



# **CommonBorders/ FronterasComunes**

## **Electoral Observer Delegation Mexico, 2006**

### **Observer Report**

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## **Introduction**

On July 2<sup>nd</sup>, 2006, Mexican voters went to the polls to elect their next President and Congress. CommonBorders provided a team of 13 non-partisan delegates to learn about Mexico's electoral process and concerns regarding the free and fair conduct of the election, and to observe the vote itself on election day.

This document contains the observations gathered over the 10-day period observers were in Mexico. Delegates met with a variety of individuals and organizations, from grassroots community groups to political party representatives, to increase their understanding of the issues and influences at play before and on election day.

This report therefore has a broad audience. CommonBorders presents it to the Federal Electoral Institute (IFE) which provided official accreditation to the international observers and is responsible for the conduct of Mexican elections; to Alianza Civica, the non-partisan community organization that invited CommonBorders to observe; to each of the groups and individuals the delegation met with; and to political and social organizations in communities around British Columbia, Canada. CommonBorders respectfully offers the following observations and recommendations with the hope that they may have use for all those participating in the electoral process in Mexico, including voters, community groups, lawmakers and election administrators.

### **The 2006 Mexican Election: Background**

On July 2, 2006, Mexican voters cast ballots for their next President, as well as members of their Congress and Senate. The vote marked a critical period in Mexico's democratic history. Six years previously, voters had ended seven decades of essentially one-party rule by the Institutional Revolutionary Party (PRI), electing National Action Party (PAN) candidate Vicente Fox.

There was a great deal at stake in this election. The campaign promises of Fox, particularly in the areas of economic reform and stability, human rights protection and anti-corruption, had not been fulfilled in the eyes of many voters. The country had become increasingly divided between support in the prosperous North for right-wing PAN candidate Felipe Calderon and support in the poorer South for Andres Manuel Lopez Obrador, the candidate for the left-wing Party of the Democratic Revolution (PRD) and the former Head of Government for Mexico City. A very close and contentious race was anticipated between these candidates, and Roberto Madrazo,

the candidate for the centrist PRI party who was also expected to have a strong showing at the polls.

The election campaign had been criticized as particularly vicious and the current President Vicente Fox had been censured by the Federal Electoral Institute (IFE), for illegally using his presidential office to campaign for the PAN. Moreover, there were concerns that coercion and intimidation of voters was taking place, particularly through the threat of withholding social program payments in order to influence voters' choices.

An ongoing climate of unrest and potential for human rights violations was also a factor influencing the electoral environment. State authorities attempted to forcibly disperse a long-standing strike by teachers in the state of Oaxaca on June 14<sup>th</sup>, less than a month before the election. Riots by flower sellers and their supporters in the community of Atenco (in protest over their expulsion by police from the town market) occurred in May. Human rights observers from international organizations including Peace Brigades International continue to maintain a presence in the states of Guerrero and Chiapas.

Despite the tumult of the election campaign, few international observers were expected to attend the election. At the invitation of Alianza Civica, a Mexican non-governmental organization, CommonBorders formed a delegation of 13 observers and travelled to Mexico for July's vote.

### **CommonBorders: Background**

CommonBorders is a non-partisan volunteer-run society based in Victoria, British Columbia. The organization's purpose is to provide opportunities to serve as electoral observers in Latin American countries, building ties between individuals and organizations across borders. CommonBorders delegates are encouraged to approach observation as a learning experience, and to share their learning with their communities in Canada. As a result of their experiences, they are also encouraged to bring a critical perspective to democratic and electoral processes in Canada.

Since 1999, CommonBorders has formed eight electoral observer delegations:

- Nayarit, Mexico (state election, 1999)
- Guatemala (President and Congress, 1999)
- Mexico (President and Congress, 2000)
- Peru (Presidential, 2001)
- El Salvador (Legislative Assembly and Municipal, 2003)

- El Salvador (Presidential, 2004)
- Guerrero, Mexico (Governor, 2005)
- Mexico (President and Congress, 2006).

CommonBorders usually partners with a credible, non-partisan organization in the host country. The host organization assists with meeting arrangements and may provide some training on the specifics of the election issues and procedures. In Mexico, CommonBorders worked with Alianza Civica.

Alianza Civica was formed in the 1990s as an umbrella organization for a variety of civil society development groups. During elections, Alianza Civica draws on member groups across the country to organize national observers and support international observer groups.

CommonBorders invites people from a variety of backgrounds and experiences to join delegations. Delegates do not need experience as observers or a background in elections or political science. In 2006, 10 individuals were invited to join three coordinators for the delegation (see Appendix A). Delegate occupations included elementary school teacher, law school students and a practicing lawyer, recent university graduates, provincial government employees and retirees.

Delegates submitted an application and were interviewed prior to selection. They also met numerous times before travelling to Mexico to review logistics of the trip. Two training sessions were held. The first was a meeting with Linda Johnson, Deputy Chief Electoral Officer with Elections BC. Delegates were informed of the universal standards for credible and democratic elections, and given practical training on being an effective electoral observer. CommonBorders coordinators also held a day-long training session covering Mexican electoral law, election day procedures and the role of the observer.

### **Official Status**

International observers must be accredited by the host country's electoral administration. In Mexico, observers are known as "international visitors" and are accredited by IFE (Federal Electoral Institute). Before leaving Canada, all CommonBorders observers were required to submit an application to IFE, and were also required to apply for a visa. Once approved, a consular fee of approximate \$100 CDN was required.

