

Federico Reyes Heróles

ELEVEN PROPOSALS FOR CLEAN ELECTIONS

President Salinas has promised that his government will carry out a reform of electoral processes. The first step in this direction has been the holding of a public debate since February 1 this year, presided over by the Federal Electoral Commission. This public forum has the task of modifying the structure of electoral procedures. The debate has allowed participants to express their political and ideological plurality. Voices of Mexico has chosen four of the collaborations which we reproduce here in representation of the political trends expressed in the debate.

Electoral conflicts have lost their traditional quality of an exclusively internal problem. Today they represent, for nation-states, a serious matter of strict sovereignty. A totally interrelated world transforms them into an open door for supranational interests and threats. They are useful as a pretext for slandering governments and facilitate new forms of interventionism under the cover of democratic intentions. In this context Mexico is no exception. We Mexicans should therefore resolve our serious electoral conflicts immediately. We should do so for conviction, in order to achieve superior forms of political coexistence, but above all we should do so because we are jeopardizing our national respect and dignity. Above and beyond particular interests, this unifying conviction, the defense of sovereignty, should make us cooperate. I come before this Commission convinced of this and with the hope that an authentic political willingness will make it possible to go as far as it is necessary to go to achieve just elections for the voter and for the organized political forces, and which will be an example to the world. Future generations will not forgive us if we act in any other way.

Political pluralism is a growing phenomenon in

all contemporary states. The organizational forms of industrialized societies and those in the process of industrialization with increasing urbanization and a growing service sector, all appear to accentuate pluralism. We face a challenge: to maintain the unity of action necessary to all states without confusing it with the unity of wills. I wish to put forth eleven measures which I think would help to contend with the demands of plurality which have been made manifest in our country.

Electoral Offenses

It is impossible to imagine respectful forms of political coexistence and confrontation if the impunity of electoral offenses is tolerated. This pertains to the penal domain and not to civil responsibility. The person who puts at risk the transmission of the sovereign mandate deserves the most severe social punishment. For this reason I propose a special chapter in the Penal Code of the Federal District, and the federal code concerning electoral offenses.

National Public Opinion Council

Mexico has fallen seriously behind as far as its culture of factual analysis is concerned. This has encouraged the appearance of architects of electoral fantasies. Some work for political parties; others

for the highest bidder. These architects invent polls that never existed. They use the names of academic institutions to endorse statistics that have no basis in fact. As Einstein said, numbers do not lie but how easy it is to lie with them. These impostors seek to confuse public opinion to back up fraudulent actions. Public opinion, in all its expressions, deserves respect. Opinion polls are an important auxiliary instrument for democracy. It is shameful that we seek to associate the names of prestigious foreign institutions with these polls in order to make Mexicans believe in the results of our own electoral processes. For these reasons I propose the creation of a National Public Opinion Council, an official institution, administered through the Legislature by the political parties on an equal basis. The Council will systematically make opinion surveys, keep a record of the firms and institutions dedicated to this type of work and in this way give an official and public character to this useful information.

We Mexicans should resolve our serious electoral conflicts immediately. We should do so for conviction, in order to achieve superior forms of political co-existence and above all because we are jeopardizing our national respect and dignity

If real electoral tendencies are known, the work of the corrupt architects of fantasies and of electoral delinquents will be made more difficult.

National System of Electoral Information

Public opinion demands the total credibility of electoral information: from the register of voters to the electoral results. The prolonged and intimate association between one party and the government and a strong Executive have lowered the credibility of the National Electoral Roll and its vital function. Therefore, I propose that said functions and the resources assigned to them be made the responsibility of the Legislature, of the Chamber of Deputies which, through a body formed by representatives of the political parties on an equal basis, should direct a National System of Electoral Information.

