVEM).
- Popular Socialist Party (Partido Popular Socialista, PPS).
- Mexican Democratic Party (Partido Demócrata Mexicano, PDM).

On the same day local elections will be conducted in eight states. These local elections are regulated according to each state's

legislation, and they are also organized by the state's electoral institutions, with the sole exception of the Federal District.

- In six states (Campeche, Colima, Nuevo León, Querétaro, San Luis Potosí, and Sonora) there will be elections for governor, local congress and city councils.
- In Guanajuato only the local congress and the city councils will be renewed.
- In the Federal District for the first time the Mayor will be elected, instead of being appointed by the President of the Republic, and the 66 seats of the Legislative Assembly will be renewed.

Since the Federal District will now have its own legislation and electoral authorities, like the other 31 states, the 1997 local elections will be the last ones to be organized by the Federal Electoral Institute.

NATURE AND ATTRIBUTIONS OF THE FEDERAL ELECTORAL INSTITUTE

The Federal Electoral Institute, formally created on October 11th of 1990, is the public, autonomous and permanent institution responsible for the state function of organizing federal elections.

This Institute is endowed with legal status and patrimony of its own, is independent for its decisions and functioning, has a professional performance, and is constituted by the Legislative Branch of the Union, the national political parties and the citizenry.

In order to ensure a professional development of its activities, the Institute relies in a group of officials who are recruited, trained and systematically evaluated in a civil career service.

By constitutional mandate, the exercise of functions performed by the Federal Electoral Institute is to be governed by the ruling

principles of certainty, legality, independence, impartiality and objectivity.

In the structure and functioning of the Institute there are three kinds of bodies:

- Direction, with the collegiate structure of councils, where only Councillors without party links or state links have the right to vote.
- Technical-Executive, formed mainly by members of the Professional Electoral Service organized in Executive Boards.
- Surveillance, formed by representatives of political parties grouped in Commissions who have exclusive attributions related to the registry of electors.

Since organization and functioning of the Institute are ruled by the principle of decentralization, these three kinds of bodies are represented on the central and state levels (a delegation per each of the 31 states and the Federal District), on the district levels (a sub-delegation per each of the 300 single member districts), which allows it to cover the whole country.

Electoral reforms developed since the creation of the Institute have significantly affected its integration and attributes. The 1996 electoral reform reinforced its autonomy and independence by separating completely the Executive Branch from its integration and reserving the right to vote to independent councillors in direction bodies.

COMPOSITION OF THE GENERAL COUNCIL

The General Council is the highest direction body of the Federal Electoral Institute, responsible for surveying the fulfillment of constitutional and legal dispositions in electoral matters, as well as ensuring that principles of certainty, legality, independence, impartiality and objectivity guide all activities performed by the Institute.

It is formed by members with voice and vote (always nine) and members with voice but no vote (currently 13). The nine members with voice and vote are the President Councillor and eight Electoral Councillors, who are elected for a seven year term (initiated on October 31st of 1996), by a two-thirds vote at the Chamber of Deputies, after being presented as candidates by the parliamentary groups at the Lower Chamber.

Members with voice but no vote are the Councillors of the Legislative Branch (currently four, one per each parliamentary group

with party affiliation represented in congress); representatives of the national political parties (presently eight, one per each party) and the Executive Secretary of the Institute, who is appointed by a two-thirds vote at the General Council after her/his candidacy is presented by the President Councillor.

Among its main attributions conferred by law are the following:

- To appoint the presidents of the direction bodies on the local level (Local Councils) and on the district level (District Councils).
- To decide on the granting and revoking of register for political parties and political groups.
- To determine maximum ceilings for campaign spending in Presidential, Deputies and Senators elections.

- To count the total votes for elections of senators and deputies of proportional representation, and to conduct the corresponding appointments.
- To establish the general programs and policies of the Institute.