As accredited observers, delegates were given full access to all aspects of the electoral process. Delegates were encouraged to

meet with political parties, community organizations and election officials. Delegates could observe any aspect of the voting process, including set up of the voting places and vote counting at the end of the night. Delegates could also be present at recounts.

## Election 2006: Some Facts

Mexicans were electing their President and Congress, as well as some local Mayors and councils and state governors.

- The President is elected to a six-year term
- Congress is bicameral, with a Senate (upper chamber) and Chamber of Deputies (lower chamber)
- Senators are elected for six year terms, Deputies for three year terms
- Consecutive terms are prohibited at every level

### Political Parties

	Party/Alliance		Candidate	Slogan
	National Action Party		Felipe Calderón	<i>Para que vivamos mejor</i> "So we can live better"
	Alliance for the Good of All (PRD, PT, Convergence)		Andrés Manuel López Obrador	<i>Por el bien de todos, primero los pobres</i> "For the welfare of all, the poor are priority"
	Alliance for Mexico (PRI, PVEM)		Roberto Madrazo	<i>Mover a México para que las cosas se hagan</i> "Moving Mexico to get things done"
	Social Democratic and Peasant Alternative Party		Patricia Mercado Castro	<i>Palabra de mujer</i> "A woman's word"
	New Alliance Party		Roberto Campa Cifrián	<i>Uno de tres</i> "One out of three"

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### Voters

- Population of Mexico: 107,029,000 (2005)
- 72 million eligible voters, approximately 45% are youth (ages 18-30) and 16.7% are first-time voters (ages 18-24)
- 94.5% of eligible voters are registered, partly due to the national identity card (available at age 18) also being used as the voter card

Over 130,500 voting places were spread over the 32 states and 300 electoral districts of Mexico on election day. More than 913,000 election officials, drawn by lottery, were trained and deployed for the day.

<sup>1</sup> Mexican General Election, 2006. Wikipedia. August 27, 2006.  
[http://en.wikipedia.org/wiki/Mexican\\_presidential\\_election%2C\\_2006](http://en.wikipedia.org/wiki/Mexican_presidential_election%2C_2006)

### Campaign Finance

Public funding accounts for 80% of political campaign funds in Mexico, with the remaining 20% being raised by parties from private contributors.

Spending limits:

- \$62 million for each presidential candidate
- up to \$3.6 million for each Senatorial candidate (dependent on size of district)
- \$90,000 for each candidate for the Chamber of Deputies

In a country where many Mexicans are living in extreme poverty, the amount of public money spent on elections is a controversial issue.

### **Electoral Administration**

#### IFE (Federal Electoral Institute)

IFE is a public, autonomous, and independent agency authorized to administer Mexican federal elections (President and both chambers of the Federal Congress). In addition to its headquarters, IFE has regional offices in each of the 31 states and in the Federal District, as well as local offices in each of Mexico's 300 electoral districts. IFE prepares, organizes, conducts and monitors all aspects of federal elections, including revision to the voter list and electoral geography, political party registration, and public education campaigns. The organization is made up of directives responsible for ensuring compliance with the law, technical-executive bodies responsible for election administration, and surveillance commissions responsible for voter registration. The main executive body of IFE is the General Council, which is made up of voting members appointed by the Chamber of Deputies and non-voting members appointed by the various political parties. IFE validates the results of elections, with the exception of presidential elections.

#### TEPJF (Electoral Court of the Federal Judiciary)

The TEPJF is the highest court for electoral purposes. It is responsible for resolving disputes at the federal level and for hearing appeals from state electoral tribunals. It has the sole authority to validate the presidential elections. It is made up of 7 magistrates who serve ten-year terms and are appointed by the Supreme Court on confirmation of a two-thirds vote of the Senate.

#### FEPADE (Special Prosecutors Office for the Investigation of Electoral Crime)

FEPADE is an independent arm of the Attorney General's Office. It is responsible for preventing and prosecuting electoral crimes. It receives, investigates, and adjudicates "denunciations," or claims of non-compliance with electoral law.

## **Pre-Election Day**

### **Activities**

CommonBorders delegates arrived in Mexico one week before election day. Meetings with political parties, electoral overseers, journalists and non-governmental organizations had been arranged by CommonBorders and the host organization Alianza Civica.

CommonBorders also arranged a meeting with senior staff at the Canadian Embassy. The purpose of these meetings was to learn more about the electoral environment and issues from a variety of sources.

Observers also attended two rallies to mark the close of the PAN and PRD campaigns.

Delegates met with the following:

- Transparencia Mexico (Mexican chapter of Transparency International, a global non-governmental organization devoted to combating corruption)
- A representative of the Government Commission responsible for recommending changes to legislation and government policy (including elections)
- A sitting PRI Deputy who was completing his term in the Chamber
- PRI, PRD and PAN party representatives
- Canadian Embassy (Deputy Head of Mission and senior staff)
- Alianza Civica
- FEPADE (arm of the Attorney General's office responsible for investigating electoral crimes)
- A panel of journalists and broadcasters representing outlets not aligned with the major TV and news organizations.

Delegates also engaged in numerous informal conversations with taxi drivers, hotel and restaurant staff, local business owners and others we came in contact with to increase our understanding of how people perceived the election.



## Major Themes

A number of important themes emerged from pre-election meetings:

### IFE is a credible organization:

Most organizations and individuals we spoke with felt that the creation of IFE in the early 1990s, along with other reforms to the electoral environment, has greatly increased confidence in the system. IFE is well known internationally for the professionalism it has brought to Mexican elections. IFE has in some cases overturned state elections which it deemed fraudulent, and has not shown favour to any political party in its rulings.

