

**AGREEMENT OF THE GENERAL COUNCIL OF THE NATIONAL ELECTORAL INSTITUTE, ESTABLISHING THE BASES AND CRITERIA WITH WHICH IT WILL INVITE, ATTEND AND INFORM FOREIGN VISITORS INTERESTED IN ATTENDING THE 2020-2021 MEXICAN FEDERAL AND CONCURRENT LOCAL ELECTORAL PROCESSES**

**GLOSSARY**

<b>General Council</b>	General Council of the National Electoral Institute
<b>Constitution</b>	Political Constitution of the United Mexican States
<b>Institute</b>	National Electoral Institute
<b>LGIPE (Acronym in Spanish)</b>	General Law on Electoral Institutions and Procedures
<b>ER</b>	Election Regulations of the National Electoral Institute
<b>Internal Regulations</b>	Internal Regulations of the National Electoral Institute

**BACKGROUND INFORMATION**

- I. On February 10, 2014, the Official Journal of the Federation issued the Decree that reform, add and revoke several provisions of the Political Constitution of the United Mexican States on political-electoral matters, including the change of name from Federal Electoral Institute to National Electoral Institute.
- II. On May 23, 2014, the Decree that issues the General Law for Electoral Institutions and Procedures was published in the Official Journal of the Federation. Several reforms and additions to rulings of the General Law for the System for Challenges in Electoral Matters of the Organic Law of the Judiciary Power of the Federation and the Federal Law of Public Officers' Administrative Responsibilities were also published.
- III. On September 7, 2016, the Agreement INE/CG661/2016 stated the approval of the Election Regulations of the National Electoral Institute.

**IN ACCORDANCE WITH**

1. In accordance with article 41, third paragraph, Base V, paragraph A of the Constitution, the organization of federal elections is a state function that is carried out through an autonomous public body called the National Electoral Institute, which has its own legal personality and assets, and whose membership includes the legislative branch of the Union, national political parties and citizens, under the terms established by law.
2. Article 4, paragraph 2 of the LGIPE states that the federal, state and municipal authorities shall provide the necessary collaboration for the adequate performance

of the functions of the electoral authorities established by the Political Constitution of the United Mexican States and the Law itself.

3. Article 31, paragraph 1 of the LGIPE states that the National Electoral Institute is an authority in electoral matters, independent in its decisions and operation, and professional in its performance.
4. Article 35 of LGIPE, establishes that the General Council is the superior management body, responsible for monitoring compliance with constitutional and legal provisions on electoral matters, as well as ensuring that the principles of certainty, legality, independence, impartiality, maximum publicity and objectivity guide all activities of the Institute.
5. Article 44, paragraph 1, subparagraph jj) of the above-mentioned regulation provides that the General Council has among its powers that of issuing the necessary resolutions to make effective its powers, both in the LGIPE and in other applicable legislation.
6. The General Council of the National Electoral Institute, on the occasion of federal electoral processes, is responsible for agreeing on the bases and criteria in which it will invite, attend and inform foreign visitors who come to learn about the modalities of its development in any of its stages, in accordance with Article 44, paragraph 2 of the LGIPE.
7. In accordance with Article 30, paragraph 1, subparagraph A of the Constitution, all persons born in national territory are Mexicans by birth, including those born abroad, but who are the children of Mexican parents born in national territory; those born abroad, but who are the children of Mexican parents by naturalization; as well as those born on board Mexican vessels or aircraft, whether warships or merchant ships.
8. Article 65, paragraph 1, subparagraph d) of the Internal Regulations establishes that it is the responsibility of the International Affairs Unit (CAI) to collaborate in the formulation of the criteria and guidelines that the General Council should determine for the registration and care of foreign visitors interested in the development of the Federal Electoral Process.
9. The LGIPE, in its article 82, paragraph 2, establishes that in the processes where federal and local elections are held concurrently in an entity, the General Council of the National Electoral Institute must install a single-box board for both types of election.
10. In accordance with Article 214, paragraph 2, of the ER, it states that, in the case of concurrent elections, the accreditation of foreign visitors will be the responsibility of the National Electoral Institute, so local public bodies will not be required to issue any convocation or additional accreditation.

