



Organization of  
American States

REPORT TO THE PERMANENT COUNCIL  
OAS Electoral Observation Mission<sup>1</sup>  
Mexico  
Federal Elections, June 7<sup>th</sup>, 2015<sup>2</sup>

## Background

On January 20, 2015, the National Electoral Institute (INE) and the Federal Electoral Court of Mexico (TEPJF) extended an invitation to the Organization of American States to deploy an Electoral Observation Mission to the country for the upcoming Federal Elections. Secretary General José Miguel Insulza accepted the invitation, appointing Mrs. Laura Chinchilla Miranda, former President of the Republic of Costa Rica, as Chief of Mission.

This was the third OAS Electoral Mission to Mexico. Previously, a Mission had been present for the 2009 Federal Elections and the 2012 Presidential Elections. It is noteworthy that in addition to covering the Federal Election process, the OAS sent a Special Mission to observe the Federal District's elections at the request of the Electoral Institute of the Federal District (IEDF).

The elections were preceded by an in-depth political and electoral reform approved by the Federal Congress in 2013 and 2014, which amended the Constitution, introduced new general election laws, and created the National Electoral Institute (INE), granting the national electoral authority new and greater powers.

The reform allowed independent candidates at a national level, broadening the spectrum of electoral choices available to Mexican citizens, in addition to introducing horizontal and vertical gender parity. Furthermore, the reform changed the dates when elections are held, allowed successive legislative and municipal reelection (applicable to Congress as of the 2018 elections), and modified the threshold required to register a political party.

## Pre-electoral Phase

The OAS Electoral Observation Mission (OAS/EOM) began its work on the ground the third week of April with the Chief of Mission's preliminary visit. During this visit, Mrs. Laura Chinchilla held meetings with electoral and government authorities, as well as representatives from national political parties and media. The objective was to gather information on organizational aspects of the process, the implementation of the recent political and electoral reform, to observe the political context of the campaign and to exchange ideas with the main actors in the elections.

Thereafter, the Mission deployed 58 international observers, including specialists in observation methodologies and departmental coordinators, from 18 OAS member States and 3 observer countries.

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<sup>1</sup> The official name of the Mission in Spanish is *Misión de Visitantes Extranjeros*, as established by Mexican electoral laws.

<sup>2</sup> Presented to the Permanent Council on September 2, 2015.

The Mission was deployed in 17 states in the country to observe elections unfold in the framework of the Mexican Constitution and electoral regulations. It is noteworthy that during this election, the Mission had experts in electoral organization and technology, campaign finance, equal participation of men and women in the elections, electoral violence, electoral dispute resolution, and participation of indigenous groups and accessibility for persons with disabilities.

The political context surrounding the elections was marked by events that threatened electoral authorities' operational capacity in some districts. Namely, in the days running up to the elections, there was the takeover of 11 INE District Boards in Oaxaca by members of the National Coordinator of Education Workers (CNTE), the burning of electoral materials in Guerrero, Michoacán, and Oaxaca, violent attacks on INE offices in Puebla and Chiapas, among other incidents. Despite the tension that preceded the Election Day, the Mission confirmed that these challenges were almost completely overcome thanks to the joint efforts of federal and state authorities, including electoral and law enforcement authorities, as well as the commitment of poll workers. Nevertheless, the Mission deeply regrets the acts of violence which led to the death of some candidates, pre-candidates, and political party members during the electoral campaign, and calls on the authorities to undertake every possible effort to shed light on these tragic incidents.

### **Election Day**

On June 7, 2015, 82 million Mexican citizens were called upon to cast their vote for all 500 seats in the Chamber of Deputies, 9 state governors, 641 deputies in 17 states, 993 mayors in 16 states, and 16 borough heads in the Federal District. A total of 2,159 popularly-elected posts were up for election.

OAS international observers visited 638 polling stations in 399 polling places to gain an in-depth understanding of the process of opening, carrying out, and conclusion of the elections. The Mission received a total of 23 complaints that were sent to the National Electoral Institute for their due processing.

Election Day unfolded peacefully in general terms, with greater voter participation than in the prior mid-term elections. The Mission verified that the great majority of polling places observed were adequate and the polling stations had all the indispensable electoral materials. Notably, 99.84% of the polling stations were set up. Furthermore, there was a massive presence of political party representatives and a high percentage of women played a role at the polling stations observed. The Mission was also pleased to see the efforts and measures aimed at promoting the participation of people with disabilities.

