The Political Rights of Mexican Migrants: Opportunities and Challenges*

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I. Introduction

Decades-long political activism by Mexican migrants living in the United States has won a victory in the longstanding battle to permit this social group to participate in elections in the country of origin. Mexican migrants will be eligible to vote in the next presidential election, on July 2, 2006. The Federal Electoral Institute (Instituto Federal Electoral, IFE) recently announced that the amendment passed by the Mexican Congress on June 28, 2005, will immediately benefit Mexicans living abroad who have voter registration cards: 4,163,655 Mexicans, according to a May 2005 estimate (IFE: May 2005).

From our point of view, the amendment to implement the vote by Mexicans outside the country is limited, falling short of recent migrant demands for the full enjoyment of their political rights. Nevertheless, concerning migration, this first step is the most significant decision that the government of Mexico has taken. The amendment has the potential to initiate a series of institutional changes redefining the relationship between our migrants and political system in their birth nation. It grants them genuine political power that they have never had and gives life to a new citizenry, as well as new forms of civic participation that may be more consistent with the historical reality through which we are living. That is why the electoral reform is a reason for celebration for those of us who are migrants. For those of us who are state lawmakers, it is an event that deserves our most careful consideration, because we can learn from it about the strengths and weaknesses of an amendment that is limited but that opens the way for advancing legislative initiatives in states like Michoacán.

II. Origin and Historical Significance of the Claim for Migrant Voting Rights

This amendment is historically significant because it begins a process of political inclusion for a large sector of society that has been marginalized from Mexico's political process for many years. This group has been unable to formally influence decision-making, whether in matters relating to their status as migrants, the situation in the communities of origin, or the major changes occurring in Mexico. This has happened even though the vast majority of Mexicans who emigrated, and continue emigrating, to the United States have retained their Mexican citizenship, which gives them the right, and the constitutional obligation, to vote in elections.

The desire of Mexicans in the United States to influence Mexico's political process is as old as the presence of that Mexican community north of the Río Grande. Over the years, participation has manifested in various ways, including the activities of liberals, like Benito Juárez and Melchor Ocampo, who from 1853 to 1855, were in self-exile in New Orleans and Brownsville, respectively, after the conservatives temporarily defeated them. As exiles, they maintained connections with their allies back home, and their stay in the United States gave them information about another political system and about the U.S. economy, at a moment when it was industrializing and growing rapidly. This served only to increase their desire to modernize Mexico. Years later, during the repressive regime of Porfirio Díaz, both the Flores Magón brothers as well as Francisco I. Madero, himself, sought refuge and support for their revolutionary movements in Mexican communities in Texas, California, and other states.

The demand for the right to vote from outside the country also has a long history. Jorge Durand has found data that indicate that as early as 1917, when Venustiano Carranza was elected president of Mexico, groups of Mexicans in the United States

expressed their desire to participate in the presidential election. According to Durand, a concrete example is the Kansas City newspaper, *El Cosmopolita*, which organized on U.S. territory what today we would call a symbolic election (Durand 2004, 30).

Arturo Santamaría has also found evidence of the political claim's long history. This researcher has documented that Mexicans living in places like Los Angeles demanded that they be allowed to exercise their political rights from abroad. In 1929, they organized in support of the presidential candidacy of José Vasconcelos. The Vasconcelos supporters wrote "The California Delegation's Platform," about issues relating to Mexico and the United States, which reflected the "binationality of the *mexicanos de afuera*" (Mexicans living outside Mexico) (Santamaría 2004, 33-34).

Scholarly work has not duly monitored the demand for voter rights by Mexicans abroad after the Vasconcelos movement. But there is no doubt that during the 1988 election, the claim resurfaced and began to spread. It was incorporated into the petitions and political programs of various groups, particularly those sympathetic to Cuauhtémoc Cárdenas, the dissident candidate (Martínez Saldaña 1993). From 1988 until 2005, the most interesting and intense chapter unfolded in the history of migrant political work in support of participation in Mexican elections. The effort coincided with other changes that were transforming and democratizing Mexico. These included the approval of substantive electoral reforms; the eventual creation of a Federal Electoral Institute, autonomous from the executive branch; the appearance and legalization of opposition parties; the breakdown of the previously unbeatable State party; the decay of the presidentialist regime; and the increasingly important presence of an active and organized civil society. In this new era, the migrants have been part of the change that has occurred

in Mexico. From abroad, they have brought their demands to their country of origin, transmitting them in a variety of ways, including letters to officials, symbolic elections, protests, consulate takeovers, organizing forums and conferences, media pieces, and academic writings. This has also been achieved through relationships with Mexico's various political forces, particularly, today's three principal political parties: the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI), the National Action Party (Partido Acción Nacional, PAN), and the Party of the Democratic Revolution (Partido de la Revolución Democrática, PRD).

