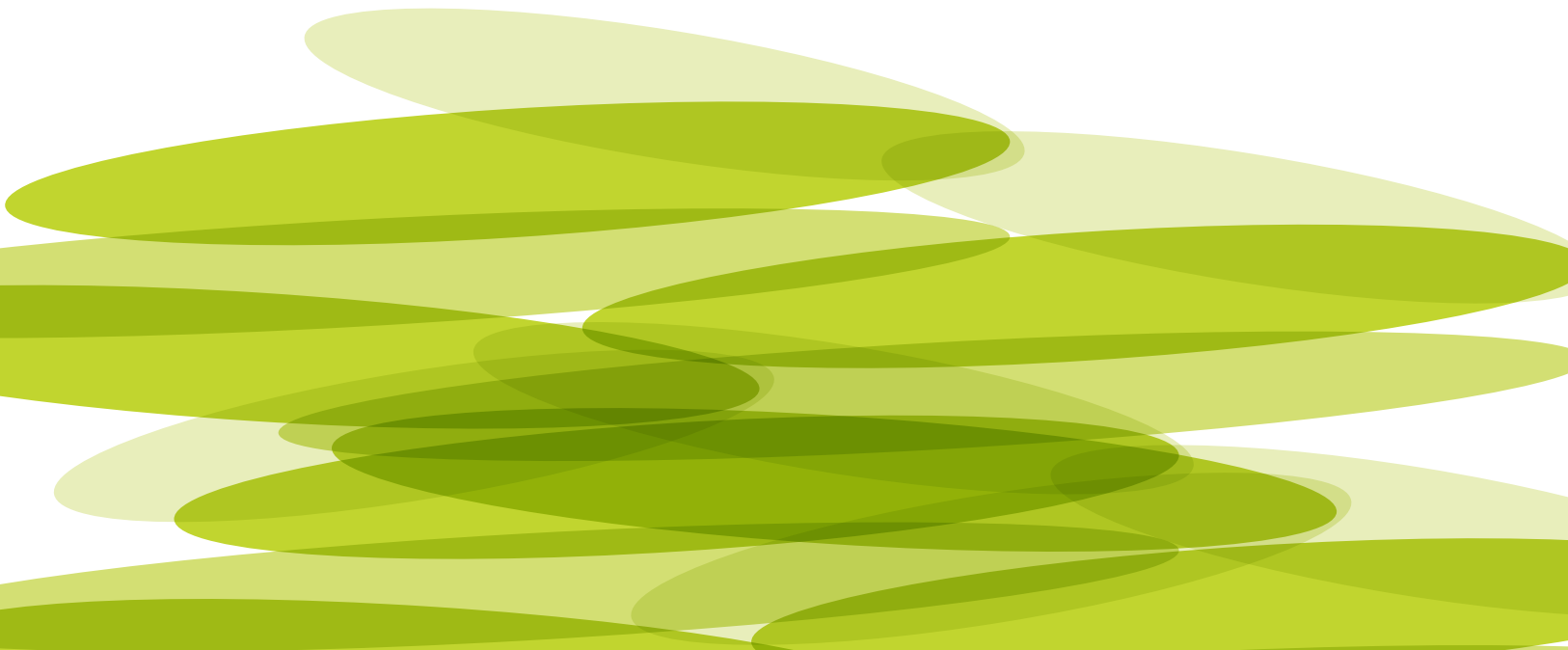




TRIBUNAL ELECTORAL
del Poder Judicial de la Federación

2014
Political
Electoral
REFORM IN MEXICO



2014 Political-Electoral Reform In Mexico

Tribunal Electoral del Poder Judicial de la Federación

Carlota Armero No.5000, Col. CTM Culhuacán,
Delegación Coyoacán, C.P. 04480. México D.F.
Teléfonos: 01(55) 5728-2300 / 01(55) 5484-5410
www.te.gob.mx

Coordinación: Centro de Capacitación Electoral
ISBN: En trámite

Publicado en México

2014 POLITICAL-ELECTORAL REFORM IN MEXICO

CONTENTS

1. SYSTEM OF GOVERNMENT	5
1.1 Coalition government	5
1.2 Date of the Election Day and of taking office	5
1.3 Ratification of the cabinet	5
2. REELECTION	7
3. ELECTORAL AUTHORITIES	8
3.1 General Council of INE	8
3.2 Powers of INE	8
3.3 Local electoral administrative authorities	10
3.4 Electoral Tribunal of the Federal Judiciary	11
3.5 Local electoral jurisdictional authorities	12
4. PARTY SYSTEM	13
4.1 Loss of registration	13
4.2 Coalitions	13
4.3 Pre-campaigns	14
4.4 Gender affirmative action	15
4.5 Party ballot access	15
4.6 Internal democracy and intraparty justice	16





5. INDEPENDENT CANDIDATES	18
5.1 Rights of the independent candidates	19
5.2 Obligations of the independent candidates	20
5.3 Financing and auditing of the independent candidates	20
6. FINANCING AND AUDITING	22
6.1 Political party financing	22
6.2 Campaign spending control	23
6.3 Grounds for invalidity related to the financial aspects of the electoral process	25
7. PARTICIPATION IN CAMPAIGNS	26
7.1 Political communication	26
7.2 Grounds for invalidity related to media access	27
8. MECHANISMS OF CITIZEN PARTICIPATION	29
8.1 Referendums	29
8.2 Popular initiatives	30
9. TABLE OVERVIEW OF THE 2014 ELECTORAL REFORM	31

1. SYSTEM OF GOVERNMENT

1.1. Coalition government

The electoral reform modified article 89 of the Constitution to allow the President to opt to establish a coalition government with one or several political parties at any moment of his administration. The coalition government will be governed by a coalition agreement, which must be approved by a majority of the Senate. The agreement should stipulate the causes for the dissolution of the coalition government (art. 89, basis XVII of the Constitution).

1.2. Date of the Election Day and of taking office

The reform moves the Election Day from the first Sunday of July to the first Sunday of June. This takes effect in the 2015 midterm elections, although it will not apply to the 2018 general elections. As of 2024, the elected president will take office on October 1 (art. 83 and 2nd provisional rule, basis II of the Constitution).


