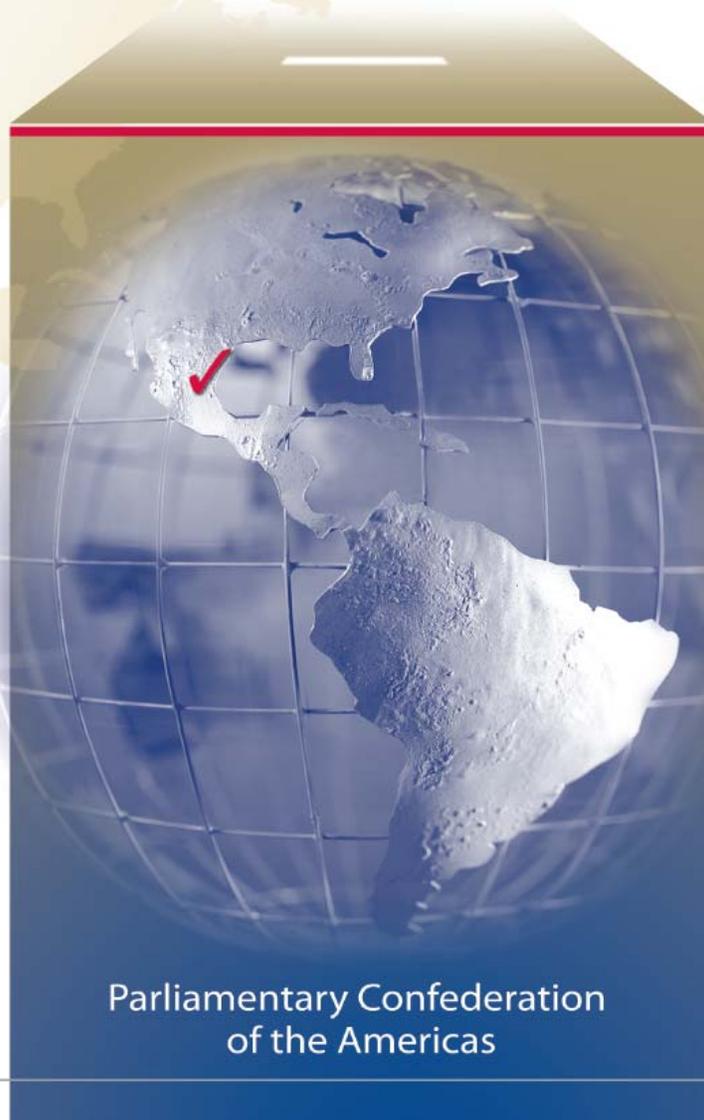




## MEXICAN LEGISLATIVE ELECTIONS

JULY 5, 2009

REPORT OF THE ELECTORAL OBSERVATION MISSION



Parliamentary Confederation  
of the Americas



**LEGISLATIVE ELECTIONS IN MEXICO**

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**PARLIAMENTARY CONFEDERATION OF THE AMERICAS**

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## INTRODUCTION

Created in 1997, the Parliamentary Confederation of the Americas (COPA) is an interparliamentary organization that brings together the congresses and parliamentary assemblies of unitary, federal and federated states, regional parliaments and interparliamentary organizations of the Americas.

Its goals include strengthening parliamentary democracy and building a community of the Americas founded on respect for dignity and human rights, peace, democracy, solidarity between peoples, social justice and gender equality.

In order to support democracy, COPA seeks to play an increasingly active role in the area of electoral observation on the American continent.

A COPA delegation thus visited Mexico, more particularly the Federal District of Mexico and the State of Mexico, from June 30 to July 6, 2009, to observe and report on the legislative elections held on July 5.

The know-how and expertise in electoral matters that COPA has developed over the years contributed to the success of this ninth mission.<sup>1</sup>

The goal of this report is to summarize the activities of the COPA delegation during its visit to Mexico from June 30 to July 6, 2009 and present the results of the observation mission. The report is divided into eight sections: **(1) terms of reference of the mission; (2) composition of the delegation; (3) pre-election political context; (4) legal and institutional framework of the July 5, 2009 elections; (5) mission activities prior to election day; (6) mission activities on election day; (7) COPA mission findings; and (8) mission conclusions and recommendations.**

### 1. TERMS OF REFERENCE OF THE MISSION

During the Mexican presidential and legislative elections on July 2, 2006, COPA sent a delegation of seven parliamentarian observers to witness proceedings in the 25 polling stations in Mexico City.

On January 24, 2009, in Calafate, Santa Cruz, Argentina, COPA's Executive Committee passed a resolution (appendix I) to send an electoral observation mission to witness the legislative elections to be held in Mexico on July 5, 2009.

COPA's executive secretariat and the secretariat of the Committee on Democracy and Peace then informed representatives from the Federal Electoral Institute (IFE) in Mexico of the above-

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<sup>1</sup> COPA conducted observation missions during the following elections:

- Bolivian early general elections, December 18, 2005;
- Mexican presidential and legislative elections, July 2, 2006;
- 1st round of the Brazilian presidential and legislative elections, October 1, 2006;
- Nicaraguan presidential and legislative elections, November 5, 2006;
- 1st round of the Guatemalan presidential and legislative elections, September 9, 2007;
- Argentinean presidential and legislative elections, October 28, 2007;
- Paraguayan general elections, April 20, 2008;
- Salvadoran presidential election, March 15, 2009.

mentioned resolution and confirmed COPA's willingness to send an electoral observation mission.

In a letter dated May 11, 2009 (appendix II), the International Affairs Coordinator for the IFE informed COPA that any non-Mexican parliamentarian representing COPA would be permitted to observe the ongoing election process if he or she so desired and to take the necessary steps to obtain accreditation as a foreign visitor.

From July 1 to 4, 2009, members of the mission took part in information sessions with representatives of institutions and bodies involved in the election process in order to gain a firsthand understanding of the state of electoral organization in Mexico.

On election day, the delegation visited nearly a dozen polling stations in Mexico City and the State of Mexico to observe the election process.

## 2. COMPOSITION OF THE DELEGATION

The COPA delegation was led by **Jean-Martin Aussant**, member of the National Assembly of Québec and chair of the COPA Committee on Democracy and Peace.

The other members were **Denis Fontaine**, election specialist and Secretary General to the Chief Electoral Officer of Québec and **Jacques Paquet**, adviser to the Committee on Democracy and Peace.

## 3. PRE-ELECTION POLITICAL CONTEXT

The presidential election of July 2, 2000 brought about a historic change in Mexico. The victory of Vicente Fox, National Action Party (PAN) candidate, brought the Institutional Revolutionary Party's (PRI) 71 years in power to an end. The democratic transition went smoothly and reinforced parliamentary power.

The presidential election of July 2, 2006 ended with a political impasse that lasted a few months. The PAN candidate, Felipe Calderón, obtained 14,916,927 votes (35.89%) whereas his rival from the Democratic Revolutionary Party (PRD), Lopez Obrador, received 14,683,096 votes (35.33%),<sup>2</sup> while PRI candidate Madrazo Pintado won 9,237,000 votes (22.23%).

The preliminary results given by the Federal Electoral Institute (IFE) showed Lopez Obrador to be the winner. However, in light of the close results, the IFE announced a recount for July 5, 2006. The recount revealed that Mr. Calderón had won the election. Faced with these conflicting results, both candidates declared themselves winners. In the end, the IFE and the Federal Electoral Tribunal (TRIFE) confirmed Mr. Calderón as the winner.<sup>3</sup> Protests from Lopez Obrador and supporters of the PRD went on for months.

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2 Federal Electoral Institute, Federal Election Statistics of Mexico 2006, [http://www.ife.org.mx/portal/site/ifev2/2006\\_HRE/](http://www.ife.org.mx/portal/site/ifev2/2006_HRE/), Internet site consulted March 30, 2009.

3 The IFE verified the minutes of the 130,500 polling stations. As stipulated under Mexican law, a vote-by-vote recount must be carried out in all stations where anomalies are reported. In early July, following review procedures, the IFE declared Mr. Calderón the winner. The Electoral Tribunal of the Federal Judiciary (TEPJF), the highest Mexican authority for electoral matters responsible for receiving complaints and validating the ballot, confirmed Mr. Calderón's victory on September 6, 2006. Most of the observers accepted the 2006 election results as valid.

