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# Democratic Integrity: Mexico 2024

ELECTION POLLS AND SURVEYS

# Summary

**"Properly conducted and disseminated opinion polls and surveys use scientific statistical methods to provide the public, politicians, the media, and other interested groups with access to accurate and objective measures of public behavior, attitudes, and intentions."**

**Guideline on Opinion Polls and Published Surveys, European Society for Opinion and Marketing Research (ESOMAR) and World Association for Public Opinion Research (WAPOR)**

**Mexico is halfway through the campaign for its 2024 federal and local elections, and as in other competitive democracies, pollsters have been surveying Mexican citizens and publishing their findings on voter preferences as the June 2 balloting approaches.**

**Conducting voter polls is a valid and legitimate practice in Mexico. But because of their potential impacts on electoral behavior, they are also regulated by law. According to legislation, the only requirement for election polls is for pollsters to provide electoral authorities with information on their methodology. In addition, electoral law bans the publication of polls on voting intentions during the three-day period between the end of campaigns and election day.**

**The regulation of opinion polls is based on the principle of "maximum publicity" (meaning maximum transparency). The aim is to ensure public visibility for the findings of reputable polling companies, while discouraging polls that lack methodological rigor (fake polls), especially those used as inappropriate electoral propaganda.**

**In the "Last Glance" section, we offer an overview of the novel exercise in allowing people in pretrial detention (without a conviction) to cast votes for the Presidency of the Republic.**

# Election Polls and Surveys

## The regulation in the Constitution and the Law

Election polls and surveys are regulated by the Mexican Constitution, which in Article 41, Base V, Section B, states that the National Electoral Institute (INE) is responsible for federal and local electoral processes, including "the rules, guidelines, and formats for preliminary electoral results; surveys or opinion polls."

The Constitution (Article 41, Base V, Section C) also states that "the local electoral authorities in all 32 federal entities shall have jurisdiction in the settlement of electoral polls or surveys."

Thus, on the one hand, the INE establishes rules for polls and implements them for federal electoral positions, while local electoral authorities apply the rules for polling voter preferences in elections for governor, local legislatures, and municipal posts.

The third chapter of the electoral law outlines the responsibilities of the General Council of the INE regarding polling, principally the rules and guidelines it should provide. The law also stipulates what information polling companies must submit to the INE documenting their methodology, as well as reporting on the funding used to conduct the election polls.

## General Law of Electoral Institutions and Procedures

### Election polls and surveys Article 213



1. The General Council of the National Electoral Institute shall issue the rules, guidelines, and criteria to be adopted by individuals or legal entities conducting election polls or surveys of federal and local electoral processes. The local electoral institutes shall carry out their related functions according to the rules, guidelines, and criteria established by the INE.



2. During the three days before the election and until the polls close, it is strictly forbidden to publish, disseminate, or publicize, by any means of communication, the results of surveys or election polls whose purpose is to reveal voter preferences.

3. Individuals or legal entities that disseminate election polls or surveys shall submit to the INE or the local electoral Institute a report on the resources used to conduct the survey, according to the guidelines established by the corresponding electoral authority.



4. The INE and local electoral institutes must publish survey methodology, costs, personnel, and results on their websites within their jurisdiction.

Source: Compiled by the authors based on articles 213 and 251 of the General Law on Electoral Institutions and Procedures.

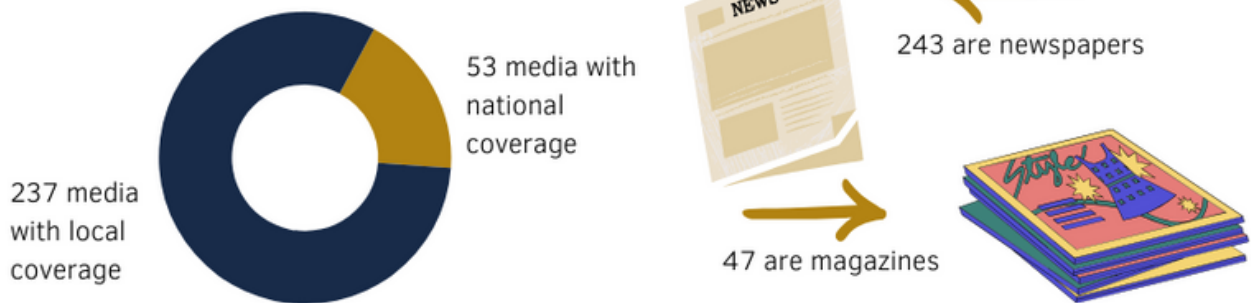
Surveys and election polls are also governed by guidelines approved by the INE. The seventh chapter of the electoral regulations details rules for conducting pre-election polls, opinion surveys, and exit polls. This includes guidance for registering with the INE, rules on target populations, and deadlines for submitting information to the INE. It also stipulates measures in the event of noncompliance.