The migrant population's efforts are visible in, among other things, the changes that have occurred in the main parties' statutes and political platforms. These have gradually come to include migration issues and even before an amendment to implement migrant voting was passed, the question of representation for Mexicans living abroad on their respective national councils and on the candidate lists for electoral seats (Martínez Saldaña 2003).

In this struggle, the first major qualitative leap forward was the inclusion of the migrant vote in the electoral reform package that the government and the political parties began negotiating in 1994. It was passed in 1996, becoming law in the Federal Code on Electoral Institutions and Procedures (Código Federal de Instituciones y Procedimientos Electorales, COFIPE). The PRD put this proposal on the negotiating table with the goal of realizing constitutional and secondary reforms to enable Mexicans living abroad to vote in the 2000 presidential election. To that end, Constitutional Article 36 was amended, eliminating residence requirements for voters. An eighth transitional article was added to the COFIPE, establishing that the IFE would create a commission of

experts to carry out the needed technical studies, while the Government Secretariat (Secretaría de Gobernación) would take charge of creating new national-level electoral rolls (the Registro Nacional Ciudadano) and issuing new voter-registration identity cards (IFE 1996, 301-2). By the beginning of 1998, the requirements of the COFIPE eighth transitional article had not been met.

By February 1998, the lack of progress on the tasks assigned to these institutions led the migrants involved in the issue to launch a new and intense binational lobbying campaign. During the next year and a half, many migrant delegations formed and went to Mexico to meet with federal lawmakers, party leaders, governors, the Mexican president, heads of secretariats, IFE advisors, the media, and community leaders. Their activities achieved some notable results, including a petition that the IFE create the commission of experts, discussed above, and that Congress reactivate the topic, through meetings of commissions and bills to implement the migrant vote. The IFE commission delivered its report in November 1998. It found that the migrant vote was technically feasible; approximately 10,787,000 Mexicans living abroad were eligible to vote, which represented 15% of Mexico's total electorate; and over thirty methods for casting the ballot existed, of which the most expensive would cost about US\$350 million (IFE 1998).

In the Mexican Congress, legislative work resulted in six bills between April 1998 and June 2001. However, during that time conditions were not right since opposition from PRI lawmakers blocked the review or passage of these initiatives in the two chambers of congress. Jorge Durand (2004) has discussed and refuted the main arguments used by those opposed to the vote, prominent among them the members of the PRI, the federal executive, and intellectuals connected to both during this historic period.

The government and the PRI party's rejection of migrant participation in the 2000 presidential election delayed—but did not eliminate—civil society's call for the vote by those living outside the country.

The defeat of the PRI in the presidential election and the arrival of Vicente Fox in Los Pinos (the Mexican presidential residence) changed the outlook. Ever since his governorship in Guanajuato, the new president had publicly expressed his support for the migrants' claims, and he promised to advance it from Los Pinos. The PRI, for its part, changed its position and in its party documents, it came out in support of giving the vote to Mexicans living abroad. However, until the end of 2004, no political force had made migrant voting a legislative priority. This is reflected in the fact that by December 2004, there were approximately sixteen legislative bills to implement migrant voting, but, once again, because of the lack of support and the absence of legislative consensus, none were reviewed.

With a resolution on migrant voting delayed, the social movement grew and spread. From all over the United States and other countries came support for the migrant vote. And the call for the vote intensified, with more and more people coming out in favor of exercising not only the vote in presidential elections but other political rights, too, including representation in Congress and the state-level legislatures, and even in gubernatorial elections. Some migrants groups demanded all or nothing. Others took a more graduated stance, but all wanted to be formally integrated into the Mexican electoral process. All were also taking part in the establishment and strengthening of political ties between Mexico and its citizen living abroad. In other words, even without achieving the vote, the migrant activists were already transforming Mexico.

