

How the Vote Abroad Was Won

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In 1917, Kansas City's Hispanic publication *El Cosmopolita* (The Cosmopolitan) called on Mexicans to participate in "experimental" Mexican presidential elections. This is the oldest known indication of the desire of Mexicans abroad to vote in their home country's elections. Almost 90 years later, on July 30, 2005, the *Diario Oficial de la Federación* (Official Gazette) published the law amending Mexico's electoral legislation so that Mexicans

abroad can really vote for the first time in the 2006 presidential elections.

In 1929, Los Angeles's *La Opinión* published a series of articles about demands by Mexican sympathizers of the Vasconcelos movement living in the United States to be allowed to vote in Mexico's presidential elections. Aside from these examples, researchers found no other examples of these kinds of demands in the past linking them to recent events that led to the 2005 reform.

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populations. In the second half of that decade the National Action Party (PAN) began to win its first governorships and the Cardenist movement emerged, culminating in the creation of the Party of the Democratic Revolution (PRD). The opposition parties grew at the expense of the weakening of the governing Institutional Revolutionary Party (PRI); the elections became more competitive and government control over them weakened, giving rise to an electoral system that progressively created more equitable conditions for all the parties.

In that new context, the vote took on new value for the citizenry, and, curiously that was the moment in which Mex-

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ican migrants appeared on the scene, demanding to be recognized as citizens with all their rights, including the right to vote in their home country's elections. A mere coincidence? No. Although few people understand this, Mexicans abroad are much more sensitive to what is going on in their country of origin than they seem. Why did the demand for absentee balloting resurface at the end of the 1980s and not in the 1960s or 1970s? Probably because it did not make much sense for migrants to demand the right to vote in Mexican elections that were discredited as fraudulent.

With the approaching 1988 presidential elections, some groups of migrants in the United States, mostly

linked to Cardenism, began to press for their right to vote in the Mexican elections. First, these activities were scattered and not much noticed in Mexico, but the demand began to take on strength among the Mexican population in the United States.

The merits of this struggle would be debated later, but initially, the first battle of proponents of the vote was against the indifference of Mexico's political class. The Mexican government preferred to see this as an opposition movement against the government that raised a banner that did not reflect a genuine interest of most migrants.

By the 1994 presidential elections, unrelated groups of migrants held symbolic elections in different places in the United States with large Mexican populations, like Los Angeles, Dallas and Chicago, in which thousands participated. Activists from the PRI, the PAN, the PRD and independents all participated in the organization of these exercises. By then, voting abroad was a demand that had spread among Mexican migrants and began to get coverage in the U.S. media, thus increasing its popularity.

Activists in favor of the vote abroad, in addition to holding protests, promoting symbolic elections and doing other kinds of publicity, made a priority of lobbying political parties: those who belonged to a party lobbied inside their own organizations and those who did not pressured the three most important parties, the PRI the PAN and the PRD. Perhaps this contributed the most to dispelling the idea in some PRI and government circles that the demand for the vote abroad was some kind of PRD maneuver to discredit the Mexican government in the United States. Also, migrants' links to Mexico's political par-

ties countered the idea of their supposed lack of relations with political life at home.

It was not until the mid-1990s that Mexico's political class began to really deal with the demand. Obviously there never would have been a discussion here about the vote if migrants had not demanded it first and done an excellent job of persuading the political parties. But this victory against indifference also awakened increasing awareness about migration, mainly the massive exodus toward the United States and the millions of dollars in remittances sent to the families they had left behind, which also benefitted the national economy. These remittances and donations for public works were one of the levers that the migrants demanding the right to vote used to favor their cause.

In 1996 the Constitution and electoral legislation were amended preparing the way for voting abroad. At least since 1995, Congress had begun the "Bucareli Talks" to come to what was then called "a definitive electoral reform."¹ And even though voting abroad was not initially high on the list of priorities in the negotiations, it ended up being one of the few items that an agreement was reached about in order to legislate.

Before the constitutional reform, Article 37, Fraction 3 stipulated that it was the citizen's obligation "to vote in elections in his/her corresponding electoral district." Some people who objected to voting abroad interpreted this as meaning a citizen could not vote outside the district in which he/she was registered to vote. However, Mexican voters can cast their ballots outside their home districts; Mexican legislation has allowed for the existence of special polling places precisely so that voters

who are outside their home districts on election day can cast their ballots. Today, the Constitution stipulates that it is possible “to vote in elections as allowed by law.”

Electoral legislation was amended to include a transitional Article 8 which, among other things, charges the Federal Electoral Institute (IFE) with creating a team of specialists to study the technical viability of voting abroad. This was to get the opinion of experts, not politicians, about the series of technical or logistical objections to Mexicans voting vote abroad that argue that it is a practical impossibility.

