



**MEXICO
PRE-ELECTION ASSESSMENT MISSION
REPORT #2**

**JALISCO, TABASCO: APRIL 3-7, 2000
NUEVO LEON: MAY 1-5, 2000**

Issued June 15, 2000

I. INTRODUCTION

With less than a month to go before Mexico's historic July 2 elections, the political atmosphere in the country is becoming increasingly tense. The vote promises to be among the closest in Mexican history and indications are that a presidential candidate representing a party other than the Institutional Revolutionary Party (PRI) has a credible chance of winning, for the first time in 71 years. Furthermore, in state elections to be held both in July and later this year, opposition parties stand to increase their control of statehouses, local congresses and municipal councils.

Based on information gathered during IRI's second and third pre-election assessment missions to Jalisco, Nuevo Leon, and Tabasco, this report explores election administration and election environment issues from a state perspective. In addition to federal elections, the assessment team also focused on state contests and the independent state electoral institutions that administer them. Assessment sites were chosen to reflect a diversity of geographic location, level of development, and political party dominance.

The teams met with the Federal Electoral Institute (IFE) representatives in each state; the state electoral bodies; representatives of the three principal political parties; representatives from non-governmental organizations; media; and private citizens. The second team also met with the Special Prosecutor for Electoral Crimes in Mexico City to further examine the role of this institution.¹

¹ The authors wish to thank all those who gave generously of their time to meet with us in Mexico City; Guadalajara, Jalisco; Monterrey, Nuevo Leon; and Villahermosa, Tabasco.

The second assessment team visited Mexico City, Jalisco, and Tabasco during the week of April 3-7, 2000.² The third assessment team visited the state of Nuevo Leon during the week of May 1-5, 2000.³

This report is the second in a series of pre-election assessment reports to be produced by the International Republican Institute with a grant from the U.S. Agency for International Development. IRI will conduct two additional pre-election missions and will field an international team of approximately 43 observers for the July 2 vote. In addition, IRI is supporting the activities of the National Women's Civic Association (ANCIFEM), a domestic organization working to increase the participation of women in the political processes of Mexico and, during the election period, to recruit and train hundreds of domestic observers to monitor the elections in rural areas of the country.

II. INITIAL OBSERVATIONS

Except for a few isolated comments to the contrary, there seems to be almost universal confidence in the ability of the Federal Electoral Institute (IFE) and its state and district offices to administer a technically sound vote for the national offices to be contested on July 2. Mexican officials, political activists, and the general public appear to be satisfied that the general environment in the country is conducive to free and fair elections. Electoral reforms in the 1990s, most recently in 1996, made the Federal Election Institute (IFE) autonomous, established clear rules for vote counting, and established mechanisms to help ensure fair access to the media and campaign financing.

IFE officials interviewed in Mexico City and the states assured the delegations that the institution is functioning well at the national and state levels. The IFE officials are widely perceived as professional, independent, and neutral. Adding to the confidence, citizens who will serve as polling station (*casilla*) officials are chosen by lot and fairly well trained; political parties are increasingly able to supply poll watchers at each polling place; and there are a significant number of domestic and foreign observers. The well established voting and vote counting processes leave little room for fraud at these levels. Nevertheless, some parties conveyed dissatisfaction that further reforms had not been passed to address such issues as regulations governing the formation of coalitions; voting by Mexican citizens outside the country; labeling products for government social program handouts; and others. Several people conveyed a lack of complete confidence in the ability of the Federal Electoral Tribunal, the Special Attorney General for Electoral Crimes, and the Congressional Commission to Monitor the Misuse of Public Funds for Electoral Purposes to

² The second team consisted of Larry Storrs, Specialist in Latin American Affairs, Congressional Research Service, Washington; George Grayson, Professor of Government, College of William & Mary, Williamsburg, Virginia; Mercedes Bravo Alvarez Malo, National Feminine Civic Association, Mexico City, Mexico; and Laura Mozeleski, IRI Program Officer for Latin America and the Caribbean, Washington.

