

# AGREEMENT OF THE GENERAL COUNCIL OF THE NATIONAL ELECTORAL INSTITUTE, ESTABLISHING THE BASES AND CRITERIA TO INVITE, ATTEND AND INFORM FOREIGN VISITORS INTERESTED TO ATTENDIGN THE 2023-2024 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>CAI</b>	International Affairs Unit of the National Electoral Institute
<b>Institute</b>	National Electoral Institute
<b>LGIPE</b>	General Law on Electoral Institutions and Procedures
<b>Foreign visitor</b>	Person accredited as foreign visitor to know and attend the Mexican elections
<b>PIYCPEF 23-24</b>	Unified Plan and Timetable for the Federal Electoral Process 2023 - 2024
<b>RE</b>	Election Regulations
<b>RIINE</b>	Internal Regulations of the National Electoral Institute

## BACKGROUND INFORMATION

- I. Creation of the National Electoral Institute.** 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, hereafter referred as Constitution, on political-electoral matters, including the change of name from Federal Electoral Institute to National Electoral Institute.
- II. Enactment of the General Law on Electoral Institutions and Procedures.** 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. Approval of the Internal Regulations of the National Electoral Institute.** On 19 November 2014, the General Council of the National Electoral Institute, hereafter referred as General Council, issued by agreement INE/CG268/2014 the Internal Regulations of the National Electoral Institute, hereafter referred as RIINE, which has been subject to various reforms, the most recent being the one approved by the Council itself, by Agreement INE/CG252/2020 of 31 August 2020.

**IV. Adoption of the Election Regulations.** On 7 September 2016, the General Council approved the Election Regulations, hereafter referred as RE, by means of Agreement INE/CG661/2016; an instrument that has been amended on several occasions, including by means of Agreement INE/CG54/2022, approved on 4 February 2022, when an amendment to Annex 7 was approved, which corresponds to the Application form for accreditation as a foreign visitor.

**V. Unified Plan and Calendar of the 2023-2024 Federal Electoral Process.** On 20 July 2023, the General Council approved the Unified Plan and Calendar of the Federal Electoral Process 2023-2024, hereafter referred as PIYCIPEF 23-24, by means of Agreement INE/CG441/2023.

In view of the foregoing Background; and,

## **IN ACCORDANCE WITH**

### **I. Competence**

1. In accordance with Article 41, third paragraph, Base V, section A, first and second paragraphs of the Constitution, in relation to Articles 29, 30, paragraphs 1, subsection g) and 2; as well as 31, paragraph 1 of the General Law on Electoral Institutions and Procedures, hereafter referred as LGIPE, the National Electoral Institute, hereafter referred as the Institute, is an autonomous public body whose state function is the organization of elections, it is an authority in electoral matters, independent in its decisions and functioning and professional in its performance, and its activities must be governed by the principles of certainty, legality, independence, impartiality, maximum publicity, objectivity, parity, and shall be carried out with a gender perspective. Its organization, functioning and control shall be governed by the relevant constitutional provisions and other applicable provisions. Furthermore, it shall be organized in accordance with the principle of administrative decentralizing and shall have the budgetary, technical, human, and material resources it requires for the direct exercise of its powers and duties.

One of the aims of the Institute is to promote voting and to contribute to the dissemination of civic education and democratic culture.

### **II. Legal provisions underpinning the determination.**

2. Article 4, paragraph 2 of LGIPE states that federal, state, and municipal authorities

shall provide the necessary collaboration for the proper performance of the functions of the electoral authorities established by the Constitution and the Law itself.