Legislative elections for the 500 seats in the Chamber of Deputies and the 128 seats in the Senate were also held on July 2, 2006. In the Chamber of Deputies, the PAN came away with the most seats (206) but still without a majority. The PRD won 126 seats and the PRI, 106.<sup>4</sup> In the Senate, the PAN obtained 52 of the 128 seats, while the PRI kept 33 seats and the PRD, 26.<sup>5</sup>

It was difficult for the PAN to pass bills in Congress without a majority. It had to invest a lot of energy in forging political alliances that would help advance its plans.

During the July 5, 2009 legislative elections, Mexicans were called to elect 500 new representatives to the Lower House. In addition, on the same day, elections for several offices were held in 12 states, including six gubernatorial offices. The PRI benefited from a favourable start since the 2008 municipal and legislative election results in certain states placed many of their candidates in power.

Several challenges marked the electoral campaign that began on May 3, 2009. First, with regard to the disappointing performance of the Mexican economy, voters had the opportunity to compare candidate proposals for improving the situation. With forecasts of zero growth (and even a decline) in 2009, increasing unemployment, a decrease in remittances from abroad, reduced oil production and a significant reduction in exports, voters expressed their concern.

Another equally pressing issue was that of domestic security. From a mere place of transit, in just a few years Mexico has become a country of drug production and consumption. Voters' trust was shaken by the increasingly violent war between drug traffickers and police and military units. Since President Felipe Calderón's declaration of war against drug trafficking in January 2007, there have been more than 9,000 deaths. Since the beginning of 2009, over 1,000 people have died as a result of the violence. The states closest to the American border have been the most affected.

Recently the A-H1N1 outbreak has turned attention to weaknesses in the Mexican health system. Despite satisfaction levels bordering on 70% with regard to the measures taken by Calderón's government,<sup>6</sup> a number of health facilities, especially in rural areas, have been unable to give the public adequate service. The economic impact on industry and tourism due to the closing of public places has also delivered a hard blow to the Mexican economy.

Education, infrastructure and employment were also matters of concern for Mexican voters. As for domestic security in Mexico, the campaign was aimed at reducing criminality and corruption through a reform of the judicial system. Lastly, in international matters, the focus was on immigration policies and relations with the United States and Latin America.

The election campaign was also characterized by a movement encouraging Mexicans to spoil their ballots on election day in order to denounce, among other things, the role of partisan politics in the affairs of the State. On June 19, the IFE declared that all ballots, including blank ballots, would be counted.

Finally, the legislative elections in July put the new electoral reform which came into effect on January 14, 2008 to the test. The electoral reform was adopted by the Mexican Congress in

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4 The other parties and independent candidates took 62 seats.

5 The other parties and independent candidates took 18 seats.

6 "The cracks opened up by the flu", *The Economist*, May 15 to 19, 2009.

September 2007. The bill amended both the Constitution and the Electoral Code (COFIPE), acting upon suggestions made by citizens and politicians after the 2006 elections, and concentrates on regulating electoral campaigns and pre-campaigns, the organization and role of political parties, the public funding of campaigns, the media's role and the sanctions that will be applied in the event of an infraction. (See appendix IV: The 2007-2008 Electoral Reform)

***Distribution of seats in the Chamber of Deputies prior to the elections of July 2009***

<b><i>Political Party / Group</i></b>	<b><i>Total</i></b>	<b><i>Single-member plurality</i></b>	<b><i>Proportional</i></b>
National Action Party (PAN)	<b>206</b>	<b>137</b>	<b>69</b>
Democratic Revolutionary Party (PRD)	<b>126</b>	<b>90</b>	<b>36</b>
Institutional Revolutionary Party (PRI)	<b>104</b>	<b>63</b>	<b>41</b>
Green Party of Mexico (PVEM)	<b>19</b>	<b>2</b>	<b>17</b>
Labour Party (PT)	<b>16</b>	<b>3</b>	<b>13</b>
Convergence Party (CONV)	<b>16</b>	<b>5</b>	<b>11</b>
New Alliance Party (NA)	<b>9</b>	<b>0</b>	<b>9</b>
Social Democratic and Peasant Alternative Party (ALT)	<b>4</b>	<b>0</b>	<b>4</b>

***In anticipation of the ballot of July 5, 2009, two coalition parties were formed:***

- **Primero México** (Mexico First) - A **PRI** and **PVEM** coalition
- **Salvemos a México** (Save Mexico) – A **PT** and **CONV** coalition

**4. LEGAL AND INSTITUTIONAL FRAMEWORK OF THE JULY 5, 2009 ELECTIONS**

**4.1 The electoral system**

On July 5, 2009, the federal legislative elections (Chamber of Deputies) and elections in 12 of the 31 states (plus one Federal District),<sup>7</sup> including elections for six governors and certain municipal elections, took place simultaneously.

<sup>7</sup> Campeche, Colima, Guanajuato, Jalisco, Mexico, Morelos, Nuevo León, Querétaro, San Luis Potosí, Sonora, Tabasco and the Federal District.

The 500 deputies elected on July 5 will officially begin their terms on September 1, 2009, for a period of three years ending August 31, 2012. They will make up the LXI Legislature of the Congress of the Union (*Congreso de la Unión*).

**Executive** authority:

The president holds executive power. The candidate who obtains a **relative majority** by direct popular vote is elected for a six-year term. Fixed-date elections are held on the first Sunday in July. Outgoing presidents cannot seek re-election.

**Legislative** authority:

Mexico is divided into:

**300 districts**

**32 federal entities**

**5 regional constituencies**

Legislative power is vested in the **Congress of the Union** (*Congreso de la Unión*), which is divided into two houses: the **Chamber of Deputies** (*Cámara de Diputados*) and the **Senate** (*Cámara de Senadores*). Fixed-date elections are held every three years for the Chamber of Deputies, and every six years for the Senate on the first Sunday in July. Outgoing deputies and senators cannot seek re-election for the same position in consecutive elections.

The **Chamber of Deputies** has 500 members:

- 300 members are elected by the single member plurality method in each of the 300 Mexican electoral districts (*distritos*).
- 200 deputies are elected through a proportional regional party list system with 40 seats allocated within each of the five regional constituencies.

Two constitutional measures should be mentioned:

1. No party or coalition can hold more than 300 seats, regardless of the percentage of votes obtained. If a party exceeds 300 deputies, proportional seats will be deducted to bring its total within the allowable limit, with the excess seats being proportionately distributed to the other parties.
2. No party or coalition can obtain a number of seats that exceeds its popular vote by over 8%. For example, if a party obtains 40% of the total vote, it cannot hold more than 48% of the seats, i.e., 240 seats out of 500.

The **Senate**, which was not renewed during the July 2009 elections (the senatorial elections will be held in July 2012), is composed of 128 senators:

- In each of the 32 federal entities (Mexico's 31 states and the Federal District), three senators are elected. The majority party obtains two seats, and the second-place party, one.

- The 32 remaining senators are elected under a proportional list system in a single national constituency.

### Legislative elections of July 5, 2009

	<b>Chamber of Deputies (Cámara de Diputados)</b>
<b>Members</b>	500 (direct election)
<b>Constituencies</b>	a. 300 single-member districts
	b. 5 multi-member regional constituencies
<b>Voting method</b>	a. Single member plurality – 300 deputies
	b. Direct from party list with 40 seats allocated in each regional constituency on a proportional basis for a total of 200 deputies

#### 4.2 The electoral laws

Under the Mexican Electoral Code introduced in 1994 and last amended in September 2007, voting is universal, direct, free, secret, personal and non-transferable (s. 4, par. 2).

The Electoral Code allows Mexican citizens who so desire, who adhere to the principles of natural justice, impartiality and objectivity and who are not campaigning for a political party to act as electoral observers during the preparation and course of the electoral process (s. 5, par. 4).

Elections are held on the first Sunday in July every six years for presidential and senatorial elections, and every three years for deputies. Election day is a statutory holiday throughout Mexico (s. 19).

The electoral process is divided into four stages:

- The first stage consists of election preparation and begins the first week of October in the year prior to elections (s. 210, par. 3).
- The second stage is characterized by the vote on election day, the first Sunday in July (s.210, par. 4).
- The third stage consists in tallying the results and certifying election validity (s. 210, par. 4). It is at this stage that complaints about election day may be formulated and submitted.
- The final stage is the confirmation of the validity of the election and the president-elect.

According to the Electoral Code, the campaign for the election of the Chamber of Deputies must last 60 days. It begins the day after the candidates are registered and ends three days before election day (s. 237, pars. 2 and 3). Public campaign events by political parties are prohibited on election day and for three days prior to the vote. It is also forbidden to publish or distribute opinion poll results on voter preferences during the three days leading up to the vote (s. 237, par. 6).

