

# MEXICO: April 10, 2022 Revocation of Mandate

Referendum Report  
by a  
High-Level Canada-US Observer Delegation

April 13, 2022



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## I. INTRODUCTION

The Delian Project is a Canadian nongovernmental organization (NGO) dedicated to improving the integrity of the vote count and to instilling public confidence in electoral democracy in jurisdictions throughout the world.

Given its reputation and its expertise in electoral democracy, the Delian Project was invited by Mexico's National Electoral Institute (Instituto Nacional Electoral, INE), along with two international delegations, to accompany and assess Mexico's April 10, 2022, revocation of mandate referendum.

To carry out its mission, the Delian Project assembled the following six-member electoral observation delegation comprising renowned Canadian and US election experts with decades of experience in administering and overseeing elections in their own countries and observing elections internationally. The delegation members have 60 years of cumulative experience observing federal and state-level elections in Mexico.

### **Jean-Pierre Kingsley**

Former Chief Electoral Officer of Elections Canada

### **John Hollins**

Former Chief Electoral Officer of Elections Ontario, Canada

### **Ann Ravel**

Former Chair of the US Federal Electoral Commission (FEC)

### **Richard W. Soudriette**

Founding President of the International Foundation for Electoral Systems (IFES), Washington, DC

### **Laura Villalba**

International elections observer and Senior Principal Consultant Politics & Policy, LLC

### **Armand Peschard-Sverdrup**

International elections observer and Senior Associate (nonresident), Center for Strategic and International Studies (CSIS), Washington, DC

The Delian Project and the delegation members participated in this mission voluntarily and at their own expense, from an abiding commitment to uphold electoral democracy in Mexico.

Because of health concerns associated with the COVID-19 pandemic, the delegation conducted a series of virtual interviews during March 28–31, 2022, with officials from the National Electoral Institute (INE), the Superior Chamber of the Electoral Tribunal of the Federal Judiciary (Tribunal Electoral del Poder Judicial de la Federación, TEPJF), representatives from two of the principal political parties, and prominent academics spanning a broad ideological spectrum (see Appendix II for the detailed list of meetings).

The Delian Project delegation was well received by the individuals with whom it met. The delegation is extremely grateful to all the individuals who provided their candid assessments of the ongoing electoral process.

As part of its purview, the delegation has been accredited by the INE, as designated foreign visitors (*visitantes extranjero*) or special guests (*invitados especiales*) to attend and oversee the April 10, 2022, revocation of mandate process.

## II. A BRIEF HISTORICAL BACKDROP

On April 10, 2022, Mexico will be conducting the first-ever recall referendum to determine whether the president of Mexico's mandate should be revoked.

While the concept of revocation of mandate was introduced to strengthen the principles of participatory democracy—in which citizens are empowered to make political decisions, and in this case determine whether the president of Mexico should finish out his remaining term in office—this new and unprecedented mechanism diverges from certain long-standing principles of the Mexican Constitution.

Since 1917, after Mexico suffered 31 years of dictatorial rule under General Porfirio Díaz (1876–1911), the Mexican Constitution has prohibited the reelection of a president.

Since 1927, the Constitution has also stipulated that the presidential term be limited to six years without the possibility of reelection.

Thus, the constitutional amendment of December 20, 2019, allowing revocation of the mandate, 92 years after the Mexican Constitution of 1927 unequivocally stipulated a six-year presidential term, injects an element of uncertainty into the political landscape.

Given Mexico's current political environment, which comprises

- a popular president;
- a centre-right political opposition;
- a highly charged and polarized political environment;
- misinformation appearing to have become a new “political currency”; and
- political attacks intended to discredit the National Electoral Institute (INE), the entity responsible for ensuring that elections and the revocation of mandate referendum are administered freely and fairly;

Thus, the revocation of mandate has introduced an element of confusion among the Mexican electorate, leading to speculation on the reasons for this unprecedented formal public consultation, based on the fact that the revocation of mandate has been initiated by President Andrés Manuel López Obrador (2018–2024) through a Constitutional amendment.

The president and the ruling National Regeneration Movement Party (Movimiento de Regeneración Nacional, MORENA) contend that the objective of the revocation of mandate is to strengthen participatory democracy.

For its part, the political opposition argues that, in a best case scenario, the true intention of the revocation of mandate is to boost the president and MORENA's popularity in the run-up to the June 5, 2022, state-level elections (see Table 1 below):

**TABLE 1**  
**2022 STATE- AND MUNICIPAL-LEVEL ELECTIONS**

|    | STATE          | GOVERNORSHIP | STATE LEGISLATURE | MAYORSHIPS |
|----|----------------|--------------|-------------------|------------|
| 1. | Aguascalientes | ✓            |                   |            |
| 2. | Durango        | ✓            |                   | ✓ (39)     |
| 3. | Hidalgo        | ✓            |                   |            |
| 4. | Oaxaca         | ✓            |                   |            |
| 5. | Quintana Roo   | ✓            | ✓                 |            |
| 6. | Tamaulipas     | ✓            |                   |            |

*Source: INE 2022.*

The opposition also argues the revocation of mandate process could be an effort to discredit the INE, by introducing a major electoral reform soon after April 10, 2022, which attempts to undermine the INE—one of the most highly respected institutions according to Mexican public opinion polls.

Some have expressed the concern that this referendum could serve as a precedent for the presidency, as was the case in Venezuela in 2004 and Bolivia in 2008.

Electoral democracy and its institutions have come under attack globally, as political leaders and parties seek to consolidate their political control.

### III. THE LEGAL UNDERPINNING OF THE REVOCATION OF MANDATE

The Mexican Constitution was amended on December 20, 2019, to introduce the concept of the revocation of mandate into the Constitution via Articles 35, 41 and 84.

Article 35, Section IX.7 also instructs Congress to issue a regulatory framework to regulate the revocation of mandate process, which Congress has done by issuing the Federal Law on the Revocation of Mandate.

The Federal Law on the Revocation of Mandate, comprising 61 articles, was enacted on September 14, 2021, and provides the regulatory framework that details how the revocation of mandate referendum is to be administered.

It is worth noting that the constitutionality of Articles 59 and 61 of the Federal Law on the Revocation of Mandate were challenged by members of the Chamber of Deputies (151/2021).

On February 3, 2022, the Supreme Court issued its ruling, ratifying their unconstitutionality. It acknowledged some of the legal gaps in the law pertaining to sanctions and instructed Congress to legislate accordingly.

However, in order not to disrupt the ongoing revocation of mandate process, the Supreme Court stipulated its ruling would go into effect on December 15, 2022.

Throughout this report we will cite the applicable articles of either the Constitution or the Federal Law on the Revocation of Mandate.

