

A BRIEF REVIEW OF THE HISTORY OF REFORMS TO THE LEGAL REGULATIONS OF POLITICAL PARTIES IN MEXICO*

Jorge Gerardo FLORES-DÍAZ**

ABSTRACT: *This article studies the major reforms in the history of the legal regulation of political parties in Mexico based on the political context in which they took place. The objective is to explain their origin and characteristics. I argue that: 1) The 1946 reform increased requirements for the recognition of political parties; it was passed to prevent the electoral participation of threats to the official party. 2) The 1977 reform loosened requirements for the recognition of political parties; it intended to open the party system to incorporate the extra-institutional opposition. 3) The 1996 reform increased public funding for political parties; it aimed to benefit the PRI in the case of losing the power. 4) The 2007 reform consisting of regulation of intra-party processes was passed to harmonize the constitution with the electoral court's jurisprudence, establishing procedures and conditions. 5) The 2014 reform —standardization of federal and local legislation on political parties—, intended to transfer the characteristics of the federal electoral process to the states. Finally, 6) the most recent reform proposal, reduction of public funding for political parties, is based on the discredit of these organizations and on the exorbitant amount of money they receive. The study shows that the reforms approved during the era of a hegemonic party system (1946, 1977, and 1996) were aimed at benefiting the official party, while the subsequent reforms reflect a pluralistic context and emerged from the judicial power (2007), the opposition political parties (2014), and the civil society (last reform proposal).*

KEYWORDS: *Legal regulation of political parties, political parties in Mexico, reforms of party law, political parties, party law.*

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** PhD in Political Science, Faculty of Political and Social Sciences, National Autonomous University of Mexico. Postdoctoral Research Fellow at the Legal Research Institute, National Autonomous University of Mexico. Email: jorgegfloresd@outlook.com.

RESUMEN: *En este artículo se estudian las reformas más importantes en la historia de la regulación jurídica de los partidos políticos en México a partir del contexto político en el que tienen lugar. El objetivo es explicar su origen y sus características. Se argumenta que: 1) La reforma de 1946, incremento de los requisitos para el reconocimiento legal de los partidos políticos, se aprobó para prevenir la participación electoral de amenazas para el partido oficial. 2) La reforma de 1977, flexibilización de los requisitos para el reconocimiento legal de los partidos políticos, pretendió abrir el sistema de partidos para incorporar a la oposición extra-institucional. 3) La reforma de 1996, incremento del financiamiento público para los partidos políticos, fue aprobada para beneficiar al PRI en caso de que perdiera el poder. 4) La reforma de 2007, regulación legal de los procesos intrapartidarios, tuvo el objetivo de armonizar la constitución con la jurisprudencia del Tribunal Electoral, estableciendo procedimientos y condiciones. 5) La reforma de 2014, estandarización de la legislación federal y local sobre partidos políticos, pretendió transferir las características del proceso electoral federal a los estados. Finalmente, 6) la última propuesta de reforma, reducción del financiamiento público para los partidos políticos, se sustenta en el descrédito público de estas organizaciones y en los exorbitantes montos de dinero que reciben. El estudio muestra que las reformas aprobadas en la era del sistema de partido hegemónico (1946, 1977 y 1996) buscaron beneficiar al partido oficial, mientras que las reformas posteriores reflejan un contexto plural y surgieron del poder judicial (2007), los partidos políticos de oposición (2014) y la sociedad civil (última propuesta de reforma).*

PALABRAS CLAVE: *Regulación legal de los partidos políticos, partidos políticos en México, reformas de la ley de partidos, partidos políticos, ley de partidos.*

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I. INTRODUCTION

In Mexico political parties began to be subject to legal regulation in 1911. Since then, their rights and obligations have had a remarkable expansion. The electoral law of 1911 only had one article regarding political parties, which established basic requirements to its legal recognition. However, currently there is a specific law on political parties (*Ley General de Partidos Políticos*) containing 97 articles in which multiple aspects of the political parties, from their electoral participation to their internal life, are regulated in detail.

Studies analyzing the legal regulation on political parties in Mexico have been focused basically on a single topic, such as public funding¹ or intra-party democracy.² Yet there are also studies that analyze multiple aspects, which are generally aimed at describing its characteristics and changes.³ Finally, some works examine the law from a normative point of view, aiming at proposing amendments.⁴

However, in spite of the important contributions, this topic is still being insufficiently studied. Thereby, with the aim to contribute to the knowledge of the legal regulation of political parties in Mexico I present in this article an analysis of the most important reforms from its origin to the present (also considering the most recent reform proposal). The reforms are the follow-

¹ See Adam Brinegar et al., *The PRI's Choice: Balancing Democratic Reform and its Own Salvation*, 12 (1) PARTY POLITICS 77-97 (2006); Alonso Lujambio, *México*, in DINERO Y CONTIENDA POLÍTICO-ELECTORAL. RETO DE LA DEMOCRACIA 368-386 (Manuel Carrillo, Alonso Lujambio, Carlos Navarro and Daniel Zovatto ed., FCE, 2003); Lorenzo Córdova, *El financiamiento a los partidos políticos en México*, in FINANCIAMIENTO DE LOS PARTIDOS POLÍTICOS EN AMÉRICA LATINA 351-368 (Pablo Gutiérrez and Daniel Zovatto ed., IJ and IDEA, 2011); JUAN MONDRAGÓN, FINANCIAMIENTO DE PARTIDOS, RENDICIÓN DE CUENTAS Y CORRUPCIÓN EN MÉXICO (FLACSO, 2014).

² See FRANCISCO REVELES, LA DEMOCRACIA EN LOS PARTIDOS POLÍTICOS: PREMISAS, CONTENIDOS Y POSIBILIDADES (IEEM, 2008); JAVIER ARZUAGA, CONSIDERACIONES SOBRE LA DEMOCRACIA INTERNA EN LOS PARTIDOS POLÍTICOS. MODELOS DE PARTIDOS Y DEBATES EN TORNO A SU VIDA INTERNA EN MÉXICO (IEEM, 2012).

³ See José de Jesús Orozco Henríquez & Carlos Vargas Baca, *Regulación jurídica en los partidos políticos en México*, in REGULACIÓN JURÍDICA DE LOS PARTIDOS POLÍTICOS EN AMÉRICA LATINA 579-639 (Daniel Zovatto ed., UNAM, 2006); Francisco José de Andrea, *La regulación jurídica de los partidos políticos en México desde la constitucionalización semántica de los partidos de 1963 hasta la elección presidencial de 1976: un ejercicio de retrospectiva histórica comparada con énfasis especial en el voto de los jóvenes*, 2 REVISTA MEXICANA DE DERECHO ELECTORAL 59-78 (2012); Francisco José de Andrea, *La regulación jurídica de los partidos políticos en México durante la primera mitad del siglo XX: de la Ley Madero al voto femenino*, in PARTIDOS Y SISTEMAS DE PARTIDOS: EXPERIENCIAS COMPARADAS 179-198 (Francisco Paoli & Gonzalo Ferrera ed., UNAM, 2016).

