

Evolution of the electoral system: the 2014 reform and the consolidation of the political rights of Mexicans¹

Lorenzo Córdova Vianello,
President Councillor
National Electoral Institute

In this speech, I will attempt to make a brief reconstruction of the evolution of the Mexican electoral system, of the implementation of the electoral reform of 2014 that transformed the dynamics of the electoral organization in Mexico in many ways, of the results of the first test to the new Mexican democracy model, and of how this long process of transformations will enable, in 2016, for the first time in our history, the processing and delivery of voting cards in other countries to take place, with the support from the embassies and consulates of Mexico.

Democratization in Mexico has been the result of successive electoral reforms that have been developed over a period of more than 30 years at the federal level.

The successive electoral reforms undertaken since the 1970s (1977, 1986, 1989-1990, 1994, 1996 and 2007-2008) were the result of a set of political processes of inclusive agreements where citizens and public opinion could observe their demands in the new laws, while political parties translated their legitimate democratic aspirations into agreements and regulations.

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Hence the fact that one distinct characteristic of political change in our country is inclusion, that is, the recurring construction of pacts and a consensual spirit underlying the electoral reforms.

In other words, our process of transition to democracy began by encouraging political pluralism (the options to exercise the right to participate); later on, the authenticity of suffrage and the equality of the vote were guaranteed through the strengthening of the electoral authority. From the time when authenticity of suffrage was achieved, we have made progress through rulings that have attempted to perfect the conditions of the competition (the right to information, equity in financing, transparency, among others).

2015 was an important year for Mexican democracy.

The new national electoral system that emerged from the political and legal reform of 2014 was successfully put to the test.

The purpose of this reform was to standardize the conditions of local elections with the technical quality with which federal elections have been conducted by IFE since 1991. This caused major changes that need to be summarized in order for the new model of Mexican democracy to be easier to understand.

The 2014 reform transformed the Federal Electoral Institute, the emblematic institution of Mexican democracy into a new national authority called the National Electoral Institute.

Due to the good results IFE had provided to the Mexican society, legislators agreed that the newly formed INE would inherit the former IFE's staff and powers, while granting it with 74 new additional powers. The intention was for it to rule over the new system, and to provide it with a legal basis that would allow it to shape the new electoral system.

The following are five outstanding features of the new electoral model:

1) The power to appoint and remove officials from each of the electoral bodies that exist in each of the 32 federal entities, a process that transferred the political pressures of these appointments to INE;

2) The obligation to intensify collaboration between electoral authorities;

3) INE's powers to contribute to the standardization in the abidance of laws and to the impartiality in local elections

4) Oversight of the income and expenditures of parties and candidates in all electoral campaigns taking place in the country (governors, federal representatives, senators, municipalities, President of the Republic), and

5) The provisions to consolidate the exercise of the political rights of all Mexicans, through gender parity in the candidacies, issuing voting cards abroad and eventually making the voting from abroad model more flexible.

From my perspective, the 2015 elections, which took place using the new rules of the democratic game, can be regarded as the most complex in the political electoral history of Mexico.

This complexity, from my point of view, is due to three reasons.

The first one is that it was the largest election organized so far.

Never before had we had such a high number of potential voters as in 2015: 83.5 million citizens were enfranchised, and therefore, 148 thousand 833 voting stations had to be installed; that is, 6,000 more than just three years ago.

This meant, in light of the new electoral legislation, no longer raffling 10% of registered citizens, but rather 13%, as potential polling officers, amounting to the unprecedented figure of 10.9 million citizens; 3 million more citizens than, again, just three years ago, out of which 1.2 million were actually designated as polling officers.

In addition to this, the number of concurrent local elections was also unprecedented: 16, plus the one in Chiapas, which took place a month later due to a decision of the Supreme Court.

In short, in terms of the technical and organizational tasks, we were facing the most complex election ever.

The second reason for having such a complex election stems from the fact that it was the first time the new electoral model derived from the 2014 reform was put to the test.

To illustrate this complexity, it is worth pointing out that, along with the organization of federal elections, INE had to organize the internal elections of a political party (the Party of the Democratic Revolution, or PRD); it carried out the validation of more than 6 million citizen signatures supporting the request for 4 citizen consultations (which, by the way, were all rejected by the Supreme Court of Justice of the Nation); it conducted the appointment of the first group of councillors for 19 local electoral authorities. Additionally, in matters of finances and oversight, a new centralized model was implemented, which exponentially increased the number of reports to be reviewed and lessened the time available to do so.

Implementing the new oversight model involved designing an online accounting system for political parties and their candidates. This became one of the backbones of electoral equity, from three central points: 1) the national character of the oversight; 2) the completeness of the revision, and 3) the online register of operations to favour timeliness.

This model of national oversight was successful in auditing more than 26 thousand 12 thousand 912 candidates, both federal and local. In consequence, it allowed INE to audit 3 thousand 110.5 million pesos (15 times more than in 2012), which represented 19.4% more resources than in the presidential elections of 2012. All this, amid

highly competitive races where political parties took the development of their campaigns to the legal limit, a situation that provoked a rarely seen political tension, and this allows me to go into the third reason for the complexity of the 2015 elections.

The third level of complexity has to do with the social and political context in which the elections were held.

It was a context that has at least three dimensions of difficulty.

The first one relates to the insecurity in several areas of my country. This is certainly not a new phenomenon, since these are not the first elections the federal authority has carried out in this context, but that does not prevent democracy from recreating itself, since until now, none of the polling stations corresponding to federal elections has failed to be set up for security reasons.

Allow me to say it this way: until now, insecurity has not been a factor that prevents the celebration of elections. In the scope of federal competitions, it has not been insecurity's objective to prevent the development of electoral processes.

