MAIN ASPECTS OF THE MEXICAN ELECTORAL REGIME



2014-2015 FEDERAL ELECTORAL PROCESS



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MAIN ASPECTS OF THE MEXICAN ELECTORAL REGIME AND THE 2014-2015 FEDERAL ELECTORAL PROCESS IS A PUBLICATION OF THE INTERNATIONAL AFFAIRS UNIT OF THE NATIONAL ELECTORAL INSTITUTE

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Introduction

This publication was conceived and developed as part of the promotion and dissemination activities carried out by the National Electoral Institute (INE) amongst the international community, especially between foreign visitors, for the federal electoral processes that takes place in Mexico. Its main goal is to give simple, clear and didactic informative material to those who may be interested in getting to know the most relevant aspects of the Mexican political-electoral regime, as well as the nature and organisation of some of the Institute's main activities.

On this occasion, the informative dossier is made up of three sections. The first one gives answer to a variety of questions on a wide range of topics: from the distribution of powers in electoral matters in the different levels of government, to very specific aspects on the organisation and development of the elections.

The second one describes the main adjustments and innovations brought about by a constitutional reform on political-electoral matters which was passed in early 2014. Among such changes is the formation of a national electoral system under INE's leadership and coordination, as well as the issuing of the General Law for Electoral Institutions and Procedures and the Law for Political Parties.

Finally, the third section deals with INE's nature and characteristics, as well as the way it gets organised to comply with the wide scope of responsibilities and functions it bears during the development of an electoral process.

Key questions regarding the Mexican Political Electoral System and the 2015 elections





1. How is the Mexican State politically organized?

Mexico is a representative, democratic and federal republic, composed of 32 autonomous entities (31 states and the Federal District) as far as its internal system of government is concerned. The form of government is presidential. The organizational structure of both the federation and that of the 32 states fits the classic scheme of division and separation of functions between the executive, legislative and judicial powers.

2. How is that way of political organization expressed in the electoral map?

It is expressed in a scheme of distribution of powers between the federation and the 32 states, which nowadays shows three important characteristics.

First, the substantial components of both the organization and electoral procedures, as well as the establishment and functioning of political parties, are governed by national laws, i.e., laws that are applicable at the various levels of government.

Second, the administrative powers (preparation, organization, conduction and oversight of elections) and jurisdictional ones (dispute resolution and application of electoral justice) are differentiated and conferred to different bodies at every level of government.



Third, there is a concurrent system between a national electoral management body, the National Electoral Institute (INE), and 32 local electoral authorities (called local public bodies or OPLEs). Within this system, the national body, which is the only one responsible for federal elections, exercises functions of leadership and coordination for joint organization of local elections.

It is important to note that this is a model of distribution of powers derived from a constitutional reform passed by the Congress in December 2013 and enacted by the Federal Executive Power in February 2014, which substantially amended the one which, in its basic strokes, had been operating since 1946.

3. What other important changes or innovations have arisen from that constitutional reform?

Some of these changes and innovations will be mentioned as an answer to other questions in this section. In addition to this, one of the sections of this information kit is specifically devoted to giving a broad overview of the constitutional reform.



In any case, it is worth noting that, in order to give support,

shape and consistency to the new model of distribution of powers and to form a well-articulated national system of organization and regulation of electoral processes, INE replaced IFE on April 4, 2014, thus becoming the governing body of the system. On May 15, the national laws on electoral management and procedures as well as the one for political parties were enacted.

4. What are the practical implications of these reforms in the organization of electoral processes?

The first thing to emphasize is that nowadays all elections, federal or local, are governed by a set of common rules and procedures. Secondly, that in the case of local elections, there are concurrent functions between INE and the corresponding local electoral authority (OPLE).

Finally, in more practical terms, although the possibility that federal and local elections take place in different years is preserved, the law now provides that, as a rule, polling days are held the first Sunday in June of the corresponding year; that is, that the various elections take place concurrently in a single election day.



5. When will the first concurrent elections be held?

The first concurrent elections under the new format will be verified on Sunday, June 7, 2015. Federal midterm legislative elections will be held to renew the 500 seats in the Lower Chamber, but there will also be local elections in 16 states, as detailed in Appendixes 1 and 2.

6. WILL THERE BE ANY OTHER CHANGES IN THE ORGANIZATION OF THE ELECTIONS?

Yes, several. The first is that, by legal mandate, the entities with concurrent elections, i.e., simultaneously federal and local elections, will set up only one polling site to receive and count the votes. This is called a *joint polling site*¹. Previously, even when they were set in the same place, it was usual to have a station for the federal election and one for the local and therefore, in order to vote, the elector would carry out two procedures.

The second is that independent candidates, that is, those not nominated by any political party, may contend in all elections that are settled by the first-past-the-post principle. While recognition of this figure comes from a constitutional amendment approved in late 2012, with the new legislation, it has now been adequately regulated for elections at all levels of government.

The third one is the political parties' obligation to observe the principle of gender equality in the nomination of candidates for all posts. This implies, in the case of candidates for single-member constituencies, that both the owner and the substitute candidate must be of the same gender and that, in candidate lists, there must be sequential alternation between genders.

The fourth one is that political parties should get at least 3% of the total valid votes cast in an election to retain their registration and, if appropriate, to participate in the distribution of proportional representation seats. The previous threshold was 2%.

Finally, note that grounds for annulment of an election have been added, such as exceeding the maximum campaign expenditures by 5%, the violation of the rules on acquisition and broadcasting of election advertising on radio and television, and receipt or use of illegal resources for campaign financing.

^{1.} Translator's note: Before the reform, there used to be two tables in the same polling site, the federal one and the local one. These were usually located in the same place or very close to each other, but the voter had to identify himself and vote in each, separately. Nowadays, there will only be one 'joint' polling site, so the voter will only have to vote for the federal and the local candidates.



7. How are joint polling sites formed?

The joint polling site is a clear example of the characteristics of the new electoral system or model of organization based on the principles of competences and responsibilities between INE and the OPLEs.

The decision as to where the so-called joint polling site boards must be installed, as well as the selection and training of citizens which will constitute them, are an express power of INE.

It is the local authority's responsibility to print the documents and produce the materials needed for the election, in accordance with the guidelines and format determined by INE.

Notably, while the polling site directive boards of ordinary polling sites (for federal or local elections individually) are integrated by four permanent officials (a president, a secretary and two scrutineers), those joint polling sites for concurrent elections may include up to two additional officials (a secretary and a scrutineer).

8. What other competences does INE have as for local elections?

For all types of elections, INE is responsible for:

- the revision and adjustment of electoral geography, that is, the delimitation of the national territory and of the federal entities into districts and its division into circumscriptions;
- · the integration of the electoral roll and the creation of voter lists;
- the political parties' and candidates' accountability of income and expenditures; and,
- the issuance of rules, guidelines, criteria and formats on:
 - ° preliminary results
 - ° surveys or opinion polls
 - electoral observation
 - ° quick counts
 - ° document printing and production of election materials

9. WHAT COMEPETENCES DO LOCAL ELECTORAL AUTHORITIES HAVE, THEN?

In addition to the activities necessary to prepare for Polling Day under their jurisdiction, the OPLEs have, among others, the following functions:



- Deciding on the local registration of parties and candidates and arranging whatever is necessary for their access to their rights and privileges, including the timely provision of public funding
- Carrying out the scrutiny and counting of local elections and delivering the certificates to those candidates who turn out elected, in due cases
- Organizing, conducting and reporting results of direct democracy mechanisms as provided by local law
- Implementing the provisions set by INE for the operation of a program
 of preliminary results, conducting polls or surveys on voting preferences,
 conducting quick counts and development of election observation activities
- Guiding citizens to the exercise of their rights and the fulfillment of their political-electoral duties, and developing civic education programs

10. What are the terms of the relationship between INE and the local electoral authorities?

INE and the 32 OPLEs make up a national system of electoral organisation, which is governed by the principles of fairness, legality, objectivity, independence, transparency and maximum publicity, and is built around a set of common rules. On that basis, INE carries out functions of leadership and coordination of the system and relates to the 32 OPLEs through a specialized technical unit.

By the way, it is important to note that, as a process aiming at ensuring the compliance with these principles in the OPLEs performance, the Constitution empowers the INE's General Council to appoint the members of their highest governing bodies.

11. Does ine have any new powers?

Yes. The reforms significantly expand INE's range of powers. In addition to directly executing all the functions related to the preparation, organisation, conduction and oversight of federal elections, and concurring in the organization of local elections in the aforementioned terms, INE now has such powers as:

- Directly assuming the OPLEs' own functions, when causes punctually provided by law are verified.
- Attracting any matter of the OPLEs' jurisdiction to its knowledge, when its importance deserves it or to set a criterion of interpretation.
- Delegating authority to the OPLEs, subject to resuming INE's direct exercise if necessary.



- Overseeing the income of all parties and candidates registered to contest all kinds of elections (IFE only oversaw national parties).
- Signing agreements with the agencies of the Federal Government for coordination and cooperation purposes in financial intelligence matters (related to their powers in accountability matters).
- Verifying the compliance of the requirements to apply for national citizen's iniciatives and carrying them out: organization, counting and declaration of results.
- Issuing the general criteria to ensure the development of direct democracy mechanisms foreseen in the federal law.
- Organizing the election of the leaders of the national political parties, when so requested.

12. WHO GOVERNS INE'S ACTIVITIES?

The figure of the General Council as a collegiate and maximum governing body of INE, responsible for surveiling the compliance of constitutional and legal provisions in electoral matters has been preserved. The General Concil is made up of eleven members with voice and vote and a variable number of members with voice but no vote.