⁴ See Lorenzo Córdova, *Hacia una ley de partidos políticos. Ejes temáticos para su discusión*, in ¿HACIA UNA LEY DE PARTIDOS POLÍTICOS? EXPERIENCIAS LATINOAMERICANAS Y PROSPECTIVA PARA MÉXICO 133-156 (Raúl Ávila et al., ed., UNAM, 2012); Rosa Mirón, *La regulación partidista en México. Pertinencia, propósitos y contenidos mínimos para una ley de partidos*, 3 REVISTA MEXICANA DE DERECHO ELECTORAL 399-429 (2013).

ing: 1) 1946: increased requirements to obtain legal recognition as political party; 2) 1977: constitutionalization of political parties and flexibilization of the requirements to obtain legal recognition; 3) 1996: radical increase in the public funding for political parties; 4) 2007: legislative incorporation of the intra-partisan judicialization, 5) 2014: homologation of the regulation in the federal and state levels, and 6) most recent reform proposal: reduction of state funding for political parties. These reforms are analyzed based on the political context in which they took place aimed at identifying the reasons that explain them.

II. 1946: CONSOLIDATING THE HEGEMONIC PARTY SYSTEM THROUGH THE LEGAL EXCLUSION OF UNWANTED POLITICAL PARTIES

The legal regulation of political parties in Mexico started with the 1911 electoral law, approved during Francisco I. Madero's presidency. Madero led in 1910 an armed movement that toppled the authoritarian government of Porfirio Díaz (1876-1880 and 1884-1911), and once in office he tried to establish the foundations of an authentic democratic regime, which implied creating a party system. This law has only basic rules regarding the topic. The Chapter VIII (On Political Parties) had only one article, in which it is established that, to be legally admitted as political party, an organization must have at least 100 members, a political and governmental program, and must have edited at least 16 issues of a propagandistic newspaper before participating in the electoral process.

Since Madero's insurrection, every political actor observed the requirement of being elected to exercise public office. They understood the legitimizing power of the elections.⁵ In fact, however, the electoral processes had a secondary roll. The power was in hands of strongmen, whose authority was not based primarily on winning elections, but on military success (caudillos) or on the distribution of goods and favors to his supporters along with the threat or actual use of violence against his opponents (caciques).⁶ They, scattered throughout the national territory, founded parties to get in public offices fulfilling formalities.⁷ During the revolutionary period it was possible to find hundreds or maybe thousands of national, regional or municipal political parties. Most of them were a personalistic vehicle built to participate in a certain election, and they commonly disappeared when the election was over or depending on the luck of its sponsor.⁸

⁵ ÁLVARO ARREOLA, *LEGISLACIÓN ELECTORAL Y PARTIDOS POLÍTICOS EN LA REPÚBLICA MEXICANA, 1927-1945*, 59 (INEH, TEPJF & UNAM, 2015).

⁶ JOY LANGSTON, *DEMOCRATIZATION AND AUTHORITARIAN PARTY SURVIVAL. MEXICO'S PRI 56* (Oxford University Press, 2017).

⁷ PABLO GONZÁLEZ CASANOVA, *LA DEMOCRACIA EN MÉXICO* 46-48 (Ediciones Era, 1976).

⁸ José Woldenberg, *Estado y partidos: una periodización*, 55 (2) *REVISTA MEXICANA DE SOCIOLOGÍA* 85 (1993).

At the national level, Álvaro Obregón could centralize the power in his hands. He was at the top of the pyramid of local and regional strongmen. He was elected president in 1920, and in 1924, due to the Constitutional prohibition of reelection, Plutarco E. Calles (his unconditional interior minister) replaced him. Then, in 1928 Obregón tried to occupy the presidency for a second period (the Constitution had been amended allowing a *nonconsecutive reelection* and extending the presidential period from 4 to 6 years). In the presidential election he won 100 per cent of votes; but he was assassinated before assuming the power.

In this context, Calles worked to avoid the breaking of the consensus which had been achieved around the assassinated caudillo. The aim was to keep the stability and to avoid a civil war. Calles proposed the melting of all political forces of the country in a single political organization. He proposed the creation of the National Revolutionary Party (Partido Nacional Revolucionario, or PNR).

Officially, the PNR was born on March 4, 1929, as a “Confederation of caciques”. Although not all the relevant local groups in the country took part in its foundation, the party continued seeking the incorporation of new organizations, dividing them, and using also coercive tactics. Few months after the foundation of the party, it was stated that 1800 regional parties shaped it, and the remaining forces lacked an important national organization.⁹

Once the PNR was created, the process of centralizing political power began, being this party a key element to the institutionalization of the Mexican authoritarian regime. Thanks to the official party, the conflicts for power inside the revolutionary elite would be resolved by means of negotiations, without the need to use violence. The PNR began as a simple confederation of the most important political groups in the country, yet it became a bureaucratic structure highly disciplined which, in symbiosis with the government apparatus, enabled the revolutionary elite to maintain control of the political power.

In 1938 the PNR changed its name to Party of the Mexican Revolution (Partido de la Revolución Mexicana, or PRM). Thereby, it stopped being a *confederation of caciques* to become a mass party based on 4 sectors: labor, peasant, popular and army (the latter was suppressed in 1940).¹⁰ The next organizational transformation of the party took place in 1946, when the PRM became Party of the Institutional Revolution (Partido Revolucionario Institucional, or PRI). This change implied the consolidation of the party. The centralization of the decision making was strengthened, bureaucracy became

⁹ LUIS JAVIER GARRIDO, EL PARTIDO DE LA REVOLUCIÓN INSTITUCIONALIZADA (MEDIO SIGLO DE PODER POLÍTICO EN MÉXICO). LA FORMACIÓN DEL NUEVO ESTADO EN MÉXICO (1928-1945) 108 (Siglo XXI, 1982).

¹⁰ MIGUEL GONZÁLEZ COMPEÁN & LEONARDO LOMELÍ, EL PARTIDO DE LA REVOLUCIÓN. INSTITUCIÓN Y CONFLICTO (1928-1999) 178 (FCE, 2000).

a central characteristic, and the prominence of the president of the republic *vis a vis* the party became routinary.¹¹

The creation of the official party (the party of the revolution, PNR-PRM-PRI) changed radically the Mexican party system, from an atomized one to another in which a single party controlled by itself the power of the state. There were opposition political parties, but they obtained just a marginal representation in every election. Considering the undemocratic character of the regimen, it was a hegemonic party system.