In accordance with Article 40 of the Federal Law on the Revocation of Mandate, the procedural organization of the revocation of mandate referendum is to be governed under the General Law of Electoral Institutions and Procedures (Ley General de Instituciones y Procedimientos Electorales), specifically, Book III Title. This section of the General Law of Electoral Institutions and Procedures spells out procedural aspects by which the INE and the Local Electoral Authorities (Organismo Publicos Locales Electorales, OPLE) must abide.

## IV. A GENERAL OVERVIEW OF THE REFERENDUM

### 1. Participatory versus Representative Democracy

From the outset of the political debate, the president of Mexico has framed the revocation of mandate as a mechanism aimed at strengthening the principle of participatory democracy, while contending that representative democracy is a system that caters to partisan interests.

It is under this premise that the president has lodged attacks against the INE and more particularly its president and councillors, an institution that has promoted various electoral reforms aimed at strengthening the integrity of the electoral process, to ensure that elections are free and fair. The INE is one of the most highly regarded institutions in Mexico and internationally for its level of professionalism, independence and impartiality, as evidenced by the plurality in election outcomes at the federal, state, and municipal levels. The exceptional performance of the INE, and initially the IFE, has benefitted Mexicans in their expressed wish and commitment for true democracy.

### 2. The Role of the INE in the Referendum

The Instituto Nacional Electoral is directly responsible for overseeing all aspects of the revocation of mandate process, from the initial revocation of mandate petition process—which collects the required number of signatures to justify the referendum—to the organization and administration of the actual revocation of mandate referendum, and the tally of the referendum vote count (Article 35, Section XI.5 and Article 41, Section V B of the Constitution).

The INE is also responsible for monitoring the process and, where appropriate, issuing sanctions for the violation of the Federal Law on the Revocation of Mandate or the General Law of Electoral Institutions and Procedures. INE decisions or sanctions may, however, be challenged before the Superior Chamber of the Electoral Tribunal of the Federal Judiciary (Electoral Tribunal [TEPJF]) (Article 61 of the Federal Law on the Revocation of Mandate).

The INE is to issue the results of the revocation of mandate referendum, which may then be challenged before the Federal Electoral Tribunal, in accordance with Article 41, Section VI, as well as Article 99, Section III of the Constitution.

### 3. INE FY2022 Budget Cut

In August 2021 the INE submitted to the Chamber of Deputies its proposed itemized general budget for FY2022. On November 2021, the Chamber of Deputies, in which the MORENA Party has a simple majority, approved the FY2022 budget but significantly reduced the proposed budget for the revocation of mandate referendum (see Table 2).

The Chamber of Deputies combined the budget line items for the revocation of mandate referendum and popular consultation and reduced their combined budget of Mex\$5,743,573,799 to Mex\$830,573,799—an 85.5 percent reduction from INE’s proposed budget.

**TABLE 2**  
**FY2022 BUDGET PROPOSED BY THE INE AND APPROVED BY CONGRESS**  
**(MEX\$, MILLIONS)**

|  | Proposed by INE       | Approved by Congress  | Percentage difference |
|--|-----------------------|-----------------------|-----------------------|
| <b>Base budget</b>   | <b>11,225,455.783</b> |                       |                       |
| <b>Institutional project portfolio</b>   | <b>1,858,712,686</b>  |                       |                       |
| Organize state- and municipal-level elections  | 885,902,408           |                       |                       |
| Organize federal elections   | 7,278,929             |                       |                       |
| Strengthen democratic culture, gender equality, and inclusion                          | 98,029,228            |                       |                       |
| Strengthen the management and administrative and cultural evaluation of public service | 472,365,662           |                       |                       |
| Strengthen the mechanisms for updating the registration processes                      | 240,646,118           |                       |                       |
| Strengthen access to information and personal data protection                          | 37,424,463            |                       |                       |
| Strengthen equity and legality in the political party system                           | 106,252,682           |                       |                       |
| Coordinate the national electoral system   | 10,813,196            |                       |                       |
| <b>Subtotal</b>  | 13,084,168,469        |                       |                       |
| <b>Revocation of mandate referendum</b>  | <b>3,830,448,091</b>  | <b>830,573,799</b>    | <b>-85.5</b>          |
| Popular consultation   | 1,913,125,708         |                       |                       |
| <b>Subtotal</b>  | 5,743,573,799         |                       |                       |
| <b>Total</b>   | <b>18,827,742,268</b> | <b>13,914,742,268</b> | <b>-26.1</b>          |

Source: INE, Revocation of Mandate presentation, March 2022.

The INE and political opposition parties voiced concerns over the drastic budget cut for the revocation of mandate referendum, as well as the impact the cut will have on the INE's ability to organize the recall referendum with the same level of efficacy and integrity as it has all other electoral processes for which it is responsible. This is particularly concerning given that this is the first-ever revocation of mandate referendum and a referendum that could conceivably mandate the resignation of a democratically elected president.

The INE is under added pressure given that Article 41 of the Federal Law on the Revocation of Mandate stipulates that the INE must set up the same number of polling stations as in the previous election, but also take into account any requisite adjustments in accordance with the Voter Registry (*Lista Nominal*), which continues to grow.

As justification for the budget cuts, the MORENA senator interviewed by the Delian Project delegation highlighted the state of the economy and the need for budgetary austerity measures, as implemented across the federal government. The senator alluded to the inflated INE budget, and particularly the salaries of the INE councillors compared to the salary of the president of Mexico, as further rationales for the drastic budget cutback.

However, if one analyzes the budget cutbacks approved by the MORENA bloc in the Chamber of Deputies, it is clear that the cuts are targeted towards the revocation of mandate referendum, and not the overall INE budget.

Ultimately, the INE was forced to save Mex\$227.1 million as well as redirect Mex\$445.4 million from other areas and reallocate these amounts towards the revocation of mandate referendum, which added to the appropriation of Mex\$830.5 million, increased the revocation of mandate budget total to Mex\$1,503 million. Yet, the amount still falls short of the INE proposed budget amount.

The fact that it appears paradoxical for a president to advocate for his or her own revocation of mandate referendum, and for the president's own party to then drastically cut the budget for said referendum, has contributed to the confusion and suspicion over the revocation of mandate referendum.

#### 4. Petitioning a Revocation of Mandate Referendum

In order to hold a revocation of mandate referendum, it must be petitioned by citizens before the National Electoral Institute, specifically, by at least 3 percent of those registered on the Voter Registry. To ensure geographical representation, the Federal Law on the Revocation of Mandate calls for the signatures of at least 3 percent of the Voter Registry in at least 17 of Mexico's 32 states, including Mexico City (Article 35, Section IX.1 of the Constitution).

