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Electoral Court Again Rejects Full Recount; Calderon Becomes President

by LADB Staff

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In a unanimous decision that all but decided Mexico's presidential election, the federal electoral court (Tribunal Electoral del Poder Judicial de la Federacion, TEPJF) has made a final determination that a full recount of all votes cast in the July 2 presidential election is not warranted. The seven-member court announced its decision Aug. 28, three weeks after ordering a recount of ballots from about 10% of the precincts (see SourceMex, 2006-08-09).

The review of the disputed precincts revealed some miscalculations and errors in the count but did not produce any evidence of outright fraud, the TEPJF said.

Because of irregularities, the court annulled 81,080 votes cast for Felipe Calderon of the center-right Partido Accion Nacional (PAN) but also discarded 76,897 votes cast for Andres Manuel Lopez Obrador of the center-left Coalicion por el Bien de Todos. Lopez Obrador, a member of the center-left Partido de la Revolucion Democratica (PRD), was also representing the Partido del Trabajo (PT) and the Partido Convergencia por la Democracia (PCD).

The TEPJF, also known as the TRIFE, threw out more than 63,000 votes cast for Roberto Madrazo Pintado of the long-governing Partido Revolucionario Institucional (PRI), about 5,900 for Patricia Mercado of the Partido Alternativa Socialdemocrata y Campesina (PASC), and about 2,700 for Roberto Campa Cifrian of the Partido Nueva Alianza (PANAL). The results of the review reduced Calderon's advantage by 4,183 votes, but this is far short of the numbers needed by Lopez Obrador to catch up to his PAN opponent.

The final numbers released by the federal electoral institute (Instituto Federal Electoral, IFE) shortly after the election showed that Calderon won the race by about 250,000 votes, about 0.6% (see SourceMex, 2006-07-12). "Based on all the annulments that were deemed necessary, all the parties lost a considerable number of votes, but that did not affect the result," said TEPJF magistrate Jose Alejandro Luna Ramos. "There was no legal argument that could justify the indiscriminate opening of all the ballot boxes," magistrate Alfonsina Navarro added. "This decision has to be determined by laws, not political interests."

Under the Mexican Constitution, the TEPJF is required to resolve all disputes by Aug. 31 and to declare a winner by Sept. 6. Barring any surprises, the court is expected to declare Calderon the next president. Lopez Obrador's center-left coalition also brought the matter to the Suprema Corte de Justicia de la Nacion (SCJN), but the high court refused to take the case on the grounds that the TEPJF has the faculties to make the final determination on electoral matters. "If the high court were to intervene in this case, it would be entering an area where it does not belong," said Chief Justice Mariano Azuela.

Lopez Obrador may form parallel government

The TEPJF ruling did not sit well with Lopez Obrador, who has led a series of demonstrations in Mexico City to protest the decision of authorities not to conduct a full recount of all precincts. The protests included a takeover of two of Mexico City's busiest streets, Paseo de la Reforma and Avenida Juarez (see SourceMex, 2006-08-09). Lopez Obrador, already anticipating the TEPJF's ruling, lashed out at Mexico's government institutions during a rally the day before the decision was announced. "We have no respect for [the government] institutions because they do not represent the people," the PRD candidate said.

After the TEPJF decision was announced, Lopez Obrador insisted that the election was stolen from him. "Today the electoral tribunal decided to validate the fraud against the citizens' will and decided to back the criminals who robbed us of the presidential election," he said. "With this decision, the constitutional order is broken, and the road is opened for a usurper to occupy the presidency through a coup d'etat." Many Mexicans do not share Lopez Obrador's disdain for the TEPJF and the IFE.

Separate polls conducted by the polling organization Parametria and the daily newspapers Reforma and El Universal showed a high level of confidence in the IFE and the TEPJF. The two institutions fared much better than the Congress, the political parties, unions, and the police, all of which received less than 50% support from respondents. About 70% of respondents to the Parametria poll said, however, that Calderon should accept a full recount of the votes to dispel any doubts about the election.

In anticipation of a court decision to name Calderon the next Mexican president, the PRD candidate has called a national assembly (Convencion Nacional por el Bien de Todos) in the Zocalo, Mexico City's main square, beginning Sept. 16, Mexico's Independence Day. Delegates to the assembly will decide whether Lopez Obrador will run a shadow government as "legitimate president" or lead the movement in another way.

The activities of Lopez Obrador's supporters could interfere with several events planned for Independence Day, including the annual parade whose route includes Paseo de la Reforma and the annual "grito" commemoration, a re-enactment of Mexican hero Miguel Hidalgo y Costilla's call for independence from Spain. The president traditionally carries out that re-enactment in the Zocalo. (Sources: El Economista, 08/17/06; Reuters, 08/28/06; La Cronica de Hoy, 08/23/06, 08/29/06; Associated Press, The New York Times, The Dallas Morning News, Copley News Service, Los Angeles Times, The Chicago Tribune, 08/29/06; La Jornada, 08/17/06, 08/29/06, 08/30/06; Agencia de noticias Proceso, Excelsior, El Universal, 08/17/06, 08/23/06, 08/29/06, 08/30/06; Notimex, 08/23/06, 08/30/06; Millennia Diario, 08/23/06, 08/29/06, 08/30/06; Reforma, 08/29/06, 08/30/06; The Christian Science Monitor, 08/30/06)

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