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MEXICO
PRESIDENTIAL ELECTIONS - JULY 2006
ELECTION WATCH BULLETIN #4
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Presidential and legislative elections occurred on July 2, 2006. This is the fourth and final edition of a series of bulletins on the Mexican electoral process of 2006 and the main political and electoral events. This fourth bulletin provides information on the development of the electoral contest from June 15 to September, including information on campaign finance, election results, post-election events, and national and international electoral observation initiatives, among others.

POLITICAL AND ELECTORAL CONTEXT

For more than 70 years, the Institutional Revolutionary Party (*Partido Revolucionario Institucional*, PRI) ruled Mexico, but beginning in the early 1980s, the PRI's role as the dominant political force in Mexico gradually diminished.

As the electoral competitiveness of other political forces grew, concerns emerged about the development of fair and transparent electoral processes.

In 1994, a series of electoral reforms were implemented that created improved conditions of competitiveness. These reforms included: the legal right of parties, media and authorized civic groups to conduct parallel vote counts ("quick counts"¹); permission to invite domestic electoral observers and international election observers; measures to safeguard election day processes; and reforms that helped to consolidate the Federal Electoral Institute (*Instituto Federal Electoral*, IFE).

¹ The quick count is a statistical method in which the criteria of precision, credibility, and speed are adhered to and is intended to predict voting results based on a random representative sample.

For the first time in its history, the PRI lost the Mexican presidential election in 2000, finishing second to the National Action Party (*Partido Acción Nacional*, PAN) candidate, Vicente Fox. The election resulted in the first peaceful transfer of presidential power between parties in Mexico since the nineteenth century.

THE CLOSING OF THE CAMPAIGNS

The final 15 days of the 2006 electoral campaign were marked by constant accusations among the leading candidates. These accusations included: charges of corruption; abuse of governmental information; and manipulation and illegal use of the electoral registry, including the possibility of electoral fraud.

In the face of rising tensions caused by the proximity of the leading candidates' positions in the polls, seven of the eight political parties participating in the contest signed the Democratic Agreement for Equality, Legality and Governability (*Acuerdo Democrático de Equidad, Legalidad y Gobernabilidad*) in mid-June. Federal Election Institute President Luis Carlos Ugalde presided over the agreement. As part of this agreement, the parties promised, among other points, to respect the rules of competition and the results of the July 2 elections. In a contradictory display during the signing of the agreement, all of the presidents of the parties present offered brief speeches praising the initiative while at the same time criticizing opposing parties.

Between June 25 and 28, the parties and their candidates ended their campaign activities, with each candidate giving final speeches reflecting the final conditions of the campaigns.

The final electoral preference polling confirmed the views of political scientists, journalists and social leaders regarding the polarization of the Mexican political environment. According to the poll published at the end of June by the Consulta Mitofsky² firm, 36 percent of those polled preferred “Coalition for the Good of All” (“*Coalición por el Bien de Todos*”³) Andrés Manuel López Obrador, while 33 percent preferred PAN candidate Felipe Calderón⁴. General opinion was that “the election will be very tight”.

ELECTORAL ADMINISTRATION

The July 2 elections represented a great challenge for the current members of the IFE’s General Council. From its inception, this council confronted difficulties, and the days leading up to the election were characterized by pressure and tension from several different sectors.

One of the elements exerting notable pressure on the council was the accusations over the possible manipulation and illegal use of the electoral registry, including the demand from various sectors, less than 15 days prior to the election, for an audit to take place. The electoral authorities publicly guaranteed the accuracy of the registries and came to an agreement with the major political parties to

conduct an independent audit of the electoral registry prior to election day.

During the weeks leading up to election day, questions arose concerning electoral infrastructure, mainly regarding the mechanisms which the electoral authority would be using to provide initial results of the process. The mechanisms that were the object of commentary were the Preliminary Electoral Results Program (*Programa de Resultados Electorales Preliminares*, PREP) and the implementation of a quick count⁵.

The PREP is designed to provide early information on election results on election day as it arrives in real time from polling sites.⁶

The second mechanism established by the IFE was a quick count with a sampling of 7,737 ballot boxes. For this process, a committee of statistical experts was convened to develop the methodology, the sample selection and the criteria under which this practice would be developed. The IFE has conducted quick counts since the 1997 elections as internal exercises to understand trends in electoral results. Given the high level of electoral competition and the increased likelihood of very close results between the two leading candidates, there was concern among civic organizations and political groups regarding the conditions for disseminating the results of the quick count and how these results might be interpreted or misused. In early June, the pre-election

² The poll used in this bulletin was conducted by the independent polling firm, Consulta Mitoforsky, contracted by the television company, *Televisa*. The results published here are not intended to be taken as definitive, but are consistent with the results published by other independent and respected polling firms (Parametría) and other communication mediums (*El Universal* and *La Crónica*).