3. Article 7, paragraph 3, of LGIPE, provides that it is the right and obligation of citizens to vote for all popularly elected positions, when they meet the requirements, conditions and terms determined by law.
4. Article 8, paragraph 1, of LGIPE, states that it is the obligation of the citizenry to make up the polling stations.
5. Article 31, paragraph 1 of LGIPE, states that the Institute is an authority in electoral matters, independent in its decisions and functioning, and professional in its performance.
6. Article 32, paragraph 1, subsection b), sections III, V, VII and X of LGIPE, establishes that the following are attributions of the Institute for federal electoral processes, among others: the preparation of Election Day; the scrutiny and counting of votes; the declaration of validity and awarding of certificates in senatorial elections; and the others indicated by LGIPE and other applicable provisions.
7. Articles 34, paragraph 1, subparagraph a) and 35 of LGIPE, in relation to Article 4, paragraph 1, section I, paragraph A, subparagraph a) of RIINE, establish the General Council as one of the central bodies of the Institute, in addition to indicating that it is the highest governing body, responsible for overseeing compliance with constitutional and legal provisions on electoral matters, as well as ensuring that the principles of certainty, legality, independence, impartiality, maximum publicity, objectivity and gender parity guide all the activities of the Institute. In its work, it shall apply a gender perspective.
8. Article 44, paragraph 1, subparagraph jj) of the above referred regulation provides that the General Council has among its powers that of issuing the necessary resolutions to give effect to its powers, both in LGIPE and in other applicable legislation.
9. In accordance with Article 44, paragraph 2 of LGEIPE, the General Council on federal electoral processes, could agree the bases and criteria to invite, attend and inform foreign visitors who come to know the modalities of their development in any of their stages.
10. Article 82, paragraph 2 of LGIPE establishes that in processes in which concurrent federal and local elections are held in one entity, the General Council of the Institute must set up a single polling station for both types of elections.

11. In accordance with Article 30, paragraph 1, subparagraph A of the Constitution, Mexicans by birth are all those persons born in national land, also those born abroad, but who are children of Mexican parents; those born abroad, but who are children of Mexican parents by naturalization; as well as those born on board Mexican vessels or aircrafts, whether war vessels or merchant vessels.
12. Article 65, paragraph 1 (d) of RIINE establishes that it is the responsibility of the International Affairs Unit of the Institute, hereafter referred as CAI, to collaborate in the formulation of the criteria and guidelines to be determined by the General Council for the registration and attention of foreign visitors interested in the development of the federal electoral processes, and to be responsible for their due application.
13. Article 214, paragraph 2, of RE states that in the case of concurrent elections, the accreditation of foreign visitors will be the responsibility of the Institute, and therefore local public bodies will not need to issue an additional call or accreditation.
14. Article 215, paragraph 1 of RE states that the general coordination and collaboration agreements signed by the Institute with the local public electoral bodies will establish the mechanisms for collaboration on foreign visitors.
15. In accordance with Article 216 of RE, a foreign visitor is considered as any natural person with a nationality other than Mexican, recognized as such in accordance with the provisions of the Constitution, interested to know about federal and local electoral processes, and who has been duly accredited for this purpose by the electoral authority responsible for the organization of the elections in which he/she participates.
16. Article 218 of RE provides that persons interested in obtaining accreditation as foreign visitors for the purposes set out in this Regulation shall not pursue any profit motive in the exercise of the rights deriving from their accreditation.
17. Article 219, paragraph 1, of RE establishes that no later than the month in which the electoral process begins, the competent electoral administrative authority shall approve and make public a call for applications addressed to the international community interested in knowing about the process, so that those who wish to do so may apply for accreditation as foreign visitor in a timely manner.
18. Article 219, paragraph 2, of RE, states that the minimum elements to be included in the call for applications are: to whom the call is addressed; the deadline for submitting the request for accreditation, which must be accompanied by a copy of the main pages of a 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 procedure for dealing with, resolving and notifying accreditation requests; the activities that foreign visitors may carry out; and their

obligations.

