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LADB Staff

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Lower House GIsves Final Approval to Voting Plan for Expatriates in 2006

by LADB Staff
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In a special legislative session in late June, the Chamber of Deputies took the final step to allow Mexican citizens residing overseas to participate on a limited basis in the 2006 presidential elections. The lower house voted by an overwhelming 455-6 to accept a plan approved by the Senate in early May. The Senate measure allowed for expatriates to mail in their ballots (see SourceMex, 2005-05-04), thus overriding a much more complicated plan approved by the Chamber of Deputies in February (see SourceMex, 2005-02-23).

Deputies from the former governing Partido Revolucionario Institucional (PRI), which holds a plurality in the lower house, initially threatened to oppose the Senate measure as insufficient. However, PRI leaders in the lower house were open to discussing the matter with counterparts from the center-left Partido de la Revolucion Democratica (PRD) and conservative Partido Accion Nacional (PAN). In the end, the PRI agreed to support the Senate measure without amendments.

The new measure could benefit an estimated 4 million of the 10 million Mexican citizens who reside in the US, according to estimates by the Mexican Senate. These expatriates have obtained voting credentials, a requirement for requesting a ballot. The credentials were first issued in 1992, so any expatriate who emigrated from Mexico before then is less likely to have the proper voter documentation.

Critics say new law not sufficiently democratic
Critics say the new legislation is not sufficiently democratic because too many expatriates will not be able to participate in the election. "The requirement of the credential to get the absentee ballot will eliminate the possibility for millions of Mexicans to vote," said independent attorney Alberto Szekely, an advocate for immigrant-voting rights.

Conversely, supporters view the new initiative as an important first step, arguing that Congress will be taking further actions in the future to expand the pool of eligible expatriates. "This is a fundamental step but it probably will not play a decisive role yet," said Benedito Ruiz, a political analyst at the Universidad Iberoamericana in Tijuana. Similar comments came from analyst Sergio Aguayo of the Colegio de Mexico, a long-time advocate of democratic reforms in Mexico. "It's not ideal, it's not what was initially hoped for, but it's a first step," said Aguayo.

The elections watchdog, the Instituto Federal Electoral (IFE), was similarly pleased with the initiative that came from Congress. The IFE, which was skeptical about the first version of the bill approved by the lower house in February, will ultimately be responsible for implementing the overseas voting plan. "[This is] a good solution and technically and logistically viable for the elections in 2006," said IFE President Luis Carlos Ugalde as Congress was debating the proposal.
Vote limited to presidential ballots

Another limitation of the ballots is that they allow only a vote for president and not for any local, congressional, or gubernatorial seats on the July 2, 2006, ballot. In addition to the 300 directly elected seats in the Chamber of Deputies and 96 seats in the Senate, Mexicans will be electing new governors in the states of Jalisco, Morelos, and Guanajuato, and a new mayor in Mexico City on the same day as the presidential election. In addition, nine states and the Federal District have state legislative elections on that date.

The IFE predicts only a fraction of the eligible voters will actually request a ballot by the deadline of Jan. 15, 2006. Initial projections are that only 400,000 to 500,000 of the eligible 4 million expatriate voters will participate in the process. If this projection is true, the overseas vote could have only a marginal impact on the presidential election.

"The Mexican Congress has just enfranchised maybe 4 million people, and nobody knows how they'll vote. It's very hard to tell. They're all people who left Mexico. Does that mean they're dissatisfied with something? No one has ever campaigned at them or tried to organize them politically," said Roberto Suro, director of the Pew Hispanic Center in Washington, D.C.

Studies conducted by the polling organization MUND Americas during the last 12 years suggests that most expatriates who participate in the election will follow the lead of their families back home. "The fact that all three large parties got together on this [measure] suggests no party saw the other as having the advantage," said MUND Americas executive Dan Lund. Immigrant organizations concurred with this assessment. "Mexicans in the US are a mirror of Mexico, with all its different political leanings," said Jose Luis Gutierrez, president of the Chicago-based Federacion Michoacana. "It will depend on which candidate offers a better agenda for migrants. We listen, and we vote."

