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**THE MEXICAN ELECTORAL  
SYSTEM AND THE  
FEDERAL ELECTION**



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Answers to 25 Essential Questions

The Mexican Political-Electoral System. Basic Characteristics

What is the Federal Electoral Institute? Nature, Integration and Attributions


1996 Political-Electoral Reform. General Overview of its Main Changes and Innovations.

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# ANSWERS TO 25 ESSENTIAL QUESTIONS



## Answers to 25 Essential Questions

1. **Which national representatives are elected by universal, free, secret, and direct vote?**

The President of the United Mexican States, who is elected for a six year period.

The 500 members of the Chamber of deputies, who are elected for a three year period.

The 128 members of the Senate, who are elected for a six year period.

2. **When will the next election for positions of national representation take place?**

On Sunday July the 6th of 1997 there will be an election to renew the 500 members of the Chamber of deputies and 32 of the 128 members of the

Senate<sup>1</sup>, as well as the head of the Federal District (Mexico City) government, and the members of the Federal District Legislative Assembly.

### 3. Will there be other elections on the same day?

Yes. At the same time there will be local elections in eight states:

- The states of Campeche, Colima, Nuevo León, Querétaro, San Luis Potosí and Sonora will have elections for Governor, local Congress and all the Municipalities.
- In Guanajuato both the local Congress and the municipalities will be contested in elections.
- In the Federal District (Mexico City) for the first time the head of the local government (Mayor) will be elected. Until now the Mayor was appointed by the President of the Republic. The 66 members of the Federal District Legislative Assembly will also be elected (its previous name was Assembly of Representatives).

It is important to mention that all the federal states have their own legislation and electoral authorities, with the sole exception of the Federal District, where these will be created after 1997. Accordingly, local elections are ruled by each state's legislation, and organized by these local electoral authorities.

According to the above, the following sections will refer only to federal elections.

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<sup>1</sup> According to the Mexican Constitution, starting on the year 2000 the 128 seats of the Senate will be renewed completely every six years. In order to fulfill this mandate, and due to the fact that the Senate has been renewed partially every three years, the 32 senators who will be elected in 1997 will serve for a period of two years and 10 months, only this time.

**4. Who will have the right to vote in a federal election?**

All men and women who are Mexican nationals, either by birth or naturalization. They must be at least 18 years old on election day, and have an honest way of living.

**5. Are there additional requirements for the citizen to exercise her or his right to vote?**

Yes. In order to be able to vote, all citizens must be duly enrolled in the electoral voters register and they must have their photo-identification voting card. This card is issued free of charge by the Federal Electoral Institute.

**6. Are citizens living or traveling abroad allowed to vote?**

Presently only Mexican citizens who have met the above mentioned requirements and who are in the country on election day are allowed to vote. Generally all citizens are required to go personally to the polling station corresponding to her or his home address.

**7. Who is in charge of organizing federal elections?**

According to the Political Constitution of the United Mexican States, organizing federal elections is a state function performed by a public organization that is autonomous and independent, called Federal Electoral Institute (IFE), that is endowed with juridical status and financing of its own.



The Federal Electoral Institute is formed by the Legislative Branch, the national political parties, and the citizens.

The Federal Electoral Institute headquarters are located in the Federal District (Mexico City). This Institute operates in other regions of the country by means of decentralized offices located in each of the 32 states, as well as in each of the 300 single member electoral districts throughout the country.

#### **8. What are the main functions of the Federal Electoral Institute?**

The Federal Electoral Institute is responsible for all the tasks regarding the preparation, organization, managing and surveillance of federal elections, among which are the following:

- To elaborate and continually update the voter register and the voting lists.
- To protect the rights and prerogatives of political parties and groups.
- To design and print electoral documents.
- To arrange everything for election day.
- To train citizens who will be in charge of receiving the votes and conducting the vote counting in each polling station.
- To tally results, and to issue validity certificates for the elections of deputies and senators.
- To tally results for the Presidential election.

- To regulate electoral observation, as well as electoral opinion polls.
- To design and enforce civic education programs.

**9. How is the Federal Electoral Institute organized in order to perform these tasks?**

Both on the central and decentralized levels, the Federal Electoral Institute is formed by three different kinds of bodies:

- **Direction Bodies:** constituted as Councils for deliberation and decision-making at the Federal Electoral Institute. They are responsible for surveying the fulfillment of constitutional and legal rules in electoral matters, as well as establishing rulings and issuing resolutions in all areas concerning the institution. They are constituted in a collegiate way mainly by citizen representatives with no party affiliation, who are the Electoral Councillors.
- **Technical and Executive Bodies:** constituted as Executive Boards, they are responsible for enforcing resolutions made by direction bodies. They are also responsible for conducting all the technical and administrative tasks required for the adequate preparation, organization and development of electoral processes. They are formed mainly by personnel specially recruited and trained to perform electoral services on a professional manner.
- **Surveillance Bodies:** constituted as Commissions, they have exclusive attributions regarding voters registration. They are formed mainly by representatives of the national political parties.

**10. Which body is the head of the Federal Electoral Institute and how is it constituted?**

The General Council is the Federal Electoral Institute superior direction body. It is responsible for surveying the fulfillment of dispositions established in the electoral law, as well as ensuring total compliance with principles of certainty, legality, independence, impartiality and objectivity.

There are members who have voice and vote (always 9), and those who only have voice but no vote (currently 12 members).

The nine members of the General Council who have voice and vote are the President Councillor and the eight Electoral Councillors. These are appointed for a seven year period by a two-thirds vote at the Chamber of deputies, after being presented as candidates by the parliamentary groups of the Chamber.

Members with voice but no vote are:

- Councillors from the Legislative Branch: one per each parliamentary group with party affiliation in the two Chambers of Congress. Presently these Councillors are four, because there are four national political parties with parliamentary representation.
- Representatives of national political parties: one per each party. Presently they are eight, because there are eight parties with the required register that allows them to contend in the next election.
- The Executive Secretary of the Federal Electoral Institute, who is appointed by a two-thirds vote in the General Council, after being presented as candidate by the President Councillor.

Presently the General Council is formed by 22 members, including nine who have voice and vote.

**11. Which are the political parties that will contend in the next federal election?**

The eight national political parties which have the required register in order to contend in the next federal election are the following:

- 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).

**12. What are the rights or prerogatives of political parties to contend in the election?**

On a permanent basis political parties have the right to 15 minutes of television and radio broadcasting free of charge every month. Besides,

parties being represented at the Congress of the Union will have additional air-time on radio and television in order to broadcast their spots free of charge; 30% is allocated on an equal basis, and 70% is allocated according to the electoral strength of the party.

Similarly, all parties have the right to public funding in order to perform their activities. This funding is allocated in three different manners: the first is destined to permanent ordinary activities; the second is destined to campaign spending, and the third is destined to finance specific activities allowed to them as organizations of public interest (education and political training, socio-economic and political research, and publishing).

### **13. Can political parties receive private financing?**

Yes. The law regulates four sources of private financing: party members, sympathizers, self-financing, and financial profits. However, it is necessary to enhance that according to the Mexican Constitution, public financing must always be superior to other financing sources allowed and regulated by law.

In order to guarantee equal conditions, limits are set to funding coming from private sources. Funding coming from unidentified individuals is not allowed, with the sole exception of funds obtained in party meetings, public meetings, or street rallies. All parties are required to have an office responsible for managing its financial resources and patrimony, that must also present annual and campaign reports on the origin, managing and destination of these resources.

In any case, the law clearly prohibits political parties from receiving contributions or donations in cash or kind from public branches and government offices of any level; foreign organizations, political parties or individuals; ministers of any religion or religious group, church or sect; people working or living abroad, and Mexican commercial companies.

**14. Are there other dispositions to guarantee equal conditions in the electoral contest?**

Yes. For instance, the law establishes criteria and mechanisms for the electoral authority to put a maximum ceiling to the spending of political parties and candidates during election campaigns for President, deputies and senators. Political parties must comply with the established ceilings. When they do not comply with them, the same law prescribes the corresponding penalties.

Conditions to guarantee a greater equality for the election have been established, in order to avoid that a possible income gap between parties could become an element affecting the activities of vote searching during electoral campaigns.

Finally, in order to ensure a transparent and accountable managing of the information contained in news programs on electronic media, the Federal Electoral Institute makes recommendations to the National Chamber of Radio and Television Industry at the suggestion of the political parties.

**15. Who can register candidates to national election positions?**

Only national parties, that is to say, those duly registered by the electoral authority are able to present candidates for national representation positions.

However, the law allows national political groups to participate in federal election processes by means of an agreement with a political party. In other words, these agreements can produce candidates from a national political group, who must be registered and voted for using the name, symbol and/or colors of the political party.

**16. What are the national political groups?**

The law acknowledges and regulates the national political groups as citizen associations working to develop democratic life and political culture, and also contributing to the creation of a well informed public opinion. In no case can they use the name "political party", and they will only be able to participate in a federal election process by means of a participation agreement with a political party.

In order to obtain the register as a national political group, among other requirements the association must prove to the electoral authority a minimum of seven thousand members in the country, a national direction body and delegations in at least ten states.

Political groups with register have the right to receive public funding in order to support their activities in areas such as publishing, education and political training, as well as political, social and economic research.

**17. When will campaigns of political parties and candidates contending in the next election begin?**

Electoral campaigns will begin one day after candidates who fulfill all the requirements are duly registered.

Periods to present applications to register candidates for deputies of Relative Majority and senators of Proportional Representation are April 1st to 15th, and for deputies of Proportional Representation are April 15th to 30th.

The electoral authority can register candidates in a session held during a period of three days starting once the deadline to submit applications has expired. The electoral campaign period officially begins one day after this.

**18. What is the time limit to conduct electoral campaign activities?**

Electoral campaigns must be concluded three days before election day, which means that for 1997 election campaigns can be conducted up to Wednesday July the 2nd. On election day and during the three previous days, no campaign meetings, public demonstrations or communications, nor electoral propaganda are allowed.

The law also establishes that during eight days preceding the election and up to the time when polling stations are officially closed (6:00 p.m.), publishing or communicating in any way opinion polls intended to portray the electoral preferences of the citizens are not allowed.



**19. Are opinion polls legally regulated during the election period?**

Yes. The law establishes that individuals or corporations planning to conduct sampling polls in order to determine electoral preferences of the citizens or their voting tendencies, must adopt the general scientific criteria determined by the General Council of the Federal Electoral Institute.

**20. Where can citizens vote?**

In polling stations, which are places specially adapted for voting. There must be at least one polling station per each electoral section dividing the country.

Each one of the 300 single member electoral districts in the country is divided in smaller geographical portions called electoral sections. Each section must have a minimum of 50 and a maximum of 1,500 voters.

The law establishes that one polling station must be installed per each 750 voters or the fraction corresponding to an electoral section. If two or more polling stations are required in the same section, normally they must be installed in contiguity, in order to make voting easier.

**21. How are polling stations attended to?**

Each polling station is the responsibility of a directive board which consists of a president, a secretary and two scrutineers or tellers, as well as three general substitutes; a total of six members. Directive boards are responsible for installing the polling place, receiving the votes, starting the

initial tallying of votes, and organizing the documents and corresponding files.

The members of each directive board are citizens who live in the electoral section. They are selected at random by a double lottery prescribed by law, and according to their level of education. In order to carry out their work they are trained in a course designed and organized by the electoral authority, that may be surveyed by the political parties.

The law establishes that the lists showing the exact location of the polling stations that will be installed in each section, as well as the list containing the names of the members of each directive board, shall be published once or twice before election day.

In addition, generally these lists are published once more in the main newspapers of each state on election day, in order to offer voters a quick and easy reference.

**22. Are political parties represented in the polling station?**

Yes. Each political party has the right to appoint two representatives and one substitute per each polling station, as well as one general representative per each ten polling stations in urban areas, and one per five polling stations in rural areas.

Party representatives can watch how the polling station is installed, and they can also survey the development of the election, present documents accounting events occurred during the voting, receive readable copies of the documents elaborated in the polling station, including the voting act, and present protest documents, among other rights acknowledged by law.

### **23. Is the participation of electoral observers allowed?**

Yes. Since 1993 the legislation acknowledges the exclusive right of Mexican citizens to participate as observers in activities related to the preparation and conduction of the electoral process, as well as in those activities carried out on election day anywhere in the country, according to the modes determined by the General Council of the Federal Electoral Institute for each electoral process.

It is necessary to mention that on the session of December 23rd, 1996, the Federal Electoral Institute General Council reached an agreement to state the rules for the register and development of activities of Mexican citizens who will act as electoral observers during the 1997 federal electoral process.

In any case, and after applying for register before the electoral authority, on election day electoral observers can visit one or many polling stations, in order to observe actions such as the opening of the polling station, the voting, the counting and tallying of votes and the closing of the polling station.

Observers can also present a report of their activities to the electoral authority, on terms and at times determined by the General Council. In no case can their reports, judgments, opinions or conclusions have a juridical effect on the electoral process and its outcome.

**24. What happens in the case of representatives of a foreign organization or institution?**

Starting with a reform introduced in May of 1994, the law establishes as an attribution of the Federal Electoral Institute General Council to agree upon bases and criteria for every election, in order to receive international visitors attending any stage in the development of the election.

For the 1994 election the Federal Electoral Institute General Council exercised this attribution and agreed to establish bases and criteria to receive international visitors interested in the electoral process.

Information on this year's agreement of the Federal Electoral Institute General Council on this matter for the 1997 federal election will be issued on time.

**25. When will the first results of the election be revealed?**


Public opinion, political parties and candidates themselves will have different access to preliminary results of the election on the same day.

Results will be announced first right after voting is completed in every polling station, since the law establishes that once the counting of votes for President is concluded, a poster with the results of each election must be placed on a visible site outside the polling station.

In order to have preliminary results as soon as possible, the law enables the Executive Secretary of the Federal Electoral Institute to establish a

mechanism for the immediate collection and communication of results to the General Council, where Councillors and representatives of political parties registered in this Council can have a permanent access to them.

Finally, the law enables the President of the General Council to order studies or pertinent procedures intended to portray electoral tendencies on election day, following an agreement of the Council. These results will only be communicated with the authorization of the Federal Electoral Institute General Council.



THE MEXICAN  
POLITICAL-ELECTORAL  
SYSTEM.  
BASIC  
CHARACTERISTICS



# Basic Characteristics<sup>1</sup>

## 1. Political Organization

The Mexican Constitution is the highest juridical code, establishing the Mexican Nation as a representative, democratic and federal republic (*see chart 1*).

The Federal Mexican State is formed by 31 states and one Federal District (Mexico City) where federal powers are centered.

The 31 states are autonomous regarding their internal regime, which can be modified as long as constitutional mandates are not infringed.

The Mexican government is based on the division of legal power among the Executive, Legislative, and Judicial Branches, as different authorities with rights and attributions legally regulated and delimited.

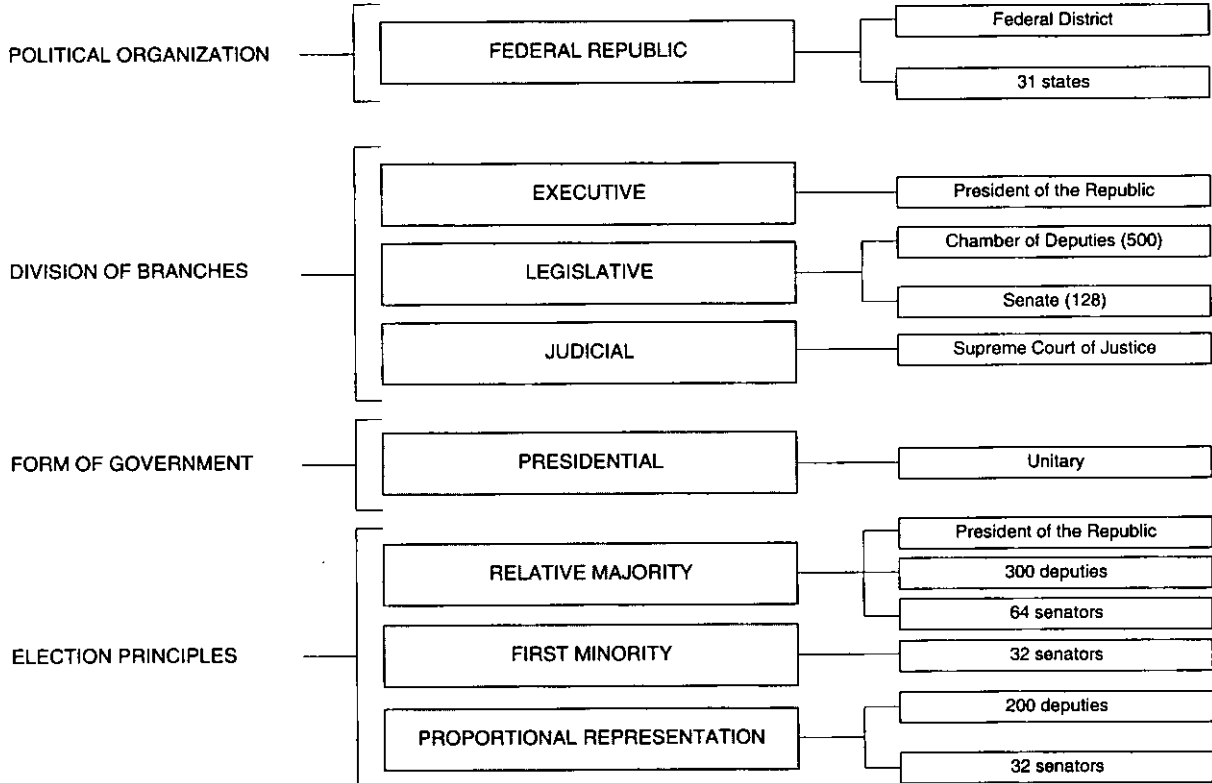
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<sup>1</sup> This document includes changes and innovations introduced by the Constitutional reform on political-electoral matters approved by the Congress of the Union, and promulgated by the Federal Executive Branch in August of 1996.



Chart 1

## UNITED MEXICAN STATES REPRESENTATIVE SYSTEM



Mexico's government is a presidential system, that is to say, the responsibility for national leadership and management rests upon the head of the Federal Executive Branch (the President of the Republic), who is at the same time head of state and head of the army.

According to the Mexican Constitution, the supreme executive power is unitary, since it is concentrated in the President of the Republic, who is elected every six years by a direct election and universal suffrage.

The Federal Executive Branch has a bicameral structure: the Chamber of Deputies and the Senate, together forming the Congress of the Union.

The Chamber of Deputies is formed by 500 deputies, 300 of which are elected by the principle of relative majority for an equivalent number of single member electoral districts, and the other 200 deputies are elected by the principle of proportional representation.

The number of federal Deputies of relative majority corresponding to each of the 31 states and the Federal District is determined by the percentage of population living in each state out of the national total. According to the Mexican Constitution, at least two federal deputies correspond to each state.

Regarding the Senate, the 1996 constitutional reform for the first time introduced the principle of proportional representation to elect 32 of its 128 members.

Accordingly, only three senators at each of the 31 states and the Federal District will be elected by this principle (96 senators), whereas the 32 remaining seats will be allocated by the principle of proportional representation through lists to be voted in one multi-member district on the national level.

## 2. How Branches are Constituted

In modern societies the participation of citizens to form and exercise public power is a vital sign of democratic development.

Generally the citizenry political participation is expressed through suffrage in periodical elections to constitute public branches.

According to the Mexican Constitution, the head of the Executive (the President of the Republic) and the head of the Legislative (deputies and senators) are designated through an election, which is the only juridical, valid, recognized and legal means to constitute the aforementioned branches (*see chart 2*).

The Judiciary is integrated with the participation of the other two branches. For instance, the eleven Ministers of the Supreme Court of Justice are elected by a two-thirds vote at the Senate, after being presented as candidates by the President of the Republic.

## 3. Characteristics of the Vote

In Mexican Electoral Law voting is conceived both as a prerogative and as an obligation of the citizen. As a prerogative, participating in the conformation of public branches is one of the essential political rights of citizens, who can be both electors and candidates. As an obligation, the vote constitutes citizens' duty towards their society.

Like all modern societies, in Mexico vote is universal, free, secret and direct.

- Universal: All citizens fulfilling the requirements established by law have the right to vote, regardless of their race, religion, gender, social position or education.

Chart 2

**POPULAR ELECTION OFFICES-BASIC CHARACTERISTICS**

	<b>PRESIDENCY OF THE REPUBLIC</b>	<b>CHAMBER OF DEPUTIES</b>	<b>SENATE</b>
<b>MEMBERS</b>	1	500	128
<b>PRINCIPLE OF ELECTION</b>	Relative Majority	<ul style="list-style-type: none"> <li>• Relative Majority 300</li> <li>• Proportional Representation 200</li> </ul>	<ul style="list-style-type: none"> <li>• Relative Majority 64</li> <li>• First Minority 32</li> <li>• Proportional Representation 32</li> </ul>
<b>TERRITORIAL COVERAGE OF THE ELECTION</b>	National	<ul style="list-style-type: none"> <li>• Single member district (relative majority)</li> <li>• Multi-member district (proportional representation)</li> </ul>	<ul style="list-style-type: none"> <li>• State 96</li> <li>• National 32</li> </ul>
<b>TIME IN OFFICE</b>	Six years	Three years	Six years*
<b>BASIC REQUIREMENTS TO BE CANDIDATE TO OFFICE</b>	<ul style="list-style-type: none"> <li>• To be a Mexican citizen by birth, living in Mexico for 20 years. Either her/his father or mother must be a Mexican citizen too.</li> <li>• To be at least 35 years old</li> <li>• To prove residency in Mexico on election day</li> </ul>	<ul style="list-style-type: none"> <li>• To be a Mexican citizen by birth</li> <li>• To be native of the state, or to prove six months of effective residency on election day</li> <li>• To be at least 21 years old</li> <li>• To be enrolled in the electoral roll and have the photo-identification voting card.</li> </ul>	<ul style="list-style-type: none"> <li>• To be a Mexican citizen by birth</li> <li>• To be native of the state, or to prove six months of effective residency on election day</li> <li>• To be at least 30 years old</li> <li>• To be enrolled in the electoral roll and have the photo-identification voting card</li> </ul>
<b>POSSIBILITY TO BE RE-ELECTED</b>	Not possible	Not to the immediate subsequent term	Not to the immediate subsequent term

\* On the July 6th of 1997 election 32 senators will be elected for three years from a national list by the principle of proportional representation, only this time. Starting in the year 2000 all senators will be renewed every six years.

