

Transparency and Electoral Management Bodies

The foundations of trust in the electoral procedure as a formula to process the dispute for power

- ✓ Electoral authorities' impartiality
- ✓ Equal conditions in the contest for power
- ✓ Institutional mechanisms to resolve conflicts
- ✓ Relatively accurate translation of votes into seats

The electoral system: a progressive construction

1977. The constitutional recognition of the parties, and the basic constitutional concept of the right to information.

- The new pluralism and the emergence of new party models
- Progressive induction of the concepts of pluralism, tolerance, debate and coexistence of diverse options in political culture

1988 Political and credibility crisis

- ⇒ Government control of the election – and of the information- and distrust
- ⇒ The fraud and uncertainty milieu over the procedures
 - Appointment of electoral officials
 - Scrutiny and count
 - The mechanisms for rating elections and the political negotiation
- ⇒ The first –and unfortunate- appearance of electronic systems
- ⇒ The “information management” and the reason of State

KEY CONCEPTS / 1
Kant's key principle

“Unfair are all actions that refer to the right of other men whose principles bare not be published”.

Immanuel Kant, Perpetual peace.

What concerns us all must be public.

KEY CONCEPTS / 2

Three ways to prevent and correct abuse of power
(Schedler):

- ✓ It forces power to open up to public inspection
- ✓ It forces it to explain and justify its actions
- ✓ It submits it to the threat of sanctions

KEY CONCEPTS / 3

Transparency and accountability

- **What is accountability?**
- **What is transparency?**

Transparency: essential tool for accountability

Institutional Design of the Mexican electoral body and Transparency

- **Presence of political parties**

At the Management Bodies

(General, local and district councils, polling sites)

At the Monitoring Bodies.

(National, local and district monitoring commissions; Radio and Television Committee)

- **Social vigilance:** the publicity of the collegiate organs' sessions

- **Internal and external oversight:**

General Accounting;

External Audit;

Federation's Superior Audit

Stages of the Electoral Process and Transparency

- The construction of the Register of Voters and the supervision of the Nominal List of Voters.
- Delimitation of districts, a technical procedure open to public scrutiny
- The location of polling booths
- The random appointment of polling booth officials
- The scrutiny and counting mechanisms at open sight
- Openness to electoral observation
- The Preliminary Results Program
- The jurisdiction of the electoral contentious
- The oversight of party finances and their advertisement a progressive development

Institutionalization of Transparency/ 1

After the rotation in government...

- The explicit impulse towards a government transparency policy emerges with the rotation of power in the federal government.
- Political pluralism in the governments generates the need to have monitoring mechanisms over the administrations.

Institutionalization of Transparency/ 2

- 1977** Constitutional reform The right to information will be guaranteed by the state.
- 2002** Federal Government Transparency and Access to Public Information Law (LFTAIPG for its acronym in Spanish).
- 2007** Addendum of the second paragraph to article 6 of the constitution
- 2014** Regarding transparency, several dispositions of the Political Constitution of the United Mexican States are reformed and added.
- 2015** General Law of Transparency, as a minimum standard for the access to information nationwide.
- 2016** Federal Government Transparency and Access to Public Information Law that widens the applicability to all public interest bodies that use resources and carry out acts of authority.

Institutionalization of Transparency/ 3

- Subjects submitted to the LFTAIPG. The government and all public interest bodies that use resources and carry out acts of authority
- Transparency's duties
- Principles that bestow efficacy upon the right to access to information
- Personal data access and protection
- Information classification criteria
- External court of appeal

Institutionalization of Transparency/ 4

The autonomous electoral body and the Transparency Law

- 1998 – 2002** Advertisement of the different guidelines and formats for the party financial reports
- 2002** Agreement for the dissemination on party incomes and expenses reports (April)
- 2003** First Transparency Regulations. Creation of the Council specialized in transparency Commission (as the guarantor body of Transparency) and the first transparency diagnosis is carried out (2004).

Institutionalization of Transparency/ 5

Five generations of the Transparency Regulations that have improved the access to information.

Regulations

2003: Obligation, of the previously called IFE, to issue their own access to information policies and procedures due to the enforcement of the Federal Government Transparency and Access to Public Information Law.

