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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

December 20, 2022

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Secretary Blinken,

I write to express our growing concern over ongoing efforts by Mexican President López Obrador and his party to erode the credibility and autonomy of Mexico's electoral institutions, namely the National Electoral Institute (INE). Despite failing to pass a constitutional reform to effectively dismantle the INE earlier this month, Mexico's Congress just approved an expansive package of electoral reforms that carry significant risks for the independence and impartiality of future elections in the country. Administering free and fair elections is the cornerstone of a well-functioning democracy, and we know all too well in the United States the harm that efforts to subvert electoral processes have caused to the democratic fabric of our own nation. As we continue to struggle with these challenges, we have a responsibility to rally the international community to quickly and unequivocally condemn such democratic backsliding abroad, particularly among one of our closest democratic partners.

As outlined in Article 30, Section 2 of Mexico's General Law of Election Institutions and Procedures, the INE is guided by principles of "certainty, legality, independence, impartiality, objectivity, and maximum publicity". Its formation was the culmination of a series of constitutional reforms following 70 years of one-party rule to increase competitiveness between political parties and align Mexico's electoral system with international standards. The INE has been praised for its institutional strength, professionalism, and experience, including most recently by the Organization of American States following the 2021 midterm elections—the largest elections in Mexico's history.¹

Despite its strong international reputation, President López Obrador and his supporters have repeatedly attempted to discredit the INE and erode its oversight capacities. For years, the president has criticized the country's electoral management bodies, accusing the INE's predecessor of widespread electoral fraud during the 2006 and 2012 elections when he unsuccessfully ran for office. Before the 2021 midterm elections, President López Obrador went so far as to state he had "no confidence" in the INE, claiming it was "at the service of antidemocracy".² This criticism followed the INE enforcing constitutional limits on party representation in Congress and canceling the registration of 43 MORENA candidates who failed to submit required pre-campaign financial documents.

¹ "OAS Mission in Mexico Congratulates Citizens on Sunday's Elections," Press Release E-062/21, June 8, 2021, https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-062/21.

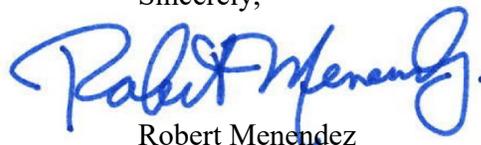
² Jacqueline Peschard, "AMLO and Mexico's Most Important Electoral Body Are on a Collision Course," *Americas Quarterly*, April 14, 2021, <https://americasquarterly.org/article/amlo-and-mexicos-most-important-electoral-body-are-on-a-collision-course/>.

President López Obrador's latest effort to cement his and his party's political power over the country's electoral institutions was proposing a constitutional initiative through congress to change 17 articles relating to the conduct of elections. This reform incorporated several concerning provisions, including the direct election of electoral authorities and the abolishment of all sub-national electoral management bodies. These proposed changes led the European Commission for Democracy Through Law, an independent body of international constitutional experts, to determine the constitutional reform would "not provide sufficient guarantees of [Mexico's electoral institutions'] independence and impartiality".³

Although the constitutional initiative failed to receive the necessary two-thirds majority to pass, less than two weeks later President López Obrador has succeeded in passing through congress a "Plan B" electoral reform proposal under a simple majority vote without opposition backing. This new legislation carries many of the same risks for the independence and impartiality of future Mexican elections. It will eliminate the INE's Executive General Board and Executive Secretariat; remove the INE's ability to sanction public officials who interfere in elections; cut the INE's budget, resulting in a loss of as much as 85 percent of the agency's professional bureaucracy; and remove language about the INE's independence and impartiality from the country's electoral laws, although such language remains enshrined in the constitution.⁴

While there is room for improvement in every electoral process, President López Obrador's efforts to politicize the functioning of Mexico's electoral management bodies and the passage of his "Plan B" electoral reform should be viewed with skepticism in light of other parallel efforts to undermine democratic institutions under his watch. We urge you to raise these concerns directly with the Mexican government and to continue working with the international community to voice our support for safeguarding independent democratic institutions vital to Mexico's democratic process.

Sincerely,



Robert Menendez
Chairman

³ Venice Commission, CDL-AD(2022)031, Opinion on the draft constitutional amendments concerning the electoral system, par. 68.

⁴ Claudia Salazar, 'Plan B' de AMLO quita facultades al INE," *Reforma*, December 6, 2022, https://www.reforma.com/plan-b-de-amlo-no-desaparece-ine-pero-lo-debilita/gr/ar2516841?md5=3a06a3ea5634e3ca772b2c917208b50c&ta=0dfdbac11765226904c16cb9ad1b2efe&utm_source=elemento_web&utm_medium=email&utm_campaign=promocion_suscriptor; David Agren, "Mexico's Congress approves López Obrador's cuts to electoral authority," *Financial Times*, December 16, 2022, <https://www.ft.com/content/50688532-94d0-4eaf-8227-2c37a230e649>.