

Mexico: safeguarding the integrity of the electoral process

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In June 2005, following controversy and debate lasting almost ten years, the Mexican Congress finally approved a reform to the electoral law allowing Mexicans to vote from abroad. This was to be possible for the first time during the national elections of July 2006. External voting applied only to presidential elections and was by post only.

Historical background

The need to give citizens the right to exercise their right to vote from abroad and make it possible for them to do so cannot be explained without taking into account the existence of one of the largest, most persistent and most focused international migrant movements in the world—that of the millions of Mexicans who go to the United States, mainly to work. Certainly, not all the Mexicans residing permanently or temporarily abroad have migrated for work, nor are they concentrated in the United States only, but, not surprisingly, one of the main drivers for achieving the right to vote abroad has been the organization and mobilization capacity of several groups of Mexicans living in the USA, who were gradually joined by political forces, social movements and opinion leaders from Mexico.

For many years different voices had been asking for a debate about and for the introduction of a law to give Mexicans living abroad the right to an external vote, but it was only in 1996 that this demand was really met and the first juridical and institutional steps were taken to allow for this possibility to be realized. That year, as part of a large package of electoral reforms, a provision in the constitution which prevented voting from abroad was removed and a series of requirements were established in order for the Congress to provide the final ruling on this matter. Defining the arrangements for external voting took almost a decade.

The subject of heated debate

The decision-making process was very complex and lengthy. Although the electoral authority and different stakeholders worked hard and well to promote an informed debate on the basis of sound facts and figures (including holding the first international

seminars to assess the issue in comparative perspective), it was not easy for the political parties represented in the parliament to reach the agreements needed in order to pass a bill. The debate evolved in different stages. At first, the appropriateness of allowing citizens to vote when they were not resident in the country was the subject of controversy. Once the main objections in this regard had been overcome, the debate centred on evaluating the available alternative mechanisms and defining the most suitable method to guarantee that voting from abroad would preserve the essential attributes of the electoral regime that has been built up and strengthened in Mexico in recent years. Finally, the assessments focused on the cost-effectiveness of the operational options available.

The debate about preserving the main attributes of the electoral system when designing any external voting mechanism was critical. A fundamental reform process had taken place in Mexico during the late 1980s in order to deal with the serious lack of public confidence in elections and their credibility. This reform radically changed both the characteristics of the electoral organization and the conditions of the electoral contest. The legislation gradually incorporated several devices to guarantee the integrity and transparency of the organization and management of the electoral process, as well as equity and accountability in the electoral contest. During the debates over external voting, it was agreed that these were essential features of the Mexican electoral system that would be extremely difficult to replicate abroad.

There was also the question of the numbers of Mexicans residing abroad who would be entitled to an external vote. In late 1998, a commission of experts set up by the Federal Electoral Institute (Instituto Federal Electoral, or IFE, the autonomous organization responsible for managing federal elections) presented a report on this issue which made proposals for external voting by Mexicans. According to the report, an estimated 9.9 million Mexicans residing abroad would be entitled to vote—at the time equivalent to 15 per cent of the total number of citizens registered to vote in the country. Of those 9.9 million, 98.7 per cent, or almost 9.8 million, were in the United States. These estimates showed clearly the extent of the challenge, which up to this point had been the subject of much speculation. But they also provided some candidates with fuel for speculation about the possible effects of the external vote on the outcome of elections.

Although the 1996 reform of external voting was brought in with the intention of having it in place for the presidential elections of 2000, lack of agreement between the main political forces with parliamentary representation prevented the Congress from making any decision on the regulation and implementation of external voting before these elections. Nevertheless, the issue had then been settled as a priority item on the agenda of the political and legislative debate. Between 1998 and 2004, the executive branch along with legislators from different parliamentary groups presented almost 20 bills on external voting to the Congress. Some of the bills presented in the framework of the mid-term elections of 2003 advocated extending external voting to elections for deputies and senators, as well as presidential elections, and even the creation of a special electoral district that would guarantee parliamentary representation for citizens residing abroad. Again, lack of agreement among the different parliamentary forces prevented any final definition, and the target date for implementation was put back to the federal elections of July 2006.