19. The aforementioned Article, paragraph 3 establishes 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 on the Institute's website, among others. Likewise, the Institute shall request the Ministry of Foreign Affairs to make this Application available to interested persons at the diplomatic and consular representations of Mexico abroad.
20. The aforementioned Article, in paragraph 4, establishes that the Call must be expressly addressed to all those persons with a citizenship different to Mexican, interested in participating as foreign visitors, including representatives of: bodies of the electoral authority of other countries; international bodies; continental or regional organizations; political parties and organizations of other countries; legislative bodies of other countries; governments of other countries; academic and research institutions of other countries; foreign bodies specialized in electoral cooperation or assistance activities, and private institutions or non-governmental organizations from abroad that carry out activities specialized or related to the political electoral field or in the defense and promotion of human rights.
21. Article 221, paragraph 1 of the RE establishes that CAI shall be responsible for hearing and deciding on all applications for accreditation received, within the terms and deadlines established in the Call itself.
22. Paragraph 2 of the aforementioned Article mandates CAI to present at each ordinary session of the General Council a report on the progress made in dealing with the accreditation as foreign visitors received, as well as those activities related to the care of foreign visitors.
23. The Call will be published in the Official Journal of the Federation, and will be disseminated both on the website of the Institute and of the corresponding Local Electoral Management Body, by electronic means and other means deemed relevant; as established in Article 220, paragraph 1, of the RE.
24. Regarding the attention to foreign visitors, PIYCIPEF 23-24 establishes in activity 14 that CAI shall prepare and submit to the General Council for consideration the Draft Agreement to attend and inform foreign visitors who will attend the 2023-2024 Electoral Process, which includes the Call, the Request for Accreditation, and the Attention Program.
25. Once approved, in accordance with activity 43 of PIYCIPEF 23-24, CAI shall send for dissemination to the Local Electoral Management Bodies the General Council Agreement to attend and inform foreign visitors who will attend the 2023-2024

Electoral Process, including the Call and the Request for Accreditation, as well as information on the accreditation procedure.

26. Simultaneously, and in accordance with activity 45 of PIYCIPEF 23-24, CAI should disseminate the Call to potentially interested audiences.
27. Likewise, activities 46, 48, 82 and 110 of PIYCIPEF 23-24 indicate the obligation of CAI to receive applications for accreditation, rule on them, notify interested parties of the corresponding determination, and issue accreditation badges, respectively.

### **III. Reasons for the determination**

28. The Institute fully appreciates the interest of the representatives of various foreign institutions and organizations to know and be informed in detail and in a timely manner about the work related to the preparation, organization and conduct, counting and declaration of validity of the elections under their responsibility. Therefore, foreign visitors will be able to learn and be informed about the 2023 - 2024 Federal Electoral Process, as well as the characteristics of the 32 concurrent local elections, in any of their phases and stages.
29. In this sense, the Call will be addressed to any person with citizenship and nationality other than Mexican, who is interested in knowing and accompanying the 2023 - 2024 Federal Electoral Process, as well as the characteristics of the 32 concurrent local elections, including representatives of:
  - Electoral authorities of other countries.
  - International bodies.
  - Continental or regional organizations.
  - Political parties and organizations of other countries.
  - Legislative bodies of other countries.
  - Governments of other countries.
  - Academic and research institutions of other countries.
  - Foreign agencies specialized in electoral co-operation or assistance activities.
  - Private institutions or non-governmental associations from abroad that carry out activities specialized or related to the political-electoral field or in the defense and promotion of human rights.
30. In view of the above, the Call submitted for the consideration of this General Council establishes in its terms and conditions the aspects to be considered for the accreditation of foreign visitors, the activities they may carry out and the obligations they will have to comply with.