Once in place, the most important challenge to the survival of the hegemonic party did not come from marginal opposition groups, but from inside the party itself, from a possible division of the governing elite.¹²

The cases of Juan A. Almazán, who left the official party and created the Revolutionary Party of National Unification (Partido Revolucionario de Unificación Nacional, or PRUN) to run against the official candidate for the presidency of the republic in 1940, Ezequiel Padilla, who followed that same example with the Mexican Democratic Party (Partido Demócrata Mexicano, or PDM), in 1946, and Miguel H. Guzmán, who did the same in 1952 with the Federation of Mexican People's Parties (Federación de Partidos del Pueblo de México, or FPPM),¹³ support this statement.

The first of those ruptures (Almazan's split) encouraged the regime's leaders to find ways to close the "exit option" where ambitious presidential contenders within the official party left it if they did not get the nomination, creating threats for the survival of the regime.¹⁴

To address this problem the party changed the electoral law. The objective was to control the electoral arena, banning the participation of threatening contenders. On January 7, 1946, the Federal Electoral Law was published, which gave the monopoly of the representation to political parties. Article 60 of this law established that "only political parties can nominate candidates". By doing so, the official party would not have to deal with independent opposition candidates. Additionally, it was established that to be legally recognized as political party an organization had to have at least 30,000 members, with two-thirds of states having at least 1000 members (article 24). In this way, the requirements to form a political party were increased (the minimal number of members went from 100, in the last legislation, to 30,000). Finally, the legal recognition of parties was left in hands of the Federal Electoral Commission, dependent of the Secretary of the Interior.

The new regulation on political parties helped the PRI to stay in power by creating many obstacles for other political groups to be officially recognized

¹¹ FRANCISCO REVELES, PARTIDO REVOLUCIONARIO INSTITUCIONAL: CRISIS Y REFUNDACIÓN 21 (UNAM & Gernica, 2003).

¹² LANGSTON, *supra* note 6, at 38.

¹³ ROSA MARÍA MIRÓN LINCE, EL PRI Y LA TRANSICIÓN POLÍTICA EN MÉXICO, 100-108 (UNAM & Gernika, 2011).

¹⁴ LANGSTON, *supra* note 6, at 39.

as political parties (and thus to participate in elections). In practice, only opposition groups which did not represented a threat to the PRI's hegemony obtained legal status as political parties. Thereby, the electoral law of 1946 was a tool to avoid splits within the PRI's structure. It created negative incentives for members willing to leave the party, in view of the fact that if they were to do it, they would lose their chances to run for public offices.¹⁵

III. 1977: THE OPENING OF THE SYSTEM. THE INCORPORATION OF EXTRALEGAL POLITICAL PARTIES

The official party was one of the two main pieces of the authoritarian political system in Mexico —which lasted until 2000—. The other one was a presidency of the republic with exceptional faculties. Both elements were intrinsically related, and its strength depended on each other.¹⁶

The presidency had an outstanding prominence not only because of its constitutional faculties, but also because of its informal, or meta-constitutional, ones.¹⁷ Among its constitutional faculties it should be mentioned its position as chief executive, with legislative faculties —such as law initiative and veto power over the laws approved by the Congress—, and faculties regarding the budget and economy of the country. One of its meta-constitutional prerogatives was its leadership in the PRI, by which the president was the real chief of the official party that ruled the public offices at national, state, and municipal level, a faculty which gave him a wide control over the decision making at all levels and powers of the state.

The executive power manipulated the access to public office at convenience. As mentioned, the Secretary of the Interior, through the Federal Electoral Commission (Comisión Federal Electoral, or CFE), granted legal recognition as political party (needed to postulate candidates for public offices) only to political organizations without real chances of defeating the PRI. Additionally, the CFE was in charge of organizing ballots and counting votes, having thus the chance of committing fraud, if it was imperative.

With these rules, the official party was able to consolidate its hegemony. Its unity and discipline, as it was argued, was based on the same rules. Leaving the party to challenge it in the ballots box stopped being a possibility. Moreover, the banning of the reelection, established to all public offices in 1933, created one more incentive to stay with the party and remain loyal. The ambitious militants, defeated in the selection of candidates, would have the op-

¹⁵ Other informal practices to block internal splits include the restriction of possible party presidential successors to PRI politicians serving in the president's cabinet, the prohibition for cabinet members to openly admit their presidential aspirations, and the “dedazo” (finger tapping) or the right of the president to choose his own successor; LANGSTON, *supra* note 6, at 40.

¹⁶ DANIEL COSÍO VILLEGAS, *EL SISTEMA POLÍTICO MEXICANO* (Joaquín Mortiz, 1975).

¹⁷ JORGE CARPIZO, *EL PRESIDENCIALISMO MEXICANO* (Siglo XXI, 2010).

portunity again to get in public office (every three and six years) and those members occupying public offices had to show loyalty, because otherwise they would not be considered to represent the party again.

Threats to PRI's hegemony were no tolerated. However, the interest in keeping elections working prevented the system from getting completely shut down. Three political parties took part in every electoral process since the 1950s: the National Action Party (Partido Acción Nacional, or PAN), the Popular Socialist Party (Partido popular Socialista, or PPS), and the Authentic Party of the Mexican Revolution (Partido Auténtico de la Revolución Mexicana, or PARM). The PAN was a weak party, and, in any case, it was possible to commit electoral fraud to ensure its defeat. The remaining parties worked as PRI's allies: since 1958 both PPS and PARM advocated PRI's candidate for the presidency.¹⁸

The official party used its sectors (labor, peasant, and popular) to be in touch with the people, but the relationship was hierarchical and authoritarian. There were no means of transmitting demands to the government — which grew fast in a modernizing society—, and every attempt to develop an independent organization or protest was repressed based on the 145 and 145 bis articles of the Penal Code, which typify the “social dissolution crime”.¹⁹ Civil rights, thus, were seriously limited.

In this context, the elections did not fulfill the function of channeling the citizen's preferences regarding who should rule and what kind of policies should be made.²⁰ As a consequence, the dissatisfaction with the regime rose.

In the 1950s labor, peasant, professional, academic and student protests took place, but they were repressed, and its leaders jailed.²¹ The abuse of power reached an intolerable level even to the legal opposition parties. After the 1958 election, the PAN complained about an alleged electoral fraud, removed its representative in the CFE, and asked its elected deputies not to attend the Congress.²²

¹⁸ Octavio Rodríguez Araujo, *Partido Popular Socialista*, in LA REFORMA POLÍTICA Y LOS PARTIDOS EN MÉXICO 146-149 (Octavio Rodríguez Araujo ed., 1987). Alfonso Guillén Vicente, *Partido Auténtico de la Revolución Mexicana*, in LA REFORMA POLÍTICA Y LOS PARTIDOS EN MÉXICO 156-160 (Octavio Rodríguez Araujo ed., 1987).

