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# Democratic Integrity: Mexico 2024

DEMOCRACY AT RISK



# Summary

**"Most of the enemies of democracy will claim to be friends of the people...  
If they have their way, democracy will certainly be destroyed in the name  
of democracy."**

**John Keane,** *Life and death of democracy*

The 2023-2024 federal electoral process in Mexico concluded this August, when the Federal Electoral Tribunal (TEPJF) certified the presidential election, declared its validity, and confirmed the final composition of both chambers of Congress.

The most significant outcome of the elections is not the continuity of Morena in the presidency—now with Claudia Sheinbaum as the first woman to hold the executive office in North America—but rather the controversial super-majority the party and its allies obtained in Congress. Such a majority will allow the governing coalition to unilaterally modify the Constitution and ultimately eliminate judicial independence and the separation of powers, with severe implications for Mexico's young democracy.

In this final issue, we offer an overview of the decisions of Mexico's electoral authorities after June 2, emphasizing that some have damaged the integrity of the reliable electoral system that had been carefully constructed over recent decades.

# Electoral Integrity: Mexico 2024?

## Certifying the presidential election

The Superior Chamber of the Federal Electoral Tribunal (TEPJF) is responsible for certifying the results of presidential elections in Mexico. It is tasked with analyzing the election results and assessing the integrity of the entire electoral process.

One of the most sensitive issues during the 2024 Mexican elections was President Andrés Manuel López Obrador's interference in the race. In Mexico, the Constitution (Art. 134) prohibits government officials from attempting to influence electoral preferences and even prohibits the dissemination of government propaganda while electoral campaigns are occurring (Art. 41).

Nevertheless, President López Obrador was a central actor in the electoral contest, favoring his party, Morena, and attacking his opponents.

The National Electoral Institute (INE) issued dozens of precautionary measures (35 in total, of which 24 were deemed admissible and 11 were not), ordering the president to comply with the law. However, the illegal behavior continued.

The Specialized Regional Chamber of the TEPJF, in turn, found that President López Obrador had violated the Constitution and laws on several occasions.

### *How is the presidential election certified and declared valid?*

#### The Electoral Tribunal:



- a) Resolves appeals from the presidential election
- b) Carries out the final count of the election
- c) Determines whether the constitutional principles have been observed
- d) Verifies that the winning candidate meets the eligibility requirements

**The Electoral Tribunal ruled that the 243 challenges filed regarding the results of the presidential election were all unfounded or inadmissible. These appeals involved:**

	Widespread violence		Interference by the president and government officials
	Nullification of results at polling places		Improper use of social programs
	Possible intervention of the INE's president		

**The Electoral Tribunal concluded that the presidential election was valid because it was free and complied with the principles of certainty, legality, independence, impartiality, full disclosure, and objectivity.**

**No violations of the principles of independence, impartiality, or equity were proven**

To learn more about TEPJF's ruling on the certification and validity of the election, please visit: [https://dof.gob.mx/nota\\_detalle.php?codigo=5736767&fecha=20/08/2024#gsc.tab=0](https://dof.gob.mx/nota_detalle.php?codigo=5736767&fecha=20/08/2024#gsc.tab=0)

In June, for example, the Electoral Tribunal ruled that López Obrador had violated the law with statements that committed political gender violence against the opposition candidate Xóchitl Gálvez during his morning press conferences on July 3, 5, 10, 11, and 14, as well as on August 3, 7, and 18.

In the same month, the Tribunal also established "that the President of the Republic, in a prohibited period, disseminated government propaganda, engaged in personalized promotion, improperly used public resources, and violated the principles of impartiality, neutrality, and fairness in competition, with the statements made in the morning conference of April 12, 2024." Although, according to the Constitution, the President cannot be sanctioned for electoral violations, the TEPJF definitively determined López Obrador had committed these transgressions.

Despite this, during the certification of results, the TEPJF did not find that López Obrador's repeated behavior had compromised the integrity of the electoral process.

**Superior Chamber of the Electoral  
Tribunal of the Federal Judicial Power  
of the Federation**

## **Press Release No. 400 of 2024**

**August 14, 2024**

"...The Supreme Electoral Tribunal resolved the appeals filed against the presidential election. There were 240 appeals of electoral district vote counts, two appeals for conformity, and one citizen petition for the annulment. The complaints were rejected in all cases, and the disputed results were confirmed. [...] It was also determined that the election was valid because it was free, authentic, and periodic. In addition, it complied with the principles governing organizing elections: security, legality, independence, impartiality, maximum publicity, and objectivity."

