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Electoral Court Officially Declares Enrique Peña Nieto Winner in July Elections

by Carlos Navarro

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On Aug. 31, Mexico's electoral court (Tribunal Electoral del Poder Judicial de la Federación, TEPJF) officially declared Enrique Peña Nieto the victor in the July 1 presidential election. The announcement followed the TEPJF's unanimous ruling the previous day that there was insufficient evidence to support the complaints by the center-left coalition Movimiento Progresista that Peña Nieto's Partido Revolucionario Institucional (PRI) engaged in a massive and illegal campaign of vote buying to win the election ([SourceMex, July 18, 2012](#)). The TEPJF decision upheld Peña Nieto's margin of victory of about 6.6% ([SourceMex, July 11, 2012](#)).

The TEPJF dismissed nine separate allegations from the center-left coalition. The court's decision came as no surprise, since many analysts had widely assumed that the PRI's transgressions—including allegations that the party used several front companies to purchase debit cards and then handed them out to prospective voters to secure support for the PRI candidate—were not serious enough to warrant overturning an election that Peña Nieto won by nearly 3.2 million votes.

The final TEPJF ruling was the latest in a series of decisions from the court. On Aug. 17, the TEPJF came to the conclusion that there were no irregularities in the vote count and that there was appropriate scrutiny during the election to minimize the chance of fraud.

The final announcement came one week before the Sept. 6 deadline to declare a winner in the July 1 election and just days before President Felipe Calderón was to present the final State of the Nation address of his administration to the newly installed Congress. In the address, the president endorsed the TEPJF decision and took a moment to urge Mexicans to support Peña Nieto in all "essential matters."

Peña Nieto, who arrived at the TEPJF late on Aug. 31 to accept the court's ruling, gave a short speech urging Mexicans to unite despite political differences. "Legality is fundamental to our democratic system. There are rules, deadlines, and procedures," said the president-elect. "All of the competitors accept them, and we have an obligation to respect them."

Center-left rival López Obrador refuses to accept ruling

As expected, center-left candidate Andrés Manuel López Obrador refused to recognize the results of Mexico's presidential election, saying he could not accept the judgment of a court "hostage" to the "corrupt forces destroying Mexico."

In a meeting with reporters, López Obrador said that he would not recognize power obtained through vote buying and that he would gather his supporters on Sept. 9 for a protest at Mexico City's massive Zócalo Square. His defiant tone raised concerns that he might organize street protests like those he used to paralyze central Mexico City after he lost the 2006 election to Calderón by a very narrow margin ([SourceMex, July 12, 2006](#)). López Obrador's supporters took such actions as preventing then President Vicente Fox from delivering his State of the Nation address

([SourceMex, Sept. 6, 2006](#)), held daily demonstrations, and took over a section of Mexico City's business district, snarling traffic and blocking daily activities. During this time, López Obrador declared himself the "legitimate president" and formed what he said was a parallel government ([SourceMex, Sept. 20, 2006](#)).

Observers said the events of 2006 might be repeating themselves. "What we expected to occur actually happened," columnist Alvaro Cueva wrote in Milenio.com. "Enrique Peña Nieto is declared president of Mexico, Andrés Manuel López Obrador does not accept his defeat, and we will live through several months of what we saw in 2006: demonstrations in the Zócalo, street closures, people unable to go to work, merchants on the brink of bankruptcy because they are unable to conduct business, and threats for the Independence Day celebration and the Dec. 1 inauguration."

But others had a different interpretation of Mexico's electoral and political situation. "The main problem with Mexican democracy is not that some political actors are 'not accepting their defeat' but that too many citizens are accepting impunity and complicity as a normal occurrence," John M. Ackerman, a law professor at the Universidad Nacional Autónoma de México (UNAM), wrote in the weekly news magazine Proceso. "The president of the Partido Revolucionario Institucional (PRI) Pedro Joaquín Coldwell has asked that we 'turn the page' on the challenges to the election of Enrique Peña Nieto. But as citizens we have to do the opposite if we expect to have an impact on the national agenda during the next administration."

Another factor in the recent election that was not present in 2006 was an organized student protest. The #YoSoy132 movement, which mobilized university students around the country against Peña Nieto and the PRI during the course of the campaign ([SourceMex, June 13, 2012](#)), also made its presence known in the aftermath of the TEPJF decision. The students organized protests around the country, with the most vocal demonstrations in Mexico City, Puebla, and Querétaro states. "We are not willing to accept this imposition," members of #YoSoy132 said following the TEPJF decision to validate the election. The students vowed to continue their protests and demonstrations throughout the next several weeks.

Some PRD officials urge center-left coalition to move forward

While most of López Obrador's close collaborators in the Movimiento Progresista joined the candidate and student demonstrators in denouncing the TEPJF results, some suggested that the coalition leave the controversy behind and start planning for the future.

Outgoing Mexico City Mayor Marcelo Ebrard, who lost the nomination to López Obrador, endorsed the TEPJF ruling. "The law obligates me to accept the decision of the court," said Ebrard, who is being mentioned as a center-left candidate for the 2018 election.

Cuauhtémoc Cárdenas, who helped found the center-left party that eventually became the Partido de la Revolución Democrática (PRD), agreed with López Obrador that the electoral process remained unfair but said that the situation should be resolved through the legislative process.