### There is a deep distrust of Mexican institutions:

Despite attempts to address long-standing corrupt practices in government, Mexicans still harbour a deep distrust in their institutions.

Transparencia has a particular focus on documenting instances of government corruption, publishing a “corruption index” rating how much citizens of each state must pay in corruption in order to receive basic services. The organization routinely publishes its findings, and is felt to be credible due to its non-partisan reporting of research findings.

In our meeting, Executive Director Victor Borquez noted that the electoral procedures in place are more than adequate to prevent fraud. However, other factors such as the manipulation of people’s fears regarding social program access (see below) have a far greater impact on voters’ choices than irregularities that might be observed on election day. As well, this distrust has an impact on whether people *perceive* processes to be fair or corrupt.

### Voter coercion through the threat of withholding social program payments:

The Mexican government operates a number of programs. The programs may be federally or state funded, but are administered by local officials. This allows government officials at the local level to wield a great deal of power over their constituents, and affords an opportunity to coerce and intimidate voters.

Both Transparencia and Alianza Civica have conducted research to determine the occurrence and impact of this practice. Both have found evidence to show it does happen, and representatives of all parties are implicated.

In Alianza Civica's study of 4,400 eligible voters, 10% of respondents claimed that state programs were used as a means of pressuring them to vote a certain way. Importantly, 92% of respondents did not know how to file a complaint about their experience.

The practice of influencing people's votes via social programs was referred to by the majority of groups we met with. A PAN party representative (a community liaison officer) agreed that members of his party had engaged in these practices, just like other parties. He noted that it is difficult to eradicate this behaviour because corruption is, and historically has been, so much a part of the fabric of Mexican culture

With large numbers of Mexican citizens dependent upon these programs for their survival, the potential impact of this form of voter influence is critical. The real impact is extremely difficult to gauge, but given the prominence this issue was given in the meetings we attended, it clearly was an important feature of the electoral environment in which voters were making their choices.

#### Concentration of media ownership:

Ownership of television media, an important source of information for voters, is concentrated in two privately-owned conglomerates and concentration of other media ownership appears to be increasing. Some journalists we met with felt that while censorship has decreased, the concentration of media ownership results in fewer places for public expression of diverse opinions.

#### Negative campaigning contributed to fear or apathy:

By many accounts, the political campaign was extremely negative, and in some cases seemed focused on instilling fear in the electorate.

For example, PAN television ads regularly labelled Lopez Obrador as "a danger to Mexico", until the Federal Electoral Tribunal stepped in and forced the PAN to stop airing ads with such claims.

Although all parties signed a "civility pact" to curb campaign ugliness, organizations and voters we talked with felt that parties routinely engaged in dirty campaigning. All three major parties appeared to be implicated.

Many voters told us that they were not intimidated by these sorts of campaigns, but felt the negativity made them lose respect for the political process. Some people we spoke to were going to vote,

even though they did not think their vote would make a difference. They felt that all politicians were using negative campaigning and therefore they were all the same.

## **Observations**

### Out-of-Country Voting:

This voting opportunity was made available for the first time for eligible voters living outside of Mexico. Voters would be able to vote for president only, and campaigning outside of Mexico was prohibited.

Out of 20 million Mexicans living outside of the country, about 4 million were eligible to cast ballots.

Ultimately, however, only about 40,000 people applied for ballots, with only 32,000 ballots returned. Critics of the program noted that anyone not already on the voters list had to return to Mexico to make their application in person, then wait for two weeks to receive their voting card. An application for a voting package cost \$9 for registered mail costs, and voters had to provide a residential address to be eligible. The time, cost and information disclosure required may have prevented many eligible Mexican voters from taking advantage of this opportunity.

A \$42 million budget was provided for the administration of out-of-country voters, but the low participation rate for this program by voters lead to a very high cost per voter for IFE (approximately \$1,000 per voter).

### Types of Electoral Fraud Anticipated:

CommonBorders delegates were advised to watch for some specific types of irregularities on election day. Voters might be expected to prove they had marked the ballot correctly either by surreptitiously showing their marked ballot to a well-placed party representative at the polling station or by taking a picture of their ballot with their cell phone and transporting it to a "casa amiga", a house set up near the voting place by the parties to reward these voters.

Another irregularity we were warned about involved voters taking a blank ballot (by not voting themselves) from the voting place and giving it to a party representative. The representative would mark the ballot for their candidate, and provide it to another voter who would take it to a voting place, receive a blank ballot, and place the marked ballot in the ballot box. The blank ballot would then be

returned to the party representative to be marked and taken in by the next voter, and the process would be repeated.

These were two practices that had been common features of previous Mexican elections. There was also concern that there would be a repeat of the infamous 1988 election, when a mysterious computer failure resulted in the left-wing candidate losing an election that early vote counts indicated he would win.

CommonBorders delegates heard these concerns repeated by a number of groups and individuals we spoke with. Whether they were justified or not, such concerns speak to a climate of suspicion and cynicism about the election.