The Electoral Tribunal found that there was no basis for appeals regarding "the alleged systematic and repeated intervention of the President of the Republic in the electoral process... since some of the statements referred to isolated events that did not affect the election, given the level of citizen participation and the results."

**[1] Press release of the Specialized Chamber of the TEPJF of June 20, 2024. Bulletin number 23. See: <https://www.te.gob.mx/front3/bulletins/detail/194718/6>**

The editorial board of Democratic Integrity: Mexico 2024 believes that while there are no grounds to annul the presidential elections in Mexico, it is essential for the Electoral Tribunal to thoroughly assess the impact of President López Obrador's interference on the entire electoral process in terms of legality and justice. The Tribunal's mission is to guarantee the constitutionality of the elections. The behavior of a president who repeatedly violates the law cannot be qualified as an "isolated incident."

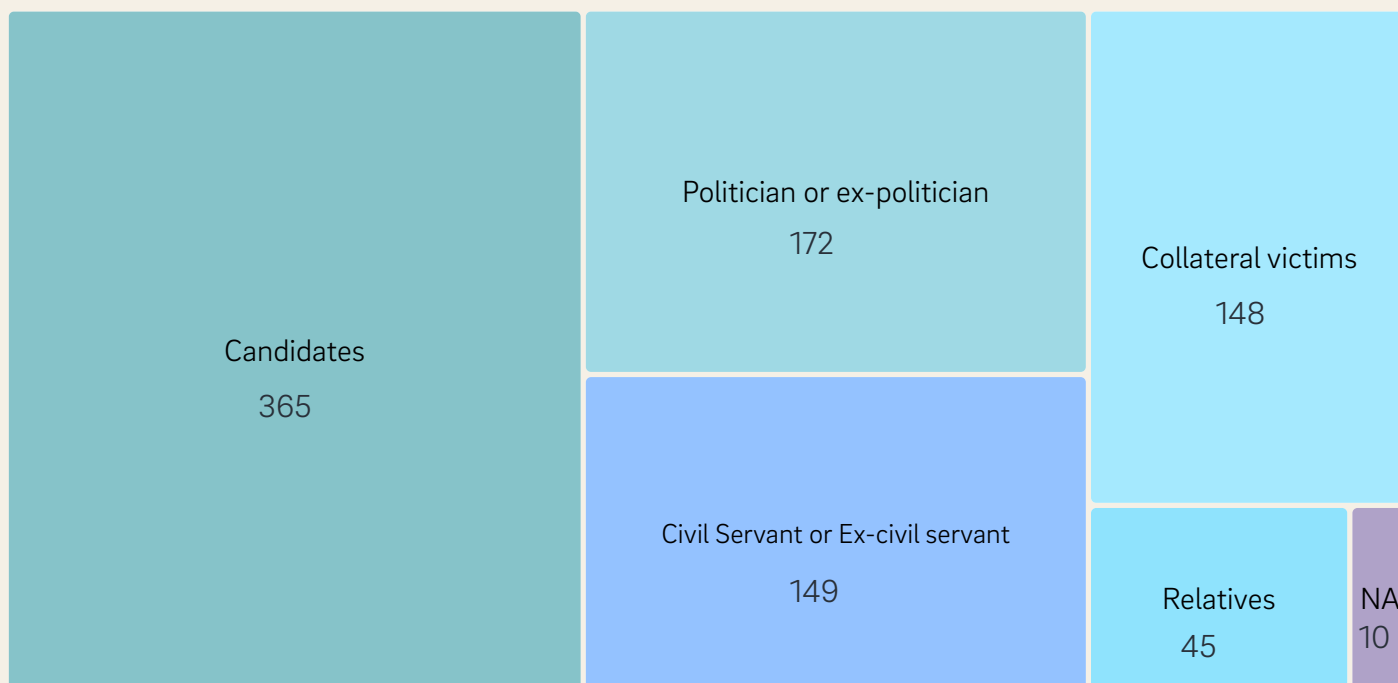
Such judgments damage the prestige of the Electoral Tribunal and, above all, undermine citizen confidence in the legality and integrity of Mexico's electoral processes.

## Electoral violence

The public security crisis in Mexico also affected the federal and local electoral processes. According to Integralia, the 2023-24 election cycle was the most violent in Mexico's history, with 889 victims, an increase of 197.3 percent compared to the 2020-21 election (with 299 victims).<sup>2</sup>

The consulting firm reported 267 homicides and 621 victims of other crimes, such as threats (260 cases), assaults (218), other aggressions (96), disappearances (30), and kidnappings (18).