### 4.3 Election authorities and organizations

The two main Mexican bodies involved in running elections are the **Federal Electoral Institute** (IFE) and the **Federal Electoral Tribunal of the Judicial Branch** (TEPJF – *Tribunal Electoral del Poder Judicial de la Federación*). The Federal Electoral Institute's power was broadened during the electoral reform of 2007-2008.

#### 4.3.1 The Federal Electoral Institute

The **Federal Electoral Institute** (IFE) is responsible for **preparing, organizing, running and supervising** Mexican federal elections. The IFE was created in 1990 subsequent to constitutional reforms and the adoption of a new electoral law, the *Federal Code of Electoral Institutions and Procedures* (*Código Federal de Instituciones y Procedimientos Electorales-COFIPE*). It has a legal and patrimonial personality and must be public, autonomous and independent (s. 106, par. 1).

##### 4.3.1.1 IFE responsibilities:

The IFE's main mandates are as follows:

- contribute to the development of democracy;
- continue reinforcing the political party system;
- draw up the Federal Voter Registry, which combines information from the General Voter Registry (*Catálogo General de Electores*), which lists all citizens aged 18 and over, and the Electoral List (*Padrón Electoral*) which lists all citizens who have registered to vote. This information is used to prepare the voters list;
- ensure that citizens exercise their electoral rights and do so in accordance with the law;
- guarantee regular and peaceful presidential and legislative elections;
- ensure the authenticity and effectiveness of the votes;
- promote voting and contribute to civic education and democratic culture.

Its principal responsibilities include:

- civic training and education;
- electoral geography;
- the rights and prerogatives of political parties and groups;
- the Electoral List and the voters lists;
- the design, printing and distribution of electoral material;
- the planning of election days;
- the calculation of the results;
- the statement of validity and the documents of attestation for the election of the deputies and senators;
- the regulation of election observation, inquiries and surveys.

The IFE is responsible for registering political parties and ensuring that they abide by the law (s. 23, par. 2). The political parties in turn must notify the IFE of their existence by January of the year following the presidential election (s. 28, par. 1).

In addition, the IFE is responsible, through the Executive Directorate of the Federal Voter Registry, for updating the Voter Registry every year between October 1 and January 15 s. 182, par. 1).

The Executive Directorate of the Federal Voter Registry is also responsible for drawing up voter lists by dividing electoral districts into polling stations of between 50 and 1,500 voters (s. 191, pars. 1, 2 and 3). These lists are updated annually. Political parties have access to them and can request changes.

Since the electoral reform of 2007, the IFE, through the district executive boards, has made it possible for voters to verify electronically their status on the Electoral List and on the voters lists (s. 192).

#### **4.3.1.2 Organization of the IFE**

The main components of IFE are as follows:

- The **General Council** (*Consejo General*) is the IFE central management body and is responsible for ensuring that all election-related matters meet constitutional and legal standards.
  - The General Council is made up of the council president (*consejo Presidente*), eight electoral councillors (*consejos electorales*), legislative branch councillors (*consejos del Poder Legislativo*), political party representatives and an executive secretary.
  - The council president is elected for a six-year term by two thirds of the members present in the Chamber of Deputies from nominees proposed by parliamentary groups. The term of office is renewable only once.
  - Electoral councillors are elected for a nine-year term by two thirds of the members present in the Chamber of Deputies from nominees proposed by parliamentary groups. Their term is not renewable.
  - Legislative branch councillors are appointed by the Chamber of Deputies, but cannot vote at the General Council. Each parliamentary group is entitled to one councillor.
  - Each political party also appoints one representative to the General Council.
  - The executive secretary is nominated by the president and appointed by a two-thirds majority of General Council members but is not entitled to vote.
  
- The **Office of the Council President** (*la Presidencia del Consejo General*) coordinates all IFE operations and guarantees the unity and coherence of the activities of the IFE's bodies.
  - It is comprised of the council president and the executive secretary.
  
- The **General Executive Board** (*Junta General Ejecutiva*) drafts IFE policy and programs and oversees technical and administrative operations.
  - The Board is chaired by the General Council president with the assistance of the executive secretary.
  - It is divided into a number of executive directorates (*Direcciones Ejecutivas*) with various administrative and technical responsibilities.

- The **Executive Secretariat** (*Secretario Ejecutivo*) coordinates the General Executive Board, runs operations and ensures appropriate development of IFE executive and technical branch activities.
  - It is headed by the executive secretary.
- The **Political Party Resources Auditing Unit** (*Unidad de fiscalización de los recursos de los partidos políticos*), which receives and analyses electoral spending reports (campaign and pre-campaign), is one of the IFE's central bodies and has been since the electoral reform of 2007-2008.
- The **Department of the Comptroller General** (*Contraloría general*), which ensures the IFE's transparency, has also been one of the IFE's central bodies since the electoral reform of 2007-2008 and has become increasingly independent.
  - The Comptroller General is elected for a period of six years by two thirds of the members present in the Chamber of Deputies, based on recommendations made by public institutions of higher learning. The term is renewable once. The candidate must fit certain selection criteria.
  - The Comptroller General is administratively connected to the General Council, but acts independently when auditing the IFE's budget operations and establishing the criteria for the fiscal review of the resources available to the bodies of the IFE.

Seven technical units (*Unidades Técnicas*), in addition to the Political Resource Auditing Unit which now benefits from a separate status, support and complement the work of the IFE's central bodies.

IFE offices are also present in each of the 31 states and in the Federal District, and are made up of the following (s. 134):

- The **Local Executive Board** (*Junta Local Ejecutiva*) oversees technical and administrative tasks in preparing, organizing and running elections.
- The **Executive Member** (*El Vocal Ejecutivo*) chairs the Local Executive Board and Local Council and coordinates the work of the office.
- The **Local Council** (*El Consejo Local*) is active during the election period and is responsible for enforcing the Electoral Code.

The IFE also has 300 sub-offices, one for each single-member electoral district. These sub-offices are made up of a District Executive Board (*Junta Distrial Ejecutiva*), an Executive Member (*Vocal Ejecutivo*) and a District Council (*Consejo Distrial*), and operate according to the same principles as the offices.

Surveillance Committees (*Comisiones de Vigilancia*) are located throughout the territory in order to be sure that citizens are registered in the Voter Registry and on the voters list in conformity with the Electoral Code (s. 202, par. 1).

It is also important to mention the role of the polling stations (*mesas directivas de casillas*), which are composed of citizens responsible for running individual polling stations and tallying votes in each electoral district.

Polling stations are composed of a president, a clerk, two scrutineers and three substitutes (s. 155, par. 3). Members of polling stations are chosen randomly in a draw by the District Executive Councils according to the procedure described in section 240 of the electoral law. Among other things, a polling station officer must not be a member of the management personnel of the civil service or hold a high position in a political party.

#### **4.3.2 The Federal Electoral Tribunal of the Judicial Branch**

The **Federal Electoral Tribunal of the Judicial Branch** is an independent judicial body created in 1990 as a result of constitutional reform. It has jurisdiction over electoral matters and is entrusted with ensuring the constitutionality and legality of all election-related acts and resolutions.

Its main duty is to provide definitive rulings, according to the laws and Constitution of Mexico, with regard to the following:

- irregularities and complaints during legislative elections;
- disputes and irregularities respecting presidential elections;
- disputes and irregularities with respect to acts and decisions by election officials and other competent authorities;
- acts and decisions that violate citizens' political and electoral rights;
- legal disputes concerning the IFE;
- determination and imposition of penalties.

Since the electoral reform of 2007-2008, pre-established procedures and sanctions to be used by the Electoral Tribunal have been included in the Constitution and the Mexican Electoral Code.

#### **4.4 Voting operations**

The day begins at 8 a.m. on the first Sunday in July. The president, clerk, and scrutineers from each polling station (*mesas directivas de casillas*) set up the polling station under the supervision of political party representatives (s. 259, par. 2). Once the setup is complete and the minutes (*acta de la jornada electoral*) have been signed by polling station officers, the president opens the polling station for voting (s. 263, par. 1). Modifications made in 2007-2008 require that the election day minutes contain the full names and signatures of the polling station officers as well as a record of the number of ballots received for each election (s. 259, par. 5).