¹⁹ The social dissolution crime was created during the Second World War based on the idea that it would be useful to fight against the Nazis. In the context of Cold War, it was used against the opposition accused of being communist preparing subversions. The punishment was 12 years in jail, which added to other crimes could keep dissidents jailed for life, PABLO GONZÁLEZ CASANOVA, *EL ESTADO Y LOS PARTIDOS POLÍTICOS EN MÉXICO* 128 (ERA, 1988).

²⁰ Margarita Favela, *Sistema político y protesta social: del autoritarismo a la pluralidad*, in LOS GRANDES PROBLEMAS DE MÉXICO VI. MOVIMIENTOS SOCIALES 107-108 (Ilán Bizberg, Ilán & Francisco Zapata ed., COLMEX, 2010).

²¹ Martha Singer, *Partido dominante y domesticación de la oposición, 1951-1963*, in EL SIGLO DEL SUFRAGIO. DE LA NO REELECCIÓN A LA ALTERNANCIA 161-162 (Luis Medina ed., FCE, 2010).

²² SOLEDAD LOAEZA, *EL PARTIDO ACCIÓN NACIONAL: LA LARGA MARCHA, 1939-1994. OPOSICIÓN LEAL Y PARTIDO DE PROTESTA* 267-268 (FCE, 1999).

To prevent the conflict from climbing, the government combined repression with concessions. On July 22, 1963, the Constitution was amended establishing that those political parties who obtained at least the 2.5 per cent of national voting would receive five seats in the chamber of deputies, plus one seat more for each extra 0.5 per cent of the votes, up to 10 per cent. Additionally, on December 28, 1963, the electoral law was amended granting tax exemption to political parties. Finally, it was established that those elected deputies who do not attend the Congress would lose their political rights for six years, suffering the political parties they belong to the temporal or definitive suspension of its registration.

According to Molinar²³ this reform followed a “carrots and sticks strategy”. The regime offered benefits to political parties willing to play inside the institutional limits (carrots), while punished those unwilling to cooperate (sticks). This strategy was successful in the short time. Legal political parties obtained more seats in the lower chamber, leaving (temporarily) anti-system tactics and joining the legislative work.

However, the stability was ephemeral. The system was still closed and unwilling to incorporate social groups that did not fit its corporative arrangement or the controlled opposition. Considering itself to still being under-represented, the PAN returned to usual anti-system tactics. At the end of the 1960s and in the 1970s the system went into crisis. The subversive opposition grew and so did the repression.

The clash was especially acute in the 1968 and 1971 slaughters and in the fight between guerrilla groups and paramilitary organizations (dirty war). More benefits for the institutional opposition were established, but they were unsuccessful in view of the fact that the main problem was not faced: the most belligerent opposition did not have an institutional way of participation.

Finally, the democratic facade went down in 1976. Due to an internal conflict, the PAN did not participate in the presidential election of that year,²⁴ and the PRI's candidate (José López Portillo) was the only option for voters. So, with protesting movements all around the country, there was not a single opposition party running against the PRI.

As a reaction, the government opened the party system. On December 6, 1977, a Constitutional amendment declared the political parties *public interest entities*, which means that, without being state institutions, they fulfill important functions for the society —such as making access to the political power possible for all citizens—, which justify state protection. A new electoral law (Federal Law of Political Organizations and Electoral Processes, or Ley Federal de Organizaciones Políticas y Procesos Electorales, LFOPPE) was published (December 27, 1977), which established a new way to obtain legal recognition as political party and thus to participate in elections: the *conditioned recognition*.

²³ JUAN MOLINAR HORCASITAS, *EL TIEMPO DE LA LEGITIMIDAD: ELECCIONES, AUTORITARISMO Y DEMOCRACIA EN MÉXICO* 65 (Cal y Arena, 1991).

²⁴ See LOAEZA, *supra* note 22, at 308-313.

With this instrument, it was not mandatory to fulfill all the requirements to form a political party (to participate in elections). If a political organization willing to postulate candidates for public offices demonstrated that it represents “an opinion group who expresses a political ideology present in the nation”, and that it had undertaken permanent political activities during four years before requesting the admission, or just one if it had been working as National Political Organization, it would be able to postulate candidates. The new legislation also established more rights for political parties, as having permanent access to radio and television, and having an office to organize public meetings—in the center of the uninominal electoral districts—. Finally, on September 27, 1978, an Amnesty Law was published which benefited all the political opponents arrested for the security forces.

The legal regulation of political parties, which emerged from the 1977 reform, changed the institutional logic established since 1946. The previous legislation had the objective of excluding the opposition, but the new one had the objective of including it. Besides, the new prerogatives to political parties represented another incentive aimed at stimulating the canalization of discontent by means of institutional opposition through political parties and electoral participation.

In 1963 the era of legally protected political parties began, but it was not until 1977 when protection became part of a comprehensive policy whose objective was to incorporate dissident groups into the institutional system. Even so, this did not imply the transformation of the regime into a fully democratic one. Dissidents acquired important rights, but the electoral processes continued to be inequitable and electoral fraud was still a resource in the hands of the PRI. Once again, the law on political parties was modified to favor the official party. The 1977 reform had the objective of opening up the political system while the PRI still controlled the access to power. The idea was to liberalize, not to democratize the regime. The authoritarian controls were loosened, and the opposition was incorporated, but just enough to defuse the crisis, thus maintaining the democratic facade.

IV. 1996: ASSURING SURVIVAL. DRASTIC INCREASE OF PUBLIC FUNDING FOR POLITICAL PARTIES

The 1977 political reform achieved its purpose, and the opposition began to use the institutional means to express their dissatisfaction with the status quo. In the 1979 elections three new opposition political parties participated: the Mexican Communist Party (Partido Comunista Mexicano, or PCM), the Worker’s Socialist Party (Partido Socialista de los Trabajadores, or PST), and the Mexican Democratic Party (Partido Demócrata Mexicano, or PDM), and others joined the political arena in the next years, yet not all of them kept legal recognition.

In the 1980s the engine of the political change was the economy. In reaction to the hard economic crisis of the beginning of this decade, the government implemented an orthodox stabilization plan. Minimal wage was limited, state spending was frozen, and the consumption subsidies were reduced.²⁵ These actions generated a widespread social discontent.

Dissatisfied business groups blamed the authoritarian regime for the economic crisis and decided to participate in politics against the official party. The PAN was the ideal participation channel because of the ideological convergence on topics like the defense of private property or freedom in education.²⁶ The new PAN members brought money and organizational infrastructure to the party. Thanks to them, the PAN increased its competitiveness —especially in the northern part of the country— and started to win elections.