**The reform moves
the Election Day to
the first Sunday of June**

1.3. Ratification of the cabinet

The House of Representatives will have the power to ratify the Minister of Finance and the high officials of this Ministry, except when the President opts for a coalition government (art. 74, basis III of the Constitution).¹

The Senate acquires the power to ratify the Minister of Foreign Affairs and the high officials of this Ministry, to integrate the list of candidates for the General Prosecutor of the Republic, to make the appointment and to make observations on the removal of the General Prosecutor by the President (art. 76, bases II and XIII of the Constitution). It should also be mentioned that the

¹ As previously mentioned, in the case of a coalition government, the Senate is in charge of the ratification of the coalition agreement, which includes the appointment of the cabinet members (art. 89, section XVII, of the Constitution).



Senate maintains the power, established prior to the 2014 reform, to ratify the ambassadors, general consuls, the members of the collegiate bodies in charge of the regulations on telecommunications, energy and economic competition, as well as the colonels and other high officials in the army, navy and air force (art. 89 of the Constitution).

In the case of the ratification of the Ministers of Foreign Affairs and of Finance, if the respective Chamber does not ratify the suggested appointment on two occasions, the person appointed by the President will hold the office (art. 89, basis II of the Constitution).

2. REELECTION

After several decades of prohibition, the 2014 constitutional reform allows for the reelection of all legislative and municipal offices.

Senators can be elected for up to two consecutive periods and federal representatives for up to four. In other words, both senators and federal representatives can hold office for a maximum period of 12 years. The only requirement is that they should be nominated by the same party, unless they renounce their party membership before serving half of their mandate. The permission of reelection only applies to the senators and representatives elected

The permission of reelection only applies to the senators and representatives elected in 2018

in 2018 (art. 59 and 11th provisional rule of the Constitution).

The reform also specifies that the federal entities should regulate the reelection of municipal presidents, councilors and administrators, who can be reelected for one consecutive period, as long as their mandate period does not exceed three years. The reelection of the representatives of the local legislative bodies and of the Legislative Assembly of Federal District should also be allowed for up to four consecutive periods. Just as on the federal level, they should be nominated by the same party, unless they renounce their membership before serving half of their mandate. This permission will apply to all officials elected at state and local level after 2014, but not to those in office when the reform entered into force (art. 115, basis I, and 13th and 14th provisional rules of the Constitution).

The Constitution and the electoral laws require that any person who wants to run for office cannot hold any elective office at the time of the pre-campaigns and campaigns, which means that any incumbent interested in reelection will have to resign a few months before the Election Day.

The Mexican Constitution prohibits any use of public offices or resources (financial, human, material or of any other kind) in order to support or discourage voting for any particular option.



3. ELECTORAL AUTHORITIES

According to the electoral reform, the Federal Electoral Institute (*Instituto Federal Electoral*, IFE) disappears and is replaced by the National Electoral Institute (*Instituto Nacional Electoral*, INE). INE has a very similar structure to IFE and the same basic function, but it is also given powers on the local level (art. 41, basis V of the Constitution).

3.1. General Council of INE

The General Council of INE is its highest management body, integrated by ten electoral councilors and one President Councilor. The appointment of the councilors is made by the vote of two-thirds of the present members of the House of Representatives, from among the five best candidates for each office selected by the technical evaluation committee from all the applicants that responded to the public call (art. 41, basis V, Part A of the Constitution).

The councilors will remain in office for nine years and cannot be reelected. In case of the definitive absence of a councilor during the first six years, a substitute will be chosen to complete the term. If the absence occurs in the last three years, a new councilor will be chosen for a period of nine years (art. 41, basis V, Part A of the Constitution). It should be noted that in order to introduce the principle of phased renewal of the councilors, some of the councilors appointed to the new INE in 2014 were, as a onetime measure, appointed for shorter periods of six or three years.

3.2. Powers of INE

For the federal electoral processes, INE maintains all the tasks that IFE had before it, which includes the following (art. 41, basis V of the Constitution):

The Federal Electoral Institute (IFE) is replaced by the National Electoral Institute (INE)


- The registration of the national political parties.
- The rights and access to the prerogatives of the candidates and political parties.
- The preparation for the Election Day.
- The printing of documents and the production of electoral materials.
- The scrutiny and counts in the terms established by the law.
- The declaration of validity and the delivery of the certificates in the elections of representatives and senators.
- The count of the election of President of the United Mexican States in each of the single-member electoral districts.
- The civic education in the federal electoral processes.

Moreover, INE will be in charge of the verification of the necessary requirements in order to hold referendums, as well as the organization, realization, count and declaration of results of the referendums on the federal level (art. 35, basis VIII, of the Constitution). INE will also verify the compliance with the percentage required for popular initiatives.

For both the federal and the local processes, in accordance with the centralization of the electoral administration of the 2014 electoral reform, INE will be in charge of the following tasks (art. 41, basis V of the Constitution):

- The electoral training.
- The electoral geography, as well as the design and determination of the electoral districts and the division of the territory into electoral sections.
- The registry and the list of voters.
- The location of the polling stations and the appointment of the officials for their directive boards.
- The rules, guidelines, criteria and forms regarding the preliminary results, opinion polls and surveys, electoral observation, quick counts, printing of documents, and production of electoral materials.
- The auditing of the income and expenditure of the political parties and candidates.

In addition to the tasks listed above, as stated in the General Law on Electoral Institutions and Procedures (*Ley General de Instituciones y Procedimientos Electorales*, LEGIPE), INE can organize the elections of the leaders of the political parties, at the request of the political parties. Also, INE can conclude agreements with the competent authorities of the states that solicit it, in order to organize their local electoral processes. Moreover, with the vote of at



least eight councilors, INE can take over the realization of an electoral function corresponding to the Local Public Bodies (*Organismos Públicos Locales*, Oples) or delegate its own functions to the Oples (LEGIPE, art. 32.2).

3.3. Local electoral administrative authorities

The 2014 reform introduces nationalized rules regarding the local electoral institutes, now known as Local Public Bodies (Oples), which imply significant changes to their powers, integration and appointment. The Oples are in charge of the elections in each of the states for the appointment of governor, local representatives, municipal presidents, city council members, borough heads, chief of government, among others.