- Free: The elector has the right to vote without being coaxed.
- Secret: The preference or will of each elector cannot be disclosed.
- Direct: The citizen is able to elect her or his preferred candidate.

In addition to characteristics specified in the Constitution, the vote in Mexico is also considered as a personal and non-transferable faculty.

- Personal: The elector shall attend personally the corresponding polling station to cast her or his vote.
- Non-transferable: The elector cannot transfer to anyone her or his right to vote.

## 4. Requirements to Vote

Regarding requirements to vote, both the Constitution and the electoral law establish a distinction between an elector who has the right to vote, and a candidate in the election, who is eligible for a position.

**RIGHT TO VOTE:** In order to have the right to vote, it is necessary to be a Mexican citizen, that is to say, a male or female individual, Mexican by birth or by naturalization, 18 years of age or older, having an honest way of living. In practice the non-fulfillment of this last requirement is rather applied as an impediment to exercise citizen rights, as specified in the Mexican Constitution.

In order to be able to vote, the citizen's name must be included in the electoral roll and she/he must have her or his photo-identification voting

card, issued free of charge by the Federal Electoral Institute acting as the public and autonomous institution endowed with electoral authority.

**ELIGIBILITY FOR A POSITION:** In order to be eligible for a position, in other words, to be a candidate for a position of popular election, it is necessary to meet similar requirements to those needed in order to be able to vote. However, in general an older age is required to be a candidate for a public position of popular election.

Additionally, the law establishes diverse causes impeding eligibility. These causes can be absolute, when the person definitely cannot be a candidate. Such is the case of presidential re-election, which is not allowed in any circumstance.

Relative ineligibility applies to certain restrictions on the possibility of being a candidate for a popular election; for instance when the citizen is already serving on a public position.

Relative restrictions are temporary, as long as the candidate leaves her or his public office some time before the election. For instance, Secretaries and Undersecretaries are not allowed to contend in a presidential election, unless they leave their office six months before the election.

## 5. Election Principles

According to current electoral legislation, in order to constitute the representative bodies on the national level, two principles or traditional formulas are used: relative majority and proportional representation. For the Senate the principle of first minority to allocate one seat per each state is also used.

According to the principle of relative majority, the candidate or candidates obtaining the highest number of votes out of the total votes cast in the corresponding election, automatically obtain the position being contested.

The President of the United Mexican States, 64 of the 128 senators and 300 of the 500 federal deputies are elected by the principle of relative majority.

According to the principle of proportional representation, positions are distributed among registered candidates, depending on the number of votes obtained by each political party out of the total votes cast in the corresponding election. This principle is applied to elect 200 of the 500 deputies and 32 of the 128 senators.

The principle of first minority is applied to allocate one seat in the Senate to each state, that is to say, one seat is assigned to the candidate of a political party obtaining the second position according to the total votes cast in the corresponding region.

## 6. Election of the President of the United Mexican States

The Federal Executive Branch is unitary, since the responsibility rests upon a single individual: the President of the United Mexican States. The presidential election is carried out by direct and universal vote.

According to the Constitution, the President of the United Mexican States is elected every six years by the principle of relative majority. This means that the

winning candidate will be the one obtaining the highest number of votes out of the total votes, regardless of the percentage this represents.

## REQUIREMENTS AND IMPEDIMENTS

The Mexican Constitution establishes requirements to be met by candidates for President of the Republic:

- To be a Mexican citizen by birth, living in Mexico for at least 20 years. One of her/his parents must be a Mexican citizen too<sup>2</sup>.
- To have full citizen rights.
- To be 35 years of age or older on election day.

The Constitution also establishes two temporary or relative impediments.

- To be in active service in the armed forces.
- To be a Secretary or Undersecretary, Mayor or Secretary General of the Federal District, Attorney General or a state Governor.

These impediments are temporary, and disappear when the candidate has left his or her public office six months before the election.

Finally, in order to contend for the Presidency of the Republic there are absolute and permanent impediments:

- Belonging to priesthood or ministry of any religion.
- To have been President of the Republic before, whether by popular election or as a substitute or interim position.

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<sup>2</sup> Before a constitutional reform promulgated in September of 1993, candidates for the presidency had to be Mexican citizens by birth, and both parents had to be Mexican citizens by birth as well. However, the innovation introduced in the Constitution will be effective until December of 1999, thus being applicable for the presidential election of the year 2000.



## ABSENCE OF THE ELECTED PRESIDENT

The Mexican Constitution establishes exceptional cases when the elected President is absent. In these cases other election methods will be used in order to ensure continuity in the exercise of the Executive faculties. There are two possibilities:

- A. If the President is absent during the first two years of the presidential term, the Congress will proceed to appoint an interim or provisional President.

If the absence of the President occurs during a congressional session period, Congress will set itself up as Electoral College in order to appoint an interim President by secret vote and absolute majority. Additionally, ten days after this appointing, Congress must issue a notice to conduct a Presidential election 14 to 18 months after the notice is issued, in order to elect a President who will serve for the rest of the six year term.

If Congress is not in a session period when the absence of the President occurs, the Permanent Commission will appoint a provisional President and then an extraordinary session period will be commenced, in order to appoint an interim President and issue the aforementioned election notice.

- B. If the absence occurs during the last four years of the six year term, the Congress of the Union set up as Electoral College will appoint a substitute President who will serve for the remaining time of the six year term.

If the Congress is not in a session period when the absence occurs, the Permanent Commission will appoint a provisional President to serve until the extraordinary session is commenced, in order to set up the Electoral College and then proceed to elect the substitute President.

## 7. Election of Members of the Legislative Branch

### 7.1 CHAMBER OF DEPUTIES

The Chamber of Deputies is formed by 500 representatives, who are totally renewed every three years. 300 of the 500 deputies are elected by the principle of relative majority, whereas the other 200 deputies are elected by the principle of proportional representation.

#### REQUIREMENTS AND IMPEDIMENTS

The main requirements established by the Mexican Constitution and the Federal Code of Electoral Institutions and Procedures to be elected as a federal deputy by any of the two principles are the following:

- To be born in the federal state she/he would represent (relative majority) or to be born in any of the states belonging to the corresponding district (proportional representation). It is also necessary to have lived in the state at least six months previous to election day (both principles).

In this sense, the Constitution establishes that residency is not lost when absence is due to service in official positions of popular election.

- To be a Mexican citizen by birth.
- To be 21 years of age or older on election day.
- To be included in the electoral roll and to have the photo-identification voting card.

On the other hand, there are various impediments to be a deputy. These impediments can be of two kinds:

- A. Impediments disappearing when the candidate already serving in a position takes a leave from public office some time before election day, generally 90 days.

This rule applies to secretaries and undersecretaries, ministers of the Supreme Court of Justice of the Nation, government secretaries in the states, federal and state judges, mayors, political delegates in the Federal District, local deputies, army officers in active duty, and police officers. In some cases the candidate must resign to her/his position definitely.

- B. Impediments requiring a minimum of three years after leaving office in order to be able to contend for a position.

The first case is that of regular active deputies who cannot be re-elected as regular or substitute deputies for an immediate subsequent term, but they have to wait at least three years in order to be able to contend again. This disposition is not applicable to substitute deputies, who can become regular deputies for the immediate subsequent term.

The same disposition is also applied to governors of federal states, who cannot be elected as deputies in the same state for the immediate subsequent term, even after resigning. In this case, they must wait for three years after leaving office.

#### DEPUTIES OF RELATIVE MAJORITY

The election of the 300 federal deputies by the principle of relative majority corresponds to the same number of single member districts. The distribution of the 300 districts among the 31 states and the Federal District is determined according to the population percentage living in each state out of the national total, considering results of the national population and housing census, which is carried out in Mexico every ten years.

It is important to mention that the last population census of 1990 was the basis to proceed with the redistricting process (redistribution of the 300 single member districts among the 31 states and the Federal District) to be used for the 1997 federal election and the following ones (*see chart 3*), until a new census is conducted according to the law.

According to constitutional mandates, under no circumstance will a state be represented by less than two majority deputies, that is to say, each state must comprise at least two single member districts.

The criteria to allocate seats by the principle of relative majority is based upon the highest number of votes obtained by a formula of candidates (regular and substitute) in the election for the corresponding electoral district.

Chart 3

**Single Member Districts Distribution  
Among States**

	<b>Number of Districts</b>	<b>% Above National Total</b>
Aguascalientes	3	0.99
Baja California	6	2.00
Baja California Sur	2	0.66
Campeche	2	0.66
Coahuila	7	2.33
Colima	2	0.66
Chiapas	12	4.00
Chihuahua	9	3.00
Distrito Federal	30	10.00
Durango	5	1.66
Guanajuato	15	5.00
Guerrero	10	3.33
Hidalgo	7	2.33
Jalisco	19	6.33
México	36	12.00
Michoacán	13	4.33
Morelos	4	1.33
Nayarit	3	1.00
Nuevo León	11	3.66
Oaxaca	11	3.66
Puebla	15	5.00
Querétaro	4	1.33
Quintana Roo	2	0.66
San Luis Potosí	7	2.33
Sinaloa	8	2.66
Sonora	7	2.33
Tabasco	6	2.00
Tamaulipas	8	2.66
Tlaxcala	3	1.00
Veracruz	23	7.66
Yucatán	5	1.66
Zacatecas	5	1.66
<b>Totals</b>	<b>300</b>	<b>100</b>

## DEPUTIES OF PROPORTIONAL REPRESENTATION

The election of 200 deputies by the principle of proportional representation is carried out by dividing the national territory in multi-member electoral districts. Presently there are five multi-member districts, where 40 deputies are elected (*see chart 4*).

In order for a political party to participate in the election of deputies by the principle of proportional representation, that is to say, in order to register a regional list of candidates per each multi-member district, the party must prove it has registered candidates for deputies by the principle of relative majority in at least 200 of the 300 single member districts.

After complying with this requirement, the political party can proceed to register regional lists of candidates in the five multi-member districts. These regional lists are closed and blocked; the order of candidacies is unchangeable, and so the voter does not have the possibility of eliminating candidates or altering their order.

Current electoral legislation allows political parties to register a maximum of 60 candidates to federal deputies by both principles at the same time. In other words, up to 60 candidates of the same party can be registered individually (single member district) or in regional lists (multi-member districts).

Once the election has ended, contesting political parties have the right to participate in the allocation of deputy seats of proportional representation, only if they obtained at least 2% of the total votes cast for regional lists of candidates by this principle in the five multi-member districts.

Chart 4

**Multi-member Districts Distribution  
for the Election of Deputies of Proportional Representation**

DISTRICT	MAIN CITY	STATES FORMING THE DISTRICT		
First	Guadalajara, Jalisco	(8) Baja California Guanajuato Sinaloa	Baja California Sur Jalisco Sonora	Colima Nayarit
Second	Monterrey, Nuevo Leon	(9) Aguascalientes Durango San Luis Potosi	Coahuila Nuevo Leon Tamaulipas	Chihuahua Queretaro Zacatecas
Third	Jalapa, Veracruz	(7) Campeche Quintana Roo Yucatán	Chiapas Tabasco	Oaxaca Veracruz
Fourth	Mexico City	(5) D.F. Puebla	Hidalgo Tlaxcala	Morelos
Fifth	Toluca, Mexico	(3) Guerrero	México	Michoacan

## BASES AND RULES FOR ALLOCATION OF SEATS

By establishing the bases for the election of 200 deputies by the principle of proportional representation and the system of allocation by regional lists, the Mexican Constitution states that in order for a party to obtain the register of its regional lists, it must prove to be participating with candidates for deputies of relative majority in at least 200 of the 300 single member districts.

The Constitution also establishes that in order to obtain deputy seats of proportional representation, all political parties must obtain at least 2% of the total votes cast for regional lists of multi-member districts.

Consequently, the Constitution establishes that a party fulfilling the two aforementioned requirements, is to be assigned deputies of proportional representation according to the votes obtained on the national level, regardless of the number of relative majority deputy seats obtained by its candidates.

It is important to enhance that the Constitution incorporates a mandate regarding the conformation of the Chamber of Deputies, by establishing that no political party will be able to have more than 300 deputies by both principles, which is the sum of deputies of relative majority and proportional representation<sup>3</sup>.

Additionally, as a result of the reform approved in 1996, the Mexican Constitution incorporated a particularly novel and important disposition

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<sup>3</sup> A constitutional reform promulgated in 1989 for the first time established a maximum ceiling of representation for the first political force in the composition of the Chamber of Deputies: 350 seats, 70% of the total. Afterwards a new disposition resulting from the constitutional reform promulgated in 1993 was introduced, in order to establish a maximum ceiling of 315 deputies, 63% of the total, as long as the first political force would obtain plus than 60% of the cast votes. If this was not the case and the party was to obtain less than 60% of the votes, the limit of representation could be fixed in 300 seats.



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intended to guarantee the greatest proportionality regarding the votes-seats ratio, by establishing as a general rule for a political party to be unable to have a number of deputies by both principles superior in 8 percentage points to the total votes obtained on the national level.

The Constitution establishes as the only exception to this rule, the case of a party obtaining a percentage of the total seats of the chamber by its victories of relative majority in single member districts, that is superior to the percentage of national votes cast plus 8%.

Thus, the principles of plurality and proportionality in the conformation of the Chamber of Deputies is ensured first by a maximum ceiling of representation for the first majority that under no circumstance can be superior to 60% of the seats, and on the other hand as a general rule the possible level of overrepresentation for a political party can be superior to 8% in the votes-seats ratio.

It is completely true that no political party will be able to have the qualified majority of two thirds of votes at the Chamber of Deputies on its own (333) required to introduce changes to the constitutional text. Since 1993, any constitutional reform must be the result of a negotiation and agreement among parties, or involve at least two different political forces adding up their votes in order to obtain the required qualified majority.

## 7.2 SENATE

As in 1993, the procedure to form the Senate of the Republic was again subject to important modifications during the process of constitutional reform concluded in 1996.

Although the total number of senators was kept in 128 (disposition incorporated in 1993), election principles were significantly modified, specially because for the first time the principle of proportional representation was incorporated.

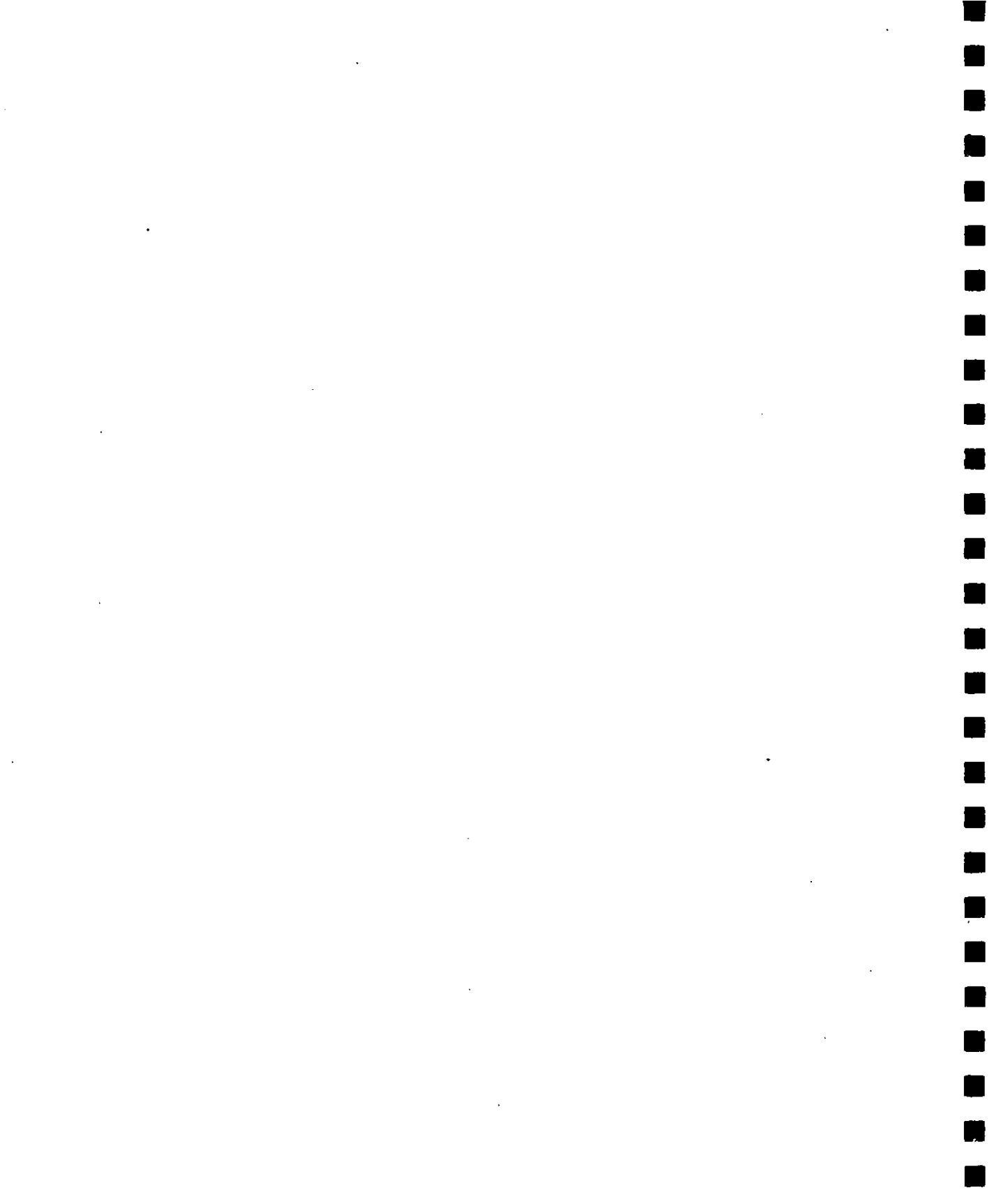
A first consequence is that the principle of equal representation of the 32 states traditionally present in the Senate no longer applies completely, since now only 96 out of the 128 senators are subject to this logic, whereas the other 32 will be elected by the principle of proportional representation by means of lists to be voted in a single multi-member electoral district at the national level.

A second consequence is that equal representation of states is applicable only to 96 of the 128 senators, since each state has the right to elect three senators. Currently two of them will be elected in each federal state according to the relative majority vote (previously they were three), whereas the third one will be assigned to the first minority, that is to say, the formula heading the list of the political party which comes in the second position according to the number of votes cast in the state (the formula introduced by the constitutional reform of 1993 is maintained).

Requirements and impediments to be a candidate for senator are essentially the same and they are also similar to those applied to federal deputies, with the sole exception of a minimum age of 30 years on election day.

Finally, it is important to point out that according to the 1993 rule re-introduced in the Constitution, starting in the year 2000 the Senate must be totally renewed every six years and not every three years like it is currently done. Consequently, in the 1997 federal election only 32 senators of proportional representation will be elected for a three year term.

**WHAT IS THE  
FEDERAL ELECTORAL  
INSTITUTE?  
NATURE,  
INTEGRATION AND  
ATTRIBUTIONS**



## I. Framework

The Federal Electoral Institute is the public organism responsible for the state function of organizing federal elections, that is, elections for the President of the United Mexican States and for deputies and senators who form the Congress of the Union<sup>1</sup>.

This Institute was formally constituted and started working on October 11 of 1990, as a result of a series of amendments to the General Constitution of the Mexican Republic which were approved in 1989, as well as the issuing of a new electoral legislation, the Federal Code of Electoral Institutions and Procedures (COFIPE) in August, 1990.

Among the main changes and innovations resulting from this reform processes, it is important to enhance the following:

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<sup>1</sup> The Federal Electoral Institute has also been responsible for organizing local elections in the Federal District (Mexico City), but as a result of a series of constitutional and legal reforms approved in 1996, the Federal District will have its own legislation. Thus in 1997 for the last time the Federal Electoral Institute will organize elections to renew positions in local bodies of the Federal District's government: the Legislative Assembly and the Mayor, who for the first time will be elected by popular vote. Additionally it is worth mentioning that each of the 31 states of the federation has got its own legislation and electoral institutions.

- The 1993 reform allowed the bodies of the Federal Electoral Institute to be able to declare valid the election, and also to issue certificates for the elections of deputies and senators, as well as to establish ceilings to campaigning spending in elections.
- The reform of 1994 increased the importance and influence of citizen councillors in the conformation and decision-making processes of the direction bodies, by endowing them with the highest vote-power, and it enlarged the capabilities of direction bodies both on the state and district levels.
- The 1996 reform strengthened autonomy and independence of the Federal Electoral Institute by detaching it from the Executive Branch, and by reserving the right to vote solely to citizen councillors in direction bodies.

We will analyze in further detail these changes and some other innovations affecting the structure and functions of the Federal Electoral Institute. The present document is based on current legal dispositions.

