UC San Diego

SCHOOL OF GLOBAL POLICY AND STRATEGY
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Democratic Integrity: Mexico 2024

THE MEXICAN CONGRESS

Summary

"The legislative power of the United Mexican States shall be vested in a General Congress, divided into two Houses, one of which shall be composed of Deputies and the other of Senators. The General Congress shall be divided into two Houses, one of Deputies and the other of Senators".
The Political Constitution of the Mexican United States.

"In fact, the dual structure of Congress allows for the simultaneous representation of the nation and the entities that belong to the Federal Pact, following the North American model that directly inspired our first constitutions."
Lorenzo Córdova in Los Derechos del Pueblo Mexicano (The Rights of the Mexican People).

The sixth edition of "Democratic Integrity: Mexico 2024,"provides an overview of the composition of the Mexican Congress, which represents the federal legislative branch.

In the "Last Glance" section, we share the results of the National Electoral Institute's lottery that determines the birth month of the 12 million citizens that will serve as officials in 170,000 polling stations. These officers will be in charge of the reception and counting of the votes of their neighbors on June 2.

The Constitution defines Mexico as a representative, democratic, secular, and federal republic. It is divided into three branches: Legislative, Executive and Judicial. The legislative branch consists of two chambers: the Chamber of Deputies and the Senate. It is thus a bicameral model, as in other countries such as the United States and the United Kingdom.

Instead of a single assembly, the bicameral constitutional model combines two types of representation: citizens are represented in the Chamber of Deputies and entities are represented in the Senate as determined by the federal pact.

The existence of two chambers of Congress, which approve the federal laws, has trade-offs. On the one hand it can hinder parliamentary work but on the other it creates checks and balances within the legislative branch itself.
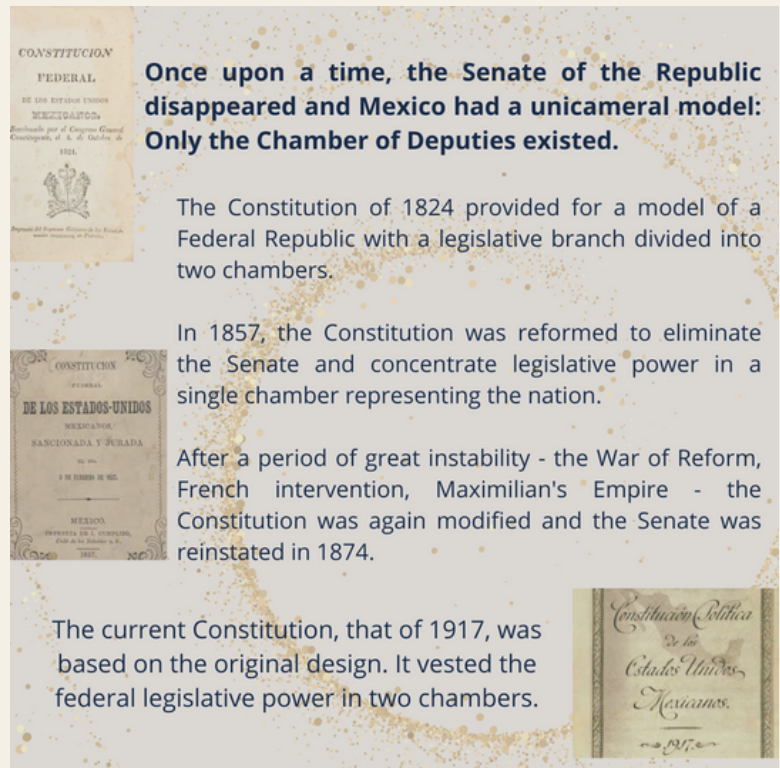
Congress is, by design, the branch that reflects the political diversity of a society, and it is also the fundamental counterweight to the executive power held by a single person.

The Bicameral Model of the Mexican Congress

Since the Chamber of Deputies represents the population, the number of deputies elected in each state depends on the number of inhabitants.