Voters cast their ballots on a first come, first served basis after presenting their voter registration cards (*Credencial para Votar*) and having their names checked on the voters list by the polling station clerk (s. 264, par. 1 and 265, par. 1). Under the 2007 reform, electors who have a document from the Federal Electoral Tribunal (TEPJF) authorizing them to vote may do so even though they are not on the voters list or do not have their voter registration card.

Once they have voted, the clerk checks them off the list, marks their voter registration cards, and dips their thumbs in indelible ink (s. 265, par. 4).

Polls close at 6 p.m. (s. 271, par. 1). The polling station president declares the polls closed (s. 272, par. 1).

After the polls close, the polling station officers count the ballots (s. 273, par. 1) :

- The clerk marks any remaining unused ballots so that they cannot be used (s. 276, par. 1a);
- The first scrutineer twice tallies the number of citizens who voted with the help of the voters list (s. 276; par. 2b);
- The president opens the ballot boxes, removes the ballots and shows those present that the boxes are completely empty (s. 276, par. 2c);
- The second scrutineer counts the number of ballots removed from the box (s. 276, par. 2d);
- The two scrutineers, under the president's supervision, then count the number of votes cast for the various political parties and candidates, as well as the number of spoiled ballots (s. 276, par. 2e);
- The clerk records the results on the final tally report (*acta final de escrutino*) (s. 276, par. 2f).

All the polling station officers present must then verify and sign the final entry in the minutes (s. 280, par. 1), which must contain at least (s. 279, par. 1):

- the number of votes for each political party or candidate;
- the number of unused ballots;
- the number of spoiled ballots;
- the number of political party representatives who voted at the polling booth without being on the voters list;
- a list of any incidents noted;
- a list of any written complaints submitted by the representatives of the political parties at the end of the polling.

The 2007 reform stipulates that the first copy of the minutes must be sent to the Preliminary Electoral Results Program (*Programa de resultados electorales preliminares*), so that early election results are made available to the General Council, the political parties and citizens.

A package must then be prepared containing a copy of the minutes, including the final entry and any complaints that were formulated (s. 281, par. 1).

A separate envelope must contain the valid, spoiled and unused ballots for each of the elections (s. 281, par. 2). Another envelope must contain the list of the electors by name (s. 281, par. 3).

The package must be sent to the corresponding District Council within a set time after the closing of the polling stations (s. 284, par. 1):

- immediately after the station closes, for stations located in the capital (*cabecera del distrito*);
- within 12 hours, for stations located in urban zones outside the capital;
- within 24 hours, for stations located in rural zones.

The submission form must be signed by all the polling station officers (*mesas directivas de casillas*) as well as any political party representative who so wishes (s. 281, par. 4).

A copy of the minutes will be given to the political party representatives, with confirmations of receipt (s.282, par. 1).

The president of the polling station posts the results of each election in full view outside the polling stations. The results are signed by the president and any political party representatives who so wish (s. 283).

There is no advance poll. However, since the 2005 electoral reform, Mexicans abroad have had the right to vote in the presidential election (s. 273, par. 1).

About 40 polling stations in the capital tested an electronic voting system, an initiative of the Federal District Electoral Institute (*Instituto Federal del Distrito Federal*).

## **5. MISSION ACTIVITIES PRIOR TO ELECTION DAY**

### **5.1 Arrival of the delegation and accreditation of members**

Immediately after arriving in Mexico on June 30, 2009, the members of the delegation issued a press release (appendix IV) briefly introducing COPA, the delegation and its mission.

Under the **Agreement of the Federal Electoral Institute General Council Establishing Bases and Criteria to Receive and Inform International Visitors Interested in Attending the 2008-2009 Mexican Federal Election Process**, any person or organization interested in observing the Mexican election process had to submit a request for accreditation to the Presidency of the General Council of the Federal Electoral Institute (IFE) by Wednesday, June 23, 2009. Accreditation was thus merely a formality.

### **5.2 Working meetings with representatives of institutions and organizations involved in the electoral process**

In order to brush up on the Mexican electoral system in the days before the election, the members of the delegation participated in a forum organized for foreign visitors by the Mexican Federal Electoral Institute, as well as in working meetings organized by COPA's Executive Secretariat in Mexico.

These activities allowed delegates to gain a deeper understanding of the Mexican election process and meet representatives from electoral institutions, candidates and representatives of the main political parties and election experts from across the American continent, whose main observations are reported below.<sup>8</sup>

#### **Thursday, July 2**

The opening ceremony of the IFE Forum, held in Mexico City, featured speeches by **Leonardo Valdes**, president of the General Council of the IFE, and **Manuel Gonzalez Oropeza**, a magistrate from the Federal Electoral Tribunal (TEPJF).

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<sup>8</sup> Remarks by the representatives of institutions and organizations have been reported without any value judgment on the part of delegates.

The keynote address was then given by **Jean-Pierre Kingsley**, president of the IFES (International Foundation for Electoral Systems), who discussed the role of electoral institutions in democratic systems of governance.

The Forum's first thematic workshop dealt with the characteristics of the federal electoral reform in Mexico.

- **Francisco Guerrero**, IFE electoral adviser, outlined the main characteristics and the development of the Mexican electoral system.
- **Manuel Gonzalez Oropeza**, TEPJF magistrate, presented the major issues tackled by the Tribunal.
- **Rafael López-Pintor** and **Carlos Valenzuela**, international experts from the IFES (International Foundation for Electoral Systems), discussed the Mexican electoral reform in a comparative international context.

The day's second workshop covered preparations for the Mexican federal elections.

- **Mario Antonio Baños**, IFE electoral adviser, discussed the voter registry and the organization of the Mexican elections.
- **Alfredo Figueroa**, IFE electoral adviser, described the training process for election workers.
- **Navin Chawla**, Chief Election Commissioner of the Election Commission of India, gave a presentation on the most recent legislative elections in India.

Some of the key things learned by delegates on this first day of the program organized by the IFE were:

- Special polling stations will be set up on election day for voters who are not in their polling division.
- Voters at these special polling stations may only vote for deputies elected through a proportional regional party list system.
- 45% of ballot boxes are completely transparent, and 55% of ballot boxes are left over from the 2006 election.
- Voters who are still waiting in line when the polls close (at 6 p.m.) will be allowed to vote.
- Polling stations will have four members (a president, a clerk and two scrutineers) and three substitutes.
- 139,138 polling stations will be open on July 5, with 39,000 in the Federal District of Mexico.
- One million volunteers have been recruited and trained to serve as election workers.

In the evening, COPA delegates met with legislative candidates and representatives from civil society organizations. The COPA Executive Secretariat in Mexico organized meetings with the following people:

- **Froylan Yescas**, legislative candidate in the Federal District of Mexico for the coalition formed by the Labour and Convergence Parties
- **Diana Montiel**, social democratic legislative candidate in the Federal District of Mexico

- **Ulises Labrador**, member of the board of directors of the national political association (APN) *Particiando por el Bienestar*
- **Kim Elizarras**, president of Mexico's National Women's Council

Several key facts became apparent in light of these meetings:

- Delays in opening polling stations were anticipated due to logistical problems in transporting ballot boxes and materials.
- Theoretically, voters can vote for both parties in a coalition (e.g. PRI and PVEM) on a single valid ballot. This may lead to confusion among voters.
- Several candidates have signed notarized documents pledging to keep their election promises.

### Friday, July 3

Three activities were planned for Friday, July 3 as part of the IFE's Forum.

The first was a thematic workshop on political party financing and spending limits.

- **Arturo Sanchez**, IFE electoral adviser, gave a presentation on the history and context of the political party financing system in Mexico.
- **Alfredo Cristalinas**, IFE electoral adviser, discussed measures to control spending by political parties.
- **Salvador O. Nava**, TEPJF magistrate, discussed the obligations of political parties with regard to transparency and conflict resolution.
- **Joseph Thompson**, an expert from the Centre for Electoral Promotion and Assistance of the Inter-American Institute of Human Rights (IIDH-CAPEL), outlined the different systems of political party financing in Latin America.

The second workshop of the day was devoted to media access by political parties. The following experts were invited to speak on the subject:

- **Carlos Navarro**, IFE electoral adviser
- **Pedro Esteban Penagos**, TEPJF magistrate
- **Joseph Thompson**, an expert from the Center for Electoral Promotion and Assistance of the Inter-American Institute of Human Rights (IIDH-CAPEL)

By the end of the first two workshops, the delegates had made the following observations:

- Public funding is a major source of financing for political party activities (regular party activities, research, etc.)<sup>9</sup>
- Contributions from militants and sympathizers are permitted, as are internal financing activities and investments. However, corporate and foreign financing (e.g. from Mexicans living abroad, from foreign political parties, etc.) are forbidden.
- The electoral reform has reduced State funding for political parties. More than US\$352 million was handed out in 2003, and US\$308 million in 2006. In 2009, close to US\$271

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<sup>9</sup> In fact, under the Mexican Constitution, public funding must always be greater than the private funding approved and regulated by law. However, the relative proportions are not explicitly defined.

million will be given out. If not for the reform, this figure would have reached nearly US\$442 million in 2009.