Finally, the General Law on Electoral Offences establishes a penalty of monetary fines and/or imprisonment of six months to three years for those who publish or disseminate the results of voter preference surveys during the three day period between the end of campaigns and the closing of polls on election day.\*

## INE MONITORING OF SURVEYS AND ELECTION POLLS IN THE PRINTED MEDIA.

The INE is mandated to monitor printed media to identify original opinion research, republication or citations of surveys and polls conducted during the electoral process.

290 printed media were monitored during this electoral process.



## The Target Audience of the Law

Article 251 of the electoral law states that: "Anyone who requests or orders the publication of a survey or election poll on electoral matters, conducted from the beginning of the electoral process until the official close of voting, shall provide a copy of the complete study to the Executive Secretary of the National Electoral Institute if the survey or poll is disseminated by any means."

In addition: "Individuals or legal entities that intend to carry out sample surveys to publicize the electoral preferences of citizens or voting trends shall adopt the general criteria of a scientific nature that will be issued for this purpose by the General Council, after consultation with professionals in the field or the organizations in which they are grouped."

**\* According to the General Law on Electoral Crimes, fines for violations are set as "fine days," with violations of the blackout period ranging between 50 and 100 days. This means that amounts must be calculated from the value of the Measurement and Update Unit (UMA), which is equivalent in 2024 to \$108.57 pesos daily (\$6.6 US dollars). Fifty days of fine are \$5,428.5 pesos (330 dollars) and one hundred days are \$10,857 pesos (660 dollars).**

## The Scientific Criteria to be Applied

Polling houses must follow the scientific criteria defined in the electoral regulations of the National Electoral Institute. Therefore, polling companies must provide the following information:



1. Objectives of the study.

2. Sampling frame.

3. Sample design.

- Definition of the target population.
- Unit selection procedure.
- Estimation procedure.
- Size and method of obtaining the sample.
- Quality of estimation: confidence and maximum implied error in the selected sample for each distribution of preferences or trends.
- Frequency and treatment of non-response, indicating the percentage of undecideds, those who answer "I don't know" and those who say they don't intend to vote.
- General interview refusal rate, indicating the number of refusals to respond or abandonment of the informant over the total number of attempts or persons contacted, as well as the number of unsuccessful contacts over the total number of attempts in the study.



4. Method and date of data collection.

5. The questionnaire used to generate the information.

6. Method of processing, estimators, and confidence intervals.

7. The name of the software used for processing.

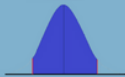
8. The database.

9. Main results.

10. Authorship and Funding.

11. Economic/financial resources used.

12. Professional experience and academic background of the person who designed the survey. 4



## Election Polls in 2024

According to the INE, from September 7 (the start of the 2023-2024 federal electoral process) until March 28 (the most recent reporting deadline), 650 election polls have been authorized.

The most recent report presented to the INE's General Council, covering the period from February 8 to March 28, records the authorization of 108 studies. Of these:

19 were on voting intentions for the Presidency of the Republic.

- 6 through telephone interviews;
- 8 with personal interviews;
- 4 by electronic means;
- 1 was a mixed survey.

16 on the election of federal deputies.

- All by telephone.

73 on voting intentions for the Senate in different states of the Republic.

- 72 by telephone;
- 1 with personal interviews.

It should be noted that the INE does not evaluate the technical aspects of the studies. In other words, the electoral authority does not endorse the findings of the surveys. The INE's role is to set a minimum standard of survey quality, ensure transparency of the methods used, and provide information about the origin and amount of resources used.

## Does every country in the Americas prohibit the distribution of election polls a few days before election day?



- Short Period of Abstention (1 - 6 days)
- None Period of Abstention
- Large Period of Abstention (7 days or more)

Source: Timothy P. Johnson, Current Public Opinion Challenges. In The Precision of Election Polls. Volume II. INE. 2019.

**For more detailed information on the regulation of opinion polls and surveys, please refer to Appendix 3 of the Election Regulations of the National Electoral Institute at: <https://www.ine.mx/wp-content/uploads/2018/04/Compilado-de-Anexos-RE.pdf>.**


## Transparency

The information the INE receives from polling companies conducting surveys is periodically presented to the institute's General Council, where all political parties are represented. Since the beginning of the electoral process in September 2023, seven reports have been submitted and published on the INE's website.

In addition, all the information submitted by the polling companies is made public on the INE's website.


If a polling company fails to submit or complete its methodology, the public will be informed, and the company will be contacted to rectify the situation.

The polling companies that have submitted their methodology to the INE during the reporting period are:



### Polling companies that have submitted their methodology to INE

Electoral Process 2023- 2024



- Campaigns & Elections
- De las Heras Demotecnia
- Enkoll
- Consulta Mitofsky
- FactoMétrica
- Tecnología Estadística
- Massive Caller
- Multipoll
- Poligramas
- TResearch
- El Financiero
- MEBA
- Buendía & Márquez
- CSIMDYCM
- Consulta Ciudadana México 2030
- Oscar Roberto Martínez Tamez
- Covarrubias y Asociados
- VOTIA
- CIPRESO
- ENFÓCATE
- SIMO
- GEA-ISA
- RUBRUMINFO

Source: Compiled by the authors based on information from the National Electoral Institute. INE.