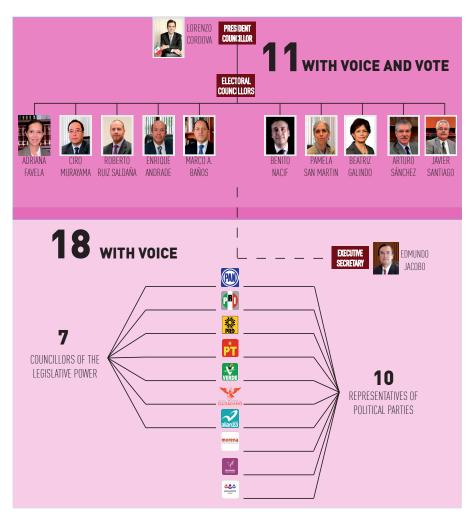
The eleven members with voice and vote are the President Councillor and ten electoral councillors, all of whom are elected by two thirds of the Lower Chamber through a new and sophisticated process that involves the participation of a temporary technical committee for their evaluation. While the law provides that all councillors hold office for a period of nine years without the possibility of reelection, exceptionally, and in order to ensure their staggered renewal, it was determined that when making the appointment of its current members (April 2014), three councillors were elected to serve a term of three years, four for six years and four others, including the President Councillor, for the full period of nine years.

The members with voice but no vote are the councillors of the legislative power (seven, nowadays, one for each parliamentary group); representatives of national political parties with registration (ten, nowadays) and the Executive Secretary of the Institute, who is appointed and removed by a vote of two-thirds of the General Council after the President Councillor's proposal.

13. WHAT REQUIREMENTS MUST THE MEMBERS WITH VOICE AND VOTE IN THE GENERAL COUNCIL MEET?

The president councillor, as well as the ten council members must meet a number of requirements that ensure their impartiality, independence





and knowledge in the exercise of their responsibilities, including: not having been registered as a candidate, not having held any elected office post and not being or having been a national or state leader of a political party four years prior to the appointment; they must have held a graduate degree for a period of at least five years, and have the knowledge and experience to enable them to perform their duties.

14. How are decisions made in the General Council?

All deliberation and decision-making sessions of the General Council are public and voting is carried out by show of hands. Most decisions are taken by majority vote, but the law explicitly provides for cases where a qualified majority is required.



During the election period, (for the 2014-2015 Federal Electoral Process it began on October 7, 2014), the General Council must meet at least once a month, but it is usual for it to hold sessions more often. In non-election periods, it must hold sessions at least once every three months.

15. ARE THEIR DECISIONS FINAL?

No. To ensure the principles of constitutionality and legality of the electoral acts and resolutions, among which are included all of INE's and the General Council's, there is a system of contesting methods which are definite for the different stages of the electoral process and guarantee the protection of the political rights of citizens.

Under this system, all resolutions of the maximum decision body of INE are appealable before the Electoral Tribunal of the Judiciary Power of the Federation, a specialized permanent body which is competent to solve all disputes in electoral matters in a final and irrefutable way.

16. What federal posts are in dispute for the next election?

As it has already been mentioned, at the federal level only 500 seats in the Lower Chamber will be competed, as they are the only ones that are renewed every three years. The next election for President of the Republic and the Senate will take place until 2018, as their mandate is for six years and they were elected in 2012.

An important novelty that involves the forthcoming election of federal deputies lies in the fact that it will be the first one where independent candidates will be contending for single-member or majority districts.

17. How are federal deputies elected?

Through a mixed system that combines the first-past-the-post and proportional representation principles to ensure a high correlation between the votes and seats a political force gets. This way, 300 of the 500 deputies are elected by simple majority or first-past-the-post principle in a similar number to the amount of single-member districts into which the country is divided for electoral purposes. The 300 districts are distributed among the 32 states according to the size of the population, though no entity may choose less than two deputies.

The other 200 deputies are elected by proportional representation. For these purposes, the entities of the country are divided into five districts, each of



which is equally allocated 40 proportional representation seats through closed and blocked party list systems, i.e., assigned to candidates according to the order in the lists submitted by the parties, without the voter having any opportunity to modify that order.

18. How are the two kinds of representation voted, jointly or separately?

The system's logic is based on the interrelation and complementarity between the two components, so that, if appropriate, the voter expresses in a single vote their preference for a first-past-the-post candidate in a district and for a list of proportional representation election in a constituency. This means that there is only one vote where the voter does not have the option of issuing a separate vote or differentiating for both types of election, because the candidate and the list correspond to the same party or political force.

For the first-past-the-post districts where independent candidates register and contend, as will occur for the first time in 2015, it has been arranged that, since the presentation of the list is the right of political parties only, any voting for an independent candidacy will not have any implications on the choice of proportional representation deputies.

The allocation of proportional representation seats attempts to compensate for any differences in the vote-seat ratio, even if it only considers the political forces and not those votes for independent candidates. On the vote-seat relation, the law provides that were there a difference of up to eight points, for instance, a political force that gets 40% of the votes, could benefit by obtaining up to 48% of the 500 seats.

In this regard, it is pertinent to note that, under the Constitution, no party can get more than 300 of the 500 seats in the Chamber of Deputies, regardless of the percentage of the vote obtained. The purpose of this provision is to prevent a single political party from having a two-third majority vote in the Chamber (367 of 500 seats) required to approve amendments to the Constitution. In other words, it is necessary for two or more parties to join their votes in parliament to achieve that majority to pass reforms of constitutional status.

19. Can representatives be reelected?

The constitutional amendment passed in 2014 eliminated the ban on re-election of federal legislators, congressmen and senators, but deferred its application to the federal elections of 2018. From then on, federal deputies may be reelected for up to three additional periods of three years, while senators may be re-elected for a further period of six years. However, the deputies to be elected in June 2015 cannot aspire to reelection in 2018.



20. WILL RE-ELECTION EXTEND TO OTHER POSTS?

Yes. Its application is anticipated for legislators in state congresses and the assembly of the Federal District, as well as for all municipal authorities in the terms established by the constitution of the corresponding federal entity. Nevertheless, it is still completely forbidden for the federal executive power (President of the Republic) and all local executive powers (state governors and head of government of the Federal District).

21. Does the law contemplate any rule to guarantee gender equality in the nomination of candidates?

Yes. Also as a result of the most recent constitutional and legal reform, parties are required to ensure gender parity in the nomination of candidates. For federal posts, i.e., deputy or senator, that obligation includes both formulas: first-past-the-post, where owner and substitute must be of the same gender, and proportional representation lists, where sequential alternation must prevail.

22. How many political parties will compete in the next federal elections?

There are ten political parties with national recognition and, therefore, with a number of rights which include the one to participate in all elections held in the country, including the 2015 federal and local elections. Out of these, seven had already held the registration and preserved it in the previous federal election of 2012:

National Action Party, PAN	
Institutional Revolutionary Party, PRI	PR
Democratic Revolution Party, PRD	PRD
Labour Party, PT	PT
Green Ecological Party of Mexico, PVEM	VERDE
Citizen Movement, MC	GÜBABANS
New Alliance, NA	alianzä



Three new parties obtained their registration in July 2014 and will compete for the first time in the elections of 2015:

National Regeneration Movement, MORENA	morena
Humanist Party, PH	Humanista one care of manager
Social Encounter, ES	encuentro social

23. How do parties get their registration or legal recognition?

The organization and functioning of all political parties, whether national or local, are governed by a general law which provides the procedures and the requirements to be met for registration or legal recognition.

Both the denomination as political party and the consequent regime of rights, privileges and obligations, are reserved for political organizations that obtain their registration or legal recognition from the competent electoral authority.

Whether at a national or local level, the period for an organization to apply for registration opens only every six years, and precisely the very next year after an election for the renewal of the Head of the Executive power, federal or local, is verified. In essence, during a process that extends for a little over a year, the organization must meet a series of requirements among which are those relating to the verification of a level of representation and social roots that in any case should not be less than 0.26% of the voters enrolled in the corresponding district.

For example, an organization interested in obtaining its registration as a national political party, must prove having a minimum amount of registered voters as members nationwide, but in such a way that it has at least 3,000 adherents in 20 of the 32 states or 200 of the 300 districts in which the country is divided for electoral purposes.

24. Is there any difference between the pre-existing parties and those newly created?

For practical purposes related to their participation in the elections, the main difference between the pre-existing national parties and those of new creation has to do with their ability to form coalitions to nominate common candidates. This capacity is reserved for pre-existing parties. A new party cannot form any coalition to nominate common candidates during their first turnout.



By the way, coalitions can occur in several forms, but in any case, they can only include first-past-the-post candidacies, and not any list to proportional representation posts.

25. Is there a threshold of votes to keep the registration?

Yes. Among the causes of loss of registration established by law for a political party and, consequently, its loss of the system of rights and privileges that registration entails, there is one related to their electoral performance: to keep its registration, a party is required to obtain at least 3% of the valid votes cast in an election.

In the case of national political parties, the threshold is required for any federal election, i.e. presidential, for deputies or senators. In a midterm election, such as the one of 2015, where only the Lower Chamber will be renewed, it is essential to get at least that percentage of votes to preserve the registration.

26. What are the political parties' main prerogatives?

Receiving public funding for both ordinary activities and for campaign expenses; permanent and free access to radio and television; the use of postal and telegraphic franchise; and a special tax regime.