The General Council will form as many commissions as it deems necessary in order to perform its functions. These commissions are to be presided by an Electoral Councillor. The law also establishes the permanent functioning of five commissions which are to be formed exclusively by Electoral Councillors as follows:

- Control of Resources of Political Parties and Political Groups.
- Prerogatives, Political Parties and Broadcasting.
- Electoral Organization.
- Professional Electoral Service.
- Electoral Training and Civic Education.

ELECTORAL REGISTRY

In Mexico suffrage is universal, free, secret, direct, personal and non-transferable. All Mexican nationals by birth or naturalization who are 18 years of age or older and have an honest way of living (requirements established by the Mexican Constitution in order to attain the status of a citizen, and consequently acquire the inherent political rights) have the right to vote. However, in order to exercise this right, it is necessary for all citizens to be included in the electoral roll and to have obtained the photo-identification voting card, which is issued free of charge by the Federal Electoral Institute.

The timely integration and permanent updating of the different instruments of the electoral registry (General Electors Catalogue, Electoral Roll, Voting Card and Nominal Lists) constitutes an essential requirement to ensure the transparency and certainty of electoral processes.

In order to guarantee its complete authenticity and transparency, for the 1991 federal election a new electoral roll was created without using any previous register or list, by means of house to house visits throughout the country (census technique).

Starting with a database of about 45 million citizens 18 years of age or older, an electoral roll was integrated with 39 million names, and a new voting card was delivered to more than 36 million people, thus achieving one of the biggest electoral registers in the world in only eight months, with the highest international standards in terms of coverage and dependability.

Starting from a complete updating strategy for the electoral roll, for 1994 federal election the photograph of the elector was incorporated to the voting card. A coverage of more than 47.5 million

citizens was achieved (over an estimate of 50 million), of which 45.8 million or 96% obtained their new photo-identification voting card. Results of 36 audits and verifications made to the 1994 electoral roll reported a level of accuracy superior to 96%.

Since 1993, political parties are able to access the contents of the database and images, source documents and entries of the Electoral Roll, so that at all times they are able to consult and obtain the information they require.

For the 1997 federal election the photograph of every single citizen will be included in the nominal list used on election day, and many revisions and audits will be applied. 53 million citizens are already inscribed in the roll, out of a universe of 55.5 million citizens, and around 50 million will have their photo-identification voting card.

PARTY FINANCING

Since 1989, when the right of political parties to public financing was established, various dispositions have been developed and perfected in order to regulate as clearly, precisely and completely as possible the financial regime of political parties.

By constitutional mandate public financing must prevail over other kinds of financing regulated by law. Party financing is conducted in three ways:

- To support permanent ordinary activities, of which 30% is distributed on an equal basis, and a 70% is distributed according to the percentage of votes obtained by each party.
- For campaign spending, granted only on election year, equaling the amount granted for ordinary activities.

- For specific activities carried out by parties acting as public interest organizations. This financing is granted according to financial requirements for education, training, research and publishing activities.

Starting in 1993 the law defined four private financing sources: party members, sympathizers, self-financing and financial profits.

There are certain restrictions (annual percentage limits fixed according to the total amount of public financing destined to permanent ordinary activities of all political parties), to contributions of sympathizers and financial profits.

The law mentions explicitly and exhaustively diverse public and private entities, both national and foreign, who are legally impeded to make contributions or donations. These are the Executive, Legislative

and Judicial Branches of the Federation, and the states, as well as city councils, with the sole exception of certain donations permitted by law. On the other hand, contributions of international organizations and Mexican commercial companies are also prohibited.

All parties must have an internal body responsible for presenting annual and campaign reports on the origin, amount, destination and application of resources coming from any financing source.

Electoral legislation classifies accurately the kind of administrative offenses and irregularities that a political party can commit, specially those related to its financial regime. The Federal Electoral Institute General Council can apply sanctions foreseen by law when these offenses occur, taking into account the context and extent of the offense.