In exercising their political right to directly participate in the revocation of mandate petition process, citizens may carry out acts aimed at obtaining citizen support for obtaining the necessary signatures to accompany the petition (Article 13 of the Federal Law on the Revocation of Mandate).

The Federal Law on the Revocation of Mandate permits political parties to promote citizen participation in the mandate revocation process. However, it also calls on political parties to refrain from applying resources derived from public and private financing to carry out their activities to influence the preferences of citizens (Article 32 of the Federal Law on the Revocation of Mandate)

Some individuals interviewed by the Delian Project delegation expressed concerns that the spirit of the term “citizen” may have been violated by the efforts of partisan associations / nongovernmental organizations in “getting out the signatures.”

The official INE-issued petition forms that collect the requisite signatures require the full name, voter ID number, and the signature or fingerprint of the petitioner.

Within 30 days of receiving the petition, the INE must verify that the request meets the aforementioned requirements and immediately issue the call for the process for revocation of mandate referendum (Article 35, Section XI.1 of the Constitution).

The revocation of mandate may only be petitioned once during a the six-year presidential term, and the petition must take place within the three months after the conclusion of the third year of a president’s term in office (Article 35, Section XI.1 of the Constitution).

The use of public resources for the collection of signatures is prohibited, as is promotion or propaganda related to the processes of revocation of mandate. As illustrated in subsection 13. Complaints, Sanctions, and Verdicts, there were numerous complaints filed before the Electoral Tribunal of the Federal Judiciary (Electoral Tribunal or TEPJF) claiming use of public resources and governmental propaganda in the revocation of mandate process.

The INE and the Local Electoral Authorities (Organismo Públicos Locales Electorales, OPLE), are the only institutions in charge of promoting citizen participation. The promotion must be objective, impartial, and for informational purposes (Article 35, Section XI.7 of the Constitution).

As of October 15, 2021, the Voter Registry contained 91,940,907 registered voters. Under the mandated 3 percent requirement, the petition required a minimum of 2,758,227 signatures.

Ultimately, the petition process for the revocation of mandate obtained a total of 3,451,843 valid signatures or 3.75 percent of those registered on the Voter Registry.

The 3 percent threshold was obtained in 25 of Mexican states, exceptions were Coahuila, Durango, Guanajuato, Jalisco, Nuevo León, Puebla, and Queretaro, which are bastions of the political opposition.

Of all the signatures, the INE encountered inconsistencies in 296,980 (8.6 percent of the petitions). The inconsistencies ranged from invalid IDs, invalid or no signatures, and invalid photographs.

## 5. The Revocation of Mandate Referendum

The revocation of mandate referendum must be carried out through a free, direct, and secret vote of registered citizens on the Sunday following the 90 days after the petition process has been completed and ratified and on a date that does not overlap with any federal, state, or municipal elections (Article 35, Section XI.3 of the Constitution).

That question to be posed as part of the revocation of mandate referendum is the following:

*Do you agree that (name), President of the United Mexican States, have his mandate revoked due to loss of confidence or remain in the Presidency of the Republic until the end of the term?*

That his mandate be revoked for loss of confidence.

That he continue as President of the Republic.

This question was agreed upon by the political forces in both the Chamber of Deputies and the Senate and ultimately included in the Federal Law on the Revocation of Mandate (Article 19 V).

For the mandated revocation process to be legally binding, there must be participation of at least 40 percent of the persons registered in the Voter Registry, which amounts to 36 million people. The revocation of mandate will only proceed by an absolute majority (Article 35, Section XI.3 of the Constitution and Article 58 of the Federal Law on the Revocation of Mandate).

A MORENA senator interviewed by the Delian Project delegation for its report expressed a preference for the 40 percent threshold to be lower.

## 6. The Literal Revocation of a President

If the president's mandate is revoked via the referendum, the president of the Mexican Congress will temporarily assume the presidency for a period of no more than 30 days, by which time Congress must appoint someone to assume the presidency for the remainder of the term, which concludes on October 1, 2024 (Article 84 of the Constitution).

## 7. Misinformation and Fake News

The INE will carry out the monitoring of print and electronic media and press to guarantee fairness in the information, public opinion, and dissemination spaces assigned to the discussion of the revocation of the mandate.

## 8. Limits on Public Officials and Political Parties

To ensure a free-and-fair revocation of mandate process, the Federal Law on the Revocation of Mandate prohibits the following:

- The media dissemination of all government propaganda. The only exceptions are any public service announcements related to education, health, or necessary emergency preparedness (*protección civil*).
- The use of public resources for the collection of signatures, or for purposes of promotion and propaganda related to the revocation of mandate processes.

These prohibitions are for the entirety of the revocation of mandate process—from the announcement of the petition process on February 7, 2022, through to the actual date of the recall referendum on April 10, 2022 (Article 33 of the Federal Law on the Revocation of Mandate).

## 9. Public Forums and Information Outreach by INE on Referendum

The law authorizing the vote on revocation of mandate does not permit political parties or elected officials to promote the referendum. It is the INE that has been mandated with the task of promoting and sharing information on the referendum with the voters.

The INE has organized a series of informational and educational sessions before the referendum. These are programs and discussions are designed to provide voters with a balanced view of the pros and cons of participating in the referendum on April 10, 2022.

Nationwide information forums on the referendum have been conducted and made available to the public on March 25 and 31, and April 3. Regional and local forums have also been conducted in every locality, state, and region. All INE informational programming has been made accessible via its YouTube Channel and on Facebook. The sessions have all been recorded as well so people can watch at their leisure.

These forums have included recognized regional and local representatives who present their points of view. The discussions have been lively and have often transformed into debates on the pros and cons of President Lopez Obrador's record. Speakers have also used the forums to praise or attack the INE.

## 10. Preparations for Election Day

The INE has said the government's budget-cutting would limit its ability to organize the referendum at the same scale as those conducted in 2018 or 2021. Yet INE leadership has avowed to make its best efforts to encourage maximum participation. On April 10, 2022, the number of polling stations (*casillas*) will be one-third of the number for the 2018 presidential

election. The reduction in the number of polling stations has generated ongoing attacks by the president and his supporters, who claim this is a strategy to discourage voter turnout.

In an interview with the Delian Team, MORENA's secretary general accused the INE of manipulation of polling station locations on the day of the referendum. She claimed that election authorities will locate more polling stations in affluent areas where the opposition is stronger and choose fewer and more inconvenient polling station locations for voters living in lower-income areas. Her assertion is that this is a deliberate manipulation to discourage the president's supporters from voting.