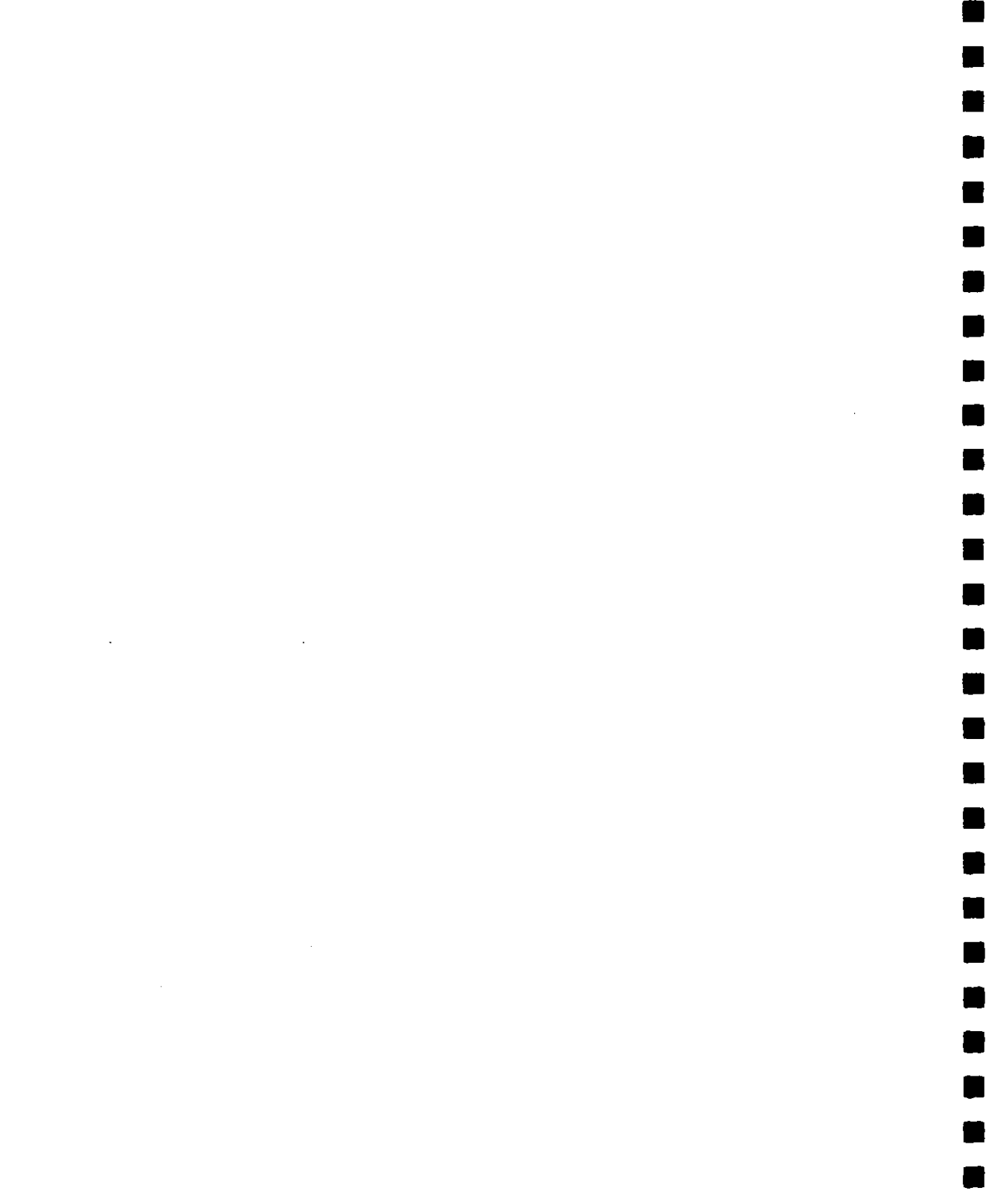
## II. Main Characteristics

The Federal Electoral Institute is endowed with legal status and patrimony of its own, it is independent for its decisions and functioning, it has a professional performance, and is constituted by the Legislative Branch, the national political parties and the citizens.

In order to promote and ensure a professional performance of its activities the Federal Electoral Institute has a body of officials who belong to the Professional Electoral Service.

Unlike the preceding electoral organizations that worked only during electoral processes, the Federal Electoral Institute is constituted on a permanent basis.





### III. Main Principles

The Mexican Constitution establishes that the state function of organizing federal elections, which is the responsibility of the Federal Electoral Institute, is to be governed by five ruling principles:

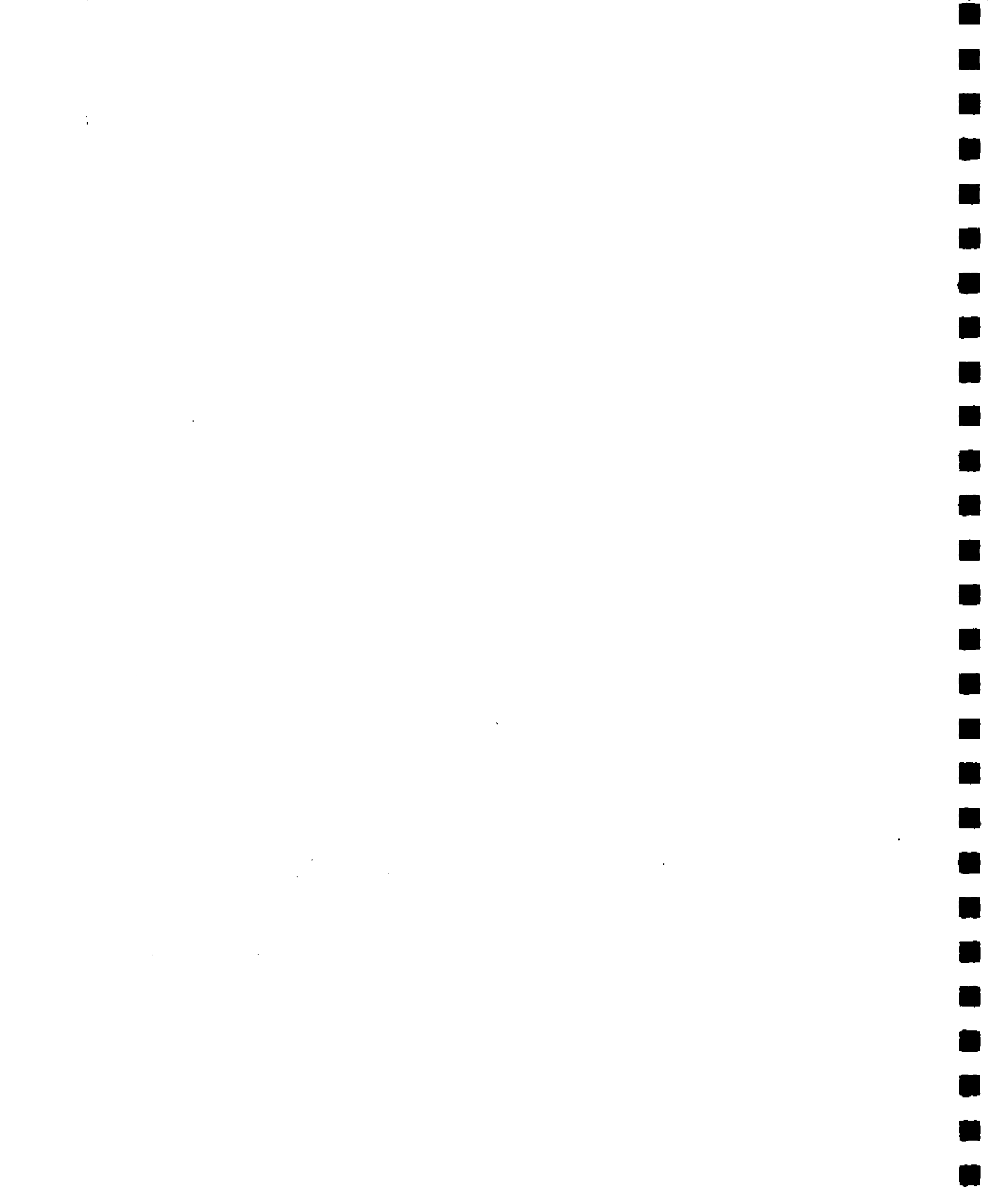
1. **CERTAINTY.** This principle refers to the need of ensuring truthfulness and certainty in all actions carried out by the Federal Electoral Institute. In other words, that the results of these activities are completely accountable, true and trustworthy.
2. **LEGALITY.** This means that at all times and under all circumstances the Federal Electoral Institute must strictly follow the constitutional mandates and the legal dispositions referring to the functions it is supposed to perform.
3. **INDEPENDENCE.** This refers to guarantees and capabilities of the different bodies and authorities forming the institution to take decisions freely, only depending on the rule of law. This means the complete independence of the Institute from any established authority.

4. **IMPARTIALITY.** According to this principle all the members of the Federal Electoral Institute must acknowledge and protect the interests of the society and the fundamental values of democracy, subordinating to these any personal interest or political preference.
5. **OBJECTIVITY.** This means that institutional and personal actions must depend on the global, coherent and rational acknowledging of reality, and consequently the obligation of perceiving and interpreting facts as they are, with no partial views or opinions that might alter the expression or consequences of institutional actions.

## IV. Objectives

The legal dispositions state that the organization and functioning of the Federal Electoral Institute must pursue the following objectives:

1. To contribute to the development of democratic life.
2. To keep the strengthening of the political parties regime.
3. To create the Federal Registry of Voters.
4. To ensure that citizens exercise their political-electoral rights and to watch over the fulfillment of their obligations.
5. To guarantee periodic and peaceful elections in order to renew the members of the Legislative and Executive Branches of the Union.
6. To ensure authenticity and effectiveness of the vote.
7. To cooperate in the promotion and diffusion of the political culture.



## V. Main Activities

The Federal Electoral Institute is directly responsible for all activities related to preparing, organizing and conducting electoral processes, as well as other activities established by law. Among its main activities are the following:

- Training and civic education.
- Electoral geography.
- Rights and prerogatives of political parties and political groups.
- Electoral roll and voters lists.
- Design, printing and distribution of electoral materials.
- Preparations for election day.
- Tallying votes.
- Declaring valid and issuing certificates for deputies and senators elections.
- Regulating electoral observation and opinion polls.



Chart 1

## STRUCTURE OF THE FEDERAL ELECTORAL INSTITUTE

	DIRECTION BODIES	EXECUTIVE AND TECHNICAL BODIES	SURVEILLANCE BODIES
<b>CENTRAL BODIES (NATIONAL LEVEL)</b>	<p style="text-align: center;"><b>GENERAL COUNCIL</b></p> <ul style="list-style-type: none"> <li>• President Councillor</li> <li>• Electoral Councillors (8)</li> <li>• Councillors from the Legislative Branch (one per each parliamentary group with party affiliation)</li> <li>• Representatives of national political parties (one per each party)</li> <li>• Executive Secretary</li> </ul>	<p style="text-align: center;"><b>GENERAL EXECUTIVE BOARD</b></p> <ul style="list-style-type: none"> <li>• President Councillor</li> <li>• Executive Secretary</li> <li>• Executive Directors of:                             <ul style="list-style-type: none"> <li>- Federal Registry of Electors</li> <li>- Prerogatives and Political Parties</li> <li>- Electoral Organization</li> <li>- Professional Electoral Service</li> <li>- Electoral Training and Civic Education</li> <li>- Administration</li> </ul> </li> </ul>	<p style="text-align: center;"><b>NATIONAL SURVEILLANCE COMMISSION</b></p> <ul style="list-style-type: none"> <li>• Executive Director of the Federal Registry of Voters (President)</li> <li>• Representative of the national political parties (a regular and a substitute per party)</li> <li>• Representative of the National Institute of Statistics, Geography and Informatics</li> <li>• Secretary</li> </ul>
<b>LOCAL COUNCILS</b>	<p style="text-align: center;"><b>EXECUTIVE LOCAL BOARDS COMMISSION</b></p> <ul style="list-style-type: none"> <li>• President Councillor</li> <li>• Electoral Councillors (6)</li> <li>• Representatives of national political parties (one per each party)</li> <li>• Representatives at the Local Executive Board (3)</li> <li>• Secretary</li> </ul> <p style="text-align: center;"><i>(Functioning during the electoral process)</i></p>	<p style="text-align: center;"><b>LOCAL SURVEILLANCE</b></p> <ul style="list-style-type: none"> <li>• Executive Representative</li> <li>• Representative of Electoral Organization</li> <li>• Representative of the Federal Registry of Voters</li> <li>• Representative of Electoral Training and Civic Education</li> <li>• Secretary</li> </ul>	<ul style="list-style-type: none"> <li>• Executive Representative of the Federal Registry of Voters (President)</li> <li>• Representative of the national political parties (a regular and a substitute per party)</li> <li>• Secretary</li> </ul>
<b>DISTRICT COUNCILS</b>	<p style="text-align: center;"><b>EXECUTIVE DISTRICT BOARDS</b></p> <ul style="list-style-type: none"> <li>• President Councillor</li> <li>• Electoral Councillors (6)</li> <li>• Representatives of national political parties (one per each party)</li> <li>• Representatives at the Local Executive Board (3)</li> <li>• Secretary</li> </ul> <p style="text-align: center;"><i>(Functioning during the electoral process)</i></p>	<p style="text-align: center;"><b>DISTRICT SURVEILLANCE COMMISSION</b></p> <ul style="list-style-type: none"> <li>• Executive Representative</li> <li>• Representative of Electoral Organization</li> <li>• Representative of the Federal Registry of Voters</li> <li>• Representative of Electoral Training and Civic Education</li> <li>• Secretary</li> </ul>	<ul style="list-style-type: none"> <li>• Executive Representative of the Federal Registry of Voters (President)</li> <li>• Representative of the national political parties (a regular and a substitute per party)</li> <li>• Secretary</li> </ul>
<b>POLLING STATION DIRECTIVE BOARD</b>	<p style="text-align: center;"><b>SECTION BODIES (MINIMUM ONE PER EACH ELECTORAL SECTION)</b></p> <ul style="list-style-type: none"> <li>• Citizens who are polling station officials (7)</li> <li>• Representatives of national political parties (up to two regular and a substitute per party at each polling station)</li> </ul> <p style="text-align: center;"><i>(Functioning during the electoral process)</i></p>		



## 1. DIRECTION BODIES (COUNCILS)

They have the responsibility of watching over the fulfillment of legal and constitutional provisions in the matter, establishing working guidelines and issuing the resolutions for every level of the Federal Electoral Institute.

Its steering body is the General Council, and as decentralized bodies there are 32 Local Councils (one per each state), and 300 District Councils (one per each single-member district).

Unlike the General Council which is a permanent instance, Local and District Councils are established to hold sessions only during electoral periods.

Within these bodies are also included the Polling Station Directive Boards, which are the authorized instances to receive votes and carry out the initial tallying of votes. These Boards are installed and function only on election day (*see Chart 2*).

### 1.1 GENERAL COUNCIL

It is the steering body of the Institute, responsible for surveying the compliance with constitutional and legal dispositions on electoral matters, as well as the compliance with the principles of certainty, legality, independence, impartiality and objectivity in all actions carried out by the institution.

#### COMPOSITION

It is formed by members who have voice and vote (a fixed number of nine), and by members who have voice but no vote (currently twelve).

The nine members of the General Council who have voice and vote are:

- A President Councillor.

Chart 2

## FEDERAL ELECTORAL INSTITUTE CURRENT STRUCTURE OF THE DIRECTION BODIES

Total Members	GENERAL COUNCIL		LOCAL COUNCILS		DISTRICT COUNCILS	
	22		19		19	
<b>Voice and Vote</b>	9	<ul style="list-style-type: none"> <li>• President Councillor (1)</li> <li>• Electoral Councillors (8)</li> </ul>	7	<ul style="list-style-type: none"> <li>• President Councillor (1)</li> <li>• Electoral Councillors (6)</li> </ul>	7	<ul style="list-style-type: none"> <li>• President Councillor (1)</li> <li>• Electoral Councillors (6)</li> </ul>
<b>Voice but no Vote</b>	13	<ul style="list-style-type: none"> <li>• Councillors of the Legislative Branch (4)</li> <li>• Representatives of the National Political Parties (8):                             <ul style="list-style-type: none"> <li>- National Action Party (PAN)</li> <li>- Institutional Revolutionary Party (PRI)</li> <li>- Democratic Revolution Party (PRD)</li> <li>- Cardenista Party (PC)</li> <li>- Labor Party (PT)</li> <li>- Green Ecological Party of Mexico (PVEM)</li> <li>- Popular Socialist Party (PPS)</li> <li>- Mexican Democratic Party (PDM)</li> </ul> </li> <li>• Executive Secretary</li> </ul>	12	<ul style="list-style-type: none"> <li>• Representatives of the National Political Parties (8):                             <ul style="list-style-type: none"> <li>- National Action Party (PAN)</li> <li>- Institutional Revolutionary Party (PRI)</li> <li>- Democratic Revolution Party (PRD)</li> <li>- Cardenista Party (PC)</li> <li>- Labor Party (PT)</li> <li>- Green Ecological Party of Mexico (PVEM)</li> <li>- Popular Socialist Party (PPS)</li> <li>- Mexican Democratic Party (PDM)</li> </ul> </li> <li>• Representatives of the Executive Local Board (4):                             <ul style="list-style-type: none"> <li>- Electoral Organization</li> <li>- Federal Registry of Voters</li> <li>- Electoral Training and Civic Education</li> <li>- Secretary</li> </ul> </li> </ul>	12	<ul style="list-style-type: none"> <li>• Representatives of the National Political Parties (8):                             <ul style="list-style-type: none"> <li>- National Action Party (PAN)</li> <li>- Institutional Revolutionary Party (PRI)</li> <li>- Democratic Revolution Party (PRD)</li> <li>- Cardenista Party (PC)</li> <li>- Labor Party (PT)</li> <li>- Green Ecological Party of Mexico (PVEM)</li> <li>- Popular Socialist Party (PPS)</li> <li>- Mexican Democratic Party (PDM)</li> </ul> </li> <li>• Representatives of the Executive Local Board (4):                             <ul style="list-style-type: none"> <li>- Electoral Organization</li> <li>- Federal Registry of Voters</li> <li>- Electoral Training and Civic Education</li> <li>- Secretary</li> </ul> </li> </ul>

- Eight Electoral Councillors.

All of them are elected to serve for a period of seven years. The present Councillors were inaugurated on October 31st, 1996. Councillors are elected by a two-thirds vote in the Chamber of deputies.

The members of the General Council who only have voice are:

- Councillors of the Legislative Branch. Currently they are four, since each parliamentary group with party affiliation in both Chambers has the right to appoint one representative<sup>2</sup>.
- Representatives of national political parties, one per each party legally registered. Currently there are eight party representatives in the General Council<sup>3</sup>.
- The Executive Secretary of the Federal Electoral Institute, who is elected by a two-thirds vote at the General Council, after being presented as candidate by the President Councillor.

Currently the General Council is formed by a total 22 members, nine of which have voice and vote and thirteen who only have voice (*see Chart 2*).

## ATTRIBUTIONS

The law endows the General Council with the following attributions:

- To designate the Institute's Executive Directors, according to the candidacies presented by the President Councillor.

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<sup>2</sup> The four national political parties with parliamentary representation are presently the following: National Action Party (PAN-Partido Acción Nacional); Institutional Revolutionary Party (PRI-Partido Revolucionario Institucional); Democratic Revolution Party (PRD-Partido de la Revolución Democrática), and Labor Party (PT-Partido del Trabajo).

<sup>3</sup> Besides the four political parties with parliamentary representation, the following four parties are legally registered: Cardenista Party (PC-Partido Cardenista); Green Ecological Party of Mexico (PVEM-Partido Verde Ecologista de México); Popular Socialist Party (PPS-Partido Popular Socialista), and Mexican Democratic Party (PDM-Partido Demócrata Mexicano).

- To designate officials who will act as Presidents of Local and District Councils during electoral processes, and who will at all times be the Executive Representatives of the corresponding boards.
- To decide on agreements of fusion, grouping and coalition among national political parties, as well as participation agreements between political groups and political parties.
- To decide on the issuing or removal of register to political parties and political groups.
- To determine maximum ceilings for campaign spending allowed for political parties in Presidential, deputies and senators elections.
- To tally the total votes for senators and deputies by the principle of proportional representation, to declare their validity, to determine the distribution of positions in the Chamber of deputies and in the Senate for each political party and to issue the corresponding certificates.
- To pass every year the draft budget for the Federal Electoral Institute presented by the President of the Council, in order to submit it to the head of the Executive Branch, so that it can be included in the federal spending budget.
- To establish the Institute's general programs and policies following the proposals of the General Executive Board.

It is important to mention that the General Council is able to integrate as many commissions as it deems necessary in order to carry out its activities. These commissions shall always be presided by an Electoral Councillor.

The law also establishes five permanent commissions in the General Council, exclusively formed by Electoral Councils:

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

## 1.2 LOCAL COUNCILS

These are direction bodies structured in each of the 32 federal states in order to ensure the compliance with legal dispositions, as well as the application of agreements and resolutions of steering electoral bodies, and to rule on issues reserved to them by law.

Unlike the General Council, these Councils are only established to work during electoral periods.

### COMPOSITION

They are formed by seven members who have voice and vote, and other twelve members who only have voice but no vote.

The seven members who have voice and vote are the following:

- A President Councillor, appointed by the General Council who is at all times the Executive Head of the Local Board.
- Six Electoral Councillors appointed by absolute majority at the General Council for two ordinary electoral process, who also have the right to be re-elected.

Members who have voice but no vote are the following:

- Representatives of national political parties, on similar terms to those represented in the General Council, that is to say, one per each party with legal status. Currently there are eight representatives.
- Representatives of Electoral Organization; of the Federal Registry of Voters, and of Electoral Training and Civil Education at the corresponding Local Board.
- The Secretary of the Local Board, who also acts as Secretary of the Council.

Thus, each Local Council is formed by 19 members, of which seven have voice and vote, and twelve who have voice but no vote (*see Chart 2*).

#### ATTRIBUTIONS

Among the main attributions conferred by law to Local Councils are the following:

- To appoint electoral councillors in district councils by absolute majority.
- To register Mexican citizens or associations as observers, once these have filled in an application to participate as observers during the electoral process.
- To tally the total votes and to declare valid the election for senators of relative majority.
- To tally the total votes for senators of proportional representation.
- To survey the activities performed by Local Boards during the electoral process.

- To appoint councillor commissions necessary to survey and organize the adequate performance of their attributions.

### 1.3 DISTRICT COUNCILS

These are steering bodies constituted at each of the 300 single member districts dividing the country for electoral purposes. These councils are responsible for ensuring the compliance with the corresponding legal dispositions, as well as agreements and resolutions made by superior electoral bodies and by themselves, according to the law.

Like the local councils, district councils are installed and work only during electoral periods.

#### COMPOSITION

They are structured like the local councils, that is to say, seven members with voice and vote, and currently twelve members with voice but no vote.

Members with voice and vote are:

- A President Councillor appointed by the General Council, who at all times and circumstances also acts as the Executive head of the corresponding Local Board.
- The Representatives of Electoral Organization, of the Federal Registry of Voters and of Electoral Training and Civic Education of the corresponding district board.
- The Secretary of the district board, who is also the secretary of the board.

In sum, each district council is presently formed by 19 members, seven with voice and vote, and twelve with voice but no vote.