³ The third team consisted of Laura Mozeleski, IRI Program Officer for Latin America and the Caribbean, Washington; and Michael Ferber, IRI Program Assistant for Latin America and the Caribbean.

adequately prevent potential abuses or mediate electoral disputes.

Significantly, political parties and citizens expressed less confidence in the state electoral authorities tasked with managing all aspects of elections for governors, local congresses, and municipal councils. Reforms to the Federal Electoral Code were largely duplicated at the state level, but the implementation of these reforms has been uneven and many State Electoral Institutes are relatively inexperienced and have yet to prove themselves. Thirteen states and the Federal District will cast votes in state contests this year—nine states and the Federal District in July and four states later in the year. Governors will be elected in five states—two in July and three later in the year.

2000 MEXICAN STATE ELECTIONS

State	Election Date	State Congress	Municipal Council	Governor
Campeche	July 2, 2000			
Colima	July 2, 2000			
Chiapas	August 20, 2000			
Federal District	July 2, 2000			
Guanajuato	July 2, 2000			
Jalisco	November 12, 2000			
Mexico	July 2, 2000			
Morelos	July 2, 2000			
Nuevo Leon	July 2, 2000			
Querétaro	July 2, 2000			
San Luis Potosí	July 2, 2000			
Sonora	July 2, 2000			
Tabasco	October 15, 2000			
Veracruz	September 3, 2000			

III. THE ELECTORAL PROCESS

State Electoral Institutes

Independent electoral institutions function in parallel with the IFE in each of Mexico's 31 states and the Federal District. These bodies are called State Electoral Institutes, or State Electoral Commissions in some cases. In the same way that the IFE is responsible for all aspects of federal elections, these Institutes are charged with administering the elections for governorships, state congresses, and municipal councils. They are governed by individual state electoral law and not bound by the federal electoral code (*Código Federal de Instituciones y Procedimientos Electorales - COFIPE*). The IFE and other federal electoral institutions have no authority over them.

Most states have made the necessary changes to bring their electoral laws in line with the spirit of the 1996 federal electoral reforms. Since 1996, independent citizens, for example, have had responsibility for the administration of elections previously conducted by state government officials. The number of citizen councillors in each state and the lengths of their terms vary. However, most have adopted a structure similar to that of the IFE, with subordinate district and municipal offices designated to manage various aspects of the process. All states rely on the federal voter registry and the federal electoral credential. Each state arranges to pay the IFE for the maintenance of the state registry and to accredit citizens to vote. Most state party representatives expressed confidence in the registry and many commented that citizens' unwillingness to update their own information or verify their inscription was the major impediment to a flawless list.

In the majority of cases, state polling places (*casillas*) are co-located with federal ones. In states where federal and state voting will take place on the same day, individual agreements are negotiated between each State Institute and the IFE about what level of coordination will exist between the two institutions. No level of coordination is mandated by law, and each state decides for itself how much of its election administration it will cede to the IFE. States that will hold elections after the federal vote tend not to negotiate coordination agreements with the IFE but do rely on the IFE's voter registry and maintain the same polling places wherever possible.

Public financing for state races is also administered by the State Electoral Institutes in the same way the IFE administers federal financing. The amounts of money available for state contests are significantly smaller than for the national races and vary, along with the calculations for dividing the money among the parties, from state to state. The reporting requirements imposed on parties to account for the use of these funds also depend on the state.

Jalisco

Jalisco residents will vote on November 12 for their governor, the state congress, and municipal councils. There are almost four million people in the Jalisco state voter registry and participation is expected to reach 70 percent at approximately 6,500 *casillas*.

The assessment team met with the President and the Executive Secretary of the State Electoral Council for Jalisco and was impressed with president's commitment to transparency and open operations. He welcomed the opportunity to publicize the work the Council is doing and to boost citizen confidence in the state election process. He seemed professional and impartial, having been proposed by a civic organization in which he participated in 1997. He commented that he was proud to have been accused of partisanship by both the PRI and the PAN. Political party participation in the electoral process through poll monitoring was cited as essential.