For example, the State of Mexico, the most populous state in the country, has 40 federal deputies elected by relative majority, while Baja California and Colima, the states with the smallest populations, each have only two federal deputies elected by relative majority (see number 2 of "Democratic Integrity: Mexico 2024" for an explanation of how the number of federal districts is determined).

Time Capsule

Once upon a time, the Senate of the Republic disappeared and Mexico had a unicameral model: Only the Chamber of Deputies existed.

The Constitution of 1824 provided for a model of a Federal Republic with a legislative branch divided into two chambers.

In 1857, the Constitution was reformed to eliminate the Senate and concentrate legislative power in a single chamber representing the nation.

After a period of great instability - the War of Reform, French intervention, Maximilian's Empire - the Constitution was again modified and the Senate was reinstated in 1874.

The current Constitution, that of 1917, was based on the original design. It vested the federal legislative power in two chambers.

In the Senate each state has the same number of representatives: three, regardless of the size of its territory or population. Baja California and Colima have the same representation as the State of Mexico. Thus, the 32 states that make up the Mexican Republic have the same weight in the Senate.

Attributions of the Chambers

The laws of the Federation must be processed by both Houses of the Congress of the Union. Both chambers also participate in the approval of constitutional reforms, which require the support of at least two-thirds of the legislators in each chamber. If a constitutional reform is approved in the Mexican Congress, it must then be ratified in at least 17 local congresses.

The Chamber of Deputies has unique authority, as defined in Article 74 of the Constitution, over the annual approval of the federal expenditure budget; the adoption of the public accounts of each fiscal year; the coordination of the functions of the Federal Audit Office or the ratification of the Secretary of Finance proposed by the Executive, among others.
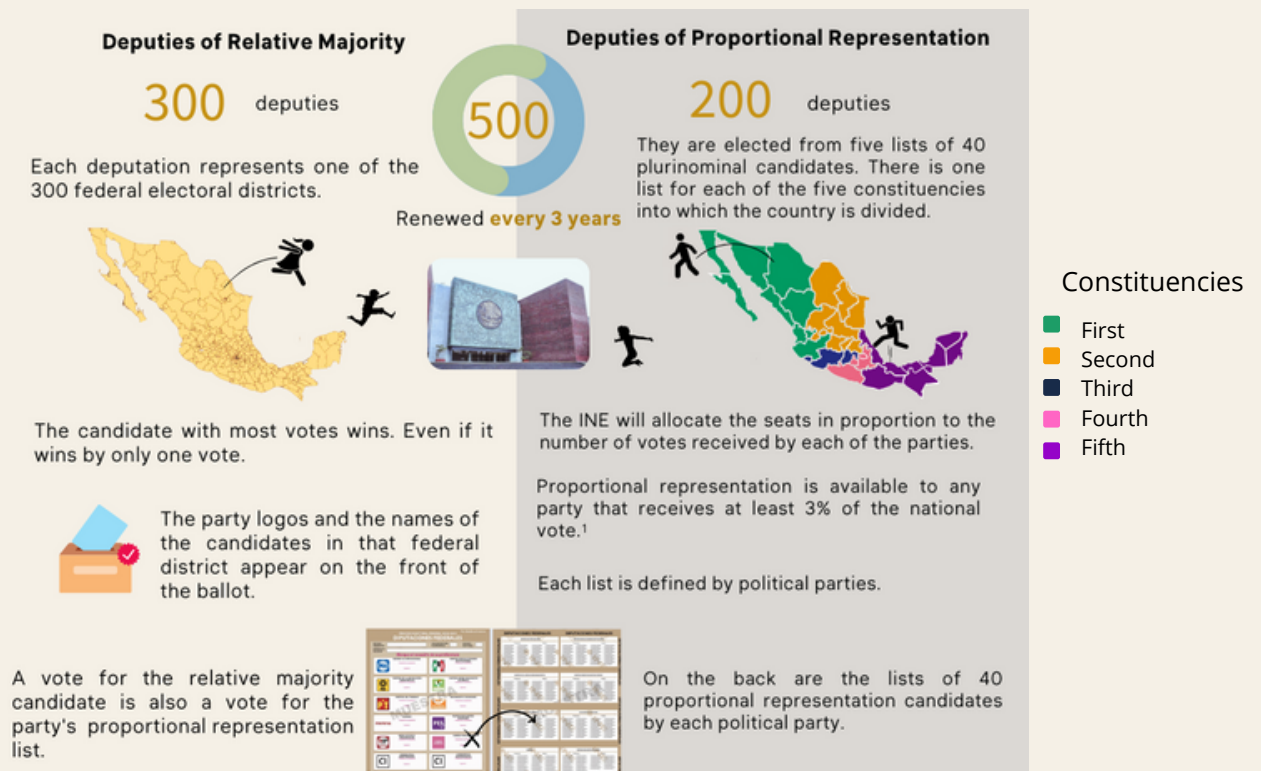
Some of the exclusive powers of the Senate, as defined in article 76 of the Constitution, are: the analysis of foreign policy and the signing of international treaties; the appointment of the Governorship in case of the declaration of the disappearance of powers in a state; as well as the appointment of the ministers of the Supreme Court of Justice of the Nation.

