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Governing Party Wants Citizens to Vote on Reducing Size of Congress

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The major political parties in recent years have offered several proposals to transform the Mexican Congress, including reducing the number of legislators. However, the suggestions have never advanced beyond the proposal stages in other pieces of legislation to reform the political process (SourceMex, Jan. 6, 2010, and Nov. 2, 2011). The governing Partido Revolucionario Institucional (PRI) has now resurrected the proposal, adding a step to the process—a public referendum on the issue. Supporters of this plan agree that Congress has become too big and costly to operate, so a reduction in the number of members of the Chamber of Deputies and Senate is warranted. Critics suggest, however, that the PRI’s proposal to reduce the number of at-large seats in each chamber is undemocratic because it would make it difficult for small parties to gain representation in Congress and perhaps give too much power to the party with the majority of seats.

The two major opposition parties—the center-left Partido de la Revolución Democrática (PRD) and the conservative Partido Acción Nacional (PAN)—also question the PRI’s motives for bringing the measure to a public vote. They and other critics suggest the PRI wants to have its own issue to bring to the public for a vote. The electoral reforms that Congress approved in 2011 give citizens—and political parties—the right to call for a citizen consultation (SourceMex, May 4, 2011, Dec. 11, 2013, and March 19, 2014).

The PRD has already proposed organizing a referendum on the energy reforms approved in December 2013 (SourceMex, Dec. 18, 2013) and the secondary laws to implement the reforms passed in August 2014 (SourceMex, Aug. 6, 2014). The newly formed center-left Movimiento Regeneración Nacional (Morena) is seeking a separate referendum on the energy reforms, having rejected a proposal from several intellectuals to join its action with that of the PRD. The PAN, in the meantime, has proposed a citizen consultation on increasing the minimum wage in Mexico.

PRI would cut number of at-large seats

Under the proposal announced by PRI national president César Camacho on Aug. 21, citizens would be asked to vote on whether the number of at-large seats should be cut in half in the Chamber of Deputies and reduced by one-third in the Senate.

In the lower house, this means that only 100 seats would be allocated to the various parties based on the percentage of the overall vote received in the election. Under this formula, the lower house would have only 400 seats—300 directly elected positions and 100 at-large posts. In the Senate, 32 at-large seats would be eliminated, leaving the upper house with 96 senators—64 elected directly by the voters and 32 allocated based on the percentage of votes received by each party.

Camacho emphasized that the PRI does not want to eliminate at-large seats altogether, simply to reduce their numbers. We believe that the at-large legislators are an essential [part of the Congress]," said the PRI leader. "We believe there are too many of them."
The proposal to reduce the Congress has gained some support among others outside the PRI, including former federal legislator Bernardo Báez Vázquez, author of the book Teoría del Derecho Parlamentario. "A body with a large number of legislators does not guarantee an efficient process," Báez Vázquez, who served in the Chamber of Deputies as a member of the PRD, said in a radio interview with journalist Carmen Aristegui. "A body with a fewer number of legislators could be more efficient if it truly dedicates itself to its work of reviewing current and new legislation."

Báez Vázquez said a smaller Congress might take its work more seriously. "One of the criticisms of the current Congress is that many legislators do not listen when another member is speaking," said the ex-legislator. "Many are busy checking their laptop, reading their newspaper, or talking on their cell phone. We have lost the essential role of Congress, which is to listen to arguments, debate them, and then freely vote on an issue."

Furthermore, he questioned the high cost of maintaining a large legislative body. "A country as poor as ours cannot give itself the luxury of spending as much as we do on Congress," said Báez Vázquez, who also served as Mexico City attorney general under former mayor Andrés Manuel López Obrador.

Others agreed that the cost of running the Congress must be reduced. "The PRI proposal ... appears reasonable in a country where ‘democracy’ is one of the most expensive in the world," columnist Matías Pascal wrote in the daily newspaper Unomásuno. "Nevertheless, a reduction in representation and plurality is not the way to go. The best way to reduce costs is to end the corruption that dominates the political and business circles, which enjoy all types of irregular benefits and excesses."

**Critics say plan would inhibit democracy**

Opposition legislative leaders also criticize the PRI proposal. PAN Deputy Fernando Rodríguez Doval, secretary of the constitutional issues committee (Comisión de Puntos Constitucionales), and PRD Deputy Miguel Alonso Raya, vice chair of his party’s delegation in the lower house, raised concerns that a smaller Congress might give the majority party greater power.