The Mission took note of the lack of information about the functioning of the so-called "special polling stations,"<sup>3</sup> which hindered some citizens from casting their ballot, as they were unaware of this mechanism or uninformed about the district in which they were registered in. The installation and functioning of the special polling stations had already been the subject of recommendations by the Electoral Observation Mission (OAS/EOM) that observed the 2012 Presidential Elections.

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3. Special polling stations are set up to collect the votes of those who are temporarily away from the election district that corresponds to their domicile. Each special polling station has 750 ballots, plus those necessary for representatives of political parties and independent candidates on the polling station executive board to vote.

At the end of Election Day, the Mission observed the process of transmission, consolidation, securing, and publication of the official election's results. The Mission observed delays in the process of tabulating official tally sheets throughout the country, which in turn delayed the publication of preliminary election results. Moreover, the Mission witnessed the broadcasting of the quick count results around midnight on Election Day.

### **Post Electoral Phase**

Eight of the ten political parties, received at least 3% of the vote, which was the minimum required to maintain their registration as a political party. Two of them, the Humanist Party and the Labour Party did not reach the necessary threshold and lost their registration. Additionally, members of civil society and some political actors asked the INE to unsubscribe the Ecologist Green Party of Mexico for violations of the electoral rules. The party maintained its record; however, it was severely penalized.

### **Conclusions and Recommendations**

The OAS/EOM highlights the willingness of authorities and personnel of the National Electoral Institute, the Federal Electoral Tribunal of Mexico, the Office of the Specialized Prosecutor for Electoral Offenses, and the Electoral Institute for the Federal District to ensure observers were provided unfettered access to all information requested.

The Mission also highlights the reliable handling of the voter registration list, an area in which Mexico can be held up as a regional example. Furthermore, the Mission congratulates the Mexican authorities on the advances made under the broad reform that entered into force during these elections. In light of the analysis of the reform and the electoral process in its entirety, the Mission would like to draw attention to the following issues, which are intended to contribute to the enhancement of the Mexican electoral democracy.

### **Electoral Institutional Framework**

The Mission highlights the reforms undertaken with regard to the functioning of the Office of the Specialized Prosecutor for Electoral Offenses (FEPADE), especially the ones regarding the Prosecutor's appointment, which intend to provide a greater degree of independence in his investigative tasks.

### **Electoral Justice**

With regard to the electoral justice system, the Mission observed that both administrative and judicial authorities are overburdened with work. In this sense, the Mission recommends considering legislative reforms in order to prevent the creation of incentives for excessive litigiousness that arose during this electoral process. At the same time, it suggests reviewing the judicial system implemented to pursue the establishment of the Specialized Court of the TEPFJ. This can be accomplished by rationalizing functions and avoiding duplications and contradictions with other instances.

### **Electoral Federalism**

The Mission recognizes the efforts undertaken by national and local electoral officials in coordinating the combined federal and local polling station [*casilla única*]. Nevertheless, the Mission underscores

the importance of defining roles, responsibilities, and differentiated powers in order to guarantee a more seamless relationship between the INE and local public election organizations (OPLEs).

Furthermore, the Mission points out that the system adopted after the political and electoral reform grants the INE the power to appoint local electoral councils, but the control for budget allocation for local organizations remains in the state congresses. This system presents considerable challenges for standardizing processes and ensuring that the OPLEs have the same resources and capacities. In this sense, the Mission encourages attuning the legislation and the national and local election schedule; respecting the Mexican State's federal model.

### **Equity**

- **Participation of men and women**

The Mission acknowledges efforts of Mexican officials to promote women's political participation. The Mission would like to underscore the TEPJF's work. Indeed, without the TEPJF's decisions it would have been impossible to fulfill the horizontal and vertical gender parity requirement for candidate registration. 42% of the seats in the Federal Congress are held by women, versus 37% in the prior legislature, as well as the governor's office in Sonora. The Mission salutes this progress while highlighting the need to continue harmonizing the legal framework of the federal states in order to fully integrate horizontal parity and ensure its fulfillment nationally.

- **Independent candidates**

Beyond the election results obtained by each of the political movements, the Mission applauds the openness and competitiveness that characterized these elections. It highlights the participation of independent candidates and new political groups, which favors the representative nature of popularly elected posts and the plurality of the political system.

In this regard, the Mission recommends overhauling legal instruments in order to create a more level playing field in the elections. Specifically, it recommends having clearer regulations regarding private financing of independent candidates and reviewing registration requirements for such candidates. In this way, nominees who run through this mechanism are not hindered from a fair competition.