**Please visit <https://www.ine.mx/encuestas-proceso-electoral-2023/> for more information on the INE's reports on opinion polls and surveys.**

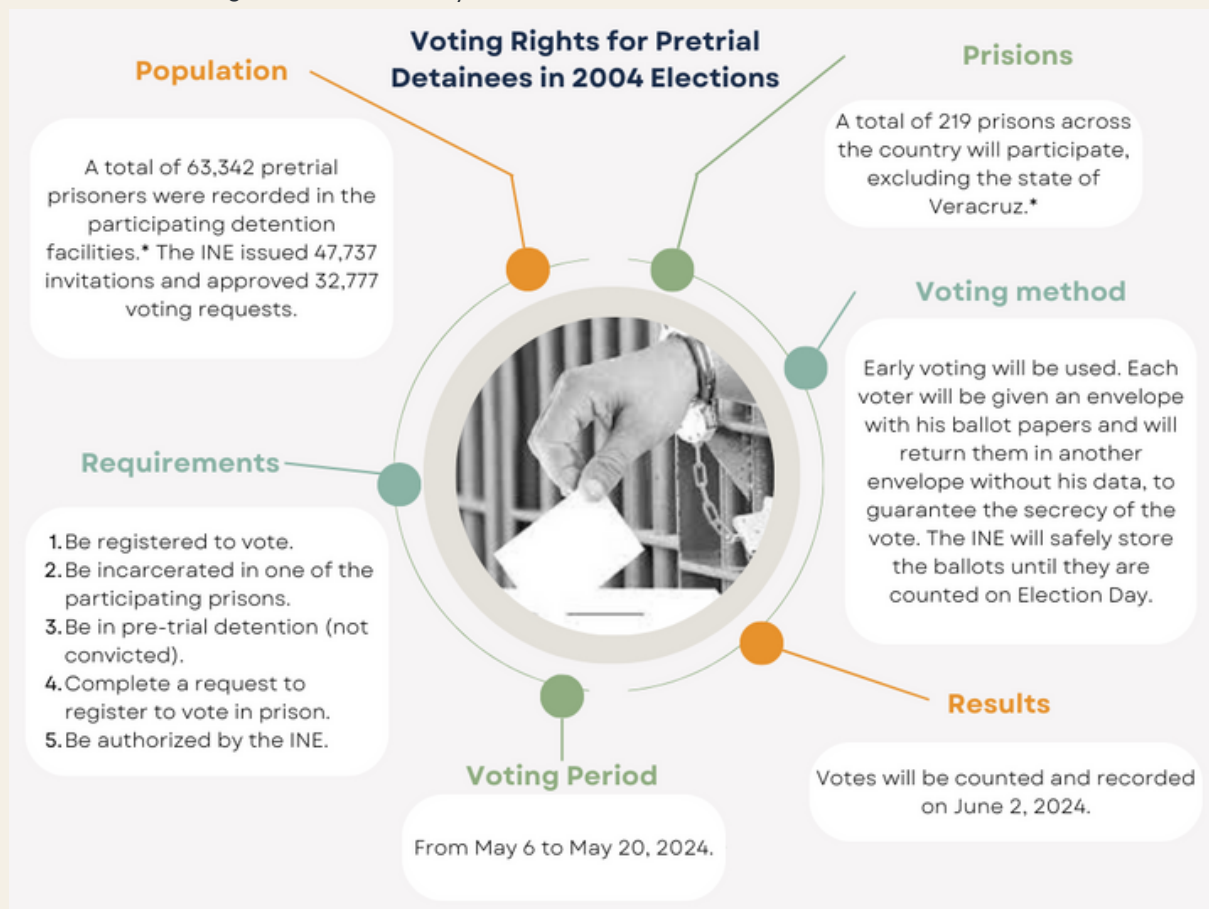
# Last Glance

## Right to Vote for Mexicans in Pretrial Detention

In February 2019, the Electoral Tribunal issued ruling SUP-JDC-352/2018, establishing that pretrial detainees have the right to vote and that the Mexican state should guarantee it. Therefore, the tribunal ordered the INE to conduct a pilot test in the 2021 legislative elections in order to ensure the right of this population to vote for the Presidency of the Republic in the 2024 elections.

During the 2021 elections, from an electoral roll of 950 people in pretrial detention, 899 votes were cast. A subsequent test in Hidalgo—the first state to include the right to vote for those in pretrial detention—130 people were registered, and 155 votes were cast in the 2022 gubernatorial elections. In 2023, during elections for governor in the State of Mexico and Coahuila, there were 4,991 registered voters, out of which 4,530 people cast ballots.

In 2024, pretrial detainees will have the right to vote for the presidency. Furthermore, they will also be eligible to vote in local elections in states that have included this right in local legislation, such as Chiapas and Mexico City. This includes voting for governor, head of government, state congress, and city council. In Hidalgo, pretrial detainees will have the right to vote for city council.



\*As of March 22, 2024, according to the National Electoral Institute.