"If there were no at-large seats in the current Congress, the PRI would have full control of the Chamber of Deputies despite having received only 40% of the popular vote," said Rodriguez Doval. "The PRI’s plan would ensure that the party is overrepresented in Congress."

José Woldenberg, an expert on Mexican elections who served as president of the now-defunct Instituto Federal Electoral (IFE), agreed that a reduction in at-large seats could give the PRI greater control of Congress. He pointed out that the at-large seats were created as part of the electoral reforms of 1977, which were intended to create a more democratic Congress. "I believe that [the at-large legislators] are a good option to temper the over- and underrepresentation in Congress," Woldenberg said in an interview on Noticias MVS.

Raya and Rodríguez Doval pointed out that the PRI would have to promote its proposal by means other than a referendum, as Article 35 of the Mexican Constitution prohibits citizen consultation on matters related to the electoral process and matters related to revenues and expenditures (SourceMex, March 19, 2014). Furthermore, said Raya, the proposal would need changes to important sections of the Constitution. "It is clear that, to reduce the number of at-large deputies
and senators, changes are required at least to Articles 52, 53, 54, and 56 of our Constitution [all dealing with the composition of Congress], and this alone could be enough to halt a referendum."

Lorenzo Córdova, president of the Instituto Nacional Electoral (INE), which replaced the IFE after the most recent electoral reform (SourceMex, Dec. 11, 2013), said the PRI’s proposal comes into conflict with the mandate of the new electoral institution, which is to strengthen the representative nature of Congress. Nevertheless, Córdova said it was his duty to oversee the proposal once it is presented.

"As the electoral authority, what I have to do is to make certain determinations. First, we need to know whether the citizen consultation is viable," said Córdova. "Second, we need a ruling from the Suprema Corte de Justicia de la Nación (SCJN) on whether the initiative can proceed. Finally, we have to determine whether there are enough signatures from voters to hold the referendum."

**PRD, PAN referendum proposals also questioned**

Some analysts said the PRI’s decision to propose a citizen consultation to reduce at-large seats was totally unexpected. "The surprising move left more than a few members of the political class speechless," political columnist Ricardo Alemán wrote in the daily newspaper El Universal.

The columnist pointed out, however, that the PRI’s initiative was simply its reaction to the consultations already proposed by the two opposition parties. "The three parties have decided to use the citizen consultations as a maneuver to trick the public," said Alemán, pointing to the PRD proposal to call for a referendum on recently approved energy reforms and the PAN’s proposed initiative to hold a consultation on raising the minimum wage.

Some analysts suggest the PAN’s referendum proposal is clearly an electoral ploy, especially when raising salaries has not been a part of the party’s political platform. "For the political left the minimum wage is unjust because it is insufficient, and this issue has been a leftist battle since the beginning," columnist Liébano Sáenz wrote in the English-language daily newspaper The News. "However, what is new now, and perhaps unique, is that the PAN is beginning to embrace this argument."

Others see a similar political motive in the PRI’s proposed citizen consultation. "Let’s suppose that the PRI fails in its efforts. Let’s suppose that the [SCJN] requires the PRI to respect the principle that electoral matters, especially those related in some form to the budget process, are not viable for citizen consultation," said an editorial in the news site La Otra Opinión.

The editorial said all indications are the PRI would accept a decision from the high court without much protest. This means also that the PRI would have achieved its goal by setting a legal precedent. "If the PRI portrays itself as respectful of the decisions of the SCJN, the PRD would have to do the same to not appear disrespectful of the norm and set apart from the legal framework."

For the PRD, there is a challenge from Morena, which appears to put less priority on institutional matters and more on principles. Morena has accused the PRD of selling out center-left principles by compromising with the PRI and the PAN on several important issues (SourceMex, Dec. 5, 2012).

The rift between the two center-left movements did not stop a group of intellectuals—including Juan Villoro, Elena Poniatowska, Daniel Giménez Cacho, and John Ackerman—from appealing to López
Obrador, president of Morena’s executive council—to allow Morena and the PRD to seek a joint consultation.

"I have a lot of respect for [this group of intellectuals]. They have a great social conscience. They are honest people," López Obrador said in declining the request. "We just don’t have any confidence in the leaders of the PRD, and we do not want to put the citizen consultation at risk."

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