The second dimension has to do with political complexity. Seldom had we seen political parties conducting their campaigns bordering the legal limits, and even going beyond them.

One may agree or disagree, with the decisions taken by the electoral bodies, which must always be subject to public scrutiny and to a profound and important context of requirement, but I think the electoral game in *off side* resulted in the imposition of the most important series of penalties during an election process in the history of our country.

What we are talking about is that, in the 2015 competitions, the number of fines imposed on political parties during the electoral process was the highest in history; and one political party, in the course of one electoral process, amounted to the second largest amount of money in fines, just after the affair known as *Pemexgate*.

The third plane of this dimension of complexity arose from an absolutely new phenomenon. It has to do with the way in which different forms of social unrest expressed themselves, since, for the first time, the boycott of elections was suggested as a means for demanding compliance with certain demands.

I want to be very clear: the vast majority of the demands that were put forward during the electoral process are not only legitimate, but also absolutely shareable; the problem was that, by choosing the path of preventing the elections, many of these demands became discredited and made unacceptable.

We need to be precise on this point. Mexico suffers from large and serious national problems: corruption, impunity, the poverty of over 55 million Mexicans; and inequality. According to the OECD, Mexico is the

most unequal country in Latin America, which is, in turn, the most unequal region in the world.

These structural problems make social demands, in most cases, absolutely legitimate. However, as legitimate as these demands can be, they must not, in a democratic context, gamble or use electoral blackmail as a mechanism for them to be solved.

And this was what happened to us for the first time in 2015.

It seems to me that the number of stakeholders with whom the National Electoral Institute had to dialogue, and the pressure of others for the public forces to be used and subdue many of these dissident groups, on the one hand; and the open, manifest pressure for INE to refrain from celebrating elections in some districts, on the other, created a context that cannot be ignored and should definitely be dealt with.

A legitimate demand becomes distorted when a disruptive route is chosen in terms of the rules of the democratic game.

Never before, and I say this without mincing words, never before had an election in Mexico faced such difficult circumstances; and yet, the citizens taught us all a lesson.

Once again, the citizenship took over the elections.

It was the citizens who reacted to the complex circumstances I have explained and seized the elections last June 7.

Thus, the democratic path was ratified as the primary mechanism for settling political differences among Mexicans. Here are some data:

- The turnout amounted to almost 47.7%, the highest in the last 3 legislative elections
- For the third consecutive time, the percentage of invalid votes is the lowest compared to the last three races, 5.4 in 2009; 4.9 in 2012, and 4.7 in 2015.
- For the first time, women representatives account for 42.2% of the Chamber of Representatives.
- Voters divided their votes and thereby strengthened political pluralism in the Chamber of Representatives; towards the 2018 elections: no party won 30% of the vote, and 9 out of 10 contending parties exceeded the threshold of 3% established by law.
- Independent candidacies became a legally valid card to access public office in these elections, in any electoral area: governors, federal and local deputies, majors and even city councillors.
- Oversight allowed to prove, in less than two months, that no winning candidate had exceeded the expenditure ceiling; and that only 14 federal and 18 local candidates had exceeded the ceilings to campaign expenditures. The 14 federal candidates who exceeded these limits barely represent 0.03% of the 4 thousand 496 candidates who competed (in 2012, 195 candidates exceeded the ceilings).
- At a local level, the new democratic rules also allowed for greater competitiveness: out of 9 governorships at stake, there was alternation

in five of them, while five of the 16 local elected congresses saw a change in the majority party.

It is certain that after the 2015 elections, political pluralism is part of the landscape of the electoral life in Mexico.

Competitiveness, fairness and transparency in the elections of our country were boosted by the 2014 reform, and this has helped to improve the conditions under which local elections take place.

The new electoral model allowed INE, as the national authority, to fully organize the extraordinary election for governor in the state of Colima, besides participating in the extraordinary local elections held in December 2015 and the two that are currently in progress in the states of Tabasco and Mexico.

2016 will be the second acid test for the electoral reform and the national system of elections, for three reasons:

- 1) This is the first time INE will be involved in 13 local elections where 365 political representation posts will be chosen without there being any activity in terms of federal elections
- 2) The overseas issuing of photo voting cards for Mexicans will be launched and
- 3) The election for the representatives who will draw the constitution of Mexico's capital city will be held this year.

From my perspective, giving our migrants a voting card is a task of the Mexican state that generates impacts that go beyond the electoral arena and enhances the exercise of fundamental rights of Mexicans regardless of where they live.

Providing voting cards to our fellow citizens means giving them an official ID that may ease their interaction with other authorities, their incorporation to the labor market and banking activities, and will surely favor the fact that Mexicans living abroad may exercise their right to vote. Thus, the exercise of fundamental rights of Mexicans is encouraged.

Since we value the importance of providing the voting cards so highly, and we are aware of the great expectations this may provoke, and the discomfort it may bring should they not be met, we will carry out this task with great responsibility and order.

The model for issuing and delivering these voting cards is designed to comply with the principle of certainty, and thanks to the Ministry of Foreign Affairs, its coverage will be expanded in stages: we will start with 16 consulates in the United States in February 2016, and the coverage will be increased month after month up to 147 offices around the world in August 2016.

I conclude by emphasizing that last June 7, 2015, we tested a new electoral model that is viable and contributes to equity of competition.

Election day confirmed that we Mexicans want a plural country, which chooses its public authorities at the polls; and that we are determined to go out and participate in public decisions peacefully.

Mexico is a country of people who want to decide in peace and to influence the political future, and it has the institutions to do so. **Thank you very much**