31. By means of an Attention and Information Program for foreign visitors, the Institute wishes to offer all interested foreigners the facilities and information required for an objective and comprehensive knowledge and study of the various aspects concerning the Mexican electoral system in general, as well as the 2023 - 2024 Federal Electoral Process and the concurrent local electoral processes.
32. The Institute is interested that foreign visitors being able to learn first-hand about the basic documents, the internal selection processes and the candidacies nominated by political parties and coalitions, as well as the participation, if any, of independent candidates in these elections, as an integral part of the 2023 - 2024 Federal Electoral Process.
33. In accordance with a principle of mutual respect 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 to come to our country to know and inform themselves about the 2023-2024 Federal Electoral Process and the concurrent local electoral processes as guest foreign visitors.
34. To provide the greatest certainty and security to the activities of foreign visitors who come to Mexico to learn and inform themselves about the 2023-2024 Federal Electoral Process and the concurrent local electoral processes, it is convenient to establish the bases and criteria that specify and facilitate their activities.

Based on the considerations expressed above, the General Council of the National Electoral Institute issues the following

## **AGREEMENT**

**FIRST.** - The bases and criteria are established for invite, attend and informing foreign visitors who come to know about the modalities of the 2023-2024 Federal Electoral Process and the concurrent local electoral processes, which includes the federal elections and the elections in the 32 entities that will be held coincidentally, in any of their stages.

## **BASIS**

1<sup>st</sup> 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 Constitution; and interested in knowing about the 2023-2024 Federal Electoral Process and the concurrent local electoral processes, and who has been duly accredited for this purpose by the National Electoral Institute, through CAI, in accordance with the present bases and criteria.

2<sup>nd</sup> Basis.

1. Once this agreement has been approved, and attached to it, the National Electoral Institute shall approve and make public a Call addressed to the international community interested in knowing about the 2023-2024 Federal Electoral Process and the concurrent local electoral processes, so that those who wish to do so, may apply for accreditation as foreign visitors in a timely manner.
2. The Call shall be published, together with this agreement, in the Official Journal of the Federation, and shall be disseminated on the website, as well as on the various electronic platforms of the Institute, on the websites and platforms of each of the 32 local electoral management bodies and other media deemed appropriate.
3. The Call shall be expressly addressed to all those foreign persons interested in the 2023-2024 Federal Electoral Process and the concurrent local electoral processes, including representatives of:
  - A. Electoral authorities from other countries.
  - B. International bodies.
  - C. Continental or regional organizations.
  - D. Political parties and political organizations of other countries.
  - E. Legislative bodies of other countries.
  - F. Governments of other countries.
  - G. Academic and research institutions at a higher level in other countries.
  - H. Foreign agencies specialized in electoral cooperation or assistance activities.
  - I. Private institutions or non-governmental organizations from abroad that carry out specialized activities related with political and electoral issues or in the defense and promotion of human rights.



4. The National Electoral Institute shall request the support of the Ministry of Foreign Affairs of the Mexican Government to disseminate internationally the Call, referred to in paragraph 1 of this 2nd Basis.
5. Political parties, political groups and, if applicable, electoral coalitions, independent candidates, electoral observer organizations and all those Mexican civil institutions and associations specialized or interested in the matter, may disseminate the Call, and invite persons with a nationality other than Mexican, who comply with the established requirements, to be accredited as foreign visitors.
6. In accordance with the prevailing international conventions and practices in this matter, as well as those arising from international technical cooperation agreements signed by the Institute, the President of the General Council may extend the invitation to be accredited as foreign visitors to the heads of electoral bodies of other countries, as well as to representatives of international organizations with which the Institute maintains cooperation ties, and make the necessary arrangements to offer a specific program of activities.

### 3<sup>rd</sup> Basis.

1. Interested foreign persons shall have a period starting from the publication of the Call attached to this resolution and expiring on May 22, 2024, to address and submit to the President Councilor of the General Council, through CAI, their Application Form for accreditation as foreign visitor, also approved as attached to this resolution, accompanied by the documentation referred to in Basis 4 of this resolution.
2. For such purpose, interested foreign persons shall fill out the Application Form for accreditation as foreign visitor, published together with the Call, which shall be available at the central office of the Institute, on the Institute's web page and on the web pages of the 32 local electoral management bodies.