About two weeks before the referendum, the ballots were printed and sent to INE headquarters, where they have been held in locked and secure facilities. INE has recruited and identified the poll workers for Referendum Day. As mentioned above, local forums have also been organized to allow voters to hear all points of view regarding the upcoming referendum.

In San Miguel de Allende (SMA), for example, the director of INE has confirmed that all necessary preparations are complete. SMA will have a total of 192 polling stations in 88 locations. Some locations have multiple voting stations. Approximately 600 poll workers have been recruited. Nevertheless, she is a bit concerned about losing some officials on Referendum Day as voting will coincide with the celebration of Palm Sunday, which is hugely important in SMA. She expects the final results will be tallied by 9:00 p.m. on Referendum Day.

## 11. Voting in the Referendum among Mexicans Abroad

Mexicans living abroad are able to participate in the revocation of mandate referendum via Internet, and had until March 10, 2022, to register. A total number of 17,809 Mexicans (out of over 8 million registered Mexicans living abroad) registered to vote via the Internet.

Voters living abroad who had registered via the online voter registration system were notified by the INE and provided with instructions on the method of voting. The Internet voting process began on April 1 and will conclude at 6:00 pm on April 10, 2022.

The Internet voting platform managed by INE is secure and has been rigorously tested. On March 11, 2022, INE conducted a simulation of the Internet voting system with 4,728 persons from a cross-section of political parties, civil society organizations, state electoral authorities, and Mexican expatriate organizations abroad. The simulation was successful and the INE gave the green light to proceed with the Internet voting system for Mexicans living abroad.

Because of the time constraints and the reduced INE budget, postal voting—which has occurred in the past—is not an option.

## 12. The Role of the Electoral Tribunal

The Superior Chamber of the Electoral Tribunal of the Federal Judiciary (Electoral Tribunal or TEPJF) will assume the following responsibilities within the revocation of mandate process:

The TEPJF will carry out the final computation of the mandate revocation process, once any challenges requiring its intervention have been resolved.

In the revocation of mandate process, the Electoral Tribunal has the following powers:

- 1) Resolve any legal challenges that are presented disputing the results of the revocation of mandate process.
- 2) Resolve any legal challenges related to INE decisions pertaining to the revocation of mandate process, in accordance with Article 41, Section IV and Article 99, Section III of the Constitution.
- 3) Carry out the final tabulation of the vote in the mandate revocation process, once all the legal challenges have been resolved.
- 4) Validate the revocation of mandate and issue the declaration of revocation of mandate, in accordance with Article 35, Section XI.6 and Article 84 of the Constitution, as well as Article 55 of the Federal Law on the Revocation of Mandate.

## 13. Complaints, Sanctions, and Verdicts

This section summarizes the numerous complaints/injunctions the TEPJF has ruled on specifically on the revocation of mandate process.

The TEPJF rulings adjudicate complaints filed against the INE, the federal and state governments, the Chamber of Deputies, political parties, and nongovernmental organizations.

The injunctions filed against the INE are in response to decisions taken by the INE under the “Guidelines for the Organization of the Revocation of Mandate,” or sanctions issued by the INE’s Complaints and Denunciations Commission (Comisión de Quejas y Denuncias).

Between November 1, 2021 and April 3, 2022, the TEPJF issued 33 rulings in response to injunctions filed related to the revocation of mandate process. A high number of injunctions are to be expected, given that:

- this is the first time Mexico is conducting a revocation of mandate referendum;
- there are many uncertainties about the new laws and regulations that govern the revocation of mandate process;
- political parties are inclined to test the legal boundaries of applicable laws and legally challenge any decision by the INE that they disapprove; and
- Mexico has become significantly polarized.

Rulings pertained to procedural aspects and the alleged violations of the Federal Law on the Revocation of Mandate. TEPJF rulings were diverse, some in favour of the plaintiffs, some for the defendants, and others dismissed due to a lack of evidence or probable cause, or else referred back to the INE.

Appendix I summarizes the 33 cases that the TEPJF ruled on, in chronological order, to illustrate the types of complaints, sanctions, and verdicts, as well to provide a sense of the heightened sensibilities of the various actors during the revocation of mandate process. The 33 rulings are grouped under the 28 TEPJF press releases, which means that some press releases comprised more than one ruling.

## 14. Demagoguery and Reputational Attacks against the INE

The Delian Project delegation condemns the relentless reputational attacks against the INE and its president and councillors by leading elected officials and political party members throughout the revocation of mandate process.

Delian Project delegation members are especially concerned about the following:

- Threats of physical violence against INE councillors and its president.
- Proferring threats of filing criminal charges against the INE president and one councillor.
- Extreme budget cuts, which oddly and knowingly may jeopardize the integrity of the process.

The secretary general of the MORENA Party asserted, in a meeting with the Delian Project delegation, that the president's comments were directed against individual INE councillors who some in the president's party believe have assumed a role more akin to the opposition. However, the public record speaks for itself in the elections of 2006, 2012, 2018, and 2021, as well as during the 2022 revocation of mandate referendum.

## V. POST-REFERENDUM

As stated earlier there is speculation as to the purpose of the revocation of mandate referendum. It is not clear why an incumbent president who enjoys approval ratings of over 60 percent in public opinion polls favours the recall referendum and simultaneously chooses this particular time to significantly defund the INE instead of at the time of the June 6 election.

### 1. Potential for Electoral Reform

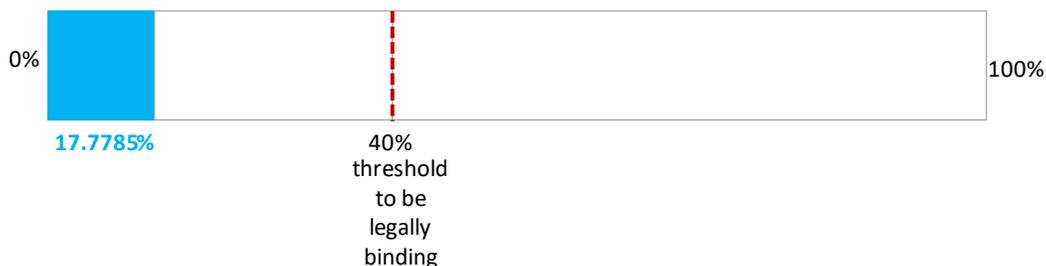
In his morning news conferences, President Lopez Obrador has routinely criticized INE and its track record. In March 2022, he began to elaborate on his ideas for electoral reform. For instance, at one morning news conference he suggested that councillors and the president of the INE should be elected directly by the people of Mexico.

