

# ISSUE BRIEF **06.30.14**

## **Mexico's National Electoral Institute: Ensuring Fair Elections at the Local Level**

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### **EXECUTIVE SUMMARY**

On May 23, Mexican President Enrique Peña Nieto signed a series of bills to implement constitutional changes to the country's political and electoral processes. The reforms bring some of the most dynamic shifts to Mexican politics since the 1990s, including a makeover of the Federal Electoral Institute (IFE).

The IFE has played a major role in Mexico's transition to democracy. As the Institutional Revolutionary Party (PRI) gradually lost power to opposition groups, the IFE was the key arbiter in assuring the transparency and legitimacy of elections. The IFE helped usher in Mexico's first alternation of power in 71 years when the PRI lost the presidency in 2000. Since then, the institute has received international acclaim for assuring the quality of Mexican elections at the federal level. Its mandate, however, remained much weaker at the state and local levels, where elections are more susceptible to partisan interference.

Under the 2014 reforms, the National Electoral Institute (INE) has replaced the IFE. This otherwise subtle rebranding points to a key shift in the organization of elections with respect to Mexican federalism. The new INE and the measures behind it now strive to replicate the IFE's success in the states and municipalities.



### **THE DECLINE OF THE PRI AND RISE OF THE IFE**

The PRI created the IFE in 1990 to appease the discontent electorate after the party rigged the 1988 presidential election. Nevertheless, during the 1990s, the IFE quickly evolved as an important political check to the PRI's power. The IFE's path toward greater autonomy and control over the electoral system resulted from a series of PRI concessions to growing opposition parties and public demand for democratic elections.<sup>1</sup> The IFE was the perfect tool to soften the PRI's fall from power, yielding political influence to other parties through elections *without* dismantling the party itself.

From 1990 to 1994, the PRI had a close relationship with the IFE: the secretary of the interior served as secretary general of the IFE, and the majority of councilors were Congress members or party faithfuls. The outbreak of the Zapatista movement in 1994, however, created widespread political and social instability ahead of that year's presidential elections. As a response to this unrest, an eight-party opposition coalition in Congress voted to change the composition of the IFE's General Council, giving six nonpartisan "citizen" councilors the majority of power on the new 11-member board.<sup>2</sup> In 1996, Congress passed yet another reform to give the IFE full independence from the executive branch, placing a nonpartisan "citizen" as president of the General Council.

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By 2000, the IFE had grown into an independent, credible institution capable of executing and arbitrating free and fair elections. National polls showed that 74 percent of the Mexican people had confidence in the IFE, on par with long-esteemed institutions like the Catholic Church and the military.<sup>3</sup> Public confidence in the IFE dropped briefly after the extremely tight 2006 presidential elections,<sup>4</sup> which were contested in the Federal Electoral Tribunal (TRIFE).<sup>5</sup> The TRIFE's investigation found electoral fraud committed by all political parties during the election and public confidence in the IFE dropped temporarily, but the institute's credibility soon recovered.

The 2006 crisis of confidence in Mexico's electoral system led to further reforms, granting the IFE regulatory power over political parties' media access and campaign finances to further level the playing field. Freedom House points out, however, that these measures did not ameliorate a key problem with the Mexican electoral system: the use of public funds to favor specific gubernatorial candidates.<sup>6</sup>

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### ELECTIONS AT THE SUB-NATIONAL LEVEL

Decades of one-party rule led to political centralization at the national level, but during the 1990s and 2000s, this all changed with two simultaneous events in Mexican politics: the PRI fell out of favor with the electorate, and the IFE assured the legitimacy of the electorate's voice in national elections. In Mexican state and local politics, however, the PRI did not fall nearly as far. Fiscal reforms that were part of the decentralization and democratization process gave governors greater accessibility to federal funds.<sup>7</sup> Also, despite the IFE's credibility in national elections, the institute delegated sub-national elections to autonomous state electoral institutes, leaving these ballot boxes vulnerable to candidate and party interests. Thus, the party's decline on the national stage drove its power into the next-most-powerful political units—the states—where, conveniently, politicians could still manipulate elections.

