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Center for U.S.-Mexican Studies



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Democratic Integrity: Mexico 2024

PRE-CAMPAIGNS

Presentation

**Internal Democracy: "The adoption of internal democratic mechanisms affects the internal dynamics of parties, the relations among their members, the distribution of power resources, and the performance of the party."
Electoral Dictionary, Inter-American Institute of Human Rights.**

In this fourth edition of "Democratic Integrity: Mexico 2024," we provide an overview of the pre-campaign period, the stage in which political parties and electoral coalitions define their candidates for next year's June 2 election.

The "Last Glance" section presents the budget approved by the Chamber of Deputies for the National Electoral Institute (INE) and the Electoral Tribunal of the Federal Judiciary (TEPJF). Both national electoral institutions suffered significant budget cuts.

The electoral pre-campaign is a concept that has been regulated in the Mexican electoral legislation since 2007, after it was noticed that several governors and public officials were using the resources under their control to initiate excessive advertising strategies in advance in order to obtain the nomination of their parties for the upcoming positions. Until then, there was no legal definition of pre-campaigns' duration, eligible funding sources, spending caps, actions that could be carried out, or the conditions of access to radio and television.

Nowadays, pre-campaigns are overseen by electoral authorities at both federal and local levels. These political contests are within each party, not between parties. During pre-campaigns, all parties together are entitled to 30 minutes of daily radio and television advertising. In addition, the money used to fund pre-campaigns is subject to accountability. The National Electoral Institute (INE) audits the resources used. It submits a report with its conclusions before candidates can be registered.

Mexico's Pre-Electoral Campaigns: Getting the Race Started

Mexican legislation defines pre-campaign as the series of acts (meetings, rallies, marches) in which pre-candidates address their members, sympathizers, or the electorate in general, in order to obtain the party's nomination for a position to be elected by popular vote.

In Mexico, unlike other countries, political parties have complete freedom to decide how their internal selection process will be carried out, in accordance with their own statutes and the law, which establishes, for example, parity in the nomination of candidates based on gender.

Some methods of internal selection of candidates are: national convention of delegates; polls among militants or general population; open primary and close primary.

Candidates for the 20,375 elected positions that will be contested on Election Day, June 2, will be determined in the 2023-2024 pre-campaigns.



WHAT IS ALLOWED IN PRE-CAMPAIGNS?



Do's

Carry out activities to obtain the support of affiliates, sympathizers or voters in order to run to office.

Access to radio and television time managed by INE.

Receive public funds (as long as they come from the political party) and transparent private donations.

Disseminate pre-campaign propaganda that indicates the quality of the pre-candidate.

Conduct opinion polls or surveys

Respect the pre-campaign period

Provide promotional items as long as they are made of textile materials.

Submit a report on the income and expenses of the pre-campaign (if not, the pre-candidate cannot run to office).

Appeal to the Electoral Tribunal, provided that the mechanisms within the parties have been exhausted.



Don'ts

An explicit call for a vote in favor of or against a candidate.

Purchase of radio and television spots

Perpetration of political violence on the basis of gender

Use more private than public funds given by the political party

Spend above the pre-campaign spending cap

Engaging in defamation

Offer or provide gifts or sponsorships

Using public resources, different of the public party funding, to promote a pre-candidate