By the end of June 2005, just before the deadline for approving legal reforms that

would be implemented during the July 2006 federal elections, the Congress finally approved a mechanism enabling Mexicans residing abroad to vote, but only for presidential elections. After assessing different alternatives, the Congress opted for postal voting, which is a major innovation for the Mexican electoral system, since every election that takes place within the country entails the voter's appearing in person at the polling site.

Voter registration

To be able to cast a vote from abroad, Mexican citizens residing in a foreign country must have a photographic voting card, which is issued free of charge by the IFE in Mexico, and then send a written request by registered post to be included in a special register of Mexican voters abroad. The photographic voting card requirement became the target for all the criticism of the external voting arrangements, since many Mexicans residing abroad do not have it, and it is only possible to get one in person within the national territory. For citizens who fulfilled this requirement, a period of three and a half months was established during which they could request registration, by post, using the official forms designed by the IFE (for the July 2006 election this period was from 1 October 2005 to 15 January 2006). An additional term of one month (up to 15 February) was established before the register of external electors was closed, in order to allow all applications in transit to be received or to allow the interested parties to correct any omission or error in requests that had been sent at the proper time.

To promote the external vote, the IFE worked with the collaboration of the Secretariat of Foreign Affairs, by means of its 139 diplomatic representations, and also with the assistance of a wide array of social organizations of Mexicans abroad, to inform citizens abroad of their right to an external vote and of the mechanisms for registering and polling. All voters enrolled abroad are temporarily removed from the national electoral register but are automatically reinstated when the relevant election is over.

The voting and the election campaign

External voting is by post only. The IFE has to send (by registered post) the documents required to cast a vote to all citizens fulfilling the requirements to be registered as voters abroad, no later than 20 May of the election year.

The counting of all votes cast abroad is carried out in one national centre in Mexico, simultaneously with the counting of the votes cast within the country, that is, starting at 18:00 on polling day. In order for the postal votes cast abroad to be included in the count, the electoral authority must receive them one day before the beginning of polling.

To guarantee equity during the electoral process and to protect the control mechanisms for the funding and financial oversight of political parties and campaigns, the mechanism approved by the Congress bans any kind of campaign activity abroad by the parties and candidates. Therefore, and in order to enable voters abroad to cast an informed and reasoned vote, the IFE agreed with the different parties on the creation of a comprehensive electoral kit that included detailed information on the platforms and programmes of the different presidential candidates, and this was distributed to all

registered voters abroad along with the official documents required to vote.

Take-up and costs of external voting

For the preliminary arrangements and the initial setting up of the external voting mechanism, the IFE invested around 119.3 million pesos (MXN—*c.* 10.8 million US dollars (USD) at a rate of exchange of 11 MXN = 1 USD) during 2005. For the implementation phase throughout 2006, it devoted another 186 million MXN (16.9 million USD), making an estimated overall cost of 305 million MXN (*c.* 27.7 million USD).

According to reliable estimates, the voting-age Mexican population residing abroad on a permanent basis is currently up to 11 million. Moreover, the IFE estimates that around 4.2 million Mexicans residing abroad have a valid photographic voting card. The combination of these two factors created high expectations that the register of external electors would be massive. However, only 40,876 Mexicans abroad finally registered for the July 2006 elections. Of those, only 32,632 (80 per cent) returned the envelopes with their marked ballot papers in time to be included in the official count of votes cast abroad. Certainly, time constraints, the inherent difficulty of reaching all Mexicans abroad who were entitled to vote and get information to them on time, the innovative approach adopted to registration and voting from abroad, and the strict eligibility criteria established all help to explain this low figure.

Accordingly, and because the external voting mechanisms have to be reviewed and improved, the first Mexican experience, like that of many other countries, indicates the need for more detailed research and a more integrated assessment in order to determine the factors that underlie its political culture and which can in turn be helpful to efforts to encourage voter turnout.