27. WHAT CHARACTERISTICS DOES PUBLIC FUNDING HAVE?

By constitutional mandate, public funding must prevail over private funding. On this basis, direct public funding is allocated under three distinct concepts or methods, distributed using a criterion of tempered proportionality which combines an equal part (30%) and another part proportional to the voting force of each political party (70%).

The first type is the funding meant for parties to hold their permanent ordinary activities and is calculated annually. Notably, the parties should allocate 3% of the funding they receive for this concept to the training, advocacy and leadership development of women. The second mode is meant to fund campaign expenses and is granted only in election years. The third, which is also assigned an annual amount, is meant to fund specific activities as public interest entities, which entail political education and training, socio-economic and political research, and those of an editorial character.

28. How is the total amount for public funding to be distributed determined?

The main reference is the budget determined annually to subsidize permanent ordinary activities, which is the result of multiplying the total num-



ber of registered voters in July of the relevant year in the electoral roll of the respective territorial jurisdiction, by 65% of the minimum wage, also of the appropriate jurisdiction.

The total amount of registered voters in the country and the minimum wage for the Federal District is taken into consideration. Incidentally, in the case of national political parties' funding, the budget of resources allocated for this concept among political parties during 2015 added up to just over 3,900 million pesos (about 268 million USD considering an exchange rate of 15 pesos per dollar).

The volume of public resources intended to finance campaign activities varies depending on the type of elections conducted. At the federal level, in a year with presidential, senator and deputy elections, the distributed budget is equivalent to 50% of the one provided for ordinary expenses. When it is only midterm elections for deputies, such as in 2015, the stock of resources to distribute amounts only to 30% of that planned for ordinary expenses.

Finally, to fund specific activities, an extra budget of 3% of the regular funding is spent annually.

29. DO NEW PARTIES AND INDEPENDENT CANDIDATES ALSO RECEIVE PUBLIC FUNDING?

Yes. From the moment a party obtains its registration, it has access to rights, privileges and obligations foreseen by the law, including public funding under the three modalities. However, at the beginning, it has access to these under a special regime that ponders its character of emerging force without any previous reference to its electoral performance.

Independent candidates also benefit from this prerogative, but only in the form provided to fund campaign expenses. For this purpose, there is a budget equivalent to the resources obtained by a new party, which is equally distributed among independent candidates who obtained their registration.

30. Are there any restrictions to party and campaign funding?

Yes. In order to promote fairness and transparency in the funding of parties and campaigns, the law expressly prohibits the contributions and donations of: powers, bodies and government agencies at all levels and modalities; foreign natural and legal persons; international organizations; any legal person; people living or working abroad, and unidentified persons. Besides, the contributions of members, supporters and candidates for their campaigns are also subject to limits.



31. Is there accountability on income and expenses?

Yes. Since 1994 there is an accountability system which has become gradually strengthened, and which includes the requirement of providing annual consolidated reports supplemented by quarterly progress reports in non-election years, as well as pre-campaign and campaign reports during electoral processes.

The novelty is that now, as a result of the reforms and the new regulations on the subject, all obligations related to accountability and party finances, particularly the registration and control of their assets, liabilities, income and expenses, should be delivered through a permanent automated system which is administered by INE.

During elections, the financial information of the contracts signed during precampaigns and campaigns should be reported to INE no later than three days after their subscription.

32. WHAT DO PRE-CAMPAIGNS REFER TO?

To the processes carried out by political parties to select their candidates for elected office posts, according to the provisions in their own constitutions. Both the deadlines for pre-campaigns and for the activities that can be performed by the candidates to obtain a nomination are promptly provided by the law. In essence, the provisions governing pre-campaigns are comparable to those of campaigns, with the important difference that these relate essentially to internal selection processes of political parties.

With regard to the timing of pre-campaigns, the law provides that in the case of intermediate federal elections as the 2015 one, pre-campaigns should start the first week of January in the year of the election and not extend farther than 40 days. When elections are held for all positions at the federal level, pre-campaigns should start the third week of November prior to the election year and cannot exceed 60 days.

Indeed, the law prohibits candidates to engage in proselytizing and spreading propaganda before the start date of pre-campaigns. If a pre-candidate violates this provision, he/she shall not be registered as such and, therefore, is eliminated from the competition.

33. How long are electoral campaigns?

The legislation also regulates election campaigns in a very timely manner. Its duration varies depending on the type of federal elections in question. In the case of general elections, they last 90 days, but if these are the legislative midterm election, as in 2015, then they only last 60 days.



Campaign activities are initiated after the candidates have registered, but must invariably conclude three days before Election Day.

34. What is the deadline to register candidates?

In the case of midterm elections, such as the June 7, 2015 ones, the registration of all candidates to the chamber of deputies must be between 22 and 29 March before the election.

For these elections, campaigns began on Sunday, April 5, and finish on Thursday, June 4.

35. What does the prerogative of political parties' free access to the media imply?

In essence, the right of permanent and free access to all radio stations (almost 1,600) and television channels (700) operating in the country by open signal.

In the case of national parties, during non-election periods about seven minutes of daily programming on each radio station, and five in each TV channel are distributed among them equally to broadcast 30-second messages, at times ranging from 6 to 24 hours under a rotating mechanism that ensures the principle of equal opportunities throughout programming schedules.

During election periods, the time available to make use of this prerogative increases substantially. During pre-campaigns, parties are entitled to 18 minutes of each media outlet's daily programming, and during campaigns their times increase to 41 minutes a day, for 30-second promotionals, also distributed throughout the programming through a rotary mechanism that ensures the principle of equal opportunity in transmission times.

These slots are distributed under the same tempered proportionality criterion as direct public funding: 30% equally among all parties and 70% according to their level of vote in the previous election for the Lower Chamber.

36. Is this prerogative extensive to independent candidates?

Yes. They also benefit from this prerogative, but only during campaign periods. Out of the portion that is equally distributed among the national political parties, they are likewise equally distributed a batch of time equivalent to one of the new parties.



Notably, among the wide range of powers vested onto INE, is the one of being the only competent authority to manage the time that corresponds to the State in radio and television for electoral purposes. This includes both the one intended to ensure the political parties' and candidates' prerogative of access in all the elections held in the country, and the one granted to federal and local election authorities to fulfill their duties.

In order to fulfill this mandate, INE enabled and permanently operates a complex and sophisticated technology platform through which it receives, technically validates, distributes throughout the country and oversees the proper broadcast of all materials produced in the exercise of such prerogative.

37. ARE THERE ANY OTHER REGULATIONS RELATED TO THE ACCESS AND USE OF THE MEDIA FOR ELECTORAL PURPOSES?

Yes. The prerogative of free access is complemented by an important device of regulations related both to the use of radio and television for electoral purposes and for the dissemination of government propaganda in the media, all of which seeks, in essence, to ensure equitable conditions of competition.

On the one hand, it can be pointed out that the law not only prohibits political parties, pre-candidates and candidates, but also any natural or legal person, the procurement or acquisition of times on radio and television for personal promotion with electoral purposes or to try to influence the electoral preferences of citizens. In other words, parties and candidates can only make use of radio and television during the time granted to them by the State as a prerogative and without any cost, and neither they nor any other person, natural or legal, may purchase or acquire more times or places for these purposes on radio or television.

Moreover, the law provides that throughout the length of the campaigns and until the conclusion of Election Day, any government propaganda in the media must be discontinued, with the exception of information campaigns on education and health services, or those necessary for civil protection in emergencies.

Moreover, by Constitutional mandate, in no case should governmental propaganda include names, images, voices or symbols involving the personalized promotion of any public servant.

38. Do these regulations include the printed media?

Both the prerogative of free access as well as the ban on purchasing or acquiring additional times refer only to radio and television, not to other me-



dia. In any case, the purchase of spaces for the dissemination of propaganda in all types of printed media, including billboards, would be subject to the limits imposed on campaign expenditures.

Regulations on government propaganda refer to the media as a whole, including audiovisual and printed.

39. ARE THERE ANY CEILINGS TO CAMPAIGN EXPENDITURES?

Yes. The expenditures incurred by parties and candidates by way of campaigns cannot exceed the limits determined by INE's General Council for each electoral process and for each type of election according to a set of rules clearly established in the law, which are based on the amount of public funding given to political parties for campaign expenses.

Among campaign expenses, those related to meetings in rented places are covered, as is propaganda set outdoors, material and staff transportation, utilitarian propaganda, propaganda in print and production of messages broadcast on radio and television.

Incidentally, for the elections of federal deputies in June 2015, the ceiling to campaign expenditures is \$ 1,260,038.00 (about 84,000 USD).

40. Is there any punishment for violating the ceilings to campaign expenditures?

Yes. The law provides a broad and very punctual regime of penalties on electoral matters that clearly define the subjects, sanctionable conduct and penalties. Among the various infringements parties and candidates may incur is that of exceeding the ceilings to campaign expenditures. It is expected that for this concept parties are fined a quantity equal to the amount by which the limit was exceeded.

However, it is important to note that as a result of the recent reform in this area, it is now possible to nullify an election for serious and willful violations, among which is exceeding 5% the limit of authorized expenditure, provided this is decisive for the outcome of the election, implying that the difference between the first and the second place is less than 5% of the vote.

The other causes of this kind which may void an election are to purchase or acquire informative coverage or time on radio and television outside the cases provided by law, as well as receiving or using resources of public or illicit origin in campaigns.



