

# AGREEMENT OF THE NATIONAL FEDERAL INSTITUTE GENERAL COUNCIL THAT ESTABLISHES BASES AND CRITERIA TO RECEIVE AND INFORM INTERNATIONAL VISITORS INTERESTED IN ATTENDING THE 2014-2015 MEXICAN FEDERAL ELECTORAL PROCESS

## Background information

- I. The General Council of the then-called Federal Electoral Institute approved, in exercise of the powers granted by the Federal Code for Electoral Institutions and Procedures (COFIPE), the bases and criteria to rule the presence of foreign visitors to the Federal Electoral Processes of 1994, 1997, 2000, 2003, 2006, 2009 and 2012.

The presence of foreign visitors can be attested in the following chart:

Federal Electoral Process	Accredited visitors	Number of represented countries
1994	943	39
1997	398	33
2000	860	58
2003	180	30
2006	693	60
2009	424	51
2012	696	66

- II. On February 10<sup>th</sup>, 2014, the Official Journal of the Federation issued the Decree that reforms, adds and revokes several rulings of the Political Constitution of the Mexican United States in political-electoral matters. Amongst others, these changes include the change of name from Federal Electoral Institute to National Electoral Institute.
- III. On May 23<sup>rd</sup>, 2014, the Decree that issues the General Law for Electoral Institutions and Procedures was published in the Official Journal of the Federation. It also publishes several reforms and additions to rulings of the General Law for the System for Challenges in Electoral Matters of the Organic Law of the Judiciary Power of the Federation and the Federal Law of Public Officers' Administrative Responsibilities.
- IV. The Sixth transitory of said Decree establishes that the General Council of the National Electoral Institute shall dictate the necessary agreements to make the rulings of such Law effective; besides issuing the rules that stem from it no later than 180 days after its coming to effect.

Likewise, it points out that the general rulings issued by the Federal Electoral Institute or the National Electoral Institute before that Decree came in force, will continue to be valid as long as they do not contradict the Constitution and the

current Law, until the National Electoral Institute issues those rulings that will substitute them.

### **Considering**

1. That according to article 41, second paragraph, basis V, section A of the Political Constitution of the United Mexican States, the organization of federal elections is a State function carried out by a public autonomous body, the National Electoral Institute, endowed with legal status and patrimony of its own, integrated with the participation of the Legislative Branch of the Union, the national political parties and the citizens, according to the terms established by the law.
2. That article 4, paragraph 2 of the General Law for Electoral Institutions and Procedures establishes that the federal, local and municipal authorities must collaborate as necessary for the appropriate development of the powers of the electoral authorities established by the Political Constitution of the United Mexican States and the Law of reference.
3. That article 31, number 1 of the General Law for Electoral Institutions and Procedures states that the Institute is an authority in electoral matters, independent in its decisions and functioning, and professional in its performance.
4. That article 35 of the same Law establishes the General Council as the higher steering body, responsible for enforcing the constitutional and legal rulings on electoral matters, as well as to ensure that principles of certainty, legality, independence and objectivity will guide all the activities of the Institute.
5. That article 44, paragraph 1, letter jj) of the aforementioned law endows the General Council with the faculty for making agreements required to put its attributions into practice, both in the Law and in any other applicable laws.
6. That the responsibility for establishing bases and criteria to receive and inform international visitors attending the federal electoral process at any of its stages rests upon the National Electoral Institute's General Council, according to article 44, paragraph 2, of the General Law for Electoral Institutions and Procedures.
7. That the aforementioned Law, in article 82, paragraph 2, establishes that in those entities that have concurrent electoral processes, federal and local, the General Council of the National Electoral Institute must set up a unique polling station for both types of election.
8. That articles 8 and 47 of the Federal Law for Public Citizen Initiatives states that the initiatives called by the Congress will take place on the same polling day. Therefore, they will be submitted to the procedure found on the Third Title of the Fifth Book of the General Law for Electoral Institutions and Procedures.