At a time when the INE is under attack at the highest quarters in Mexico, it is important to recognize that the leading experts in the field of election administration across the globe give Mexico and the system it put in place with the INE and the TEPJF in 1997, the highest marks. Inevitably, submitting candidacies for councillorships and the presidency of the INE will result in politicizing its leadership.

### 2. The Results of the Revocation of Mandate Referendum

Of Mexico's 92,823,216 registered voters, only 16,502,636 (or 17.7 percent) cast ballots in the April 10, 2022, revocation of mandate referendum, falling significantly short of the required 40 percent threshold for the referendum to be legally binding (see figure below).

**FIGURE 1**  
**PARTICIPATION IN THE APRIL 10, 2022, REVOCATION OF MANDATE REFERENDUM**



*Source:* Created by the Delian Project with official INE results data, with 100 percent of the ballots tabulated, April 11, 2022.

The referendum coincided with Palm Sunday—one of the most important religious holidays in Mexico—which may have been part of the explanation for the low voter turnout.

Given the low participation, Mexico’s first-ever recall referendum was far from a display of participatory democracy.

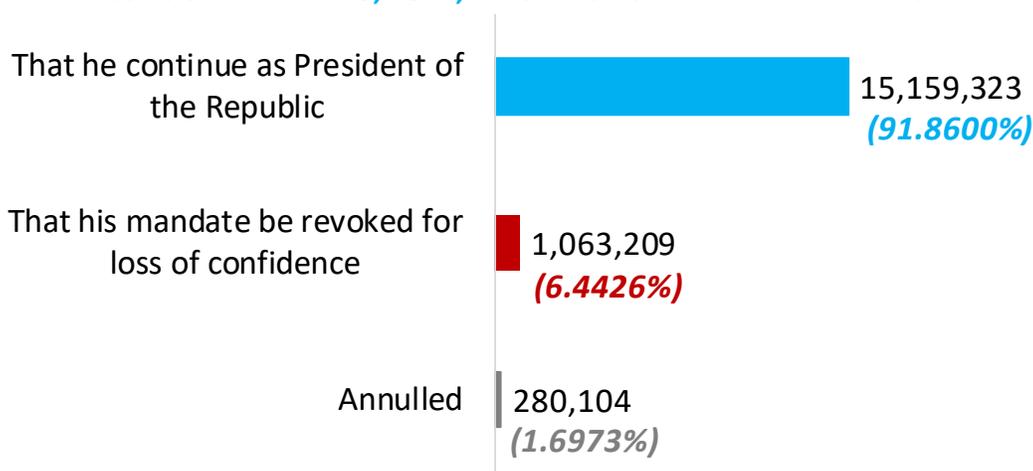
**TABLE 1**  
**RESULTS OF THE APRIL 10, 2022, REVOCATION OF MANDATE REFERENDUM**

| Votes cast | “That his mandate be revoked for loss of confidence” | “That he continue as President of the Republic” | Annulled |
|------------|--|---|----------|
| In Mexico  | 1,061,294  | 15,152,999                                      | 280,056  |
| Abroad     | 1,915  | 6,324   | 48       |
| Total      | 1,063,209  | 15,159,323                                      | 280,104  |

*Source:* Created by the Delian Project with official INE results data, with 100 percent of the ballots tabulated, April 11, 2022.

Of the 17.7 percent of voters who participated, 91.8 percent voted “That Andrés Manuel López Obrador continue as President of the Republic,” while 6.4 percent voted “That his mandate be revoked for loss of confidence” (see figure below).

**FIGURE 2**  
**RESULTS OF THE APRIL 10, 2022, REVOCATION OF MANDATE REFERENDUM**



Source: Created by the Delian Project with official INE results data, with 100 percent of the ballots tabulated, April 11, 2022.

Although 91.8 percent of participants voted for Andrés Manuel López Obrador (AMLO) to “continue as President of the Republic,” the real value of that vote is negligible because of the low voter turnout. The same holds for the 6.4 percent who voted for “his mandate to be revoked for loss of confidence.”

Shortly after the polls closed, President López Obrador spoke on national television and stated the following:

“[I am] very happy, [because] lots of people participated in the referendum. More than 17 million, even though there were fewer polling stations; only 30 percent of the polling stations that were installed in [the] 2018 [elections], which is a third. In many municipal capitals there weren’t any polling stations. In some places polling stations were 30 to 40 kilometres away, yet people searched for their polling stations. Over 15 million want me to continue until September 2024. The president closed his remarks by telling the television audience that, “he will never betray them, he won’t lie, he won’t steal, he will never betray the [Mexican] people.”

As stated earlier in this report, the government took the decision to underfund the INE at a juncture it considered critical (the holding of the referendum), all the while knowing the full impact of its decision on the number of polling stations, and consequently on accessibility to the polls; it now claims that the INE bears responsibility for the low turnout. The

government's allegations are entirely disingenuous and its logic, convoluted. The narrative suggests, instead, a set-up by the government to portray the INE and its leadership as its principal opponent before and throughout the referendum period.

This ploy underlines the government's stated motive to transform the INE into an agency with a politically elected leadership, and, thus, to effectively deprive Mexicans of the financial, human, and political capital derived from the work of an autonomous public agency, which for 30 some years has made unparalleled contributions to their country's electoral democracy.

No government is justified in seeking the demise of an autonomous electoral body that underpins the functioning of a true democracy. When such institutions and their leadership are the focus of relentless criticisms by the Presidency and other senior political leaders, there is an erosion of the public's trust—itsself essential to the functioning of democracy—not only in these institutions but in the governments themselves.

President López Obrador devoted most of his April 11, 2022, morning press conference to the referendum. He remarked that it was a paradox that the National Electoral Institute (Instituto Nacional Electoral, INE) had opposed the referendum and had tried to erect obstacles—but ultimately had not succeeded in doing so. The president also said that though the INE complained of insufficient funding, it would not accept MORENA's offer of funding from the political party financing allocation. In fact, the INE is not legally permitted to accept MORENA's offer, which the party's leadership knows full well, but pretends otherwise to discredit the INE.

During his morning remarks the day after the referendum, the president also affirmed that voting must be made more accessible for Mexicans living abroad and suggested that electronic voting might be a solution. For the record, 17,801 Mexicans abroad registered to vote in this recall referendum but only 8,287 (46 percent) voted. Of those voting, 23.1 percent voted for the president's mandate to be revoked and 67.0 percent for the president to finish his term in 2024.

President López Obrador declared that Mexico had suffered from a lack of true democracy until he came to office, when Mexicans began to witness the workings of "participatory democracy." AMLO posited that Mexico is on the threshold of becoming a true democracy,

elaborating that only the world’s most advanced nations have participatory democracies and that those countries hold frequent consultations.