The Composition of the Chamber of Deputies

The representation of Mexican society takes shape in the Chamber of Deputies and is integrated by two principles: Relative Majority (MR) and Proportional Representation (RP).

There are 300 deputies elected by Relative Majority, chosen in an equal number of federal electoral districts. The candidate of the electoral party or coalition that receives the most votes becomes the representative of that district.

In addition there are 200 deputies elected by Proportional Representation, who are elected from five lists (one for each electoral constituencies into which the country is divided). These representatives are crucial because they give minorities a voice in Congress. Thus, if a person votes for an unsuccessful candidate in his or her district, it does not mean that he or she will be left without representation in the Chamber of Deputies: the party of the voter's preference may also have deputies of proportional representation.

Deputies of Relative Majority

300 deputies

Each deputation represents one of the 300 federal electoral districts.

The candidate with most votes wins. Even if it wins by only one vote.

The party logos and the names of the candidates in that federal district appear on the front of the ballot.

A vote for the relative majority candidate is also a vote for the party's proportional representation list.

500

Renewed **every 3 years**

Deputies of Proportional Representation

200 deputies

They are elected from five lists of 40 plurinominal candidates. There is one list for each of the five constituencies into which the country is divided.

The INE will allocate the seats in proportion to the number of votes received by each of the parties.

Proportional representation is available to any party that receives at least 3% of the national vote.[1]

Each list is defined by political parties.

On the back are the lists of 40 proportional representation candidates by each political party.

Constituencies
- ■ First
- ■ Second
- ■ Third
- ■ Fourth
- ■ Fifth

National Votes Cast is equal to the total votes minus null votes, unregistered candidates votes, independent candidates votes and votes of parties that did not obtain 3%.
Source: Compiled by author based on The Mexican Constitution