## ATTRIBUTIONS

Among the main attributions conferred by law to district councils are the following:

- To determine the number and location of polling stations where votes are to be received on election day.
- To carry out the second and last lottery prescribed by law in order to integrate the polling station directive board, and also to survey the adequate installation of these stations.
- To register Mexican citizens or organizations who have applied to participate as observers during elections.
- To carry out the district vote tally and to declare valid elections for deputies of relative majority, as well as the district vote tally of elections for deputies of proportional representation.
- To carry out the district vote tally of elections for senators of relative majority and proportional representation.
- To carry out the district vote tally of the election for President of the United Mexican States.
- To survey activities carried out by District Executive Boards during the electoral process.

### 1.4 POLLING STATION DIRECTIVE BOARDS

These are electoral bodies formed by citizens who are authorized to receive the votes and carry out the vote tallying in each electoral section forming the 300 single member districts.



According to the law, each district shall be divided in electoral sections. Each electoral section must comprise a minimum of 50 and a maximum of 1,500 voters. Per each 750 voters or fraction of an electoral section a polling station must be installed.

As an electoral authority, the Polling Station Directive Board is responsible for respecting and ensuring respect towards free and effective voting, and also for guaranteeing vote secrecy and an authentic vote tallying and counting.

Each Polling Station Directive Board is integrated by a President, a Secretary and two scrutineers, plus three general substitutes; that is to say, by seven citizens who are selected at random by means of a double lottery, and who have been properly trained to perform this important duty.

In addition, each party legally authorized to contend in federal elections (in 1997 there will be eight parties) can appoint two representatives and one substitute per each polling station.

## 2. TECHNICAL AND EXECUTIVE BODIES

These are permanent bodies responsible for all administrative and technical tasks necessary for the proper preparation, organization and development of electoral processes, as well as enforcing all agreements and resolutions adopted by steering bodies. All these tasks are carried out by professional, permanent and remunerated staff.

The main executive body is the General Executive Board, presided by the President Councillor of the Federal Electoral Institute. The decentralized structure is formed by 32 Local Executive Boards (one per each state), which are in fact delegations in the states. Finally, there are 300 District Executive Boards acting as sub-delegations at each single member electoral district,

which can also have municipal offices wherever the General Council deems convenient.

All boards are integrated by permanent and qualified staff, who is selected, trained and updated through the Professional Electoral Service, established in the Federal Electoral Institute by legal mandate in 1992.

## 2.1 GENERAL EXECUTIVE BOARD

It is the steering executive and technical body of the Institute; its responsibility is to carry out general policies and programs of the Federal Electoral Institute, as well as the agreements and resolutions approved by the General Council.

### COMPOSITION

The General Executive Board is formed by:

- The President of the General Council, who presides it;
- The Executive Secretary General, and
- The Executive Directors of:
  - The Federal Registry of Voters
  - Prerogatives and Political Parties
  - Electoral Organization
  - Professional Electoral Service
  - Electoral Training and Civic Education
  - Administration

The Executive Secretary is in charge of coordinating the General Executive Board, as well conducting management activities and surveying the adequate fulfillment of tasks performed by executive and technical bodies.

#### ATTRIBUTIONS

The General Executive Board must hold a meeting at least once a month, and its main functions are the following:

- To design the Institute's general policies and programs to be approved by the General Council.
- To establish administrative proceedings.
- To survey the fulfillment of programs related to the federal register of voters.
- To survey the compliance with rules applicable to national political parties and political associations, as well as their prerogatives.
- To survey the fulfillment of programs of Electoral Training and Civic Educationl.

#### 2.2 LOCAL EXECUTIVE BOARDS

These boards are the permanent bodies in charge of operating and giving technical support to the activities of the Institute in every state.

#### COMPOSITION

Each board is formed by five members:

- An Executive Representative who presides it;

- A Secretary;
- A Representative of Electoral Organization
- A Representative of the Federal Registry of Voters, and
- A Representative of Electoral Training and Civic Education.

The position of Executive Representative is always taken by the President Councillor of the Local Council, who is appointed by the General Council.

Local Executive Boards must be formed by officials who belong to the Professional Electoral Service.

#### ATTRIBUTIONS

Like the General Executive Board, the Local Boards must hold a meeting at least once a month. According to their geographical competence they have the following functions:

- To survey and evaluate the fulfillment of programs and actions performed by head representatives and district bodies.
- To survey and evaluate the fulfillment of programs related to the Federal Registry of Voters, Electoral Organization, the Professional Electoral Service, and Electoral Training and Civic Education.

#### 2.3. DISTRICT EXECUTIVE BOARDS

These boards are permanent bodies in charge of operating and giving technical support to the activities of the Institute in each of the 300 single member electoral districts.

## COMPOSITION

Like the Local Boards, they are formed by five members:

- An Executive Representative, who presides it;
- A Secretary;
- A Representative of Electoral Organization
- A Representative of the Federal Register of Voters, and
- A Representative of Electoral Training and Civic Education.

Like the previous example, the position of Executive Representative is always taken by the President Councillor of the District Council, who is appointed by the General Council.

District Executive Boards are always formed by officials belonging to the Professional Electoral Service as well.

## ATTRIBUTIONS

Like the General and Local Boards, these boards must hold a meeting at least once a month, and they have the following functions:

- To survey and evaluate the fulfillment of programs related to the Federal Registry of Voters, Electoral Organization, the Professional Electoral Service, and Electoral Training and Civic Education.
- To present to the District Council requirements in terms of number and location of polling stations to be installed in each section comprised in the district.

- To train citizens who will be members of the Polling Station Directive Boards.

### 3. SURVEILLANCE BODIES

These are collegiate bodies that only exist at the Federal Registry of Voters in order to help and survey tasks related to the designing, integration and updating of the Electoral Roll. They are called Surveillance Commissions.

The National Surveillance Commission is the steering body at the national level, but it is not a central body of the Federal Electoral Institute, since it performs auxiliary functions of a clearly defined character.

According to the decentralized organic structure of the Federal Electoral Institute, there is a Local Surveillance Commission in each of the 32 states, as well as a District Commission in each of the 300 single member districts.

#### COMPOSITION

The National Surveillance Commission is formed by:

- The Executive Director of the Federal Registry of Voters, who presides it;
- A representative of the National Institute of Statistics, Geography and Informatics (specialized technical area belonging to the Federal Executive branch).
- A regular representative and a substitute per each national political party.

The Local and District Commissions are structured in a similar way:

- The Head Representative of the Federal Registry of Voters at the corresponding Executive Board, who acts as President.
- A regular representative and a substitute per each national political party.

- A secretary appointed by the President of the Commission, who is selected among the officials belonging to the Professional Electoral Service who work on the register area.


## ATTRIBUTIONS

Surveillance Commissions have the following functions:

- To survey the enrolling of citizens in the electoral roll and in the voters lists, as well as the updating of these instruments according to the law.
- To survey that voting cards are timely delivered to citizens.
- To accept suggestions on the part of the national political parties regarding voters lists.
- To help in the annual updating campaign of the electoral roll.







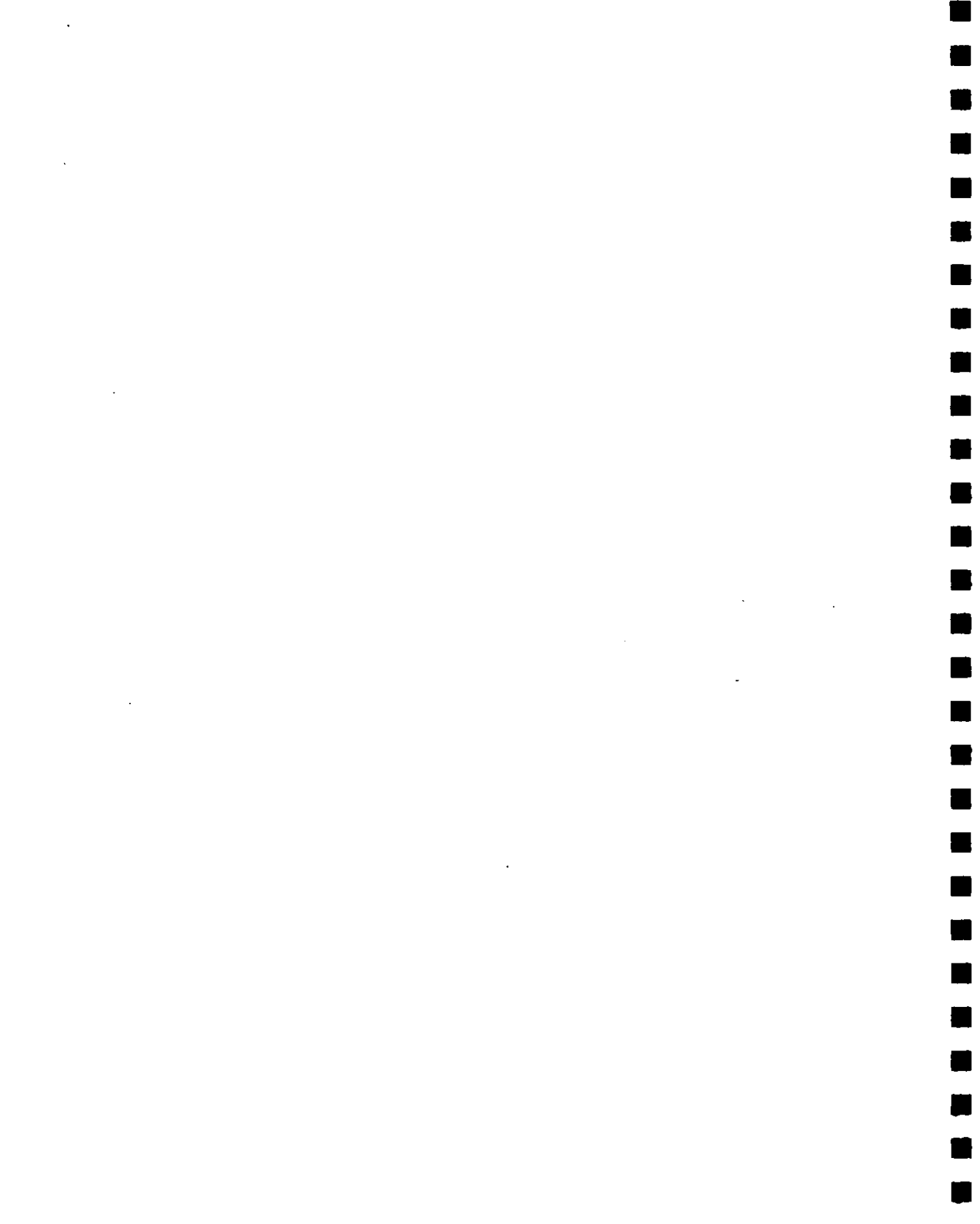
1996  
POLITICAL-ELECTORAL  
REFORM.  
GENERAL OVERVIEW  
OF ITS MAIN  
CHANGES AND  
INNOVATIONS



## I. Introduction

**D**uring the second semester of 1996, a new effort to review, update and improve electoral regulations was undertaken in Mexico. This meant important changes and innovations in the Mexican Political Constitution and the Federal Code of Electoral Institutions and Procedures (COFIPE for its acronym in Spanish).

The main objective of this document is to present a general overview of the main changes and innovations introduced by this reform, such as those related to the structure of national representative bodies, the strengthening of an increasingly competitive party regime, the transparency of the electoral contest, the consolidation of autonomy and independence of the electoral authority, and some relevant innovations regarding electoral justice and local electoral regimes.



## II. Composition of the Legislative Branch of the Union

### 1. Chamber of Deputies

- **Setting the maximum limit for representatives of the first political force in 300 deputies elected by both principles**

Unlike the double hypothesis contained in former legislation, currently the maximum limit for deputies of the first electoral force in the Chamber of Deputies will be 300 deputies elected by both principles (relative majority and proportional representation); that is to say, 60% of the 500 seats.

According to previous dispositions, when the strongest political party obtained more than 60% of votes at the national level, this party had the right to appoint 315 elected representatives by both principles; should it obtain, however, 60% or less of national voting, the maximum level of representation was fixed in 300 representatives.

- **Establishing a maximum level of overrepresentation of eight points in the votes-seats ratio for any political party**

As a complement to the establishment of a maximum representation level for the first electoral force, a disposition to fix a limit to possible overrepresentation of the political forces in the conformation of the Chamber of Deputies has been implemented for the first time, in order to achieve equality in the votes-seats ratio.

As a result, and as a general rule, no political party will have a total number of elected representatives by both principles accounting for more than 8 points as regards to its national voting percentage; that is to say, the difference that can be established between seats and votes for any political party is limited to 8%.

The only exception for this rule is the possibility of a political party obtaining a total percentage of seats for deputies of relative majority higher than the total voting plus 8%.

- **Increasing the required voting threshold for a political party to participate in the allocation of proportional representation seats**

The required voting percentage was increased to 2% from 1.5% for a party to participate in the allocation of the 200 proportional representation seats.

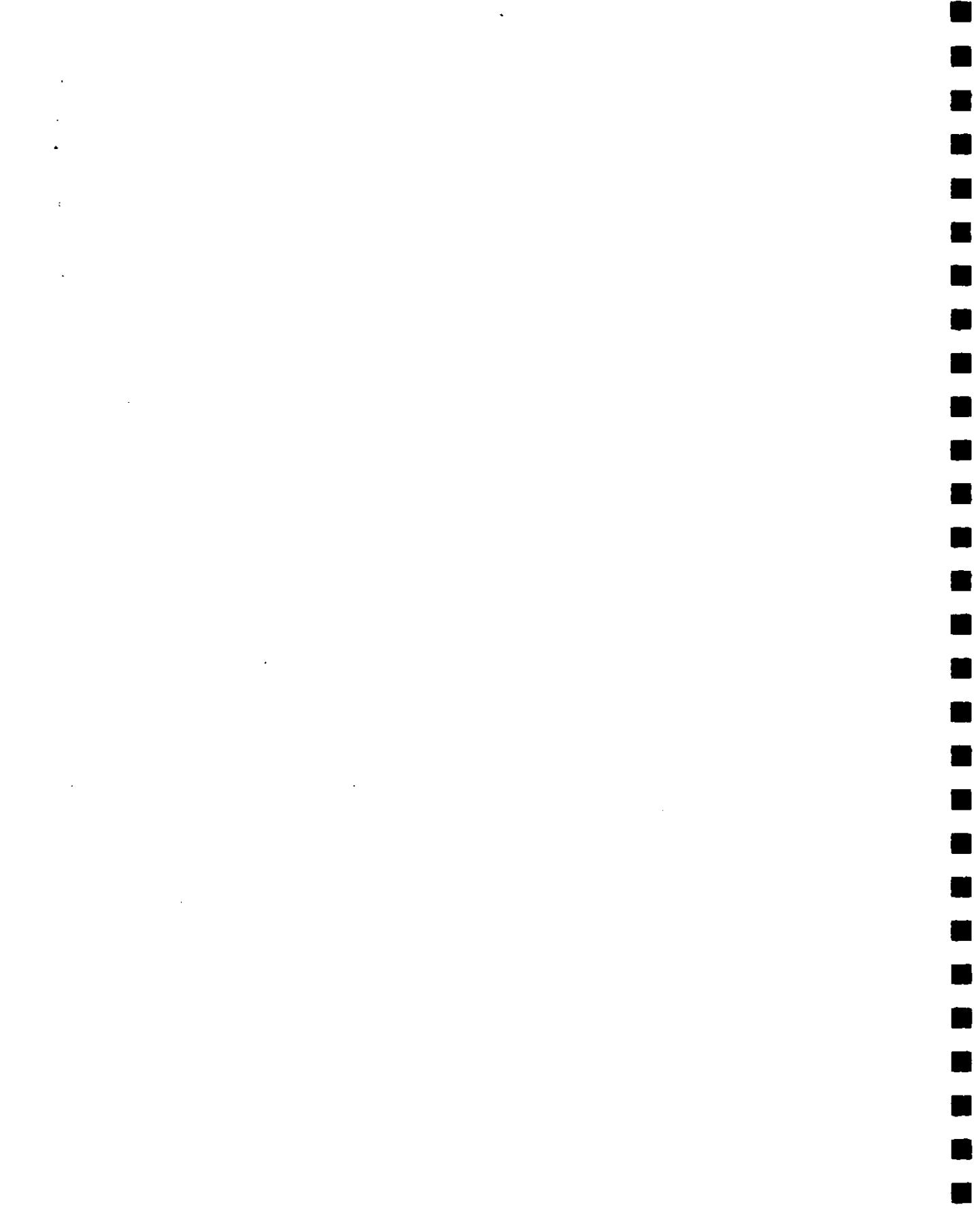
## 2. The Senate

- **Adopting the proportional representation principle to form the Senate**

With the aim of improving the party representation formula to form the Senate, the proportional representation principle was adopted in order to elect 32 of its 128 members.

For that reason, only three senators will be elected in each of the 32 federal states: two by the relative majority principle and the third one will be assigned to the first minority; the remaining 32 senators will be elected by the proportional representation principle, by means of lists to be voted for in a single national multi-member constituency.

According to a similar disposition regarding the integration of the Chamber of Deputies, the required voting threshold for a political party to contend for the allocation of proportional representation seats in the Senate was also fixed in 2% of the votes cast at the national level.





### III. Juridical Status of Political Parties and Groups

#### 1. National Political Parties

- **Creating a single procedure for political organizations to obtain their register as national political parties**

The conditioned register mode previously prescribed by law for a political organization to obtain the necessary authorization to participate in federal elections was eliminated, and definitive register implemented as the only procedure.

As a result, the term “national political party” is applied to all political organizations once they have obtained their register, instead of the previous system establishing different rights and prerogatives according to the character of their register.

- **Softening the requirements to obtain the register as a national political party**

Instead of a minimum of 65,000 members at the national level previously required, now only 3,000 members are required in at least 10 of the 32 states, or 300 members in at least 100 out of 300 single member electoral districts. However, in no case can the total percentage be inferior to 0.13% of federal electoral roll used in the previous ordinary federal election.

- **Increasing the required percentage for a national political party to maintain its register**

The minimum voting percentage required for any federal election is fixed in 2% (presidential and for deputies and senators) for a national political party to maintain its register.

## 2. National Political Organizations

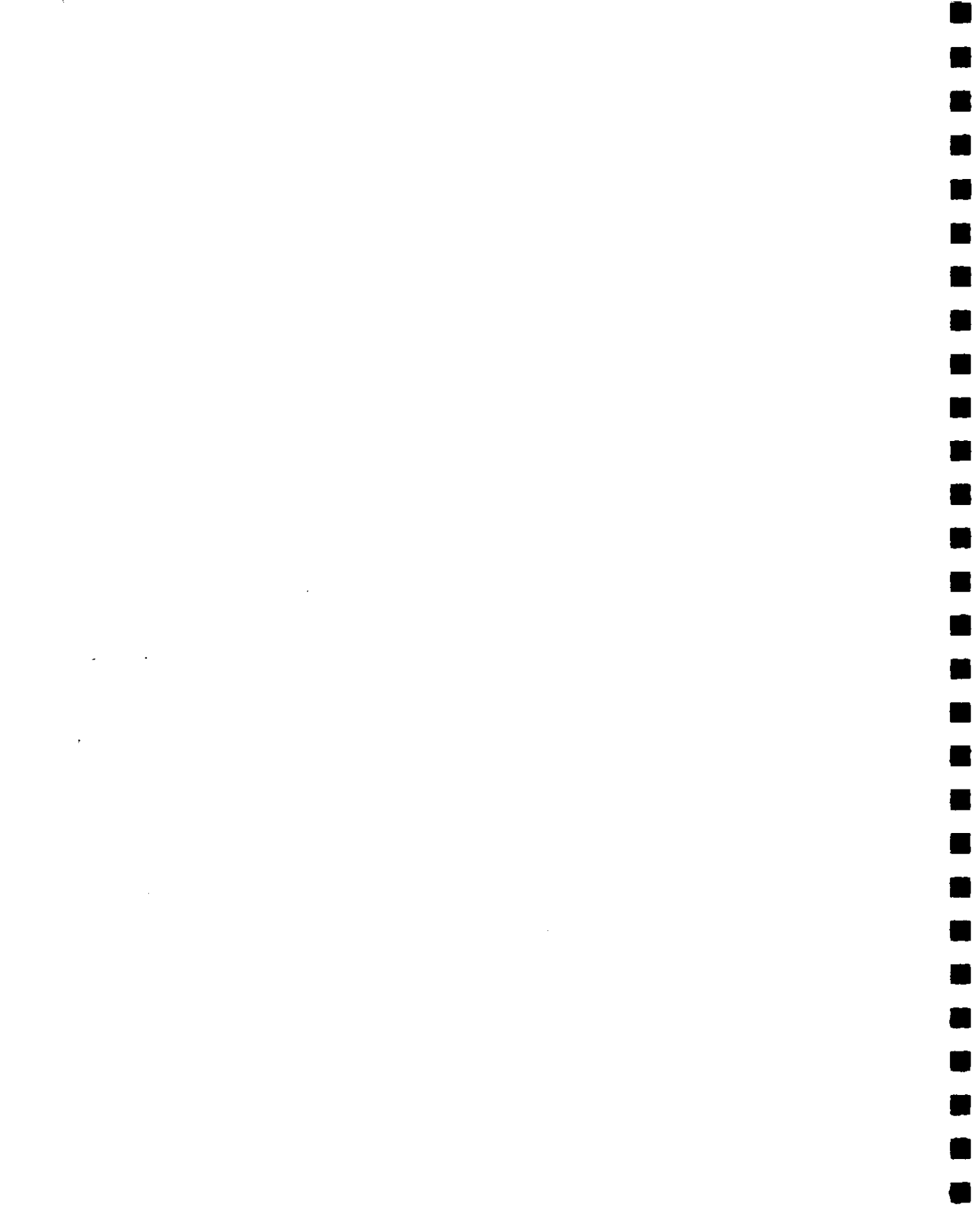
- **Creating the figure of national political organizations**

With the purpose of widening the participation and political representation of the citizenry, and as a complement to the political party system, national political organizations are recognized as associations contributing to democratic life and political culture, and also to the creation of a well-informed public opinion.

National political organizations can participate in federal elections only by means of participation agreements with a political party, duly approved by the electoral authority. Under no circumstance will these organizations use the name "party" or "political party", nor form coalitions among themselves to participate in elections.

