

Absentee Voting in Mexico Too Little of a Good Thing?

Patricio Ballados V.*



In July 2005, after the approval of the right to vote for Mexicans residing abroad, the media published a picture of Luis Pelayo, a migrant leader from Chicago, waving the Mexican flag in the Chamber of Deputies.¹ This was a picture-perfect image of a historic step for Mexican migrants, who had fought for over a decade for the recognition of their right to political participation. The picture symbolized a revolution to come. More than 10 percent of Mexico's population would now be able to influence the political establishment, which, in a significant number of cases, was the source of their flight to search for better opportunities away from home. Seven years later, it seems that—for the second time—it will not happen.

The 2006 electoral process demonstrated the naiveté of the claim: 56 749 citizens registered to vote abroad in the first exercise of their right to participate. After a further decrease due to legal limitations, 33 000 were able to vote. Neverthe-

less, the Federal Electoral Institute (IFE) thus demonstrated that it was technically feasible to organize balloting abroad complying with the highest technical and legal standards.

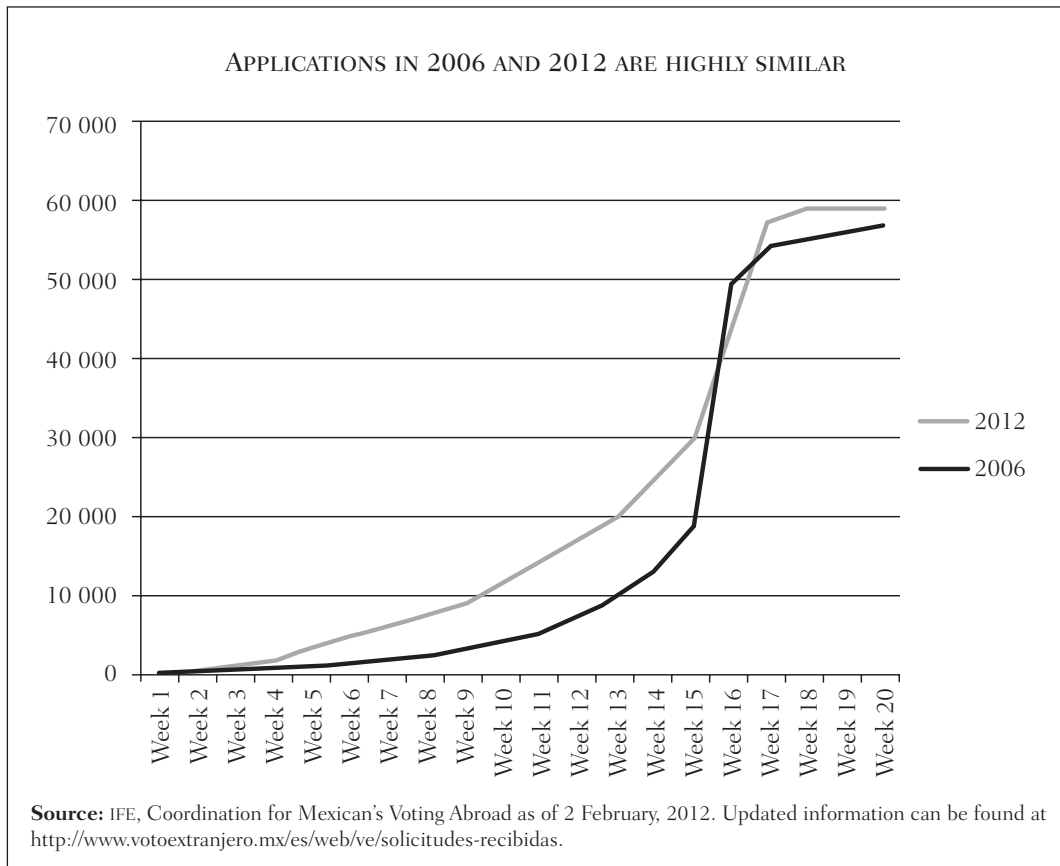
Five years later, as the deadline approaches, it seems that there is going to be little difference between the citizens registered in 2006 and in 2012. The graph of weekly applications received shows little difference between the two processes. If we model the probable final outcome based on the 2006 balloting, the IFE will end up with a maximum of 65 000 applications. Based on current trends, the figure will be smaller than in 2006.