11. Article 215, paragraph 1, of the ER states that the general coordination and cooperation agreements to be signed by the National Electoral Institute with local public electoral bodies shall establish the mechanisms for cooperation in the field of foreign visitors.
12. In accordance with Article 216 of the ER, a foreign visitor is any individual of a nationality other than Mexican, recognized as such in accordance with the provisions of Article 33 of the Federal Constitution, interested in knowing about federal and local electoral processes, and who has been duly accredited for that purpose by the electoral authority responsible for the organization of the elections in which he or she participates.
13. Article 219, paragraph 1, of the ER establishes that, no later than the month in which the electoral process begins, the competent electoral administrative authority shall approve and publish a Public Notice to the international community interested in knowing about the process, so that those who wish to do so may apply for accreditation as foreign visitors in good time.
14. The same article, in paragraph 2, indicates that the minimum elements that must be included in the Public Notice are those to whom the invitation is addressed; the deadline for submitting the accreditation application to the president of the respective General Council or Higher Management Body, which must be accompanied by a copy of the main pages of the valid passport and a clear and recent photograph of the person concerned, as well as the mechanisms for submitting the documentation; the body responsible for receiving the documentation; the service scheme, resolution and notification of the same, with regard to accreditation applications; activities that may be carried out by foreign visitors, and the obligations of the accredited persons.
15. The aforementioned Article, paragraph 3, provides that the application form for accreditation as a foreign visitor, identified as Annex 7 of the ER, shall be available to interested persons at the central offices of the Institute and the relevant OPL; at the offices of the CAI of the Institute; at the thirty-two local councils and on the website of the Institute and the OPL. Likewise, the Institute will request the Ministry of Foreign Affairs that this format be made available to those interested in the diplomatic and consular representations of Mexico abroad.
16. The above-mentioned Public Notice shall be published in the Official Journal of the Federation or in the equivalent communication media in the states, and shall be disseminated both on the Institute's website and on that of the corresponding local public body, in its deconcentrated offices, by electronic means and other means deemed appropriate, in accordance with the provisions of Article 220, paragraph 1, of the ER.
17. Article 221, paragraph 1 of the ER establishes that the International Affairs Unit of the National Electoral Institute shall be the body responsible for hearing and

deciding on all applications for accreditation received, within the time limits and terms established in the Call itself.

18. In paragraph 2 of the above-mentioned article, it mandates the Institute's International Affairs Unit to present at each regular session of the General Council a report on the progress made in meeting the requests for accreditation received, as well as on those activities related to the care of foreign visitors.
19. The National Electoral Institute appreciates in full the interest of the representatives of various foreign institutions and agencies to know and be informed in detail and opportunity about the work related to the preparation, organization and conduct of the Federal Electoral Process 2020 - 2021, as well as the characteristics of the 32 concurrent local elections.
20. Through the Attention and Information for foreign visitors Program of, the Institute wishes to offer all interested foreigners the facilities and information required for an objective and integral knowledge and study of the diverse aspects concerning the Mexican electoral regime in general, the Federal Electoral Process 2020-2021 in particular, as well as the 32 concurrent local elections.
21. It is in the Institute's interest that accredited foreign visitors can learn, first hand, the basic documents, internal selection processes and the candidacies nominated by the political parties and coalitions, as well as the participation, where appropriate, of independent candidates in these elections; as an integral part of the Federal Electoral Process 2020-2021.
22. In view of a principle of reciprocity and courtesy with its foreign counterparts and with international institutions and organizations in the field with which it has established cooperation and exchange links, the Institute wishes, on this occasion, to extend a cordial invitation to them for coming to our country to know and be informed about the Federal Electoral Process and the concurrent local electoral processes 2020-2021 as invited foreign visitors.
23. In order to provide the greatest certainty and security to the activities of foreign visitors who come to Mexico to learn about and be informed about the Federal Electoral Process and the concurrent local electoral processes 2020-2021, it is appropriate to establish the bases and criteria that specify and facilitate their activities.

Building on the aforesaid considerations, the General Council of the National Electoral Institute issues the following

### **AGREEMENT**

**FIRST:** The bases and criteria with which foreign visitors will be invited, attended and

informed about the modalities of the development of the 2020-2021 Mexican Federal and the concurrent local electoral processes, are established. They include the federal elections and the elections in the 32 entities that will be held coincidentally, in any of their stages, as well as the Public Notice and Accreditation Application Form as annexes of this Agreement.

## **BASES**

### First basis

1. For the purposes of this agreement, a foreign visitor is any person with citizenship and nationality other than Mexican, recognized as such by the Political Constitution of the United Mexican States; and interested in knowing about the Federal Electoral Process and the concurrent local electoral processes 2020-2021, and who has been duly accredited for that purpose by the National Electoral Institute, through the International Affairs Unit, in accordance with these rules and criteria.