But Cárdenas also pointed to a structural problem that the PRD had to overcome. On his Web site, Cárdenas said the PRD—the dominant party in the Movimiento Progresista—was not going to win elections as long as it remained disorganized and fractured. "This is a party of factions and quotas, of sectarianism and opportunism, of patronage—instead of a party of members who are free and informed," said Cárdenas. "[In its current state], it is destined to shrink and fail."

Others agreed with this assessment. "In the aftermath of the TEPJF's ruling, the leftist parties have to engage in serious, thorough, and pragmatic discussions on the role that they want to play not only in the electoral life of our country but about their true contribution to the future of our country," political analyst Otto Granados Roldán wrote in the online publication *Etcetera*. "The conclusions that they develop will largely determine whether they remain a viable political option.

Granados Roldán, a former PRI governor of Aguascalientes, said a model for success already exists for the PRD in the Mexican capital. "Why has the PRD been successful in Mexico City?" he asked.

"Because a majority of the citizens perceives that the administrations made a reasonable and positive effort in the areas of public safety and infrastructure (via public-private partnerships), which did not have anything to do with ideology but with the implementation of effective public policies."

The conservative Partido Acción Nacional (PAN), which also lodged a complaint with electoral authorities about the unfair practices of the PRI in the election, made it known from the start that it would accept the TEPJF rulings. "We will assume our democratic responsibility and accept the TEPJF's ruling," said PAN president Gustavo Madero. "But we will insist that the irregularities be sanctioned and corrected."

Peña Nieto guaranteed that he would maintain a dialogue with all political parties. But he said the offer to López Obrador is good only after the center-left candidate recognizes the results of the July 1 election. "I am very willing to hold a dialogue if [López Obrador] wants this," the president-elect said in an interview on the Televisa television network. "But only when he recognizes this presidency, which was won with a majority vote of the citizens."

Peña Nieto earlier acknowledged that the PRI and its coalition partner the Partido Verde Ecologista de México (PVEM) failed to reach their goal of attaining an absolute majority in the Congress. The PRI-PVEM does have a plurality in both legislative chambers but will have to work with all other parties to determine a legislative agenda. "The mandate from the citizens is very clear that we must share the responsibilities of democratic power," said Peña Nieto. "By having opted for a plural Congress without absolute majorities, Mexicans expect the government to perform as a team."

In his State of the Nation address, Calderón included a congratulatory message for Peña Nieto. "I wish the president-elect success during his tenure, and I ask all Mexicans to support him in all essential matters despite any differences we might have," the president said in his address. "I know very well that a president needs the collaboration of everyone to help Mexico move ahead."

But Calderón's message did not resonate with everyone, particularly members of the center-left coalition. Deputy Ricardo Cantú, one of the floor leaders for the Partido del Trabajo (PT), went as far as to repeat the theory that there might have been some collusion between the outgoing PAN administration and the PRI. "This gives some credibility to the hypothesis among some members of Calderón's own PAN that that some sort of pact had been negotiated with Peña Nieto a while back," said Cantú.

Student movement delivers contrainforme

Despite the obvious discomfort of the center-left parties with the president's openly strong endorsement of Peña Nieto, the level of animosity during the outgoing president's last State of the Nation speech was not as strong as in 2006, when demonstrators openly interrupted President

Vicente Fox ([SourceMex, Sept. 6, 2006](#)). But the potential for conflict was minimized because Calderón did not deliver the speech in person. Interior Secretary Alejandro Poiré delivered the document to Congress.

One demonstration was carried out by the #YoSoy132 movement, which held a contrainforme (counter address) in front of the Chamber of Deputies building at the same time that Calderón was presenting his speech to the Congress. "This has been a six-year term rife with hunger, exclusion, disinformation, inequality, disease, repression, and death," said a member of the #YoSoy132 movement, who participated in the reading of the contrainforme.

In his address, Calderón touted the achievements of his administration as well as mentioning areas where the government fell short. A major theme was organized crime and his administration's drug-interdiction efforts. "For many years, criminal groups were becoming stronger as the state was weakening," he said, describing the years before he took office. "Today, the state institutions are stronger, and the criminal groups are becoming weaker. This is another symbol of the transformation that we have promoted."

But he acknowledged that not every aspect of the effort to combat drug traffickers has succeeded. "Of course, in this effort, there have been mistakes and omissions."

Analysts said the last part of that statement should not be discounted. "Mexico is a long way from having strong rule of law still, and a solid economic base has not necessarily led to the kind of jobs that people hope to have," Andrew Selee, director of the Mexico Institute in Washington told the Associated Press. "It's a well-managed economy but it's not a dynamic economy. And that's the legacy."

Calderón acknowledged that economic growth has been insufficient, but he said the inability of Congress to approve comprehensive tax, labor, and energy reforms were mostly to blame. He challenged the new Congress to enact these reforms. "I am hoping that the new Congress will overcome [political] differences and give Mexico the reforms it urgently needs," said the president.

But Calderón also recognized that the global financial crisis had an impact on Mexico's economic performance. Among the tasks that remain, he said, is to find solutions for some of the problems that have recently affected the daily lives of Mexican families, including the impact of increases in global food prices ([SourceMex, Aug. 22, 2012](#)), which is worsened by the outbreak of avian flu in Mexico ([SourceMex, July 11, 2012](#)).

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