As of the reform, all the general councils of the Oples are integrated by six councilors and one President Councilor. Their appointment is the responsibility of the General Council of INE, with the majority vote of eight councilors, and they will remain in office for a period of seven years (LEGIPE, arts. 100.1 and 101.1). In addition, the reform establishes the possibility to remove the councilors, but only when they are guilty of partial, negligent, or illegal conduct. The removal procedure is carried out by the majority vote of eight councilors of the General Council of INE (LEGIPE, arts. 102.2 and 103).

The Oples are tasked to exercise the following functions (art. 41, basis V of the Constitution and LEGIPE, art. 104.1):

- The rights of the candidates and the prerogatives of the political parties.
- The civic education.
- The preparation for the Election Day.
- The printing of documents and the production of electoral materials.
- The scrutiny and counts in the terms of the law.
- The declaration of validity and the delivery of certificates in the local elections;
- The count of the election of the head of executive branch of the state;
- The preliminary results, opinion polls and surveys, electoral observation, and quick counts, in accordance with the guidelines established by INE;
- The organization, realization, count and declaration of results in the mechanisms of citizen participation foreseen in the local legislation;
- All functions not reserved to INE.

The reform introduces nationalized rules for the Local Public Bodies (Oples)

Based on the 8th provisional article of the constitutional reform, the functions of electoral training, the location of polling stations and the appointment of the officials for their directive boards in the local electoral processes were understood as being delegated to the Oples. However, the General Council of INE approved agreement INE/CG100/2014 on July 14, 2014, by which it reassumed these functions.

3.4. Electoral Tribunal of the Federal Judiciary

The Electoral Tribunal is a specialized body of the Federal Judiciary and the highest jurisdictional authority on electoral matters, with the exception of unconstitutionality challenges that fall under the competence of the Supreme Court. The main function of the Electoral Tribunal is to ensure that all acts and decisions by the electoral authorities respect the principles of constitutionality, conventionality and legality (art. 99 of the Constitution).


After the 2014 reform, the Electoral Tribunal exercises its functions through a High Chamber, seven Regional Chambers (two of which will be set up by September 2017) and one Specialized Regional Chamber, as stated in article 185 of the Organic Law of the Federal Judiciary (*Ley Orgánica del Poder Judicial de la Federación*, LOPJF). The Specialized Regional Chamber is a new body, created by the 2014 reform, in charge of the resolution of the special sanctioning procedures, which is used to hear cases that (arts. 41 and 134 of the Constitution and LEGIPE, art. 470):

- Violate the constitutional provisions regarding media or the dissemination of propaganda by public servants.
- Contravene the regulations on political or electoral propaganda.
- Constitute early pre-campaign or campaign activities.

Consequently, INE no longer makes decisions on these types of issues, but remains in charge of investigating infractions and preparing a file on each case to submit to the Specialized Regional Chamber. INE can also impose sanctions on the party considered guilty of one of the listed infractions (LEGIPE, arts. 471 and 472).

The Electoral Tribunal is a specialized body of the Federal Judiciary and the highest jurisdictional authority on electoral matters





The General Law on the System of Appeals on Electoral Matters (*Ley General del Sistema de Medios de Impugnación en Materia Electoral*, LGSMIME) also establishes that the rulings by the Specialized Regional Court, and the sanctions imposed by INE, can be appealed to the High Chamber of the Electoral Tribunal (LGSMIME, arts. 109.1 and 110).

3.5. Local electoral jurisdictional authorities

The Constitution establishes that there should be electoral jurisdictional authorities in all states (art. 116 of the Constitution). These bodies are in charge of ruling on the challenges lodged against all local electoral acts and decisions, in the terms of the local legislation (LEGIPE, art. 106.3).

In an effort to standardize the integration of the local tribunals, the 2014 reform specifies that they must be integrated by an uneven number of justices between three and five, who act collegially, remain in office for seven years and are elected in a phased manner by two-thirds of the members of the Senate (art. 116, basis IV of the Constitution and LEGIPE, arts. 106 and 108).

4. PARTY SYSTEM

4.1. Loss of registration

After the 2014 reform, the national and local political parties need to have obtained at least 3% of the validly cast votes in the previous election in order to maintain their registration and to access the prerogatives (art. 41 of the Constitution). This is a considerable increase compared to the previous legislation, which required 2% of all votes cast (compared to all validly cast votes).

In addition, in accordance with the reform, every political party that reaches at least 3% of the total of the valid votes cast for the regional lists of the multimember constituencies are entitled to be allocated representatives by the principle of proportional representation (art. 54, basis II of the Constitution).

4.2. Coalitions

The 2014 reform, in the General Law on Political Parties (*Ley General de Partidos Políticos*, LGPP), establishes a uniform system for coalitions on the national and local levels, according to which no political party can participate in more than one coalition and the coalitions cannot change for different types of elections. For the creation of a coalition, a coalition agreement must be created and registered, and coalitions can only be used to nominate candidates by the principle of plurality (LGPP, art. 87).

The law acknowledges three types of coalitions: flexible, total and partial. The flexible coalitions, which were introduced in the 2014 reform, are those in which at least 25% of the candidates in a federal or local electoral process are nominated under a common electoral platform. Partial coalitions are understood as those in which the political parties nominate at least 50% of the candidatures in a federal or local electoral process under a common platform. Finally, total coalitions are those in which all candidates in a federal or local electoral process are nominated under a common electoral platform (LGPP, art. 88).

The law acknowledges three types of coalitions: flexible, total and partial



4.3. Pre-campaigns

The new electoral law obliges political parties to select their candidates through “democratic processes”, although it does not stipulate what kind of procedures will be considered democratic, which means that primaries, caucuses, convention and nomination meetings are all allowed. Despite not legislating in detail the requirements of the pre-campaigns, the laws establish some general rules for holding open or closed pre-campaigns.