Government propaganda

Promoting the pre-candidacy of a public servant

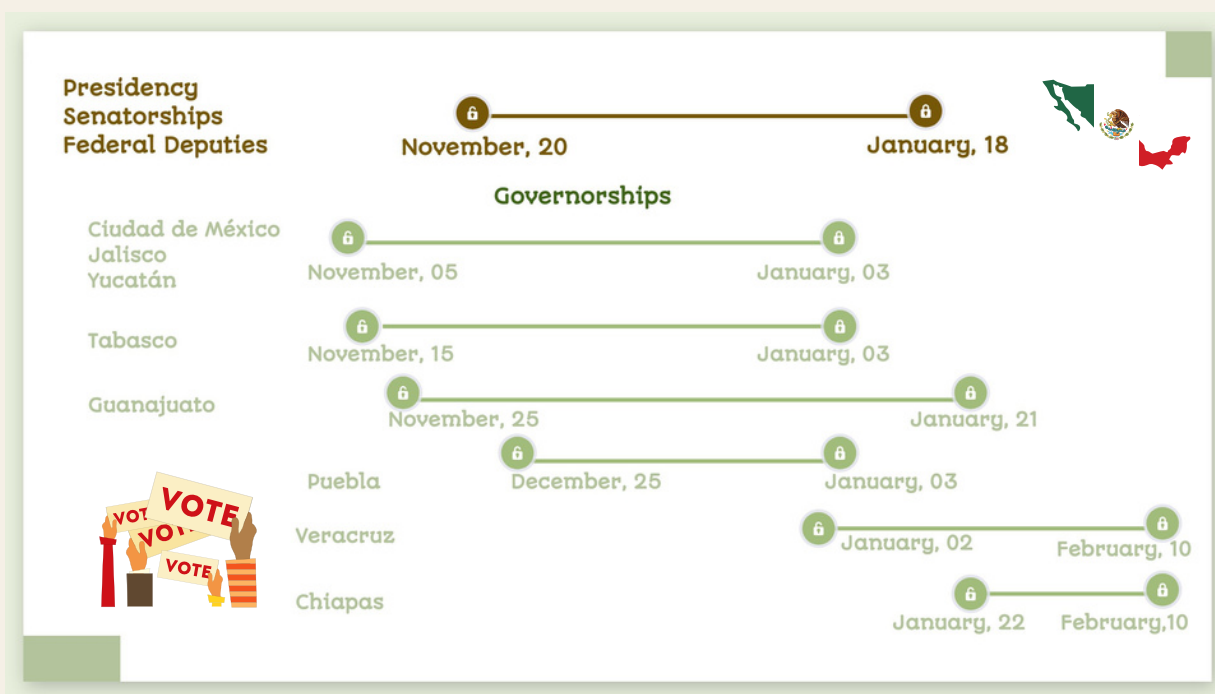
Participate in two or more internal competitions simultaneously.

Pre-campaigns apply to parties that choose to conduct a candidate selection process that includes open competition among their militants or sympathizers for nomination. Parties may not engage in pre-campaigns if, in accordance with their statutes, they decide to nominate candidates through procedures that do not involve an internal contest. In Mexico, pre-campaign activities are allowed even if a pre-candidate is not running against anyone from his or her party.

Mexican legislation on pre-campaigning establishes that:

- May last up to 60 days when electing the Presidency, Senatorships and Federal Deputies, and up to 45 days only when electing Federal Deputies.
- Each of the local electoral laws in the country's 32 entities establishes the length of the pre-campaign period for Governors, State legislators, and City Councilors.
- Political parties must notify the National Electoral Institute (INE) of the internal selection method they will use.
- There is a pre-campaign spending cap of 20% of the spending cap established for the immediately preceding campaigns.
- Public funds (ordinary expenses received by the parties from the State) and private funds (donations) may be used.
- Pre-candidates must file a report of income and expenses at the end of their pre-campaign.
- All parties must have internal dispute resolution mechanisms.

Deadlines for Federal (Presidential and Legislative) and Gubernatorial Pre- Campaigns, 2023-2024.



Source: Compiled by authors based on information supplied by The National Electoral Institute and The Local Public Electoral Bodies.