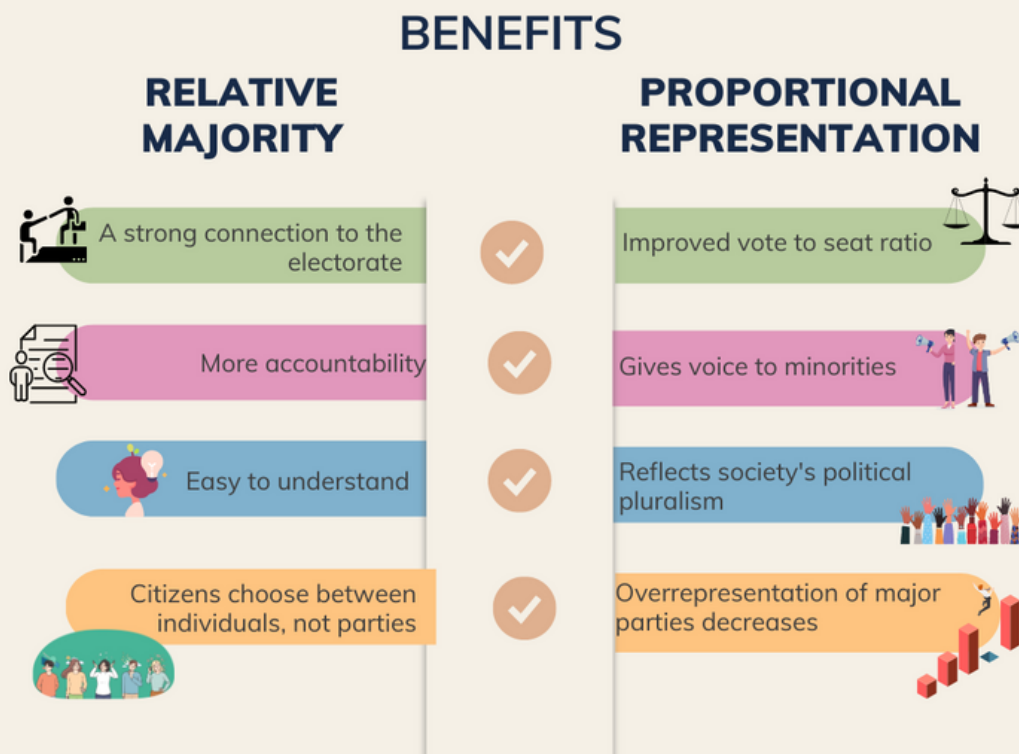## The Importance of the Proportional Representation System

When voting for the relative majority deputy, the vote is also cast for the proportional representation list of the selected party. For some critics, proportional representation "does not represent anyone because they are not elected in the districts". This is untrue since each proportional representation deputy is elected through direct suffrage of the citizens.

In the nomination of candidates for the Chamber of Deputies, it is possible that a person who is a candidate for the majority principle is also a candidate for the proportional representation principle. In this case, if the person wins the majority of votes, he/she implicitly renounces his/her nomination for the principle of proportional representation. This is because it is considered that he/she has the duty and the obligation to occupy the position that was granted to him/her by the voters of a particular district. His/her place in the proportional list must be then occupied by his/her alternate.

Overrepresentation Limits

Regardless of their seats won by relative majority, the 200 plurinominal deputies are distributed according to the votes received by each party in the proportional representation system. However, there are limits to the number of deputies a party can have for both principles.

Article 54 of the Constitution states that a party cannot have more than 300 deputies for both principles (MR and RP). It also establishes that a party may have a maximum of 8 percent more deputies compared to the percentage of votes obtained in the elections. Thus, the power of a party in the Chamber is limited. This means that constitutional reforms are the result of a multi-party consensus, requiring the support of two-thirds of the members of Parliament.

BENEFITS

RELATIVE MAJORITY

- A strong connection to the electorate
- More accountability
- Easy to understand
- Citizens choose between individuals, not parties

PROPORTIONAL REPRESENTATION

- Improved vote to seat ratio
- Gives voice to minorities
- Reflects society's political pluralism
- Overrepresentation of major parties decreases

4

Three Decades of Parliamentary Plurality

For 30 years, citizens have not given a majority of votes to any political force or coalition in the Chamber of Deputies. Political plurality is a key feature of Mexican society.

The following graph shows in the green lines the percentage of citizen votes from the 1988 to the 2021 general election. The blue lines show the percentage of the 300 districts that were won by the party or coalition that received the most votes. The yellow bars show the percentage of both relative majority and proportional representation seats won by the party with the most votes.

The existence of proportional representation means that the percentage of votes won by a party or coalition is similar to the percentage of seats it has in Congress. Absent proportional representation, the party or coalition would have the percentage of votes (green bars) and the percentage of seats with a relative majority (blue bars). For example, in 1991, with 58.5% of the popular vote, the PRI would have had 96.7% of the Chamber of Deputies. Because of proportional representation, it received 64.2%, which is closer to the support it received from the citizens. This system favors the presence of minorities in Congress because it helps mitigate the overrepresentation of the party that wins more districts.