ACCESS TO MASS MEDIA

In order to guarantee that all political parties will be able to disseminate their programs and electoral platforms, in 1973 their right to free time on radio and television during electoral periods was acknowledged, by destining to them official broadcasting time belonging to the state.

Starting in 1987, the right to free time on radio and television acquired a permanent character, and not only during electoral periods. 15 minutes of broadcasting per month were thus granted to each political party.

Regardless of the 15 minutes per month available to them for free, political parties also have the right to additional free time during electoral campaigns in order for them to disseminate their candidacies.

This additional time comprises not only the assignation of up to 250 hours of broadcasting on radio and 200 on television for the election of President of the Republic (downsizing to half this time during legislative elections such as the 1997 election), but also the monthly acquisition of up to 10 thousand advertisements on radio and 400 on television, 20 seconds each, on the part of the Federal Electoral Institute.

70% of additional time is distributed on an equal basis, and 70% proportionally to their electoral strength.

The law acknowledges the exclusive right of political parties to pay for commercial time on radio and television during electoral periods, and it also contains dispositions oriented to guaranteeing equality conditions in this matter. Under no circumstance will the

acquisition of propaganda for or against any political party be allowed to third parties.

The Federal Electoral Institute is able to suggest to the National Chamber of Radio and Television industry general principles deemed convenient to be applied in news programs regarding information or dissemination of political parties campaign activities.

One of the most recent innovations in this area is the acknowledgment of the possibility for parties, candidates and coalitions to clarify information presented by mass media during electoral campaigns, when they consider that the media has misrepresented facts or situations because of their personal activities or characteristics.

LIMITS TO CAMPAIGN SPENDING

In order to ensure equality conditions in the electoral contest, in 1993 new dispositions were incorporated to the electoral legislation, in order to allow the Federal Electoral Institute to establish ceilings on campaign spending for political parties, coalitions and candidates during campaigns for Presidential, Senators and Deputies elections.

It is a faculty of the Federal Electoral Institute General Council to agree upon and approve campaign spending ceilings to be applied in all federal elections.

The law establishes the following concepts among ceilings to campaign spending:

- Propaganda spending: destined to advertising on public walls, fliers, posters, speakers, renting a local for political meetings, memorabilia and similar objects.
- Operative campaign spending: salaries of temporary staff, office loans and acquisition of furniture, transporting people and material, traveling allowances and similar needs.
- Propaganda on newspapers, radio and television: spending in messages, advertisement and similar announcements, with the objective of attracting voters.

On December 3rd of 1996 session, the General Council approved the Agreement to establish ceilings to campaign spending for the election of deputies of relative majority and senators of proportional representation to be held on July 6th, thus establishing the following dispositions:

- The ceiling on spending for the election of each of the 300 deputies of relative majority was established in about 676 thousand Mexican pesos (\$84,500 USD, using an exchange ratio of 8 pesos=1 dollar).
- The ceiling on spending for the election of the 32 senators of proportional representation was established in about 176.2 million pesos (\$22 million USD).

Political parties have the obligation to present a report on the spending of each electoral campaign for their candidates, 60 days after closing political campaigns at the latest.

Each report must contain the origin, amount and destination of resources being used to finance spending described above.

POLLING STATION DIRECTIVE BOARDS

Polling station directive boards are electoral bodies formed by citizens responsible for respecting and enforcing the freedom and effectiveness of suffrage, guaranteeing vote secrecy and ensuring authenticity in tallying votes during the election.

In order for electors to be able to vote close to their home, the law establishes that a minimum of 50 and a maximum of 1,500 electors, will correspond to each electoral section (basic cell of territorial division for electoral purposes), and a polling station will be installed per each 750 electors or fraction.

If two or more polling stations are required in the same section, generally they must be installed next to each other. If there is not an adequate place to do so, the law establishes these will be installed in different places according to the concentration and distribution of electors in each section.