National State Publicity Council

The media are, increasingly, important protagonists in political processes and do not simply record them. Many media, especially newspapers, depend on publicity contracted by the Federal Government for their financial survival. In this way the government is, to some extent, their boss and it makes use of its power for partisan and even personal ends. This publicity can be classified as state publicity and governmental publicity. The former refers to state information, information necessary for Mexicans, paid for by Mexicans, that should be



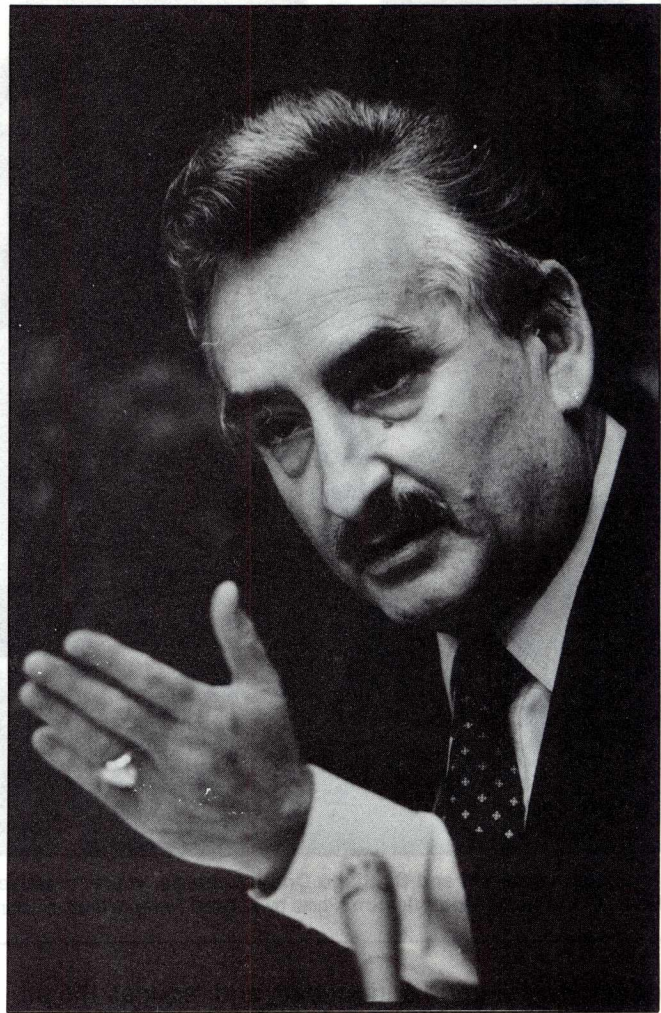
Meeting of the Federal Electoral Commission. Photo by Angeles Torrejón/Imagen Latina

It is impossible to imagine respectful forms of political co-existence and confrontation if electoral offenses are allowed to go unpunished

administered without political intentions or interests. Resources invested in the dissemination of information relative to education, health, transportation, housing, etc., should not be used to favor media which benefit a politician or to reduce the income of the critical media. This mechanism deforms the media, reaching the extreme where certain media with little popularity receive veritable subsidies through state publicity. On the other hand, and with very different and legitimate objectives, there is governmental publicity, that which an administration can use according to its interests. Confusion between the two benefits no one. So I propose the creation of a National State Publicity Council, designated by the Legislature, which will fairly administer the resources of state publicity. For the health of the Republic, the sympathies or aversions of politicians should not condition the survival of the media. By law, the circulation of newspapers and magazines, and their ratings, should be made public as in other countries (France, Germany, etc.). Thus, the real popularity of each media would indicate which have more impact, and therefore, which are best suited to transmit information and consequently to receive state support.

Electoral Tribunal

The principle of self-evaluation as conceived by the authors of the Constitution has reached its limits. The complexity and scope of the electoral debate has surpassed it. The General Constitution of the Republic does not contemplate the possibility that the integration of the Legislature cannot be realized, but in fact this is possible, it could occur. Such a situation, which for years many thought pertained to the area of legal fantasy, would lead to a rupture of constitutionality due to a loss of the continuity of one of the powers. The dispassionate revision of the wording and interpretation of articles 60 and 74-1 of the constitution is imperative. Besides, the Mexican principle of self-evaluation is flawed, since the first guarantee of electoral transparency, the certification of majority, is granted by a body of the Federal Executive: the Federal Electoral Commission. Both doctrine and history teach that there are not many alternatives, either self-evaluation, by specialized tribunals, constitutional or electoral (Supreme Electoral Tribunal, Costa Rica; Electoral Tribunals-common law-Commonwealth; Constitutional Council, France; Constitutional Tribunal, Spain: to mention just a few examples). The argument offered by members of the judiciary to the effect that a specialized tribunal would break the indispensable division of powers or functions, is false. The Executive and the legislature—the Senate—intervene in the appointment of the Judi-



