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Senate Approves Legislation to Eliminate Dry Law on Election Day

by LADB Staff

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In a unanimous vote in late February, the Senate approved changes to the electoral code (Codigo Federal de Instituciones y Procedimientos Electorales, COFIPE), eliminating a federal prohibition on alcohol sales on the federal election day. The changes to the dry law, in effect for almost a century, will be applicable to the presidential and congressional elections on July 2, 2006. Under the reform to article 239 of the COFIPE, restaurants and other establishments will no longer be subject to federal restrictions on the sale of alcoholic products on election day and the day prior to the election.

The Senate measure, similar to one the Chamber of Deputies approved in May, 2005, was promoted by the Camara Nacional de la Industria de Restaurantes y Alimentos Condimentados (CANIRAC) and the Asociacion Mexicana de Hoteles y Moteles (AMHM). "The discontent with the dry law has been growing during the past few years, especially in regions of the country where the principal activity is foreign tourism," said the text of the Senate legislation. "Merchants in these areas were incurring heavy economic losses."

An 'outdated law'

In recent years, many critics called for repeal of the law, which they called outdated because many of the election safeguards that were put in place in 1915 no longer apply to modern society. The dry law was first imposed by Sonora Gov. Plutarco Elias Calles in 1915 to discourage violence and abstentionism on election day. Elias Calles later served as Mexican president from 1924 to 1928. "This law guarantees that citizens will show up at the polls...and will exercise their right to vote in a responsible manner," said the text of the law, which was eventually extended to the rest of the country.

The COFIPE reform retained a clause that allows state and local authorities to decide whether to keep the prohibition in place locally. CANIRAC and AMHM representatives said this could present a problem, as states like Chiapas and Yucatan have traditionally supplemented their state coffers by selling special permits to merchants that would allow them to sell alcoholic beverages on election day. "These are earnings that they may not want to surrender so easily," CANIRAC president Sergio Larraguivel said last year after the measure in the lower house was approved.

There were also some opponents of the measure who raised concerns about eliminating the alcohol restrictions on election day. "From our point of view, alcoholism is the number-one problem in our country, and the presence of alcohol could harm the electoral process by promoting abstentionism or encouraging conflicts," said Lupita Rodriguez Martinez, a columnist for the Monterrey daily newspaper El Porvenir.

Electoral authorities, however, said the end of the dry law does not mean a complete relaxation of guidelines on election day. "Any citizen who shows up at the polls inebriated will not be allowed to

exercise his or her right to vote," said Arturo Sanchez Gutierrez, a councilor for the Instituto Federal Electoral (IFE). (Sources: El Economista, 05/05/05, 05/23/05, 02/22/06; La Cronica de Hoy, El Diario de Mexico, Reforma, La Crisis, El Universal, 02/22/06; Frontenet-Juarez, 02/24/06; El Porvenir, 02/28/06; Notimex, 02/21/06, 03/01/06)

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