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Electoral Reforms Expected to Gain Momentum

by Carlos Navarro

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Mexico's high court (Suprema Corte de Justicia de la Nación, SCJN) set the stage for the Mexican Congress to begin discussions about political and electoral reforms with a decision to allow Veracruz state to expand the term in office for mayors and other municipal elected officials to four years from the current three years. The SCJN decision, announced Aug. 23, upholds the changes to the Veracruz state Constitution as compatible with Article 116 of Mexico's federal Constitution.

The SCJN's decision could open the door for other changes in Mexico's electoral and political structure when the Congress convenes in September. Some proposals that have been put forth in the past include the possibility of re-election and a runoff for the presidential election. But the center-left parties, led by the Partido de la Revolución Democrática (PRD), and the conservative Partido Acción Nacional (PAN) have already served notice to the Partido Revolucionario Institucional (PRI), which won the presidency and a plurality in the Congress, that they will be seeking new laws that add transparency to campaign financing and establish severe penalties in cases of vote-buying. Key leaders from the PRD and PAN met in mid-August to set an agenda for electoral reforms.

Veracruz reform allows mayors to serve additional year

The question on the number of years that mayors could serve in office came to the SCJN after the center-left political party Movimiento Ciudadano filed a complaint charging that the changes that the state legislature made to Article 70 of the state Constitution violate Article 116 of the federal Constitution.

But the high court, in a unanimous ruling, decided to allow the changes because there is nothing in the federal Constitution—including Article 116—that stipulates the number of years that a mayor can serve.

Justice Margarita Luna Ramos said the only question that arose was whether the changes in the electoral calendar would affect the election dates, which must coincide with the federal election dates during years of a presidential election. But even that change did not pose a problem. "Outside of that, there is no stipulation in Article 116 that sets the number of years for a mayor to serve," said Luna Ramos said.

"The expansion of the mayoral terms is legal, even though this will cause mayoral elections to be held in different years than those for governor or state legislators," the SCJN said after issuing the verdict.

Gubernatorial elections are held every six years, while state legislative elections occur every three years.

With the SCJN decision, Veracruz would become the first state to allow mayors and state legislators to serve more than a single three-year term. The four-year terms will become effective with mayors and other municipal officers elected in 2013.

The mayors of most of Mexico's cities, including Monterrey and Guadalajara, serve only a single three-year term. The one notable exception is the mayor of Mexico City, who serves six years. But the Mexico City mayor is considered on par with state governors, who serve for six years.

The court's decision could open the door for other state legislatures to make similar changes. "Lawmakers in other states now have the freedom to establish a longer time frame for a mayoral term in office," columnist Pedro Elizalde wrote in the Mexico City daily newspaper *La Crónica de Hoy*.

But some critics suggested that the changes in Veracruz do not go far enough. Puebla Mayor Eduardo Rivera Pérez, who is also president of the national mayors association (Asociación Nacional de Alcaldes, ANAC), said a better solution is to allow re-election. This is especially true for the larger cities like Puebla and Guadalajara, Rivera Pérez said in an interview with the online news service E-Consulta.

PRD, PAN join forces to promote electoral reforms

Another issue that could come to the forefront very soon is the question of campaign financing and electoral practices, particularly in light of accusations that the PRI used gift cards from the Soriana department store and the Monex bank to bribe voters in the recent presidential election ([SourceMex, July 18, 2012](#)). Electoral authorities, including the Instituto Federal Electoral (IFE) and the Tribunal Electoral del Poder Judicial de la Federación (TEPJF) have recently issued rulings pointing out that there is no evidence that the practice was as widespread as the PRD and the PAN claim, and, therefore, it is unlikely that this practice altered the results of the election. PRI candidate Enrique Peña Nieto won the election by a small but comfortable margin ([SourceMex, July 11, 2012](#)).

The TEPJF is scheduled to ratify the results of the election on Sept. 6 and is likely to proclaim Peña Nieto the winner. Center-left candidate Andrés Manuel López Obrador and other key members of his Movimiento Progresista coalition continue to insist that the PRI won the race through fraud.

But even as López Obrador, PRD president Jesús Zambrano Grijalva, and Sen. Ricardo Monreal of the Partido del Trabajo (PT) continue to publicly reject the results of the election, newly elected PRD legislators are working with counterparts from the PAN to push for reforms that would make the electoral process more transparent. At a meeting on Aug. 28, the newly appointed floor leaders of the PRD, Deputy Silvano Aureoles and Sen. Luis Miguel Barbosa, met with Deputy Luis Alberto Villarreal and Sen. Gabriela Cuevas of the PAN to set the parameters for discussions on a joint legislative agenda to push for reforms to combat corruption and boost transparency in the electoral process.

"The objective of the meeting was to find common ground between the PAN and the PRD, and there are many areas of agreement regarding electoral reform, transparency, and the fight against corruption," Cuevas told reporters. "We also discussed important issues like the public debt and the federal government's relationship to the state."

Among the issues that legislators are expected to discuss are re-election and a presidential runoff. "We do not want reforms that are simply cosmetic," said Aureoles.

Aureoles noted that the PRI has given lip service to combating corruption, promoting transparency, and limiting the role of sitting governments in the election. This was in response to Peña Nieto's instruction to the PRI delegation in the Congress to begin work on developing proposals that would

promote electoral transparency and fight corruption. "In the past, they blocked efforts to implement these changes," said the PRD deputy.

Villarreal emphasized that the PRD-PAN alliance does not constitute an effort to form an opposition bloc to the PRI. "Our party is open to dialogue with everyone, and we are simply seeking to develop a common agenda," the PAN legislative leader said in a joint press conference with party leaders Zambrano of the PRD and Gustavo Madero of the PAN.

The PAN and the PRD, in fact, left the door open to dialogue with the PRI on electoral and political reforms. "This is not a matter of forging an agreement that will pit two against one. This was a dialogue between two political parties," said Barbosa. "We want to adopt a responsible stance in carrying out our duties, because this is what society demands of us."

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