2005: Modification to the attributions and scope of responsibilities of the bodies in the Institute in charge of transparency and access to information:

- *The Transparency Commission* was created as a monitoring body.
- *The Information Committee* becomes the executing body of the institutional transparency policies.
- *The Technical Unit for Information Services and Documentation* is created as a new structure to guarantee transparency.

Institutionalization of Transparency/ 6

Regulations

2008:

- Guaranteed the autonomy of the transparency and access to information guarantor body at the Institute.
- Procedures regulation for the political parties access to information.
- Integration of the comptroller as a main member of the guarantor body and a specialist citizen. The comptroller is appointed by the Deputies Chamber and not by the General Council.
- Obligation to generate socially useful information

Institutionalization of Transparency/ 7

Regulations

2011 and 2014:

- Adaptation to the norms that stem from the internal changes and from the new responsibilities established in the Institutions and Electoral Procedures General Law.
- Dissemination of information through the website and the creation of socially useful or proactive information.

2016:

- Coordination of norms since the Transparency and Access to Public Information General Law from 2015 came into effect.

The autonomous National Electoral Institute (INE) and the reform to article 6 of the constitution in 2014

- ✓ INE as a mandatory subject from the national transparency body.
- ✓ New transparency obligations.
- ✓ Political parties now mandatory subjects in transparency

Protection of the Register of Voters

- The largest personal data base in the country
- Specific guidelines for access
- Procedure for the correction of personal data

Websites and proactive transparency

- Creation of a Website Management Committee
- The concept and the obligations to generate information in a proactive manner
Example: **Candidates' curricula**
- From January to December 2016, INE's website had **20.2 million visitors.**

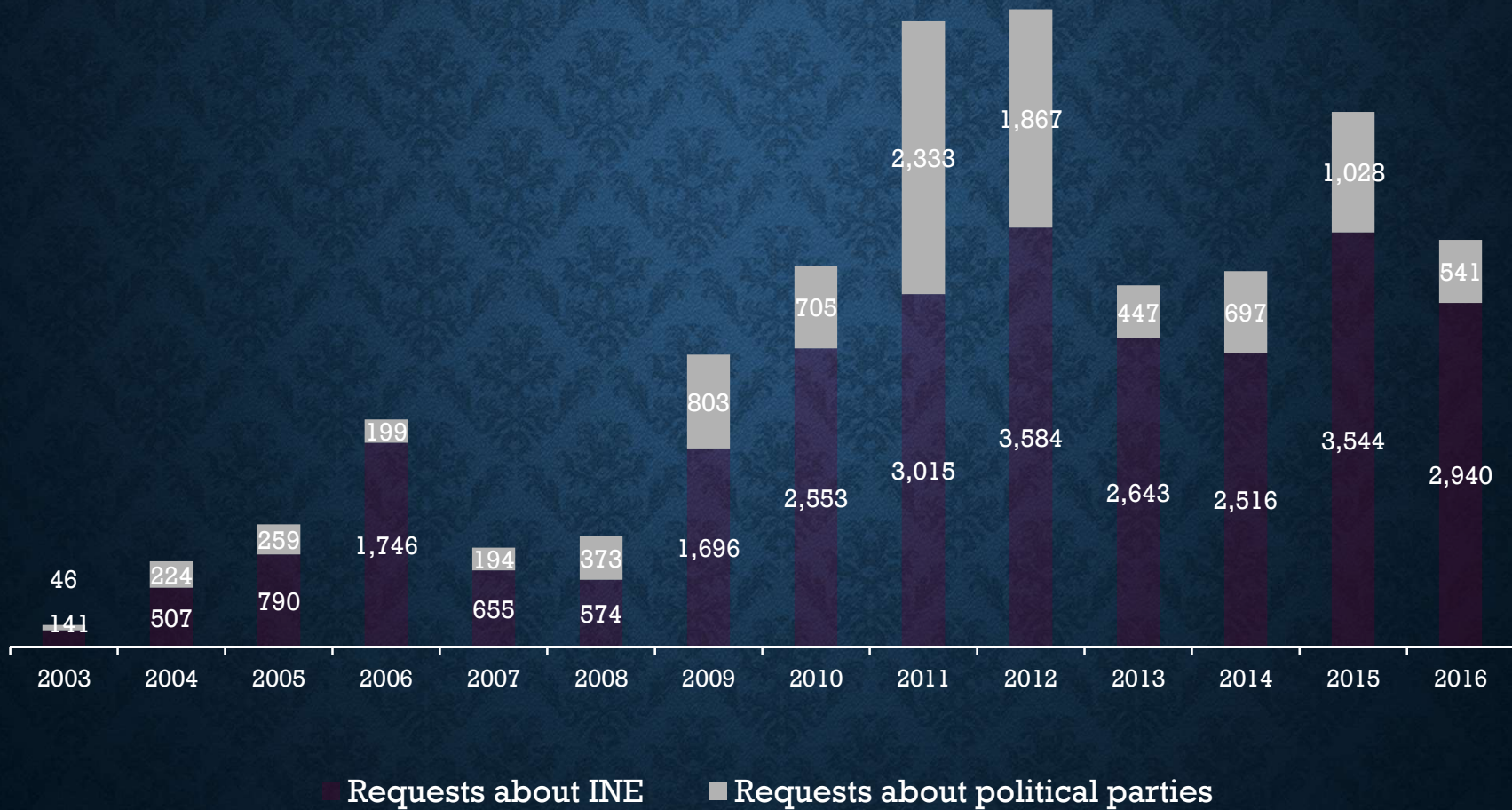
Access to electoral information in numbers