Radio and Television Access During Pre-Campaigns

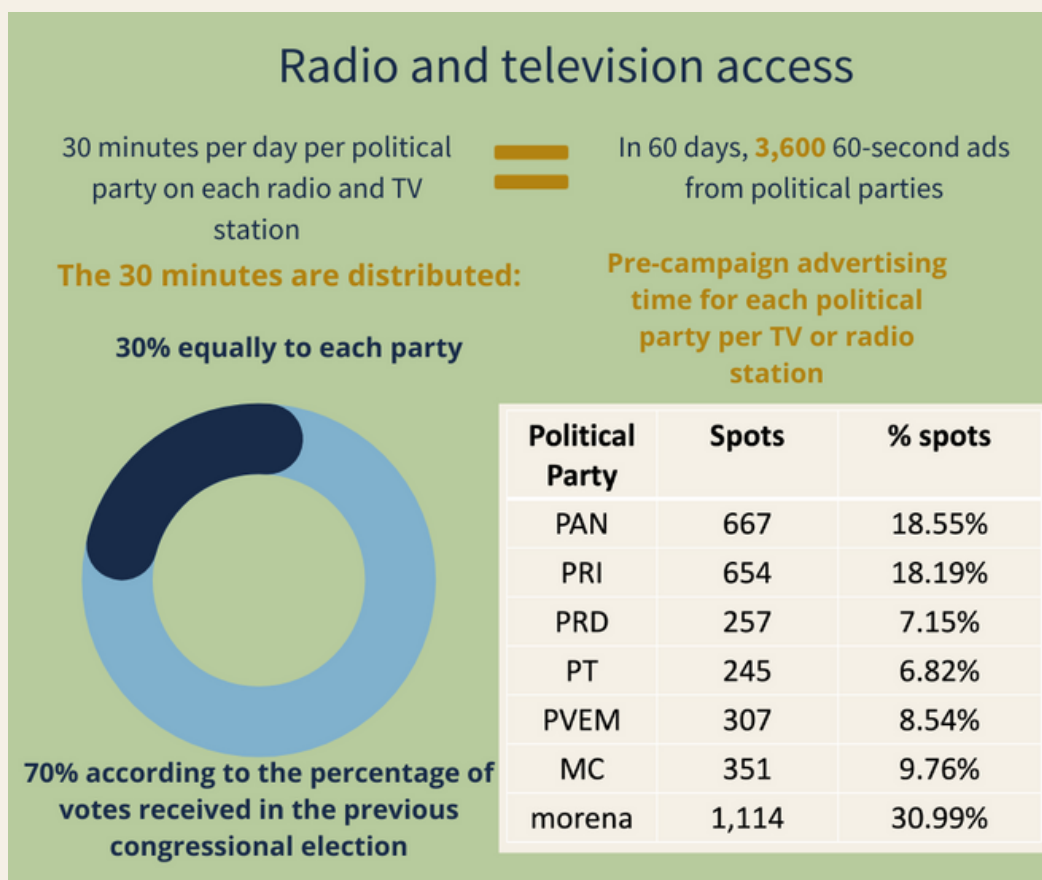


In Mexico, political parties and candidates have access to radio and television airtime through the time administered by the National Electoral Institute (INE). The law prohibits the purchase of campaign propaganda on radio and television by political actors and even third parties.

The electoral law establishes that, during the pre-campaign, the parties receive a total of 30 minutes per day on each radio station and public television channel. The time is distributed among the parties by law: 30 percent equally and 70 percent in proportion to the percentage of votes received by each party in the last federal election.

Political party messages consist of 30-second spots. Therefore, each station or channel will broadcast 60 spots per day during the pre-campaign. The spots must be scheduled between 6 a.m. and midnight each day.

Federal pre-campaigns last 60 days, so between November 20, 2023 and January 18, 2024, 3,600 political party advertisements will be broadcast on each television public channel and radio station.



Source: Compiled by authors based on information supplied by The National Electoral Institute.