On the other hand, due to the economic crisis, the PRI had to face not only a growing and aggressive opposition, but also internal conflicts. The exclusion of the traditional politicians in favor of experts in economy (technocrats) resulted in the emergence of an internal faction: the Democratic Current (Corriente Democrática, or CD). This group was formed by “prominent individuals marginalized by the technocracy”, whose purpose was to push to democratize the presidential candidate selection method for the 1988 election and to change the economic policy of the government.²⁷

The demands of the CD were ignored and as a consequence this group left the official party and postulated its leader, Cuauhtémoc Cárdenas, as presidential candidate for the 1988 election. The CD sponsored the creation of the National Democratic Front (Frente Democrático Nacional, or FDN) where converged the independent left (Partido Mexicano Socialista, or Mexican Socialist Party, PMS), the satelital left (PPS, PARM and the Cardenist Front of National Reconstruction Party, Frente Cardenista de Reconstrucción Nacional, or PFCRN), and the extraparlimentary left (organizations such as the National Civil Revolutionary Association, Asociación Cívica Nacional Revolucionaria, or ACNR).²⁸

Thus, in the 1988 presidential election the PRI candidate, Carlos Salinas de Gortari, faced two strong adversaries: Manuel Clouthier, postulated by the oldest opposition party (PAN), and Cuauhtémoc Cárdenas, postulated by the new political force (FDN).

²⁵ María Lorena Cook, Kevin Middlebrook & Juan Molinar, *Las dimensiones políticas del ajuste estructural: actores, tiempos y coaliciones*, in LAS DIMENSIONES POLÍTICAS DE LA REESTRUCTURACIÓN ECONÓMICA 56 (María Lorena Cook et al., ed., Cal y Arena, 1996).

²⁶ SOLEDAD LOAEZA, *EL LLAMADO A LAS URNAS* 261 (Cal y Arena, 1989).

²⁷ MIRÓN, *supra* note 13, at 192 y 193.

²⁸ VÍCTOR HUGO MARTÍNEZ GONZÁLEZ, *FISIONES Y FUSIONES, DIVORCIOS Y RECONCILIACIONES: LA DIRIGENCIA DEL PARTIDO DE LA REVOLUCIÓN DEMOCRÁTICA (PRD), 1989-2004* 49 (Plaza y Valdés, 2005).

On July 6, the day of the electoral journey, the conflict was unavoidable when the computer system “went down” and the official results gave the victory to the PRI candidate, with 50.74 per cent of the votes, against 31.06 per cent of the FDN candidate and 16.81 per cent of the PAN candidate.²⁹ According to Magaloni “there is no doubt that the PRI committed fraud”, however, “it is impossible to know if the PRI would have actually lost the presidency had there been no electoral fraud”.³⁰ The opposition parties rejected the results, but the PAN and the FDN followed distinct paths and their protests had no consequences in the official results.

After the election, Cárdenas took advantage of the FDN structure and sponsored the creation of the Party of the Democratic Revolution (Partido de la Revolución Democrática, or PRD). Officially it was born on May 26, 1989, and inside it converged many (but not all) of the political groups that supported the FDN candidacy in the 1988 presidential election.³¹

During Salinas’ presidency (1988-1994) the opposition still demanding free and fair elections and, in response, more electoral reforms were approved. Among other aspects, in 1989-1990 the Federal Electoral Tribunal (Tribunal Federal Electoral, or TRIFE) was created as an autonomous jurisdictional electoral body, and the Federal Electoral Institute (Instituto Federal Electoral, or IFE) was born as an autonomous administrative electoral body, which replaced the governmental CFE in the function of organizing the electoral processes.

In 1993 a meeting took place between a group of prominent entrepreneurs and the president of the republic, where they agreed to donate 750 million dollars to the PRI.³² This revelation unleashed a political scandal, which led to establish limits on private donations, limits on campaign expenditure and the mandate for political parties to present annual expense reports.

Additionally, the electoral crimes were added to the penal code, and in 1994 the Specialized Prosecutor’s Office of Electoral Crimes (Fiscalía Especializada para la Atención de Delitos Electorales, or FEPADE) was established. These reforms improved the fairness of the electoral processes.

In the 1994 presidential election the three main contenders were: Ernesto Zedillo (PRI), Diego Fernandez de Cevallos (PAN), and Cuauhtémoc Cárdenas (PRD). The winner was Zedillo, who reached 50.18 per cent of the valid voting while Fernandez de Cevallos reached 26.69 per cent, and Cárdenas 17.06 per cent. The high electoral participation (77.2 per cent of the electorate) and the positive evaluation that the national and international observers

²⁹ MOLINAR, *supra* note 23, at 219.

³⁰ BEATRIZ MAGALONI, *VOTING FOR AUTOCRACY. HEGEMONIC PARTY SURVIVAL AND ITS DEMISE IN MEXICO* 239 (Cambridge University Press, 2008).

³¹ MARTÍNEZ, *supra* note 28, at 61.

³² MARÍA CASAR & LUIS UGALDE, *DINERO BAJO LA MESA. FINANCIAMIENTO Y GASTO ILEGAL DE LAS CAMPAÑAS POLÍTICAS EN MÉXICO* 31 (Grijalbo-MCCI, 2018).

gave to the election legitimated the results. However, the spending was excessively unequal, which was noted by Zedillo, who said that “the election was legal but also unbalanced”. The PRI spent 71.4 per cent, the PAN, 17.8 per cent, and the PRD, 6.05 per cent of all the resources used by the parties in the presidential election. And in the case of the Congressional elections the disparity was even more dramatic. The PRI spent 77.25 per cent of all the resources used in the campaign for deputies, and 81.24 per cent in the campaign for senators. In this context, the PRI elite sponsored an electoral reform whose central issue regarding political parties was the public funding for these organizations.³³

In 1996, after a series of debates, seminars and workshops which gathered the PRI, the opposition parties (PAN, PRD and PT) and experts from civil society, the constitutional amendment was unanimously approved.³⁴ Article 41 established that the public funding for political parties must prevail over the private funds and that its distribution must be equitable, specifying that 30 per cent must be delivered on exactly equal terms and 70 per cent according to the electoral strength of each party.

However, the consensus was broken at the moment of deciding the total amount of public funding for political parties. The opposition wanted a moderate rise, while the PRI demanded a significant one. In the end the PRI imposed its majority³⁵ and the public funding increased in 476 per cent compared to the original proposal,³⁶ which implied a rising equivalent to five times the amount that the parties reported having spent in 1994.³⁷

The exponential growth of the public money delivered to political parties was normatively justified on the idea that: 1) it would make transparent the resources used by the political parties; 2) it would balance the competition among parties, and 3) it would prevent political parties from becoming hostages of big economic groups or criminal organizations.³⁸ However, following Brinegar et al.,³⁹ the underlying aim of the PRI was to ensure its own survival.

³³ RICARDO BECERRA et al., *LA MECÁNICA DEL CAMBIO POLÍTICO EN MÉXICO* 371-373 (Cal y Arena, 2005).