³ The “Coalition for the Good of All” (“*Coalición por el Bien de Todos*”) is an electoral alliance between the Party of the Democratic Revolution (*Partido de la Revolución Democrática*, PRD), the Labor Party (*Partido del Trabajo*, PT) and Convergence (*Convergencia*, C)

⁴ Margin of Error: +/- 1.9%

⁵ The quick count is a statistical method in which the criteria of precision, credibility, and speed are adhered to and is intended to predict voting results based on a random representative sample.

⁶ For more information on the functioning of the PREP and its implementation in the 2006 electoral process, please visit this address at the IFE’s website: <http://www.ife.org.mx/documentos/PREP/PREP2006/index.htm>.

observation delegation organized by NDI also recommended that the results of the count not be published, but rather remain an internal exercise.⁷

ELECTION DAY

On election day, close to one million citizens participated as pollworkers and were able to open 99.94 percent of the planned polling centers. Voters cast 41,789,695 ballots, registering a participation rate of 58.55 percent.

Beginning the morning of July 2, the electoral authorities continued to update the citizenry on the progress of the election. A source of tension in the day's final hours was the announcement by the IFE president that at 11:00 PM he would announce the results of the quick count. However, in his speech, Luis Carlos Ugalde stated that the results of the quick count were so close that they could not identify a clear advantage for any particular candidate and that, therefore, the final results would have to wait for a district-by-district count⁸. Ugalde's speech confirmed pre-election perceptions that the race would be tight. In that same speech, Ugalde encouraged the citizenry to stay informed on the results through the PREP, which continued to register information from each polling site.

The PREP, which is an official but inconclusive calculation of the results, concluded on July 3 at 5:00 PM, with information from 98.45 percent of the polling

sites.⁹ Later, the IFE conducted a revision and incorporation of the tallies that were not initially included in the PREP due to inconsistencies, providing the following results:

Party	Votes	%
PAN	14,027,214	36.38
Coalition For the Good of All	13,624,506	35.34
Alliance For Mexico	8,318,886	21.57
PASC ¹⁰	1,085,966	02.81
PANAL ¹¹	384,317	00.99
Unregistered Candidates	281,145	00.72
Null Votes	827,317	02.14

ELECTORAL OBSERVATION

For several months, various civil society organizations implemented observation initiatives regarding the different phases of the electoral process. On election day, more than 20 national and local organizations conducted domestic observation. At the same time, various international electoral observers were present at voting centers throughout the country. The statements of observer groups have for the most part been interpreted as qualifying the election as generally clean and fair.

Civil society organizations coordinated electoral observation on a national and/or state level, though the results and opinions differed amongst them. For example, the National Civic Feminine Association

⁷ For more information on this recommendation, please see the complete final report of the second NDI pre-election mission at www.ndi.org.

⁸ The district calculation is a procedure by means of which the 300 district councils of the IFE total the results from each one of the pollsites. This count is implemented on the Wednesday following election day.

⁹ Usually, the "real time" results that the PREP offers show partial results in the first hours that give more weight to urban areas over rural ones. This condition is primarily due to greater proximity and ability of voting centers in urban areas to conclude the initial count and transmit the electoral packets to the district committees.

¹⁰ Social Democrat and Farmer Alliance Party, (*Partido Alianza Social Demócrata y Campesina*, PASC).

¹¹ New Alliance Party, (*Partido Nueva Alianza*, PANAL).

(*Asociación Nacional Cívica Femenina, ANCIFEM*)¹², a civil society organization with domestic electoral observation experience, reported that in many states its observers noted incidents such as voter coercion, tardy opening of polling stations and the exclusion of some voters from the registry. For the organization, however, these were minor incidents that did not constitute serious threats to the transparency of the election. On the other hand, Civic Alliance (*Alianza Cívica*), with over 1,400 electoral observers and numerous volunteers distributed over 26 states¹³, reported more serious irregularities that could not be considered “generalized throughout the entire election”, but could still “tarnish the transparency and legality of the process.”¹⁴