Mexico’s attempts at participatory democracy have not been highly successful thus far, due to poor wording of referendum questions and low voter turnouts. Following the September 19, 2019, constitutional amendment for popular consultations, Mexico’s first consultation took place on August 1, 2021. The question to be considered by voters was whether former presidents should be indicted for transgressions committed while in office. However, the question was redrafted by the Supreme Court so that the language was unclear and nonspecific: Voters were asked whether public officials past and present should be subject to prosecution for crimes past and present. The voter turnout was dismal with 6,511,385 or only 7.1 percent participation.

The results of these two examples of participatory democracy in Mexico beg the question of whether popular consultations and referendums actually give citizens a voice or if they are merely gimmicks designed to manipulate public opinion.

### Non-INE “Popular Consultations”

It is worth noting that President Andrés Manuel López Obrador has also resorted to informal, government-organized “popular consultations,” to “legitimize” executive orders/presidential decisions that—in all instances—violate law or legal contracts. The president has used such popular consultations to contend that his unlawful actions respond to “the will of the people,” and are in keeping with “participatory democracy.” “Consultations” were used to “legitimize” decisions in the following instances:

- Cancellation of the construction of the Mexico City airport in October 2018, three years into the project.
- Cancellation of the Los Cardones Mine concession in March 2019, in Baja California Sur.
- Proceeding with construction of the Maya Train in the Yucatán Peninsula in December 2019, despite its environmental impact on an estimated 800 hectares of jungle.
- Cancellation of the Constellations Brand brewery project in Mexicali, Baja California, in March 2020.

The Delian Project delegation recognizes that Mexico's political process has evolved steadily over the past 30 years to create one of the world's most highly developed and respected electoral democracies. Within Mexico the INE is consistently rated as one of the few government institutions that is trusted by the Mexican people, with approval ratings of 65 percent and above. Independent election administration is the key to free and fair elections and the very essence of legitimacy in governance.

It is by maintaining the INE as an autonomous electoral management body—and not by its politicization—that Mexicans can achieve the democracy they want for themselves.

### 3. Recommendations and Conclusion

Many officials interviewed by the Delian Project discussed the law governing the revocation of mandate referendum. A peculiarity of the law is that it does not allow for elected officials, political parties, and civil society organizations to actively encourage or discourage voter participation in the referendum. As shown in Appendix I, most of the complaints filed with the TEPJF focus on how this law has seemingly been violated. The law is obviously not practical; it should be reviewed and amended before Mexico stages another referendum of this type.

## VI. APPENDIX I

### SUMMARY OF SUPERIOR CHAMBER OF THE ELECTORAL TRIBUNAL OF THE FEDERAL JUDICIARY RULINGS REGARDING THE REVOCATION OF MANDATE PROCESS

|    | Date and TEPJF PR #      | Plaintiffs                 | Defendants  | Details of complaint  | Ruling in favour of          |
|----|--------------------------|----------------------------|---|---|------------------------------|
| 1. | Nov. 1, 2021 (249/2021)  | Citizens, MORENA, and PT   | INE   | The complaint challenged various provisions of the “Guidelines for the Organization of the Revocation of Mandate” (INE/CG1444/2021).  | Df.(s)                       |
| 2. | Nov. 17, 2021 (265/2021) | MORENA                     | INE   | The complaint challenged the “Guidelines for the Organization of the Revocation of Mandate” (INE/CG1444/2021), specifically the local councils.   | TEPJF sent case to INE’s UTF |
| 3. | Dec. 1, 2021 (288/2021)  | Citizens, MORENA, PAN, PRD | INE   | The complaint challenged various provisions of the “Guidelines for the Organization of the Revocation of Mandate” (INE/CG1444/2021).  | Df.(s)                       |
| 4. | Dec. 9, 2021 (51/2021)   | INE                        | The President and CEPROPIE                                    | The complaint contended that the president’s remarks during his morning press conference ( <i>mañanera</i> ) are a violation, for they imply the misuse of public resources and violate the propaganda clause of the revocation of mandate laws and regulations. TEPJF did not agree.   | Df.(s)                       |
| 5. | Dec. 9, 2021 (302/2021)* | PAN, MC, PRD, and Citizens | Que Siga la Democracia, A.C. and Que Siga el Presidente, A.C. | The complaint contended that the publicity used by two associations—Que Siga la Democracia and Que Siga el Presidente—using the term “ratification,” as opposed to “revocation” of mandate, as well as “#QueSigaAMLO” confuse the electorate and are a violation. INE concurred and ordered their removal; TEPJF agreed and ratified their removal. | Pl.(s)                       |

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| 6.  | Dec. 14, 2021<br>(309/2021) | MORENA                                  | INE  | The complaint challenged the agreement the INE issued on Nov. 21, outlining the “Guidelines for the Organization of the Revocation of Mandate,” district scrutiny, and computation of the mandate revocation process. TEPJF disagreed and ratified the agreement (INE/CG1444/2021).  | Df.(s) |
| 7.  | Dec. 14, 2021<br>(310/2021) | PRD                                     | Federal Government/Ministry of Welfare (Bienestar) | The complaint contended that the Ministry of Welfare’s distribution of social program benefits packaged with the image of the president are a violation of Art. 134 of the Constitution. TEPJF concurred.  | Pl.(s) |
| 8.  | Dec. 14, 2021<br>(311/2021) | TEPJF                                   | TEPJF  | TEPJF issued an unsolicited ruling in support of the collection of signatures in public spaces for the petition for the revocation of mandate, arguing that no authority can unjustifiably limit the right of citizens to participate in the mandate revocation process  | —      |
| 9.  | Dec. 29, 2021<br>(331/2021) | The President, MORENA, PT, and Citizens | INE  | On Dec. 17, 2021, INE issued an agreement proposing to temporarily suspend the mandate revocation process due to the drastic budget cutbacks. TEPJF rejected the INE agreement and called on INE to find alternative financial resources to carry out revocation of mandate. This followed the drastic budget cuts imposed on the INE by the MORENA bloc in the Chamber of Deputies. | Pl.(s) |
| 10. | Jan. 19, 2022<br>(9/2022)   | MORENA                                  | Si por Mexico and Citizens                         | The complaint contended that the dissemination of messages by Si por Mexico and Alonso Ernesto Cedeño, violate the propaganda clause. TEPJF did not find any violation.  | Df.(s) |
| 11. | Jan. 20, 2022<br>(3/2022)** | —                                       | Chamber of Deputies                                | The complaint contended that the Chamber of Deputies’ dissemination via radio, TV, and YouTube of messages regarding the revocation of mandate,  | Df.(s) |

|     |                           |   |               |   |        |
|-----|---------------------------|---|---------------|---|--------|
|     |                           |   |               | violated the propaganda clause. TEPJF did not agree.  |        |
|     |                           | —   | The President | The complaint contended that the presidential event celebrating the president's three years in office violated the propaganda clause. TEPJF rejected the complaint.   | Df.(s) |
| 12. | Feb. 2, 2022<br>(20/2022) | Gustavo de Hoyos Walther (president) and the Consejo Nacional de Litigio Estratégico A.C. | INE           | The complaint challenged the format and content of the ballot to be used in the revocation of mandate referendum.   | Df.(s) |
| 13. | Feb. 2, 2022<br>(22/2022) | MORENA  | INE           | The complaint rejected the INE agreement detailing how it would undertake the necessary budgetary adjustment to allocate additional funds towards the revocation of mandate process. TEPJF rejected the complaint and ratified the INE agreement. | Df.(s) |