The Jalisco State Electoral Council is comprised of seven citizen councillors approved by the State Congress from proposals made by individuals and civic groups. To be eligible, candidates must not have held any government post in the preceding five years, must not be a member of any political party, and must not have any outstanding legal problems. The councillors now in place in Jalisco were named in June 1997. This is the second state election they have administered. President José Manuel Barceló Moreno commented that he expects things to run more smoothly in 2000 given the Council's experience and the ample time to prepare. Councillors arrived in 1997 with only four months to prepare and found the immense organizational task daunting.

The Jalisco State Electoral Council has not signed any agreements with IFE given that their voting follows the national elections by four months. However, councillors indicated that 90 percent of polling places would be the same as the July federal polling places. The State Council is conducting its own program to select and train *casilla* officials. As in the federal process, *casilla* officials in Jalisco are chosen by a double lottery. Registered citizens born in the month chosen by lot are selected during the first round. The second round reduces this number by selecting of these only those voters whose last name begins with a letter drawn by lot. In the case of Jalisco, state electoral officials sought to avoid the possibility that the same citizens would serve during the federal elections in July and again for the state contests in November, thus they removed April (the month randomly chosen by the IFE) from the lottery. As of our meeting, the training program for *casilla* officials was ready and the State Council was preparing to train more than 30,000 citizens.

The State Electoral Council is responsible for distributing public financing for state races as well as ordinary state party operations. During election years parties are required to submit quarterly expenditure reports. During non-election years the reports are due every six months. This stands in contrast to the federal reporting requirement, which obligates parties to submit only one report—60 days after the official end of the campaign period (June 28 this year). The State Council also reviews a final reporting at the end of the campaign period as well as conducting random audits of bank statements and receipts. Sanctions for exceeding set spending limits can include reduction of future public financing or the loss of party registration.

Nuevo Leon

In 1997, the IFE administered the state elections in Nuevo Leon under a special arrangement between the IFE and the State Electoral Council. The State Electoral Council had recently been elected and did not have time or resources to adequately address the task. This year represents the

Nuevo Leon State Electoral Council's first attempt to organize and administer elections.

The state and federal electoral authorities in Nuevo Leon will conduct parallel programs to select and train *casilla* workers. The IFE will train approximately 30,000 citizens, and the State Electoral Council will train 33,000. The State Electoral Council was quick to explain that these parallel efforts, although seemingly duplicative, are necessary to maintain the State's independence from the federal authorities and represent the cost citizens must pay for autonomy. They also emphasized that the 1997 arrangement that authorized the IFE to manage both state and federal processes in the state was precarious. One set of *casilla* functionaries counted the ballots for every contest, the counting went on late into the night, and the probability for mistakes by tired citizen officials was high.

The agreement between the IFE and State Electoral Council, signed in February 2000, calls for the federal and state *casillas* to be co-located but administered at separate voting tables. Voters will form one line and proceed from one table to the next. Voters will have their finger inked twice, once on each hand. The approximately 4,400 *casilla* locations will be chosen by the IFE and the State Electoral Council will contribute a share of resources to cover the overall expense. Nuevo Leon's voter registry of approximately 2.5 million citizens is estimated to be 99 percent accurate. Voter participation is expected to exceed the 64 percent recorded in 1997.

Some political party representatives commented that they would prefer that the IFE continue to administer the state races, as they expressed more confidence in the IFE than the State Council. These party representatives didn't appear concerned about the implied loss of state independence. Only the PRD lodged complaints against the IFE, accusing them of being pro-PAN. Otherwise, the IFE received praise from a wide-range of groups and individuals in Nuevo Leon.