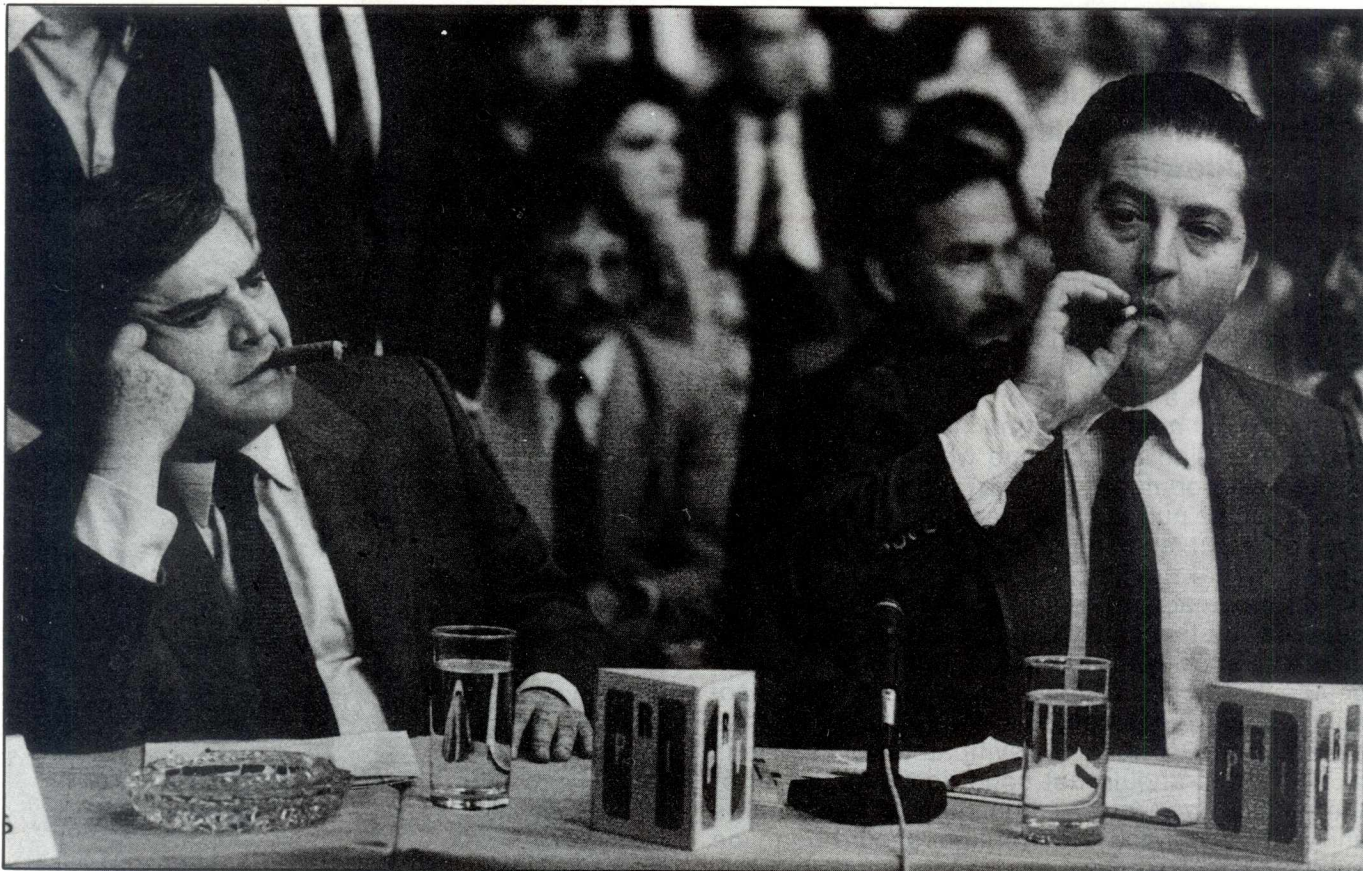
Fernando Gutiérrez Barrios, Interior Minister, presiding over the Federal Electoral Commission. Photo by Marco Antonio Cruz/Imagen Latina