### Election Advertising:

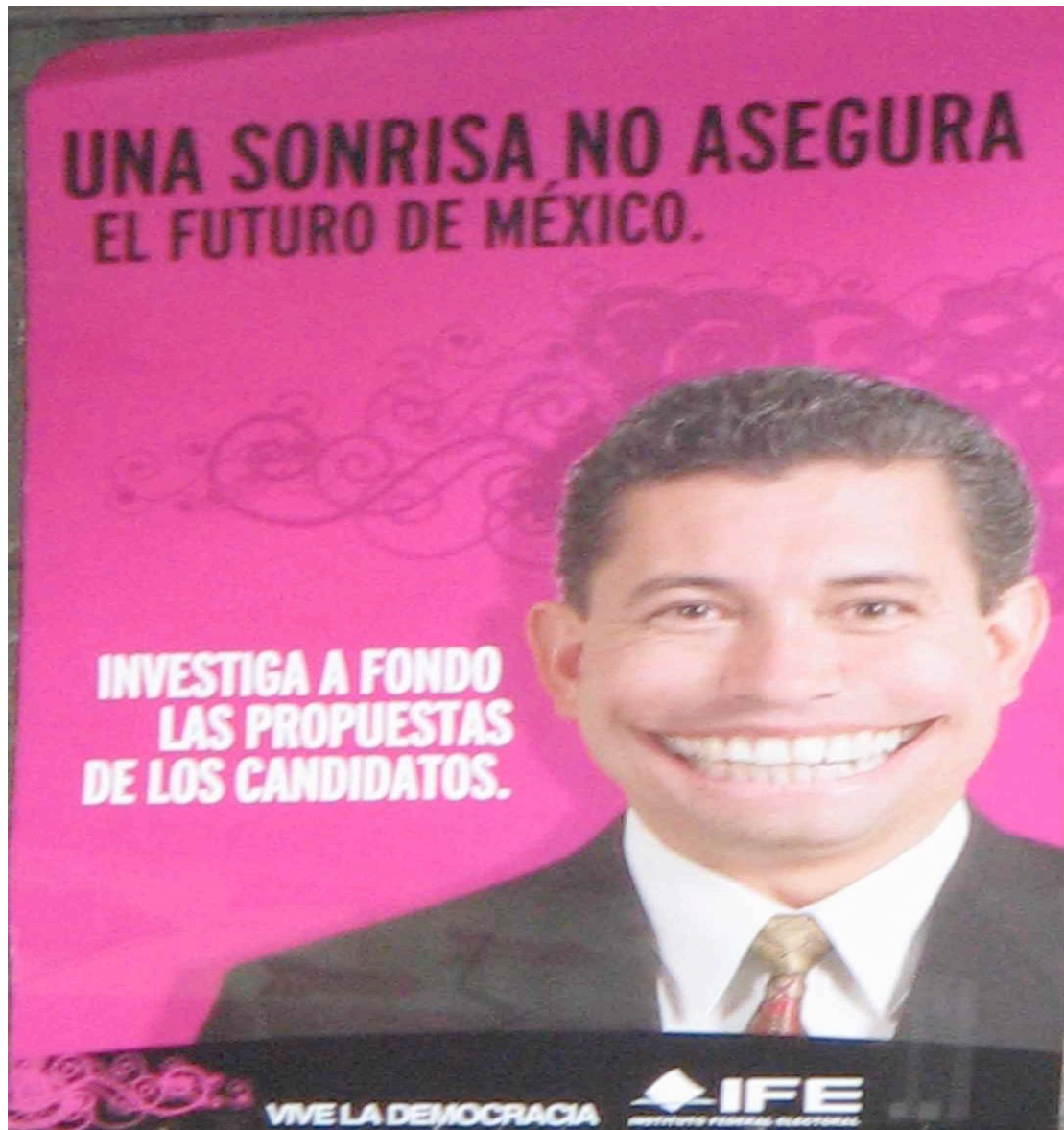
Television advertising was a major source of campaigning for all the major parties. CommonBorders was somewhat limited in our ability to view and analyze this coverage, due to the short time the delegation was in Mexico and limited Spanish language ability. However, delegates did observe that a significant amount of airtime was devoted to ads promoting the three major parties. Delegates also heard that some parties had used television advertising to spread very negative messages. One example was the PAN campaign advertisements suggesting PRD candidate Lopez Obrador was a "danger to Mexico."

After television, outdoor advertising appeared to be the most noticeable aspect of campaigning. The political parties and their candidates had blanketed most public areas with billboards, painted walls, and most commonly, posters and signs. These displays would often be pointed out to us by voters when speaking of the high cost of the elections.

In addition to the advertising from the political parties and candidates, IFE also had a public information campaign going on during the election period. These posters were in politically neutral colours to distinguish them from the political advertising and took a humorous tone to attract voters' attention.

We took note of one IFE ad which appeared to have a political message within it. One of the PRD's campaign slogans was "Sonrie Vamos A Ganar" ("Smile - we are going to win"). The IFE poster read: "Una Sonrisa, No Asegura El Futuro De Mexico" ("A smile does not assure the future of Mexico"). Though the IFE poster appeared to be encouraging voters to become educated about the candidates and to not base their decisions on political charm, we were

surprised that IFE would choose language so closely linked to one political party.



## Election Day

CommonBorders observers split into three teams for election day. Two teams travelled to the vicinity of Toluca (capital of Mexico State, west of Mexico City). One team went to the community of Tlanepantla, north of the federal district. This team was also able to observe voting in the federal district (D.F.), where elections were held for president and Congress, as well as for local government (head of government, local legislative assembly and borough mayors). Voters in the D.F., as in some other states, cast six ballots on election day.



Election day proceeded generally smoothly. Positive observations include:

- election officials, party representatives, IFE workers and voters generally worked very well together
- observers were generally treated with respect
- voters with mobility or other accessibility issues were well accommodated
- election officials and party representatives helped voters find their correct voting place if they weren't sure where to vote
- during counting, party representatives agreed readily on accepting valid ballots or rejecting ballots as spoiled. Observers were confident that the counting was conducted properly and all parties agreed on the results.