9. That article 63, paragraph 1, letter p) of the Internal Regulations of the National Electoral Institute establishes that the International Affairs Unit must collaborate in the drafting and implementation of the criteria and guidelines established by the General Council to register and attend international visitors interested in the development of the Federal Electoral Process.
10. That according to article 30, letter A of the Political Constitution of the Mexican United States, any person born within the national territory are Mexicans by birth, as well as any person born abroad but are the offspring of Mexicans born within the national territory; those born abroad yet offspring of Mexican citizens by naturalization; and those born aboard a Mexican ship or plane, whether commercial or military.
11. That the Federal Electoral Institute greatly values the interest of international institutions and organizations in timely learning about the details of the 2014-2015 Federal Electoral Process in Mexico during its preparation, organization and development.
12. That the Federal Electoral Institute is interested in providing adequate information to members of the international community by means of a special Program, in order to foster an objective approach and integral study of the different aspects of the Mexican electoral system in general, and the 2014-2015 Federal Electoral Process in particular.
13. That it is in the interest of the National Electoral Institute that foreign visitors may get to know, first hand, the basic documents, internal selection processes and the candidacies put forward by political parties and alliances, as well as the participation of independent candidates as an integral part of the 2014-2015 Federal Electoral Process.
14. That in accordance with the principles of reciprocity and courtesy towards its foreign counterparts and other international institutions with whom it shares links of cooperation and friendship, the National Electoral Institute wishes to invite them to come to our country and learn about the 2014-2015 Federal Electoral Process, as invited international visitors.
15. That with the purpose of giving the highest level of certainty and safety to the activities of international visitors coming to Mexico to learn about the 2014-2015 Federal Electoral Process, it is advisable to establish a series of guidelines to specify their activities and make them easier.

According to the aforesaid considerations, and taking into account articles 41, second paragraph, base V, section A and 30, letter A of the Political Constitution of the United Mexican States; 4, paragraph 2; 29, numeral 1; 31, numeral 1; 35; 44, paragraph 1, section jj), and paragraph 2, and 82, paragraph 2, of the General Law for Electoral Institutions and Procedures; and 63, paragraph 1, section p), of the Internal Regulation

of the National Electoral Institute; as well as 8 and 47 of the Federal Law for Citizen Initiatives, the General Council issues the following

## **Agreement**

**FIRST.-** The bases and criteria to invite, attend to and inform international visitors attending any stage of the 2014-2015 Federal Electoral Process, as well as the Notice and the Application Form, included in this Agreement as Appendixes, are established as follows:

### First basis

1. For the purposes of this agreement, an international visitor is any foreign individual, so acknowledged by the Political Constitution of the United Mexican States, interested in attending the 2014-2015 Federal Electoral Process, having been duly accredited by the International Affairs Unit, according to the present bases and criteria.

### Second basis

1. The Federal Electoral Institute will issue, as soon as this agreement has been officially published, a notice addressed to the international community in general, so that foreign people interested in the 2014-2015 Federal Electoral Process can obtain their accreditation as international visitor in due time.

2. The Notice will be published at the same time as this Agreement, in the Official Journal of the Federation (DOF), and will be broadcast in the Institute's home web page, in the de-centralized offices, via the electronic media, as well any other way considered pertinent.

3. The notice will be addressed to all foreign people interested in the 2014-2015 Federal Electoral Process, amongst them, representatives of:

- A. Electoral authorities from other countries.
- B. International organizations.
- C. Continental or regional organizations.
- D. Political parties and organizations from other countries.
- E. Legislative bodies from other countries.
- F. Governments of other countries
- G. Higher education, research and academic institutions from other countries.
- H. International organizations specialized in activities of electoral cooperation or assistance.
- I. Foreign private organizations or non-governmental organizations specializing in activities related to political and electoral issues or to the defense and promotion of human rights.

4. The Federal Electoral Institute will ask for the support of the Secretariat of Foreign Affairs in order to disseminate abroad the Notice mentioned in paragraph 1 of this second basis.

5. National political parties and national political groups, as well as electoral alliances, independent candidates, citizen initiative instances, observation organizations, and all Mexican civil institutions and associations specialized or interested in the matter will be able to disseminate the notice and invite foreign citizens fulfilling the requirements established in this Agreement.

6. According to prevailing international agreements and practices, as well as international technical cooperation agreements previously signed by the Institute, the President of the General Council can invite the heads of foreign electoral authorities, as well as representatives of international organizations with whom the institute maintains cooperation links, to apply for accreditation as international visitors. The President can also make the necessary arrangements in order to offer them a specific program of activities.

### Third basis

1. International visitors will have a period of time that ranges from the moment the Notice is published in the Official Journal of the Federation to the deadline on May 27<sup>th</sup>, 2015, in order to send the President Councilor of the General Council of the National Electoral Institute, via the International Affairs Unit, their Application forms, along with the documents mentioned in Basis 4 of the present Agreement.

2. For such purpose, interested foreigners will fill in the Application form enclosed in the Notice, which will be available at the central headquarters and field offices of the 32 Local Councils of the National Electoral Institute, in the International Affairs Unit offices and on the Web page of the National Electoral Institute. Moreover, the Institute will request the Secretariat of Foreign Affairs to have this Application form at hand in Mexican embassies and consulates around the world.

It is important to point out that these documents will be available in Spanish, English and French.