These organizations must submit a register application before the Federal Electoral Institute. They must present basic documents and have a different denomination from any other group or party, and they must also have at least 7,000 members in the country, a national directive board and delegations in at least 10 states.

Organizations duly registered will have a special tax status and will be provided with public financing to support their educational, political, and training activities, as well as social, economic and political research.



## IV. Equality Conditions in the Political-Electoral Contest

### 1. Access of Political Parties to Mass Media

- **Ensuring equality to have a free access to radio and television programs during electoral periods**

Better and more accurate dispositions on the access of political parties to radio and television during electoral periods have been established.

Besides 15 minutes available to any party every month, free and additional broadcasting will be distributed as follows: 30% evenly and 70% according to their electoral strength. Law previously considered that additional broadcasting time was to be assigned in a proportional way to their electoral strength.

Additional time encompasses not only up to 250 broadcasting hours on radio and 200 broadcasting hours on television during presidential electoral processes (reduced to 50% for legislative elections), but also 10,000 radio and 400 television spots, 20 second each, provided by the Federal Electoral Institute.

- **Monitoring broadcasting time for electoral campaigns in news programs**

The Broadcasting Commission of the Federal Electoral Institute is empowered to monitor broadcasting time destined to cover the campaigns of political parties in news programs, in order to inform this to the General Council.

- **Restricting time buying from television and radio stations**

Law states that under no circumstance will a third party be allowed to buy television and radio air-time to favor or to attack any political party or candidate.

- **Acknowledging the right to clarify information**

Political parties, candidates and coalitions are granted the right to clarify information presented by mass media during electoral campaigns, if they consider they have misrepresented their activities or personal traits.

## 2. Financial Regime of Political Parties

- **Establishing public financing on top of other financing systems**

The Mexican Constitution states that public financing must always prevail over other party financing systems permitted by law.

- **Re-defining public financing modalities**

Public financing is encompassed under three modalities:

- Maintenance of permanent ordinary activities: 30% is assigned evenly and 70% is assigned according to the voting percentage obtained by parties represented in Congress. ...
- Campaign spending: During an election year each party is granted an amount equal to the one destined for permanent ordinary activities.

- Specific activities acting as organizations of public interest: The General Council can authorize an economic support equaling up to 75% of annual expenses proved by each party that will be destined to educational and political training activities, to political, social and economic research, as well as publishing tasks.

- **Prohibiting anonymous contributions**

It is stated that political parties will not receive contributions from non-identified persons, with the exception of contributions received during public meetings or on the street.

- **Setting new limits to supporters' financing**

As regards to free and voluntary financing by individuals or organizations living in the country (supporters), it is stated that no party will receive annual cash contributions higher than 10% of the total amount of public financing, granted for all political parties for permanent ordinary activities in the corresponding year.

Likewise, cash contributions made by individuals or organizations will have an annual limit equivalent to 0.05% of the total amount of public financing, granted for all political parties for permanent ordinary activities in the corresponding year.

- **Establishing a better control to handle financial resources of parties and political groups**

The General Council Auditing Commission to Control Resources of Political Parties and Groups is empowered to audit the application of those resources, and is also responsible for receiving, revising and evaluating reports presented by parties.

This Commission is also empowered to conduct audits to political parties and political groups, according to terms established by the General Council, as well as to command evaluation visits in order to verify the compliance of parties with their obligations and the veracity of their reports, and finally to present the results of these audits and evaluations to the General Council.

### 3. Ceilings for Campaign Spending

- **Modifying of rules for the General Council to establish ceilings for campaign spending**

The Federal Electoral Institute General Council is empowered to agree upon and approve ceilings for campaign spending to be applied in every federal election.

In the same way, rules to be followed by the General Council to determine ceilings for campaign spending of presidential, senators or deputies elections have been modified to render them more accurate and clear.



## **V. Integration and Attributions of the Federal Electoral Institute**

### **1. Central Direction Bodies**

- **Excluding completely the participation and representation of the Executive Branch**

With the purpose of ratifying the autonomy and independence of the electoral authority, any participation and representation of Executive Branch has been eliminated. Previously the Minister of the Interior presided the General Council acting as Councillor of the Executive Branch.

- **Creating the figure of President of the General Council and Executive Secretary**

Currently the General Council is presided by the President Councillor, who is elected by a two thirds vote at the Chamber of Deputies for a seven year term.

The President Councillor of the General Council assumes some of the faculties formerly conferred to the General Director (this position no longer exists). Among

these faculties the President Councillor is responsible for appointing the Executive Secretary and the Executive Directors, to preside the General Executive Board, and finally to order pertinent studies and procedures in order to grasp electoral trends on election day.

The Executive Secretary is elected by a two thirds vote at the General Council, after her/his candidacy has been presented by the President Councillor.

The main duties of the Executive Secretary are to coordinate the General Executive Board, to manage and survey the correct development of the activities performed by technical and executive bodies of the Institute, and to be the Institute's legal representative among others.

- **Setting a new formula for the integration of the General Council**

The number of councillors with voice and vote has been reduced to nine: the President Councillor and eight Electoral Councillors substitute former citizen councillors.

Like the President of the General Council the eight Electoral Councillors are elected by a two thirds vote at the Chamber of Deputies after their candidacies have been presented by the parliamentary groups. They serve for seven years and can be re-elected.

The 1996 reform eliminated the presence of a councillor of the Executive Branch, and the Councillors of the Legislative Branch lost their right to vote. Currently each political party represented in Congress (parliamentary group) has the right to appoint a Councillor.

National political parties keep their right to have a representative with no vote; the Executive Secretary of the Institute is part of the General Council, but has no right to vote either.

- **Enlarging and re-defining attributions of the General Council**

The new faculties conferred to the Federal Electoral Institute allow a better control and surveillance of directive bodies. Thus, innovations introduced in the respective legislation have enlarged and redefined the powers of the General Council as the most important decision-making and deliberation body at the Institute.

Innovations introduced are the following: ability to appoint president councillors for local and district councils, to decide on the granting or canceling of register to political groups, to authorize participation agreements with political parties, and finally to establish general policies and programs for the Institute.

- **Creating permanent commissions at the General Council**

Regardless of the fact that the General Council is empowered to integrate as many commission as it deems necessary to adequately perform its duties, the 1996 reform introduced the creation of five permanent commissions to be formed exclusively by electoral councillors, whose main purpose is to survey and support important activities such as:

- Auditing financial resources of political parties and groups.
- Prerogatives, political parties and broadcasting.
- Electoral organization.
- Professional electoral service.
- Electoral training and civic education.

## 2. Decentralized Bodies

- **Making adjustments to the composition and attributions of local councils**

The composition of local councils have been modified according to changes introduced in the composition of the General Council. Now these councils are formed by seven members with voice and vote: a President Councillor appointed by the General Council, who will act at the same time as Executive Head of the board, and six Electoral Councillors appointed unanimously by the General Council.

Among their new attributions new are the following: tallying results for the election of senators by the principle of proportional representation at the state level, and appointing council commissions deemed necessary to ensure and organize the adequate performance of its functions.

- **Making adjustments to the composition of district councils**

The composition of district councils has been modified as well, since they are formed now by seven members with voice and vote: a President Councillor appointed by the General Council acting as Executive Head of the board, and six Electoral Councillors appointed unanimously by the Local Council.

## **VI. Party Coalitions to Present a Common Candidate**

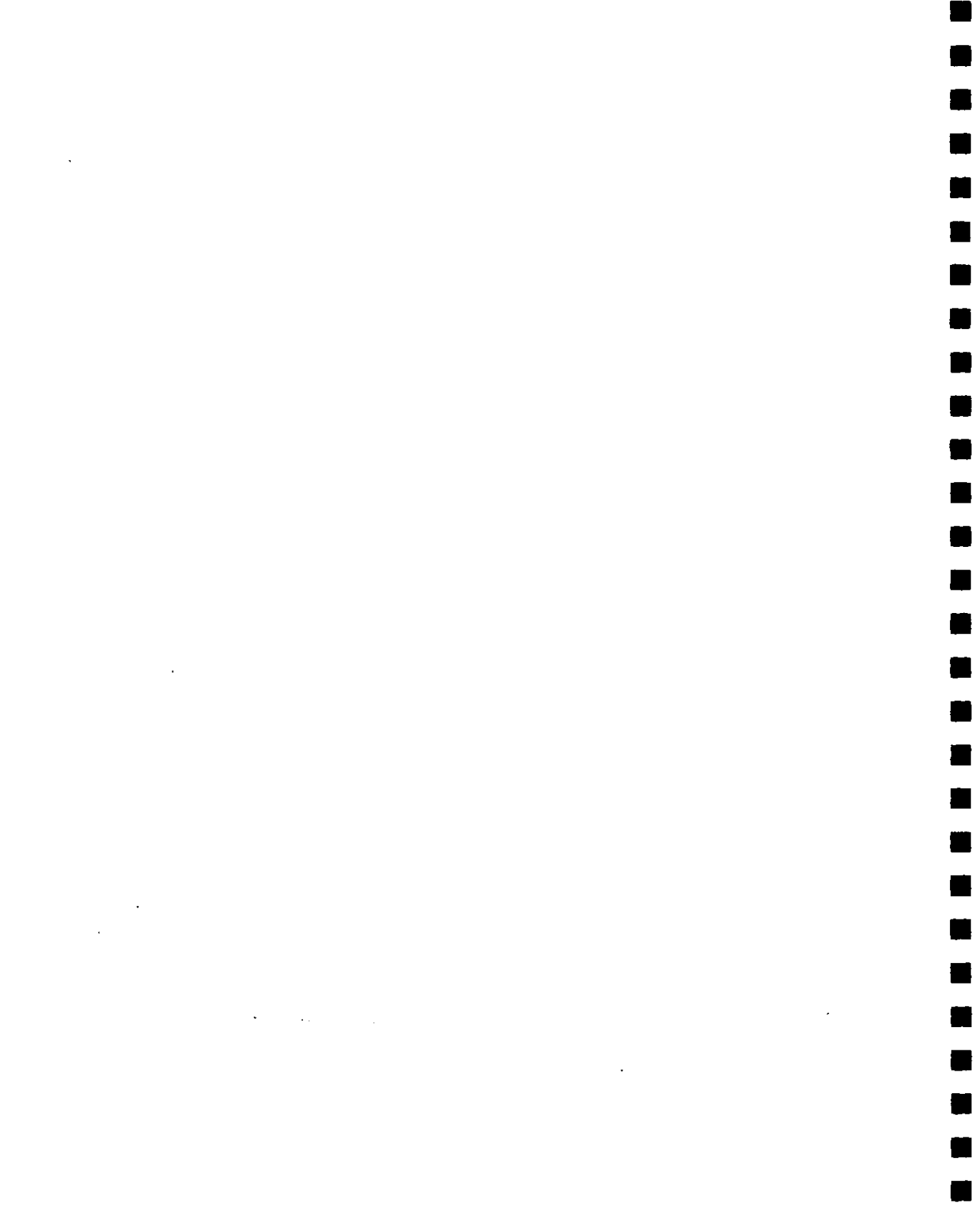
- **Extending the right to form coalitions for the election of senators of proportional representation**

Once the figure of senator of proportional representation was created, political parties were also granted the right to form coalitions to present common candidacies.

- **Defining partial coalitions**

Coalitions formed for the election of deputies and senators of proportional representation will not be valid for other type of elections under the following terms:

- For the election of senators, a minimum of six and a maximum of 25 candidates will be registered, but two candidates are always to be included per each federal state (every state elects two majority senators).
- For the election of deputies, a minimum of 33 and a maximum of 100 single candidates are to be registered.



## VII. Electoral Justice

- **Acknowledging non-constitutional actions in electoral matters**

Non-constitutionality is acknowledged for actions going against federal and local laws. Political parties will be the only subjects authorized to promote such procedures before the Supreme Tribunal of Justice of the Nation.

Only registered political parties at the Federal Electoral Institute can denounce non-compliance of federal electoral laws with the Constitution; regional political parties do so for electoral regional laws issued by the legislative body of the state.

Besides, it is stated that federal and local electoral laws must be promulgated at least 90 days before electoral process starts, since during the process it is not possible to carry out fundamental legal modifications.

- **Ensuring the constitutional protection of the citizens political rights**

According to the Constitution, challenge mechanisms created to ensure compliance with constitutional and legal principles on the part of electoral

authorities will guarantee the protection of citizens political rights to vote, to be elected, and to freely and peacefully form groups to participate in the political affairs of the country.

- **Conducting a constitutional revision of actions and resolutions of state regional authorities**

The Electoral Tribunal is responsible for surveying that definitive actions and resolutions made by the electoral authorities of the states will comply with the Constitution regarding the organization and evaluation of elections.

The Electoral Tribunal is empowered to solve, in a definitive way, challenges affecting the development of the electoral process or its final outcome.

This system will be applied only when it is juridically and materially possible to obtain a reparation within legal electoral terms, before official positions being contested are occupied.

- **Incorporating the Electoral Tribunal to the Legislative Branch of the Federation**

The Electoral Tribunal with federal jurisdiction (formerly known as Federal Electoral Tribunal) is now part of the Legislative Branch of the Federation as a specialized body, and it is also recognized as the highest authority in the matter, with the exception of actions attempting against the Constitution, reserved only for the jurisdiction of the Supreme Court of Justice.

Besides assuming duties formerly conferred to the Federal Electoral Tribunal, the new Electoral Tribunal can also solve in a definitive way challenges to actions or final resolutions of local electoral laws, as well as actions and resolutions violating political-electoral rights of the citizens.

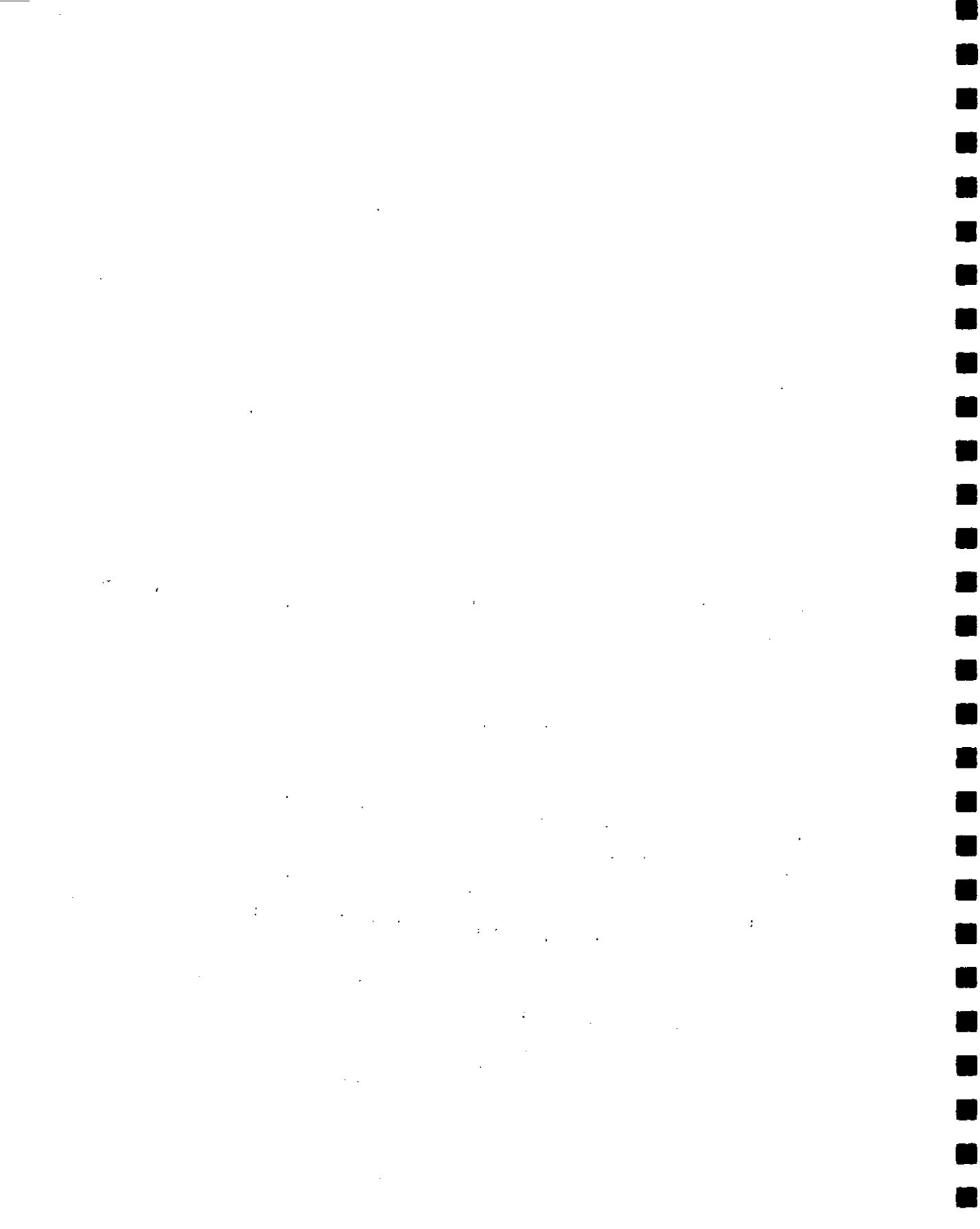


## VIII. Local Electoral Regimes

- **Introducing basic principles and protection of electoral guarantees in state constitutions and laws**

It is stated that state constitutions and laws on electoral affairs should guarantee a set of principles similar to those of the electoral regime at the national level, such as the following:

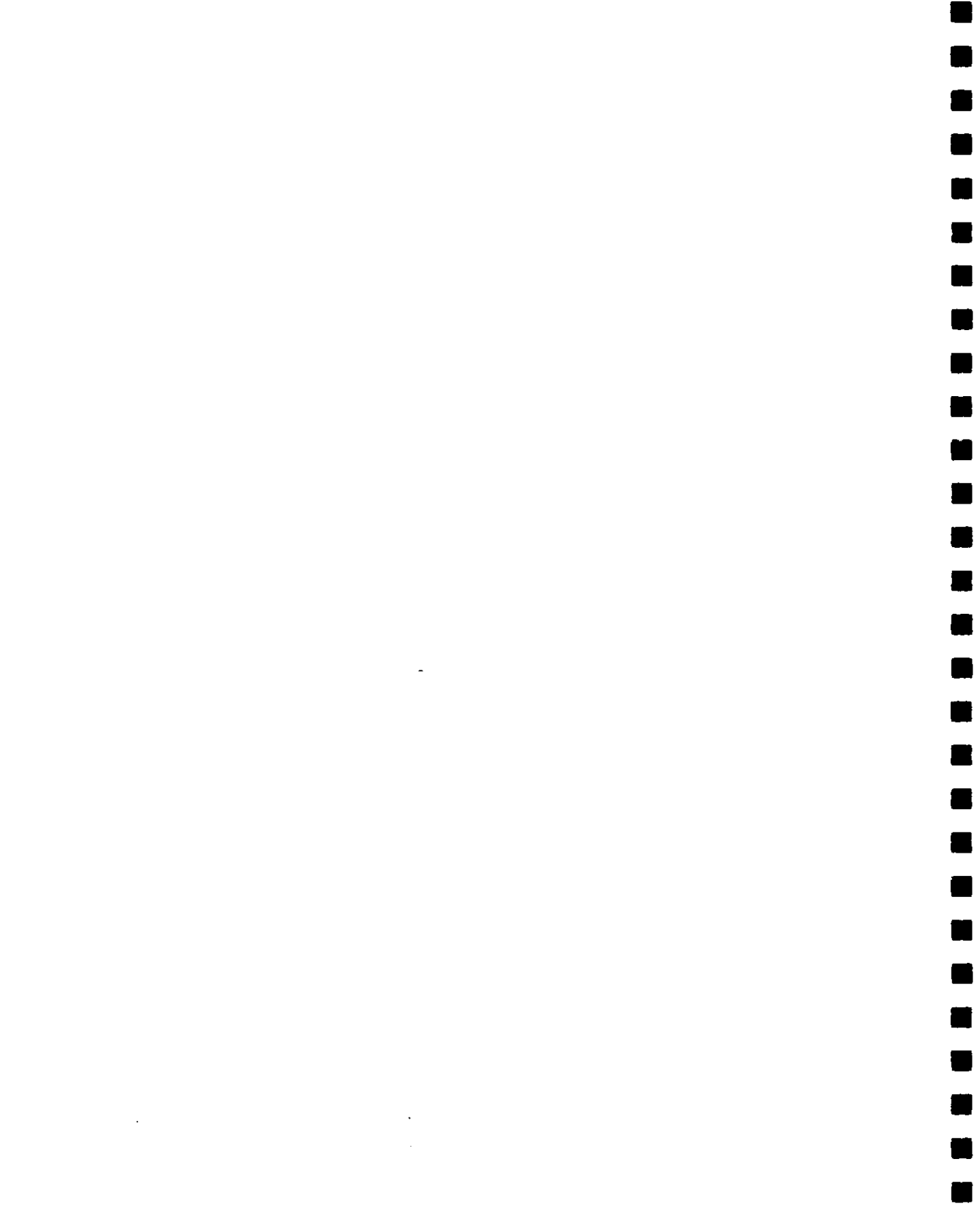
- Autonomy and independence of authorities responsible for organizing elections and solving electoral of controversies.
- Equal public financing for all political parties.
- Equal conditions for political parties to access mass media.
- New criteria to define ceilings for political parties' spending on electoral campaigns.
- Classification of electoral offenses and the corresponding sanctions.



- **Relocating the faculty to qualify presidential elections**

The Electoral Tribunal is empowered to qualify presidential elections, a faculty formerly conferred to the Electoral College of the Chamber of Deputies.

Thus, the Superior Court of the Electoral Tribunal is able to solve challenges that could arise from presidential elections.