³⁴ Jacqueline Peschard, *De la conducción gubernamental al control parlamentario: 30 años de reformas electorales*, in *LOS GRANDES PROBLEMAS DE MÉXICO XIV. INSTITUCIONES Y PROCESOS POLÍTICOS* 382-385 (Soledad Loaeza and Jean Francois Prud'homme, ed., COLMEX, 2010).

³⁵ In the LVI legislature (1994-1997) the PRI had 301 deputies, the PAN 119, the PRD 70, and the Worker's Party (Partido del Trabajo, or PT) 10. FRANCISCO JOSÉ DE ANDREA, *BREVE HISTORIA DEL CONGRESO EN MÉXICO: SIGLO XX 99-100* (UNAM, 2012).

³⁶ JOHN ACKERMAN, *ÓRGANOS AUTÓNOMOS Y DEMOCRACIA. EL CASO DE MÉXICO* 85 (Siglo XXI, 2007).

³⁷ Brinegar et al., *supra* note 1, at 81.

³⁸ JOSÉ WOLDENBERG, *HISTORIA MÍNIMA DE LA TRANSICIÓN A LA DEMOCRACIA EN MÉXICO* 115 (COLMEX, 2012).

³⁹ Brinegar et al., *supra* note 1.

By the 1990s it was clear that the voting trend was unfavorable to the PRI—in every presidential election since 1958 (except for the 1976 election) it lost some percentage of voting—,⁴⁰ and the electoral reforms passed after the controversial 1988 election eliminated the electoral fraud. Thus, the PRI could not take the electoral victory for granted anymore. In this context, the official party saw a trustworthy income in the public funding to survive even in case of losing the resources from controlling the federal government. Thereby, having enough deputies to reform the electoral law by itself, the PRI decided to increase drastically the amount of public funding for political parties (against the desires of the opposition) to assure its own survival. In fact, as Langstone claims,⁴¹ public funding constituted a key element to understand the PRI survival after 2000 (when it lost the federal government).

V. 2007: REGULATING STATE INTERVENTION IN POLITICAL PARTIES' INTERNAL AFFAIRS

Since the 1980s, the competitiveness of the electoral processes escalated considerably, and the PRI begun to lose important public posts. In 1997 for the first time in its history this party lost the majority in the chamber of deputies, and in 2000 the presidency of the Republic.

In this context, the opposition parties' candidacies for public offices became very valuable. Winning elections was a real option for opposition political parties and the cost of the campaign would be covered in an important percentage by the state (because of the 1996 reform on public funding for political parties). Consequently, the conflicts within the parties rose. The struggle for the candidacies not always ended smoothly, and on occasion the losers claimed that the leadership-imposed winners, violating the rules of the party and their partisan-political rights. However, until 2003 they had no option but to accept the defeat or to leave the party, in view of the lack of an independent state body in charge of resolving internal disputes and protecting the rights of the party members against the violations committed by the intra-partisan authorities. In 2003 this situation changed as a result of a judicial sentence.

In 1996 the TRIFE (electoral court) became Electoral Tribunal of the Federal Judicial Power (Tribunal Electoral del Poder Judicial de la Federación, or TEPJF) and it was put in charge of defending the citizens' political-electoral rights. The instrument created for this purpose was the Trial for the Protection of the Political-Electoral Rights of the Citizens (Juicio para la Protección de los Derechos Político-Electorales de los Ciudadanos, or JDC),

⁴⁰ OCTAVIO RODRÍGUEZ ARAUJO & CARLOS SIRVENT, INSTITUCIONES ELECTORALES Y PARTIDOS POLÍTICOS EN MÉXICO 217-221 (Jorale, 2005); MOLINAR, *supra* note 23, at 219.

⁴¹ LANGSTON, *supra* note 6.

which is something similar to an *habeas corpus*, but specifically to guard political rights.

However, in spite of being an instrument created to protect political rights, originally the JDC was not appropriate to resolve intra-partisan disputes. Thereby, when members of different political parties asked for the electoral court's protection against alleged violations of their rights committed by the authorities of the parties they belong to, the appropriateness of the application was always denied. In 1997 the electoral court claimed that neither in the Constitution nor in the law was there the possibility, explicit or implicit, of judicially checking the decisions made by the internal authorities of the political parties since the JDC is only appropriate against decisions made by state electoral authorities. Yet, members of different parties kept demanding the protection of their rights by the Electoral Court, thus encouraging a subsequent change in the judicial interpretation.⁴²

In 2003 the TEPJF decided the appropriateness of the JDC to resolve intra-partisan disputes, claiming that the Constitution establishes in article 99 that it must resolve the disputes over alleged violations of the citizens' political rights, without establishing its inappropriateness in the case of violations committed by political parties. Therefore, the TEPJF changed the interpretation of the constitution and since 2003 this authority resolves the conflicts within the political parties as final court. Some years later, this judicial decision was incorporated in the law. The 2007 political reform harmonized the Constitution with this electoral jurisprudence. The reform established the competence of the TEPJF to resolve the intra-partisan conflicts, but at the same time it added two conditions. Since 2007 Article 41 of the Constitution dictates that the electoral authorities 1) *could intervene only in the internal affairs of the political parties according to what the Constitution and the law established*. Additionally, article 99 of the Constitution indicates since the same year that 2) the Electoral Tribunal *could intervene only when the complainant has exhausted the intra-party bodies of conflict resolution*.

According to González and Báez, the purpose of the constitutional reform was to limit as much as possible the intervention of the electoral court in the internal affairs of the political parties, since the legislators consider it an extreme judicialization that damages the Mexican democracy.⁴³ However, the conditions created do not avoid the effective intervention of the TEPJF in the internal life of the political parties. In 2008, article 46 of the electoral law (Código Federal de Instituciones y Procedimientos Electorales, or COFIPE) established that the “internal affairs of the political parties encompass the actions and procedures related to their organization and working” and in general the “decisions made by its leading bodies and

⁴² See MANUEL GONZÁLEZ OROPEZA & CARLOS BÁEZ SILVA, LA INTERVENCIÓN DE LOS ÓRGANOS ELECTORALES DEL ESTADO EN LA VIDA INTERNA DE LOS PARTIDOS POLÍTICOS (IIJ, 2010).

⁴³ *Id.*, at 2, 3.

by the internal organizations that group its members”. Therefore, practically every intra-partisan process could be judicially contested. On the other hand, the obligation to exhaust the intra-party bodies of conflict resolution does not imply avoiding the intervention of the electoral Tribunal, since it is still the maximum authority. Additionally, the TEPJF created the *per saltum* criterion, which allows a citizen to request its direct intervention when there is a risk that exhausting other authorities could leave the contested decision irreparable.⁴⁴

In summary, the 2003 judicial decision of the electoral Tribunal changed to the full extent the logic of the intra-partisan processes in Mexico. The prohibition of the state intervention in the internal life of the political parties was abandoned in favor of new rules that, aiming to protect the political rights of the citizens affiliated to them, allow the state intervention (through the judicial electoral branch) in its internal affairs. And, finally, the 2007 political reform harmonized the law with what already occurred by a judicial decision.