Total information requests



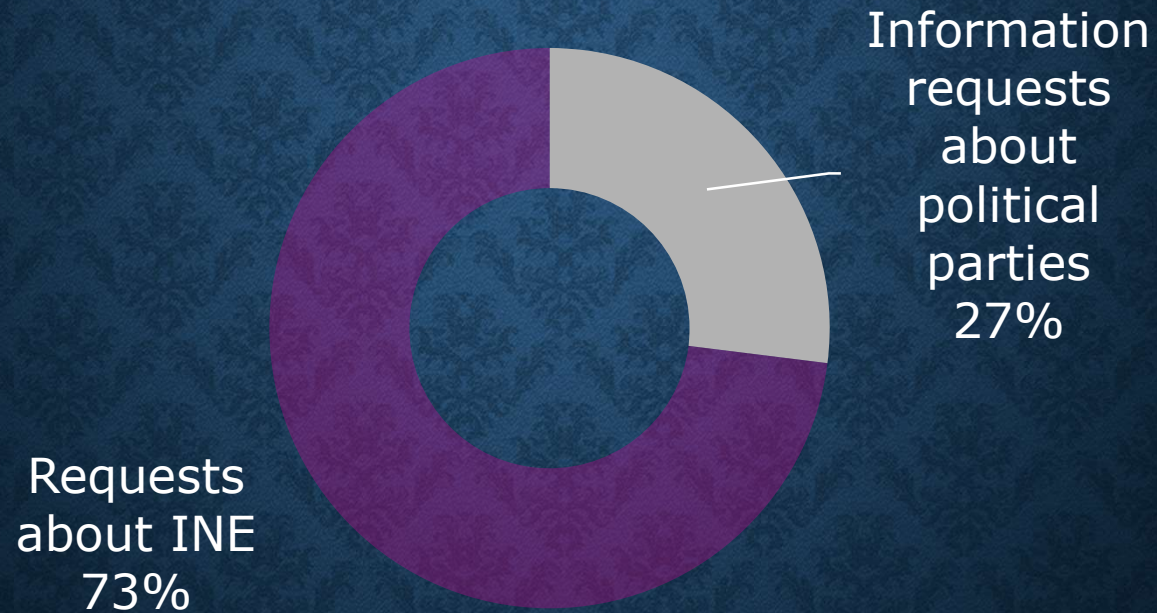
The Transparency Unit has received **40,107** information requests between 2003 and 2016.