### Second basis

1. Once this agreement is approved, and attached to it, the National Electoral Institute will issue a Public Notice to the international community interested in knowing about the Federal Electoral Process and the concurrent local electoral processes 2020-2021, for those who wish to do so, can arrange their accreditation as foreign visitors in a timely manner.
2. The Public Notice will be published, in the Official Journal of the Federation, in the equivalent media gazette in the 32 states celebrating concurrent elections with the federal electoral process, and in the Institute's website, as well as in the websites of each of the 32 local electoral management bodies with concurring elections and any other means deemed pertinent.
3. The Official Announcement will be addressed to all foreign people interested in the 2020-2021 Electoral Process and concurrent local elections, amongst them, representatives of:
  - A. Electoral authorities from other countries.
  - B. International organizations.
  - C. Continental or regional organizations.
  - D. Political parties and organizations from other countries.
  - E. Legislative bodies from other countries.
  - F. Governments of other countries
  - G. Higher education, research and academic institutions from other countries.
  - H. International organizations specialized in electoral cooperation or assistance activities.

- I. Foreign private organizations or non-governmental organizations whose activities specialize or are related to political and electoral issues or to the defence and promotion of human rights.
4. The National Electoral Institute will ask for the support of the Ministry of Foreign Affairs to disseminate the Official Announcement mentioned in paragraph 1 of this second basis internationally.
5. National political parties and national political groups, as well as electoral alliances, independent candidates, citizen initiative instances, domestic observation organizations, and all Mexican civil institutions and associations specialized or interested in the matter, will be able to disseminate the Public Notice and invite foreign citizens fulfilling the requirements established in this Agreement to apply to be accredited as foreign visitors.
6. According to prevailing international agreements and practices, as well as international technical cooperation agreements previously signed by the Institute, the President of the General Council can invite the heads of foreign electoral authorities, as well as representatives of international organizations with whom the Institute has established cooperation links, to apply for accreditation as *foreign visitors*. The President can also make the necessary arrangements in order to offer them a specific program of activities.

### Third basis

1. Foreign citizens will have a period of time that ranges from the moment of the formal beginning of the 2020-2021 Federal Electoral Process until May 26, 2021 to send the President Councilor of the General Council of the National Electoral Institute, through the International Affairs Unit, their Accreditation Application Form, approved as annex, along with the documents mentioned in the Fourth basis of the present Agreement.
2. For such purpose, interested foreigners will fill in the Accreditation Application Form enclosed with the Public Notice, which will be available at the headquarters of the Institute, the offices of the 32 local electoral management bodies celebrating concurrent elections, the 32 local councils' offices of the Institute, and at the websites of the National Electoral Institute and of the 32 local EMBs with concurrent local elections. Moreover, the Institute will request the Ministry of Foreign Affairs to have this Accreditation Application Form available at Mexican embassies and consulates around the world.

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

### Fourth basis

1. In order to become accredited as *foreign visitor* by the National Electoral Institute to

the 2020-2021 Electoral Process, applicants must meet the following requirements:

- A. To address and submit to the Presidency of the General Council, thru the International Affairs Unit, the individual Accreditation Application Form filled-in, along with a copy of the main page of the passport and a clear and current photograph. The documents may be delivered personally, via post or courier, or via email, as established in the Public Notice and the Application form.
- B. To pursue non-lucrative purposes with the rights granted by the accreditation.

#### Fifth basis

1. The International Affairs Unit shall know and resolve, within 3 working days following their submission, all requests for accreditation received in due time and form, informing the General Council of the Institute, as well as the 32 public electoral bodies, in a timely manner.
2. In the event that incomplete documentation is submitted, the International Affairs Unit's staff, within 24 working hours of receipt, inform the person concerned so that, if he or she so wishes, he or she may, within 24 hours of such communication, submit the documentation omitted, as provided for in paragraph 4 of this Base.
3. The deadline for submitting the documentation to be accredited as a foreign visitor to the National Electoral Institute, specifically to the International Affairs Unit, shall be May 26, 2021. After that date, no documentation will be accepted, except from those interested who send complementary documentation, and based on the terms indicated in the previous paragraph.
4. Any application submitted by an interested person who is considered to be Mexican under the Political Constitution of the United Mexican States, or who has not submitted complete documentation, as established in the previous paragraph, shall be rejected.
5. The International Affairs Unit will produce and send to each applicant the official notice regarding the resolution on their accreditation.

Accreditation notices will be delivered to the e-mail address specified by the applicant in the application form.

6. The National Electoral Institute will ask for the support of the different Mexican government offices to have the necessary aid for the authorization and assistance for the issuing of the corresponding visas that may ease entering the country to all those *foreign visitors* accredited as such.
7. The Executive Secretariat of the National Electoral Institute will establish the mechanisms conducive to the development of the badges of accreditation as a foreign visitor. While the International Affairs Unit will establish the procedure for the

corresponding delivery, being 18:00 hours, Mexico City time, on Saturday, June 5, 2021, the limit for those interested to receive these badges.

8. The International Affairs Unit will present during every ordinary session of the General Council, a progress-report on the attention to applications received, as well as on other activities aiming at receiving and informing *foreign visitors*.