At least 30 days before the internal processes of candidate selection begin, every party should decide its selection method, following the rules established in its internal regulations. The General Council of INE should be notified of the decision and of all the particular rules (such as deadlines, responsible bodies, etc.) within 72 hours. The law also determines the start and time span of the pre-campaigns:

- In case of a general election, the pre-campaigns should begin in the third week of November of the year prior to the election and last for no more than 60 days;
- In case of a midterm election, the pre-campaigns should begin in the first week of January of the election year and last for no more than 40 days.

All the political parties should hold their pre-campaigns at the same time, and they should always begin the day after the deadline of the internal registration of candidates (LEGIPE, arts. 226.1 and 226.2).

During the pre-campaigns, the political parties receive free media access, which is administrated by INE. This airtime is the only legal way to access radio and TV, as there is a ban on buying or accessing additional airtime (art. 41 of the Constitution and LEGIPE, art. 226.4). There is also a prohibition of early campaigning, the violation of which results in the denial of registration (LEGIPE, art. 226.3).

One person can only take part in the pre-campaigns of one political party, unless there is a coalition between two or more parties. During the pre-campaigns, all candidates are allowed to campaign through the Internet, print media, outdoor announcements, radio and TV (during State airtime only) and different kinds of mass meetings (LEGIPE, art. 227).

Each candidate taking part in the pre-campaigns is subjected to expenditure ceilings (25% of the expenditure ceiling of the previous electoral campaign). The General Council of INE should establish and publish the exact amount

in October of the year prior to the election. All the contenders and political parties have to submit a pre-campaign income and expenditure report and will be sanctioned in case of any violation of the law (LEGIPE, art. 229).

A specialized party body should be in charge of the organization of the pre-campaigns. The contenders have the right to challenge any decisions of its party, including the final nomination, to an internal body (LEGIPE, art. 228).

4.4. Gender affirmative action

With the 2014 reform, the gender affirmative action became a constitutional order, imposing on the political parties the obligation to guarantee gender parity. In other words, all candidate lists for federal and local legislative bodies, including those of plurality elections, must be integrated by 50% women and 50% men (art. 41 of the Constitution). The candidates appear in “formulas” (with ordinary and substitute candidates), and every formula should be integrated only by women or only by men (LEGIPE, art. 14).

There is also a rule forbidding political parties from nominating candidates of only one gender in the districts where they have normally received the least votes (LGPP, art. 3.5). Additionally, in thesis IX/2014, the High Chamber of the Electoral Tribunal ruled that for the gender quota to be effective, it should generate effects not only at the time of the registration of candidate lists, but also at the time of allocating the proportional representation seats.


It is important to mention that the reform was silent on the application of the parity principle in municipal elections and in the integration of the local electoral authorities².

The gender affirmative action is a constitutional order, imposing on the political parties the obligation to guarantee gender parity

4.5. Party ballot access

In Mexico, political parties used to have the exclusive right to register candidates in any election. The 2012 constitutional reform recognized the right of citizens

² Nevertheless, during the 2014-2015 electoral process, the Electoral Tribunal issued various rulings in which it established that the application of the principle of gender parity is obligatory at the municipal level (SUP-REC-46/2015, SUP-REC-85/2015, SUP-REC-90/2015, SUP-REC 97/2015, SUP-REC-128/2015).



to run for office as non-partisan candidates (for more information, see section 5). Consequently, now there are three kinds of candidates: those nominated by political parties, those nominated by coalitions of political parties and independent candidates (arts. 35 and 41 of the Constitution). Registered political parties have the legal obligation to nominate candidates in all ordinary elections.

The ballot contains the names of the candidates and the name and logo of the party that nominated them or the script “independent candidate”, as appropriate. The parties appear in a specific order, determined by the year of their registration. The independent candidates appear at the bottom, listed in alphabetical order. All the boxes are of the same size (LEGIPE, art. 266).

There are some legal restrictions related to age, citizenship and place and time of residence, depending on the office. For example, any presidential candidate should be over 35 years old, be a Mexican citizen by birth with two Mexican parents, have lived in Mexico for 20 years in total and a full year before the Election Day (no more than 30 day may be spent abroad), not be a clergyman and have left any position in the military and certain government positions six months before the Election Day (art. 82 of the Constitution).

For candidates for representatives and senators the age limits are 21 and 25, respectively. Also, they must be Mexican citizens by birth, be from the state corresponding to the election or from a neighboring state but having lived in the corresponding state for at least six months, not be a clergyman nor hold a position in the military or certain specified government positions (arts. 55 and 58 of the Constitution and LEGIPE, art. 10). There may also be some additional requirements included in the constitutions and electoral laws of the states.

Depending on the office, there are different legal restrictions related to the age, citizenship and place and time of residence of the candidates

4.6. Internal democracy and intraparty justice

To prevent the possible violation of the political-electoral rights of their members, the political parties are required to establish permanent internal bodies to impart intraparty justice. In other words, these bodies are in charge of hearing and resolving the controversies related to their internal matters (LGPP, art. 43).

The resolution process of internal conflicts should not have more than one stage. The rulings should be issued in adequate time and in an efficient manner to ensure the protection of the rights of the members (LGPP, art. 48).

The rulings of the intraparty justice bodies can be challenged before the Electoral Tribunal (LGPP, art. 47). The affected citizen can also appeal directly to the Electoral Tribunal if the intraparty justice body is not set up at the time of the violation or if said body commits serious procedural violations (LGSMIME, art. 80).

In addition to the intraparty justice bodies, the 2014 reform establishes that the political parties should also set up alternative mechanisms for dispute settlement. Regarding these alternative mechanisms, the statutes of the political parties should establish the situation in which they apply, the deadlines and the procedures (LGPP, art. 46).



5. INDEPENDENT CANDIDATES

Since the constitutional reform of 2012, the law allows citizens who are not backed by a political party to run for election as independent candidates. Independent candidates are allowed to run for the office of President of the United Mexican States, and for representatives and senators of the Congress of the Union, but only those elected by the principle of plurality (LEGIPE, art. 362).

The law does not limit the number of independent candidates that can register for an elective office, but does condition their registration on the compliance with a series of requirements and establishes a registration process that has four stages (LEGIPE, art. 366.1).