41. ARE THERE ANY RESTRICTIONS TO THE CONTENTS OF ELECTORAL PROPAGANDA?

In essence, propaganda and messages that are disseminated during pre-campaigns and election campaigns must comply with the constitutional mandate that enshrines the rights of both free access to information and free expression of ideas, which can not be subject to any judicial or administrative inquiry, except if they attack the morals, the privacy or the rights of others.

Similarly, the law provides that in political or electoral propaganda, parties and candidates must refrain from stating slandering expressions. In this regard, the General Council of INE is empowered to order the immediate suspension of messages on radio and television or the removal of any advertising that contravenes this provision, once the procedures established for this purpose have taken place.

42. ARE THERE ANY REGULATIONS ON SURVEYS OR POLLS WITH ELECTORAL PURPOSES?

Yes. It is the attribution of INE's General Council to issue, on the occasion of each federal or local electoral process, the rules, guidelines or criteria to be complied by any individual or legal person interested in conducting surveys or opinion polls. Commonly, the General Council includes the obligation to submit a complete copy of the study to the competent electoral authority. This copy must include information on the methodology, costs, the people responsible for it and the results of the surveys, so that the authority may disseminate it through its website.

In any case, it is foreseen that from the three days prior to election day until the official closing time of polling stations that are in the time zones most to the west in the national territory (20:00 center time, for practical purposes), distribution or publication of the results of polls or surveys aiming at publicizing the electoral preferences of citizens is prohibited by any means.

43. Is it common to have any debates amongst candidates?

Yes. It is an increasingly widespread practice among applicants, precandidates and candidates for various elected posts. They should be subject to legal regulations, in particular the prohibition of buying time or space on radio and television to carry them out.

For federal elections, INE's General Council should organize two compulsory debates among all presidential candidates, and promote, through its decentralized bodies, holding debates between candidates for senators and deputies.



The law also provides that the media can freely organize debates among candidates, as long as the competent authority is informed, the debates involve at least two candidates for the same election and equity conditions are established in the format.

44. Who qualifies as voter?

In principle, all men and women with Mexican nationality whether by birth or naturalization who are 18 years old on Election Day and make an honest living are entitled to vote in both federal and local elections. However, in order to exercise the right to vote, citizens must be enrolled in the voters' list and have their valid photo voting card, which is issued for free by the National Electoral Institute.

Carrying the ten-year-term photo voting card is a requirement for citizens to vote. Voter registration is permanent, but in the year that a federal election is held, the deadline to apply for registration and get a photo voting card is on November 30th of the previous year. In turn, the deadline for requesting its replacement in case of theft, loss or damage is on the last day of January of the election year.

45. How many voters are registered to vote in the next elections?

On May 6th, INE's General Council declared the electoral roll to be used next June 7th to be valid. There are 83,563,190 voters in it.

46. How is the vote CAST?

Within the country, the vote for federal elections is issued in person, in polling stations especially equipped for this purpose with polling booths, in a manual way, by marking ballots.

The laws of some states, such as Coahuila and Jalisco, contemplate the possibility of voting by electronic means, but the voting and counting in federal elections are still done by hand.

47. How is the number and address of the polling sites determined?

The basic unit is called a section, and it divides the country for electoral purposes. As a general rule, a section should be formed for each demarcation/ area comprising a maximum of 3,000 voters, grouped according to the geographical closeness of their homes. On this basis, the law requires a polling station to be installed for every 750 voters or fraction residing in a section.



The precise number of polling sites installed in each section (and consequently in each larger electoral jurisdiction) depends on the number of registered voters and the application of some particular rules for installation. It is estimated that for the June 7, 2015 elections, around 150,000 polling stations will be installed throughout the country.

48. Must voters cast their vote in pre-determined polling stations?

Yes. The stations are geo-referenced according to the voters' addresses, so the general rule is that the voter casts his/her vote at the station close to where he/she lives. If a section requires several stations, they are sought to be installed contiguously in the same place and voters are distributed among them in alphabetical order.

There are, however, so-called *special stations*, where voters outside their section on Election Day who cannot go to their corresponding site can vote exceptionally. By law, a maximum of ten stations of this type can be installed in each electoral district.

49. How are the members of the polling stations selected?

There is a directive board for each polling station, made up of a minimum of four regular officers (a president, a secretary and two scrutineers) and three general substitutes. As noted, joint polling sites are scheduled in the case of concurrent federal and local elections. Here, depending on the number of elections or consultations to be handled, the number of members of the board may be increased.

In any case, officials are selected by a *sui generis* process based on a double raffle (which considers the month of birth and the first letter of the name of the citizens included in the voting lists in each section). This ensures not only the randomness of the selection process but also the fact that the members of each board are residents of the corresponding electoral section.

50. Do Political Parties oversee the functioning of the voting sites?

Yes. In order to monitor the proper functioning of the polling, the tallying of the votes, and looking after their best interests, both parties and independent candidates have the right to accredit two members and one alternate representative for each polling station. Representatives of parties and independent candidates have the right to receive legible copies of all the station's minutes and to submit written reports on incidents during voting or complaints at the conclusion of the tallying of the votes.



51. Is the presence of electoral observers allowed?

Yes. The law recognizes the right of Mexican citizens to participate as observers throughout the election process anywhere in the country, in the manner and terms determined by INE's General Council for each federal or local election, and after obtaining the corresponding accreditation.

Similarly, the law envisages that foreign citizens may get to know and learn about the development of the federal electoral processes at all stages under the figure of *foreign visitors*.

52. CAN MEXICAN CITIZENS LIVING ABROAD VOTE?

Yes. In the case of federal elections, the vote of Mexicans living abroad has been broadened to voting for the President and the senators, and is now open to the possibility of voting not only by mail, but also by delivering the envelope containing the ballot in INE's modules set in embassies or consulates abroad, and even voting by electronic means. However, that will only happen until the federal elections of 2018, as voting abroad is not contemplated for the election of representatives, as will happen in 2015.

For local elections, Mexicans abroad can also vote to elect governors of the states and the Head of Government of the Federal District, if foreseen by their corresponding legislation. For the 2015 local elections, four states contemplate voting from abroad: Baja California Sur, Chiapas, Colima and Michoacan.

53. Do members of the military, those in hospitals and those in prison vote?

Throughout the entire national territory the vote is cast in person, i.e., personally attending the stations provided for this purpose. Under these terms, there is no impediment for the representatives of the armed or police forces to vote.

The deprivation of liberty entails the suspension of political rights, including the right to vote and be voted, so that those who are in prison cannot vote. Formally, citizens in hospitals or health centers have no legal impediment to vote, but there is no mechanism for them to do so.

54. What is the scheduled time for polling sites?

The installation of the polling stations begins at 8:00 am of the day scheduled for the election. Voting ends at 18:00. The vote can only be closed before that time if all registered voters in the corresponding nominal list have voted. If at 18:00 there is still a line of voters to cast their vote, the station will close until all of them have voted.



55. WHAT IS THE VOTING PROCEDURE?

Voters cast their vote in the order they arrive to their corresponding polling station, and the first thing they have to do is carry and present their photo voting card. Once it has been verified that the voter is in the voters' list, which also includes a photograph of the voters, the president of the station gives a voting paper (in Mexico they are called ballots) for each post in dispute so they may freely and secretly mark their preferences.

In the case of the federal elections next June 7, we will only vote for deputies, therefore voters will only receive one ballot. However, in the 16 states where there will be concurrent elections, voters will also receive the corresponding ballots for local disputed posts.

Once they have marked their ballot, the voters must fold it and deposit it in the ballot box. As they return to the station, officials have to print a stamp with the word "voted" in the voters' list, check the voters' ID in the box, impregnate their right thumb with indelible ink and give back their voting card, which concludes the process of casting the vote.

56. Is the tallying of the votes carried out in the polling sites?

Yes. Immediately after the voting is closed, the tallying and counting of the votes, as it is called in Mexico, is carried out. This is the process by which the number of voters who voted in each station, the votes cast for each party or candidate, those for unregistered candidates, null votes and the remaining ballots is determined, on the basis that each station is assigned a maximum of 750 ballots for all those citizens registered in the voters' list, and that the political parties' representatives accredited to the station may also vote.

The political parties' representatives and independent candidates have the right to monitor all operations of tallying and counting the votes, to submit written complaints and receive an official copy of the results of each station. These operations can also be witnessed by election observers and accredited foreign visitors.

57. WHAT TIME ARE INITIAL RESULTS KNOWN?

20:00 Central Time marks the moment when, as the polling stations located in areas with the time zone most to the west of the country close, the ban imposed for public dissemination of any information related to the election results expires.

Therefore, it is usual that at 20:00 different media outlets start disseminating



results obtained from the application of exit polls, quick counts or any other instrument of measurment intended to know or predict the preferences of the electorate, which are therefore unofficial.

At that same time, information generated by the computer program operated by INE to publicize and disseminate real-time preliminary election results begins airing publicly, both in a national center expressly set to that effect within the premises of INE with all facilities for the media, and through a network of free-access portals. The results provided through this program are based on the data stated in the minutes filled and validated in each of the polling stations, although these results are not strictly official.

58. WHEN ARE OFFICIAL RESULTS KNOWN?

The official computing process of the federal results starts on the Wednesday after polling day (in the case of the 2015 federal elections, on June 10), at 8:00 am. This process takes place in INE's offices at district level (district councils) and this stage completes the computing concerning the election of the 300 first-past-the-post deputies.

On the Sunday after the elections, the process moves to the INE offices at a state level (local councils) to consolidate the results at a state level and complete the official tallying for the election of proportional representation deputies.