The civil society organization Citizen Presence (*Presencia Ciudadana, PC*) was the only non-profit organization that conducted a quick count. The organization selected a cross-section that represented 0.5 percent of all voting centers, proportionally selected taking into consideration different states and urban-rural demographics. At 11:20 PM, Citizen Presence had collected information on the results of 96.31 percent of the voting centers of the cross-section, with the following results: PAN, 38.8 percent; Alliance for Mexico, 23.2 percent; Coalition for the Good of All, 38.1 percent.¹⁵ The organization

recognized, however, that the results for the leading candidates were within the margin of error established in their methodology (1.2 percent), for which reason it indicated that “there is no statistical evidence that determines which party or coalition won the greatest percentage of votes cast.”¹⁶

The European Union’s delegation, whose 80 observers visited 136 of the nation’s 300 electoral districts on election day, classified July 2 as “an electoral process characterized by high levels of transparency, impartiality and professionalism.”¹⁷ While they noted that there were some irregularities (violation of voter privacy and lack of ballots, among others), they pointed out that “the Mission did not receive any complaints from voters, political parties or observers” on or following election day and that the irregularities “do not invalidate the positive assessment of the electoral process.”¹⁸ However, Global Exchange, a United States-based organization noted specific cases of illegal activity, but, as their delegation visited only three states, it was unable to verify any systemic fraud or an accurate account of the level of potential disenfranchisement in the areas it did visit. Additionally, the U.S. organization noted that it was “on the whole” impressed with the conduct of polling site officials, party representatives, the IFE and Mexican citizens themselves on election day.¹⁹

¹² ANCIFEM conducted electoral observation activities on July 2, deploying more than 1,000 electoral observers in 19 states of the republic. To view a copy of the organization’s report, please refer to www.ancifem.org.mx.

¹³ Civic Alliance monitored 3,097 pollsites nationwide.

¹⁴ “*Transparencia y respeto a la voluntad ciudadana*” (“Transparency and Respect for Citizens’ Will”). This report and the organization’s other various reports on the election are available on their website at www.alianzacivica.org.mx.

¹⁵ For more information on the results of the Citizen Presence quick count, you can access their web page at www.presenciaciudadana.org.mx.

¹⁶ “*no hay evidencia estadística para detectar el partido o coalición que obtuvo el mayor porcentaje de la votación emitida.*” Available at Citizen Presence’s homepage.

¹⁷ “PRELIMINARY STATEMENT”. Mexico City, 3 July 2006. Available at the E.U. delegation’s official website as www.eueommexico.org.

¹⁸ Ibid.

¹⁹ “Electoral Observations in Mexico 2006: Final Report”. Mexico City, July 12, 2006. Complete report available at Global Exchange’s website at www.globalexchange.org.

THE POST-ELECTORAL CONFLICT

Despite the data provided by the PREP and the results of various quick counts conducted on election day, the results of the July 2 election remained inconclusive. In accordance with what is established in the Mexican electoral code, district calculations are conducted on the Wednesday following the presidential election; if the results of the process of revision and comparison of vote tabulations are considered conclusive, the IFE presents them to the Electoral Tribunal of the Judicial Power of the Federation (*Tribunal Electoral del Poder Judicial de la Federación*, TEPJF), which then rules on the validity of the process. This process involves comparing the calculated totals of all the district polling sites in the hands of the district council president with those that are on the electoral packets and those in the possession of the political party representatives. Only in the cases where the various tabulations do not match are the ballot packets opened for a recount. This process began on July 5 and concluded on July 6, producing the following results:

Results of the District by District Count (Presidential Vote):

Party	Votes	%
PAN	15,000,284	35.89
Alliance for Mexico	9,301,441	22.26
Coalition for the Good of All	14,756,350	35.31
PANAL	401,804	0.96
PASC	1,128,850	2.70
Unregistered Candidates	297,989	0.71
Null Votes	904,604	2.16

Viewing the results of the PREP and the district calculations, most candidates and their parties recognized that the electoral results did not favor them. The closeness of the presidential results for the two principal

candidates, however, led their respective camps to adopt entrenched positions.

On one side, in the days following July 2, the Coalition for the Good of All claimed that electoral fraud had been committed to prevent the victory of its candidate. Throughout the month, representatives of the coalition and its presidential candidate, Andrés Manuel López Obrador, provided their case for widespread electoral fraud. They first argued that the PREP was manipulated to deliberately show that the PAN candidate Felipe Calderón maintained his lead, stating that it was impossible that there would be no change in position between the top two candidates throughout the entire night. They argued that the IFE rushed the district-by-district count on July 5 and 6. They also claimed that fraud included the bribing of coalition representatives at voting centers and that fraud was conducted “in the old way” (*“a la antigüita”*) – referencing methods previously used to conduct electoral fraud such as ballot-stuffing, voter coercion and ballot-burning, among others. The coalition presented the TEPJF with challenges to the tallies of approximately 50,000 polling sites where they charged results were manipulated.