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|-----|----------------------------|-----|--|--|--------------------|
| 14. | Feb. 4, 2022<br>(4/2022)** | —   | Que Continua la Democracia, A.C.; Que Siga el Presidente, A.C., MORENA; the President; and the Social Development Delegate, Coahuila | <p>The complaint contended that two associations—Que Continua la Democracia and Que Siga el Presidente—violated the governmental propaganda provisions when they</p> <ul style="list-style-type: none"> <li>a) installed street stands to solicit signatures in favour of the revocation of mandate process, and</li> <li>b) promoted the “ratification” of the president’s mandate, as opposed to its “revocation” at the street stands as well as via the Internet and social media.</li> </ul> <p>The TEPJF ruling determined that (a) was not a violation, but that (b) was a violation.</p> | Pl.(s) /<br>Df.(s) |
| 15. | Feb. 5, 2022<br>(25/2022)  | INE | SHCP   | <p>On Dec. 29, 2021, TEPJF revoked INE’s determination to postpone the revocation of mandate process and ordered it to make the necessary budgetary adjustments and, if necessary, request the SHCP for additional budget to adequately conduct the revocation of mandate process. The SHCP declined to grant additional budget. The complaint contended that the SHCP violated the TEPJF ruling. TEPJF declared the basis of INE’s complaint unfounded.</p>   | Df.(s)             |
| 16. | Feb. 15, 2022<br>(31/2022) | PRD | The President  | <p>The complaint contended that the president’s remarks during his Feb. 2 morning press conference regarding the revocation of mandate, implied improper use of public resources and the illegal promotion of the revocation of mandate process. INE agreed and issued precautionary measures against the president. TEPJF ratified the INE’s precautionary measures and instructed the president to comply with the constitutional limitations.</p>   | Pl.(s)             |

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| 17. | Feb. 16, 2022<br>(34/2022)  | Que Siga la Democracia , A.C. | INE   | The complaint opposed suspension of the verification of signatures and petitioners once INE obtained the corresponding constitutional and legal threshold on Jan. 19, 2022, since it would be immaterial. TEPJF disagreed and ratified the suspension  | Df.(s) |
| 18. | Feb. 16, 2022<br>(35/2022)  | CIRT                          | INE   | The complaint challenged the INE decision to call for the suspension of all government propaganda, except for education, health, and emergency preparedness public service announcements. TEPJF disagreed and ratified the INE agreement INE/CG52.2022, approving the call for the revocation of mandate process and the suspension of governmental propaganda.                                  | Df.(s) |
| 19. | Feb. 17, 2022<br>(6/2022)** | —                             | Mayor of Gustavo A. Madero borough and staffers (from MORENA) | The complaint alleged that public events convened by the mayor of the of Gustavo A. Madero Mexico City borough and his staffers, violated regulations pertaining to the revocation of mandate process, the improper use of public monies (from handing out medical and orthopedic appliances), and the principle of impartiality. TEPJF did not find the events to violate said law/regulations. | Df.(s) |
|     |                             |                               |   |  |        |
| 20. | Feb. 22, 2022<br>(44/2022)  | PAN                           | The President   | The complaint contended that various publications associated with the president's Feb. 12–13 visit to Sonora violated the government propaganda rules during the prohibited period. The publications were posted on the website <a href="https://lopez Obrador.org.mx">https://lopez Obrador.org.mx</a> and on social media. TEPJF concurred.  | Pl.(s) |

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| 21. | Feb. 22, 2022<br>(46/2022) | PAN                                | 18 State<br>Governors                            | TEPJF ratified the precautionary measures issued by the INE's Complaints and Denunciations Commission, which ordered 18 state governors to cease disseminating a statement in support of the president, for it was considered government propaganda.   | Pl.(s) |
| 22. | Feb. 22, 2022<br>(47/2022) | PAN, PRD,<br>MC                    | MORENA and<br>Que Siga la<br>Democracia,<br>A.C. | TEPJF ratified the ruling by its Specialized Regional Chamber to impose a fine on the association Que Siga la Democracia because it failed to comply with INE precautionary measures. The complaints centred around its repeated use of the term "ratification" instead of "revocation."   | Pl.(s) |
| 23. | Mar. 2, 2022<br>(56/2022)  | PRD                                | MORENA and<br>Mario Delgado                      | The complaint contended that MORENA and its national leader, Mario Delgado, were promoting the revocation of mandate in social media, thus violating the government propaganda clause. TEPJF's Specialized Regional Chamber disagreed, for it did not find undue promotion.  | Df.(s) |
|     |                            | San Luis<br>Potosí State<br>Deputy | INE  | The complaint rejected the suspension of government propaganda laws and regulations and the exceptions for education, health, and emergency preparedness public service announcements. TEPJF disagreed with the appeal, arguing that the complaint exceeded the statute of limitations when it was not filed directly with the responsible authority, the INE. | Df.(s) |
| 24. | Mar. 7, 2022<br>(62/2022)  | PRD                                | Head of Mexico<br>City<br>Government             | The complaint alleged that the head of the Mexico City government violated the propaganda provisions of the law on Twitter, and the TEPJF ratified the precautionary measures imposed by the INE's Complaints and Denunciations Commission.  | Pl.(s) |