#### Sixth basis

1. *Foreign visitors* will be able to attend and obtain information about the 2020-2021 Federal and concurrent local electoral processes at any stage or in any location throughout the country.
2. The International Affairs Unit will prepare an Information Program addressing all *foreign visitors*, which will be presented to the General Council for its consideration, preferably, in the immediate ordinary session following the one that approves this Agreement.

Once this Program is approved, it shall be made known to the 32 local EMBs celebrating concurrent elections.

3. For the purpose of gathering additional background information about the electoral laws, institutions and procedures, accredited *foreign visitors* can request the corresponding electoral authority for interviews or informative meetings with officials of the respective administrative or jurisdictional electoral authority.

In the case of the federal election, accredited *foreign visitors* can file such requests through the International Affairs Unit, while in the states different to Mexico City, they can address the presidents of the decentralized councils, who will ponder and answer them, and within five days will inform the President of the General Council, through the International Affairs Unit.

The 32 local EMBs with concurrent elections can also attend the information requests made by the *foreign visitors*. Additionally, those EMBs will provide general information on their respective electoral process on electronic means to the International Affairs Unit, so that it can be delivered in the same format to all *foreign visitors*. The topics to be included in this information will be established in the Program of attention and information directed to the *foreign visitors*.

4. National political parties and national political groups, as well as electoral alliances, independent candidates, and those instances promoting citizen initiatives, will be able to provide foreign visitors with information from their perspective about the 2020-2021 Electoral Process, as well as relevant documents they deem pertinent.

#### Seventh basis

1. Accredited *foreign visitors* will be responsible for their expenses regarding

transportation, meals, lodging, and activities in Mexico.

### Eighth Basis

During their stay in the country and throughout the development of their activities, *foreign visitors* must at all times comply with Mexican laws and any other legal ruling that may apply, and must not:

1. Substitute or obstruct the electoral authorities in the exercise of their functions, or interfere in any way in their development, including the cast of the vote by the citizenry;
2. Carry out any kind of proselytism;
3. Take a position for, or against, any party or candidate, or pronounce themselves for, or against, any of the possible answers to the popular consultation or any other form of citizen participation subject to be voted;
4. Perform any activity that may alter the equity of the competition;
5. State any offence, slander or false accusation against the institutions, electoral authorities, political parties or candidates;
6. Declare any triumph by any political party or candidate, or, should it be the case, of the results of the popular consultation or any other form of citizen participation subject to be voted;
7. Declare any trends on the voting, either before or after Polling Day;
8. Wear or use any emblems, badges, or any other image related to political parties, candidates, political or ideological stance related to any of the federal or 32 local elections, or of any of the possible answers to the popular consultation subject to be voted.

### Ninth Basis

In case of purported noncompliance with the obligations established in this Agreement and the federal electoral legislation on the part of the accredited *foreign visitors*, the rules of the General Law for Electoral Institutions and Procedures and the National Electoral Institute's Internal Regulations on Complaints shall be applied.

## **CRITERIA**

1. The Program of attention and information directed to the foreign visitors will incorporate, among others, the following criteria:
  - A. The generalities for the schemes of cooperation with other instances linked to the presence and participation of foreign visitors in the Federal Electoral Process and the concurrent electoral processes 2020-2021.
  - B. The procedures for the reception, review and resolution of applications for accreditation as a foreign visitor; as well as the mechanisms for issuing and delivering the corresponding notifications.

- C. The mechanisms for the elaboration and delivery of badges to foreign visitors.
- D. The contents and format corresponding to the institutional information that will be given to foreign visitors.
- E. General criteria to attend institutional guests.

2. Any matter not considered in this convocation will be resolved in sole and final instance by the International Affairs Unit, after consultation with the Presidency of the General Council.

**SECOND.** - In the case of states where concurrent elections are held, the coordination and collaboration agreements signed by the National Electoral Institute with the corresponding local public electoral bodies shall establish the cooperation mechanisms for the attention and information of foreign visitors.

Along with the conducive actions, the administrative areas that will be responsible for coordinating and executing the activities to be carried out by each of the signatory institutions will be determined.

**THIRD.** - The Technical Unit on Linking with Local Public Electoral Bodies will notify this Agreement to presidents of the higher management bodies of the local electoral bodies of 32 federal entities, so they would share it with other members.

**FOURTH.** – The Executive Secretary have to inform this Agreement to heads of all local executive offices on the National Electoral Institute, so they would inform to proper local councils.

**FIFTH.** - The present Agreement and annexes have to be published in the Official Journal of the Federation, as well as in the equivalent media gazettes in the 32 states.

**SIXTH.** - This Agreement, including its annexed documents, shall enter into force on the day following its approval by the General Council of the National Electoral Institute.

This Agreement was approved unanimously by the General Council of the National Electoral Institute on its Extraordinary Session held on September 4, 2020.