59. Are these results definite?

These coutings produce official results, though not definite. The final and definite results are only obtained once the Electoral Tribunal solves, if any, contesting resources (called trials of discontent, in the first instance, and reconsiderations, in the second and final instances) submitted by political parties and candidates, and related to election results.

The solution to these resources must occur within a timely period provided by law, but it is important to point out that those trials of discontent that activate all the contentious process in the matter can only be filed within four days following the completion of INE's tallying and counting performed at a district and local levels.

60. CAN A RECOUNT BE DEMANDED?

Yes. The electoral law expressly provides for the possibility of a recount of the votes at the time they are being carried out at district level. The district recount may be partial or total. Partial refers to the votes cast in a number of stations or polling sites under certain hypotheses prescribed by law.



The total recounting of votes includes all the stations set up in a district, and it equally applies to the election of deputies, senators or President. It operates at express request when there is an indication that the difference between the presumptive winner of the election in the district and the candidate who got second is equal to or less than one percent.

61. CAN AN ELECTION BE NULLIFIED?

Yes. Prior to the most recent reform, the law provided a set of causes to nullify a federal election, which have to do, essentially, with carrying out one or several of them in at least 20% of polling stations set in the corresponding jurisdiction, with the fact that 20% or more of the polling stations are not installed, or that provided in the same jurisdiction or that the winning candidates turn out to be ineligible.

Moreover, with the new reform, the law provides for the possibility that a federal or local election be annuled due to serious, willful and determining violations in cases promptly provided in the Constitution, which refer to exceeding the ceilings to campaign expenditures by 5%; the purchase or acquisition of media coverage or time on radio and television or receiving and using public or illegally proceeding resources in campaigns.

62. WHEN IS THE ELECTORAL PROCESS OVER?

When the process includes only intermediate legislative elections, such as the next June 7 ones, it concludes when all the certificates are given to elected legislators, both by the first-past-the-post and proportional representation principles, and once the disputes brought before the Federal Electoral Tribunal have been solved.



Overview of the 2014 electoral reform and the new institutional design in Mexico





I. BACKGROUND

As a result of the political agreement signed in September 2012 by the Federal Executive power and the main national political forces, a package of constitutional reforms in political-electoral matters approved by the Congress in December 2013, was published and consequently enacted on February 10th, 2014.

This reform is being complemented by the consequent process of adapting all the legal framework that rules elections throughout the country. It incorporates important changes and certain novelties both in the form in which the federal pact in political-electoral matters is conceived and the one it is expressed.

The intention of this text is to offer an overview of some of the substantial aspects of this process of constitutional and legal reform. It is important, then, to start by pointing out what is perhaps its main legal-institutional implication: a very peculiar re-configuraltion of the competence distribution model which had characterised the federal agreement in political-electoral matters since 1946.

Indeed, until before the reform, even when the constitutional text ordered a set of rules that should regulate the legal-institutional scaffolding related to organising elections in the different levels of government, it reclaimed a division of competencies regarding the adoption of electoral rules, institutions and procedures between the federation and the 32 federal entities.

As will be appreciated in the following sections, the constitutional and legal reform of 2014 introduces, amongst other topics of interest, a new model of organization and distribution of competencies in political-electoral matters.



As far as we know, these have no precedent or comparison within the federal agreements in the world.

An essential component of this adjustment is the disappearance of the Federal Electoral Institute (IFE, a public and permanent body, which was independent and specialized, and responsible for organizing the federal elections. It was created in 1990 as a central piece of a process of reform that aimed at answering to a severe crisis of trust in the organisation and the electoral processes), and its substitution by the National Electoral Institute (INE). INE keeps, essentially, the same powers and structure of IFE; however, it also expands its range of powers in a significant way.

Even when the creation of INE does not imply the elimination of those bodies responsible for conducting the elections in the 32 federal entities, it does suggest, from its name, the sense and implications of the change in the juridical-institutional design:

On the one hand, the fact that some basic components of the political-electoral activity, to be precise, the organisation and the functioning of the political parties, as well as the electoral institutions and the procedures are now ruled, in great measure, by laws of general or national character (both approved by mid-May), and therefore of a value and application for both levels of government and types of elections.

On the other hand, the fact that electoral functions are distributed in such way between INE and the local electoral authorities that INE not only maintains its main responsibility of organising, conducting and overseeing the presidential election and that of the senators and the representatives to the Congress, but it is also conferred different powers related to local elections, for executive and legislative posts in a municipal and state level.

Here is a brief summary of some of the main changes and innovations introduced by the legal and constitutional reforms recently made:

II. GOVERNMENT REGIME AND POLITICAL REPRESENTATION

National coalition government

The President of the Republic is given the power to choose a coalition government with one or several parties that hold representation in the Congress. Were that the case, the coalition government will be regulated by an agreement and a specific programme that must be approved by the majority of the Senate. Among other things, this will imply that all the ministers of state, excepting the Army and the Marine, must be ratified by the Senate.



In this sense, it is important to point out that, within the framework of the plural and competitive regime of political parties that has taken root in Mexico throughout the last years, and as a result of the preferences expressed by the voters, a divided government where the party in power has not had the support of a parliamentary majority has prevailed since the legislative elections in 1997.

THRESHOLD TO HAVE PARLIAMENTARY REPRESENTATION

In order for national political parties to participate in the appointment of representatives or senators via the principle of proportional representation, they must have at least 3% of the total votes cast in the corresponding election. Moreover, getting this threshold in any federal election is a requirement for a national political party to keep its legal registration.

The previous threshold, both for a political party to keep its legal register and to participate in the assignment of seats via the proportional representation principle was 2% of all the votes cast.

RANGE OF PROPORTION IN THE VOTE - SEAT RELATION

The constitutional reform of 1996 incorporated a ruling for a variation of up to eight percent in the votes-seats relation that aims at enclosing or appeasing the effects of over-representation of the first political force. This reform was passed as part of a foreseen mechanism for the integration of the Chamber of Deputies in the Congress, based on a mixed complementary electoral system that is somewhat similar to the German system of personalised proportional representation.

The recent reform has decreed that an analogous device be contemplated and applied to integrate the legislative assemblies of the 32 federal entities, since even when they already used mixed systems, the proportional component was in some cases notoriously conceived and applied under certain rules that did not precisely aim at correcting or reducing any distortion in the vote-seat relation brought about by the majoritary component of the system.

GENDER EQUALITY IN THE NOMINATION OF CANDIDATES

A mandate for gender equality in the nomination made by political parties to candidates to legislative posts both on a federal and local level has been adopted and guaranteed on a constitutional level.

Previously, the federal legislation demanded a gender quota based on the 60/40 formula, and, were the case given, the one applicable to the federal entitites was left up to their own legislation.



It must also be stated that, within the framework of the most recent federal electoral process (2012) and due to the lack of compliance of the gender quota by some of the political forces on the selection process based on the democratic procedures foreseen in their own rules, the Electoral Tribunal of the Judiciary Power of the Federation passed a sentence that stated the primacy of the gender quota over any other internal selection procedure, including internal elections

On the rights of independent candidates

A constitutional reform in 2012 had given rights to independent candidates, non-partisan. However, their rights and prerogatives were still subject to definiton in the corresponding legislation. With the new reform, those prerogatives of public funding and free access to the media during the electoral campaigns are guaranteed.

Possibility of immediate reelection

On a federal level, both the representatives (elected every three years) and the senators (elected every six), may be reelected for up to four and two consecutive periods respectively, as long as they are nominated by the same party as the first time or there is a resignation or loss of membership to this party before the first half of their time in the post.

Reelection will only be possible for representatives or senators elected in the federal elections of 2018 and onwards. Before the reform, reelection was only possible with an in-between period. On the contrary, the absolute prohibition for reelection in the Presidency of the Republic is not modified.

On a local level, the constitutions of the states must guarantee continuous reelection for an additional period for all the municipal authorities and for up to four periods of local legislators, under the same terms foreseen for federal legislators.

III. POLITICAL PARTIES' REGIME

NATIONAL LAW

The so-called general law for political parties was issued in May 2014 and it states a series of regulations that can be applied to both national and local political parties.

Before this, even when the Constitution comprehended a series of dispositions that applied to all the political parties (and especially the national parties), it



preserved, essentially, the competence distribution regime between the parts forming the federal agreement for most regulation effects.

The general law for political parties contains regulations in such matters as follow:

- Its constituent process, as well as the deadlines and requirements for its legal registration;
- The rights and obligations of their members;
- The basic rules for the integration of their directive organs and the nomination of their candidates;
- Those forms of electoral participation through coalitions;
- The accountability system of their income and expenditures;
- · The organisation and function of its internal organs;
- The procedures and punishments applied for the lack of compliance of their obligations;
- The ruling regime applied in case they lose their register and their closure.

REQUIREMENTS AND PROCEDURES FOR THEIR FORMATION AND REGISTRATION

The law fixes regulations, requirements and common procedures for their formation and registration, but it distributes the corresponding competences between INE (for those of a national nature) and the local electoral authorities (OPLEs from their acronym in Spanish), for local issues.

In any case, the procedures for an organisation to ask for its registration as a national or local political party will only open every six years, as it was already on a federal level, and right after the presidential or governor election, as corresponds, has been conducted.

Among the standard requirements to access the registration, those related to the territorial distribution and the minimal amount of members needed should be pointed out. In total, these should be equivalent to at least 0.26% of the voters registered in the corresponding territory.