The PRI's misgivings about the State Electoral Council may stem from a recent decision taken against them by the Council. On May 5, 2000, the State Electoral Commission of Nuevo Leon imposed the harshest sanction ever handed down to a political party in that state when it fined the PRI 46 million pesos for allegedly having received funds from the state government between 1996 and 1997. This sanction amounted to the denial of eight years of public financing for the party. The PRI fought the decision and appealed to the State Electoral Tribunal, which ultimately reversed the sanction on June 4. The Tribunal ruled that although certain individuals may have improperly appropriated government funds, there was not enough evidence to prove that the money made its way into the official party coffers. From the outset, the PRI criticized the timing of this sanction—several years after the fact and during an election period—as politically motivated. They cite this case as evidence that the head of the State Electoral Institute is linked with its major rival in this state, the National Action Party (PAN), now in the statehouse.

The PAN also had complaints about the State Electoral Institute citing an extension given for registration of certain candidates which they claim favored the PRI. The PAN insisted that all its candidates had fulfilled all the registration requirements by the deadlines established by law and that in order to uphold the rule of law, no party may be granted exceptions. Excepting this

complaint, however, the PAN indicated its view that the State Electoral Institute was improving and that the party had confidence in the Institute's ability to administer the election. Even though it is the Institute's first independently administered election, the PAN wants to bolster confidence in the institution and not discredit it over relatively minor issues.

Tabasco

The battle ground of intense intra-party PRI rivalries, Tabasco's state elections will be held on October 15, 2000. Citizens of this southern state will elect their governor, state congress, and municipal councils. Although IRI assessors found the IFE and the Tabasco state electoral institute (*Instituto Electoral de Tabasco*) to be largely well-regarded in the state, the PRD expressed skepticism regarding the fairness and professionalism of the institutions operating the electoral machinery. While most people with whom the IRI assessors met have confidence in the secrecy of the vote and expect a fair administration of the process on election day, there were serious concerns in non-PRI circles regarding the party's huge mobilization of resources in the state, which some contend unfairly prejudices the outcome.

The PRI, for its part, praises the federal and state election authorities in Tabasco and expresses solid confidence in the state of democracy there. The PRI emphasized the "cleansing" process of the party's primaries and assured IRI assessors that the divisions within the party have been repaired.

There appears to be only a minimal PAN presence in Tabasco.

Specialized Office for Attention to Electoral Crimes (*Fiscalía Especial para la Atención a Delitos Electorales - FEPADE*)

Mexico has three institutions dedicated to the issue of elections, the Federal Electoral Institute (IFE) which is public, autonomous, and organizes elections; the Federal Electoral Tribunal (TRIFE) which resolves electoral disputes at the federal level or appeals of State Electoral Tribunal rulings; and the Specialized Office for Electoral Crimes (*Fiscalía Especial para la Atención de Delitos Electorales, also known as FEPADE*), an independent arm of the Attorney General's office. In contrast to the other two electoral bodies, the FEPADE is governed by specific chapters of the penal code dealing with elections, and not the Federal Electoral Code (COFIPE). The assessment team met with the head of the FEPADE, Dr. Javier Patiño Camarena.

Reforms to the Mexican electoral system consolidated electoral crimes under the federal penal code as opposed to the electoral law.⁴ Dr. Patiño stressed that this distinction demonstrates the seriousness with which these crimes are to be dealt. Historically, electoral law issues have been more politicized than criminal issues and, according to Dr. Patiño, treating electoral violations as crimes elevates the public's faith in their prosecution. In addition, the inclusion of electoral crimes

⁴ Electoral crimes are treated in Articles 403 to 413 of the Federal Penal Code.

in the penal code allows for more severe sanctions and penalties, up to and including imprisonment.

By the early 1990s, it had become clear that the existing structure of the Attorney General's office was not equipped to deal with the additional mandate, so in 1994, it created the FEPADE. A large part of the FEPADE's mandate, as described by Dr. Patiño, was not only to prosecute electoral crimes, but to prevent them. The FEPADE has technical autonomy from the Attorney General, but is part of their overall budget. The FEPADE does not submit its opinions for the Attorney General's clearance. However, the institution is criticized for a perceived lack of independence from the administration.