The result so far, by any measurement, is not positive. It seems that, unfortunately, we have lost the opportunity to change the outcome. I will deal with the main reasons behind this adverse result.

LEGISLATION

In 2005, Congress was caught up in a classic game of “hot potato” regarding overseas voting. It had very few promoters

* Professor at the UNAM School of Law and former IFE coordinator for Mexican's Voting Abroad (2005-2006), pballados@gmail.com.



and many silent dissenters. However, the political cost for any party not supporting the legislation was considered unacceptable. The Chamber of Deputies approved an unfeasible bill, in the hope that the upper chamber would not pass it and consequently pay the political cost of denying this human right. In turn, the Senate made significant amendments to the original bill, forcing the lower chamber to take or leave the modifications without being able to modify the bill. Finally, Congress opted for highly restrictive legislation.

The electoral model has four main elements that restrict participation.

1. *Voter registration.* Citizens residing abroad are required to have a voter registration card that can only be obtained in Mexico. This prerequisite excluded the vast majority of migrants.
2. *Postal model.* The legislation requires interested would-be voters to register over five months in advance. They have to send their application form via registered mail (in 2006 this cost over US\$10, required going to a post office instead of dropping the form in a drop box) and

The rules for registering voters proved sound because of the strict checks provided for in Mexican electoral legislation. Unfortunately, they made for huge transaction costs in time, money, and logistics.

- provide proof of address (a sensitive requirement for paperless migrants).
3. *Voter Identification Verification.* To vote from abroad, it is necessary to send an application form with a signed copy of the official voter registration card to the IFE.
4. *Campaigning abroad is prohibited* due to the impossible task of keeping tabs on political party spending in other countries.

These rules leave out the majority of migrants, since only a small proportion have a voter registration card, and, of those who had registered and received theirs, few took it with them when they left the country.

The rules for registration proved sound because of the strict checks provided for in Mexican electoral legislation. Unfortunately, they made for huge transaction costs in time, money, and logistics. Following Mancur Olson, this explained a further decrease in potential voters.

Finally, the fact that political parties were not able to campaign abroad left the IFE with the task of single-handedly promoting participation. Electoral literature clearly establishes that parties and candidates are the main levers for promoting a higher turnout in democratic processes. Notwithstanding all of this, Congress failed to produce better legislation over the following five years. The same restrictions thus remain in place.

ELECTORAL ORGANIZATION

After evaluating the project, the IFE produced a white paper presenting recommendations for improving legal, technical, and organizational aspects of the process. Additionally, the main external criticism centered around the cost of the project. Given the limited participation, the resources utilized were deemed excessive.

The IFE did not follow the recommendations for maintaining an active public policy to preserve and enhance its relations with the project's main stakeholders. Thus, an important opportunity was lost. When its General Council was renewed, the new authorities lacked a strategy for taking advantage of previous efforts.

In preparation for the 2012 elections, the budgetary aspect was given a great deal of weight. The president of the General Council stated in meetings with migrants that one of the IFE's main objectives was to implement the project not to maximize participation but to spend less.

This decision can help explain the low registration rate. In 2006, it was not until the IFE carried out an ad campaign in the United States that the numbers of registered voters started to increase. This lesson was not taken into account. It is not that such a campaign would necessarily produce massive registration rates. But taking into account the rest of the IFE Office for Voting Abroad's current efforts, and the better internal regulation, it would probably have led to more migrants registering.

Another aspect that would help explain the outcome so far has to do with the degree of attention given to the project by the General Council. The IFE was without a third of

Over 10 percent of Mexico's population resides abroad. This Diaspora will continue to be denied, overall, the basic human right of political participation.

its members for more than a year, which meant that each sitting member had to tackle a higher load of the Council's affairs. Furthermore, the 2007-2008 electoral reform increased the General Council's attributions, and it ignored the interest in the overseas voting planning and execution. A good example of this fact was that while the IFE was in the middle of its 20-week window for promoting registration, its Council, along with the Kellogg Institute and Notre Dame University organized a forum on overseas voting reform. That is, it seems that the electoral authorities were more preoccupied with providing arguments for a future reform than with promoting registration in the current electoral process.