Apart from these ordinary polling stations there are extraordinary and special polling stations. When the geographical conditions of a given section difficult the access of all electors to the same booth, extraordinary polling stations can be installed in places of easier access. In order to receive the votes of electors temporarily away from their home address, the installation of up to five special stations per each electoral district is permitted.

The polling station directive board is formed by a president, a secretary and two scrutineers, as well as three general substitutes, that is to say, a total of seven members who must be residents of the respective electoral section. They are selected by means of a double lottery prescribed by law, and they are assigned a specific role in the polling station according to their education level, after receiving some training by the Federal Electoral Institute.

Before the election, the lists containing the exact localization of polling stations to be installed in each section must be published in newspapers once or twice, as well as the name of the members of each polling station directive board. Normally on election day these lists are published once more in the local newspapers of each state.

Each political party has the right to appoint two regular representatives and one substitute per each polling station. On election day polling stations must be installed to start voting by 8:00 a.m., and voting shall be closed at 6:00 p.m., unless there are still people outside standing in line to cast their vote. In this case the polling station shall be closed until all these people have voted.

POLITICAL GROUPS

One of the main innovations introduced by the 1996 electoral reform is the juridical acknowledgment of national political groups, defined as citizen associations contributing to the development of democratic life, and to the creation of a better informed public opinion.

According to electoral legislation, under no circumstance can national political groups use the name "party" or "political party", and they can only participate in federal elections by signing a participation agreement with a political party, but not as a coalition.

In any case, common candidates contending by means of participation agreements between a political group and a political

party, will have to be registered as candidates of the political party, and be identified with the party's name, symbol and colors.

In order to obtain its register as a national political group, the interested organization must accredit before the Federal Electoral Institute a minimum of seven thousand members in the country, to have a national steering body and delegations in at least 10 states, and to have a name and basic documents different from other organizations.

Registered political groups have the right to a special tax status as well as public financing to support their activities related to

publishing, political education and training, as well as social, economic, and political research.

For public party financing the law establishes the integration of a fund consisting of 2% of the amount given every year to support political parties' ordinary activities. Political parties cannot receive more than 20% of this fund every year.

In order to prove spending on public financing, political groups must present every year the corresponding receipts, and they must also present an annual report on the origin, source, and destination of resources from any financing means, which are all subject to the same rules applied to reports presented by political parties.

ELECTORAL OBSERVERS

With the 1993 electoral reform the exclusive right of Mexican citizens to participate as observers of electoral activities is introduced and regulated in electoral legislation.

Mexican citizens will be able to participate as observers to watch the preparation and development of the electoral process, as well as other activities determined by the Federal Electoral Institute General Council. Observation activities can be carried out in any location throughout the country.

Only citizens who have timely obtained their accreditation issued by the electoral authority can participate as observers. In order to do so, they must meet the following requirements:

- To present their application form adequately completed as established in the law, including the commitment to behave according to principles of impartiality, objectivity, certainty

and legality, and to have no links with any political party or organization.

- Not to be or have been a leader of any political party or organization, on the national, state or municipal level, nor have been a candidate for any position of popular election during the three years previous to the election.
- To attend the training or information courses prepared by the Federal Electoral Institute or by their own organizations.

On election day observers must show their identity badges in order to be present in the polling stations, as well as in the office of the corresponding District Council, and they can attend activities such as the installation of the polling station, casting of votes, tallying and counting votes, placing the list with the final results on the outside of the polling station, closing the polling station and reading results at the District Council.

Observers must refrain from trying to replace or obstructing the electoral authorities in their duties, proselytizing in any manner, standing for any party or candidate, and declaring the victory of any political party or candidate.

Observers must present a report of their activities to the electoral authority when and how the General Council determines. Under no circumstance can their information, opinion or judgment have a juridical effect on the electoral process and its results. For the 1997 election on December 23rd of 1996 the General Council approved an agreement establishing rules for the accreditation and activities of electoral observers. Mexican citizens who are interested in obtaining their accreditation will have a deadline on May 31st of 1997 to present the corresponding application.