However, the following observations were made:

Voting places did not open simultaneously:

There seemed to be confusion as to when the polls should open for voting. This confusion was even reflected in the IFE manual provided to observers, *The Mexican Electoral System and the Federal Elections 2006*:

*"at 8:00 a.m. the four regular members of the directive board shall install the polling site before the political party*



representatives that are present. A polling site may never be installed before 8:00 a.m....” (page 76 & 77)

*“the polling stations must be installed in time for the voting to begin at 8:00 am on the polling day”* (page 20)

CommonBorders members observed polling stations being set up in accordance with each of these statements. At one poll, CommonBorders observed voters acting impatiently after 8:00 a.m., seemingly indicating that they expected to vote beginning at 8:00 a.m. Prior to election day, we heard from many individuals that we should not expect voting to begin on time at 8:00 a.m. From these statements and our observations we suspect that the training provided to the election officials and the information provided to the public was similarly inconsistent.

The voting place setup process itself was complicated, requiring the voting officials to complete significant amounts of paperwork and setup the privacy booths. The process appeared to require approximately 45 minutes to complete.

Voting did not begin until 8:45 or 9:00 in the voting places we observed. This was due to election officials arriving late, or not all elections officials being present (three are required – a president, secretary and vote counter – before voting can commence). We heard that many voting places experienced similar delays.

Special voting places posed some problems:

Mexicans who are not able to attend the voting place where they are registered may vote at “special casillas.” There tends to be a high demand at these voting places as many Mexicans travel for their work. In Tlanepantla, a crowd gathered at the location where voters had been told there would be a special casilla (and there had been one for previous elections). The casilla did not appear. Voters had to go to other voting places to ask where the next special casilla was located.

CommonBorders heard reports of numerous special casillas running out of ballots. Each voting place is given a maximum of 750 ballots. In some areas, particularly border towns, the volume of voters exceeded the number of available ballots.

In both the above cases, voters became very frustrated and agitated. If the casilla did not open, or ballots ran out, many voters might not have an opportunity to vote. This would particularly affect the already disadvantaged migrant worker population.

#### Political party representatives took an active role:

For the most part, party representatives appeared to work well together and with election officials, and were respectful to observers. However, in San Andres Cuexcontitlan (Toluca), a number of individuals who were not official party representatives but who were identified as aligned with the PRI party presented an intimidating presence throughout the day. These individuals were unwelcoming to observers, and questioned their presence with IFE's representative.

At this same voting place, one table president became very upset by the party representatives, left the voting place and did not return. Observers noted that party representatives crowded the election officials' table, despite being asked to move back by the IFE representative.

#### Voting facilities could have been improved:

Many voting places were located outside of buildings, including schools that were empty for the day (Sunday). Although this made voting places very visible, voting booths were often placed in a high traffic area like the middle of a sidewalk. Some had no or inadequate cover, so when it began to rain (which it did, accompanied by thunder, lightning and hail in one location) there was no cover for voters and marked ballots were getting wet. Vote counting continued after dark and when lightning shorted out the power at a number of voting places, flashlights (provided by CommonBorders delegates) had to be used until power was restored or counting was complete.

#### Campaigning near the voting place:

In Tlanepantla, posters for the five major parties were posted in view of the voting place. An IFE representative eventually ensured the posters immediately opposite the voting place were removed, although some others on the street were left intact. In San Andreas Cuexcontetlan there were campaign posters from the PRD and PAN parties on many street poles within sight of the voting places. None of the voting officials or party representatives appeared to take notice of the posters and they remained in place the entire day.

#### Training and procedural issues:

A variety of minor issues were observed that were not necessarily evidence of irregularities, but which speak to the need for consistent, extensive training for election officials. In some cases, voting booths were oriented in a way that compromised the secrecy of the ballot. Election officials sometimes seemed confused about their duties, and allowed party representatives to take over. A few



voters did not fold their ballots when they left the voting booth, or showed them to people in the voting place.

CommonBorders delegates observed a variety of approaches to voting place set up, conduct of the vote and, particularly, vote counting. Some tables were very efficient, others were not, increasing confusion and the time required to count the ballots.

It should be noted that these types of errors are extremely common, no matter where the election is being held, including Canada.



## **Post-election Day**

### **Election Results**

On election night, one team attended the vote counting centre at IFE headquarters in Mexico City. IFE had hoped to announce the result of the presidential election by 11:00 pm.

IFE had three methods in place for counting and reporting the results:

- Quick Count: an estimate of the national vote based on a sample of 7,636 voting places. In order for the result to be reliable, there would have to be more than a 1% difference between the top two candidates

- Preliminary Results of Election Program (PREP): results from all the voting places in the country transmitted to a central mainframe, with results immediately posted to a public website
- Official Count: count of tally sheets (summary of the results prepared by election officials after they have finished their count).

IFE was not able to rely on the result of the quick count or PREP, and proceeded to an official count on Wednesday, July 5<sup>th</sup>.

The official count was very closely watched. As the counting progressed into the early hours of the morning, a small lead by left-wing candidate Lopes Obrador was gradually whittled away. By 4:15 am on Thursday, July 6<sup>th</sup>, with 97.84% of voting places counted, Felipe Calderon of the right-wing PAN party had a slight lead.

The result from the official count was 35.89% for Felipe Calderon of PAN, and 35.31% for Lopez Obrador of PRD. Only 0.58% of the vote separated the two candidates – a difference of just under 244,000 votes out of a total of almost 42 million cast. Voter turnout was 58.9%.