The PRI's stronghold in the states, even during the PAN-led (National Action Party) administrations of Vicente Fox and Felipe Calderón, is telling of how the once preponderant party responded to high levels of discontent among the citizenry and conceded power without committing suicide. As opposition parties gained prominence nationally, the once strong Office of the President was no longer able to control dissenting PRI politicians, who could now speak out against the party line or even join other parties without sacrificing a political career.<sup>8</sup> In turn, PRI leadership began to fracture ideologically and retreated to sub-national offices, where the party—though divided—leveraged Mexican federalism to continue garnering support in local and state elections. This allowed for the development of a three-party system in which the PRI still plays a major role. Of course, this also came with a price: post-2000, the PRI has wrestled with intraparty disputes in Congress due to varying state interests brought about by the decentralization of power.<sup>9</sup> However, in spite of these disagreements, the PRI never disappeared and even recovered enough cohesion to regain the presidency in 2012. In fact, even after the 2000 elections, the PRI has not once lost a majority of Mexico's governorships.

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### HOW THE INE BALANCES FEDERALISM AND FAIRNESS

Recently, given the lingering PRI influence over sub-national elections, the PAN and PRD (Party of the Democratic Revolution) successfully lobbied for more centralized control over state and local elections. The 2014 legislation gives the INE power over sub-national elections in three ways: greater control over local electoral bodies, increased oversight of sub-national party and campaign finances, and approval from the Senate for the appointment of local electoral magistrates.

In the past, the IFE delegated the execution of sub-national elections to state electoral institutes, which operated independently according to state law. Now, the INE itself will appoint the state electoral

councils, which will be chosen from an open call for applications. The national board will then evaluate the candidates' credentials and recommend five people per vacancy. Candidates must receive at least eight of the 11 votes of the INE General Council to be selected. The INE will also be able to remove councilors at the sub-national level for "conduct against the independence and impartiality of the electoral system" or "evident negligence, ineptitude or carelessness."<sup>10</sup> More broadly, the INE will also be able to assume the responsibilities of the sub-national institutes at the request of four of the INE councilors or the majority of a sub-national council if and when "there is a diverse set of social factors that affect the public peace or put society at grave risk" or "political conditions are not suitable due to verifiable interference or interruption from some of the public powers of the sub-national unit."<sup>11</sup> The INE will also share responsibilities with the sub-national electoral institutes with respect to voting logistics, training of local electoral officials, and public education on electoral issues.

The IFE did not play a role in monitoring how parties spent money for campaigns in sub-national elections, in which vote-buying and meddling from elected or party officials is not uncommon.<sup>12</sup> The INE, however, will have greater oversight of party and campaign finances through a new audit commission, consisting of five members of the General Council.<sup>13</sup> This commission has the power to audit at both the national and sub-national levels, although it can also delegate this responsibility to local public bodies that operate under the General Council's auditing standards.<sup>14</sup>

The new legislation also mandates that the magistrates of each state's electoral tribunal be elected by two-thirds of the federal Senate after an open call for applications.<sup>15</sup> These officials oversee the state electoral courts as well as the activities of state electoral institutes. Senate approval requirements will distance electoral judicial power from the states without removing it completely, as magistrates will still have jurisdiction over local electoral processes as they pertain to local laws.

## DOES THE INE FALL SHORT OR GO TOO FAR?

There is no doubt that the IFE made considerable strides in improving the legitimacy and transparency of Mexican democracy at the federal level, and it seems like the INE is well positioned to take this reputation to the local level. However, despite the reform's efforts to centralize electoral authority and minimize party interference in sub-national elections, two important problems remain: the possibility of electoral fraud despite national oversight of local elections, and the risk that greater centralization could, one day, lead to an abuse of electoral power.