### Victims related to political violence. 2024 Electoral Cycle.



\*NA refers to victims where their relationship could not be identified.

The insecurity and violence that affect daily life in large parts of Mexico jeopardize all the rights of the population, including political rights.

This is a concern that deserves full attention in the future.

## Composition of Congress

*The Chamber of Deputies and the debate over overrepresentation*

The Chamber of Deputies in Mexico comprises 500 members, 300 elected by majority in single-member districts, and 200 elected through proportional representation (see issue number 6 of Democratic Integrity: Mexico 2024).

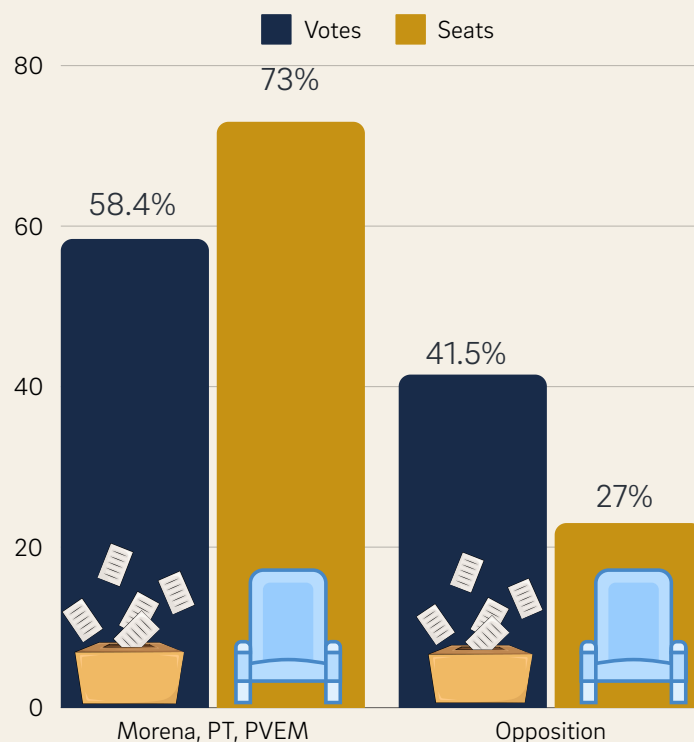
Article 54 of the Mexican Constitution establishes the following rules for the integration of Congress: (a) no political force may have more than 300 deputies, combining those obtained by majority and proportional representation principles, and (b) no party may receive a percentage of deputies that exceeds the percentage of votes it obtained by more than 8 percent.

In the June 2 election, Morena ran in coalition with the Partido Verde Ecologista de México (PVEM) and the Partido del Trabajo (PT). They received 32.5 million votes or 54.7 percent of the total. The governing coalition therefore won a simple majority of the popular vote.

The Constitution establishes that invalid votes, as well as votes for unregistered candidates, independent candidates, and parties that lost their registration must be subtracted from the total votes when determining the distribution of proportional representation seats. In this case, Morena and its allies received 58.4 percent of the vote. The opposition parties, on the other hand, received 24.7 million valid votes, 41.5 percent of the total. This means more than four out of ten citizens voted to create a legislative counterweight to the government.

Given Morena and its allies' vote totals, with the additional 8% allowed by the Constitution, they would have reached 66.4 percent of seats in the Chamber of Deputies (58.4 percent of the votes they received, plus the 8 percent allowed), a figure very close, but below, the 67 percent needed to amend the Constitution. However, the INE and the TEPJF chose a literal interpretation of the relevant constitutional section, determining that the overrepresentation limit applies only to the parties individually and not when they are in a coalition, even though this plainly distorts how the votes of citizens are represented in Congress.