After these reforms to the Constitution and existing legislation, the proponents of voting abroad naively thought that they had won and they just had to get ready to vote in the 2000 presidential elections. It took them two years to understand that regulatory legislation had to be passed in order for voting abroad to be a reality, that the Congress was not going to pass that legislation on its own without prodding, and to find out that the IFE had not even appointed the commission to do the technical study.

At the same time, the Ministry of the Interior had no plans to finish the National Registry of Citizens (Renaci), which the same Article 8 that ordered the technical study linked to voting abroad.

In February 1998, a delegation of Mexican migrants from California, Illinois, Iowa and Texas traveled to Mexico City to pressure all the political actors involved with the vote they thought they had won. The delegation met with the IFE General Council and with representatives of the executive branch and the three main parties’ congressional caucuses.

The delegation’s main achievement was the IFE’s commitment to immediately create the commission of specialists to do the study, although their efforts also served to reiterate to the executive branch and the political parties their interest in obtaining the right to vote.

It should be mentioned that there was another legal dispute with regard to the Renaci. Some people said that the commission of specialists to do the technical study could not be created until the Renaci was finished, all the time knowing that the Ministry of the Interior was not going to finish that process before the 2000 elections —the ministry later admitted this to the IFE. However, the prevailing interpretation was that if the 1996 reforms had as their aim Mexicans being able to vote abroad and the Renaci was only one of the ways to get that done, then the end should be brought about through other means.

The delegation’s presence attracted the attention of Mexico’s media for the first time and the matter got increasing coverage in the national political debate. On the other hand, this first more or less improvised delegation, made up of over 20 people, served to bring together the initial nucleus of what would later become a national movement in the United States, overcoming the geographic dispersion and organizational difficulties it had upon re-emerging.

This was the first moment in which activists and sympathizers of voting abroad from different places got together. During an internal meeting in Mexico to evaluate the results of their efforts, and before returning to the United States, they broached the idea of establishing a national organization to

follow up on what they had begun. In this meeting, they agreed to create the Our Vote in 2000 Coalition of Mexicans Abroad (CMENV2000).

On May 12, the IFE complied with the law and fulfilled its commitment to the migrant delegation by creating the commission of specialists, giving it six months to come up with results. Those six months were also supposed to be a kind of cease-fire among proponents and opponents of the practicality of voting abroad because at the end of that time, the arbiters would announce their verdict.

But things did not happen that way. As soon as the commission was set up, a group of PRI senators headed by Eduar-

do Andrade Sánchez got the Senate to organize a series of fora in different cities nationwide to discuss Mexicans’ voting abroad. These fora served as platforms for a group of legislators, public servants and academics linked to the PRI and the government to reiterate their well-known position that it was a practical impossibility and to put forward supposedly new constitutional impediments. It should be mentioned that proponents of voting abroad were not invited to these fora.

The CMENV2000 itself then organized another series of fora but in U.S. cities. However, they did invite Senator Andrade, who participated in several fora.

The commission of specialists rendered its final report in November 1998, overwhelmingly concurring that it was technically possible for Mexican citizens residing abroad to vote in the 2000 elections. The IFE commission not only demolished the arguments about the supposed practical impossibility of the process, but also proposed different ways that it could be carried out, saying it could be accomplished in 2000.

The reactions were to be expected: the proponents of voting abroad congratulated the commission while the PRI criticized and de-legitimized it. The congratulations were understandable, but the PRI's actions in the Senate were strange: in the "Bucareli Talks" they had

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conceded to the PRD that they would approve the 1996 constitutional and legislative reforms, but in 1998, it was clear that the PRI had changed gears.

In meetings with CMENV2000 delegations, PAN leaders, for their part, had offered to make an institutional decision based on the commission of specialists' report, so in November of that year, the PAN threw its support to voting abroad.

With the 2000 presidential election approaching, the *institutional* line-up in Congress was clear: the PRI against the PRD and the PAN. I am underlining *institutional* because the truth of the matter is that the migrant movement had friends in every party, including the PRI.

Between 1998 and 1999, legislators from both the PRD and the PAN separately put several bills before the Chamber of Deputies to make voting abroad an effective right. Separately, neither was capable of getting a bill passed against the PRI, but it should be remembered that after the 1997 midterm elections, for the first time the PRI no longer had an absolute majority in the Chamber of Deputies.

So, toward the end of the last congressional session in which amendments to electoral legislation could be passed to be put into effect by the 2000 elections, on April 29, 1999, the PRD and the PAN made an alliance to push for the vote abroad in the Chamber of Deputies against the PRI, but the PRI changed directions in the Senate.