In the first stage, the General Council of INE issues a call directed to all citizens interested in running as independent candidates, which must include the requirements, required documentation, the deadlines, the expenditure ceilings and the necessary forms (LEGIPE, art. 367.1).

In the second stage, the citizens wishing to run as independent candidates must express their interest in participating in the selection process before the General Council of INE, using a given format and attaching the required documentation (LEGIPE, art. 386.2). As of this moment, the citizens acquire the status of independent candidate applicants (LEGIPE, art. 358).

In the third stage, the applicants should obtain signatures in support of their candidacy through public meetings, assemblies, protest, etc. (LEGIPE, art. 370.1). During this stage they are not allowed to spread propaganda in radio or TV (LEGIPE, art. 369.1). The number of signatures required depends on the office they wish to run for, as follows:

- For an independent candidate for President of the Republic, the requirement is the signature of 1% of the nominal list of voters in at least 17 states (LEGIPE, art. 371.1).
- For an independent candidate for senator and/or representative, the requirement is the signature of 2% of the nominal list of voters

The law does not limit the number of independent candidates that can register for an elective office

corresponding to the state or the district, in at least half of the electoral districts or sections (LEGIPE, arts. 371.2 and 371.3).

During this stage, the applicants can only use private resources and cannot spend more than 10% of the expenditure ceiling of the most recent campaigns (LEGIPE, art. 374). After this stage, the applicants must submit an income and expenditure report to the General Council of INE and the failure to do so results in the denial of registration (LEGIPE, arts. 377.1 and 378.1).

The fourth and final stage is the registration of candidates, in which the applicants present their request for registration to INE, including all personal information, the required documents and the signatures (LEGIPE, art. 383.1). Once the request for registration has been received, INE will verify that the applicant has complied with all requirements and, then, it will announce the conclusion of the registration of the independent candidates (LEGIPE, arts. 383.2, 385, 388 and 389).

5.1. Rights of the independent candidates

One of the rights of independent candidates is to have access to airtime in radio and TV (LEGIPE, art. 412.2). For the allocation of airtime, all independent candidates as a group count as a new political party and, as such, receive one equal part of the 30% of the airtime distributed equally among all political parties (LEGIPE, art. 412.1). It is forbidden to purchase or receive additional airtime to promote an independent candidate (LEGIPE, art. 414.1).

One of the rights of independent candidates is to have access to airtime in radio and TV

Independent candidates can appoint representatives to the INE bodies (LEGIPE, art. 396.1), and according to ruling SUP-RAP-92/2014 by the High Chamber of the Electoral Tribunal these representatives have the right to speak but not to vote.

Moreover, the independent candidates enjoy postage exemptions (LEGIPE, art. 420.1) but not telegraphic exemptions (LEGIPE, art. 422.1).

Registered independent candidates are also entitled to received public and private financing (LEGIPE, art. 393.1), which is analyzed in the section on financing and auditing.

Finally, if the election in which the independent candidates participated is nullified, these registered candidates have the right to participate in the corresponding extraordinary elections (LEGIPE, art. 365.1).



5.2. Obligations of the independent candidates

The obligations of the independent candidates include refraining from accepting resources from illicit sources, abstaining from uttering insults or slander against other persons, submitting the income and expenditure report, complying with the agreements of the General Council of INE, and using only the financing they receive for campaign expenses (LEGIPE, arts. 380.1 and 394.1).

Another obligation of the independent candidates running for senator or representative is to respect the gender parity principle set out in Mexican law. For this reason, the formula registered by a candidate running for representative should be made up by two women or two men (ordinary and substitute). In the case of the election of senators, where a list of two formulas should be registered, one of these should be made up by two women and the other one by two men, in any order (LEGIPE, arts. 14.5, 363.1 and 364.1).

5.3. Financing and auditing of the independent candidates

As previously mentioned, independent candidates are entitled to receive public and private financing. For the allocation of public financing, all registered independent candidates are considered as one political party – giving them the right to one part of the 30% of the public financing divided among the political parties (LEGIPE, art. 407.1). The resulting amount is divided between the independent candidates as follows: 33.3% divided equally between the independent candidates running for President, 33.3% between the independent candidate formulas running for senator, and 33.3% between those running for representative. If only one independent candidate obtains registration, this person cannot receive more than 50% of the mentioned amounts of public financing (LEGIPE, art. 408).

The private financing comes from the independent candidates themselves and their supporters, and cannot exceed 10% of the expenditure ceiling of the election in question (LEGIPE, art. 399.1). The independent candidates cannot receive donations in cash, or in the form of precious metals and stones, nor receive payments from unidentified persons, public bodies, political parties, foreign persons, religious groups or Mexicans living or working abroad (LEGIPE, arts. 400.1, 401.1 and 402.1). Contributions in the form of property or services should only be used for the activities of the independent candidate (LEGIPE, art. 405.1).

The independent candidates must appoint a person in charge of the management of the financial resources and of the administration of the general and campaign resources, as well as of the presentation of the reports (LEGIPE, art. 409.1). For the management of the electoral campaign resources, only one bank account should be used and all donations should be made to this account (LEGIPE, art. 403.1).

The independent candidates should present the campaign reports regarding the source and amount of the incomes and expenses by any type of financing, as well as their use, to the Technical Auditing Unit of the Auditing Commission of INE (LEGIPE, art. 431.1). The auditing will be carried out using INE's new online accounting system.



6. FINANCING AND AUDITING

6.1. Political party financing

The financing of the political parties in Mexico is predominantly public, and the 2014 electoral reform did not change this fact. The parties are entitled to receive public financing to carry out their ordinary activities, for campaign expenses and for specific activities (LGPP, art. 50). They are also allowed to receive private financing (LGPP, art. 53).

As previously mentioned, according to the 2014 reform, the national and local political parties need to have obtained at least 3% of the validly cast votes in the previous election to be entitled to public financing (art. 41 of the Constitution).

The total amount of public financing for the ordinary activities of the political parties is found by multiplying the number of citizens registered in the federal registry of voters by 65% of the minimum wage in force in the Federal District. Also, as of the 2014 reform, the formula to calculate the total amount of public financing for the ordinary activities in the states is standardized. According to the law, the amount to be distributed between the political parties is found by multiplying the number of citizens registered in the local registry of voters by 65% of the minimum daily salary in the corresponding state (LGPP, art. 51.1).