### Fourth basis

1. In order to become accredited by the National Electoral Institute, applicants must meet the following requirements:

- A. To address and submit to the Presidency of the General Council, via the International Affairs Unit, the individual application form, including a copy of the main page of the passport and a clear and current photograph, as required by the form itself. The documents may be delivered personally, via post or courier, via fax, or via email, as established in the Notice and the Application form.

B. To pursue non-lucrative purposes with the rights granted by the accreditation.

#### Fifth basis

1. Within 3 working days after their submittal, the International Affairs Unit will ponder every application received on time, and will timely inform the General Council.
2. For such cases where some document is missing, the International Affairs Unit will inform the applicant within three working days following the application, so that the missing documents may be delivered by the applicant.
3. The deadline to send the documents and apply as international visitor with the National Electoral Institute, specifically with the International Affairs Unit, is May 27<sup>th</sup>, 2015.
4. Any application submitted by a person considered to be Mexican by the Constitution of our country, or any application lacking any documents by May 27<sup>th</sup>, 2015, will be rejected.
5. The International Affairs Unit will produce and send to applicants the official notice regarding the resolution on each and every accreditation application received in due time and form as established in the notice.

Accreditation notices will be delivered via e-mail or fax to the email address or fax number specified by the applicant in the application form.

6. The National Electoral Institute will ask for the support of the different Mexican Government offices in order to have the necessary aid for the authorization and aid for the issuing of the corresponding visas that may ease entering the country to all those international visitors accredited as such.
7. The Executive Secretariat will implement the mechanisms to issue the corresponding badges as international visitors. Meanwhile, the International Affairs Unit will establish the most adequate procedure for their notification and delivery to applicants, being June 6<sup>th</sup> the deadline for applicants to receive them.
8. The International Affairs Unit will present, preferably during every ordinary session of the General Council, a progress report on the attention to applications received, including, as well, other activities aiming at receiving and informing international visitors.

#### Sixth basis

1. International visitors will be able to attend and obtain information about the development of the 2014-2015 Federal Electoral Process at any stage or in any location throughout the country.
2. The International Affairs Unit will prepare an Information Program addressing all international visitors, which will be presented to the General Council for its consideration preferably in the ordinary session after the one that approves this Agreement.
3. Having the purpose of gathering additional background information about federal electoral laws, institutions and procedures, accredited international visitors can request through the International Affairs Unit an appointment to interview or meet with officials from the central headquarters of the National Electoral Institute, keeping the General Council informed. In other states, international visitors can make the same request to the presidents of the local councils, who will ponder and answer them, and within five days will inform the President of the General Council, through the International Affairs Unit.
4. National political parties and national political groups, as well as electoral alliances, independent candidates and those instances promoting citizen initiatives will be able to provide international visitors with information about their electoral platforms, as well as relevant documents about the electoral process or their political organization.

#### Seventh basis

1. Accredited international visitors are responsible for their expenses regarding transportation, sojourn, and activities in Mexico.

#### Eighth Basis

During their stay in the country and in order to carry out their activities, besides complying with Mexican laws and any other legal ruling that may apply at all times, accredited international visitors must not:

1. Substitute or set any obstacle to the electoral authorities in the exercise of their functions, or interfere in any way in their development.
2. Carry out any kind of proselytism or take a position for or against any party or candidate, or pronounce themselves for or against any of the possible answer to the citizens' initiative or any other form of citizen participation subject to be voted; or to perform any activity that may alter the equity of the competition.
3. Speak out any offence, slander or false accusation against the institutions, electoral authorities, political parties or candidates, and
4. Declare any triumph by any political party or candidate, or, were it the case, of the results of the citizens' initiative or any other form of citizen participation subject to be voted.
5. Declare any tendencies on the voting either before or after Polling Day

6. Wear or use any emblems, shields or any other image related to political parties, candidates, political or ideological sides related to the federal or local elections, or of any of the possible answers to the citizens' initiative subject to be voted.

### Ninth Basis

In case of purported noncompliance with the obligations established in this agreement and the federal electoral legislation on the part of international accredited visitors, the rules of the General Law for Electoral Institutions and Procedures and the Internal Regulations of the Federal Electoral Institute shall apply on the subject of Damages and Criminal Complaints.

**SECOND.-** For each of the federal entities with concurrent elections, the mechanisms for cooperation for international visitors to carry out their activities in the places where the unique polling sites will be set will be stated in the cooperation and collaboration agreements signed by the National Electoral Institute with the Local Public Bodies.

Likewise, in case the local laws do not establish otherwise, support and collaboration actions may be established to favour the work of the international visitors.

Along with these actions, the administrative areas responsible for coordinating and executing the activities taken on by the signing institutions will be established.

**THIRD.-** The present agreement must be shared with the Electoral Local Public Bodies, for their knowledge and implementation according to their corresponding local law.

**FOURTH.-** The present agreement is to be published in the Official Gazette of the Federation.