## Votes obtained vs. seats assigned. Chamber of Deputies. Elections 2024



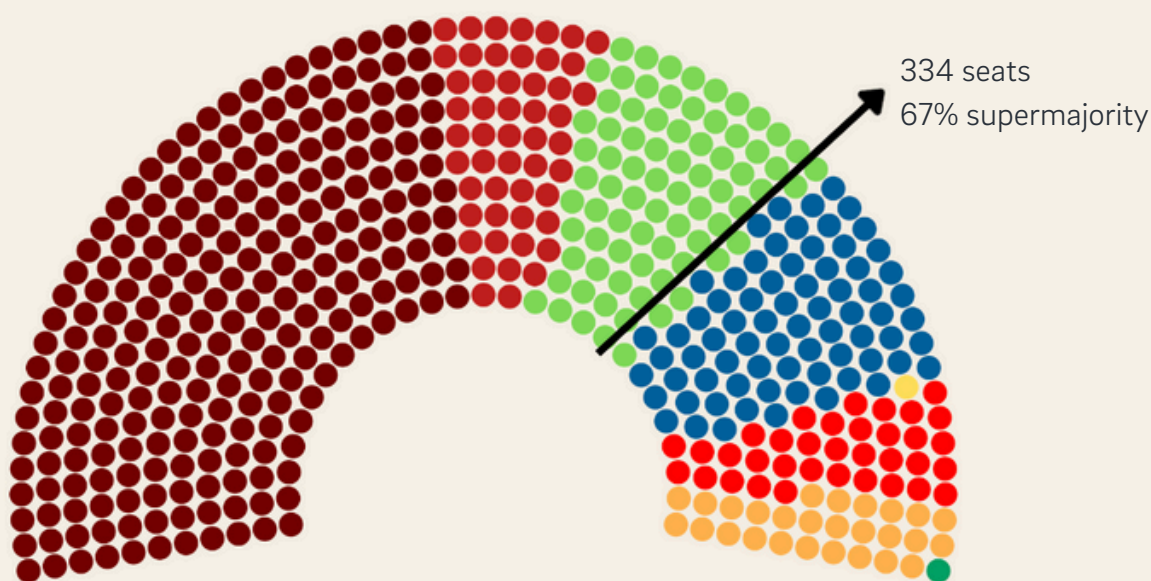
Source: Compiled by the authors based on ruling SUP-RAP/241/2024 of the TEPJF.

In Mexico, there was widespread debate surrounding the overrepresentation threshold. Former judges and electoral counselors, who had served as members of the Electoral Tribunal and the INE, urged electoral authorities to follow the spirit of the Constitution to avoid an artificial legislative supermajority. At the core of the request was a belief that electoral authorities should not interpret rules in such a way as to create an outcome that was not granted by the popular vote at the ballot boxes.

Ultimately, the electoral authorities made a decision that represented a significant intervention in the political process. They granted the winning coalition 73 percent of seats in the Chamber of Deputies, even though it had only received 58.4 percent of the votes. Conversely, with 41.5 percent of the vote, the opposition was left with only 27 percent of seats.

It should be recalled that the Party of the Democratic Revolution (PRD), founded in 1989, lost its registration when it failed to obtain 3% of votes in any of the elections for federal deputies, senators, or the presidency (see *Democratic Integrity: Mexico 2024*, number 18).







### Chamber of Deputies 2024. Composition approved by the TEPJF.



Party	Seats
● Morena	236
● PT	51
● PVEM	77
● PAN	72
● PRD	1
● PRI	35
● Mov. Ciudadano	27
● Independent	1

To learn more about the TEPJF's decision on overrepresentation, please see decision SUP-RAP/241/2024 at: <https://www.te.gob.mx/media/pdf/7fff58c3c2439ff.pdf>.

The following table shows how the overrepresentation of the three parties of the governing coalition (Morena, PT, and PVEM) implies an underrepresentation of the three opposition parties that maintained their registration (PAN, PRI, and Movimiento Ciudadano). In addition, citizen preference has been altered in its translation into the size of the legislative blocs: the PVEM, which came fifth in the popular vote, received the second most seats; the PT, which came sixth in the votes, received the fourth most. The PAN, which came second in the popular vote, was reduced to the third largest legislative force.

Popular vote and deputies by party in the Mexican Chamber of Deputies, 2024					
Party	Votes (A)	Seats (B)	Difference (B-A)	Ranking in citizens' preference	Ranking in number of seats
 PAN	18.0%	14.4%	-3.6%	2	3
 PRI	11.9%	7.0%	-4.9%	3	5
 PVEM	9.0%	15.4%	6.4%	5	2
 PT	5.8%	10.2%	4.4%	6	4
 MC	11.7%	5.4%	-6.3%	4	6
 Morena	43.6%	47.2%	3.6%	1	1

Source: Compiled by the authors based on agreement CG/INE2129/2024. INE.