Likewise, the Institute will request the Ministry of Foreign Affairs of Mexico to make the Application Form for accreditation as foreign visitor available to the interested party in the diplomatic and consular representations of Mexico abroad.

The documentation will be available in Spanish and English to make it easier to understand.

### 4<sup>th</sup> Basis.

1. In order to apply to the Institute for accreditation as a foreign visitor for the 2023-2024

Federal Electoral Process and the concurrent local electoral processes, interested persons must meet the following requirements:

A. Address and send to the Presidency of the General Council, through CAI, the Application Form for accreditation as foreign visitors, duly signed by the interested person; together with a copy of the main pages of their valid passport and a recent, clear photograph, similar to that required to process a passport. The documentation may be delivered in person, sent by mail or courier service, at the expense of the interested party, or transmitted electronically as established in the Call for applications.

B. Non-profitmaking in the exercise of the rights deriving from their accreditation.

5<sup>th</sup> Basis.

1. CAI shall know and resolve, within 3 working days of their presentation, on each one of the applications for accreditation received in due time and form, informing the General Council and the 32 public electoral bodies in a timely manner.
2. In cases where incomplete documentation is submitted, within 24 working hours of receipt, CAI shall inform the person concerned so that, if he/she so wishes, within 24 hours of such communication, he/she may submit the omitted documentation, in accordance with the provisions of paragraph 4 of this Basis.
3. The deadline for submitting documentation to be accredited as a foreign visitor to the Institute, specifically to CAI, will be 22 May 2024. After that date, no documentation will be accepted, except from those interested parties who submit complementary documentation, and based on the terms indicated in the previous paragraph.
4. Any documentation submitted by any interested person who is considered Mexican by the Constitution, or who has not submitted the documentation in accordance with the terms established in this agreement and in the Call for Applications, shall be considered rejected.
5. CAI shall prepare and send, by electronic means, the official notification regarding the decision on the application for accreditation submitted by each person, under the terms established both in this agreement and in the Call for Accreditation.
6. The Institute will request the support of the different Mexican government agencies to provide the necessary assistance for the authorization and issuance of the corresponding visas, as well as to facilitate the entry into the country of all those persons who have been accredited as foreign visitors.

7. CAI shall be responsible for establishing the mechanisms for the elaboration of the foreign visitor's badges, as well as for the delivery of the corresponding badges to each accredited person, being 18:00 hours, Central Mexican Time, on Saturday, 1 June 2024, the deadline for the delivery of such badges.
8. CAI shall present at each ordinary session of the General Council a report on the progress made in dealing with the accreditation requests received, as well as other activities related to the care of foreign visitors.

6<sup>th</sup> Basis.

1. Foreign visitors will be able to attend and be informed about the 2023-2024 Mexican Federal Electoral Process and the concurrent local electoral processes at any of its stages, in any location of the national territory, in a general manner. If logistical conditions permit, they shall have the possibility of witnessing the vote in custody, the vote at home, as well as the in-person casting of the vote of Mexicans residing abroad.
2. CAI shall prepare an Attention and Information Program for foreign visitors, which forms an integral part of this agreement; it shall be made known to the 32 local public electoral bodies, once approved.
3. For obtaining orientation or complementary information on electoral rules, institutions and procedures, accredited foreign visitors may request interviews or informative meetings with officials of the administrative and jurisdictional electoral authority before the electoral authority responsible for the respective electoral process.

In the case of the federal election, foreign visitors may submit such requests through CAI; or in the states, they may do so through the decentralized bodies of the Institute, addressing the corresponding requests to the respective president councilors, who will decide what is appropriate, and within a period not exceeding five working days will inform the President Councilor of the General Council, through CAI.

Whereas, in the case of the 32 local public electoral bodies, they will be able to respond to requests for information received from foreign visitors.