Electoral offenses can be committed any time, not just during a campaign period or on voting day, and the number of people capable of committing electoral crimes is great. There are approximately 57 million people in the federal voter registry and approximately 840,000 people involved in the administration of the election.⁵ In addition, each party and each candidate can appoint up to two representatives to each *casilla*. The numbers add up very quickly. There are different categories of offenses corresponding to each kind of individual or entity. The FEPADE has published specialized educational materials for each universe and has printed easy-to-read brochures that are being distributed in cooperation with the IFE.

In general, there are four possible responses to each complaint FEPADE receives: penal action, no penal action, reserve judgment, or claim of no jurisdiction on the matter. For each complaint, FEPADE first decides if it has jurisdiction. If not, FEPADE is supposed to forward the complaint to the proper authorities. Second, it determines if there is sufficient evidence to proceed. Finally, if there is sufficient evidence, FEPADE determines if there was a violation of the law.

FEPADE reports each month to the IFE and Attorney General describing the complaints it received, the evidence uncovered about each, and what decisions it took. Additionally, FEPADE compiles and publicly disseminates quarterly and annual reports on these issues.

Between 1997 and 1999 the FEPADE received a total of 1,341 complaints—453 in 1997, 339 in 1998, and 549 in 1999. Of these 1,341 complaints, the FEPADE had resolved 1,007 (76%) by the end of 1999, leaving 24 percent still in process. Of the 1,007 resolved complaints, 230 were decided to be outside the FEPADE's jurisdiction; 367 were put on hold for lack of information or other questions; 252 were ruled as not violations of the law; and 140 were ruled violations of the law. Of the 140 violations, the FEPADE obtained 135 indictments. Of the 135, 73 were for falsifying elector credentials; 19 were for the misuse of public funds; and 43 were for stealing electoral documents. The majority of indicted individuals were private citizens as opposed to public office holders or election authorities. The comparatively low number of cases ruled to be violations of the law has fueled criticism that the FEPADE has been less than vigorous in prosecuting alleged violations.

⁵ Seven *casilla* officials at each of approximately 120,000 *casillas* in 300 federal districts.

Of the 20 percent of the complaints that go before a judge, 95 percent of judicial rulings uphold the FEPADE indictments. For the cases it tries, FEPADE has a good success rate, but critics assert that overall, it spends a lot of time and money for relatively few prosecutions. One possible reason for the small number of overall cases is the requirement that people submitting complaints of potential violations are required to appear in person to ratify their charges. Dr. Patiño explains that this requirement is intended to prevent frivolous or politically-motivated charges from being brought, but that it may discourage potential whistle-blowers.

Overall, the impact of the FEPADE appears to be limited. The general population seems not to know about this institution, and most of those who know it exists cannot explain its role vis a vis the IFE and other public institutions focused on electoral matters.

IV. THE ELECTORAL ENVIRONMENT

While concurring in the absence of major concerns about the technical administration of the federal or state elections, political parties in each state covered in this report echoed the national concern that the vote buying, the use of public funds for electoral purposes, and inequitable media access were the main obstacles to a more fully democratic election process.

In general, the PAN and PRD expressed their view that the PRI is resorting to illicit or at least questionable practices to secure votes because these elections are so highly competitive and there is a genuine possibility for an opposition victory. Although firm evidence is hard to come by, the opposition parties accuse the PRI of cash handouts in exchange for votes on election day. The opposition acknowledges, however, that many of the allegations cannot be verified with sufficient evidence to be presented to IFE, FEPADE, or the Congressional Commission of Vigilance.

While the opposition parties tend to emphasize that less well developed areas are susceptible to improper influence in the form of handouts and that poor voters can be tricked into believing that votes in exchange for gifts can be verified, the PRI expresses its confidence that the Mexican electorate knows its vote is free and secret and is therefore less easily manipulated than alleged.

The use of state resources for partisan purposes historically has been a major criticism of the governing party, and it remains a contentious issue in these elections. As Mexico's political structures and systems have become more competitive and pluralistic in recent years, however, the PAN and PRD are also accused of improper use of state resources in those jurisdictions where they govern. Most Mexicans interviewed for this series of pre-election assessments believe the creation of the special congressional committee⁶ to guard against diversion of state resources was a positive step, but also acknowledge its impact ultimately will be very limited due to a late start date, relatively few resources, and a limited infrastructure.