The graph also shows that the most popular party has changed over time. At some points, it was the Partido Revolucionario Institucional (PRI), then the Partido Acción Nacional (PAN), and in the last two federal elections, the coalition Juntos Hacemos Historia (JHH), led by the Morena party.
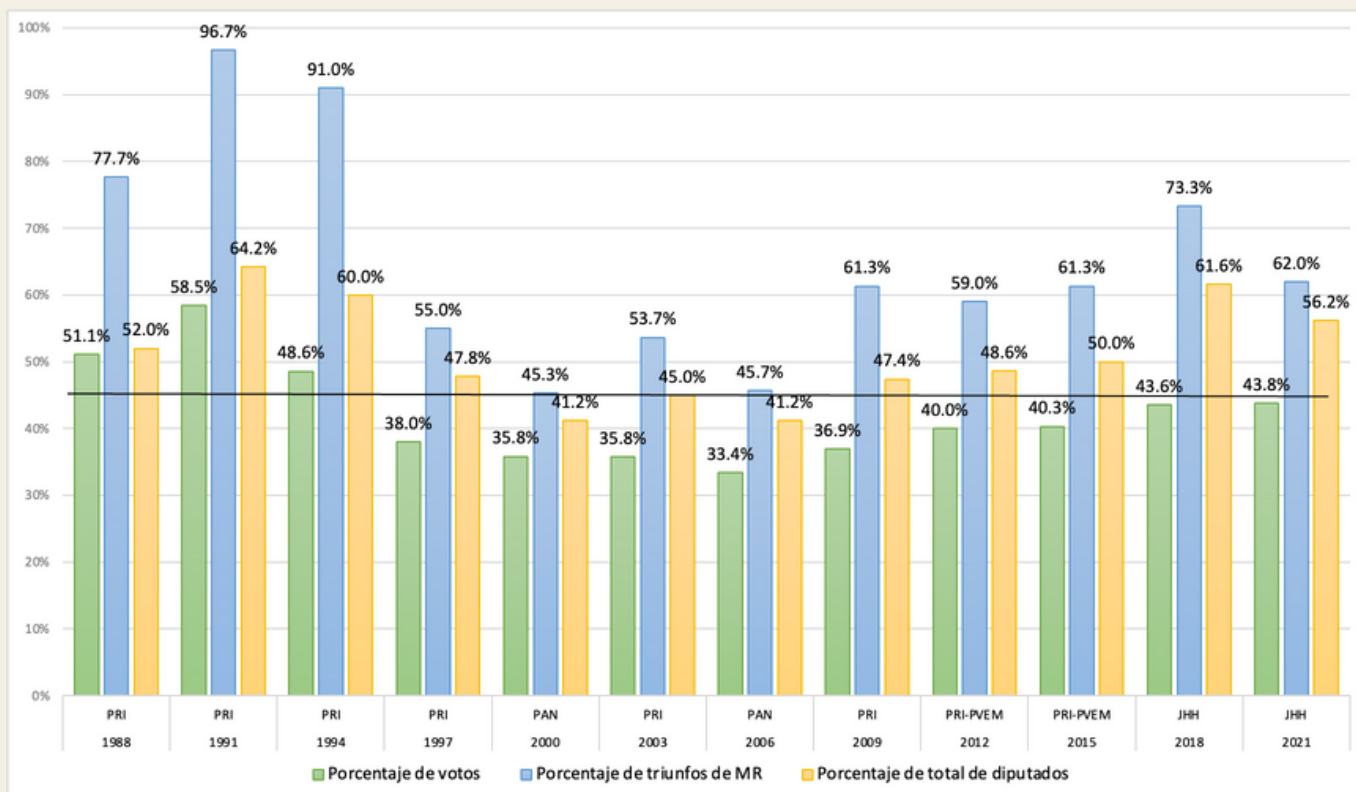