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|-----|----------------------------|---------------|---|---|--------|
| 25. | Mar. 9, 2022<br>(64/2022)  | PRD           | Que Siga la Democracia, A.C.                            | The complaint alleged that the association Que Siga la Democracia disseminated propaganda in favour of the revocation of mandate process as well as an image of the president.  | Pl.(s) |
|     |                            | PRI           | Que Siga la Democracia, A.C.; MORENA; and the President | The complaint contended that the placement of billboards with the phrase “This April 10 we are going to vote #Let AMLO Continue” ( <i>Este 10 de abril vamos a votar #Que siga AMLO</i> ) violated propaganda provisions.   | Pl.(s) |
| 26. | Mar. 16, 2022<br>(74/2022) | Citizens      | MORENA bloc in the Senate                               | The complaint contended that the Senate’s MORENA bloc posted statements on their website that violated the government propaganda provisions. The TEPJF concurred.   | Pl.(s) |
| 27. | Mar. 16, 2022<br>(77/2022) | PRD, PAN, INE | President   | The complaint contended that the president repeatedly violated the governmental propaganda provisions, pertaining to the revocation of mandate, during the Feb. 2 morning press conferences and visit to Sonora on Feb. 12–13. The TEPJF concurred.   | Pl.(s) |
| 28. | Mar. 28, 2022<br>(90/2022) | TEPJF         | Federal Government                                      | The complaint contended that the government decree titled: “The Authentic Interpretation” of the concept of governmental propaganda within the context of the revocation of mandate process—which was published in the <i>Diario Oficial</i> on March 17, 2022—was inappropriate and null and void. | Pl.(s) |
|     |                            | MC            | Governor of Campeche and MORENA                         | The complaint contended that the document “Governors of the 4T (Fourth) Transformation” via social networks was a violation of the propaganda provisions.   | Pl.(s) |

*Source:* Created by Delian Project Delegation member, Armand Peschard-Sverdrup, April 4, 2022 with information from the TEPJF press releases (Boletines)

*Note:* MORENA = Movimiento de Regeneración Nacional (National Regeneration Movement); PT = Partido del Trabajo (Labour Party); PAN = Partido Acción Nacional (National Action Party); PRD = Partido de la Revolución Democrática (Democratic Revolutionary Party); MC = Movimiento Ciudadano (Citizens’ Movement Party).

INE = National Electoral Institute (Instituto Nacional Electoral); TEPJF = Tribunal Electoral del Poder Judicial de la Federación (Superior Chamber of the Electoral Tribunal of the Federal Judiciary); CIRT = Cámara Nacional de la Industria de Radio y Televisión (National Chamber of the Radio and Television Industry); CEPROPIE = Centro de Producción de Programas Informativos Especiales (Center for the Production of Special Informative Programs); SHCP = Secretaría de Hacienda y Crédito Público (Ministry of Finance and Public Credit); UTF = Unidad Técnica de Fiscalización (Technical Inspection Unit).

PR = Press release number; Pl.(s) = Plaintiff(s); Dl.(s) = Defendant(s).

\* = Regional Chamber of the TEPJF.

\*\* = Specialized Chamber of the TEPJF.

## APPENDIX II

### The Delian Project Delegation Agenda

| Date                  | Schedule    | Meeting  |
|-----------------------|-------------|--|
| Monday<br>March 28    | 8:30–10:00  | <b>Dr. Lorenzo Córdova Vianello</b><br>INE President Councillor  |
|                       | 10:15–11:15 | <b>Carla Humphrey</b><br>INE Electoral Councillor<br><br><b>Martín Faz</b><br>INE Electoral Councillor                 |
|                       | 11:30–1:00  | <b>Alberto Guevara</b><br>TEPJF Director of International Affairs<br><br><b>Dr. Reyes Rodriguez</b><br>TEPJF President |
| Tuesday<br>March 29   | 9:30–10:30  | <b>Dr. María Amparo Casar</b><br>Executive Director, Mexicans against Corruption and Impunity                          |
|                       | 12:00–1:00  | <b>Deputy Mariana Gómez del Campo</b><br>PAN   |
| Wednesday<br>March 30 | 10:45–11:45 | <b>Dr. Hernán Gómez</b><br>Political analyst, journalist, thought leader   |
|                       | 12:00–1:00  | <b>Dr. José Woldenberg Karakowski</b><br>Electoral expert  |
| Thursday<br>March 30  | 9:30–10:30  | <b>Citlali Hernández</b><br>MORENA, Secretary General  |

Source: The Delian Project, April 2, 2022.

Notes: INE = Instituto Nacional Electoral (National Electoral Institute); TEPJF = Tribunal Electoral del Poder Judicial de la Federación (Superior Chamber of the Electoral Tribunal of the Federal Judiciary); PAN = Partido Acción Nacional (National Action Party); MORENA = Movimiento de Regeneración Nacional (National Regeneration Movement).

| Date                | Schedule    | Meeting  |
|---------------------|-------------|--|
| Thursday<br>April 7 | 9:30–10:30  | <b>Dr. Lorenzo Córdoba Vianello</b><br>INE President Councillor  |
|                     | 10:40-11:40 | <b>Session 2. The Petitioning and Convening the Revocation of Mandate</b><br><br><b>Lic. Edmundo Jacobo</b><br>INE Executive Secretary<br><b>Mtra. Norma de la Cruz</b><br>Moderator/Commentator and INE Councillor  |
|                     | 1:55-3:00   | <b>Session 3. Complaints and sanctioning processes</b><br><br><b>Mtro. Carlos Ferrer</b><br>INE Director of the Technical Unit for Electoral Litigation<br><b>Dr. Adriana M. Favela</b><br>Moderator/Commentator and INE Councillor  |
| Friday<br>April 8   | 9:30-11:00  | <b>Session 4 The day in which the referendum ballot is cast</b><br><br><b>Mtro. Roberto H. Cardiel</b><br>Executive Director, Electoral Training and Civic Education<br><b>Ing. René Miranda</b><br>Executive Director, Federal Voter Registry,<br><b>Mtra. Claudia Zavala</b><br>Moderator/Commentator and INE Councillor |
|                     | 11:10-12:10 | <b>Session 5. Issuance of results</b><br><br><b>Mtro. Sergio Bernal</b><br>INE Executive Director, Electoral Organization<br><b>Carla Humphrey</b><br>Moderator/Commentator and INE Councillor   |
|                     | 12:20-1:30  | <b>Session 6. Reflections Regarding the Referendum</b><br><br><b>Ricardo Becerra</b><br>President, Instituto de Estudios para la Transición Democrática<br><b>Dra. Jaqueline Peschard</b>  |

|           |   |
|-----------|---|
|           | <p>Professor and Researcher, Mexico's National Autonomous University (UNAM)</p> <p><b>Mtro. Martín Faz</b><br/>Moderator/Commentator and INE Councillor</p>   |
| 1:45-2:30 | <p><b>Session 7. Promoting the Revocation of Mandate Process</b></p> <p><b>Lic. Rubén Álvarez</b><br/>INE National Communications Coordinator</p> <p><b>Lic. Manuel Carrillo</b><br/>Moderator/Commentator and INE Coordinator of International Affairs</p> |