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## In a Surprising Move, Electoral Court Invalidates Colima Gubernatorial Election

by Carlos Navarro

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In a surprising decision in late October, the federal electoral court (Tribunal Electoral de la Federación, TEPJF) declared the gubernatorial election in Colima null and void and ordered the state legislature to appoint an interim governor. The Colima election was one of nine gubernatorial races held on June 7 along with the federal elections for the Chamber of Deputies and several municipal and state legislative contests ([SourceMex, June 24, 2015](#)).

José Ignacio Peralta Sánchez, who represented a coalition led by the governing Partido Revolucionario Institucional (PRI), had won the election by a very narrow margin of about 500 votes over Jorge Luis Preciado Rodríguez of the center-right Partido Acción Nacional (PAN). The PAN filed an appeal with the Colima electoral tribunal (Tribunal Electoral del Estado de Colima, TEE), claiming that Peralta was elected with the help of unfair and illegal practices by members of outgoing PRI Gov. Mario Anguiano Moreno's administration.

The TEE upheld the results of the election, suggesting that the PAN had not offered sufficient evidence to prove its case. The center-right party then took the matter to the TEPJF, which took several weeks to consider the matter and was apparently leaning toward upholding the TEE's decision. TEPJF justices were thought to be leaning toward ruling against the PAN because of criticisms against party officials for trying to exert pressure on the electoral court through the media.

However, the PAN came up with the smoking gun that TEPJF judges needed to make their final decision: a recording of state social development secretary Rigoberto Salazar Velasco giving instructions to a subordinate on how to obtain votes for the PRI with the state's social programs. "This audio recording, which PAN president Ricardo Anaya took to the TEPJF just 35 hours before the decision, was key," columnist Joaquín López-Dóriga wrote in the daily newspaper Milenio.

### *TEPJF decision sets a precedent*

Just days before Peralta was to take office on Nov. 1, the TEPJF officially invalidated the election and called for scheduling a special election as soon as possible. Four of the six TEPJF members, including court president Constancio Carrasco Daza, ruled in favor of invalidating the election. "All government officials must distance themselves from electoral processes," said Carrasco Daza. "Failing to do so might delegitimize an election."

"This decision sets a precedent, as the tribunal has determined that any intervention of any government official in an electoral process would result in an annulment of the election," said López-Dóriga.

The justices said the recording demonstrated that Salazar was clearly instructing his subordinate to violate electoral laws, as opposed to merely making a suggestion. "To instruct is to order," said the TEPJF decision.

Along with its decision to invalidate the election, the TEPJF asked the federal electoral crimes prosecuting agency (Fiscalía Especializada para la Atención de Delitos Electorales, FEPADE) to investigate which individuals were responsible for the misuse of the electoral lists.

A related charge in the case involves outgoing state attorney general Marcos Santana, who is accused of illegally arresting three PAN workers during the elections, which the TEPJF said was also improper interference in the electoral process.

As of Nov. 4, federal and state electoral authorities had not chosen a date to hold the new elections, but the Colima state legislature is hopeful that they will take place in coming weeks. In a 24-0 vote, with one abstention, the legislature voted to appoint Ramón Pérez Díaz, president of the Colegio de Notarios, as interim governor between Nov. 1, 2015, and Jan. 18, 2016, which is when the permanent governor would take office for a six-year term.

In recent years, state legislatures have turned to academic leaders to serve as interim governors following the resignation of the sitting governor. This was the case in 2014, when Salvador Jara Guerrero of the Universidad Michoacana de San Nicolás de Hidalgo was elected to serve as chief executive of Michoacán following the resignation of Gov. Fausto Vallejo in 2014 ([SourceMex, July 2, 2014](#)).

Also in 2014, the Guerrero state legislature elected Prof. Rogelio Ortega Martínez of the Universidad Autónoma de Guerrero to serve as interim governor following the resignation of Gov. Ángel Aguirre ([SourceMex, Oct. 29, 2014](#)).

Some observers suggest that electoral authorities in Colima were complicit in the electoral corruption on June 7. "Before organizing the special election in Colima, the members of the Instituto Nacional Electoral (INE) should remove their colleagues in the Instituto Electoral de Colima," columnist Jorge Alcocer wrote in the daily newspaper Reforma.

### *A power struggle within the PRI?*

There was talk that developments reflected an intraparty struggle within the PRI, with national party officials imposing Peralta as the candidate against the wishes of outgoing Gov. Anguiano, who was thought to favor Colima City mayor Federico Rangel or his government secretary Rafael Gutiérrez.

"The fall of Ignacio Peralta is no more than a power struggle among factions of the PRI, as this candidate was very close to President Enrique Peña Nieto and Finance Secretary Luis Videgaray," political columnist Ivonne Melgar wrote in the daily newspaper Excélsior. "He was never favored by the outgoing Gov. Mario Anguiano."

There has been no explanation of how the PAN obtained the recording implicating Peralta. One theory is that collaborators of Anguiano leaked the recording to the PRI to embarrass federal PRI officials, who backed Peralta.

"The campaign against Peralta was said to have been planned by state social development secretary Rigoberto Salazar," columnist Roberto Rock wrote in the daily newspaper El Universal.

According to Melgar, the developments in Colima might consolidate power in the national PRI. "This case helps the new president of the PRI, Manlio Fabio Beltrones, make the case against leaving the management of state and local elections in 2016 and 2017 to the governors," said the Excélsior columnist.

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