III. The Constitutional Reform

By June 2005, various processes converged making it possible to pass an amendment implementing the vote for Mexicans living abroad. During 2004, the migrant activists had kept up an intense lobby. For his part, President Fox finally began to give priority to the issue, and he introduced a bill to the congressional Permanent Commission to regularize the vote of Mexicans abroad (the Iniciativa de Ley para Regular el Voto de los Mexicanos en el Extranjero). This contributed to creating a more propitious environment within the legislative branch. Another key event came on December 14, when the Joint Commission on Governance, Borders, and Migrant Issues presented its ruling of the Decree Project on the Reform, Modification, and Addition of Various Articles and a Ninth Book of the Federal Code on Institutions and Electoral Procedures to the Chamber of Deputies. The PRI deputy, Laura Elena Martínez Rivera had introduced the bill a month before, and it constituted an ambitious reform:

We present this bill to make it a reality that Mexicans living abroad can cast their ballots just as Mexicans at home cast their ballots. We are proposing the establishment of an Instituto Federal Electoral structure outside of Mexico, including the voter-registration process, balloting in voting booths, and the ability to campaign abroad. The institution of the vote will be strengthened by guaranteeing a broad, responsible electoral structure outside the country; legal support to ensure the fairness of the contest; universal and direct secret balloting; and the right of the voter to get the best political deal. This initiative will lead to a gradual process whereby Mexicans living abroad will have full enjoyment of their rights. Undoubtedly, this will let us advance, on a formal basis, supported by the legal certainty that gives us our characteristic republican consciousness (Comisiones Unidas 2004).

The bill generated great controversy. Some voices insisted that it was part of a PRI strategy to ensure the failure of the migrant vote, based on both the high cost entailed in reproducing the electoral structure abroad and for allowing campaigning beyond the nation's boundaries. On February 22, the Chamber of Deputies passed the bill and sent it

to the Senate. This reactivated the opinions found among the main actors, including the IFE, the migrants, the PRI senators who opposed what the members of their own party had approved in the lower chamber, and the Foreign Relations Secretariat (Secretaría de Relaciones Exteriores).

On April 27, by a vote of 91 to 2, the Senate rejected the terms of the bill that the lower house had sent it. The Senate accepted migrant voting only by mail; it rejected the idea of campaigning abroad; and it declined to permit voter registration beyond Mexico's borders. The decision of the Senate again put endangered the possibility that migrants could vote in 2006. Repeated declarations by PRI deputies made it clear they were unwilling to accept the changes made in the upper chamber. Instead, when returning the bill to the Chamber of Deputes, the senators, particularly those in the PRI, made it clear they would not accept any changes whatsoever to the version they had passed. Facing this difficult situation, the migrant lobby, by helping to forge an alliance among legislators from the PRD, PAN, Partido del Trabajo, and a part of the PRI, again proved itself to be a decisive player. By Monday, June 27, there were enough votes to be able to pass the amendment in the Chamber of Deputies. Finding themselves cornered, the leaders of the PRI faction opted for joining the majority, and in that way, the amendment was finally, and almost unanimously, approved.

A prominent activist, a member of the Coalition for the Political Rights of Mexicans Abroad (Coalición por los Derechos Políticos de los Mexicanos en el Extranjero, CDPME), summarized eloquently what had happened in this last leg of the struggle over migrant voting, and the significance of the support for the amendment passed by the Senate:

It fell to us to advance the arduous legislative process on the vote, although, at times, it moved forward only by millimeters. We said, several times, that suffrage outside the country would meet defeat simply by legislators and leaders deciding to do nothing. To stand still equated to moving backward or being mired down. Thus, we pushed the president's initiative, and later, that of the PRD, and then that of the PRI. When that last one was imposed, we, along with the PAN, the PRD, and other congressional groups, decided to take it forward despite the serious shortcomings that we all saw in it. Similarly, when the Senate's Review Commissions rejected the modes of balloting and imposed voting by mail without a voter-registration process abroad, we found ourselves again needing to accept it. This was despite the efforts that we had made, along with our friends in the senate from the PRD, PRI, and PAN, to keep the ballot box and at least a pilot project on voter registration cards. Along with lawmakers from the PRD, some from the PAN and from other parties, we had to drop the modification that the PRD had proposed in the Senate for a mailbox in consulates and embassies where the ballot could be deposited in front of IFE officials. We had supported this from time to time, but its adoption in the chamber of deputies, while long overdue, would have extremely risky because if the Senate rejected it, we would lose the possibility of voting in 2006.