- The reform has changed the rules regarding media access and political propaganda on television and radio.
- Political parties have permanent access to television and radio, but cannot buy airtime directly. All partisan advertisements (propaganda) are regulated by the electoral authorities (IFE). The distribution of airtime is calculated based on, among other things, the percent of the popular vote earned by each party. Government propaganda is strictly forbidden.
- With regard to limiting election spending and verifying party reports, the IFE may approach bank officials for information on the financial transactions of parties.

The third workshop of the day was reserved for representatives of the main political parties, who had been invited to speak on, among other things, the 2007-2008 electoral reform.

- **Larissa Montiel** – National Action Party (PAN)
  - The reduction in State funding for political parties has been well received.
  - The changes to media access allow for greater equality between the forces in play.
  - Regarding the campaign inciting voters to spoil their ballots, Montiel replied that “voters cannot be silenced.”
- **Beatriz Paredes** – Institutional Revolutionary Party (PRI)
  - Paredes first recalled the challenge of democracy in Mexico and the country’s recent political history. She suggested that an aura of suspicion surrounds the electoral process and that there is a widespread feeling of distrust of the electoral authorities.
  - She also recalled the succession of electoral reforms that have been passed since 1977.
  - The PRI is in favour of electronic voting.
- **Carlos Santos** – Labour Party (PT)
  - The PT refused to recognize the result of the 2006 election.
  - Santos suggested eliminating private financing for political parties. He believes that illegal funds are being deposited in campaign coffers, leading to corruption.
  - Santos also fears that electronic voting could give rise to a culture of fraud.
  - The spoiled-vote campaign could threaten the smaller parties, since it will be harder for them to achieve the 2% of the popular vote they require to maintain party status.
- **Jorge Luis Díaz Cuervo** – Social Democratic Party (PSD)
  - The PSD representative first recalled the diversity of Mexican society and then discussed the three dominant parties.
  - Cuervo also stated that his party believes that several election rules are being violated, adding that the authorities do not react swiftly enough.
  - He indicated that the campaign to spoil votes could spell the end of the PSD.
  - Illegal political party financing is a constant cause for concern.

- **Eduardo Guzman** – New Alliance Party (PNA)
  - Guzman mentioned the progress achieved over the past year in Mexican democracy thanks to the reform: improvements in the political party financing system, improved control over electoral spending and measures regulating media access that ensures a certain degree of fairness.
  - However, the reform is not without fault; for example, it has hampered freedom of expression, since citizens can no longer express themselves freely in the media.

## **Saturday, July 4**

On the morning of Saturday, July 4, the international observers visited the Federal Electoral Tribunal (TEPJF) and took part in the final two workshops organized by the IFE.

The first workshop compared the challenges facing electoral justice across Latin America.

- **José Alejandro Luna Ramos**, TEPJF magistrate, described the Mexican experience.
- **Carmen Gloria Valladares**, of the Elections Tribunal of Chile, described the Chilean experience.
- **Marioano Rodríguez Rijo**, head of the legal department of the Central Electoral Committee of the Dominican Republic, described the Dominican experience.

The second dealt with TEPJF case law. Two magistrates from the Tribunal, **Constancio Carrasco** and **Flavio Galvan Rivera**, were invited to speak.

By the end of the third day's workshops, the COPA delegates had learned the following:

- By election day, the Tribunal will have processed all the requests it received.
- The Tribunal faced a great deal of criticism following the July 2006 election and its powers were broadened in 2007.

That afternoon, delegates met with **Carlos J. Guizar**, National Action Party congressional candidate in the State of Mexico.

During this meeting, the delegates learned the following:

- The electoral reform does not allow independent candidates to run in elections, which seems to contradict the country's Constitution.
- Guizar believes that the IFE is a solid organization, but that the electoral institutions of the Mexican states must be strengthened.
- Guizar does not foresee any major problems on election day, but does believe that votes could be bought in some working-class neighbourhoods.
- The media have been encouraging voters to turn in blank ballots and suggesting that not all candidates are up to par.

In short, the Forum and working meetings proved to be very informative, and delegates were able to learn more not only about the 2007-2008 electoral reform, but also about the conditions required to exercise the right to vote, the lottery selection of election workers and the rights of international observers on election day.

## **6. MISSION ACTIVITIES ON ELECTION DAY**

## 6.1 Composition and deployment of the COPA observation team

On election day, the COPA delegation observed eleven polling stations in the Federal District of Mexico and the State of Mexico.

No.	City/District/State	Polling Station Name	# of Tables	Arrival	Departure
3775	Mexico / Tlalpan / DF	Explanada de la SEMARNAT	2	7 :30 a.m.	9 :05 a.m.
4990	Mexico / Miguel Hidalgo / DF	Escuela Primaria El Pipila	1	9 :25 a.m.	11 :15 a.m.
4873 Electronic polling station	Mexico / Juarez / DF	Escuela Bancaria y Comercial	1	11:30 a.m.	11:50 a.m.
4616 Special polling station	Mexico / Cuauhtémoc / DF	Estación Buenavista Tren Suburbano	1	12 :10 p.m.	12 :30 p.m.
4639	Mexico / Cuauhtémoc / DF	Casa del Señor Roberto Pichardo Jiménez	2	12 :40 p.m.	12 : 55 p.m.
4835	Mexico / Cuauhtémoc / DF	Entrada del Inmueble por calle Ignacio Mariscal	2	1 :30 p.m.	1 :42 p.m.
1307	Ecatepec de Morelos/ District 11 / State of Mexico	NA	4	2 :45 p.m.	3 p.m.
1313	Ecatepec de Morelos/ District 11 / State of Mexico	NA	2	3 p.m.	3:15 p.m.
1311	Ecatepec de Morelos/ District 11 / State of Mexico	NA	2	3:40 p.m.	3:50 p.m.
3849	Mexico / Santa Ursula Xitla / DF	Escuela Arnold Gesell	2	5:15 p.m.	5:25 p.m.
414	Mexico / Insurgentes Cuicuilco / DF	Escuela Primaria República de Senegal	2	5:45 p.m.	7:45 p.m.

## 6.2 Elements observed

To help them perform their work as observers, the members of the delegation had received an electoral observation grid prepared by the Secretariat of the COPA Committee on Democracy and Peace (see appendix V). The grid, a copy of which was completed at all polling stations visited, is based on the provisions of the Mexican Electoral Code and is divided into eight sections:

- (1) general information (on the observer and the polling station);
- (2) polling station;
- (3) election materials;
- (4) voters;

- (5) complaints;
- (6) other observations;
- (7) vote count; and
- (8) overall evaluation.

To collect this information, the observers mainly talked to polling station presidents.

The members of the delegation wanted to obtain a fair sampling of voting practices by visiting voting centres in various types of neighbourhoods. Thus, in the Federal District in the State of Mexico, they visited voting centres in working- and middle-class neighbourhoods as well as in more affluent neighbourhoods.

## 7. COPA MISSION FINDINGS

The main findings of the observation mission are shown here in the form of tables based on the observation grid provided COPA delegation members. The tables cover the following aspects: **(1) polling stations; (2) election materials (2 tables); (3) complaints; and (4) general observations.**<sup>10</sup>

### 7.1 Polling stations

Staff at all the polling stations visited began setting up the necessary election materials at 8 a.m., as prescribed by the Electoral Code.

However, the time at which voting actually began varied depending on the time needed to set up the materials (ballot boxes, tables, booths, etc.). Thus, voters at some polling stations began casting their ballots at 8:15, while waiting times were longer at others. At polling station 4873 in the Federal District, voting did not begin until 9:45 a.m.

This considerable delay was caused by the failure of one of the electronic voting machines installed on a trial basis by Federal District Electoral Institute (*Instituto Federal del Distrito Federal*) in about 40 polling stations in the capital.