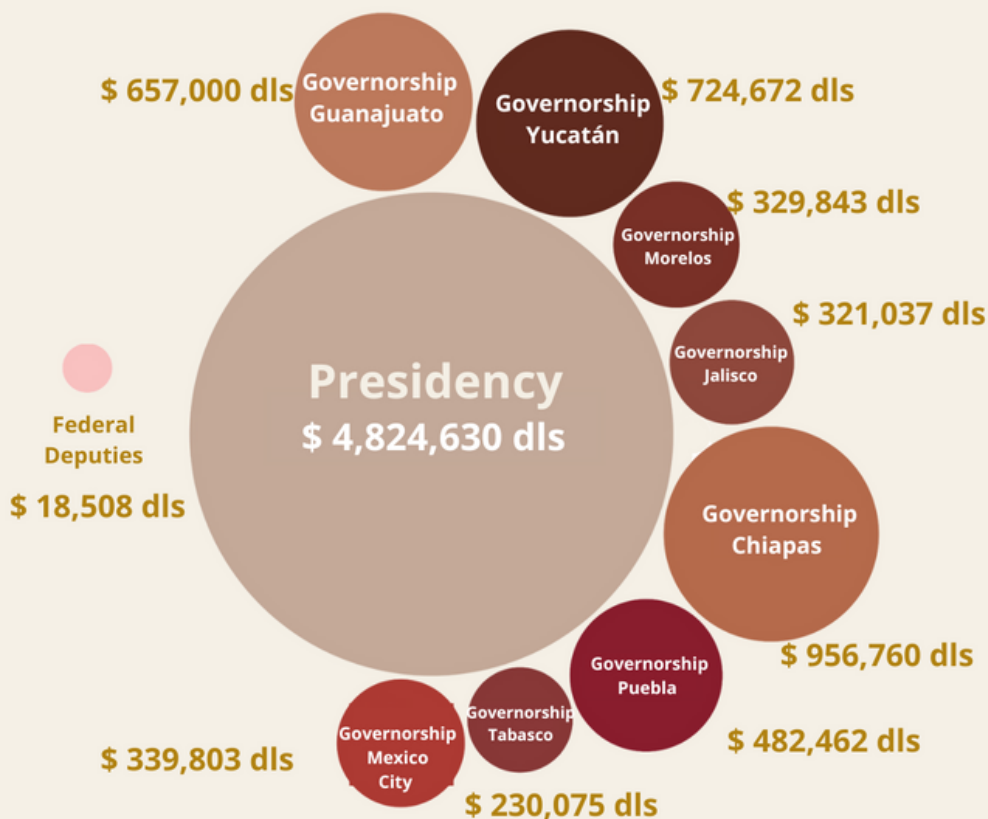
If you wish to expand your knowledge of Mexico's pre-campaigns, we recommend that you consult the INE's Agreement that established the deadlines for pre-campaigns (INE/CG563/2023). https://dof.gob.mx/nota_detalle.php?codigo=5706103&fecha=20/10/2023#gsc.tab=0, as well as the Agreement that established the spending caps for pre-campaigns. (INE/CG554/2023): <https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/153332/CGex202309-28-ap-14.pdf>

Money and pre-campaigns

Mexican Legislation requires that all funds used for political electoral purposes must be transparent. For this reason, the funds used by the pre-candidates to obtain the nomination of their respective parties must be audited.

Political actors, parties and pre-candidates, have the obligation to inform the National Electoral Authority of every peso they receive and spend in their pre-campaigns. Pre-campaign income may be contributed by the parties as well as by the pre-candidates themselves or their supporters. It is not allowed to use money from legal entities (companies, unions, associations) or from anonymous sources. All contributions to a pre-campaign must have an identified donor.

Pre-Campaign Spending Caps 2023-2024



In December 2023, the pre-campaign spending caps for the governorship of Veracruz will be established. In the case of senatorial elections, it depends on each entity: they range from 572,844 in the case of Baja California Sur, Campeche and Colima to 5,728,444 for Jalisco, State of Mexico, Mexico City and Veracruz. Source: Compiled by the authors based on information from the National Electoral Institute and Local Public Electoral Bodies.

Expenditures must be for pre-campaign activities such as propaganda, advertising, and organizing events. It is mandatory for each pre-candidate to comply with the spending caps. Last September 26, INE established the pre-campaign spending caps for the Presidential and Federal Legislative positions. The 32 Local Public Electoral Bodies (OPLE) set the spending limits for the local pre-campaigns.

The accountability of resources must be realized in real time, day by day, through INE's Integral Auditing System, which is a system connected to the Internet where each pre-candidacy must upload its income and expenditure information, as well as supporting documentation. All the resources of each pre-candidacy must be concentrated in a bank account supervised by INE.

INE also conducts inspections to detect and register pre-candidacy advertising. It also verifies ads in print, digital and social media to validate the information reported to it. Once the pre-campaigns have been completed, INE issues an audit report prior to the formal registration of candidacies. If a pre-candidate fails to submit its income and expenditure report, the sanction provided by law is the loss of the candidacy.

Pre Pre Campaigns in 2023

In 2023, there was an intense debate in Mexico about whether different parties advanced their pre-campaigns and thus violated the electoral law.

Both the ruling party and its allies, as well as the opposition parties, engaged in actions and activities prior to the official start of the pre-campaign (set in November). These actions could be considered as Early Pre-Campaigns.

WHAT DOES THE LAW STATE??

The General Law of Electoral Institutions and Procedures (LEGIPE), in its Article 226, Paragraph 2, Subsection a), establishes: "In federal electoral processes in which the Head of the Federal Executive Branch and the two Chambers of the Congress of the Union are renewed, **pre-campaigns shall begin in the third week of November** of the year preceding the election. They may not last more than sixty days".