INTERNAL BODIES

The political parties must have, among others, internal bodies responsible for the administration of their patrimony and their financial resources and for presenting the corresponding reports to the electoral authority; a deliberative body, formed democratically, to organise the internal selection processes



of the candidates; another collegiate body to enforce the law within the party; one in charge of fulfilling the obligations of transparency and access to information mandated by the Constitution and another one in charge of education and civic training of its leaders and members.

REGULATION, CONTROL AND OVERSIGHT OF FUNDING

One of the main novelties is that the formula adopted is the one used by the federal legistation to determine and distribute public direct funding among the national political parties. This formula is made extensive to all local parties; before, this was ruled by very different variations in local legislations.

Now, in any case, the annual amount will be determined by multiplying the number of voters registered in the corresponding territorial jurisdiction by 65% of the current minimum wage. 30% will be distributed equally among all the registered parties, while 70% will be distributed according to the number of votes got in the previous legislative elections.

The rules to assign additional public funding for campaign expenses and for specific activities as public interest entities are also standardised. Likewise, the regulations (prohibitions, restrictions and limits) related to book-keeping obligations and accountability before the electoral authority are also homogenised.

All the parties, and in the case of campaigns, independent candidates too, must hand in different income and expense reports, on the terms and modalities established in the law. The General Council of the national electoral authority (INE) is the body that checks all the reports, audits, and if such were the case, investigates and sanctions any violation.

NATIONAL POLITICAL PARTIES' PREROGATIVE OF FREE ACCESS TO THE MEDIA

The generous system of political parties' free and permanent access to the media is complemented by the fact that during the 6-week lapse between the pre-campaign and campaign periods, the parties will be given 50% of the time administered by the electoral authority (24 out of 48 minutes), for them to broadcast generic messages.

VOTE THRESHOLD TO KEEP THEIR LEGAL REGISTRATION

As anticipated, both the national and the local political parties must get at least 3% of the total number of votes in the corresponding elections to keep their legal registration.



IV. INSTITUTIONAL DESIGN

A NEW ELECTORAL INSTITUTIONALISM

One of the most important changes introduced by the constitutional reform has to do with the scheme of competence distribution in electoral matters between the federation and its entities, and therefore, the design, the powers and the level of interrelationship of the bodies responsible for organizing the corresponding elections.

The range of powers of the federal body lingers on and is actually increased in great measure. According to the characteristics of this new scheme of distribution of powers and as it has already been stated, the Institute is now of a national name and character. The local bodies responsible for the local elections of the 32 federal entities are preserved, however.

THE NATIONAL ELECTORAL INSTITUTE

Formally established on April 4, 2014, it replaces the Federal Electoral Institute as the independent and specialised permanent public body in charge of organising, conducting and overseeing the federal elections. In addition to this, it gets, among others, the powers for:

- Participating in a converging way in the organisation of local elections, especifically in electoral geography, electoral roll and voters' lists, location of voting stations, selection and training of the members of these stations.
- Setting the rules, criteria and formats that will be used in all the elections regarding giving preliminary results, surveys or exit polls; electoral observation; quick counts; document printing and production of electoral materials.
- Choosing and removing the president and the electoral councillors of the local bodies.
- Taking over functions of the local bodies according to the causes specifically foreseen in the law.
- Attracting for its own knowledge any issue that belongs to the local body's competence when merited by its trascendence or to set a criteria for interpretation.
- Auditing the income of all the parties and candidates registered to compete in all kinds of elections (IFE only oversaw the national parties).
- Reaching agreements with institutions of the Federal Executive power to coordinate and cooperate in financial intelligence matters (related to its powers of oversight).



Verifying the compliance with the requiriments stated in the law to validate the celebration of national direct democracy mechanisms.

The maximum directive and decision-making body of INE, its General Council, is made up of eleven members with voice and vote: one president councillor and ten electoral councillors, all of them elected by two-thirds of the representatives through a new and sophisticated process involving the participation of a temporary technical committee for their evaluation. In addition to this, the process foresees the possibility that, in case the representatives do not reach an agreement, their election will be carried out by the Supreme Court by a raffle.

The law states that they will all be in post for a nine-year period without the possibility of reelection. Even so, as an exception, and in order to ensure their staggered renewal, three of its current members were chosen to serve for a three-year period, four of them for a six-year period and the other four, including the president councillor, will serve the full nine-year period.

The creation of the technical units of electoral disputes and liaisons with the local electoral bodies stand out among the most important adjustments experienced by the organic structure that INE inherited from IFE to fully assume its powers.

PUBLIC LOCAL ELECTORAL BODIES (OPLES, THEIR ACRONYM IN SPANISH)

The electoral bodies of the federal entities remain to be so. They now have, however, converging powers with INE for the organisation and conduction of their corresponding local elections.

Even when the General Council of INE has the power to name and remove the seven members with voice and vote that must now be part of the directive organs of the local electoral bodies, this does not imply a hierarchical or subordinated relationship amongst them. In this sense, the national law states that, just as INE, the local bodies have juridical personality and their own patrimony, and they are autonomous in their functioning and independent in their decisions.

Among the local bodies' powers are registrating political parties and candidates to local elective posts, as well as guaranteeing their rights and prerogatives; preparing polling day; carry out the scrutiny and counting of final results; declaring the validity of the elections and handing out the certificate of elections to the winning candidates; developing and carrying out civic education programmes within their jurisdiction and organising the direct democracy instruments foreseen by the local legislation.



As has been mentioned before, some of the powers related to local elections, such as the auditing of political parties or electoral campaigns, will be either directly in charge of INE, or they may be allocated by INE. Other powers, such as giving out preliminary results, carrying out exit polls and opinion surveys or electoral observation, must be developed, implemented or verified by the local bodies according to the rules, regulations or criteria set by INE.

V. ELECTORAL PROCEDURES

The Federal Congress approved the general law for electoral institutions and procedures in mid-May, along with the general law for political parties. The previous number outlined the new juridical-institutional arrangement of the design and distribution of powers between the national electoral body and the ones of the federal entities contemplated in the law. As for the specific electoral procedures, the following records and innovations should be pointed out:

SOLE POLLING DAY

Provisions must be taken so that, from 2015 on, polling day of all national or local elections is conducted on the first Sunday in June of the corresponding year. Before, federal elections were conducted on the first Sunday in July, while the date of local elections was fixed freely by each entity's legislation.

JOINT POLLING SITE IN CASE OF CONVERGING ELECTIONS

Whenever federal and local elections come together, there will be a joint polling site for the reception and scrutiny of all votes. This represents, in practice specially, making it easier for voters to cast their vote.

Previously, this possibility was subject to an agreement between the local and federal electoral authorities; however, it was usual to have two different polling stations installed in the same precinct.

DERATES

It is mandatory for INE's General Council to organise two debates among all the presidential candidates and to promote them among candidates to the senate and federal representatives.

In the same way, according to local legislations, the local bodies will organise debates among the candidates to governors or heads of government in the case of the Federal District, and they will promote debates for other elective posts on a state and municipal level.



Likewise, the media may freely organise debates among the candidates as long as they let the corresponding electoral authority know about them, at least two candidates of the same election participate and conditions of equality in the format are established.

VOTING FROM ABROAD

For federal elections, the possibility of voting from abroad is now extended to the elections of senators (before, it was only for the presidential election) and in the case of local elections, it can include, if so determined in the corresponding legislation, the election of the head of the local executive power.

One very important change that answers to a reiterated demand of the diaspora, is the fact that the essential document to register and cast a vote abroad, the photo voting card issued for free by INE, which before could only be obtained within the national territory, will now be also issued abroad.

Even more so, casting a vote abroad will not only be possible via the post, but it will also be possible to vote in person in places specially set up in embassies and consulates and even in an electronic way, under the terms defined on time by INE.

New causes for annulment of an election

The corresponding obligatory legislation is the reference to establish a system of annulment of federal and local elections for serious, intentional and decisive violations in the following cases:

- Exceeding the ceilings to campaign expeditures in 5%
- Getting informative coverage or time in the media beyond those stated in the law
- Receiving or using resources of illicit or public origin

To this effect, it is stated that the violations must be accredited objectively and materially and they will be assumed to be decisive when the difference in votes between the first and second place is less than 5%.

Everything points to the fact that Mexico is once again innovating in this matter on a global scale and in two different senses: on the one hand, to our knowledge, there is no other legislation that mandates the annulment of an election due to causes related to trespassing the regulations in media access for electoral publicity ends.



There are some precedents in the world of annulment due to violations to the rules regarding financial matters. In Brazil, going over the top of their very peculiar ceilings to campaign expenditures may bring about the annulment of the election (or the loss of the post or investiture); however, no cases related to access or use of media have been identified.

Of course, the annulment of an election and the loss of post or investiture are legal concepts different in several senses: while the annulment is a legal act which is part of the electoral process, the loss of post is not so, since it is a legal act that can only take place after the process is over. In some cases, however, they can both have a similar effect – for instance, repeating a vicious election – or serve the same purpose (banning a candidate who broke the law from acceding to the elective post or continuing in it).

In any case, we should not lose sight of the fact that an important difference between the annulment and the loss of post has to do with the time the authority has to pass a resolution. The annulment has to be passed before the formal conclusion of the process and this forces the process, almost by definition, to take place within a fixed time limit which is much shorter than the one required for a declaration of loss of post.

On the other hand, it establishes a very controversial precedent as it isolates, first, and later on assigns, within a range that can not avoid being discretionary (a difference of less than 5% between the competitors), the weight of a variable or cause predetermined within a phenomenon (electoral preferences) that, almost by definition, can only be understood and explained as a result of a multidimensional process.