- **Political Financing**

The Mission recognizes Mexican legislators' efforts to reform political finance regulations, which aspire to provide greater fairness to the elections and reduce the cost of electoral campaigns. However, the Mission notes the administrative overburdening of the INE by assigning it the responsibility of reviewing finance reports from all campaigns in a period of 10 days. According to data from the Technical Oversight Unit of the INE Oversight Committee, over 70,000 pre-campaign and campaign reports were received.

### **Electoral Organization**

The Mission applauds the commitment of poll workers who acted with great civic responsibility and were key players in the success of the electoral process. The Mission observed that the presidents of the polling stations performed with considerable responsibility, both in the safekeeping and transfer of electoral materials. It should be noted that several times, they accomplished their tasks even without

the proper security measures and the necessary logistics to ensure the fulfillment of their duties. Although the Mission acknowledges the spirit that inspires the Mexican electoral process, in which citizens are the protagonists, it suggests that the electoral authority should provide greater support to the presidents of polling stations in discharging their assignments.

In addition to the foregoing, the Mission noted that the placement of the polling stations were, in many cases, vulnerable to weather conditions that could have interrupted the electoral process. This also meant that the appropriate safekeeping of electoral materials was not ensured. The Mission believes it is pertinent to reiterate the recommendation made by the OAS in both 2009 and 2012 about the possibility of improving the location of polling stations, having them placed in closed-in areas.

The Mission positively highlights the accuracy of the Preliminary Election Results Program (PREP), as demonstrated by the minimal difference between the preliminary and official results. Nevertheless, the mission took note of the delays in tabulating official tally sheets, observing that about three hours after polling stations were closed, only 3.39% of the tally sheets in the entire country had been processed. The slow pace at which tally sheets were received brought the national ballot count to a standstill. The foregoing was caused by a slow vote count process, logistical deficiencies associated with transferring the official tally sheets to the departmental counting center, among others. The Mission recommends that electoral authorities analyze the obstacles that led to delays and take the necessary steps to improve both the vote count process as well as the logistics associated with transferring the tally sheets to the Data Gathering and Transmission Centers.

- Electoral Calendar

The Mission highlights national and local electoral authorities' work to properly lay out an electoral calendar that provided ample time to carry out key activities. This was particularly important in those states in which there were ballots that had to be reprinted or when there were delays in delivering electoral materials due to highways closings, weather conditions, or isolated incidents. Proper planning ensured that the electoral schedule was met and polling stations had materials in due time.

The Mission noted however some delay in the opening of polling stations throughout the country, which caused long lines during the morning and impatience among citizens who had arrived at the scheduled opening time. It is advised to reconsider poll workers' arrival time, since they only had 30 minutes to set up the polling stations. The Mission proposes that the time designated for organizing and setting up the polling stations should be earlier, in order to ensure that the Election Day begins at the time stipulated in the electoral calendar. Also, the Mission suggests bolstering the training systems for poll workers.

### Political Communication

The Mission acknowledges the efforts aimed at giving equal access to political communication. However, at the same time it underscores the risk of limiting the forums of expression necessary to conduct an intense, dynamic, and democratic debate. Over multiple conversations held over the course of the Mission, there were generalized complaints about different provisions of the political communication model implemented during the elections. Note was taken of some reporters' fears that both, the media outlet where they work and they personally, would be punished if they covered

newsworthy events that involuntarily favored or undermined a candidate. The Mission also received complaints about potential restrictions on freedom of expression stemming from the ban on purchasing radio and TV time that might benefit a particular candidate.

Although the Mission highlights the goal of reducing campaign costs and favoring election fairness, the current model does not seem to foster quality political debate and creates ongoing friction among players in the election process. The broadcasting of a vast amount of 30-second advertisements does not necessarily translate into a more informed vote and can actually contribute to citizen discontent. Prior to any legislative amendment to tweak this system, the Mission makes a call for holding the most comprehensive discussion possible on the changes to be introduced.

### **Federal District**

Finally, regarding the state-level observation in the Federal District, the Mission would like to highlight the coordination between the INE and the IEDF, the professionalism with which the authorities conducted the process, as well as their efforts to be on the cutting edge with regard to many issues, such as electoral technology and measures aimed at fostering participation of disabled voters. These are initiatives that could be considered as best practices and replicated at a federal level. The Mission would also like to congratulate the IEDF for starting the district-wide vote count on Election Day itself, which reflected its commitment to transparency and the principle of certainty of the elections.

### **Acknowledgements**

The Electoral Observation Mission of the Organization of American States would like to express its gratitude to the Government of Mexico, the National Electoral Institute, the Federal Electoral Court of Mexico, and the Electoral Institute of the Federal District for the invitation; and is especially grateful for the cooperation shown by authorities, who provided assurances so that the Mission could be adequately conducted throughout the electoral process.

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