The law also establishes the sanction for those who engage in pre-campaign activities: "Pre-candidates for positions in the popular elections who participate in the internal selection processes called by each party **may not engage in proselytism or the dissemination of propaganda by any means before the date of the beginning of the pre-campaigns**; the violation of this provision will be sanctioned with the denial of registration as a pre-candidate" (Article 166, Paragraph 3).

Source: General Law of Electoral Institutions and Procedures. Articles 166 and 226

In June, the ruling party, Morena, and its two allies, the Partido del Trabajo (PT) and the Partido Verde Ecologista de México (PVEM), demanded the appointment of a person who would serve as "Coordinator of the Committees for the Defense of the Fourth Transformation". Several public officials resigned from their positions to seek the "Coordination" of Morena and to carry out political activities. On September 7, it was announced that Claudia Sheinbaum, until June the head of the government of Mexico City, had been appointed as Coordinator.

The opposition parties, Partido Acción Nacional (PAN), Partido Revolucionario Institucional (PRI), and Partido de la Revolución Democrática (PRD), also demanded that the person in charge of leading the Broad Front for Mexico be named. On September 3, it was announced that Senator Xóchitl Gálvez would be in charge of leading the Broad Front.

In accordance with these political determinations, the Federal Electoral Tribunal ordered the National Electoral Institute to issue guidelines to regulate the activities of political parties. Consequently, INE issued the "General Guidelines for the Regulation and Control of Processes, Acts, Activities and Propaganda in the Political Processes, according to the Tribunal rulings SUP-JDC-255/2023 and SUP-JE-1423/2023.

These guidelines state that each party must submit a report of income and expenses on October 2, different from the pre-campaign report, which will be submitted to INE's General Council on December 15, 2023.

In Mexico, it is taken for granted that both Claudia Sheinbaum and Xóchitl Gálvez will campaign for the presidency. This assumption is made even before the official pre-campaign period, which indicates a potential discrepancy between electoral regulations and their compliance.

Last Glance

The Chamber of Deputies has reduced the budget allocated to organizing elections.

On November 9, the Chamber of Deputies approved the Federal Expenditure Budget for fiscal year 2024.

The budget was approved for a total of 9.06 trillion pesos (\$522 billion of US dollars), an increase of 4.23% in real terms compared to 2023.

Despite the increased spending, the Chamber of Deputies approved a budget cut for the National Electoral Institute (INE) and the Federal Electoral Tribunal (TEPJF) for the upcoming year, which will be the largest election in Mexico's history.

In 2024, the National Electoral Institute will need to set up 170,000 polling stations to accommodate over 98 million registered voters. INE initially requested 37,770 million pesos (US\$2.172 billion), which translated to just 40 cents for every 100 pesos of the federal expenditure budget. However, the budget of the INE was reduced by 5 billion pesos (US\$288 million).

Jaime Rivera, Electoral Counselor of the National Electoral Institute, analyzed the budget cuts. According to Rivera "the budget approved for INE in 2024 represents the largest cut in history during an election year. The 'ordinary budget' requested by INE was 23,757 million pesos, not including the prerogatives for political parties or the precautionary amount for a plebiscite. The majority of the Chamber of Deputies reduced 1,434 million pesos, equivalent to 6% of the requested amount. The 2018 budget decreased by 800 million, which was 4.4% less than requested. Similarly, in 2021, the adjustment amounted to 870 million, which was 4.3% less than required."^[1]

The Federal Judiciary's Electoral Tribunal, responsible for settling legal disputes related to over 20,000 elected positions and certifying the 2024 presidential election, requested \$3.89 billion pesos (equivalent to US\$290 million). The Tribunal received a budget cut of 6.9%.

The budget was approved by 262 votes from the Morena, Partido del Trabajo (PT), and Partido Verde Ecologista de México (PVEM) parties, who support President Andrés Manuel López Obrador's government. The opposition parties Acción Nacional (PAN), Revolucionario Institucional (PRI), de la Revolución Democrática (PRD), and Movimiento Ciudadano (MC) voted against it, with 216 votes, and one abstention.

[1] <https://www.excelsior.com.mx/opinion/opinion-del-experto-nacional/presupuestos-austeridad-o-aversion-politica/1619280>

INE's Budget Cut in Election Years