Making these decisions was far from easy. In doing so, we lost the battle to run election campaigns beyond Mexico's borders, and above all, the battle for voter registration, which is so important to the Mexican community living abroad. These were serious and lamentable defeats. However, by achieving the struggle's principal objective, we won the war: In 2006, a process begins to include us in the electoral system and our democracy. That was the non-negotiable demand, despite requests that we wait until 2012 in order to then achieve all that we were seeking. We would never accept that, even if it came from well-intentioned allies and friends in the legislature. To do so would have been the equivalent of giving up for dead, for six or more years, the possibility of raising civic and political consciousness within our community abroad. It would retard the community's organizing to exercise its suffrage; the growth of its power and participation in Mexico's future; its relationships with the United States and other countries where we reside; and its ability to position itself more favorably regarding the defense of human and labor rights. We would arrive at the end of this stage of the struggle exhausted, wounded, and fuming, but never, in any sense, dead and defeated. We managed to tie the score in the second half; we went into overtime, and finally into the penalty phase. And with a last-minute, big-scoring goal, we won our basic victory: the recognition of suffrage for four million Mexican men and women living abroad!! (Rodríguez 2005, 5-6)

IV. Opportunities and Challenges

The Mexican Congress's almost unanimous passage of this amendment last June

will make our democracy more inclusive and representative. It will encourage civic

participation, and it will redefine the relationship between migrants and the government by giving genuine political power to a segment of society that previously had been excluded so that it can now influence decision-making and ensure that candidates, parties, and officials are accountable to all Mexicans.

Another very important achievement of the amendment's passage is that it will motivate migrants to continue participating in politics, a requirement for any democratic regime. The reform is also a historic triumph, in that the passage of the bill was unthinkable without the active participation of thousands of migrants over the past two decades. Many migrants have played extremely important roles in this social struggle, which is as just as any other in our country's history.

Another benefit of the federal reform is that it opens the way for state-level reforms, as in Michoacán, Jalisco, and other states that currently are considering such amendments, thus contributing to a broader and deeper democratization.

Still another important benefit of the reform is that it has promoted stronger connections among the migrant associations that have been involved in this struggle. As the campaign for the amendment's passage became protracted, it generated extensive communications among members of electronic networks that shared information, resources, and activity reports. Above all, they gave each other encouragement and created a social base for this sui generis social movement in contemporary Mexican history. Having achieved the vote, it is now apparent that the migrant organizations have turned their energy to getting out information and the forms that the IFE has prepared so that the migrants can request that their names be added to the special electoral rolls for

those living abroad. This gargantuan task cannot be left solely to the IFE and the Foreign Relations Secretariat.

Nevertheless, the amendment and its actual implementation also lead us to reflect on some of its limitations, so that in forums, such as this one, we can find adequate answers, both for the current electoral process as well as for the development of reforms at the state level.

In the first place, it is necessary to report on the universe of voters that are beneficiaries of the amendment passed last June. The 1998 report of the IFE's Commission of Experts, which was established to study the feasibility of migrant voting, stated that in 2000, 10,787,000 Mexicans living abroad would be eligible to vote, or 15% of the national electorate. However, the current reform, approved seven years after that major study, only benefits migrants who have a voter registration card. The IFE has issued figures in recent weeks that indicate that currently there are 4,163,655 Mexican registered voters living abroad, including 485,090 from Michoacán, the largest group among Mexican migrants. Consequently, the great majority of migrants will not be able to vote from abroad in the 2006 presidential election.

When it comes to migrants without voter registration cards being added to the electoral rolls, the current amendment does not allow for that. From our point of view, this was a grave error on the part of our federal lawmakers since it has caused confusion and discontent among people who want to vote but who do not have a voter registration card. It must be pointed out that this particularly affects the subgroup of undocumented migrants, who can hardly be expected to risk crossing the border just to obtain that credential.

A third point has to do with the modality of voting. The current amendment only allows for voting by mail, a reliable method and one approved by the Commission of Experts in 1998. Voting by mail has several positive features, including low cost, guaranteed secrecy, and the ability to let migrants vote, regardless of the number of nationals who live in a given place elsewhere in the world. However, the Commission's 1998 study listed more than thirty ways for migrants to cast a ballot. It would be worth considering the feasibility of other methods for later elections, which could consider future technological advances that would make it possible to vote via the Internet or by telephone.

No less significant is the matter of the democratic scope of the reform. For years, Mexican migrants have called for and demanded the ability to exercise all their political rights as Mexican citizens, which necessarily includes the ability to vote and to run as a candidate. The current amendment only allows for voting in the presidential election, and it does not take up matters such as the election of migrants to the Mexican Congress. The current amendment can only be seen as a first step toward gradually extending the political rights of the citizens who live outside of Mexico.