I. BACKGROUND

The National Electoral Institute (INE) is the public, autonomous body, independent in its decisions and management, and professional in its performance, which heads and coordinates the national system for electoral management. This system was structured from an important constitutional reform issued in February 2014 (see part 2 in this binder). This reform significantly changed the scheme of distribution of powers in electoral matters that had characterized the Mexican federal pact in recent decades.

INE was formally constituted on April 4, 2014 and is, largely, heir to the structure and powers of the Federal Electoral Institute (IFE), which it replaced as the body responsible for organizing federal elections. However, INE transcends the range of powers of its predecessor not only because it has significantly expanded its range of responsibilities, but also because those responsibilities entail both a leading role in the national system of electoral management, as well as a steward role in organising elections of local character.

The new institutional design for election management is ruled by general legislation (the so-called General Law on Institutions and Electoral Procedures, enacted in May 2014), which standardizes an important set of electoral procedures and preserves the figure of local electoral bodies, generically called Local Electoral Public Bodies, or OPLEs, after their acronym in Spanish.



While the General Council of INE is empowered to appoint and remove the seven members with voice and vote who must equally integrate the OPLEs' management bodies, this does not imply that there is a hierarchical relationship mediating between them. In this sense, the general law provides that, just as INE, the OPLEs are endowed with legal personality and their own assets, and they are autonomous in their operation and independent in their decisions.

This document focuses on INE's powers and organization, but it is important not to lose sight of the new scheme of distribution of powers in the matter.

II. PURPOSES AND FUNDAMENTAL PRINCIPLES

In an express and precise way, the electoral law provides that the organisation and functioning of the National Electoral Institute must aim at achieving eight fundamental purposes:

- Contributing to the development of democratic life.
- Preserving the strengthening of the political party system.
- Integrating the Federal Voters' Registry.
- Guaranteeing the citizens' exercise of their political and electoral rights and monitoring compliance with their obligations.
- Ensuring the regular and peaceful conduction of federal elections, as well as carrying out the duties granted by the Constitution in local elections.
- Looking after the authenticity and effectiveness of the vote.
- Promoting the vote and contributing to spread civic education and a democratic culture.
- Acting as the sole authority for the administration of the time on radio and television that corresponds to the State. This aims at ensuring the exercise of the rights of political parties, as well as the objectives of the electoral bodies.

Under constitutional law, the exercise of INE's functions must be governed by six fundamental principles: certainty, legality, independence, impartiality, maximum publicity and objectivity.

INE has its own legal personality and assets and is a permanent body. Its headquarters are located in Mexico City, and in order to exercise its powers, it is organised and operates under a decentralized scheme throughout the national territory.

In order to ensure a professional performance in the exercise of their responsibilities, both INE and the OPLEs have a group of civil servants in their executive



and technical bodies, who are part of a professional electoral service that has a national character. INE has steering functions upon this service.

III. MAIN POWERS

According to the new scheme of distribution of powers in electoral matters, INE's powers are grouped in three main aspects based on a twofold basis: first, that INE has a stewardship and coordination role in the national system as a whole. This means having both regulatory and concurrent functions in the organisation of local processes; and, second, that INE exerts all functions relating to the preparation, organisation, conduction and oversight of federal elections in a direct and exclusive way.

1. RELATED TO THE FEDERAL AND LOCAL ELECTORAL PROCESSES

- The division of the territory for electoral purposes, which includes redistricting those constituencies that bear the first-past-the-post principle in the elections, and those circumscriptions with proportional representation.
- The integration of the electoral roll and voters' lists.
- The location of polling stations, and the appointment and training of its members.
- The oversight of political parties' and candidates' income and expenditures.
- The issuance of rules, guidelines, criteria and formats related to:
 - preliminary results
 - ° surveys and opinion polls
 - ° electoral observation
 - ° quick counts
 - ° printing documents and production of electoral material

2. RELATED ONLY TO FEDERAL PROCESSES

- Registration of national political parties.
- Recognition of national political parties' and candidates for federal office's rights and access to their prerogatives.
- Preparation of Election Day.
- Document printing and production of election material.
- Tallying and counting of the votes.
- Declaration of validity and granting certificates to deputies and senators.



3. ADDITIONAL

They can also be grouped under the next categories:

3.1 REDISTRIBUTION OF POWERS WITH THE LOCAL ELECTORAL BODIES (OPLES)

INE can:

Directly assume OPLEs' activities to conduct a local election. This implies
having irrefutable proof that any of those assumptions foreseen by the
law, and of those requirements that adjudge these assumptions to be
true, are complied. It also implies the fact that the corresponding decision must be approved by a majority of eight of the eleven votes of those
members with voice and vote in INE's General Council.

In this sense, it is worth noting that among the OPLEs' powers are registering local political parties and candidates to local elective posts, as well as guaranteeing their rights and privileges; preparing election day; carrying out the tally and counting of the final results; declaring the validity of the elections and handing over the certificates of election to the winning candidates; developing and implementing civic education programs within their jurisdiction and organising referendums foreseen by the local legislation.

- Attract to its own knowledge any matter within the OPLEs' jurisdiction, when its importance so merits, or to set a criterion of interpretation. This requires an express request by either four electoral councillors of INE, or by the most of the OPLE's General Council, and it must be approved by a majority of eight votes of the eleven members with voice and vote in the INE's General Council.
- Delegate any of its powers to the OPLEs, while being able to resume its direct exercise at any time. For this, the affirmative vote of at least eight electoral councillors is also required.

Even when the category does not exactly correspond to distribution of powers, but to the formation of the OPLEs, instead, we can still incorporate the following:

Appoint and remove the president councillor and of the other six councillors with full voting rights, who make up the OPLEs' general councils.
On this basis, the General Council of INE appointed the members of 19
OPLEs' councils before the federal and local elections that will take place in 2015. The members of the OPLEs of the other 13 states will be appointed during the second half of 2015.



3.2 Procedures for citizen initiatives

- Verifying the percentage required for submission of a law or decree initiatives by citizens and, if appropriate, the organization, development, tallying and counting of votes, and giving away the referendum results.
- Issuing general criteria to ensure the development of citizen participation mechanisms under federal law.

3.3 FINANCIAL INTELLIGENCE FOR POLITICAL PARTIES' AND CANDIDATES' INCOME/EXPENDITURE ACCOUNTABILITY

 Signing agreements with bodies from the Federal Executive Power to establish coordination mechanisms and ensure cooperation in financial intelligence matters.

3.4 Organising the election of leaders of political parties

• Organize the election of leaders of political parties at their request and charging their prerogatives.

IV. INE's STRUCTURE

INE's structure is very dense and complex, due to its nature and the purposes assigned to it by the law, but mostly due to the very wide range of functions to be carried out to ensure its effective implementation. Nevertheless, a good overview of the essential components becomes available with a brief reference to its three main types of bodies:

Directive: integrated in a collegiate way, in councils. They are responsible for deliberation and decision-making of the institution in all its areas of competence.

Executive: made up mostly by members of the electoral professional service, in executive boards that are in charge of implementing the policies, programmes, agreements and resolutions approved by the bodies of collegiate directive bodies.

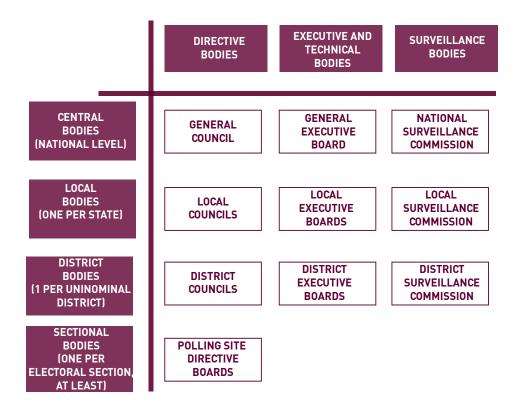
Surveillance: they are mostly constituted with equal representation of political parties, in commissions that oversee the work on the integration, debugging and updating of the electoral roll.

Following the principle of decentralization in which the organization and functioning of the Institute is based, these bodies are represented at a central,



state (one delegation in each of the 32 states) and district levels (a sub-delegation in each of the 300 single-member districts).

ORGANIZATIONAL STRUCTURE



The existence of technical bodies is also worth pointing out. These units serve specialized functions, or technically advise the Institute areas that request so, but they are essentially concentrated and operated centrally.

DIRECTIVE BODIES

They are responsible for ensuring strict compliance with constitutional and legal provisions on the subject, as well as setting the guidelines and issuing the resolutions in all areas of the Institute. These bodies, called councils, are integrated in a collegiate way: only electoral councillors (those with no party affiliation or ties to the state powers) are entitled to vote.



The top management body is the General Council. The decentralized bodies of the same nature are the 32 local councils (one in each state) and the 300 district councils (one in each single-member electoral district). Unlike the General Council, which is a permanent body, local and district councils are installed and hold sessions only during electoral periods.

A) GENERAL COUNCIL

The General Council is made up of eleven members with voice and vote and a variable number of members with voice but no vote (currently 18).

The eleven members of the General Council with voice and vote are the President Councillor and ten electoral councillors, all elected through a procedure punctually foreseen by the Constitution, which comprises several stages. It starts with a public notice and the intervention of an evaluation committee, which reviews the applications and makes a proposal including five candidates for each position. This proposal must be sent to the political directive body of the Lower Chamber. This body should promote the necessary agreements so that, within a deadline specified in the notice, the proposal for appointment of president councillor and electoral councillors has the affirmative vote of two thirds of the Chamber. If such deadline arrives and the requirement is not met, the power to appoint them is transferred to the Plenum of the Supreme Court, who, in public session and by raffle, should make the appointments based on the proposals made by the evaluation committee.