ciary. The Legislature intervenes in the evaluation of the election of the Federal Executive. The Judiciary can therefore intervene in the integration of the Legislature. The country needs a Tribunal with full powers and with the characteristics of all judicial bodies (stability, professionalism, etc.), to resolve electoral conflicts. The Electoral Tribunal could, at the same time, take charge of the delicate activity of supervising political parties.

Senate with Proportional Representation

Election by majority and proportional representation are mechanisms with known defects, and advantages as well. Election by majority lessens the gap between voters and candidates, particularizes

An official organism should be created to study and report on real electoral tendencies. If these tendencies are known, the work of electoral delinquents will be made more difficult



José Luis Lamadrid and Santiago Oñate Laborde, representatives of the Institutional Revolutionary Party on the Federal Electoral Commission. Photo by Angeles Torrejón/Imagen Latina

demands, for good and for bad, and reduces the power of the party elite, but is unfair for the electoral loser. Proportional representation, as it is interpreted by K. Popper among others, separates candidates from the demands of the voter, concentrates the power of the party elite and not of the voter, and leads to what some specialists have called "the scrutiny of ideas", but is a fairer vehicle of representation for the entirety of the electorate. A serious under representation of the opposition exists in the Senate (50 percent of the votes and 94 percent of the representatives from one party). It is an unjust Senate. I propose, therefore, five senators per state elected through the principle of the greater remainder which favors small minorities as opposed to the mechanisms of higher average of Hondt or Hagenbach-Bischof which privilege large minorities. In this way the principle of representation of the states *vis à vis* the Federation would be maintained, and at the same time the electorate would be treated justly.

Electoral Guarantees at the Local Level

The Federal Electoral Commission is no longer an instance of logistical support as it was designed. It has become, in fact, a preamble in the process of evaluation and therefore of integration of the Federal Legislature. The same has occurred at the local level. These, the local commissions, are the authentic directors of the electoral processes. Being administrative instances, the norms that gov-

Public opinion demands the total credibility of electoral information: from the register of voters to the election results

ern them contain enormous variations. Contradictions between local and federal legislations appear with frequency. Ample discretion has permitted an abundance of arbitrary acts in the local processes. The political reform that has been undertaken will have to integrate into the General Constitution of the Republic the new principles of the electoral process and guarantee that local legislations abide by said principles.

Guarantee the Functions of the Federal Executive

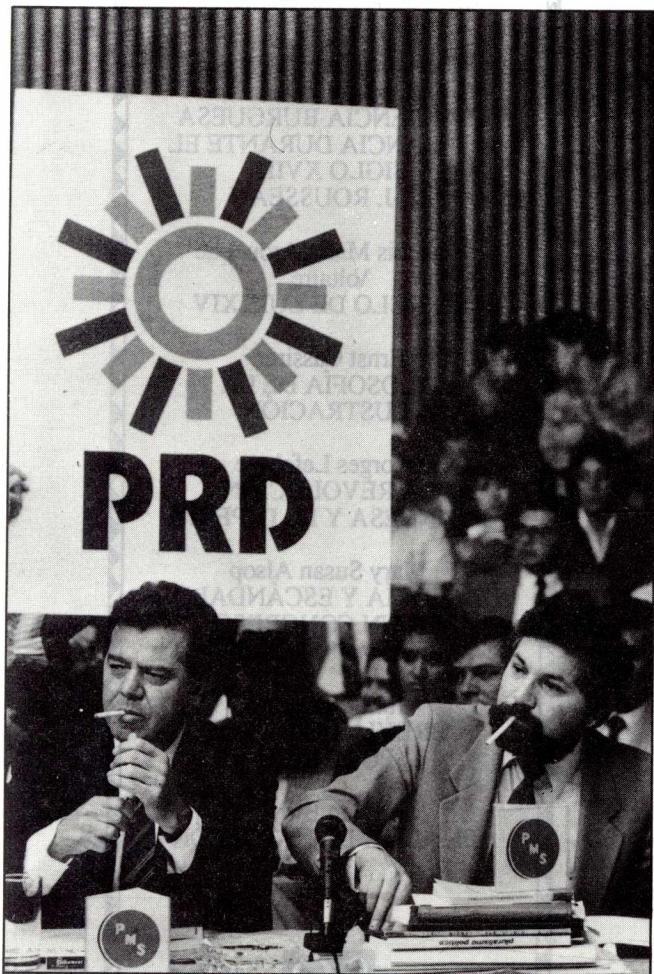
The current constitutional mechanisms have not been exposed to a reality of equilibrium of strength