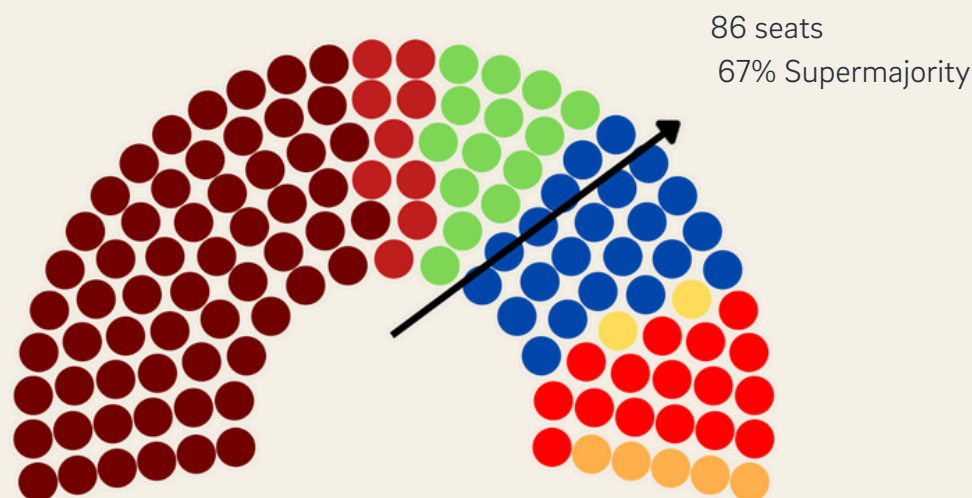
## The Senate

The Mexican Senate comprises 128 members, with 96 being elected in the 32 states (two representing the majority of votes, and one for the runner-up slate). The remaining 32 seats are elected through a national list of direct proportional representation (see *Democratic Integrity: Mexico 2024*, number 6).

The governing coalition (Morena, PT, PVEM) obtained a simple majority in the Senate. Its total number of senatorial seats is 83, only three short of a 67% supermajority (86 seats). However, at the beginning of the legislative term on September 1, the two PRD senators announced that they would join Morena's parliamentary group. Thus, the government coalition only needs one more vote or the absence of an opposition senator to amend the Constitution.



## Chamber of Senators 2024. Conformation approved by the TEPJF.



Party	Seats
● Morena	60
● PT	9
● PVEM	14
● PAN	22
● PRD	2
● PRI	16
● Mov. Ciudadano	5

### Imminent risks

The existence of a legislative supermajority means that the governing coalition can unilaterally amend the Constitution, with ratification by state legislatures. This has not happened since the 1980s, when the country had an authoritarian political system.

The Chamber of Deputies' approval of several constitutional reforms in early September 2024 has raised concerns about the potential impact on democracy and the rule of law in Mexico.

#### a) Ending the independence of the judiciary

With the support of President López Obrador and President-elect Claudia Sheinbaum, the legislative majority has pushed a reform that will dismiss all judges, magistrates, and sitting ministers of justice, and replace them with judges selected by popular vote. In other words, they could be judges with loyalties to the political majority, rather than nominally independent justices. This would put an end to the independence of the judiciary.

## b) Elimination of autonomous institutions

Other reforms would eliminate seven autonomous institutions that guarantee rights related to citizens' access to public information and accountability, economic competition, fair information, as well as institutions that provide for the improvement of education, the evaluation of social development policies, and serve as regulatory commissions for energy matters.

The elimination of these autonomous agencies may contravene agreements on transparency, competition, and free markets established in the USMCA free trade treaty between Mexico, the United States, and Canada.

## c) Reduction of the political representation of minorities

The legislative majority's proposals include an electoral reform with two dangerous measures. The first is the elimination of the principle of proportional representation in Congress. Thus, a popular vote like the one in 2018, in which the winning coalition received less than 55 percent of the vote, could result in a ruling coalition with more than 85 percent of seats in Congress.

Mexico's transition to democracy began with the introduction of proportional representation. Later, democracy became effective a pluralistic Congress was no longer dominated by the president, and the separation of powers became a reality. Abolishing proportional representation would mean a return to the scenario of the 1960s, when Mexico was an authoritarian country with a hegemonic party.

The other reform measure proposed regarding elections is for judges of the TEPJF and the advisors of the National Electoral Institute to be selected by popular vote instead of through consensus designation by legislators. With the arbiters of elections owing allegiance to the majority political party, the independence and autonomy of these authorities would end.

With these measures, minorities would have no political representation, and elections would be controlled by the government, as has happened in several Latin American countries that have ceased to be democracies in recent years.

If these measures succeed, they will severely jeopardize free and genuine elections in Mexico and put the country's democracy at risk.

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