Still, some critics of the process already have raised concerns that ballots sent through the mail might be stolen, manipulated, or never arrive, given Mexico's traditionally unreliable mail service. "Of all the possible alternatives to hold an overseas vote, senators and deputies chose the worst option," columnist Jose Francisco Parra wrote in the Mexico City daily newspaper La Cronica de Hoy. "The mail-in vote brings the greatest probabilities of manipulation, both at the point of origin and at the point of receipt."

Reliability of Mexican postal service questioned

At issue is the reliability of the Servicio Postal Mexicano (SEPOMEX), which has a reputation for corruption and inefficiency. "I hope to be proven wrong and that nothing happens," said political scientist Leo Zuckermann of the Centro de Investigaciones y Docencia Economica (CIDE).

The concerns about the reliability of the postal service have not escaped the IFE, which has set up two separate commissions to monitor the process. "One of the main concerns is that the envelopes containing the ballots do not get lost in the mail," said Ugalde, who is working with SEPOMEX to create a special system of bar codes to identify absentee ballots. Ugalde traveled to Washington in July to discuss proposals with representatives of the US Postal Service to ensure that no snags develop on the US side regarding the mailing of the ballots. Even with the safeguards implemented
by the IFE, any allegations of fraud could give a losing party a reason to challenge the results in the event of a tight election.

"If turnout is significantly higher, and the number of expatriate votes exceeds the winning candidate's margin of victory, the losing parties can challenge the outcome in court on grounds that the new law violates the constitutional guarantee of a secret ballot," said Wayne Cornelius, director of the Center for Comparative Immigration Studies at the University of California San Diego (UCSD). "There is really no way to guarantee the secrecy of a mailed ballot." Some experts also suggest a higher-than-expected turnout could actually tilt the election toward one candidate.

Recent public-opinion polls indicated the upcoming presidential race was expected to be very competitive. A telephone poll conducted by Instituto de Mercadotecnia y Opinion (IMO) showed the PRD with 27.4% of the vote, compared with 26.5% for the PRI and 24.3% for the PAN. The poll just asked respondents for their opinions based on a party and not on a candidate.

Parties discuss strategies to gain expatriate vote

IMO said the PRD picks up a little more support when Mexico City Mayor Andres Manuel Lopez Obrador is mentioned as its likely candidate. The three major political parties have already started to discuss strategies to tap into the expatriate vote. The most significant problem, said PRD overseas-vote coordinator Juan Jose Garcia Ochoa, is that the new law prohibits candidates or parties from conducting direct campaigns on foreign soil. "We are in the process of trying to determine what constitutes a direct campaign," said Garcia Ochoa.

In the 2000 election, the PRD and the PAN set up limited campaigns to promote their candidates Cuauhtemoc Cardenas and Vicente Fox in states with large Mexican populations, including Texas, California, and Illinois (see SourceMex, 2000-05-10). At that time, eligible expatriates had two choices to participate in the presidential election: they could cast ballots at special polling sites in Ciudad Juarez, Tijuana, and other communities along the US-Mexico border or they could travel to their hometowns to vote.

Under the recently approved law, those eligible voters who send in their request by the Jan. 15, 2006, deadline will receive their ballots by the following May 15. The completed ballots can be mailed in at any time after April 15, but they must reach the IFE by June 30, which is 48 hours before election day. (Sources: Instituto Federal Electoral, Calendario de Elecciones Locales 2006; The Dallas Morning News, 06/28/05; E-Once Noticias, Copley News Service, The New York Times, 06/29/05; The Chicago Tribune, The Christian Science Monitor, Agencia de noticias Proceso, 06/30/05; La Jornada, 07/01/05; Los Angeles Times, 06/29/05, 07/02/05, 07/03/05; La Cronica de Hoy, 07/01/05, 07/09/05, 07/15/05; El Universal, 07/01/05, 07/20/05; Associated Press, 07/22/05; Notimex, 06/30/05, 07/14/05; Spanish news service EFE, 06/30/05, 07/27/05)

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