The public financing for ordinary activities is divided between the political parties, allocating 30% of the total amount equally among the registered parties and dividing the remaining 70% according to the percentage of votes they obtained in the most recent election of federal representatives (art. 41 of the Constitution). For this purpose, all independent candidates as a group are considered as a new political party and receive one equal part of the 30%, which is then divided among them as described in section 5.3.

The public financing for campaign activities in the year of a general election will amount to 50% of the public financing corresponding to each political party for ordinary activities in that same year. In the year of a midterm election,

**The financing
of the political
parties in Mexico is
predominantly public**

the public financing for campaign activities will amount to 30% of the public financing for ordinary activities (art. 41 of the Constitution).

The political parties are also entitled to public financing for specific activities related to socioeconomic and political education, training and research, as well as for editorial tasks. For these activities, the political parties should receive 3% of the public financing corresponding to each political party for ordinary activities in that same year (art. 41 of the Constitution).

Regarding private financing, the 2014 reform establishes that the contributions made by candidates and supporters during the electoral processes that are intended for use in the campaigns cannot exceed 10% of the expenditure ceiling for the most recent presidential election. The contributions of party members cannot exceed 2% of the public financing allocated to all political parties for their ordinary activities and pre-campaigns in the year in question (LGPP, art. 56.2).

Only contributions from natural persons are allowed and the contributions from one individual cannot exceed 0.5% of the total amount of the expenditure limit set for the presidential campaign (LGPP, art. 56.2).

Anonymous contributions are forbidden and the political parties have an obligation to issue numbered receipts stating the full name and address, voter code and Federal Taxpayer Registry (RFC) number of the contributor (LGPP, arts. 55.1 and 56.3).


As of the 2014 reform, any in kind contributions should be recorded in a contract between the political party and the contributor, in which the exact value of the goods and services provided and the total value of the contribution are specified. Where applicable, the goods should be supported with the purchase invoice (LGPP, art. 56.4).

Anonymous contributions are forbidden and the political parties have an obligation to issue numbered receipts stating the full name and address of the contributors

6.2. Campaign spending control

As of the 2014 electoral reform, INE is the only authority responsible for auditing and monitoring the sources and use of all the resources of the political parties and candidates (art. 41 of the Constitution). The General Council of INE is in charge of the auditing through its Auditing Commission, which is responsible for the development, implementation and administration of an online accountability system for the political parties (LEGIPE, arts. 190 and 191). This Commission is made up of five electoral councilors and is supported





by a Technical Auditing Unit (LEGIPE, art. 192). The General Council, through the Technical Auditing Unit, is not limited by the banking, fiduciary or fiscal secrecy (LEGIPE, art. 190.3).

According to the new rules for the auditing of pre-campaign and campaign expenditure, this process will be developed in parallel to the electoral campaign. For this purpose, a new accounting system will be set up and INE will have unrestricted access to all information submitted by the parties (LGPP, art. 60.2). The new system will ensure that the accounting of the parties is homogeneous through an online system and will allow maximum publicity of the accounting registrations and movements. The political parties will be obligated to register their incomes, expenses, movable and immovable property, financial statements and contracts, and all expenses registered by a political party must be supported by an invoice (LGPP, arts. 60.1, 61.1 and 63.1).

The 2014 electoral reform also makes candidates and pre-candidates jointly liable for the compliance with the pre-campaign and campaign reports and in the event of sanctions, these will be analyzed and applied separately for candidates and parties (LGPP, art. 79.1).

The pre-campaign reports should be submitted by the political parties for each of the pre-candidates running for elective offices registered for every type of pre-campaign no later than ten days after the end of the pre-campaigns. These reports should specify the source and amount of all income, as well as the expenses incurred (LGPP, art. 79.1).

The Technical Auditing Unit will have 15 days to review the pre-campaign reports. If it encounters errors or omissions, the Unit will notify the political party, which will have seven days to present the appropriate clarifications. Next, the Unit will have ten days to issue the consolidated opinion and the respective draft resolution, and present these to the Auditing Commission. The Commission will have six days to approve the drafts, after which it has 72 hours to present these to the General Council. The General Council will have six days to discuss and pass them (LGPP, art. 80.1).

The campaign reports should be presented by the political parties for every type of campaign in the respective elections, specifying the expenses incurred by the political party and candidate in the corresponding territorial area. The political parties will submit these reports at the end of every 30 day period from the beginning of the campaign stage, and these should be delivered to the Technical Auditing Unit in the three days following the end of each period (LGPP, art. 79.1).

Regarding the campaign reports, the Technical Auditing Unit will, during the campaign, review and audit the use the political parties make of the campaign

resources. For this purpose, it will have ten days to review the supporting documents and the accounting presented with each partial report. If it encounters errors or omissions, the political party will have five days to present the appropriate clarifications. Once the revision of the last report has been completed, the Technical Unit will have ten days to prepare the consolidated opinion and the respective draft resolution, and present these to the Auditing Commission. The Commission will have six days to approve the drafts and present them to General Council. The General Council will have six days to discuss and pass them (LGPP, art. 80.1).

All the reports of the Technical Unit should include the result and conclusion of the revision, mention the errors or irregularities that it encountered, as well as all clarifications presented by the political parties (LGPP, art. 81).

The political parties can appeal the consolidated opinion to the Electoral Tribunal (LGPP, art. 82).

6.3. Grounds for invalidity related to the financial aspects of the electoral processes

The 2014 electoral reform includes two grounds for invalidity related to the financial aspects of the electoral processes. The first one includes exceeding the expenditure ceiling by 5% of the total authorized amount, or receiving or using resources from illicit sources or public resources in the campaigns, as grounds for invalidity. These violations have to be objectively accredited and decisive for the electoral result. They will be considered decisive when the difference between the candidates in first and second place is less than 5% (art. 41 of the Constitution and LGSMIME, art. 78 bis).