	YES	NO	More or less
<b>Suitable polling station site and set-up</b>	<b>10</b>	<b>0</b>	<b>1</b>
<b>Polling station is complete</b>	<b>11</b>	<b>0</b>	<b>0</b>
<b>Presence of security forces</b>	<b>0</b>	<b>11</b>	<b>0</b>
<b>Presence of candidate/party representatives</b>	<b>11</b>	<b>0</b>	<b>0</b>
<b>Presence of election advertising on site</b>	<b>0</b>	<b>11</b>	<b>0</b>
<b>Acts of voter intimidation</b>	<b>0</b>	<b>11</b>	<b>0</b>

Several polling stations set up in classrooms (polling stations 1307 and 1313 in the State of Mexico) and in private homes (polling station 4639 in the Federal District) often seemed very crowded. However, this seemed to be the norm and no one complained.

<sup>10</sup> These results are but a reflection of the observations made by the members of the COPA delegation.

Access for the mobility-impaired was inadequate in several polling stations.

## 7.2 Election materials

Generally, election materials were provided in sufficient quantity and in compliance with the prescribed standards.

	YES	NO	More or less
<b>Properly sealed ballot boxes</b>	<b>10</b>	<b>1</b>	<b>0</b>
<b>Voting booths ensuring voter secrecy</b>	<b>9</b>	<b>2</b>	<b>0</b>
<b>Voters list</b>	<b>11</b>	<b>0</b>	<b>0</b>
<b>Ballots in sufficient quantity</b>	<b>11</b>	<b>0</b>	<b>0</b>

However, the way the voting booth for the mobility-impaired had been installed at polling station 4835 in the Federal District compromised the secrecy of the ballot.

At polling station 3775 in the Federal District, specifically at the table reserved for the District's two polls (for the Legislative Assembly and borough mayors), the ballot boxes were improperly sealed and the voting booths did not ensure the secrecy of the ballot.

	Very good	Good	Poor	Very poor
<b>Election materials</b>	<b>8</b>	<b>2</b>	<b>0</b>	<b>1</b>
<b>Work of polling station officials</b>	<b>10</b>	<b>0</b>	<b>1</b>	<b>0</b>

At polling station 414 in the Federal District, COPA delegates noticed that the print quality of the ballots for the District's legislative elections varied considerably, with some being significantly lighter than others.

At polling station 3775 in the Federal District, specifically at the table reserved for the District's two polls, the election materials were improperly set up.

At several polling stations, notably at polling station 3775 in the Federal District, ballot boxes seemed to have been left unattended.

Finally, it is worth noting that the average vote time at the polling stations visited was five minutes, with very little waiting.

## 7.3 Complaints

Complaints by party representatives and voters had been made orally at two polling stations at the time of the delegation's visit.

	YES	NO
<b>Complaints by party or candidate representatives</b>	1	10
<b>Complaints by voters</b>	1	10

At polling station 1311 in the State of Mexico, party representatives complained that one party had two representatives present, which is a violation of the Electoral Code.

At polling station 3849 in the Federal District, two voters complained of not being on the voters list.

#### 7.4 General observations

In general, the Electoral Code was respected where the following elements are concerned:

	YES	NO	More or less
<b>Respect for ballot secrecy</b>	11	0	0
<b>Presence of more than one voter in the voting booth</b>	0	11	0
<b>Electoral staff compliance with procedures</b>	11	0	0
<b>Voter understanding of procedures</b>	10	1	0
<b>Presence of unauthorized persons in the polling station</b>	1	10	0
<b>Presence of national observers</b>	0	11	0
<b>Presence of other international observers</b>	0	11	0
<b>Orderly conduct of voting</b>	10	0	1
<b>Interruption in voting during the day</b>	1	10	0

Several voters at polling station 4873 in the Federal District were confused by the electronic voting machines installed on a trial basis in 40 or so polling stations in the capital.

Several voters had come to special polling station 4616 in the Federal District expecting to be able to vote. By the time the COPA delegation visited the station at 12:10 p.m., 57 voters had cast their ballots, but workers had turned away almost as many who were outside their electoral district.

At polling station 3775 in the Federal District, a person not identified by an official badge told COPA delegates that he was there to help with the process. He handled election materials and talked to voters while they were voting.

#### 7.5 Vote count

COPA delegates observed the counting of ballots at polling station 414 in the Federal District.

During the count, election workers found that ballots for the federal congressional elections had been placed in the ballot box intended for the Federal District legislative elections and vice-versa. The counts were corrected accordingly, as it is laid out in the Electoral Code.

Votes were thus counted seriously, calmly and transparently, in compliance with the Electoral Code.

## **8. MISSION CONCLUSIONS AND RECOMMENDATIONS**

The COPA delegates were satisfied overall with the proceedings on election day and observed that voting in the 11 polling stations they visited was conducted calmly and respected the rules in place for the election. They also wish to highlight the seriousness with which election workers and party representatives carried out their duties. The delegation would like to congratulate the people of Mexico for the sense of citizenship and responsibility they displayed during the election.

As stated earlier, a COPA electoral observation mission was sent to Mexico for the presidential and legislative elections held in July 2006. Following this mission, a set of recommendations, including those listed below, was submitted to Mexican electoral authorities.

1. Allow polling stations to be set up before 8 a.m. so that voters can actually start voting as soon as stations open, giving them more time to exercise their right to vote.
2. Require ballot boxes to be sealed and increase ballot box surveillance by election workers and political party representatives.
3. Allow voters to cast their ballot at an advance poll if they anticipate being absent from their district on voting day in order to avoid long lines and jostling at special polling stations.

After attending the meetings held prior to election day and observing the legislative elections of July 2009, the delegation noted that only the recommendation regarding the sealing and surveillance of ballot boxes had been retained by Mexican electoral authorities and legislators, and even then, only partially.

Except for polling station 1311 in the State of Mexico, the ballot boxes at all of the polling stations visited were sealed. However, they were not all systematically supervised. For example, the ballot boxes at polling station 3775 in the Federal District were left without any surveillance whatsoever.

The Electoral Code still requires election workers to begin setting up the necessary equipment at 8 a.m., at which time voters have already begun lining up to vote.

Unfortunately, as COPA delegates again observed, this can lead to significant delays, as the time required for set up can vary from one polling station to the next. For example, voting at polling station 1307 in the State of Mexico did not start until 9:09 a.m.

Finally, the delegation did not observe the same problems with long lines and jostling at special polling stations during the 2009 legislative elections as it had during the 2006 elections. This

could certainly have something to do with the lower voter turnout in 2009.<sup>11</sup> However, the problems encountered in 2006 could resurface during the presidential and legislative elections of July 2012, when the issues at stake will be more obvious to voters.

Therefore, the COPA electoral observation mission would like to reiterate two of the recommendations made to Mexican electoral authorities after the July 2006 presidential and legislative elections:

- Allow polling stations to be set up before 8 a.m. so that voters can actually start voting as soon as stations open, giving them more time to exercise their right to vote.
- Require increased ballot box surveillance by election workers and political party representatives.

Delegates were also reminded during the working meetings held prior to election day that voters could now select two parties in coalition on a single valid ballot. Some speakers expressed concern that this would confuse voters, but no complaints on the subject were heard on election day.

However, the COPA delegates believe that the electronic voting machines installed on a trial basis in certain polling stations in the Federal District by the Federal District Electoral Institute (IEDF) should be better explained to the voters in order to prevent mistakes and delays.

Similarly, more information should be made available on the conditions for using special polling stations for voters outside their electoral district on election day. COPA delegates observed that a number of citizens went to special polling station 4616 in the Federal District thinking they would be able to vote. By the time the delegation visited the polling station, 57 voters had cast their ballot, but election workers had turned away almost as many voters who were outside their polling division.

The members of the delegation would like to thank the COPA executive secretariat and Treasury for their help in gaining accreditation from the IFE and in planning the logistics of the mission. They would also like to thank the IFE for the information sessions it organized for the international observers and for the availability of its staff to answer any questions by COPA delegates.

Finally, the members of the COPA delegation would like to highlight their warm and friendly welcome by representatives of the institutions and organizations involved in the election process during the meetings held prior to election day, as well as by citizens and election workers during their visits to polling stations.

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<sup>11</sup> The participation rate in 2006 was 58.55%, while it was 44.7% in 2009.