Source: Source: Compiled by the authors, from 1988 to 1991, with data from the Enciclopedia Parlamentaria de México, series IV, volume III, Volume 2: " Legislación y estadísticas electorales. 1814-1997 ". From 1994 to 2018, with the data presented in the Consultation System of Federal Elections Statistics (SICEF), http://siceef.ine.mx/atlas.html?p%C3%A1gina=1#siceen.
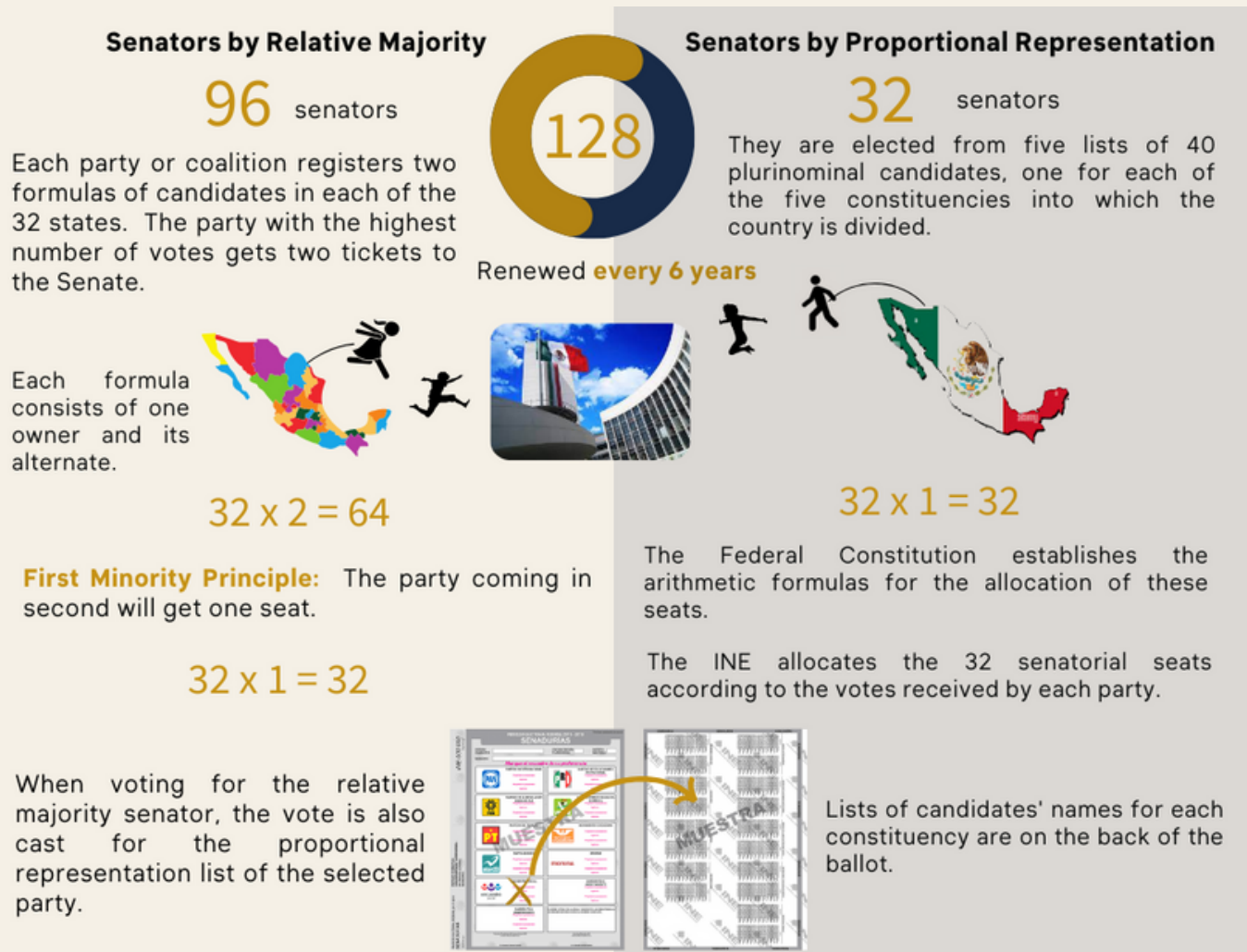
The Senate Composition