## **IX. Political-Electoral Regime of the Federal District**

- **Transforming the Assembly of Representatives into a Legislative Assembly**

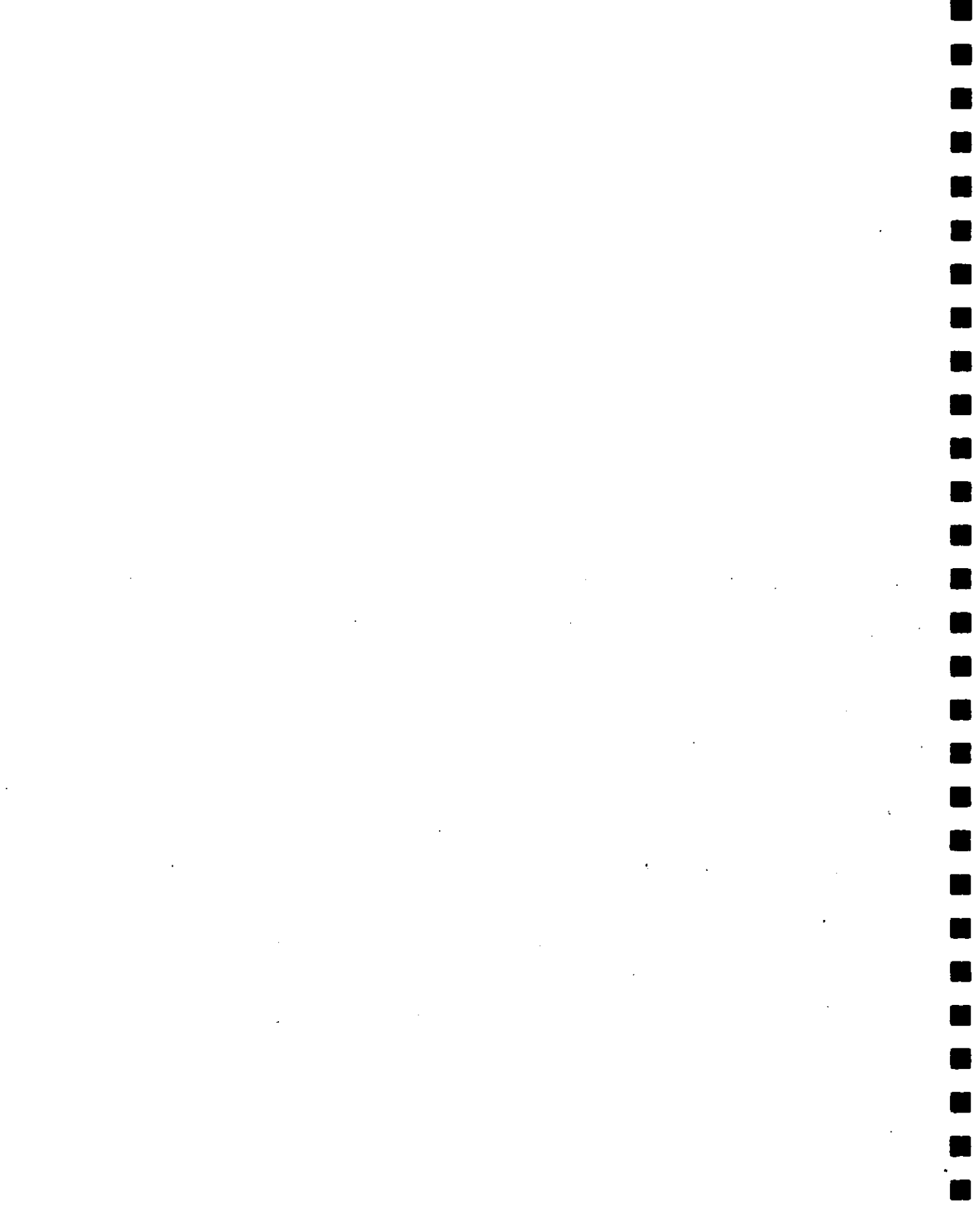
The former Assembly of Representatives, as a legislative body of the Federal District, has become a Legislative Assembly formed by deputies.

The Legislative Assembly also assumes new faculties such as examining, discussing and passing the income law for the Federal District, appointing a substitute for the Head of Government of the Federal District in case of total absence, and issuing the dispositions for local elections in the Federal District.

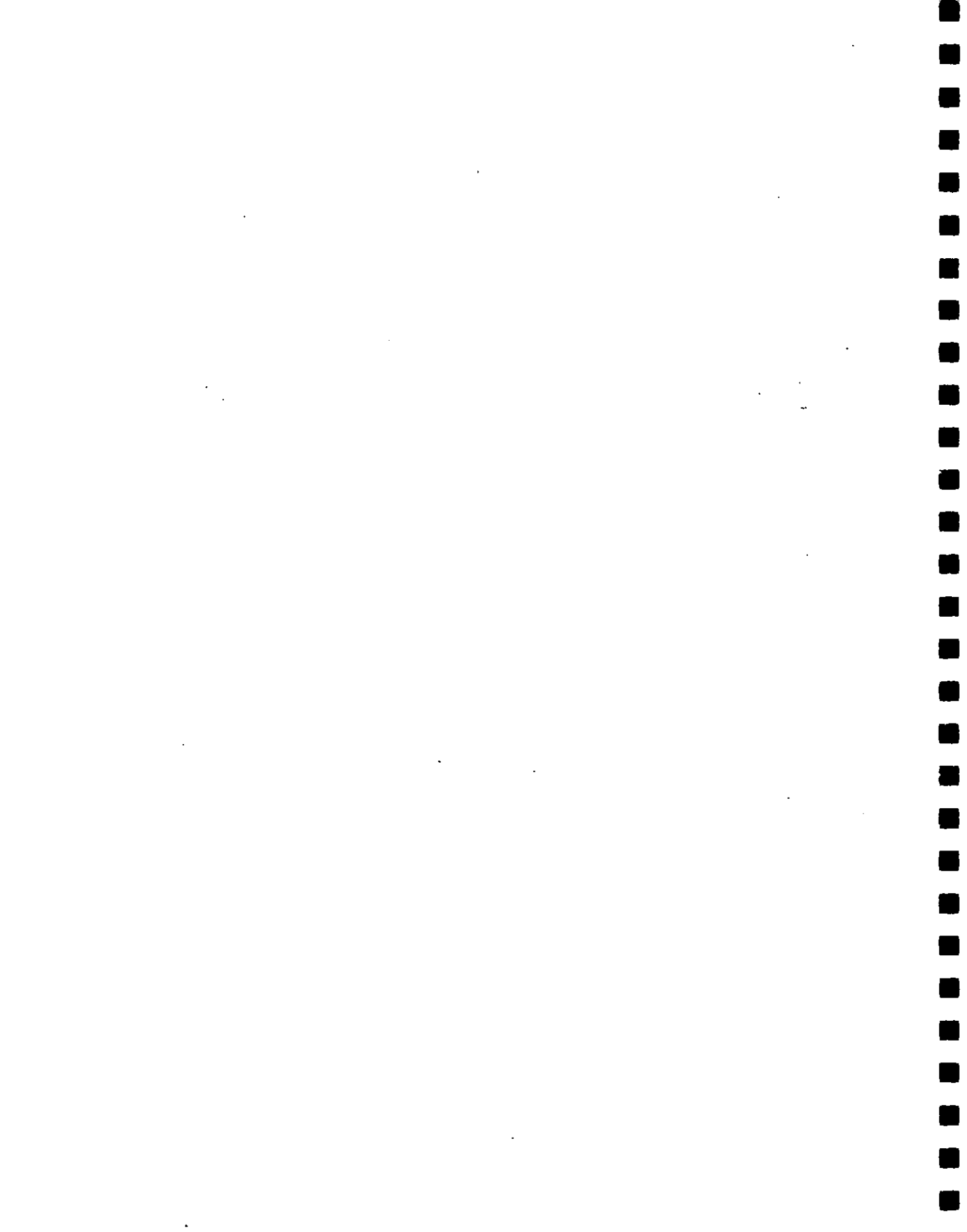
- **Electing the Head of Government for the Federal District**

The Head of Government (Mayor) of the Federal District is now to be elected by a direct, secret, universal and free suffrage, in order to serve for six years. Previously the Mayor was appointed by the President of the Republic.

Among the new attributions to be conferred to the Mayor of the Federal District are the following: she/he will be responsible for presenting bills to the Legislative Assembly, exercising an exclusive right to present initiatives on income laws and spending budget, and directing public security services.



ORIGIN AND  
CHARACTERISTICS  
OF THE  
PROFESSIONAL  
ELECTORAL  
SERVICE





## I. Background

Previous to the important electoral reforms of 1990, the organism in charge of Federal Elections in Mexico was the “Federal Electoral Commission”, which every three years carried out an intense effort to coordinate and manage its complex structure at a national level.

Among the tasks that presented greater difficulties when organizing elections were the recruitment, selection and training of officials responsible for elections, since this was done in a very short period of time. This fact produced failures in the formation of electoral officials, and therefore in the general performance of the system.

In fact, with the adoption of the Federal Code of Electoral Institutions and Procedures (COFIPE for its acronym in Spanish- Código Federal de Instituciones y Procedimientos Electorales) and the creation of the Federal Electoral Institute (IFE in Spanish) in 1990 the main goal was to avoid the difficulties mentioned above, and to incorporate new aspects in the conceptual and normative framework to organize electoral processes.

The principle of electoral professionalism was quite relevant because never before had this topic been settled as a legal mandate, in the sense of prescribing a professional performance on the part of the institution responsible for elections.

Therefore, in order to ensure a better development of its activities, the Federal Electoral Institute has organized a special system for recruiting, selecting and training qualified staff to provide electoral services. This system is the “Professional Electoral Service”.

On this basis, the electoral authority considered that the Professional Service would be the ideal device to address the new difficulties and challenges posed by the 1994 federal elections. In brief, the core of this new philosophy stems from the following premises:

- Eradicating improvisation.
- Fostering the trust of citizens on electoral institutions and procedures.
- Achieving high efficiency levels on electoral services.
- Conciliating the permanence and self-improvement of the staff, and finally
- Developing a high sense of dignity, loyalty and belonging on the part of the officials towards the institution.

## II. Normative Basis for the Professional Electoral Service

Besides constitutional dispositions that for the first time in 1990 considered professionalization as one of the main characteristics of the Federal Electoral System<sup>1</sup>, and related rules contained in article 95 of the Federal Code of Electoral Institutions and Procedures (COFIPE)<sup>2</sup>, the set of rules on the organization, operation and development of this service is contained in the "Statute of the Professional Electoral Service".

The Statute of the Professional Electoral Service was ratified by the General Executive Board, the General Council, and by the President of Mexico himself, who issued a decree published on the Official Gazette of the Federation on June 29, 1992.

This Statute is important because it regulates all aspects of staff management; that is, it settles the norms for recruiting and selecting staff, as well as the dispositions related to the enforcement of sanctions and removals. It also establishes dispositions related to management personnel and temporary staff.

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1 Eighth paragraph from Article 41 of the Political Constitution of the United Mexican States.

2 Article 95 of the COFIPE establishes the functions of the Executive Directorate of the Professional Electoral Service of the Federal Electoral Institute, namely formulating the Statute Draft, enforcing norms and procedures of the Professional Electoral Service, and carrying out programs of selection, formation and development for the professional staff.

It is important to enhance that one of the main characteristics of the Federal Electoral Institute is decision-making by means of collegiate bodies: the General Council, the Local and District Councils and the Executive Boards. Therefore, in the corresponding Statute the Professional Electoral Service is seen as a highly participative scheme, in which all central and decentralized areas of the organism have to collaborate.

### **III. Characteristics of the Professional Electoral Service**

#### **1. Objective**

**T**he Professional Electoral Service is defined as a professional carrier system consisting of two specialized groups, whose main goal is to provide the Institute with the qualified staff needed for electoral services, and thus contribute to the fulfillment of professional activities.

The professional character of this service is intended to ensure that electoral officials will follow the ruling principles of the federal electoral processes that are contained in the Political Constitution, namely certainty, legality, fairness, objectivity and independence.

#### **2. Integration**

There are two kinds of officials in the Professional Electoral Service: on the one hand directive officials who perform managing and supervision functions; and on the other hand, technical officials who perform specialized electoral activities. A total of 2,336 positions form these two levels, and they are distributed between central and decentralized bodies.

The Professional Service staff is responsible for important functions related to the fulfillment of institutional goals, mainly those directly linked with the organization of federal elections.

The hierarchy of the positions goes from head of Department to the post immediately below Executive Director. The rationale of the professionalization efforts on this area is the fact that this staff carries out the main activities of the Federal Electoral Institute.

### 3. Recruiting and Personnel Selection

The process for the integration of the Professional Electoral Service started on December of 1992 with the publication of a recruitment notice, and concluded on May of 1993 once the Agreement of the General Executive Board on the selection of candidates was issued.

This recruitment notice was issued after its content was agreed upon by the General Council. Some suggestions were incorporated in order to enrich the document, which finally presented the basis and general procedures for admittance.

As established in the COFIPE the performance of electoral officials who participated in the 1991 federal election was considered a first stage for their later incorporation to the Professional Electoral Service. Since then, this specialized group of officials has been renewed according to the circumstances of each electoral period.

The process to place a recruitment notice for the Professional Electoral Service was carried out by means of an intense national mass media broadcasting campaign.

The Professional Electoral Service incorporation process aroused a great interest among citizens, considering that it was a recruiting notice with no precedents in the country.

Another interesting element of the incorporation process to the Professional Electoral Service is its totally decentralized mechanism. Local and District Boards collaborate on broadcasting the notice, providing personal guidance to candidates,

receiving applications, and revising documents. Evaluations are the responsibility of the staff from central headquarters with the purpose of achieving an impersonal and impartial treatment of applicants.

## 4. Access to the Professional Electoral Service

In order to integrate the two groups of officials in the Professional Electoral Service, a rank structure has been designed establishing three access ways for those citizens who are interested in being enrolled in the electoral service:

- Taking basic training courses.
- Winning an incorporation contest.
- Passing an incorporation examination.

Should the applicant completely fulfill one of the requirements or evaluations mentioned above, a provisional nomination is made and can become definitive after the applicant has participated in an electoral process and she/he has passed annual performance evaluations, in addition to current formation and development programs.

In fact, the correct appreciation of the carrier personnel within the Institute is an element of the utmost importance, because this has set the ground to design a general evaluation system. The main points to be evaluated are: general knowledge, discipline, ability for interpersonal relationships, initiative, self-determination and, in some cases, leadership capacity, that is to say, elements defining the most adequate person for the post.

The results of this evaluation will be the basis to assign a post and/or a work field, rank, promotion in the hierarchy structure, and permanence in the Service. The active participation in these programs is both an obligation and a right for the carrier staff.

Besides the recruiting program for the Professional Personnel, a promotion system has been designed taking into account the following aspects:

- Personal achievement
- Professional performance

- Work and research
- Grades obtained in formation courses, and
- Seniority

Another disposition that was also considered in the statute of the Professional Electoral Service is the possibility of a temporary separation from active duty without losing the links with the Institute. Therefore, under certain conditions it is possible to be on the “available” category: carrier staff with a definitive nomination will be able to leave active duty to carry out other activities, and later come back to the same post.

## 5. Formation Programs

Another interesting characteristic of this system is the possibility of professional updating; participation in courses and special update programs is both a right and an obligation for the professional personnel.

In order to have a qualified staff for electoral services, the Institute runs and organizes permanent training and development programs for carrier staff, intended to ensure a professional performance by promoting the acquisition of the necessary skills, knowledge and disposition.

Training programs encompass the following stages:

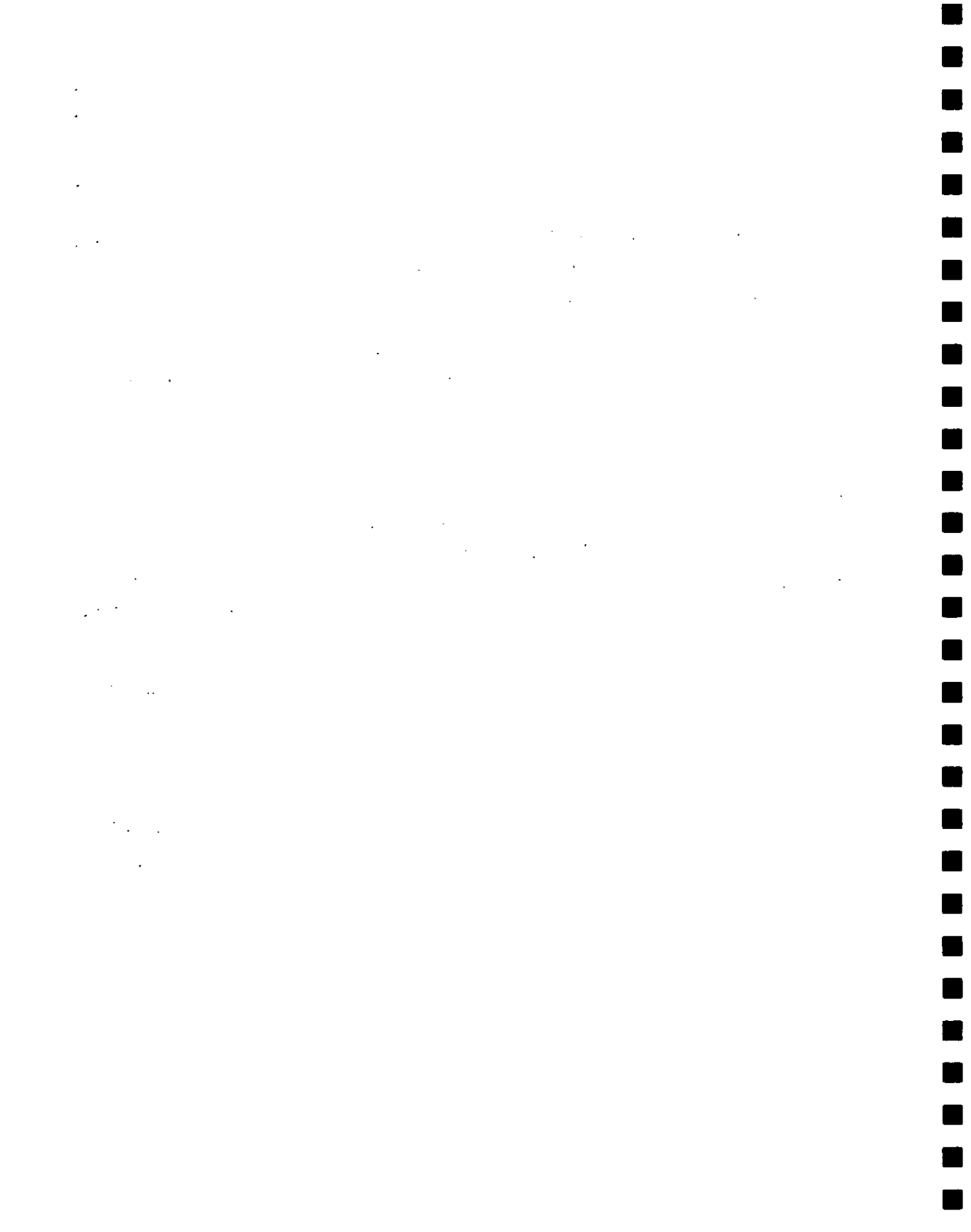
- Basic training is the first step to be followed by candidates, in order to unify abilities related to electoral activities.
- The main goal of the professional formation is to provide the staff with appropriate knowledge regarding different areas within the Federal Electoral Institute, so that officials will be able to work in diverse areas, and not necessarily in a single position.
- The main objective of the specialized formation is to deepen the knowledge of carrier staff on specific areas that can be of further use to the Institute.



In most cases the Professional Electoral Service staff is studying and working at the same time. For this reason, the Institute along with a group of experts work to design a series of self-teaching programs that fulfill the needs of the organization.

Finally, the importance of the Professional Electoral Service lies on the fact that it is one of the most tangible steps that the Mexican Electoral System has taken in order to strengthen democratic processes.

Professionalization of electoral officials is a remarkable guarantee of the changes taking place in the Mexican political culture, and this is specially significant since it stems from the participants themselves, those who work directly on the electoral systems. From here the importance of explaining and informing in detail about the process and its implications for Mexico's future.



## IV. Sanctions

The staff of the Institute and all the electoral officials can be subject to administrative sanctions, apart from the civil or penal offenses that can be determined by different jurisdictional bodies.

Rules and procedures are established for authorities to act on any offense or violation by the staff against the Statute or the COFIPE, always respecting the right to be heard and to juridical security.

In this way, the presumed infractor will always have the proper defense devices; for example the reconsideration of acts made by the institute authorities that could be filed at the Executive Secretariat or at local and district authorities depending on the case.





FINANCIAL  
REGULATIONS  
FOR POLITICAL  
PARTIES AND  
GROUPS



## I. Background

In 1986 for the first time the Political Constitution of the Mexican United States granted political parties the right to receive public financing, in order to carry out activities aimed at attracting votes.

Since then, and on this basis, the electoral legislation has established, developed and improved some dispositions intended to regulate the financial regime of national political parties, and in 1996 the regime of national political groups was introduced as well.

The Federal Electoral Code, created as a result of the 1986 constitutional reform, stated that political parties had the right to public financing for their activities, apart from income they obtained from their members' contributions. In this way, 50% of the financing previously determined by the electoral authority was distributed according to the number of votes obtained by each political party in the last election for federal deputies, and the remaining 50% was allocated according to the number of federal deputy seats obtained by each party.

This legislation stated that political parties without the required voting percentage to maintain their register would not receive public financing -before 1996 limited to 1.5%-, and it also stated that political parties should present to the electoral authority annual reports on the use of this financing.

In the legislation resulting from the constitutional reform process for political-electoral affairs approved in 1989, the Federal Code of Electoral Institutions and Procedures (COFIPE in Spanish) included four new types of public financing:

- For electoral activities, which is granted according to the total number of votes obtained by each political party in senators and deputies elections.
- For general activities, a financing that is distributed evenly among all political parties.
- For specific activities, granted by the electoral authority every year. This financing cannot exceed 50% of demonstrable spending disbursed by each political party for activities aimed at educational and political training, as well as social and economic research, and publishing tasks.
- Subrogation made by the State of contributions made by legislators to support their parties, which is assigned proportionally to the number of deputies and senators forming the parliamentary representation of each party.

Likewise, a new group of specific dispositions has been set to determine the way in which political parties already registered after the last election would be granted public financing, thus making a distinction between definitive and conditioned register contained in previous legislation.