The extremely close 2006 presidential election and the resulting TRIFE investigation revealed instances of fraud by each of the three major parties. This occurred under the watch of the IFE, indicating that even the well-vetted national electoral standards are vulnerable to partisan swindling. In 2011, Freedom House reported that "allegations of abuse of public resources to favor specific gubernatorial candidates have increased in recent years."<sup>16</sup> Such fraud at the local level is precisely what the INE strives to eradicate by bringing the IFE's best practices to sub-national elections.

Another pitfall of the INE is that it could take fairness too far in the long run by weakening states' power to check the federal government. In the short term, curbing the influence of local political actors in elections is important to Mexico's democratic consolidation, but could the INE become an authoritative, Big Brother-like entity? While the IFE has been free of political corruption, there's a chance that, in the future, an opportunistic, authoritarian administration may try to manipulate elections using the new, more centralized INE.

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## ENDNOTES

1. Joseph L. Klesner, "Electoral Reform in Mexico's Hegemonic Party System: Perpetuation of Privilege or Democratic Advance?" (paper presented at the Annual Meeting of the American Political Science Association, Washington, DC, August 28–31, 1997).

2. Roderic Ai Camp, "Expanding Participation: The Electoral Process," in *Politics in Mexico: Democratic Consolidation or Decline?* (New York: Oxford University Press, 2014), 226.

3. Cámara de Diputados and Centro de Estudios Sociales y Opinión Pública, "El Ife en la Opinión Pública," México, October 2003, slide 9, [http://archivos.diputados.gob.mx/Centros\\_Estudio/Cesop/EOPPI001\\_en\\_la\\_opinion\\_publica.pps](http://archivos.diputados.gob.mx/Centros_Estudio/Cesop/EOPPI001_en_la_opinion_publica.pps).

4. Felipe Calderón of the PAN won, but by only a 0.58 percent margin. Runner-up Andrés Manuel López Obrador of the PRD demanded a recount from the Federal Electoral Tribunal, which upheld Calderón's narrow victory. López Obrador and a vocal minority on the left still rejected the results.

5. Under the new reforms, the TRIFE has become the Electoral Tribunal of the Federal Judiciary (TEPJF).

6. The influence of organized crime among local politicians has also affected elections. Freedom House, "Freedom in the World 2011 – Mexico," <http://www.freedomhouse.org/report/freedom-world/2011/mexico>.

7. Frederico Estévez, Alberto Díaz-Cayeros, and Beatriz Megaloni, "A House Divided Against Itself: The PRI's Survival Strategy After Hegemony," in *Political Transitions in Dominant Party Systems*, eds. Joseph Wong and Edward Friedman (New York: Routledge, 2008), 42–43.

8. Francisco Cantú, and Scott Desposato, "The New Federalism of Mexico's Party System," *Journal of Politics in Latin America* 4, no. 2 (2012): 9.

9. Cantú and Desposato, "The New Federalism of Mexico's Party System," 23–24.

10. Secretaría de Gobernación, "Decreto: Ley General de Instituciones y Procedimientos Electorales," *Diario Oficial*

*de la Federación*, Título Quinto, Capítulo I, Artículo 121, 2014, [http://www.dof.gob.mx/nota\\_detalle.php?codigo=5345954&fecha=23/05/2014](http://www.dof.gob.mx/nota_detalle.php?codigo=5345954&fecha=23/05/2014).

11. Ibid.

12. Media coverage of such instances is limited, but leaders of the PAN and PRD have pointed out electoral fraud in state elections before the establishment of the INE, specifically in the state of Veracruz.

13. Secretaría de Gobernación, "Decreto: Ley General de Instituciones y Procedimientos Electorales," Capítulo III, Artículo 192.

14. Secretaría de Gobernación, "Decreto: Ley General de Instituciones y Procedimientos Electorales," Capítulo IV, Artículo 195.

15. Secretaría de Gobernación, "Decreto: Ley General de Instituciones y Procedimientos Electorales," Capítulo II, Artículo 106.

16. Freedom House, "Freedom in the World 2011."

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