The second one states that federal or local elections will be invalid due to serious, intentional and decisive violations. Serious violations are those that have a substantial impact on the constitutional principle and put the electoral process and its results at risk. Also, intentional violations are those carried out with full knowledge of their illicit character in order to obtain an undue effect in the results of the electoral process (LGSMIME, art. 78 bis).



7. PARTICIPATION IN CAMPAIGNS

7.1. Political communication

Since the 2007 constitutional reform, Mexican electoral rules for political communication have been based on three important prohibitions:

- The prohibition of buying radio and TV airtime for parties, candidates, citizens, NGOs, companies and any other person. At the same time, the reform introduced the right of political parties to free, governmental airtime on radio and TV, administered by INE (art. 41 of the Constitution). The purpose of this reform was to prevent “third parties” from buying electoral ads in favor of or against any candidates and to reduce campaign spending and broadcasting profits, as well as to increase electoral equity.
- The ban on libelous electoral messages. Mexican laws for many years considered libel and slander as a felony. The reform of the criminal code, also in 2007, decriminalized libel and slander. Since then, both are subject only to civil or electoral administrative procedures. The Mexican Constitution and electoral law expressly forbid libel and slander (art. 41 of the Constitution).
- The ban on government advertisement during electoral campaigns. The Constitution prohibits any government announcements (federal, state or local) during electoral campaigns. The only exceptions are for information campaigns of electoral authorities, those related to education and health services, and those required for civil protection (arts. 41 and 134 of the Constitution).

Libelous electoral messages are subject to civil or electoral administrative procedures

The Constitution establishes that the Congress should issue a law on governmental propaganda that establishes the regulations that the government bodies should subject themselves to, that guarantees that the expenses for social communication comply with the criteria of efficiency, effectiveness,

economy, transparency and honesty, and that ensures that the government propaganda respects the established expenditure ceilings (3rd provisional rule of the Constitution).

Furthermore, according to Mexican regulations, companies, unions, media, NGOs, etc. are not allowed to promote or discourage voting for any particular political option. There are two cases that were brought before the Electoral Tribunal that deal with this issue (SUP-RAP-330/2012 and SUP-RAP-344/2012).

The first one was related to billboards with a slogan “*Adiós Chepina, gracias por participar*” (Goodbye Chepina. Thank you for participating), in clear allusion to the presidential candidate of the political party PAN, Josefina Vázquez Mota (“*Chepina*” is a nickname for Josefina). These billboards were paid for by the Popular Indian Movement, a national political group³. The second one was also about a billboard, this time paid by the Ashley Madison Agency, Limited, with a huge portrait of Enrique Peña Nieto, and the inscription “*Infiel con su familia. Fiel y comprometido con su país*” (Unfaithful to his family. Loyal and devoted to his country).

In both cases, the Electoral Tribunal ruled that these bodies were not entitled to participate in the electoral campaign. A NPG is allowed to participate only in alliance with a political party, but it cannot pay for or publish any kind of advertisement in favor of or against any candidate. Also, even though Mexican law does not contain an express prohibition against political advertising sponsored or ordered by any company, it does not allow it either. Hence, according to the rulings of the Electoral Tribunal, only political parties and registered candidates are allowed to ask for votes or other kinds of support.


Buying or acquiring coverage in radio and TV airtime, apart from that permitted by law, will result in the invalidity of the election

7.2. Grounds for invalidity related to media access

As mentioned above, political parties receive free radio and TV airtime in order to secure equality in the access to media and it is absolutely forbidden to purchase or receive additional airtime to that allocated by INE.

In connection to this ban, the 2014 electoral reform introduced a new cause

³ A national political group (NPG) is a kind of political association different from a political party. A NPG cannot register candidates for election, but only “contribute to the development of political culture and democratic life, and work for a better informed society”, according to INE.



for invalidity of the election related to the media access, which states that buying or acquiring coverage in radio and TV airtime, apart from that permitted by law, will result in the invalidity of the election (art. 41 of the Constitution). These violations have to be objectively accredited and decisive for the electoral result. They will be considered decisive when the difference between the candidates in first and second place is less than 5%. In the case an election is declared invalid for this reason, an extraordinary election will be organized in which the sanctioned candidate may not participate.

8. MECHANISMS OF CITIZEN PARTICIPATION

Since the 2012 constitutional reform, the right of citizens to initiate laws and vote in referendums on topics of national importance has been recognized (art. 35 of the Constitution).

8.1. Referendums

The Constitution establishes that referendums can be called by the President of the Republic, by 33% of the members of the Senate or of the House of Representatives (although in these cases the approval of both Chambers is required), or 2% of the citizens registered in the nominal list of voters (art. 35 of the Constitution).

INE is in charge of the organization of the referendums, which should be held the same day as the federal elections. The results of a referendum are binding when the citizen participation is higher than 40% of the citizens registered in the nominal list of voters (art. 35 of the Constitution).


The Constitution also specifies that certain issues cannot be the subject of a referendum, these being human rights, the democratic principles, electoral matters, the income and expenditure of the State, national security and the organization, functioning and discipline of the Armed Forces (art. 35 of the Constitution).

On March 14, 2014, the Federal Law on Referendums (*Ley Federal de Consulta Popular*, LFCP) was published in the Official Gazette of the Federation. This law established that the Supreme Court should review the constitutionality of the topic of the consultation and of the question itself. Thereby, the Supreme Court will determine if the consultation should be allowed and can also, where applicable, modify the proposed question (LFCP, arts. 5, 26, 27 and 28).

Regarding the other procedures for organizing and holding referendums, as well as for establishing the results, the law adopts the same rules as for the electoral process (LFCP, arts. 43-63).

Furthermore, INE is in charge of carrying out a dissemination campaign to encourage citizen participation in the referendums, which is done using the

No natural or legal person can buy airtime in radio or TV to influence citizen opinion regarding a referendum



State airtime in radio and TV. As in the case of electoral propaganda, no natural or legal person can buy airtime in radio or TV to influence citizen opinion regarding the referendum (LFCE, arts. 40 and 41).