### **Post-Election Controversy**

With such a close election result, controversy over the accuracy and legitimacy of the result was inevitable.

In Mexico, the only agency that may declare the winner of a presidential election is the electoral tribunal, or TEPJF (IFE has the authority to declare the results of other elections). Under Mexican law, the tribunal has a period of time to consider any claims of irregularities brought before it. In this case, the tribunal must resolve all these matters and declare a winner by September 6<sup>th</sup>, with the president-elect taking office in December 2006.

In spite of this law and following the conclusion of the count, Felipe Calderon took on the role of president-elect. He was also congratulated in his victory by Canadian Prime Minister Harper and U.S. President George W. Bush.

Lopez Obrador alleged numerous incidents of fraud and irregularities. He argued that the number of potential irregularities was significant enough to warrant a full recount of all the ballots. Calderon countered by stating that Mexican law does not permit a full recount of ballots.

Lopez Obrador's party brought its supporters into the streets to demand a full, vote by vote recount. Thousands of protestors set up encampments in the Zocalo and along the Paseo de Reforma, one of Mexico City's main arteries. Although the protests were not violent, the threat of barely contained violence (and the use of slogans such as "if there is no solution, there will be revolution") contributed to a tense and uncertain environment.

Both parties presented their cases to the tribunal. The seven magistrates of the TEPJF announced on August 5<sup>th</sup> that a recount of 11,839 ballot boxes in 155 districts (9.2% of the total) was legally justified. The TEPJF noted that Lopez Obrador's party presented legal claims to less than 44,000 polling stations (about 34%).

The partial recount commenced on August 9<sup>th</sup>. On August 28<sup>th</sup>, the TEPJF announced the recount result. The court annulled a number of votes for each political party based on irregularities found during the partial recount. The court annulled 81,010 votes for Felipe Calderon and 76,897 for Lopez Obrador. The adjustment did not provide Lopez Obrador with enough votes to overtake winning candidate Felipe Calderon.

The TEPJF did not provide full details of the partial recount, fuelling suspicion and speculation on the part of many PRD supporters. Moreover, the Tribunal announced that all ballots will be destroyed before December 1<sup>st</sup>, despite appeals by both Lopez Obrador and Calderon to retain the ballots.

Since the Tribunal's announcement, Lopez Obrador's supporters have continued to occupy the Zocalo. PRD lawmakers and other protesters prevented President Vicente Fox from delivering his State of the Union address on September 1<sup>st</sup>. President Fox was also forced to move September 16th Independence Day celebrations from the Zocalo to Dolores Hidalgo, the small town 170 miles north of Mexico City where the call for independence from Spain was first made.

Lopez Obrador's supporters have now proclaimed him president of a "parallel government" that will focus on employment, health care, education and housing issues.

## **Analysis**

### **International Observers' Opinion**

The assessment of the election by international observer groups has been mixed. Immediately following election day, the European Union, which sent the largest international delegation (with 80 observers) and the European Council of Parliamentarians both claimed the election was free and fair. Canadian embassy staff also felt that the election had been conducted properly in the voting places they observed (although, like all diplomatic and consular staff who observed, they were not mandated to make a public statement on their findings).

However, Global Exchange, a U.S. non-governmental organization which has been sending observers to Mexican elections consistently since the 1990s, reported on a number of irregularities. They concluded that the questions raised by these irregularities, the closeness of the vote and allegations of inconsistencies by national observers, political parties and the public, combined with the distrust Mexicans feel in their institutions, necessitates a full recount.

### **CommonBorders Assessment**

The CommonBorders delegation observed a small number of voting places, and therefore does not have the ability to proclaim whether or not the election was completely free of fraud. Moreover, CommonBorders takes a broad view of what constitutes a "free and fair" election, and observer teams take pre- and post-election observations into account when making their assessments (rather than focusing solely on election day proceedings).

A free electoral process is one where fundamental human rights and freedoms are respected. These include the right to a secret vote, freedom of speech, freedom from violence and intimidation and the freedom to register complaints about the process. A fair electoral process is one where the playing field is reasonably level and accessible to all voters, parties and candidates. This includes the presence of an independent electoral administration, protection of electoral rights, privileges and processes through electoral law, balanced media coverage, accessible voting places and a transparent ballot counting process.

CommonBorders found that election day, despite some minor problems and procedural errors, went relatively smoothly.

However, we did find that the standards regarding free and fair elections were not fully met.

For example, despite the presence of a well-respected independent electoral administration and extensive electoral law to protect the interests of voters and parties, significant issues such as voter intimidation and coercion and media bias were raised in pre-election meetings.

Additionally, the post-election compilation of the national results brought into question the perception of the legitimacy of the vote and the perceived credibility of the electoral administration. This was in spite of vote counting procedures at the polls being more transparent, due to the requirement that political party representatives sign the ballot counts and that the results of each poll be publicly displayed.



## The Role of International Election Observers

Impartial international observers are often welcomed by the host country's electoral administration, political parties and civil society organizations because their observations are seen as neutral and therefore credible.

But there is a danger for international observers' reports to be misused. The experience of international observers in the Mexican election demonstrates the seriousness these groups' pronouncements can be afforded.

For example, CommonBorders observers were informed by one Mexican journalist that the role and responsibility of election observers in the election was significant, but perhaps not in the way we expected, because observers would be used by the government to justify the results of the election. He suggested that the mere presence of international observers could be used to claim a free and fair election, regardless of whether the election was truly free and fair.

