

5-4-2005

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## Senate Approves Mail-in Ballots for Expatriates

by LADB Staff

Category/Department: Mexico

Published: 2005-05-04

After lengthy debate, the Mexican Senate approved a limited plan to extend the vote to Mexicans residing overseas. The Senate measure, which allows mail-in ballots, is a compromise to the much more ambitious plan approved in the Chamber of Deputies in February of this year.

That plan proposed setting up polling stations in the US and other countries for Mexicans to cast their ballots in the 2006 presidential election (see SourceMex, 2005-02-23). Expatriates were given the right to vote in 1996, but Congress has been slow to approve legislation that would put that right into practice (see SourceMex, 1999-07-14, 1999-11-18, and 2004-09-29).

Under the Senate plan, approved by an overwhelming margin of 91-2, participation would be restricted to voters who already have obtained a voting credential in Mexico. Those voters would have between October 2005 and January 2006 to send in proof of their voting credential and their overseas address to the appropriate authorities. Those expatriates who qualify would receive a mail-in ballot, which they would return to the federal electoral agency (Instituto Federal Electoral, IFE).

To prevent duplicate voting, the voters who register overseas would be placed on a temporary list known as the Registro de Mexicanos en el Extranjero, and their names would be removed from the national voter rolls. The requirement that voters be already registered in Mexico could reduce total participation to less than half what had been originally estimated.

### *Ruling affects 4 million expatriates*

The Senate bill is expected to cover about 4 million voters, compared with 10 million participants anticipated under the Chamber of Deputies bill. The Asociacion Mundial de Mexicanos en el Extranjero (AMME) said some studies show that the number of participants could be as low as 2.5 million.

The Senate compromise was approved just before the conclusion of the regular legislative session, easing concerns that the upper house would not act on the measure. Many senators had expressed reservations about the bill, which they said was costly and too complex. Chamber of Deputies expected to ratify Senate measure The lower house, which must still ratify the Senate bill, is expected to approve the less ambitious initiative during a three-day special session on May 17-19.

Many deputies are upset that the Senate decided to approve such a pared-down initiative, but they also do not want to be perceived as obstructing the opportunity for expatriates to cast a vote in the 2006 election. "The terms proposed [in the Senate bill] fall far short of those approved overwhelmingly in the Chamber of Deputies," Deputy Carlos Jimenez Macias told the Mexico City daily business newspaper El Financiero. Jimenez is a member of the opposition Partido Revolucionario Institucional (PRI).

The majority of deputies had acknowledged, however, that the measure approved by the lower house could not be implemented in time for the 2006 election, even if this was the option they preferred. "[The Senate measure] represents a good start to recognizing the rights of expatriates," said Deputy Pablo Alejo Nunez, a member of the governing Partido Accion Nacional (PAN).

Deputy Jesus Gonzalez Schmal of the Partido Convergencia por la Democracia (PCD) called the Senate vote "a very limited" measure, but he also noted that "doing nothing would be worse." Several deputies said they would immediately begin work on a more comprehensive legislative initiative that could be implemented in time for the 2012 presidential election.

Some former IFE officials said the Chamber of Deputies and Senate both missed an opportunity to use the initiative on the expatriate vote to promote a more comprehensive reform of Mexico's electoral system before the 2006 election. "It would have been better if Congress had approved a comprehensive initiative that covered both the overseas vote and elections in Mexico," said former IFE president Jorge Woldenberg.

### *Electoral institute opposed plan passed by lower house*

The Senate's concerns about the complexity of the plan approved by the lower house were reinforced by the IFE, which would have faced the daunting task of setting up 13,000 polling locations in the US and other foreign countries. The IFE also would have had to develop an efficient system of electronic and absentee voting in little more than a year. "It's a difficult situation because Mexico is the only country in the world, in my opinion, that has this number of people outside the country," said IFE technical director Rodolfo Torres Velazquez.

"The number of Mexicans in the United States makes it very difficult to vote in the consulates, as is done by other countries." IFE director Lourdes Lopez Flores was also worried that the initiative approved by the lower house would set up much easier requirements for expatriate voters than the existing regulations for voters at home. This situation created the potential for fraud, risking the integrity of the final results. "Nobody wants us to lose in 2006 what we have gained during the last 15 years just because we expanded too quickly," Flores said in reference to recent election reforms to improve transparency and eliminate corruption.

Even after ruling out approval of the Chamber of Deputies' proposal, several key Senate committees launched a study of the measure to determine the best way to modify it. Still, senators said they did not want to take any hasty actions, raising concerns that the issue could die before the end of the regular session on April 30. "We have to look at this proposal with a magnifying glass," said Sen. Jesus Ortega, Senate coordinator of the center-left Partido de la Revolucion Democratica (PRD).

PRI Sen. Dulce Maria Sauri Riancho elaborated on the Senate concerns. "The law has to meet five basic principles: legality, impartiality, certainty, objectivity, and independence," she said. "If it meets those five principles, then anything is possible." Senators pledged to do everything possible to approve a bill before the end of the legislative session. "We will continue working as far as we can on this measure," PAN Sen. Diego Fernandez de Cevallos said in March.

Many senators were pleased that the upper house was able to approve an initiative before the end of the session. Sen. Erika Larregui of the Partido Verde Ecologista Mexicano (PVEM) said the Senate action guarantees a viable option to implement the right to vote for expatriates, nine years after the reforms were first approved. "This right becomes a more tangible reality," said Larregui.

PRI Sen. Silvia Hernandez, who chairs the foreign relations subcommittee on North American affairs, said the approval sends an important message to expatriates. "If we had failed to extend the vote to our own citizens, how could we continue to demand that the US respect their rights, treat them well, and give them legal status?" said Hernandez. One of the two dissenters in the Senate was PRI Sen. Manuel Bartlett Diaz, who raised concerns that the initiative did not go far enough to guarantee a secret ballot for expatriates. "In my judgment, this format does not guarantee one of the principles for which we have fought for so many years the secrecy of the vote," said Bartlett. "No one told me which postal agency is going to offer this guarantee." (Sources: Los Angeles Times, 03/18/05; Associated Press, 03/15/05, 04/25/05; Spanish news service EFE, 03/14/05, 03/15/05, 04/25/05, 04/27/05; Agencia de noticias Proceso, 02/23/05, 03/14/05, 03/16/05, 03/21/05, 04/26/05, 04/27/05; La Cronica de Hoy, 02/24/05, 03/16/05, 03/17/05, 03/22/04, 04/14/05, 04/22/05, 04/25-27/05; Notimex, 02/23/05, 02/24/05, 02/27/05, 02/28/05, 03/06/05, 03/08/05, 03/14/05, 03/15/05, 03/28/05, 04/13/05, 04/21/05, 04/26/05, 04/28/05; La Crisis, 02/24/05, 03/02/05, 03/04/05, 03/08/05, 03/22/05, 04/26/05, 04/28/05; El Universal, 02/24/05, 02/25/05, 03/09/05, 03/14/05, 03/16/05, 03/17/05, 03/24/05, 04/14/05, 04/22/05, 04/27/05, 04/28/05; The Dallas Morning News, 02/25/05, 04/27/05, 04/29/05; La Jornada, 03/02/05, 03/09/05, 03/14/05, 03/16/05, 03/17/05, 04/14/05, 04/20/05, 04/26-28/05, 05/02/05; The Herald-Mexico City, 02/24/04, 03/15/05, 03/16/05, 05/03/05)

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