8.2. Popular initiatives

The popular initiative is recognized by article 35 of the Constitution and regulated by the Organic Law of the General Congress (*Ley Orgánica del Congreso General*, LOCG). According to these regulations, a popular initiative can be presented by a number of citizens equal to at least 0.13% of the nominal list of voters, can deal with any topic on which the Congress of the Union can legislate and can include one or more regulations as long as the topics are connected (LOCG, arts. 130.1 and 130.2).

The popular initiative should be presented in writing to the president of the House of Representatives or of the Senate. It should be accompanied by the full list of the citizens supporting the initiative, including their full names, their voter code, and a copy of their voter card, as well as the full name and address of the representative to receive notifications (LOCG, art. 131).

INE is responsible for verifying that the initiative is supported by a sufficient number of registered voters. If INE verifies the compliance with the required percentage, the ordinary legislative process is followed. The representative can participate in the meetings held during this process and has the right to speak until the deliberation and voting process begins (LOCG, arts. 130 and 133).

9. TABLE OVERVIEW OF THE 2014 ELECTORAL REFORM

<p>System of government</p>	<p>Coalition government. The President can opt to establish a coalition government with one or several political parties at any moment of his administration.</p>
	<p>Date of the Election Day and of taking office. The Election Day will be held on the first Sunday of June, with the exception of the 2018 general elections. As of 2024, the elected President will take office on October 1.</p>
	<p>Ratification of the cabinet. The House of Representatives will have the power to ratify the Minister of Finance and the high officials of this Ministry. The Senate acquires the power to ratify the Minister of Foreign Affairs and the high officials of this Ministry, to integrate the list of candidates for the General Prosecutor of the Republic, to make the appointment and to make observations on the removal of the General Prosecutor by the President.</p>
<p>Reelection</p>	<p>On the federal level, senators can be elected for up to two consecutive periods and federal representatives for up to four. On the local level, the election of local representatives should also be allowed for up to four consecutive periods and that of municipal presidents, councilors and administrators for up to two, provided that their mandate period does not exceed three years.</p>





Electoral authorities	IFE is replaced by the National Electoral Institute (INE) .
	General Council of INE is the highest management body of INE. It is integrated by ten electoral councilors and one President Councilor elected by the House of Representatives for a period of nine years.
	Powers of INE. In order to centralize the electoral administration, the 2014 reform gives INE electoral responsibilities in both the federal and local processes. Among other things, INE is in charge of the electoral training, the electoral geography, the registration of voters, the auditing of the finances of the political parties and the process of the scrutiny and count in the federal elections.
	Local electoral administrative authorities. The Local Public Bodies (Oplés) are in charge of organizing the local elections. Their general councils are integrated by six councilors and one President Councilor, who are all appointed and removed by the General Council of INE.
	Electoral Tribunal of the Federal Judiciary is the highest judicial authority on electoral matters and exercises its functions through a High Chamber, seven Regional Chambers (two of which will be set up by September 2017) and one Specialized Regional Chamber. The latter was created by the 2014 reform and is in charge of the resolution of the special sanctioning procedures.

	<p>Local electoral jurisdictional authorities. The local tribunals are responsible for ruling on the challenges lodged against all local electoral acts and decisions. They are integrated by an uneven number of justices between three and five, elected by a two-third majority of the members of the Senate.</p>
<p>Party system</p>	<p>Loss of registration. National and local political parties must obtain at least 3% of the validly cast votes in the previous elections to maintain their registration and to have the right to be assigned representatives by the principle of proportional representation.</p>
	<p>Coalitions. The 2014 reform establishes a uniform system for coalitions on the national and local levels and acknowledges three types of coalitions: flexible, total and partial.</p>
	<p>Pre-campaigns. The candidates must be selected through “democratic processes” and every political party must choose its selection method 30 days before the selection process begins and notify INE of this decision.</p>
	<p>Gender affirmative action. This mandate became a constitutional order in 2014, imposing on the political parties the obligation to guarantee gender parity in the candidate nomination for federal and local legislative bodies.</p>





	<p>Party Ballot Access. Candidates can be nominated by political parties, coalitions or run as independent candidates. Depending on the office, a variety of legal restrictions apply to the candidates, including minimum age, nationality, time of residence in the country or state, and not holding certain government or military positions.</p>
	<p>Internal democracy and intraparty justice. The parties should set up intraparty justice bodies to hear and resolve all controversies related to their internal matters. They should also establish alternative mechanisms for dispute settlement.</p>
Independent candidates	<p>Independent candidates are allowed to run for the office of President of the Republic, and for representatives and senators of the Congress of the Union. Provided that they are registered by INE, their rights include receiving public financing and airtime in radio and TV.</p>
Financing and auditing	<p>Political party financing. The financing of the political parties in Mexico is predominantly public. The public financing is divided among the parties using a 30/70 rule, meaning that 30% is divided equally among the parties and 70% is divided in relation to the percentage of votes received by the parties in the most recent elections.</p>
	<p>Campaign spending control. INE is in charge of auditing and monitoring the sources and use of all the resources of the political parties and candidates. The reform establishes that an online accounting system should be set up to ensure homogeneity and maximize publicity.</p>

	<p>Grounds for invalidity related to the financial aspects of the electoral process. Exceeding the expenditure ceiling by 5% of the total authorized amount, or receiving or using resources from illicit sources or public resources in the campaigns, are grounds for invalidity of an election.</p>
<p>Participation in campaigns</p>	<p>Political communication. In the political or electoral communication, only State radio and TV airtime can be used, libelous electoral messages are forbidden and government advertisements during electoral campaigns are forbidden.</p>
	<p>Grounds for invalidity related to media access. The 2014 reform establishes that buying or acquiring coverage in radio and TV airtime, apart from those permitted by law, will result in the invalidity of the election.</p>
<p>Mechanisms of citizen participation</p>	<p>Referendums. A referendum can be called by the President, by 33% of the members of the Senate or of the House of Representatives, or 2% of the citizens registered in the nominal list of voters. The results of a referendum are binding when the citizen participation is higher than 40%.</p>
	<p>Popular initiatives. A popular initiative can be presented by a number of citizens equal to at least 0.13% of the nominal list of voters and can deal with any topic on which the Congress of the Union can legislate.</p>



2014 Political-Electoral Reform In Mexico