The resolution of the Chamber of Deputies consisted of transitory articles that instructed the IFE to organize elections including Mexicans abroad. In the Senate, the PRI argued against this saying that the IFE did not have the jurisdiction to make decisions that corresponded to the legislature.

Although the 2000 polling did not include migrants, once again, they held symbolic elections in the United States, garnering more than 17,000 votes from Mexicans in almost a dozen U.S. cities. After its coverage in the media both in the United States and Mexico, voting abroad became an issue that could no longer be ignored by the Mexican political class.

In the 2000 elections, for the first time, the PRI lost the presidency and its absolute majority in the Senate, without recovering a majority in the Chamber of Deputies.

PAN candidate Vicente Fox won the presidency. As governor of Guanajuato, he had come out in favor of Mexicans'

voting abroad, and when he became president, he referred to migrants as national "heroes" and named Juan Hernández, a public servant, to serve as presidential liaison with the migrants. With these political gestures, the movement in favor of the vote saw the arrival of a new and powerful ally in the president's seat, in contrast with Ernesto Zedillo, who, despite having supported the 1996 reforms, distanced himself later just like the PRI.

The PRI's position against voting abroad was based on several hypotheses. The main one was that voters abroad would be inclined to oppose the party in power because migration to the United States was caused by the government's incapacity to keep migrants inside the country. Once it lost the presidency, the same judgment led them to believe that the anti-government vote could also turn against the PAN.

However, other PRI members thought, even before losing the presidency, that the vote against the PRI was well deserved if it continued to oppose voting abroad. They thought that migrants would reward whoever supported their demands with votes. With such different positions, it was clear that the PRI did not have a principled position. In any case, with its pragmatism, the PAN victory led them to loosen up somewhat their position against Mexicans' voting abroad.

In December 2001, the CMENV 2000 held a meeting in Zacatecas to which it invited the main U.S. activists in favor of voting abroad to draw a balance sheet of what had happened and come up with a joint plan of action. At that meeting the Coalition for the Political Rights of Mexicans Abroad (CDPME) was born; it would later become the

main mouthpiece in favor of Mexicans' voting abroad, winning the respect and the right to negotiate between Mexicans abroad and Mexico's political class. It became the most credible source on this issue for the media in both Mexico and the United States. The meeting also agreed on a long-term strategy and a work plan for an intense lobbying campaign among legislators in Mexico City.

A little later, the demand to allow Mexicans to vote abroad became "sexy" and opposing it publicly became politically incorrect. Nevertheless, this was not enough to spur legislation to make it a reality.

Between 1998 and 2003, more than a dozen bills about voting abroad were presented in Congress. However, they were all frozen. Congressional commissions studying them were perpetually swamped with work and voting abroad was never a priority for any political caucus. Even the legislators who presented the bills did not use all the resources at their disposal to unfreeze them.

At bottom, presenting a bill really aimed at speaking out in favor of migrants. Legislators from all parties, friends of the vote abroad, were skeptical about the real possibilities of getting the bills passed.

On June 15, 2004, President Vicente Fox presented a bill to the Chamber of Deputies that included a few basic consensuses that the Ministry of the Interior had achieved previously with representatives of all the parties in the Chamber of Deputies and the CDPME.

This bill was supposed to be presented jointly by all the parties that had signed the consensuses. However, this was not possible because of ten-

sions in Mexican politics for reasons completely unrelated to the issue, and so the president decided to present the bill alone.

The proposal was that in presidential elections, all Mexicans who had voter registration cards could vote at a polling place, via Internet or by mail; that electoral campaigns would be prohibited abroad; and that people could not register to vote abroad, but had to do so inside Mexico. Regardless of its content, this bill's main merit was to spur unprecedented legislative activism on the issue.

The PAN congressional caucus, which chairs the Chamber of Deputies Interior Commission, put the legislative process into motion, attracted the PRD as an ally, and, together, they moved toward getting the bill out of the commission onto the floor with a favorable decision. The PRI, reluctant to join in a process headed up by the PAN and with a bill promoted by President Fox, instead of opposing it like in 1999, counterattacked by presenting a bill of its own, more ambitious than Fox's. The PRI won the PRD over as an ally and together they continued the process begun by the PAN, but on the basis of what the PRI had presented and had been slightly amended by the PRD. The bill talked about setting up polling places, electoral campaigns and registration abroad.

The congressional commissions called on officials to testify and promoted several fora both in Mexico and in the United States. On November 24, 2004, the Chamber of Deputies approved a 2005 budget item of 200 million pesos for voting abroad in case it was approved!