The Senate, the upper house, represents the federal pact and every seat is up for grabs every six years, coinciding with the presidential election.

There are a total of 128 senatorial seats. Three are elected for each of the 32 states for a total 96 seats. The other 32 senate seats, are allocated proportionally from a national list of 32 senators according to the national vote received by each party.

In each state, the party or electoral coalition with the highest number of votes receives two senatorial seats. The second-place finisher receives one senatorial seat (First Minority Principle). This guarantees that two different political forces will necessarily represent each state in the Senate.

Proportional representation senators allow those parties that were not the first or second choice in the states to be represented. The proportional lists are presented only by individual parties, not by coalitions.

Since 32 senators are allocated to the national lists, for every 3.125 percent (100÷32) of the votes a party receives, it will have one senator.

Senators by Relative Majority

96 senators

Each party or coalition registers two formulas of candidates in each of the 32 states. The party with the highest number of votes gets two tickets to the Senate.

128

Renewed **every 6 years**

Each formula consists of one owner and its alternate.

32 x 2 = 64

First Minority Principle: The party coming in second will get one seat.

32 x 1 = 32

When voting for the relative majority senator, the vote is also cast for the proportional representation list of the selected party.

Senators by Proportional Representation

32 senators

They are elected from five lists of 40 plurinominal candidates, one for each of the five constituencies into which the country is divided.

32 x 1 = 32

The Federal Constitution establishes the arithmetic formulas for the allocation of these seats.

The INE allocates the 32 senatorial seats according to the votes received by each party.

Lists of candidates' names for each constituency are on the back of the ballot.

Source: Compiled by author based on The Mexican Constitution

Last Glance

March and April: Birth Months of Those Who Will be Polling Station Officials

On December 7th, through a lottery that includes all twelve calendar months, INE drew March as the birth month that will be used for selecting citizens who will be invited to serve as polling station officers. Since the month drawn was March, those born in April will also be picked.

According to the electoral law, INE must randomly select 13 percent of the nominal list and visit those citizens. As of December 2023, Mexico's list has 99.4 million people. This means that INE will have to visit 12.9 million citizens in their homes to invite them to receive and count their neighbors' votes for the elections on June 2nd.

If INE is not able to select 13% based on these months, it will continue with the following months until the goal is reached. The people selected will have the responsibility, but also the opportunity, to be polling station officials. In other words, they will be the authority at each of the key points of the election and contribute to Mexican democracy.

MONTH LOTTERY

INE will draw 13% of the nominal list based on the mexican citizens birth months of March and April.

VISIT

The INE will visit more than 12 million people in their homes, where they will receive initial training and an invitation to participate as polling station officials.

LETTER LOTTERY

To complete the integration of the Polling Stations, the law provides for a second draw in February: the letter of the first surname.
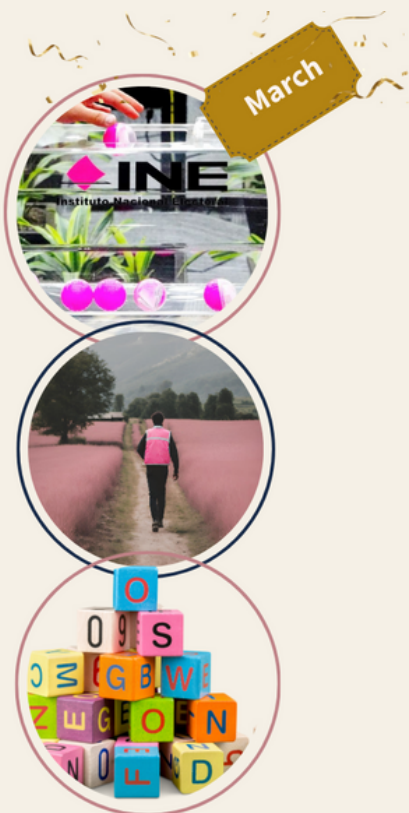
IN ORDER TO GUARANTEE THEIR PLURALITY AND INDEPENDENCE, THE MEXICAN MODEL FAVORS THE RANDOMNESS OF POLLING STATION OFFICIALS.