Information requests from political parties

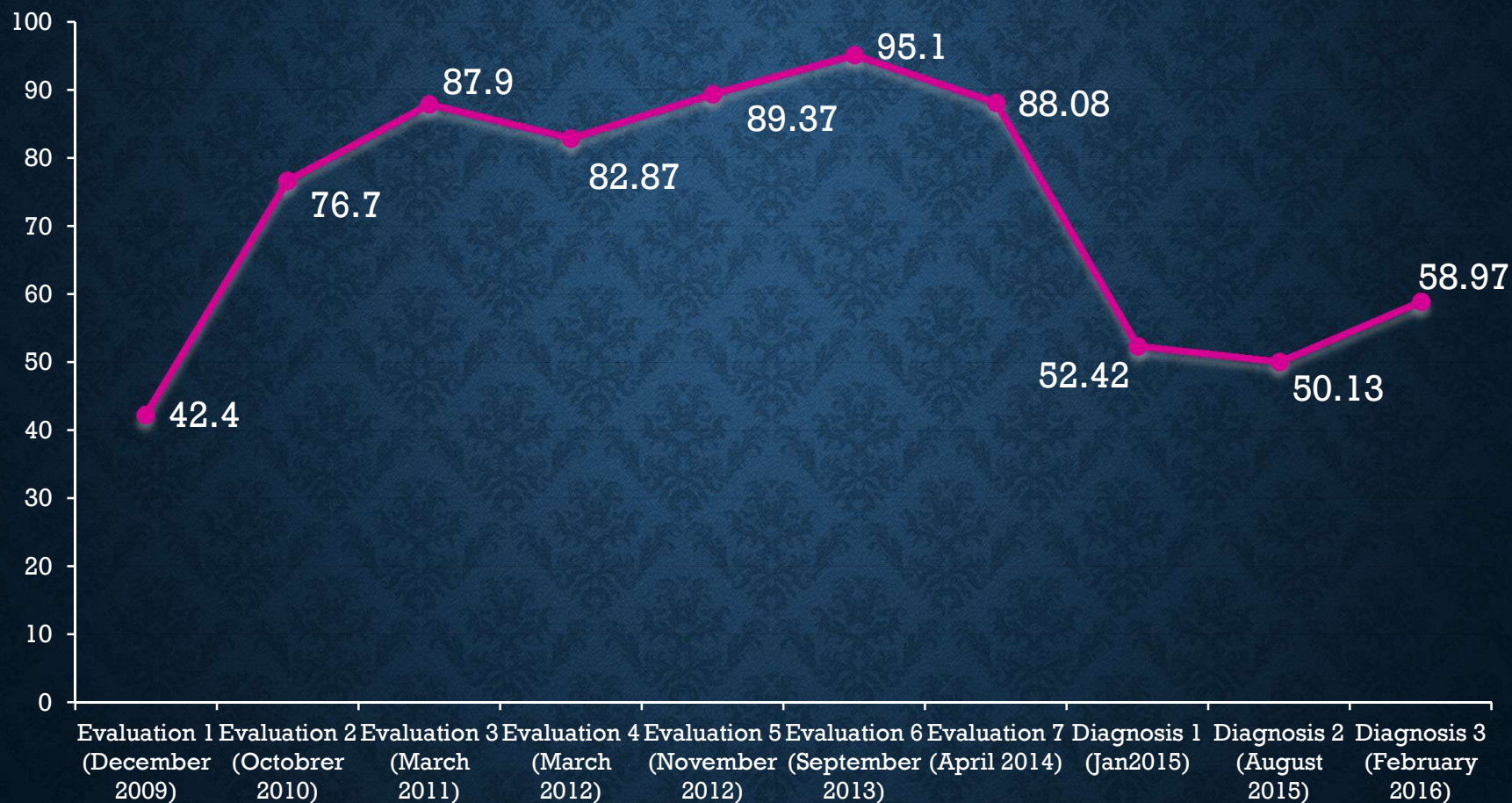


Information requests from political parties

Cumulative 2003 - 2016



Index of political parties' compliance to publish information in their websites



INE carried out 7 evaluations and 3 diagnosis to the political parties' websites

CONCLUSIONS

- Transparency contributes to help public institutions to organize internally.
- Transparency facilitates the participation of society in public affairs.
- Transparency is a necessary condition to create and increase trust in public institutions.
- Electoral bodies need to be strong and legitimizing referees in the face of society; hence, they require solid transparency policies.

Thank you