The constitutional and legal reform approved in 1993 included some changes and important innovations in financial matters for political parties, among which the most important are:

- Private financial sources for political parties are defined, limited and regulated for the first time. The authorized private financing encompasses four different sources: membership, followers, self-financing, financial profits, funds and trusts.
- A new public financing system is created to foster the development of political parties obtaining between 1% and 5 % of the total voting in the previous election, or being registered after that election.
- Different public and private institutions, both national and international, that are legally impeded to finance political parties are enlisted for the first time.



- The disposition establishing that political parties would not have the right to public financing if they lost their register. However, this rule was adjusted to new regulations establishing causes for the loss of register according to the number of votes obtained by a political party at the national level.

In this sense, the law stated that a political party would lose its definitive register if it did not obtain a minimum of 1.5% of the national votes in two consecutive ordinary elections. This disposition was not applicable to parties with a conditioned register or participating in a coalition during an election, because the political party could lose its register if it did not obtain 1.5% of the national vote in a federal ordinary election.

When a political party with a definitive register did not obtain 1.5% of the votes in a federal ordinary election, as the code stated (but with a minimum 1%), it could keep its rights and prerogatives under a special regime including public financing.

- All political parties are required to have an internal office responsible for managing property and financial resources, as well as presenting annual and campaign reports to a specialized area of the electoral authority on the origin, destination and use of resources.

Finally, the most recent constitutional and legal reform on the matter, finalized in the second semester of 1996, included new adjustments and innovations intended to ensure equality conditions in the electoral contest, in order to ensure a better audit and a transparent handling of the origin and destination of financial resources used by political parties.

Similarly, among the most recent changes included in this reform defining main characteristics of the financial regulations for political parties are the following:

- Prevalence of public financing over other types of financing allowed by the law, as a constitutional mandate.
- Re-definition of public financing systems in order to ensure a greater equality among political parties.
- Elimination of dispositions related to granting public financing to political parties with definitive and conditioned register, and creation of a single procedure for a political organization to be granted a register as a national political party.

- Elimination of the special public financing regime related to the minimum voting percentage required for a political party to maintain its definitive register, due to the suppression of double register and the setting of a minimum voting percentage required for a political party to keep its register in 2%.
- Prohibition of anonymous contributions and new ceilings for followers' contributions.
- A greater control of the origin, destination and use of resources granted to political parties and groups, through the creation of a new specialized body within the Federal Electoral Institute (General Council Auditing Commission to Control Resources of Political Parties and Groups), which was assigned important tasks.

## II. Public Financing

The electoral law reserves the name “National Political Party” and the corresponding rights and prerogatives established by the Constitution and the electoral code, including public financing to political organizations duly registered before the federal electoral authority.

Due to the recent legal reforms in this subject, three different concepts to grant public financing have been set as follows:

### 1. For Permanent Ordinary Activities

The total amount of public financing granted for this concept is distributed as follows:

- 30% is assigned evenly among all political parties represented in both chambers of Congress (deputies and senators).
- The remaining 70% is distributed according to the national voting percentage obtained by each political party represented in both chambers of Congress in the last deputies election.

An estimate of the total amount to be distributed annually by this concept is obtained by the following procedure:

- The General Council must determine annually the minimum costs of a campaign for deputy, senator and president of the United Mexican States, by taking into consideration the approved costs for the immediate preceding year. These costs must be updated through the usage of the national consumer price index previously established by the National Bank, as well as other factors determined by the General Council.<sup>1</sup>
- The minimum cost for a deputy campaign is multiplied by the total number of deputies to be elected and the number of political parties represented in Congress.
- The minimum cost for a senator campaign is multiplied by the total number of senators to be elected and the total number of political parties represented in Congress.
- The minimum cost for a presidential campaign can be calculated by multiplying the minimum campaign spending cost for a deputy campaign by the total number of relative majority deputies to be elected; this figure is then divided by the number of days during the campaign, and the resulting figure is then multiplied by the number of days in the presidential campaign.

The result of all these calculations is equal to annual public financing for permanent ordinary activities, and this financing is handed out to each political party monthly according to the budget schedule approved annually.

As a legal mandate, each political party has to allocate at least 2% of this public financing to support its research institutes or foundations.

## 2. For Campaign Spending

Public financing for campaign spending is equal to the amount granted for permanent ordinary activities during an election year; that is to say, each party receives a similar amount both for campaign spending and for permanent ordinary activities.

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<sup>1</sup> The electoral law states that once an ordinary electoral process is over, the General Council can review all factors or elements taken into account to establish the minimum campaign costs.

### 3. For Specific Activities Conducted by Parties Acting as Public Interest Organizations

Public financing granted for this concept is closely related to the expenses annually disbursed by political parties for educational and political training activities, social and economic research, and publishing tasks.

In order to support these activities, the law empowers the General Council to provide the political party with up to 75% of the reported expenses corresponding to the immediate previous year. These figures are computed and delivered to each political party according to the annually-approved budget schedule.

### 4. Special Dispositions

Political parties obtaining their register after the last election have the right to receive public financing according to the following bases:

- 2% of the amount granted to political parties to support their permanent ordinary activities.
- An additional identical amount to cover campaign activities during the election year.
- Public financing corresponding to their specific activities as public interest organizations.



### III. Private Financing

Besides public financing, since 1993 the code states and regulates four private financing sources for political parties.

#### 1. Militancy

General financing of political parties and their campaigns includes on the first place compulsory ordinary and extraordinary fees from their members, and contributions from their social organizations; these amounts and their periodicity are freely determined by each political party.

Likewise, this also encompasses voluntary and personal fees contributed by candidates of each party to their own campaigns, and these fees will be limited by each party's internal office responsible for accounting its financial movements.

In all cases the office responsible for accounting party financing must issue receipts for the received fees and contributions, and it must also keep a copy of these receipts to account for the received amount to the corresponding auditing institution.

## 2. Followers

All contributions and donations in cash and kind provided to political parties in a voluntary and free manner by Mexican individuals or organizations are included in this category, as long as they are not prohibited by law. (see section IV).

In this sense, no political party will receive annual donations from followers of an amounting more than 10% of total public financing for ordinary activities corresponding to all political parties.

In the same way, donations in cash provided by any individual or organization are limited to 0.05% of total public financing to support permanent ordinary activities, a quantity being granted to political parties in the corresponding year. These contributions can be divided in parts, as long as they do not surpass the pre-established limit.

For cash contributions political parties must issue foliated receipts with information about the contributor, with the exception of contributions obtained from collections taken in the street or during meetings, and only if these are not the product of the sale of goods or promotional items (self-financing).

Contributions in kind (personal assets and chattels) must be recorded in a contract according to the law, and these must be used only by the political party.

The Electoral Code states that contributions in cash given to political parties by their followers are 25% deductible from the income tax.

## 3. Self-financing

This concept refers to all incomes collected by promotional activities, such as conferences, shows, games, raffles, cultural events, publishing sales, goods and utility propaganda, and other similar activities carried out with the purpose of collecting funds, according to current laws.

For all legal matters, the internal office responsible for each party's finances must present reports on the party's income and expenditure.



## 4. Financial Profits

This concept includes funds or trusts created by political parties with their own capital, or contributions collected from any source permitted by law.

With regards to these contributions, the law states that certain dispositions must be applied for individuals or organizations legally prohibited from making any kind of contribution, as well as prohibiting political parties from requesting credits from development banks and anonymous contributors.

Likewise, the law also establishes annual ceilings similar to those applied to contributions made by followers.

Finally, it is also stated that with the sole exception of financial stocks, every single fund and trust created for this purpose will be managed through banking and financial operations controlled by each party's accounting office, which is also subject to applicable laws. Accordingly, money resulting from these financial activities must be destined to the activities of the political party.



## IV. Prohibitions and Restrictions to Party Financing

The electoral law states that under no circumstance will the following organizations make donations to political parties, be it in cash or kind, personally or through a third party:

- The Executive, Legislative and Judicial branches of the Federation, states or municipalities, with some exceptions contained in the law.
- Offices of the federal, state or municipal public administration, whether centralized or decentralized, as well as the Federal District government offices.
- Foreign political parties, individuals or organizations.
- International organizations of any kind.
- Priests, associations, churches or religious groups.
- People living or working abroad.
- Mexican commercial companies.

In the same way, the Code states that political parties can neither request credits from development banks for the financing of their activities, nor receive contributions from anonymous donors, with the sole exception of collections taken in meetings or on the street.



## V. Auditing Criteria and Mechanisms

The law establishes different criteria, procedures and mechanisms to strengthen and control accounts and reports on the origin and use of financial resources for political parties.

On the first place, it is important to note that as a legal mandate included in the 1993 electoral reform, political parties must have an internal office responsible for collecting and managing their general financing and campaign resources, as well as presenting annual and campaign reports about the origin, amount, use and disposal of the income collected from any financing source.

### 1. Presenting Annual Reports

Both political parties and political groups<sup>2</sup>, must present an annual report within 60 days starting the last day of the reported fiscal year, detailing total income and ordinary expenses disbursed in that year.

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<sup>2</sup> As a result of the reform passed in November of 1996, the code accepts national political groups as a means of development for democratic life and political culture, and also the foundations for a well-informed public opinion. Political groups cannot adopt the name "political party", they can only participate in federal electoral processes through coalitions with a political party, and they are granted public financing for their publishing activities, political training and education, and social, economic and political research.

## 2. Presenting Campaign Reports

Political parties must present a campaign report for each electoral campaign, detailing spending disbursed by the political party and its candidates in the corresponding region.

These reports must be delivered within 60 days starting the last day of the electoral campaign, and each report must detail the origin of resources, their compliance with the corresponding ceiling established by the General Council for each election, and the amount and destination of the money.

The following concepts are encompassed within ceilings for campaign spending:

- Propaganda expenses: this category includes painting walls, large shawls, leaflets, banners, audio systems, political events in hired places, memorabilia and others.
- Campaign operative spending: this includes wages and salaries of temporary staff, temporal leasing of chattel or personal assets, transportation of material and staff, and travel expenses among others.
- Propaganda spending on newspapers, radio and television: these expenses include messages, advertising and others to obtain votes.

## 3. Specialized Auditing Office

Revision of reports presented by political parties and political groups on the origin and destination of their annual income and campaign resources is a responsibility conferred to the General Council Auditing Commission to Control Resources of Political Parties and Groups.

This permanent commission, integrated by electoral councillors from the General Council, was created like other specialized permanent bodies as a result of the 1996 electoral reforms.

This commission is empowered to:

- Elaborate technical guidelines for reports on the origin, amount and use of income perceived by that political parties and groups.

- Survey that all resources are used adequately according to the law.
- Check all the reports presented by political parties and groups on the origin and destination of their resources.
- Conduct or coordinate audits on the financial status of political parties or political groups, according to terms defined by the General Council.
- Coordinate supervision visits to political parties and groups, so as to ratify their compliance with their obligations and the truthfulness of their reports.
- Present to the General Council an evaluation on audits and verifications.
- Inform the General Council about irregularities on the part of political parties and political groups regarding the use of their resources and the rendering of their reports, and in some cases to determine the possible sanctions.

The commission has 60 days to check annual reports and 120 days to check campaign reports, being also empowered to request necessary documents to ratify what has been reported by the parties' accounting offices.

In addition, it also has 120 days to make a final report to be presented to the General Council, in order to impose the corresponding sanctions when deemed necessary by this Council.

According to the law, political parties and groups can challenge decisions made by the Federal Electoral Institute General Council before the Electoral Tribunal of the Judicial Branch of the Federation.





## VI. Administrative Offenses and Sanctions

The electoral law foresees the main administrative offenses that a political party or group can commit, and it also states that the General Council is empowered to establish the corresponding sanctions.

The most common administrative offenses are:

- Not complying with the obligation of conducting audits when indicated to do so by the Auditing Commission to Control Resources of Political Parties and Groups, as well as the refusal to deliver documents about income and expenditures, when requested by this Commission.
- Accepting economic contributions from people or organizations legally impeded to do so, or requesting a loan from development banks to finance their activities.
- Accepting economic contributions from followers surpassing established ceilings.
- Not delivering annual and campaign reports when they are due.
- Exceeding the electoral campaign spending ceilings established by the General Council.

In this sense, the Federal Electoral Institute is empowered to determine irregularities committed by a political party, to gather evidence, and to formulate the corresponding decision to be submitted to the consensus of the General Council.

The General Council is empowered to apply the corresponding sanctions, taking into consideration the circumstances and severity of the offense. In any case, the General Council's decision can be appealed at the Electoral Tribunal of the Judicial Branch of the Federation.

Sanctions the General Council can impose are the following:

- A fine ranging from 50 to 5,000 minimal daily wage in Mexico City.
- Up to a 50% decrease in the rendering of public financing to the party during the period in which the decision is made.
- Total suspension of public financing to the party during the period in which the decision is made.
- Suspension of the register as a political party or group.
- Cancellation of the register as a political party or group.

The law states that the last three sanctions can be imposed only when the non-compliance or offense is severe or systematic, and in case of recurrence the General Council must apply a more severe sanction.

## VII. Public Financing for 1997

According to attributions conferred by law, on January 23rd of the current year the Federal Electoral Institute General Council approved an agreement defining public financing for political parties in 1997.

In order to make financial information about 1997 public financing provided by the General Council more accessible to all political parties contending in the July 6th election, the following elements are to be considered:

- The new scheme adopted as a result of the November of 1996 legal reform has set only three different ways for public financing systems: permanent ordinary activities, campaign spending, and specific activities as public interest organizations.
- The electoral reform adopted in November of 1996 eliminated the conditioned register system for a political organization to become a national political party. However, in July of 1996 two parties had already obtained this special register for the 1997 federal electoral process: the Socialist Popular Party, (*Partido Popular Socialista-PPS*) and the Democratic Mexican Party (*Partido Demócrata Mexicano-PDM*). Thus, it was considered pertinent to grant public financing to these parties for 1997, by means of a transitory article.
- Similarly, the electoral reform adopted in November 1996 fostered the elimination of the previous dispositions that considered a special public

financing system for political parties that did not have representatives in Congress, despite the fact that they preserved the register after 1994 federal elections. This reform states that any political party with less than 2% of the issued voting in ordinary federal elections will lose its register, but can keep representatives in both Chambers.

Nevertheless, the Cardenista Party (*Partido Cardenista-PC*) and the Green Ecological Party of Mexico (*Partido Verde Ecologista de México-PVEM*) also preserved their register after 1994 federal elections, without having representatives in both Chambers, and with the possibility of contending in 1997 federal elections.

Therefore, they were granted public financing for 1997 through a transitory disposition, stating that only these two parties will keep their register, and also will receive public financing if they obtain at least 2% of cast votes in federal elections of July 6th.

The same rule applies to the four political parties obtaining seats in Congress after the 1994 federal election. In order for them to keep their register and prerogatives granted to them by law, they must obtain at least 2% of cast votes in the 1997 election.

- Finally, the electoral reform adopted in November 1996 also included a transitory article in which the General Council will use the minimum campaign costs approved in 1995 to determine public financing for permanent activities of national political parties in 1997.

In addition, it has to be considered that public financing for political parties in 1997 was mainly determined by transitory dispositions stemming from the need to guarantee the principle of juridical certainty, so as to adopt a new public financing system, which at the same time includes adjustments and innovations in three different modes.

Due to the nature of this document, total amounts approved by the General Council are presented in charts for each public financing system.

## 1. Political Parties with Representatives in Congress

Only four out of eight national political parties contending in the 1997 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*) and Labor Party (*Partido del Trabajo-PT*)- presently fulfill

the basic requirements considered by the electoral law to have representatives in both chambers, so as to receive public financing according to the scheme implemented in 1996.

<b>PARTY</b>	<b>PERMANENT ORDINARY ACTIVITIES</b>	<b>CAMPAIGN SPENDING</b>	<b>SPECIFIC ACTIVITIES</b>	<b>TOTAL</b>
<b>PAN</b>	259'956,828.80	259'956,828.80	7'334,453.45	527'248,110.05
<b>PRI</b>	437'011,758.76	437'011,758.76	18'089,139.75	892'112,657.27
<b>PRD</b>	194'531,523.78	194'531,523.78	2'272,992.90	391'336,040.46
<b>PT</b>	92'994,946.66	92'994,946.66	3'947,624.70	189'937,518.02
<b>TOTAL</b>	<b>984'495,058.00</b>	<b>984'495,058.00</b>	<b>31'644,210.80</b>	<b>2,000'634,326.80</b>

According to the law, 30% of the total public financing amount for permanent ordinary activities was assigned evenly to the four political parties, and the remaining 30% was assigned according to the number of votes that each party obtained in the 1994 deputies election.

In the same way, the law states that each political party must be given a certain amount of money to cover its campaign expenses, equivalent to public financing for permanent ordinary activities.

Finally, the amount to finance specific activities was determined by applying 75% of the demonstrable spending presented by each political party, which is the maximum percentage the General Council is allowed to provide.

## 2. Political Parties Keeping their Register after the 1994 Federal Elections, but Not Obtaining Representatives in the Chambers of Congress

A transitory disposition was applied for the case of the Cardenista Party (*Partido Cardenista-PC*) and the Green Ecological Party of Mexico (*Partido Verde Ecologista de México-PVEM*)

with regards to granting public financing, from November 1st to the conclusion of the 1997 federal electoral process. They were granted 2% of the established amount for permanent ordinary activities of political parties, and the same amount for campaign spending. However, for 1997 this will no longer apply, as a result of the electoral reform approved in November of 1996.

<b>PARTY</b>	<b>PERMANENT ORDINARY ACTIVITIES</b>	<b>CAMPAIGN SPENDING</b>	<b>SPECIFIC ACTIVITIES</b>	<b>TOTAL</b>
<b>PC</b>	15'751,920.92	19'689,901.16	2'382,957.21	37'824,779.29
<b>PVEM</b>	15'751,920.92	19'689,901.16	2'151,111.94	37'592,934.02
<b>TOTAL</b>	<b>31'503,841.84</b>	<b>39'219,802.32</b>	<b>6'917,026.36</b>	<b>75'417,713.31</b>

The difference observed between the assigned amounts for permanent ordinary activities and spending is due to the fact that both parties received from November to December 1996 a small amount of their corresponding public financing for permanent ordinary activities, and the approved amount for 1997 includes the corresponding reduction.

Financing granted for specific activities corresponds to 75% of the proved expenses by both parties during 1996.

### 3. Political Parties that Obtained their Conditioned Register in 1996

Since the Socialist Popular Party (*Partido Popular Socialista-PPS*) and the Democratic Mexican Party (*Partido Demócrata Mexicano-PDM*) obtained their conditioned register (July 1996) to contend in the 1997 federal elections just before the procedure was

<b>PARTY</b>	<b>PERMANENT ORDINARY ACTIVITIES</b>	<b>CAMPAIGN SPENDING</b>	<b>TOTAL</b>
<b>PPS</b>	7'875,960.46	9'844,950.58	17'720,911.04
<b>PDM</b>	7'875,960.46	9'844,950.58	17'720,911.04
<b>TOTAL</b>	<b>15'751,920.92</b>	<b>19'689,901.16</b>	<b>35'441,822.08</b>

eliminated by the November 1996 electoral reform, a transitory article states that these parties must be granted (from November to the end of the 1997 electoral process) an amount equivalent to 1% of financing determined for political parties' permanent ordinary activities, and also the same amount for campaign spending in 1997.


These parties also received from November to December 1996 a small amount of the financing for permanent ordinary activities; this explains the difference regarding the corresponding amount for campaign spending. They were not assigned public financing for specific activities.

The following chart shows the total public financing approved by the General Council for 1997 (in thousands of pesos), also including an USD estimate considering a \$8 pesos per dollar exchange rate.

<b>PARTY</b>	<b>PERMANENT ORDINARY ACTIVITIES</b>	<b>CAMPAIGN SPENDING</b>	<b>SPECIFIC ACTIVITIES</b>	<b>TOTAL PESOS</b>	<b>USD ESTIMATE</b>
PAN	259,957	259,957	7,334	527,248	65,906
PRI	437,012	437,012	18,089	892,112	111,514
PRD	194,531	194,531	2,273	391,336	48,917
PT	92,995	92,995	3,948	189,937	23,742
PC	15,752	19,690	2,383	37,825	4,728
PVEM	15,752	19,690	2,151	37,593	4,699
PPS	7,876	9,845	-	17,721	2,215
PDM	7,876	9,845	-	17,721	2,215
<b>TOTAL</b>	<b>1'031,751</b>	<b>1'043,565</b>	<b>36,178</b>	<b>2'111,493</b>	<b>263,937</b>







REGULATIONS  
TO ESTABLISH  
CEILINGS TO  
CAMPAIGN  
SPENDING  
AND LIMITS  
FOR THE  
1997  
FEDERAL  
ELECTION

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## I. Background

One of the main innovations introduced in the electoral legislation as a result of the reform passed in September 1993 consisted of a series of dispositions empowering the Federal Electoral Institute, as a public body in charge of electoral matters, to set ceilings for spending of political parties, coalitions and candidates for presidential, senators and deputies elections.

In a new plural and politically competitive order, the main purpose of these new dispositions incorporated to Mexican electoral laws is to ensure equality conditions in the electoral contest, in such a way that any difference in the availability of economic resources among political parties does not become an element favoring the acquisition of votes.

Thus, the federal election of August 21st, 1994 —when the President of the Republic, 500 members of the Chamber of Deputies and 96 members out of 128 forming the Senate were elected— was the first election in Mexican history in which ceilings for campaign spending were determined and applied.

As a response to the demand of better and more equal conditions for the electoral contest, and also in order to address previously established criteria, formulas and procedures to establish ceilings for to campaign spending, the reform to the Electoral Law was completed in October 1996, including important changes and adjustments in this matter.

Firstly, the General Council, which is the most important decision-making body in the Federal Electoral Institute, was given the authority to agree upon and approve ceilings for

campaign spending to be applied in federal elections. In the past the General Council was responsible only for presidential elections, since decentralized directive bodies were empowered to approve ceilings for senators (local councils) and deputies (district councils) elections.

Secondly, criteria and rules to be followed by the General Council were modified in a significant way, to determine ceilings for campaign spending in presidential, senators and deputies elections.

In this sense, it is important to mention that the new rules on ceilings for campaign spending for deputies of relative majority include a rule to be applied in all the 300 single member districts: the same ceiling is to be applied in all electoral districts. Former rules considered a set of variables (population density and geographical conditions, among others) that created important differences among districts.