⁶ *Comisión Especial Encargada de Vigilar que no se Desvien Recursos Federales en el Proceso Electoral del Año 2000.*

Equitable access to the media and balanced coverage of the various campaigns by the media persist as potent criticisms in the pre-electoral process, notwithstanding considerable advances in the monitoring and reporting on these issues. As noted in IRI's first pre-election assessment report, there are three different forms in which political parties can have access to the media: official airtime (*tiempos oficiales*) mandated by the Federal Electoral Code (COFIPE), consisting of 15 minutes of free airtime per party per month indefinitely even during non-election periods, complemented during election period by additional airtime that IFE purchases and distributes free-of charge to the political parties based on the 70/30 formula—70 percent based on the previous federal election results and 30 percent equally among all political parties; paid-for political advertisements or “spots”; and daily news coverage.

All parties theoretically have equal access to paid advertisements, although the PRD, particularly in the Federal District, asserted that the prices charged to political organizations are prohibitively high, allegedly higher than those charged to corporate advertisers. Complaints abound that the PRI unfairly benefits from biased media coverage. The IFE, which is monitoring media coverage, shows the PRI benefitting disproportionately from the majority of television and radio coverage. The most recent set of IFE reports, released May 6, show the PRI with 39.6 percent of the national combined television and radio coverage, the Alliance for Change (PAN coalition) with 26.1 percent, and the Alliance for Mexico (PRD coalition) with 20.5 percent. The PRI takes issue with the IFE results, explaining that the nature and airtime of the coverage are not taken into account by these figures, and that the amount of prime time, high-quality television and radio exposure has benefitted the opposition coalitions equally.

V. LOOKING AHEAD

The July 2 vote will be a critical one for Mexico's democratic future. Several weeks before the election, the outcome is still very uncertain and it is not known how the government, political parties and Mexican electorate will react to a victory by either of the two front-runners, particularly if the final results are extremely close or are not released as promptly as anticipated. The potential for problems due to electoral administration issues remains low, whereas concerns about election environment issues persist and have been amplified as the election looms closer.

IRI will conduct two additional pre-electoral missions to Mexico. The future missions will highlight federal and state election preparedness in Zacatecas and Campeche. In July, former Secretary of State James A. Baker, III will lead IRI's 43-member international mission to observe the elections in 10 states—including the Federal District and six of the ten states where local elections will be held.

I. APPENDIX

Candidates for President

Political Forces	Presidential Candidate
Institutional Revolutionary Party (PRI)	Francisco Labastida Ochoa
Alliance for Change National Action Party (PAN) Mexico's Green Party (PVEM)	Vicente Fox Quesada
Alliance for Mexico Revolutionary Democratic Party (PRD) Labor Party (PT) Social Alliance Party (PAS) Convergence for Democracy (CD) Nationalist Society Party (PSN)	Cuauhtemoc Cárdenas
Authentic Party of the Mexican Revolution (PARM)	Porfirio Muñoz Ledo
Democratic Center Party (PCD)	Manuel Camacho Solís
Social Democracy Party (DS)	Gilberto Rincón Gallardo

Candidates for Mexico City *Jefe de Gobierno*

Political Force	Candidate
Institutional Revolutionary Party (PRI)	Jesús Silva Herzog Flores
Alliance for Change National Action Party (PAN) Mexico's Green Party (PVEM)	Santiago Creel Miranda
Alliance for Mexico City Revolutionary Democratic Party (PRD) Democratic Center Party (PCD) Labor Party (PT) Social Alliance Party (PAS) Convergence for Democracy (CD) Nationalist Society Party (PSN)	Andrés Manuel López Obrador
Authentic Party of the Mexican Revolution (PARM)	Alejandro Ordorico
Social Democracy (DS)	Teresa Guadalupe Vale Castilla