I propose the creation of a National State Publicity Council, designated by the Legislature, which will fairly administer the resources of state publicity

in the Legislature. There are certain functions entrusted to the Federal Executive that, by their very nature, cannot be subject to an unending debate, in particular the budget. Within this process of political reform, without the inevitable passion of legislative debate, removed from the confrontation of political forces, it would be convenient to revise the condition of the Federal Executive with regard to the Legislature. Greater democracy supposes more debate, more counter-weights, not paralysis or blockades.

Restriction of Controlling Votes

One of the most painful and harmful contradictions of a democracy of legislative balances is the appearance of the so-called "controlling votes". The expression is used to refer to these tiny legislative minorities that, in situations of equilibrium, become determinant in the decision making of the Legislature. It would be convenient if the internal rules of the Chambers established certain restrictions which in fact would determine and establish votes of qualified majorities for certain discussions. It would be sad if the political wealth emerging in the



Porfirio Muñoz Ledo and Jorge Alcocer, during the discussion on the change of name from Mexican Socialist Party to that of the Democratic Revolution Party. Photo by Angeles Torrejón/Imagen Latina

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Mexico of the turn of the century ended up serving, for example, the interests of a section of a union or some type of political boss.

Finally, and outside of the electoral sphere, a broad political reform could not exclude two areas of national life where political backwardness has created islands of antidemocracy.

Regulate Union Representation

If political parties, constitutionally defined as entities of public interest, the main organizations in charge of the sovereign expression of the people, are subject to regulation of their internal processes, there is no possible doctrinal explanation for the fact that labor organizations are exempt from this type of regulation. It is a question of a false guarantee for the worker. We have reached the absurdity, in a republic which has limited re-election at all levels of government, where life-long union representatives, who have nothing to do with the republican spirit, are tolerated. Regulating the union processes while respecting the authentic interests of workers would lead to a genuinely democratic life for millions of Mexicans.

Liberalize Entrepreneurial Representation

Lázaro Cárdenas had the vision to understand the importance of political protagonists for the state. Consequently he organized, through different channels, workers, farmers, middle sectors and entrepreneurs. Half a century later, with the emergence of an industrial and commercial growth impossible to foresee in the thirties, Mexico has to revive this spirit of Lázaro Cárdenas. Compulsory affiliation and the centralized organization of industrial and commercial chambers, have led to a defective entrepreneurial representation. The complexity of national development and the defense of specific interests, require the liberalization of entrepreneurial political representation. Revising the Law of the Industrial and Commercial Chambers seems essential.

With proportional representation in the Senate, the principle of representation of the States vis à vis the Federation would be maintained, and at the same time the electorate would be treated justly

FEATURES

It is true that the new stage Mexico is entering will require new legislation. But it will also require more political education



“Exaggerated weight of the majority party on the Federal Electoral Commission”. Photo by Marco A. Cruz/Imagen Latina

It is true that the new stage that Mexico confronts will require new legislation. And it will also require more political education. Mexico needs permanent programs of electoral education to enable citizens to understand with accuracy their rights and obligations, and to make their best choice and fully understand the meaning of their vote. Such an education would instigate a better and cleaner administration of the electoral process. An intense citizen education will be the best guarantee of a superior political coexistence and this, in turn, will be the best defense of the interests of national sovereignty. □