Likewise, new and specific rules regarding the setting of ceilings for senators elections by the relative majority principle were included. In the past the ceiling for campaign spending of each formula of senators per federal entity was equal to the sum of the ceilings set for each single member district, for relative majority deputies election purposes.

## II. Legal Dispositions to Establish Ceilings for Campaign Spending

**A**rticle 182-A of the Federal Code of Electoral Institutions and Procedures states that spending by political parties, coalitions and their candidates in electoral propaganda and campaign activities shall not surpass ceilings specified for each election by the General Council.

In this respect, the code specifies the following ceilings:

- Propaganda expenses: painting walls, mats, leaflets, posters, audio systems, leasing spaces for political meetings, memorabilia and others.
- Campaign operative expenses: salaries and wages of temporary personnel, temporary leasing of real estate and chattel properties, material and staff transportation spending, travel allowances and others.
- Propaganda in newspapers, radio and television: messages, advertisement and similar ads to attract votes.

On the contrary, this same law establishes that campaign spending for the normal operation of parties and for their directive bodies and organizations are not to be considered.

## 1. Rules Establishing Ceilings For Presidential Election Spending

In this case, the ceiling for campaign spending must be set before the last day of November prior to election year, and it must be equal to the quantity resulting from the following calculation:

- Multiplying by 2.5 the minimum cost determined by the General Council for a deputy campaign and for public financing matters<sup>1</sup>, updated to the prior month;
- Multiplying the result of the operation by 300, that is the number of single member districts in which the national territory is divided for electoral matters;
- Dividing the last amount by the number of days of the deputy campaign<sup>2</sup>;
- Multiplying the resulting amount by the number of days of the presidential campaign<sup>3</sup>.

## 2. Rules Establishing Ceilings for Election of Deputies Spending

The maximum spending ceilings for the election of each of the 300 relative majority deputies must be fixed before the last day of January of an election year, and it will be equal to the amount resulting from the following calculation:

- Multiplying by 2.5 the minimum cost for the deputy campaign established by the General Council for public financing purposes, updated to the prior month.

<sup>1</sup> In order to provide an estimate of public financing granted to political parties, the Federal Electoral Institute General Council must determine the annual minimum campaign costs for deputy, senator and president of the United Mexican States, on the basis of costs approved for the previous year, updating them according to the national consumer price index, besides other factors determined by the same council.

<sup>2</sup> According to current dispositions, a relative majority deputy campaign lasts approximately 75 days, starting one day after the corresponding district council session to register candidates has adjourned. (This must be between April 16-18 of an election year), and ending three days before the election, always held on the first Sunday of July of the corresponding year.

<sup>3</sup> Following the aforementioned criteria, a presidential campaign lasts about 165 days, because the date for registration is due on January 15th of an election year, and the General Council meets to register candidacies during the following three days.

### 3. Rules Establishing Ceiling for Election of Senators Spending

The ceiling must be established before the last day of January of an election year. For each formula of senators to be elected by the relative majority principle the ceiling will be equal to the amount resulting from the following calculation:

- Multiplying by 2.5 the minimum cost of the campaign for senator that the General Council has set for public financing matters, after being updated to the prior month.
- Multiplying the result by the number of single members districts encompassed in the corresponding state, yet under no circumstance should the district number surpass 20.<sup>4</sup>

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<sup>4</sup> The 300 single member districts in which the national territory is divided for electoral purposes are distributed among the 32 states, according to the population percentage over the national total residing in each entity. By constitutional mandate, no federal state can have less than two single member districts, but at present there are three states with more than 20 districts: Veracruz (23), the Federal District (30) and the State of Mexico (36).





### III. Auditing Spending

In order to control the course of financial resources for political parties, the electoral law states that all parties must have a specialized office responsible for:

- Obtaining and managing general and campaign resources.
- Presenting reports about the origin and amount of income collected by any financing means, as well as its correct use.

With regards to campaign spending reports, the following is stated:

- Campaign reports be presented for each electoral campaign, specifying disbursements incurred by the political party and the candidate in the corresponding region.
- These reports must be presented within 60 days after the last day of electoral campaigns.
- Every report must detail the origin of resources used to finance the corresponding spending for the concepts described above, as well as their amount and destination.

The office in charge of collecting and revising the annual and campaign reports presented by political parties or political groups is the Auditing Commission to Control

Resources of Political Groups and Parties, which is a permanent and specialized commission of the General Council of the Institute, always integrated by electoral councillors.

This Auditing Commission is empowered to request each political party to present documents needed to check the accuracy of their reports, and also to make decisions and resolutions for the General Council to enforce the corresponding sanctions according to the electoral law.

## IV. Ceilings for Campaign Spending in the 1997 Federal Election

According to attributions granted by the electoral law, in the session held on December 3rd of 1996 the Federal Electoral Institute General Council approved an agreement determining ceilings for majority deputies and proportional representation senators campaign spending in elections to be held on July 6th of 1997.

Accordingly, during the same session the General Council determined the minimum costs of deputy and senator campaign that must be taken as the basis to set campaign ceilings, as follows:

- The minimum cost for a deputy campaign was set in \$270,436.61 Mexican pesos or \$33,800 USD. (considering a \$8 pesos=one dollar exchange rate).
- The minimum cost for a senator campaign was set in \$520,341.16 Mexican pesos or \$65,000 USD.

### 1. Relative Majority Deputies

When multiplying the minimum cost of deputy campaign by 2.5, the resulting amount is \$676,091.52 Mexican pesos (\$84,500 USD approximately), representing the spending ceiling allowed to political parties, coalitions or candidates for each relative majority deputy campaign in the 1997 elections.

It is important to mention that in 1997 federal elections all 500 seats in the Chamber of Deputies will be renewed, 300 of which correspond to the relative majority principle and 200 to the proportional representation system.

## 2. Proportional Representation Senators

Due to the fact that in the 1997 federal elections 32 proportional representation senators will be elected for the first time by means of lists to be voted for in a single national constituency<sup>5</sup>, a transitory article from the 1996 legal reform states that for this election the campaign spending ceiling will represent 25% of the amount resulting from the following calculation:

- Multiplying by 2.5 the minimum cost for the senators campaign approved by the General Council.
- Multiplying this result by 271 single member electoral districts and then by 2, because this is the number of formulas for majority senators that are elected in each state.

Since the minimum cost for the senators campaign was set by the General Council in \$520,341.16 Mexican pesos, the final result of all operations ruled by the transitory norm used for 1997 elections is \$176'265,567.95 Mexican pesos (\$22 million USD approximately), and this amount is the maximum campaign spending ceiling for the election of 32 senators by the proportional representation principle.

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<sup>5</sup> With the purpose of improving the party representation formula for the integration of the Senate, the legal and constitutional reform approved in 1996 included the proportional representation principle for 32 of its 128 members. Consequently, only 3 senators for each of the 32 states will be elected (2 by the relative majority principle and one to be assigned to the first minority), while the remaining 32 members will be elected by the proportional representation principle (by means of the lists) in a single national multi-member constituency. For 1997 federal elections only 32 proportional representation senators will be elected to occupy the position for two years and ten months.

## V. Comparing Ceilings Applied in 1994 and 1997

The differential between the average fixed ceiling in 1994 for relative majority deputies elections in the 300 single member districts and the ceiling established for 1997 elections (as well as its total aggregate amount at a national level) allows us to evaluate and compare the changes included in this field as a result of the 1996 legal reform, and how the demand for greater equality conditions in the electoral contest has been addressed.

Whereas for 1994 majority deputy elections the aggregate value of ceilings for each of the 300 single member districts reached the amount of \$250,222,424.64 Mexican pesos, an average of \$834,074.75 Mexican pesos per district<sup>6</sup>, the current unitary ceiling for 1997 equals \$676,091.52 pesos, with a national aggregate results in \$202,827,456.00 Mexican pesos; that is to say, the average district ceiling decreases by \$158,000 Mexican pesos, which is less than 19% with regards to that applied in 1994.

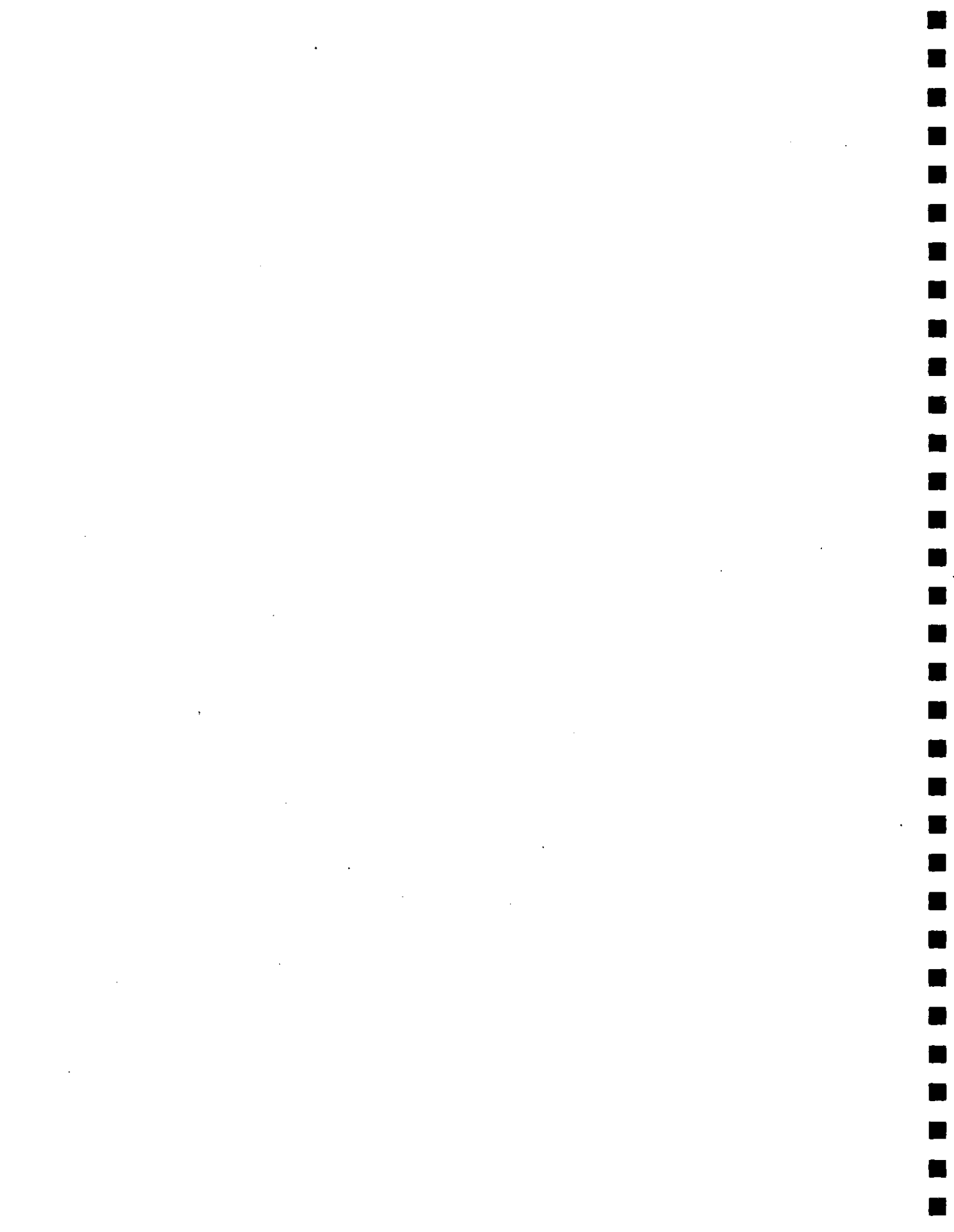
### CEILINGS FOR RELATIVE MAJORITY DEPUTY ELECTIONS

	1994	1997	Differential
Average per District	834,074.75	676,091.52	-157,983.23 (18.9%)
National Aggregate	250'222,424.64	202'827,456.00	-47'394,968.64 (18.9%)

<sup>6</sup> It is important to note that before the 1996 reform the electoral law considered different variables to establish ceilings for campaign spending to be applied on deputies elections by the relative majority principle, which produced different ceilings per each single member district.

Due to the fact that in 1994 proportional representation senators did not exist, and that the rules to establish campaign spending ceilings to be used in 1997 are of an exceptional nature (transitory article of the electoral legislation), a comparison like the one made for relative majority deputies elections is not possible. However, it can be assumed that new ordinary rules for spending in relative majority senators and presidential elections will show a similar trend.

**ACCESS OF  
POLITICAL  
PARTIES TO  
RADIO AND  
TELEVISION**





## I. Background

The Federal Electoral Law, promulgated in 1973, was the first legislation in Mexico granting political parties a free access to radio and television broadcasting.

This prerogative has the main objective of ensuring that all political parties will be able to broadcast massively their electoral programs, mainly during electoral campaign periods. In this sense, it is stated that each political party has up to 10 minutes of national television and radio broadcasting every two weeks. With this purpose, official air-time reserved for the government is available for the political parties.

The Federal Act on Political Organizations and Electoral Procedures, enacted in 1977, stated that free access to radio and TV should be permanent, and that during electoral periods broadcasting time might be increased.

The 1987 Federal Electoral Code set broadcasting time in 15 minutes per month for each political party in a permanent way, and it also stressed that broadcasting time would be increased during electoral periods.

Likewise, it also stated that political parties could request regional transmissions, as long as these programs did not surpass half of the assigned time for national broadcasting programs, and also that all parties would have the right to participate in special TV and radio programs twice a month.

Legislation adopted in 1990 (the current Federal Code of Electoral Institutions and Procedures), states that increased broadcasting time during electoral periods will be proportional to the electoral strength of each party, and during that period at least one half of the time assigned to each political party might be used for the dissemination of the party's electoral platform.

As a result of the 1993 electoral reform, and with the purpose of improving equality conditions to hire broadcasting time on radio and TV (not regulated before), this law grants political parties the exclusive right to hire broadcasting time to disseminate messages directed towards the acquisition of votes.

Exercising this right is limited exclusively to electoral campaign periods, and candidates can only use the air-time assigned to them by the political party or the alliance they represent.

Additionally, following different proposals of various political forces to adopt certain measures intended to improve the quality of information transmitted by electronic mass media for electoral campaigns, the representatives of the Federal Electoral Institute are empowered to have meetings with the National Chamber of Radio and Television Industry to suggest general guidelines on the broadcasting of the political parties' campaign activities to be applied in radio and television news programs.

Following agreements reached by leaders and presidential candidates from eight national political parties contending in the 1994 federal election, and with the purpose of ensuring absolute legality, transparency and credibility, the Federal Electoral Institute General Council promoted and adopted a series of additional measures, the most significant of which were related to mass media:

- Additional radio air-time was charged to IFE's budget, in order to be distributed among the political parties according to their political strength.
- An agreement exhorting electronic mass media to respect the right of citizens to be informed was approved in order to render information truthful and balanced during news programs.
- The main TV and radio news programs were monitored in order to prepare biweekly reports to be presented at the General Council. Based on these reports the General Council would issue recommendations when deemed necessary.

- The broadcasting of parties' propaganda on radio and TV was suspended 10 days before the election, with the sole exception of information related to the closing of electoral campaigns.
- As requested by political parties, the President of the Republic agreed to suspend the broadcasting on radio and TV of ads related to social programs twenty days before the election.

With the 1996 electoral reform, a more balanced and accurate series of dispositions to regulate the access of political parties to radio and TV during electoral periods was achieved, so that 30% of free additional time will be distributed evenly and the remaining 70% according to their electoral strength.

Besides, the Federal Electoral Institute Broadcasting Commission is responsible for monitoring transmission time of political parties' campaigns in news programs, in order to inform this to the General Council.

Similarly, political parties, candidates and coalitions are granted the possibility of exercising the right to clarify any information presented by mass media during electoral campaigns, whenever they consider that this information has misrepresented certain facts or situations related to their activities or personal traits.



## II. Free Access

The prerogative of permanent access to radio and TV granted to all national political parties is based on the idea of providing them with the opportunity to broadcast massively their political ideas, their action programs and electoral platforms.

This prerogative encompasses a regular monthly allocation of air-time, as well as additional broadcasting time during electoral campaigns.

### 1. Regular Monthly Time

From the total time officially assigned to the State both on radio and TV, each political party has the right of 15-minute broadcasting.

Political parties have to spend their monthly time in two weekly programs to be broadcasted at the national level in prime time schedules. The order of parties is arranged by means of a lottery carried out every six months.

Political parties can also ask for regional broadcasting, but only if this does not exceed half of the time assigned for their national coverage programs.

Besides the 15-minute regular monthly time, political parties have the right to participate in a special program to be broadcasted on radio and TV twice a month.

## 2. Additional Broadcasting During Electoral Campaigns

Regardless of their regular monthly time on electoral campaign periods, and as a means to broadcast their candidacies, political parties have the right to additional time during regular transmissions on radio and TV.

### PROGRAM BROADCASTING

The electoral law states that during federal electoral processes for the presidency of the Republic, political parties will be granted 250 hours of additional time for radio and 200 hours of additional time for TV.

Before federal legislative elections, the broadcasting additional time will be of 125 hours on radio and 100 hours on TV; that is to say, 50% of the time granted for the presidential election.

With the respective additional time for this concept, each party can broadcast programs of 5, 7.5, 10 or 15 minutes, according to technical possibilities and available schedules.

### SPOTS

During electoral campaign periods, up to 10,000 radio spots and 400 TV spots, 20 seconds each, can be acquired in order to be monthly distributed among political parties.

The Electoral Code states that under no circumstance will the total cost of this spot exceed 20% of public financing destined to political parties' campaigns for presidential elections, or 12% for legislative elections.

Once the number of spots corresponding to each party has been estimated, the allocation of time, station, channels and schedules is decided at random and based on catalogues provided by radio and TV concessionaires.

### DISTRIBUTION CRITERIA

Additional time for program broadcasting and spots are distributed among political parties as follows:

- Each political party with no representation in Congress will be assigned 4% of total broadcasting time and spots.
- Of the remaining air-time, 30% is distributed among political parties represented in Congress evenly, and 70% according to their electoral strength.

### III. Hiring Commercial Time During Electoral Periods

The Electoral Code accepts as an exclusive right of political parties to hire time on radio and TV, in order to broadcast messages intended to obtain votes during electoral campaigns. In this sense, candidates can only use the time assigned by the political party or alliance to which they belong, but they cannot hire commercial time directly.

IFE's Executive Secretary is responsible for requesting from the Ministry of Communications and Transports some assistance to make radio and TV concessionaires provide the schedules and catalogues of available time in channels and stations, as well as the corresponding fees (that must not be higher than commercial advertising) so that political parties are able to hire them during two consecutive periods.

- The first catalogue of schedules and fees must correspond to the period between February 1st and March 31st during an election year. This catalogue must be delivered to political parties in the session of the General Council held during the first week of November of the previous year.

In this case, political parties must submit a written petition to the Executive Director of Prerogatives and Political Parties, specifying air-time, stations and channels they would like to hire, on December 15th of the previous year for presidential campaigns, and on January 31st of an election year for deputies and senators at the latest.

Distribution of channels, stations and times to be hired by each political party must be completed before January 15th during an election year for presidential campaign, and before February 28th for senators and deputies campaigns.

- The second catalogue of schedules and fees must correspond to the period between April 1st and three days before the first Sunday of July, which is the regular programmed date for the election. This second catalogue must be delivered to parties in the session of the General Council held in January of the election year.

In this case, political parties must submit a written petition before February 28th for a presidential election and before March 15th for senators and deputies elections to the Executive Director of Prerogatives and Political Parties detailing their preferences regarding stations, channels and schedules they are interested in hiring.

With regards to this catalogue, distribution of channels, stations and air-time for political parties must be completed on April 15th, both for presidential and legislative elections.

If two or more political parties are interested in hiring the same schedules of a certain channel or station, the law establishes that available time must be evenly distributed among these political parties, in order to ensure equal conditions. The law also establishes that remaining air-time cannot be hired afterwards.

Once these procedures for distribution and allocation have been completed, the Federal Electoral Institute must announce schedules, channels and stations corresponding to each political party, so that they can carry out a direct hiring. Concessionaires must also be informed about time and schedules authorized for each political party.

The messages of candidates in hired time can be broadcasted only during campaign periods, and solely during the election of deputies will the second catalogue of schedules and fees be requested and authorized; that is to say, from April 1st to three days before election day.

Under no circumstance will third parties be allowed to use advertisement on radio and TV in favor or against any political party or candidate.



## IV. Institutional Support and Additional Rules

**W**ithin the structure of the Federal Electoral Institute, the Executive Director of Prerogatives and Political Parties is responsible for organizing activities related to political parties' free access to radio and TV.

The Executive Director of Prerogatives and Political Parties and the specialized support body called Broadcasting Commission, are in charge of ensuring the proper radio and TV broadcasting for political parties, as well as managing free time on radio and television stations belonging to the State.

The Broadcasting Commission is headed by the Executive Director of Prerogatives and Political Parties, and each national political party has the right to accredit a representative to survey programs on her/his party. Regarding production, political parties must provide the corresponding script to the Broadcasting Commission.

The Executive Director of Prerogatives and Political Parties is responsible for programming channels, stations and broadcasting schedules corresponding to political parties, and also for ensuring the correct dissemination of information about political parties in newspapers.

Similarly, this Executive Director is responsible for air-time on radio and TV destined to inform about IFE's activities.

In this sense, the Electoral Code states that the time used for broadcasting political parties' and IFE's programs must be placed in prime time on radio and TV, with a national coverage.

According to the law, before December 15th of the year prior to the election the Executive Director of Prerogatives and Political Parties must meet with the Broadcasting Commission and the National Chamber of Radio and TV Industry, in order to suggest the general guidelines for information on news-programs or broadcasting of political parties' campaign activities.

Likewise, the Broadcasting Commission must monitor how campaigns for political parties on mass media news-programs are broadcasted, in order to inform this to the General Council.

Finally, as a result of the 1996 reform, the electoral law states that political parties, candidates and coalitions will be able to exercise their right to clarify information presented by mass media during electoral campaigns, whenever they consider this information has misrepresented facts or situations related to their activities or personal traits.

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