By the end of 2004, everything pointed to voting abroad being ap-

proved, at least in the Chamber of Deputies, but then the race against time began. For the reform to be in place in time for the 2006 elections, it had to be passed and officially announced one year before election day, that is by July 2005.

From the hearings and its own analysis, the CDPME had come to the conclusion that the PRI-PRD bill had several problems of internal consistency and legislative technique, and that it also called for creating an excessively cumbersome and unnecessarily costly electoral apparatus. This left it open for attacks from enemies of voting abroad and lessened the possibilities that it be simply ratified by the Senate.

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The PAN, which had lost leadership of the process in commission and which shared the CDPME's concerns, vacillated about what position to take. The CDPME was also not sure about its own course of action. On the one hand, what would happen if the PRI was only bluffing and the PAN and the CDPME fell naively into the trap of blocking it? What if someone had the intention of getting the Chamber of Deputies to pass something that would automatically be rejected by the Senate? On the other hand, if they tried to correct the defects in the PRI-PRD proposal, would there be enough time left to get the bill through Congress?

Given this situation, the CDPME opted for supporting the fast track by approving the PRI-PRD proposal. The PAN, for its part, allowed itself to be persuaded by the CDPME to adopt the same position and later see what it would do in the Senate.

On December 14, 2004, the commission's first report was made on the floor of the Chamber of Deputies, but the discussion and the vote were postponed for the following session of Congress. On February 22, the Chamber of Deputies approved the bill 391 to 5 with 22 abstentions.

The Senate received the bill passed by the Chamber of Deputies without any enthusiasm indicating it intended

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to ratify it. Not even the PRI senators thought they could get the bill passed in the same form as it had been passed by their colleagues in the Chamber of Deputies. In addition to the weaknesses of the bill as passed by the Chamber of Deputies, we must add the fact that the PRI leadership in both houses of Congress belonged to rival groups inside their own party.

The evaluating commissions in the Senate called on different officials and specialists to testify, and they unanimously deplored the bill as passed by the Chamber of Deputies. Some added objections that had nothing to do with the bill as passed by the Chamber of Deputies, but rather stemmed from

their own personal positions against Mexicans' voting abroad. This gave the Senate the perfect alibi for disregarding the bill and washing its hands of the matter without being accused of being an enemy of voting abroad. The most authoritative points of view deplored the bill were those of Foreign Minister Luis Ernesto Derbez, IFE President Luis Carlos Ugalde and the president of the Electoral Tribunal, Eloy Fuentes Cerdá.

Surprisingly, the Senate did not immediately kill the bill, but took it as an opportunity to improvise its own. On April 27, 2005, the Senate approved 91 to 2 with one abstention its own bill to allow Mexicans to vote abroad. And the hot potato was returned to the Chamber of Deputies.

The Senate had passed a bill stipulating that all Mexicans who had a voter registration card could vote in presidential elections by mail and that there could be no electoral campaigns nor voter registration abroad. This proposal was closer to the one Fox had originally presented than to the PRI's proposal in the Chamber of Deputies.

In the Chamber of Deputies, aware of the time constraints on legislation, both the PAN and the PRD from the start were willing to approve the bill passed in the Senate. But the PRI, at loggerheads with its own Senate caucus, felt it had been rebuffed. Their opinion was that the Chamber of Deputies had approved everything and the Senate had approved very little.

On April 30, 2005, the last regular congressional session before the deadline for final approval had to be reached for people to be able to vote in the 2006 elections concluded without the matter being resolved.

The last possibility was 1) that Congress be convened for an extraordinary session; 2) that it be called before the July 2005 deadline was reached; and 3) that the issue of voting abroad be on the agenda. Complying with these three conditions was nigh on impossible. But, the veritable miracle happened, to everyone's surprise, particularly the CDPME.

The extraordinary session was slated to begin June 21, before the final deadline, and voting abroad was put on the agenda.

In the Chamber of Deputies, the PRI congressional caucus maintained its position of not approving what the Senate had sent until one day before the voting, scheduled for June 28, 2005. However, the night before the vote, the PRI announced its intention to join the PAN and the PRD in their position.

So, the bill making the right of Mexican citizens living abroad to vote in Mexican elections effective was made into law June 30, 2005. It stipulates that citizens with voter registration cards with photographs issued in Mexico can vote by mail (the IFE estimates that there are a little over 4 million such voters). It bans electoral campaigns abroad and does not provide for citizens being able to register to vote abroad. So, how many will vote? We will know after January 15, 2006, the last day for anyone who has his/her voter registration card to send in his/her application to the IFE for the right to vote abroad. **VM**

NOTES

¹ Bucareli is the name of the street where the main offices of the Ministry of the Interior are located.