As the controversy over the election results mounted, IFE placed newspaper advertisements noting that "25,311 domestic election observers and 693 foreign visitors from 60 countries attested to the cleanliness of the election." This was despite numerous public statements by Global Exchange regarding their concerns about the election. As well, although CommonBorders had sent an internal report to host organization Alianza Civica on election day observations, no public statement had been made on the legitimacy of the electoral process as a whole.

CommonBorders disagrees with IFE's decision to advertise in the days immediately following election day that *all* international observers said the election was "clean and fair." This statement appeared to be an effort to reduce tensions among voters who did not display confidence in the results. However, this pronouncement was made prior to all of the observers making their assessment.

## **Recommendations**

Long-standing distrust of institutions contributed to extreme wariness and suspicion among some voters about the legitimacy of election results. The Mexican electoral system has been designed and implemented quite well to address the particular needs of Mexico, and has come a long way to address these concerns in such a short period of time. However, CommonBorders observed a limited number of issues where further work could be done to enhance public confidence in the system.

### *Voting Opportunities*

The voter participation rate among out-of-country voters was approximately 1%; far below IFE's estimate of 25%.

Enhancements to the voter registration process, including allowing voter registration at Mexican embassies and consulates around the world, and reducing the production time for the photo-voting card would reduce the significant barriers currently in place.

Implementing an advance voting system could help alleviate the pressure on special casillas (for people who can't vote where they are registered). Similarly, extending postal voting to voters who know they will be away from their electoral section on election day would also reduce the likelihood of citizens being disenfranchised because of a limited number of ballots at special casillas. Increasing the number of ballots at special casillas would be beneficial, as clearly many voters take advantage of this opportunity.

### Election Official Training

Election official training could be enhanced to ensure consistency of procedures. Particular attention needs to be paid to standardizing and simplifying the vote counting procedures.

### Public Education

Widespread lack of confidence in the system could perhaps have been alleviated by greater communication efforts by IFE. More information could have been provided about how the various counts are done, who is present, and when applicable, why the results may change during the process. This could begin prior to election day, and continue throughout the counting process until election results are certified.

A public education campaign about voter coercion and the process to report denunciations and other forms of institutional intimidation would be very beneficial. If voters were to be educated about the possibility of coercion and how to properly report it if witnessed, then perhaps accurate accounts of how widespread coercion is would be recorded, prosecution of coercion would be more successful, and public confidence in the system would increase.

## **Conclusion**

CommonBorders was privileged to accompany Mexican voters during the historic election on July 2<sup>nd</sup>, 2006. Events subsequent to the election have revealed the deep economic and regional differences that influence Mexican politics and will continue to shape political reality in Mexico. CommonBorders observers learned a great deal about the challenges faced by the Mexican electorate and



the historical fears of corruption and fraud that were very present in the pre- and post-election environment.

The delegates observed areas where the universal standards for credible and democratic elections were met, and some where they were not. It should be noted that no electoral democracy has been able to fully meet these standards, and Canadian elections are by no means perfect. The legal structure and practical administration of elections in Mexico have evolved dramatically since the late 1980's to effectively address many concerns regarding fraud and corruption.





## **Appendix A: Delegate Bios**

### **CommonBorders 2006 Delegation to Mexico Delegate and Coordinator Biographies**

#### **Delegates**

**Kevin Atcheson** has electoral experience as a former Chief Returning Officer of the University Student's Council at the University of Western Ontario. He currently works for Elections BC.

**Sheridan Clemson** is an international relations student at Malaspina University College, and has participated in a human rights training workshop with Building Bridges Human Rights Project in Chiapas.

**Bill Feyrer** is a member of the Rotary Club of Victoria-Harbourside and is currently on the club board as the Director of International Service. He has recently returned from a visit to Honduras to inspect a clean water project funded by his Rotary club and Rotary International.

**Megan Fisher** has a Bachelors degree in Political Science and Hispanic Studies from the University of Victoria. She has a particular interest in Mexico, its culture and its people.

**Christine Hoyer** is a law student at the University of Victoria, and has a particular interest in the law's impact on and engagement with social forces in the world.

**Christopher Hyde** worked for the federal government for 29 years, mostly with Transport Canada. He is an active member of the Sooke Rotary Club and of several other Sooke community organizations. Chris has also worked at polling stations in several Canadian federal, provincial and municipal elections.

**Sarah Laughton** is a teacher and member of Children's International Summer Villages. She is currently the Chair of the Village program's National Leadership Training Committee.

**Jennie Milligan** is a recent graduate of the University of Victoria's Faculty of Law. Her volunteer work has related to environmental issues and electoral reform. She will begin articling with a criminal defence firm in Victoria this September.

**Adrienne Munro** is an active member of Amnesty International, and is strongly committed to human rights and the support of democracy. She has a Bachelor's Degree in Archaeology and has conducted archaeological fieldwork in Nicaragua.

**Dorothy Wong** is involved with international and cross cultural events and organizations, and is interested in human rights and electoral issues. She currently works as a solicitor with the Ministry of Attorney General.

### **Coordinators**

**Linda Shout** has volunteered with CommonBorders since 1999, and serves on the Board of Directors. She currently works for Elections BC. Including this year's delegation, Linda has been involved with seven CommonBorders delegations as a participant or coordinator.

**Erin Dale** has a social work background. She is currently a provincial public servant, and is involved in contracts with anti-violence programs related to women and children. Erin became involved with CommonBorders because of her interest in travelling with a purpose, and a desire to learn more about democracy in action, as well as people from other political and social contexts. She serves on the CommonBorders board of directors.





