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Congress Approves New Set of Electoral Reforms

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The Mexican Congress has approved another set of electoral reforms that would make the legislative branch more effective and open up the country’s political institutions to more democratic participation and scrutiny. The latest reforms, approved in early December, allow sitting members of Congress to run for re-election, eliminating the previous restriction that limited legislators to a single three-year term in the Chamber of Deputies and a six-year term in the Senate. Under the reform, states would be given the option to decide whether to allow direct re-election of mayors and deputies in state legislatures.

The changes would also replace the Instituto Federal Electoral (IFE) with a more powerful and independent agency, the Instituto Nacional Electoral (INE). This reform is intended to create greater oversight of state elections, which have been managed by state electoral institutes.

Another significant change in the electoral legislation is the requirement that each political party submit an equal number of male and female candidates for public office. Historically, Mexico has lagged behind on electing women to important offices, although the July 2012 elections brought an improvement in the gender-equity ratio in Congress (SourceMex, Aug. 8, 2012).

The last major electoral reform, approved in 2011, allowed citizens to run as independent candidates and to organize citizen referendums (SourceMex, May 4, 2011). The subject of re-election was also proposed then but was not included in the final bill. The reforms approved that year have already had some impact on the political process. An independent candidate won a mayoral election in Zacatecas state in July 2013 (SourceMex, July 17, 2013). The referendum process gives the center-left parties another tool in their effort to oppose the privatization-oriented energy reforms proposed by the governing Partido Revolucionario Institucional (PRI), the conservative Partido Acción Nacional (PAN), and their allies (SourceMex, Oct. 16, 2013).

Despite overwhelming support for the electoral reform, there are concerns that the legislation was approved too hastily and without the appropriate debate. Critics said the PRI included some demands from the PAN in order to gain the support of the center-right party to ensure that energy reform was approved before the end of the legislative session in December. The PAN’s main proposal was re-election, but the party was unable to convince the PRI to accept its other major proposal—a runoff in presidential elections if the winner does not get more than 50% of the vote.

The electoral reform, say critics, is an example of President Enrique Peña Nieto’s misguided efforts to promote legislation in key areas without much debate in order to meet campaign commitments to make deep structural changes in Mexico in the early years of his administration. The president and the PRI were recently hampered by the loss of support from the center-left Partido de la Revolución Democrática (PRD), which withdrew from the Peña Nieto-supported coalition Pacto por México because of allegations that the PAN and PRI were meeting secretly to push through an energy reform plan that the center-left parties adamantly oppose.
Reforms put major emphasis on re-election

The support for re-election was broad and overwhelming, with members of all parties supporting the initiative. Proponents say re-election creates continuity and allows experienced legislators to continue serving beyond the single term currently allowed under the Mexican Constitution. Under the plan approved in Congress, legislators would be allowed to serve 12 consecutive years. For members of the lower house, who serve three-year terms, this means that they would be allowed to run for re-election three times before the term-limits provision kicks in. For senators, who serve for six years, re-election would be allowed only once. Many legislators return to Congress through election or appointment for a seat in the other legislative chamber.

None of the current members of Congress will be eligible for re-election under the new rules, the parties stipulated.

A major problem, say critics, is that the reforms do not clarify what will happen with the at-large seats that parties are allocated based on the percentage of the vote received in an election. The key question is whether a candidate who is appointed for one term will be able to retain the seat during a second or third term.

Some plans that were initially proposed suggested doing away entirely with the at-large seats. At-large seats are often awarded as a political favor to veteran party members, making these legislators primarily accountable to the party. The theory is that a 300-seat Chamber of Deputies and 96-member Senate made up entirely of directly elected legislators would be more responsive to the citizenry.

The problem, however, is that this would leave smaller parties without a voice, since they generally gain seats in Congress through the allocation of at-large seats. The reforms, in fact, make it more difficult for smaller parties, which now must gain 3% of the total vote to retain registration for the next election. Until now, parties have had to obtain only 2% of the vote.

Carlos Ramírez, a columnist for the Mexico City daily business newspaper El Financiero, proposes that, rather than reduce the number of at-large seats, the allocation formula should be changed to give more of those seats to smaller parties. He pointed out that the three major parties control about 85.6% of the Chamber of Deputies and 87.5% of the Senate but collectively received only slightly more than 70% of the total popular vote. "The problem in the legislative branch … is the lack of true representation," said Ramírez.

Some observers say re-election would be most beneficial for municipalities. "It’s clear that local government has suffered most severely from the effects of the country’s electoral restrictions," Bruce Katz, director of the Brookings Institution’s Metropolitan Policy Program, wrote in the organization’s blog. "Currently, mayors are elected to a single three-year term—hardly enough time to establish a functioning office, let alone craft and steward long-term economic or social change."

Changes in Electoral Watchdog

Another important change in the electoral reforms was the elimination of the IFE in favor of a more powerful INE. This would especially benefit national elections, as an independent INE would not be beholden to any political party.
Still, critics see a number of problems with this change. The Instituto de Estudios para la Transición Democrática (IETD) and the soon-to-be outgoing members of the IFE point out that the legislation lacks clarity on how state elections would be handled, particularly since the creation of the INE would mean the disappearance of state electoral agencies that had been modeled after the IFE.

"The proposal contains multiple unexplained provisions and little clarity regarding the faculties of the Instituto Nacional Electoral (INE) and its relationship to the state electoral agencies," said a statement issued by current IFE counselors. "This lack of certainty could put at risk the operations of Mexican elections."

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