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Baja California Court Disqualifies PRI Gubernatorial Candidate Jorge Hank Rhon

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The state electoral court in Baja California state (Tribunal Electoral del Poder Judicial de Baja California, TEPJBC) has thrown a monkey wrench into the state's Aug. 5 gubernatorial election by invalidating the candidacy of Tijuana Mayor Jorge Hank Rhon, a member of the opposition Partido Revolucionario Institucional (PRI). The court said Hank violated the state electoral law by running for another office before completing his term as mayor. The decision was announced in early June, just a few weeks before the Baja California gubernatorial election.

PRI officials said they would file an appeal before the federal electoral court (Tribunal Federal Electoral del Poder Judicial de la Federacion, TEPJF), in an effort to restore Hank's candidacy. In issuing its decision, the court said Hank was not eligible to run for governor because he had yet to complete his three-year term as mayor of Tijuana, as required by an electoral law approved by the Baja California state legislature in 2002.

Hank Rhon's victory in the Tijuana mayoral election in 2004 was a surprise, as most political analysts had expected the governing Partido Accion Nacional (PAN) to retain the mayoral seat in Tijuana. Hank Rhon, a gambling entrepreneur, used a considerable amount of his personal wealth to narrowly defeat his PAN challenger (see SourceMex, 2004-08-04).

The TEPJBC's decision to disqualify Hank reverses its previous decision. In February, the same court ruled against a PAN motion that would have prevented Hank from running for governor (see SourceMex, 2007-02-07). PRI officials accused PAN Gov. Eugenio Elorduy Walther of exerting influence on the TEPJBC to invalidate the candidacy of Hank.

Critics say the PAN is pulling out all the stops in an effort to prevent the loss of another stronghold state to the PRI. In May, the PAN lost the gubernatorial election in Yucatan after leading in the polls earlier in the year (see SourceMex, 2007-05-23). "It is notable that the court earlier ratified Hank Rhon's right to run for governor," said the candidate's chief advisor Eduardo Bernal Martinez. "Now that the polls show our candidate in a technical tie, the court changes its opinion."

Federal Sen. Manlio Fabio Beltrones, who heads the PRI delegation in the upper house, criticized the law that led to Hank's disqualification. "It is regrettable that the rights of some citizens are trampled by such a narrow-minded law," Beltrones said.

Hank was already behind in most polls

Most polls show Hank Rhon behind his PAN rival Jose Guadalupe Millan, who is also representing the Partido Nueva Alianza (PANAL) and the local Partido Encuentro Social in a coalition known

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as Alianza por Baja California. The PRI candidate is also representing the Partido Verde Ecologista Mexicano (PVEM) and the Partido Estatal de Baja California in a coalition known as the Alianza para que Vivas Mejor. In addition to electing a governor, voters in Baja California will be electing five mayors and 19 state legislators. Another six at-large seats in the state legislature will be distributed based on the percentage of votes received by the various parties.

Hank's mixed record as mayor of Tijuana may be one factor affecting his standing in the polls, at least among voters in that city. The mayor has refused to dismiss corrupt municipal officers who have contributed to drug-related violence and kidnappings (see SourceMex, 2007-01-24). Conversely, the mayor has gained some support because of street-paving projects, increased pay for police in Tijuana, and increased security in tourist and shopping areas.

Still, Hank has failed to make inroads outside of Tijuana, which could make it difficult for him to win the election even if his candidacy is reinstated. "Hank Rhon is not a difficult rival, as most polls show PAN candidate Jose Guadalupe Millan with a lead of more than eight percentage points," said the Mexico City daily newspaper La Jornada.

Two other candidates in the race are further behind in the polls: Jaime Enrique Hurtado of the center-left Partido de la Revolucion Democratica (PRD) and Mercedes Maciel, representing the Partido del Trabajo (PT) and the Partido Convergencia por la Democracia (PCD). Maciel is concerned that the TEPJBC's ruling on Hank may affect her candidacy, as she requested leave from her post as a federal deputy to participate in the Baja California gubernatorial race.

Some polls taken by the Hank Rhon campaign showed the PRI candidate within striking distance of Millan. But even national party leaders acknowledge that their candidate is behind. Beltrones, for example, told reporters in late June that there is still time to make up the deficit in the polls. "This is not over until it's over," said the PRI senator.

On June 22, the TEPJBC announced it was giving the PRI 10 days to name a replacement for Hank Rhon. But party leaders said they would stick with the Tijuana mayor because they were confident the TEPJF would rule in his favor. "We will not name a substitute candidate because we are certain that the electoral court will validate Hank's candidacy," said PRI president Beatriz Paredes Rangel.

Other partners in the Alianza para que Vivas Mejor concurred with Paredes' optimistic stance. "There is no law that is above the Constitution, which allows Mexican citizens to vote and to be voted into office" said PVEM deputy Carlos Puente Salas. PAN officials took the opposite stance. "State law clearly stipulates that Mr. Hank is not eligible to run, and that's what the state court indicated," said Arturo Garcia Portillo, the PAN's national secretary for elections. "[The Tijuana mayor] knew this perfectly well."

The PRI was planning to present its official appeal to the TEPJF by July 1. The court had not indicated a date by which they would decide on the issue, but some party officials say a decision could come as soon as July 5.

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