**Douglas Sandoval** is a Guatemalan citizen who has made Canada his home for the last six years. He is a computer technician and web-site designer and has volunteered with the Vancouver Island Public Interest Research Group, Bernard-Boeker Centre Foundation, and with CommonBorders for the last five years. He currently runs his own travel agency.


## Appendix B: Voting Results

### Summary of the official Results of the [2 July 2006 Mexican Presidential Election](#) (district count)

Candidates - Parties	Votes	%
<a href="#">Felipe Calderón</a> - <a href="#">National Action Party</a>	15,000,284	35.89
<a href="#">Andrés Manuel López Obrador</a> - <a href="#">Alliance for the Good of All</a> ( <a href="#">PRD</a> , <a href="#">PT</a> , <a href="#">Convergence</a> )	14,756,350	35.31
<a href="#">Roberto Madrazo</a> - <a href="#">Alliance for Mexico</a> ( <a href="#">PRI</a> , <a href="#">PVEM</a> )	9,301,441	22.26
<a href="#">Patricia Mercado Castro</a> - <a href="#">Social Democratic and Peasant Alternative Party</a>	1,128,850	2.70
<a href="#">Roberto Campa Cifrián</a> - <a href="#">New Alliance Party</a>	401,804	0.96
Write-In	297,989	0.71
Blank/Invalid	904,604	2.16
Total (turnout 58.90%)	41,791,322	100.00
Source: <a href="#">Instituto Federal Electoral</a>		






### Summary of the 2 July 2006 [Chamber of Deputies of Mexico election results](#)

Alliances and parties	Votes	%	FPP Seats	PR Seats	Total
 <a href="#">National Action Party</a> ( <i>Partido Acción Nacional</i> )	13,876,499	33.41	137	69	206
 <a href="#">Alliance for the Good of All</a> ( <i>Alianza por el Bien de Todos</i> ) <a href="#">Party of the Democratic Revolution</a> ( <i>Partido de la Revolución Democrática</i> ) <a href="#">Labour Party</a> ( <i>Partido del Trabajo</i> ) <a href="#">Convergence</a> ( <i>Convergencia</i> )	12,040,698	28.99	100	60	160
 <a href="#">Alliance for Mexico</a> ( <i>Alianza por México</i> ) <a href="#">Institutional Revolutionary Party</a> ( <i>Partido Revolucionario Institucional</i> ) <a href="#">Ecologist Green Party of Mexico</a> ( <i>Partido Verde Ecologista de México</i> )	11,704,639	28.18	63	58	121
 <a href="#">New Alliance Party</a> ( <i>Partido Nueva Alianza</i> )	1,887,667	4.55	0	9	9

	<a href="#">Social Democratic and Peasant Alternative Party</a> ( <i>Partido Alternativa Socialdemócrata y Campesina</i> )	852,849	2.05	0	4	
Total		41,531,750	100.00	300	200	<b>50</b>

Source: [IFE](#)

### Summary of the 2 July 2006 [Senate of Mexico election results](#)

Alliances and parties		Votes	%	FPP Seats	SPP Seats	PR Seats	Total
	<a href="#">National Action Party</a> ( <i>Partido Acción Nacional</i> )	14,043,213	33.63	32	9	11	52
	<a href="#">Party of the Democratic Revolution</a> ( <i>Partido de la Revolución Democrática</i> )	12,403,241	29.70	22	4	10	36
	<a href="#">Labor Party</a> ( <i>Partido del Trabajo</i> )						
	<a href="#">Convergence</a> ( <i>Convergencia</i> )						
	<a href="#">Institutional Revolutionary Party</a> ( <i>Partido Revolucionario Institucional</i> )	11,689,110	27.99	10	19	10	39
	<a href="#">Ecologist Green Party of Mexico</a> ( <i>Partido Verde Ecologista de México</i> )						
	<a href="#">New Alliance Party</a> ( <i>Partido Nueva Alianza</i> )	1,689,099	4.04	0	0	1	1
	<a href="#">Social Democratic and Peasant Alternative Party</a> ( <i>Partido Alternativa Socialdemócrata y Campesina</i> )	796,102	1.91	0	0	0	0
Total		40,740,318	100.00	64	32	32	<b>128</b>

Source: [IFE](#)

## **Appendix C: Universal Standards for Credible and Democratic Elections**

### **Universal Standards for Credible and Democratic Elections:**

- independent electoral administration
- universal suffrage
- accessible voter registration
- accessible voting locations and facilities for “special voting”
- easily understood voting process
- secret ballot
- transparent voting and counting process

### **Elements of a Free Election**

Basic human rights and freedoms are respected:

- freedom of speech and expression
- freedom of association and assembly
- freedom to access and transmit political and electoral information
- freedom to register as a voter, party or candidate
- freedom from violence, intimidation and coercion
- freedom of access to polls
- freedom to exercise the franchise in secret
- freedom to question, challenge and register complaints without fear of reprisal

### **Elements of a Fair Election**

Playing field is reasonably level and accessible to all participants:

- independent, non-partisan electoral administration to administer the process
- guaranteed legal rights and protections
- equitable criteria and opportunities to register as a voter, political party or candidate
- equitable and balanced reporting by the media
- equitable access to financial and material resources for party and candidates
- accessible voter information and voting places
- equitable treatment of voters, candidates and parties by election officials, the government, the police, the military and the judiciary
- open and transparent ballot counting process
- an election process not disrupted by violence, intimidation or coercion