On the other hand, the PAN and its candidate, Felipe Calderón, endorsed the electoral process, the work on election day and the IFE’s publicly released election results as sound and valid. Even though the election results, challenged or unchallenged, had to be validated by the TEPJF, Calderón assumed the role of the winning candidate. This included appointing a transition team and coordinating meetings with various sectors to discuss the implementation of his plans for his administration.

Due to many factors, tensions surrounding the conclusion of the electoral process continued to rise. The Coalition for the

Good of All expressed its view that the electoral authorities contributed to a fraud-ridden election. The IFE, for its part, publicly denied the allegations against the impartiality and general performance of the body.

Moreover, along with the claims of electoral fraud, López Obrador instigated a series of citizen mobilizations on July 8 to demand a review of the process. At a rally with about 280,000 sympathizers and with the slogan of “Vote-by-vote, ballot box-by-ballot box”, López Obrador and his followers demanded that there be a recount of each vote in each ballot box throughout the country. This request carries with it a legal complication: a vote-by-vote recount – in other words, recounting every ballot – is a process not stipulated in the electoral code and can only be authorized through a resolution of the TEPJF. Furthermore, López Obrador’s statements raised concerns in some sectors regarding the instability that could arise from social mobilizations and doubts as to whether López Obrador would respect the final resolution passed by the tribunal.

In the coalition’s July 30 public rally, López Obrador announced that the decision had been made to establish 41 encampments at various points along one of the main avenues of Mexico City and in the Zócalo, the city’s main square. This tactic significantly affected movement throughout the city, provoking opposition amongst various sectors of the population and accentuating the polarization affecting the country. From that day forward, López Obrador conducted daily conferences to update his followers on his positions, decisions and future opposition activities. López Obrador has announced that the movement he leads would appear in various places as a way of demonstrating its dissatisfaction with the results, including at public appearances by President Vicente Fox.

At the center of this scene were the magistrates of the TEPJF, who found themselves under intense political pressure. The TEPJF is the litigating organism of the Mexican electoral system. It was created in 1996 and is made up of seven magistrates. It is the body responsible for resolving disputes of an electoral nature, and its decisions are not open for appeal. The TEPJF has annulled two elections for governor, one in Tabasco in 2000 and one in Colima in 2003, due to widely recognized irregularities on election day.

The tribunal received complaints presented by the political parties, and had to investigate, discuss and resolve each challenge. After having evaluated the claims of the different political groups, the TEPJF decided that of the 175 claims to open the contested electoral packets, six were founded, 25 were unfounded and 143 were partially founded. The Tribunal ordered the opening of 11,839 electoral packets, or those for 9.07 percent of voting centers for the election, from 149 of the 300 electoral districts and 24 states of the republic.

Finally, the tribunal threw out the coalition’s petition to conduct a total recount of all votes, basing their decision on the fact that the coalition only presented challenges for 230 electoral districts, which therefore implies “the impermissibility of the claim to a general recount of the votes cast at all polling sites.”²⁰

On August 28, the TEPJF responded to the 375 challenges presented by the different political actors. Based on the recount conducted between August 9 and 12, the tribunal annulled the results of 174 voting centers – annulling 81,080 votes for Calderón and 76,897 votes for López Obrador. The resolutions approved by the entire TEPJF

²⁰ Urrutia, Alonso; Martínez, Fabiola. “*Es inadmisibile la exigencia de recomtar todos los votos: TEPJF*” (“TEPJF: Demand to Recount All Votes Is Unacceptable”). *La Jornada*. August 6, 2006.

determined that the recount, conducted under judicial oversight, did not change the first and second place finishers in the election.

Despite of the August 28 decision of the tribunal, López Obrador maintained his peaceful resistance movement. The encampments remain in the capital's main square, the Zócalo, and at other points of the city. López Obrador also maintained his call for a National Democratic Convention (*Convención Nacional Democrática*) to take place September 16, inviting participants to name a "legitimate president of the republic" or a chief of "the government in resistance," and continuing his discourse of delegitimizing existing institutions and encouraging his sympathizers to create their own institutions.

The 2006 electoral process concluded on September 5 with the TEPJF's presentation of their final resolution²¹ on the process.