VI. 2014: CENTRALIZING THE RULES

The last legal reform concerning political parties was approved in 2014, as part of a wider electoral reform whose objective was to centralize in the federal electoral authorities many functions regarding the organization of the local electoral processes. According to its sponsors, centralizing the organization would result in fairer electoral processes.

The state electoral processes were relegated for a long time. During the transition to democracy what mattered was what happened in the federal level. However, once accomplished the organization of reasonable free and fair electoral processes in this level, what happened in the states became more relevant.

In Mexico since 1946 the federal elections (for the Presidency of the Republic and both chambers of the Congress) are organized and qualified by federal bodies, while state elections (for governorships, state Congresses and municipalities) by local ones. Due to the principle of states sovereignty, the reforms that in the federal level created trustworthy electoral institutions (administrative and judicial bodies in charge of the elections) were not followed with the same rigorousness in the local level. As a result, the freedom and fairness of the elections in the states were not an undoubted reality.

Since 2007, the political parties of the opposition claimed that most of the governors controlled the decisions made by their local Congresses and, indirectly, the decisions made by the local electoral institutes, thus damaging

⁴⁴ CARLOS BÁEZ & DAVID CIENFUEGOS, *El per saltum en el derecho procesal electoral federal*, 42 (126) BOL. MEX. DE DER. COMP. 126 (2009).

the reliability of the electoral processes. To address this problem, legislators from different political parties proposed centralizing in the federation the organization of the local elections through a new electoral institute (National Electoral Institute), which would substitute the Federal Electoral Institute (Instituto Federal Electoral, or IFE) and the 32 local electoral institutes (Flores and Faustino 2014, 141-143).

After debating different bills, the reform aimed at centralizing the local electoral processes was passed in 2014. Two new laws emerged, both General, which means that they have jurisdiction in federal and local levels. The General Law of Electoral Institutions and Procedures (Ley General de Instituciones y Procedimientos Electorales, or LGIPE) and the General Law of Political Parties (Ley General de Partidos Políticos, or LGPP). With the LGIPE, the National Electoral Institute (Instituto Nacional Electoral, or INE) was created, which is in charge of appointing the members of the direction bodies of the local electoral institutes. Thus, the local electoral bodies were not eliminated, but its integration is now a responsibility of the INE and is no longer a prerogative of the local legislature. On the other hand, the LGPP concentrated all matters concerning political parties –with the exception of access to mass media, which remains in the LGIPE–, and homogenized the federal and local rules in the following aspects: 1) requirements to form new political parties and to keep legal recognition, 2) public funding, 3) auditing, 4) access to mass media, and 5) gender quote (parity).⁴⁵

In sum, in 2014 as part of a reform whose objective was to limit the local autonomy concerning the organization of electoral processes, the legislation on political parties was centralized. With the new general laws (LGIPE and LGPP) the states lost autonomy to dictate their own rules on political parties, and the new national electoral authority (INE) acquired the responsibility of enforcing the legislation in both federal and state levels.

⁴⁵ 1) The creation of a new political party requires a number of members representing at least 0.26 per cent of the electoral registration at the national level (for national political parties) or at the state level (for local political parties). To keep their legal recognition political parties, need to obtain at least 3 per cent of the national votes (for national political parties) or state votes (for local political parties). 2) The amount of public funding for political parties is calculated based on the number of citizens listed in the electoral register multiplied by 65 per cent of the minimum wage (since 2016 the “Measurement and Updating Unit” replaced the minimal wage). 30 per cent of the resulting amount is delivered in equal terms and 70 per cent based on the votes each party gets, in national and state elections. 3) The INE is in charge of overseeing the incomes and expenditures reported by the political parties, but it can delegate this function to the local electoral institutes in the case of resources reported at the state level. 4) the political parties receive official time from the state on radio and TV. The distribution of the time is based on the following: 30 per cent in equal terms and 70 per cent according to the electoral strength of each party. 5) Political parties have to postulate equal number of candidates of each gender for the federal and local legislatures.

VII. MOST RECENT REFORM PROPOSAL: REDUCING PUBLIC FUNDING FOR POLITICAL PARTIES

Since the 1996 reform on public funding for political parties, in Mexico these organizations receive one of the most generous amounts of state financing in the world. As a result, the political parties in this country have been able to build huge bureaucratic structures and they also have been able to genuinely compete for political power. Partly because of this, Mexico has a competitive and, consequently, a democratic party system.

However, at the same time political parties have been one of the most discredited institutions. The 2017 latino-barometer report revealed that only 9 per cent of Mexicans trust political parties, which represented the lowest support reported by this organization since 1995. In the latest report (2018), trust in political parties increased to 11 per cent, but it is still lower than the average in Latin America, which is 13 per cent.⁴⁶

Dissatisfaction with the political parties has encouraged the demand to reduce or even to eliminate the public financing they receive. In this regard, the proposal came from the civil society. In May 2012 more than 350 representatives of civil society organizations gathered in the “First Citizen Summit” and agreed to present a common agenda of reforms to the parties which ran in the elections of that year. The proposals included the reduction of public funds for political parties.⁴⁷

When the electoral process finished, the proposal was resumed in the “Pact for Mexico”, an agenda of reforms signed on December 2, 2012, by the main political parties (PRI, PAN and PRD). However, the approved reform went in the opposite direction. In 2014 the formula to calculate the total amount of public funding for political parties in the states was homologated with the one used in the federal level. As a result, the total amount increased, since most of the states used (until 2014) a formula that granted a smaller quantity of resources.⁴⁸

Yet, the idea of reducing public funding for political parties has not been discarded. On September 7 and 19, 2017, two earthquakes severely damaged a number of Mexican states.⁴⁹ These natural disasters took place when

⁴⁶ See <https://www.latinobarometro.org/lat.jsp> (last visited October 25, 2020).

⁴⁷ MAITE AZUELA, PRIMERA CUMBRE CIUDADANA PARA CONSTRUIR UN MÉXICO PACÍFICO Y JUSTO: UNA HISTORIA QUE DEBE CONTARSE (UNAM, 2013).

⁴⁸ César Astudillo, *Con la cuchara grande*, 256 VOZ Y VOTO (2014); Casar & Ugalde, *supra* note 32, at 46.

⁴⁹ The first earthquake was especially serious in the states of Chiapas and Oaxaca, and the second one in the states of Morelos, Puebla, Guerrero, Tlaxcala, Veracruz, Estado de México, and Mexico City. Together they were responsible for 464 dead victims and infrastructure loss for 48 000 million pesos (around 2 400 million dollars). *Recuento de los daños 7S y 19S: a un mes de la tragedia*, 17 NOTAS ESTRATÉGICAS, Instituto Belisario Domínguez, Senado de la República (2017).

the 2018 electoral process begun, in which more than 3400 public offices at the federal and local level would be elected, including the presidency of the republic and the federal Congress. Confronting the emergency, thousands of people took to the streets attempting to rescue the victims from the debris, and to donate, gather and deliver provisions to people in need. The rise of popular participation also had political consequences.