Both the president councillor and the ten electoral councillors are appointed for a period of nine years and cannot be re-elected. However, this time, the appointment of councillors was carried out in stages: the president councillor and the ten electoral councillors that make up the current General Council are founding members of the INE and hold office since 4 April 2014. For this reason, exceptionally and to ensure their gradual renovation, three of the councillors were elected to serve a three-year term, four for a six-year period and the other three, plus the President councillor, will serve the entire nine-year period.

There are several requirements for candidates for the posts of president councillor and electoral councillors, meant to ensure both their independence and impartiality as their suitability for the performance of their duties. Among these, are: not being registered as a candidate for any elective post or having played a managerial role at the national or state level in a political party during the four years prior to his appointment; being over 30 years of age, having held a professional, bachelor's degree for five years,



and have the knowledge and experience that will enable the performance of their duties.

On the other hand, members with voice but no vote are:

- One representative for each registered national political party. Currently there are ten; seven parties had previously won their registration and three parties that just won registration in 2014.
- Councillors from the Legislative Power: each parliamentary group with party affiliation in any of the two Houses of Congress has the right to appoint a councillor alike. Currently there are seven corresponding to the political parties with parliamentary representation.
- The executive secretary of the National Electoral Institute, who is appointed by two thirds of the General Council after a proposal from the President Councillor and serves as Secretary of the council.

To sum up, the General Council is currently comprised of a total of 29 members, eleven of whom concur with voice and vote and 18 with voice but no vote.

During non-election periods, the General Council shall meet in regular sessions once every three months. During election periods, starting in September before an election year and concluding two months after the election, ordinary sessions of the General Council should be held at least once a month. The General Council may also hold extraordinary and special sessions.

All sessions of the General Council are public, conducted in an enclosure that provides facilities for media coverage and can be followed live on the internet through the website of the Institute. Discussions are regulated; except for some decisions that require qualified majority, these are made by majority vote and the members entitled to vote do so openly.

The General Council is empowered to integrate temporary committees as it deems necessary for the compliance of its duties. The law also provides for the permanent operation of eight committees:

- · Electoral Training and Civic Education;
- Electoral Organisation;
- · Political Parties and Prerogatives;
- National Electoral Professional Service;
- · Federal Registry of Voters;
- · Complaints and Reports;
- · Oversight; and
- Liaison with OPLEs.



The law itself determines that in each federal electoral process, the Civic Education, Electoral Training and Organisation commissions merge in only one Electoral Training and Organisation Commission. In any case, the commissions can be integrated by a minimum of three and a maximum of five electoral councillors for a period of three years, during which the presidency should be rotated annually. Legislative councillors and representatives of national political parties may participate in the discussion without voting, except for the national professional service electoral commission, complaints and reports and oversight commissions.

B) LOCAL AND DISTRICT COUNCILS

The decentralized management bodies are the 32 local councils (one in each state) and the 300 district councils (one in each single-member electoral district). As mentioned above, unlike the General Council, which is a permanent body, local and district councils are installed and hold sessions only during electoral periods.

They have seven members with voice and vote and a variable number of members with voice but no vote (this number is modified according to the parties registered to compete in each election, currently ten).

The seven members with voice and vote are:

- A president councillor, appointed by the General Council, who serves at all times as head of the local or district executive body, as appropriate.
- Six electoral councillors, appointed by absolute majority of the members
 of the General Council in the case of local councils; and by an absolute
 majority of the members of the respective local council in the case of the
 district councils.

Members with voice but no vote are:

- The representatives of the national political parties, in the same manner and terms in which they are represented in the General Council; that is, one for each registered party.
- The officers from Electoral Organisation, Federal Registry of Voters, Electoral Training and Civic Education of the relevant executive body.
- The secretary of the corresponding executive body, who serves as secretary to the Council.

At these levels, there is no representation of councillors of the Legislative Branch.



EXECUTIVE BODIES

These are permanent bodies, responsible for implementing all the technical and administrative tasks required for the appropriate preparation, organisation and development of the electoral processes and to comply with all agreements and resolutions adopted by the governing bodies. The central body of this nature is called the General Executive Board, a collegiate instance presided by the president councillor. It is made up, in essence, by the executive secretary, the six executive directors of the main substantive areas of the Institution:

- Federal Registry of Voters
- · Political Parties and Prerogatives
- Electoral Organisation
- National Electoral Professional Service
- Electoral Training and Civic Education
- Administration

And the heads of the specialized technical units:

- Oversight
- Contentious- Electoral
- · Liaison with OPLEs

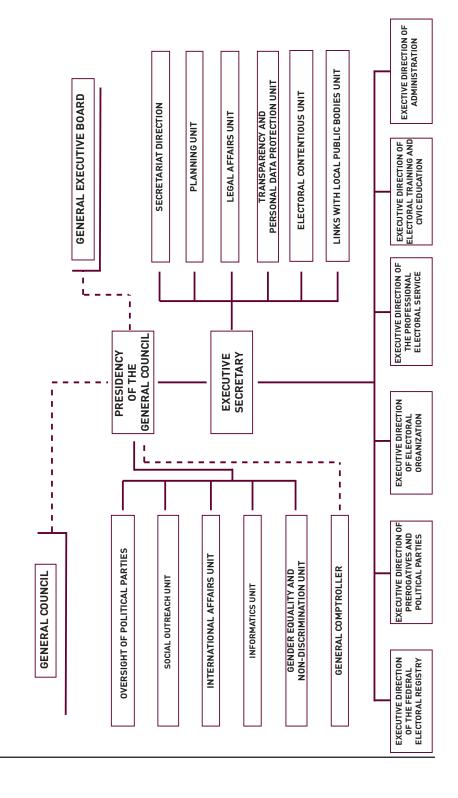
The central executive body foreseen by the law, then, is formed by the six executive directors and the heads of the three specialized technical units, who are members of the electoral professional service (both centrally and, if appropriate, in decentralised bodies). They are the only members of the Board with voice and vote.

Having said that, it is important to mention that within the organizational structure at the central level there are two other types of bodies that also have important substantive and technical support functions for the Institute to achieve its goals and core mandates. The heads of these bodies are also part of the General Executive Board, with voice but no vote. There are six technical support units that depend directly on the Presidency of the Council or the Executive Secretary: the Social Outreach Unit, the International Affairs Unit, the Informatics Unit, the Legal Unit, the Secretariat Unit and the Technical Planning Unit.

The executive secretary of the Institute is responsible for coordinating the General Executive Board, as well as conducting the administration and supervising the adequate development of the activities of the executive and technical bodies.



BASIC STRUCTURE





At a decentralized level, the executive bodies are represented by the executive local boards, located in the capitals of the 32 states; and the executive district boards, located at the headquarters of the 300 districts in which the country is divided for electoral purposes. Both the local and the district boards are integrated by an executive officer who presides, a secretary, and officials from Electoral Organization, Federal Registry of Voters and Electoral Training and Civic Education, that is, with officials from the three central executive directions.

SURVEILLANCE

These are bodies that are exclusively and specifically in the area of the Federal Registry of Voters to assist and supervise the work related to the integration, debugging and updating of the electoral roll. They are called surveillance committees.

The National Surveillance Commission is the highest authority of these bodies with representation at national level, but it is not, strictly speaking, a central organ of the National Electoral Institute, as it complies with assisting functions in a clearly defined area.

In line with the decentralized organizational structure of INE, there is a local surveillance committee in each of the 32 states, as well as a district committee in each of the 300 single-member districts.

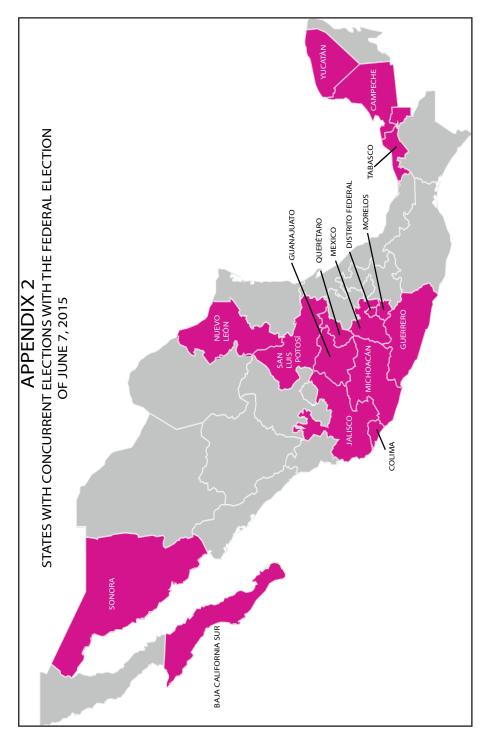




APPENDIX 1 STATES WITH CONCURRENT ELECTIONS TO THE FEDERAL ELECTION OF JUNE 7, 2015

State	Governor	Local	Local Government	Head of Boroughs	Municipal Board
Baja California Sur					
Campeche					
Colima		•			
Distrito Federal					
Guanajuato					
Guerrero					
Jalisco					
México		•			
Michoacán					
Morelos					
Nuevo León		•	•		
Querétaro					
San Luis Potosí					
Sonora					
Tabasco					
Yucatán					
TOTAL	6	16	15	_	1







MAIN ASPECTS OF THE MEXICAN ELECTORAL REGIME AND THE 2014-2015 FEDERAL ELECTORAL PROCESS