A fifth point is the time factor, an element that decisively influences the outcome of the process beyond Mexico's borders. We must remember that it has been twenty years since the migrants intensified their demands for inclusion in the country's electoral processes. In 1996, modifications to the COFIPE removed constitutional obstacles and residence requirements so that migrants could vote. However, the amendment to grant suffrage to the migrants was not approved until the end of June 2005, only a few days before the constitutional time limit for the 2006 election ran out. That seriously restricted

the tasks that the IFE could accomplish, including information campaigns, distributing the forms that people living outside Mexico needed it they wanted their names added to the electoral rolls, and signing accords with other countries to facilitate the electoral tasks, as well as with the non-government organizations that were interested in encouraging civic participation among migrants. Consequently, Mexicans living abroad will only be able to request their right to vote during a short period, October 1 to January 15. Taking into account that this is a process that is occurring for the first time, we are working against the clock to contact millions of Mexicans to get information out to them about the electoral process, educate them, see to it that the forms that must be filled out reach them, among other tasks. It is not the best scenario, but for now, we have no other option.

We are certain that, once again, the migrants and their associations will play a decisive role in ensuring the success of this electoral process beyond Mexico's borders. We trust the migrants and know that they will do everything on their part to strengthen our democracy.

V. The Challenge for Michoacán

In our state of Michoacán, we face a huge challenge: reconciling our reality as a migrant society par excellence with our electoral processes and the democracy that we are strengthening.

As we all know, for over a century, Michoacán has been one of the primary places of origin for Mexicans migrating, temporarily or permanently, to the United States. This migratory tradition has continued for many years. Various sources have noted that currently, there are between 1.5 million and 2.5 million people now living in the United

States who were born in Michoacán. International migration studies indicate that macroand micro-structural factors—including NAFTA, the aging of the U.S. population, and the U.S. labor market's continuing demand for Mexican manpower, among other things—will lead to continuing migration to the north for at least the next two decades.

With an economy and political life that is impoverished because of the absence of its women and men in the prime of their lives, Michoacán must do everything possible to strengthen its relationship with its migrants and to fortify democracy in our state.

Given this scenario, in 2003, our current governor, Lázaro Cárdenas Batel, sent a bill to the 69th State Legislature to reform and expand articles in Michoacán's Electoral Code (Iniciativa de Reformas y Adiciones de Diversos Artículos del Código Electoral del Estado de Michoacán). The bill aims to give citizens of Michoacán who are living abroad the right to vote in gubernatorial elections as well as in those for deputies chosen in proportional representation elections. Despite the hard work by Michoacán migrants to get the bill passed, the 69th Legislature ended its term in January 2005 without having ruled on the governor's initiative.

It fell to us to go to the current legislature with a commitment to promote this reform, in order to ensure that in the 2007 state-level elections, the citizens of Michoacán who live abroad can exercise their political rights. Fortunately, the political environment has changed, and now all the legislative factions have expressed a desire to pass the reform before 2007. Consequently, the matter at hand is not whether there will be a reform, but rather when and what kind of reform may be passed in Michoacán. Clearly, this is no small matter, since it is part of what unnecessarily prolonged the approval, at the national level, of migrant voting in the upcoming presidential election. However, it

can be guaranteed that the environment in our state legislature is right for the passage of this reform, for which our migrants have long waited.

At the beginning of the year, the members of the Commission on Migrant Issues agreed to wait to see what sort of reform would be passed nationally before working seriously at the state level. Now, we are seeing the strengths and weaknesses of the national reform and the process that is unfolding. Without a doubt, all of this is indispensable if we are to have what is needed to legislate on this issue.

VI. Conclusion

We are at a point that has no comparison in Mexican history, or more specifically, in the history of Mexican migration to the United States. We do not know how many migrants will ultimately process the paperwork to add their names to the IFE's electoral rolls, but, surely, the it will not be anywhere near the number of people who are eligible. Even so, it is possible to guarantee that a qualitative leap forward has occurred in the redefinition of the relationship between Mexican migrants and their country of origin. Let us remember that the major changes in electoral participation and representation do not occur immediately after an important piece of legislation has been passed. There are still many legal obstacles to get clear of, over and above the lack of information and training, mistrust and apathy, and the lack of will on the part of authorities capable of influencing the electoral processes.

An example to consider is the U.S. Voting Rights Act of 1965, which arose out of the civil rights movement in the United States. Before its passage, the electoral participation of racial minorities, particularly African Americans and Mexican Americans, was extremely low, and the representation in terms of elected officeholders

was almost nonexistent. Nevertheless, by 1993, thanks to the efforts of innumerable organizations, there were 8,015 elected African American officeholders and 5,170 of Latino origin (McClain and Stewart 1995, 89).

I do not find it unthinkable that in coming years, we may see a change of this magnitude in the political behavior of migrants, in their relations with both Mexico and the United States.

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