In addition, these bodies shall use electronic means to send CAI general information on the electoral process in their charge, so that it can be delivered to the foreign visitors, also in electronic format. The topics to be included in this information will be established in the Attention and Information Program for foreign visitors.

4. Political parties, National Political Groups, and, if it is the case, electoral coalitions and

independent candidates may present to the foreign visitors their views on the 2023-2024 Federal Electoral Process, the concurrent local electoral processes, as well as provide them with the documentation they deem pertinent on the same.

7<sup>th</sup> Basis.

1. Accredited foreign visitors shall be responsible for obtaining funding to cover expenses related to their travel, stay and activities in Mexico.

8<sup>th</sup> Basis.

During their stay in the country and during their activities, in addition to always complying with Mexican laws and other applicable legal provisions, foreign visitors must refrain from:

1. Substitute or hinder the electoral authorities in the exercise of their functions or interfere with the exercise of their functions, including the cast of the vote by the citizenry.
2. Carry out any kind of proselytism.
3. Demonstrate in favor of or against any party or candidacy or speak in favor of or against any form of citizen participation which is subject to a vote.
4. Engage in any activity that alters the fairness of the electoral contest.
5. Express any expression of offence, defamation or slander against institutions, electoral authorities, political parties or candidates.
6. Declare the victory of any political party or candidate or, as the case may be, the results of any form of citizen participation that is subject to vote.
7. Declare trends in voting before and after Election Day
8. Carry or display emblems, badges, shields, or any other image related to political parties, candidacies or political or ideological positions related to the federal election, the local elections, or any other form of civic contest.

9<sup>th</sup> Basis.

In the event of any breach of the obligations established in this Agreement and the federal

electoral legislation by foreign visitors, proceedings will be carried out in accordance with LGIPE and the Regulation of Complaints and Allegations the National Electoral Institute.

## **CRITERIA**

1. The Attention and Information Program for foreign visitors will include, among others, the following criteria:

- A. The generalities for the cooperation schemes with other bodies linked to the presence and participation of foreign visitors in the 2023 – 2024 Federal Electoral Process and the concurrent electoral processes.
- B. Procedures on 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. Mechanisms for issuance and delivery of badges to foreign visitors.
- D. The contents, deadlines, and format of the institutional information that will be provided to foreign visitors.
- E. General criteria to attend institutional guests.

**SECOND.** - In the case of the federal entities, the coordination and collaboration agreements signed by the Institute with the corresponding Local Electoral Management Bodies will establish the cooperation mechanisms for the attention and information of foreign visitors.

Along with the relevant 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 Call and the Application Form for accreditation as foreign visitor to know and accompany the development of the 2023 – 2024 Federal Electoral Process and the concurrent local electoral processes, are approved and included as annexes to this Agreement.

**FOURTH.** - CAI has to send to the Local Electoral Management Bodies, through the appropriate institutional mechanisms, the Call and the Application Form for accreditation

as foreign visitor.

At the same time, it is instructed to disseminate it to potentially interested audiences.

**FIFTH.** - The Attention and Information Program for foreign visitors who come to know and accompany the 2023 - 2024 Federal Electoral Process and the concurrent local electoral processes, is approved and included as annex to this Agreement.

**SIXTH.** - The official accreditation badge of foreign visitors who come to know and accompany the 2023 - 2024 Federal Electoral Process and the concurrent local electoral processes, is approved and included as annex to this Agreement.

**SEVENTH.** - CAI shall submit to this General Council, preferably monthly, reports on the activities carried out to invite, attend to and inform persons interested in accrediting themselves as foreign visitors and foreign visitors to the 2023 – 2024 Federal Electoral Process and the concurrent local electoral processes.

**EIGHTH.** - This Agreement, including its annexed documents, shall enter into force on the day following its approval by the General Council.

**NINTH.** - Publish this Agreement in the Electoral Gazette and on the website of the National Electoral Institute, as well as in the Official Journal of the Federation.