After the first earthquake (September, 7), it was proposed that the public funds that the political parties would receive in 2018 be used to help the victims and to rebuild the damaged infrastructure. The political parties altogether would receive 6 782 million pesos (including 79 million to independent candidates).⁵⁰ The proposal, which circulated in the first place in the social media, began asking to use 20 per cent of the public funds for political parties. The first reaction of some members of the political parties was against the proposal, claiming that using the public funds to a purpose not established in the law is illegal. However, after the proposal became a demand widely supported by the public,⁵¹ the political parties adopted the idea, even proposing the total elimination of public funds for them.⁵²

Many legislative proposals aimed at reducing public funding for political parties have been presented in congress (21 just from September 2018 to December 2019). However, there are significant disagreements among them regarding the formula and method of resource allocation,⁵³ and therefore it has not been possible to pass any bill.

The initiative presented by the Committee on Constitutional Issues in December 2019 was rejected by the plenary of the chamber of deputies.⁵⁴ However, different political parties have presented in both chambers of the federal congress new bills aimed at reducing public funding for political par-

⁵⁰ Around 339.1 million dollars (including around 3.95 million dollars to independent candidates. See, <https://www.ine.mx/actores-politicos/partidos-politicos-nacionales/financiamiento-publico/> (last visited October 25, 2020).

⁵¹ The site www.change.org declared that the proposal to use the public funds for political parties to the emergency reached the “highest traffic peak in the history of this platform”. *Partidos sin dinero: la petición más fuerte en Change.org*, MILENIO, September 22, 2017, available at: <https://www.milenio.com/estilo/partidos-dinero-peticion-fuerte-change-org> (last visited October 25, 2020).

⁵² JESUSA CERVANTES, *El PRI propone eliminar financiamiento público a partidos y a legisladores plurinominales*, PROCESO, September 25, 2017, available at: <https://www.proceso.com.mx/504872/pri-propone-eliminar-financiamiento-publico-a-partidos-a-legisladores-plurinominales> (last visited October 25, 2020).

⁵³ Patiño et al., *El financiamiento público de los partidos políticos desde una perspectiva de derechos humanos*, 5 CUADERNO DE INVESTIGACIÓN, Instituto Belisario Domínguez, Senado de la República, (2020) at 36-44.

⁵⁴ *Rechazan propuesta de reducir a la mitad el financiamiento a partidos políticos*, CÁMARA DE DIPUTADOS, December 12, 2019, available at: <http://www5.diputados.gob.mx/index.php/esl/Comunicacion/Agencia-de-Noticias/2019/Diciembre/12/3902-Rechazan-propuesta-para-reducir-a-la-mitad-el-financiamiento-a-partidos-politicos> (last visited October 25, 2020).

ties.⁵⁵ Therefore, although this proposal to reduce public funding for political parties has not achieved the necessary consensus to be approved, it is still supported by some political parties, and for that reason it may be successfully passed in the future.

VIII. CONCLUSION

In this article I conducted an analysis of the main reforms in the history of the legal regulation of political parties in Mexico.

I argue that: 1) In 1946 the requirements to form new political parties were drastically increased with the purpose of avoiding the electoral participation of political groups that were a threat to the hegemony of the PRI. 2) In 1977 the rules for the legal recognition of political parties were loosened in order to incorporate the extralegal opposition in the institutional system. 3) In 1996 the public funding for political parties was drastically increased with the objective of protecting the PRI in the case of losing the government and becoming an opposition political party. 4) In 2007 the judicialization of the intra-partisan processes were regulated aiming to harmonize the constitution with the electoral court's jurisprudence and to establish procedures and conditions. 5) In 2014, as part of a wider reform whose intention was to centralize many aspects of the electoral processes, the rules on political parties at federal and local levels were homologized. This reform ruled out the different logics (federal and locals) in order to have only one logic in aspects like the recognition of new political parties, public funding or gender quota. 6) Finally, the most recent reform proposal centers on the reduction of public funding for political parties. The discredit of these organizations and the exorbitant state financing they receive sustain this idea.

Changes regarding the legislation on political parties are, therefore, closely related to changes in the political system. The first three reforms correspond to the era of a hegemonic party system: the 1946 reform was approved in

⁵⁵ See *Morena presenta nueva iniciativa para reducir el financiamiento de partidos*, CÁMARA DE DIPUTADOS, April 14, 2020, available at: <http://www5.diputados.gob.mx/index.php/esl/Comunicacion/Agencia-de-Noticias/2020/Abril/14/4845-Morena-presenta-nueva-iniciativa-para-reducir-el-financiamiento-de-partidos#:~:text=%E2%80%9CMorena%20plantea%20reducir%20el%20monto,pesos%20en%202017%E2%80%9D%2C%20se%20%C3%B1al%C3%B3> (last visited October 25, 2020); *Presenta Fernández Balboa iniciativa para reducir financiamiento a partidos políticos*, CÁMARA DE SENADORES, February 09, 2021, available at: <http://comunicacion.senado.gob.mx/index.php/informacion/boletines/50215-presenta-fernandez-balboa-iniciativa-para-reducir-financiamiento-a-partidos-politicos.html> (last visited March 20, 2021); *Iniciativa con proyecto de decreto por el que se reforma la base II del artículo 41 de la Constitución Política de los Estados Unidos Mexicanos, en materia de reducción gradual del financiamiento público de los partidos políticos y un equilibrio más equitativo en su distribución, a cargo de la senadora Claudia Ruiz Massieu Salinas, del grupo parlamentario del PRI*, available at: https://infosen.senado.gob.mx/sgsp/gaceta/64/3/2020-12-03-1/assets/documentos/Inic_PRI_Sen_Massieu_art_41_CPEUM.pdf (last visited March 20, 2021).

its beginning; the 1977 reform was passed during its liberalization; and the 1996 reform was approved in its decay. On the other hand, the next reforms correspond to an era where the political plurality is mirrored in the legislative changes. The 2007 reform originated from a judicial decision; the 2014 reform was triggered by opposition political parties; and the last initiative emerged first from the civil society.

Explaining the origin of the reforms constitutes an important step towards understanding the institutional framework of political parties. However, there are important topics which remain neglected. Future research should aim at revealing not only the reasons that explain the approval of the reforms, but also their consequences. In addition, it is necessary to conduct research about the working of the regulation of political parties at the subnational level. Mexico is a federal country and the partisan dynamic in the state level could vary substantially. Finally, it would be worth doing comparative research at regional or global levels, since it would reveal the generalities and particularities of the Mexican case.

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