## 9. APPENDICES

**Appendix I – Resolution**

**MEETING OF THE EXECUTIVE COMMITTEE OF THE  
PARLIAMENTARY CONFEDERATION OF THE AMERICAS**

**EL CALAFATE, SANTA CRUZ, ARGENTINA  
JANUARY 23-24, 2009**

**Recommendation on the Dispatch of  
an Electoral Observation Mission to Mexico**

**WHEREAS** legislative elections are to be held in Mexico on July 5, 2009;

**WHEREAS** the participation of parliamentarians from COPA in multilateral electoral observation missions is a matter of priority in order to attain the COPA objective of contributing to the strengthening of parliamentary democracy and to the edification of a community of the Americas founded upon respect for human rights and dignity, peace, democracy, solidarity among peoples, social justice and equity between women and men; and

**WHEREAS** the legislative elections in Mexico are particularly significant for the community of the Americas.

***We, members of the Executive Committee of the Parliamentary Confederation of the Americas gathered in El Calafate, Santa Cruz, Argentina, on January 23 and 24, 2009,***

**DECLARE** our support for and our solidarity with Mexico and the democratic institutions of that country in organizing legislative elections next July 5, 2009;

**PROPOSE** the dispatch of a COPA electoral observation mission to the next legislative elections in Mexico, with due respect for the national sovereignty of that country;

**PLEDGE** to uphold the principles of regional balance and political pluralism in forming a delegation of parliamentarians from the Americas, and to make sure that the observation mission will carry out its task in an independent and impartial manner as stipulated in the By-laws of COPA Electoral Observation Missions.

(2009-01-16)

## Appendix II – Invitation letter from the Federal Electoral Institute



INSTITUTO FEDERAL ELECTORAL

COORDINACIÓN DE ASUNTOS INTERNACIONALES

Oficio No. CAI/305/2009

Ciudad de México, a 11 de mayo de 2009

**SEN. ELDA ACUÑA  
PRESIDENTA DE LA CONFEDERACIÓN  
PARLAMENTARIA DE LAS AMÉRICAS  
P R E S E N T E**

Como es de su conocimiento, el próximo 5 de julio más de 77 millones mexicanos seremos convocados a las urnas a fin de elegir a los 500 miembros de la Cámara de Diputados del Congreso Federal.

Dado el interés permanente por parte del Instituto Federal Electoral en brindar las mayores facilidades a los ciudadanos extranjeros interesados en conocer las diferentes actividades relacionadas con las elecciones en México, el Consejo General, máximo órgano de dirección, aprobó el **Acuerdo por el cual se establecen las bases y criterios con que habrá de atenderse e informar a los visitantes extranjeros que acudan a conocer las modalidades del proceso electoral federal 2008-2009**. La principal intención de esta resolución es que los miembros de la comunidad internacional, que así lo deseen, puedan estar presentes en todas y cada una de las fases y etapas del proceso electoral referido.

Anexo me permito remitir a usted la resolución citada; con el propósito de que aquellos miembros de la Confederación a su digno cargo, con nacionalidad diferente a la mexicana, interesados en venir a nuestro país para presenciar el desarrollo de la elección en curso, puedan cumplir con los trámites correspondientes para acreditarse como visitante extranjero en el marco de los comicios federales mexicanos en curso.

Sobra señalar que se trata de documentación de carácter público, por lo que puede ser compartida con cualquier interesado sin problema alguno.

Tomando en cuenta que para el proceso electoral federal mexicano de 2006, miembros de la Confederación Parlamentaria de las Américas se acreditaron como visitantes extranjeros, manifestamos a usted nuestra disposición por atender e informar nuevamente a una delegación de dicho organismo para los comicios en curso, con base en los lineamientos legales aplicables.

Al tiempo de ponerme a sus apreciables órdenes, aprovecho la ocasión para enviar a usted un respetuoso saludo.

ATENTAMENTE

  
MANUEL CARRILLO POBLANO  
COORDINADOR

## **Appendix III – Letter of designation**



*Senado de la Provincia de Buenos Aires, 26 de junio de 2009*

**Señor Leonardo Valdés Zurita**  
**Presidente del Consejo General**  
**Instituto Federal Electoral**  
**Viaducto Tlalpan 100, Arenal Tepepan,**  
**14610 México, D.F.**  
**MÉXICO**

**Objeto:** Elecciones legislativas del 5 de julio de 2009

*De mi consideración:*

*En consideración a la decisión del Instituto Federal Electoral de los Estados Unidos Mexicanos de acreditar a una delegación de miembros de la Confederación Parlamentaria de las Américas (COPA) para que participen como observadores en las próximas elecciones legislativas que se desarrollarán en dicho país el día 5 de julio del año 2009, es un placer informarle que la misión de observación electoral de la COPA, que se llevará a cabo entre el 1º y el 6 de julio de 2009 en la Ciudad de México, estará compuesta de las personas siguientes:*

**Jefe de la misión:**

**Sr. Jean-Martin Aussant**, Presidente de la Comisión de Democracia y Paz de la COPA y Diputado de la Asamblea Nacional de Québec

**Miembros:**

**Sra. Gloria Bidegain**, Diputada Nacional de Argentina

**Sra. Graciela Beatriz Gutiérrez**, Diputada Nacional de Argentina

**Sr. Raúl Patricio Solanas**, Diputado Nacional de Argentina

**Sr. Jacques Paquet**, Asesor de la Comisión de Democracia y Paz de la COPA

**Sr. Denis Fontaine**, Secretario General del Director General de Elecciones de Québec

*Sin más por el momento, reciba las seguridades de mi consideración más distinguida y aprecio.*

**Atentamente**



**Prof. Edda E. Acuña**  
**SENADORA**  
**H. Senado de Buenos Aires**  
**Vicepresidenta Primera – COPA**

## Appendix IV – The 2007-2008 Electoral Reform

The very close results of the 2006 presidential election put Mexico's electoral system to the test. After voters and political parties voiced numerous complaints, the Mexican Congress launched a parliamentary debate which led to the adoption of major reforms of both the Constitution of the United Mexican States and the federal Electoral Code (COFIPE). The reforms were approved by a wide consensus in both Houses of the federal Parliament and by 30 of the 31 state legislatures in the fall of 2007 and have been in force since January 14, 2008.

In addition to the changes discussed earlier, the Code now serves as the framework for the **activities of national political groups** (*agrupaciones políticas nacionales*), which are broad grassroots associations whose aim is to contribute to the development of democratic life and political awareness by better informing public opinion (COFIPE, s. 33, par. 2). These groups will no longer receive public funding and are now required to disclose their funding sources and spending to the Federal Electoral Institute, the Instituto Federal Electoral (IFE).

For the first time, the Code incorporates clear rules on **transparency and access to information for political parties** (COFIPE, chapter 4, *De las obligaciones de los partidos políticos*). It includes an exhaustive list of information that is to be public information. It limits postage-free mailings and sets guidelines for coalition-forming.

**Renewal of the membership of the General Council** (*Consejo General*), which is the IFE's central body, will be staggered over time. The amended Code provides that the council president may be re-elected for a second term. It also stipulates new requirements for electoral councillors, who must now hold a graduate degree and have five years of experience and a certain background of knowledge (or experience) in the electoral field.

**Political parties' access to television and radio** is also affected by the constitutional and legislative reforms. The IFE has created a new radio and television committee and thus become the authority responsible for apportioning the air time reserved for electoral purposes. Political parties may no longer buy air time, whether directly or indirectly (through third parties).

The Code clearly prohibits **political parties and candidates in an election from accepting gifts or donations** (*aportaciones o donativos*) from federal, federated or municipal authorities, public bodies, political parties, foreigners, international organizations, religious associations, individuals living or working abroad or Mexican for-profit businesses. Before the electoral reform, the latter rule applied only to political parties.

The formula for allocating **annual public funding to political parties** was also revisited in the Code: 70% of the total funding will be allocated in proportion to the percentage of the vote won by the candidates elected in the single-member plurality system and 30% will be divided equally among the political parties represented in Congress. The new formula eliminates certain factors such as minimum campaign spending thresholds, the number of senators or deputies to be elected and the number of parties represented in Congress. Also, all political parties are now required to earmark at least 2% of their public funding for specific activities such as political education or socioeconomic research, and another 2% for the promotion and development of political leadership among women. Each party will receive the equivalent of 50% of its annual public funding to spend on a campaign for a general, i.e. presidential, senatorial and deputorial, election, and the equivalent of 30% for a mid-term deputorial election.

The 2007-2008 electoral reform **broadened the powers of the Political Party Resources Auditing Unit** (*Unidad de fiscalización de los recursos de los partidos políticos*) by giving it greater autonomy and bringing it up to the executive level. The auditing unit is to receive and review the quarterly, yearly, pre-campaign and campaign reports of all the political parties and groups. These reports are to provide details on the sources, amount and use of party resources, regardless of the type of funding. Both the Constitution and the Code specify that the auditing unit is not to be hindered in the performance of its duties by bank, fiscal or trust secrecy, which means it may request information directly from the institutions concerned.