Opportunities still remain ahead. In 2006, over 14 000 registration applications were denied. It is likely that new internal regulation and organizational efforts will enable more citizens to cast their vote for president.

The 2012 process will also permit the IFE to pinpoint likely voters. For example, given the data from the 2006 election, it seems that potential voters include citizens with immigration papers, particularly students and professionals posted overseas. If corroborated, stakeholders will have better resources to carry out an electoral reform to include more migrant groups and to better target the existing participants.

Lastly, the IFE has the opportunity to prove once again that many politicians' fears about the likelihood of electoral fraud being committed in overseas balloting are unfounded. The process for sending the ballots to registered voters, receiving the votes cast, and tallying them on election night will be crucial.

CHALLENGES

The construction of a system that permits millions of Mexicans who have left their country but retain strong bonds with their families and communities remains one of the central challenges of the state. This is a complex task involving social, economic, and cultural aspects. In electoral terms, as long

as there is still the possibility to take into account the vote of even a few migrants, stakeholders will be able to improve the legislation, rules, and organization. Valuable lessons will come out of 2012.

Meanwhile, the fact remains: over 10 percent of Mexico's population resides abroad. This Diaspora will continue to be denied, overall, the basic human right of political participation. Half way into the electoral process, challenges remain for the electoral authorities, migrant organizations, and legislators.

The IFE has two main tasks. It has to ensure that the citizens who registered to vote be able to do so, and prove once again that it is as safe to vote inside Mexico as abroad. This will provide arguments for asking for the existing strict rules to evolve into a more comprehensive model. It then has to provide legislators with a white paper on the process, including recommendations that complement those given in the 2006 study.

Following the presidential elections, it is paramount that migrant leaders and organizations start lobbying for a change

in the model. There has to be a way for the Diaspora to register to vote abroad in order to be able to support the idea that there is really a right to political participation. The method for casting ballots has to be changed as well. It will be vital to study the outcome of Mexico City's overseas voting model, which provides for Internet voting, in order to establish a sound precedent for allowing technological tools to be used in the next federal elections.

Finally, the next Congress has the duty to pass new legislation. It has to come to terms with the fact that, given the current rules, the political participation of more than one-tenth of Mexicans will continue to be almost absolutely denied, even if their remittances make up a significant percentage of our GDP. At least until our *paisanos* choose—or are forced—to return home. **MM**

NOTES

¹ See the photo at www.terra.com/fotos.

<p>REVISTA MEXICANA DE POLITICA 93 EXTERIOR OCTUBRE 2011 PUBLICACIÓN CUATRIMESTRAL</p> <p>Opinión pública y política exterior en América Latina Guadalupe González González y Jorge A. Schiavon Coordinadores</p> <p>Rodrigo Morales Castillo: Evaluación de la gran estrategia brasileña</p> <p>Arlene B. Tickner: Opinión pública y política exterior en Colombia</p> <p>Beatriz Zepeda y María Gabriela Egas: La política exterior de la revolución ciudadana: opinión y actitudes públicas</p> <p>Guadalupe González González y Jorge A. Schiavon: Los mexicanos y el mundo: elementos para pensar y diseñar la política exterior</p> <p>Farid Kahhat: Los peruanos y el mundo: opinión pública y política exterior</p> <p>Gerardo Maldonado y David Crow: ¿Cómo se ubica América Latina en el mundo? Opiniones y actitudes de los latinoamericanos hacia países y regiones</p> <p>INSTITUTO MATÍAS ROMERO SECRETARÍA DE RELACIONES EXTERIORES</p>	<p>Precio del ejemplar \$70.00. Suscripción por un año, 3 números, \$150.00 (en el extranjero USD \$25.00). Forme su colección. Números atrasados \$50.00 (USD \$8.00).</p> <p>Instituto Matías Romero</p> <p>República de El Salvador Núms. 43 y 47, Col. Centro, Del. Cuauhtémoc, México D. F., C. P. 06080. Informes: (55) 36 86 50 00 Exts. 8268 y 8247, y (55) 36 86 51 48. imrinfo@sre.gob.mx; http://www.sre.gob.mx/imr/.</p>
---	--

SRE