After having responded to the claims of election-day fraud in its August 28 session, the tribunal's final decision addressed the coalition's charges that the election should be annulled for issues affecting the fairness of the entire electoral process prior to election day. The tribunal reprimanded the Calderón campaign for the highly controversial media smear campaign against López Obrador and sharply criticized the attack ads against López Obrador that business organizations, such as the Business Coordinating Council (*Consejo Coordinador Empresarial*, CCE)²², had financed. Although the tribunal ruled that the actions of this and other business groups were illegal, it determined that the business organizations' illegal media campaigns had not had significantly altered the overall outcome of the election.

Magistrate Alfonsina Berta Navarro asserted that the greatest overall "irregularity" of the election was the rhetorical intervention of President Fox in the race. Fox had inserted thinly veiled attacks on López Obrador and vocal support for his own party during speeches, and he had aired during the election campaign several television ads promoting the achievements of his government. Berta Navarro condemned these acts for having "constituted a risk for the validity of the elections"²³, but the magistrates unanimously agreed that the indirect nature of these activities (by avoiding mention of any candidate by name) technically placed them within the letter of the current electoral law.

Having dismissed all of the accusations both of election-day fraud and of the illegitimacy of the entire electoral process, the TEPJF finally declared:

1. the final count for the election, in which Felipe Calderón was the candidate who obtained the most votes;
2. the validity of the presidential election;
3. the qualification of Felipe Calderón as having met the requirements for election; and
4. the declaration of Calderón as the president-elect.

Despite the fact that the electoral process is institutionally over, various observers have expressed concern for the current Mexican political and social environment, principally regarding the sharp polarization between the two most important political positions and whether the country will be able to move forward with the needed structural reforms.

²¹ The TEPJF's final resolution is available at the TRIFE's website at www.trife.org.mx.

²² *Consejo Coordinador Empresarial*

²³ "las declaraciones analizadas del Presidente se constituyeron en riesgo para la validez de los comicios"

ELECTORAL REFORM

As the political dispute in Mexico continues, many observers of and participants in the political system are advocating reforms to help to ameliorate the conditions that precipitated the recent crisis. As the country moves forward, its leaders will have a number of options for institutional reform that could help to improve the ability of elected officials to rule in a representative and effective manner, as well as for electoral reform that could help bolster citizen confidence in the electoral process. In addition to examining the country's electoral and political institutions, one of the first tasks of the new Mexican congress will be to elect a new group of magistrates for the TEPJF, as the term for the current tribunal expires in October 2006.

Among the various recommendations offered for consideration as possible means to help bolster confidence in the Mexican electoral process are:

- Implementation of a second-round of voting in presidential elections to ensure the victor enters office with the support of a majority of voters.
- More intensive efforts by the IFE to educate citizens on the electoral process, specifically regarding: legal and illegal activities prior to and during election day, the role and reporting process of the PREP; and mechanisms through which to report illegal activity on election day, among others.
- Establishing permanent professional staff at all election-related bodies and adopting staggered terms for officials at the key electoral institutions, such as the TEPJF and IFE, to provide for continuity.
- Granting the IFE more power to regulate and forcefully punish illicit

party spending during the pre-campaign and campaign period.

- Requirements for full disclosure of all transactions linked to campaign spending.
- A shortened campaign period and the synchronization of the calendars for federal and state electoral calendars.
- Establishment of clearly defined roles for incumbent state officials, including the president, regarding electoral contests during the campaign period.
- Modernization of the legal framework governing the Special Prosecutor for Electoral Crimes (*Fiscalía Especializada para Atención a Delitos Electorales*, FEPADE) and strengthening of its autonomy.

Recommendations for more sweeping institutional reforms to the Mexican political system have been also been circulating in Mexico and the international community. Some of these proposals include:

- Adoption of a parliamentary-style federal government, in which the head of the government is chosen by the largest party or coalition in Congress, in order to reduce friction between the legislative and executive branches.
- Allowing for the re-election of some or all elected officials to secure greater incentives for accountability for local and national elected leaders to the Mexican people and reduction of the length of the presidential term to decrease the stakes for the winners and losers of presidential elections.

Whether or not such proposals for reforms gain support, the recently elected Mexican legislature will have an important opportunity to review and evaluate a range of options for measures to help the country overcome the post-election dispute and bolster confidence

in its democratic institutions. NDI's Mexico office will conduct a forum on electoral reform in the fall of 2006 to support Mexico's political and civic leaders in this process.

ABOUT NDI

The National Democratic Institute is a nonprofit organization established in 1983 working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and to promote citizen participation, openness and accountability in government.

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