As for the **Voter Registry**, the reform has changed the deadlines for applications for and the issue of voter registration cards and for the publication of voters lists. Voter registration cards will be valid for 10 years. And, as explained earlier, voters who can show a document issued by the Federal Electoral Tribunal (TEPJF) authorizing them to vote will be allowed to vote even though their names are not on the voters list or they do not have a voter registration card.

As mentioned earlier, since the reform, the **Department of the Comptroller General** (*Contraloría general*), which ensures the IFE's transparency, has enjoyed much greater independence and now ranks among the central bodies of the IFE. The comptroller general will be elected by a two-thirds majority of the votes cast in the Chamber of Deputies, as had been proposed by the public institutions of higher education. The department will be attached to the General Council, but will independently audit the IFE's budget operations and set criteria for tax reviews of the resources available to the bodies of the IFE.

One of the major changes to come out of the reform has to do with the **regulation of pre-election and election campaigns**. The political parties are required to report to the IFE on their candidate nomination processes. The Electoral Code sets rules for pre-election campaigns, which are to last no more than the equivalent of two thirds of the election campaign proper, i.e., up to 60 days in the case of a presidential election and 40 days in the case of an election to renew the Chamber of Deputies. **The duration of presidential election campaigns has been reduced to 90 days and that of deputorial elections, to 60 days.** There is now a spending limit for pre-election campaigns while the spending limit for election campaigns has been modified. The cap on pre-election campaign spending is the equivalent of 20% of the total public funding for the campaigns of all the parties in a presidential election year. Also, the political parties are now prohibited from denigrating institutions, parties or individuals in campaign advertising. Print campaign materials must be environment-friendly. And a number of changes have been made to the format for presidential debates.

The **Mexican organizations that send electoral observers** now have more time (30 days after election day instead of 20) to disclose funding-related information on their electoral observation activities (sources, amounts and expenditures). They must also file a report with the IFE's General Council (s. 5).

**Candidate registration** is also regulated: candidates running in a presidential election year must register between March 15 and 22 of the election year and candidates running in mid-term deputorial elections, between April 22 and 29 of the election year.

On election day, the political parties in the race must be clearly identified on the **ballot papers** using a colour logo. If one of the candidates is running for a coalition, the logos of the parties in the coalition must be of the same size as for a single party and must be aligned. In other words, the logos of the coalition parties may not be joined within a single box or frame nor may a new logo be used to represent the coalition.

There are also new rules defining **spoiled ballots**, such as ballots where a voter has circled or marked the logos of two or more parties that are not running together in a coalition. If the parties are part of a coalition, the vote will go to the coalition candidate.

**Polling station minutes**, which must be signed by all the polling officers and the representatives of the political parties, must now provide more detailed information that must be checked a number of times (see section 3 above, under “The Electoral Code”).

On the matter of **ballot recounts**, the Electoral Code provides that when there is a 1% or lower margin between the winning candidate and the runner-up and the representative of the political party of the runner-up explicitly asks for a recount, the District Council must recount the ballots in all the polling stations, according to pre-established rules of supervision. Errors in the original polling station reports are to be corrected by the District Council and may no longer be raised before the Electoral Tribunal as grounds to invalidate the ballots. Moreover, it will no longer be possible to apply to the Tribunal for a recount after a recount by the District Council.

Another substantial amendment to the Electoral Code is the **addition of a seventh book on electoral sanctions and internal discipline** (*De los regímenes sancionador electoral y disciplinario interno*). This new book prescribes ordinary and special procedures for electoral sanctions, establishes mechanisms to resolve disputes regarding violations of the Constitution or the Electoral Code, imposes sanctions relating to political party and national group funding, and stipulates the administrative duties of the IFE’s public bodies. It also includes an exhaustive list of duties and offences, and of sanctions or penalties, based on the seriousness of the offence and whether or not the offence is a first offence. It further identifies a broad range of stakeholders such as voters, political party leaders or associates, natural and legal persons, radio and television broadcasters, labour and employer organizations and social groups, etc. Lastly, it sets out, among other things, how complaints are to be filed, wrongdoings disclosed, notices given and evidence filed and admitted, and on what grounds a complaint may be rejected.

## Appendix V – Press release, June 30, 2009

### **COPA delegation to observe the Mexican legislative elections**

Mexico, June 30, 2009 – A **Parliamentary Confederation of the Americas** (COPA) delegation arrived today in Mexico to observe the July 5 legislative elections. The member of the National Assembly of Québec and Chair of COPA's Committee on Democracy and Peace, Jean-Martin Aussant, will lead the electoral observation mission from July 1 to 6.

Invited by Mexico's Federal Electoral Institute as international observers, the COPA delegation will cover polling station operations on election day in the Federal District of Mexico and in the city of Toluca.

The delegation will also meet with key actors in the electoral process. The representatives of political parties and the heads of a number of public bodies and civil society organizations will be among those consulted by the COPA delegation. Following the mission, a report of their observations will be presented to the Mexican electoral authorities and to COPA authorities.

This is the 9th such mission for COPA. By taking an increasingly active role in election monitoring throughout the Americas, COPA has established its strategic importance in the consolidation of democracy. COPA has particularly observed the Mexican presidential and legislative elections of July 2006.

Founded in Québec City in 1997, the Parliamentary Confederation of the Americas brings together over 300 parliamentary assemblies of unitary, federal and federated states, as well as the regional parliaments and interparliamentary organizations of the Americas. For additional information on previous COPA electoral observation missions, please visit the following website: [www.copa.qc.ca](http://www.copa.qc.ca).

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**Appendix VI – Observer’s grid**



**MEXICAN LEGISLATIVE ELECTIONS  
July 5, 2009**

**ELECTION OBSERVER’S GRID**

**1. GENERAL INFORMATION**

Name of observer: \_\_\_\_\_

City/District/State: \_\_\_\_\_

Voting Centre: \_\_\_\_\_

Polling station: \_\_\_\_\_

Arrival time: \_\_\_\_\_

Departure time: \_\_\_\_\_

**2. POLLING STATION**

Opening time: \_\_\_\_\_

Reasons for delay (if any): \_\_\_\_\_

\_\_\_\_\_

	YES	NO
Suitable polling station site and set-up		
Polling station is complete		
Presence of security forces		
Presence of candidate/party representatives		
Presence of election advertising on site		
Acts of voter intimidation		

Details: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**3. ELECTION MATERIALS**

	YES	NO
Properly sealed ballot boxes		
Voting booths ensuring voter secrecy		
Voters list		
Ballots in sufficient quantity		

	Very good	Good	Poor	Very poor
Election materials				
Work of polling station officials				

Details: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**4. VOTERS**

Number of voters registered: \_\_\_\_\_

Waiting time: \_\_\_\_\_

Average time required to vote: \_\_\_\_\_

Voters without voter registration cards: \_\_\_\_\_

Voters who were not on the voters list: \_\_\_\_\_

Details: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**5. COMPLAINTS**

	YES	NO
<b>Complaints by party or candidate representatives</b>		
<b>Complaints by voters</b>		

**Details:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**6. OTHER OBSERVATIONS**

	YES	NO
<b>Respect for ballot secrecy</b>		
<b>Presence of more than one voter in the voting booth</b>		
<b>Electoral staff compliance with procedures</b>		
<b>Voter understanding of procedures</b>		
<b>Presence of unauthorized persons in the polling station</b>		
<b>Presence of national observers</b>		
<b>Presence of other international observers</b>		
<b>Orderly conduct of voting</b>		
<b>Interruption in voting during the day</b>		

**Details:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**7. VOTE COUNT**

**Vote count start time:** \_\_\_\_\_

**Number of voters registered:** \_\_\_\_\_

**Number of people who voted:** \_\_\_\_\_

**Invalid ballots:** \_\_\_\_\_

**Blank ballots:** \_\_\_\_\_

**Challenges by representatives:** \_\_\_\_\_

**Details:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature of tallies by representatives:** \_\_\_\_\_

**Level of security for transport of material to the District Council**

Excellent ( )

Average ( )

Low ( )

**Details:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8. OVERALL EVALUATION**

**Irregularities to report:** ( )

**Minor irregularities:** ( ) **Specify**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Serious irregularities capable of affecting the integrity of the electoral process:** ( )

**Specify** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Remarks:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_