INTERNATIONAL VISITORS

- As a result of the 1994 electoral reform, the law allows the Federal Electoral Institute General Council to invite and agree on the bases and criteria to attend to and inform international visitors interested in the developments of any stage of the election.
- Exercising this attribution, for the federal election held on August 21st of 1994 the General Council approved in June of 1994 an agreement ruling for the first time on the presence of "guest international visitors" interested in attending the development of the federal elections. In 1994, 945 international visitors were accredited.
- Due to the interest expressed by representatives of many international institutions and organizations to attend the developments of the election to be held on July 6th of 1997, the Federal Electoral Institute General Council approved a new agreement on this issue on February 21st, establishing bases and criteria to receive and inform international visitors.
- The current agreement established that the Federal Electoral Institute should publish a notice addressed to the international community so that interested foreign individuals could timely obtain their accreditation as international visitors. Dissemination of this notice was initiated on March 7th.
- Foreign individuals interested in obtaining their accreditation will be able to do so by filling up an application form before June 21st of 1997. Both the notice and the applications forms are available at the Federal Electoral Institute's offices in the capital cities of the states, as well as in Mexican Embassies and Consulates around the world.
- Accredited international visitors will be aided by the authorities of the Federal Electoral Institute in order to meet with other authorities and electoral officials to obtain information on electoral rules, institutions and procedures, as well as meetings with political groups in order to gather information on their organizations, once they have explicitly consented.
- In all circumstances international visitors must comply with the obligation of non-interference with Mexican political issues, with political parties and their candidates, or with Mexican citizens. They must also carry out their activities in a serious, respectful and responsible manner, and comply with Mexican law and legal rules applicable during their stay in the country.

ELECTORAL JUSTICE

Parallel to the development, strengthening and updating of the electoral organization and procedures, a complete system of resources and procedures has been established to solve controversies on electoral matters and reinforce control on the rule of the Constitution and the law regarding actions and decisions of electoral authorities. The 1996 constitutional and legal reform reported specially meaningful advances and innovations in the matter, such as the creation of the General Law on the System of Challenge Mechanisms for Electoral Matters.

The Electoral Tribunal with federal competence (before the 1996 reform it was called Federal Electoral Tribunal) is now part of the Judicial Branch of the Federation as an specialized body, and it is constituted as the highest juridical authority on electoral matters, with the exception of actions of non-compliance with the Constitution, which are exclusively reserved to the Supreme Court of Justice of the Nation.

The Electoral Tribunal is endowed with the following final and unappealable responsibilities:

- Federal elections for Deputies and Senators.
- Election for the President of the United Mexican States, which must be solved in the last instance by the Superior Court of the Electoral Tribunal.
- Actions and resolutions of the federal electoral authority which violate constitutional or legal rules.
- Final and firm actions or decisions of authorities in the states which are in charge of organizing or qualifying elections, or controversies resulting during the elections that can affect the development of the election or the final election result, as well as the corresponding retributions when these are possible, materially and juridically speaking.

- Actions and decisions violating political-electoral rights of citizens to vote, to be candidates, and to freely and peacefully participate in the political affairs of the country.
- Labor conflicts or differences originated between the Electoral Tribunal and its employees, and between the Federal Electoral Institute and its employees.
- Determining and applying sanctions on electoral matters.

The Electoral Tribunal is formed by a Superior Court and Regional Courts, and its sessions are public according to the law. The Superior Court is formed by seven Electoral Magistrates, and the President of the Tribunal is elected among the Superior Court members for a four year term.

Electoral Magistrates in the Superior Court and the Regional Courts are elected by a two-thirds vote of the Senate, after their candidacy has been presented by the Supreme Court of Justice of the Nation.

ID #: _____
Country MEXICO
Year 1997 Language ENGLISH
Copyright(~~FFS~~/Other) Intended Audience(Adult/~~Y~~)
Election type FEDERAL
Material type Electoral Guide C1
Notes very thorough review of many aspects of elections.