

AGREEMENT OF THE GENERAL COUNCIL OF THE NATIONAL ELECTORAL INSTITUTE WHICH ESTABLISHES THE BASES AND CRITERIA TO INVITE, RECEIVE AND INFORM THE *FOREIGN VISITORS* INTERESTED IN ATTENDING THE 2017-2018 MEXICAN FEDERAL AND LOCAL ELECTORAL PROCESSES

BACKGROUND INFORMATION

- I. On February 10th, 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 23rd, 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 7th, 2016, the Agreement INE/CG661/2016 stated the approval of the Regulations on Elections of the National Electoral Institute.

IN ACCORDANCE WITH

1. Article 41, second paragraph, basis V, section A of the Political Constitution of the United Mexican States, which states that the organization of the federal elections is a State function carried out by a public autonomous body, the National Electoral Institute, endowed with legal status and patrimony of its own, in whose integration the Legislative Branch of the Union, the national political parties and the citizens, are involved as established by the law.
2. Article 4, paragraph 2 of the General Law for Electoral Institutions and Procedures, which establishes that the federal, local and municipal authorities must collaborate as necessary for the appropriate development of the powers of the electoral authorities as established by the Political Constitution of the United Mexican States and the Law of reference.
3. Article 31, number 1 of the General Law for Electoral Institutions and Procedures, which states that the Institute is an authority in electoral matters, independent in its decisions and functioning, and professional in its performance.
4. Article 35 of the General Law for Electoral Institutions and Procedures establishes that the General Council is the highest steering body, responsible for enforcing the constitutional and legal rulings on electoral matters, as well as to ensure that the principles of certainty, legality, independence and objectivity will guide all the activities of the Institute.

5. Article 44, paragraph 1, letter jj) of the aforementioned law endows the General Council with the power to issue the necessary agreements to put its attributions into practice, as stated in the General Law for Electoral Institutions and Procedures and in any other applicable laws.
6. The responsibility for establishing the bases and criteria to invite, receive and inform the *foreign visitors* attending the federal electoral processes at any of their stages rests upon the National Electoral Institute's General Council, according to article 44, paragraph 2, of the General Law for Electoral Institutions and Procedures.
7. That according to article 30, letter A of the Political Constitution of the United Mexican States, any person born within the national territory are Mexicans by birth, as well as any person born abroad but who are the offspring of Mexicans born within the national territory; those born abroad yet offspring of Mexican citizens by naturalization; and those born aboard a Mexican ship or plane, whether commercial or military.
8. That article 65, paragraph 1, letter d) of the Internal Regulations of the National Electoral Institute establishes that the International Affairs Unit must collaborate in the drafting of the criteria and guidelines to be established by the General Council to register and attend *foreign visitors* interested in the development of the Federal Electoral Process.
9. The General Law for Electoral Institutions and Procedures, in its article 82, paragraph 2, establishes that in those entities with concurrent federal and local electoral processes, the General Council of the National Electoral Institute must set up a unique polling station for both types of election.
10. Article 214, paragraph 2, of the Regulations on Elections states that for concurring elections, the accreditation of *foreign visitors* shall be the National Electoral Institute's responsibility, and that the local electoral management bodies shall not issue any official announcement or additional accreditation.
11. Article 215, paragraph 1, of the Regulations on Elections establishes that the National Electoral Institute's general agreements on coordination and collaboration with the local electoral management bodies will establish the joint mechanisms on the matters of *foreign visitors*.
12. Article 216 of the Regulations on Elections defines *international visitor* as any non-Mexican physical person, as recognized in article 33 of the Federal Constitution, who is interested in knowing about the federal and local electoral processes, and who has been duly accredited for such activities by the electoral authority responsible for managing the elections.
13. Article 219, paragraph 1, of the Regulations on Elections which states that within the same month in which the electoral process begins, the corresponding electoral management body shall approve and make public the official announcement to the

international community interested in knowing about the development of the process, so that anyone who so wishes can arrange their timely accreditation as *international visitor*.

14. Article 220, paragraph 1, of the Regulations on Elections, the aforementioned official announcement shall be published in the Official Journal of the Federation or the equivalent media outlet in the states, and will also be disseminated through the local electoral management body's website, decentralized offices, electronic media and any other means deemed pertinent.
15. Article 221, paragraph 1, of the Regulations on Elections states that the International Affairs Unit of the National Electoral Institute is responsible for knowing and solving all the received requests for accreditation, within the deadlines and terms established in the official announcement.
16. Article 221, paragraph 2, of the Regulations on Elections mandates the International Affairs Unit of the National Electoral Institute to report, at every ordinary session of the General Council, the progress made in terms of the amount of received accreditation-requests as well as the activities related with the attention to *foreign visitors*.
17. Articles 8 and 47 of the Federal Referendum Law states that the initiatives called by the Congress will take place on the same polling day. Therefore, they will be submitted to the procedure detailed on the Third Title of the Fifth Book of the General Law for Electoral Institutions and Procedures.
18. The great appreciation the National Electoral Institute has for the interest of international institutions and organizations in having timely and detailed information about the preparation, organization and development of the 2017-2018 Federal Electoral Process, as well as in the characteristics of the local concurrent elections.
19. The National Electoral Institute's interest in providing, through a special program, adequate information and every facility to members of the international community for the objective and comprehensive study of the various aspects of the Mexican electoral system in general, and the 2017-2018 Federal Electoral Process in particular, as well of those of the local concurrent elections.
20. The interest of the National Electoral Institute in making sure the accredited *foreign visitors* know, first-hand, the basic documents, internal selection processes and the nominated candidates of the political parties and alliances, as well as the participation of independent candidates in the elections as an integral part of the 2017-2018 Federal Electoral Process.
21. The attention to the principles of reciprocity and courtesy towards the National Electoral Institute's foreign counterparts and other international institutions, with whom links of cooperation and friendship are established, a most cordial invitation is

extended for them to come to our country and learn about the 2017-2018 Federal Electoral Process, as invited *foreign visitors*.

22. The purpose of conferring the highest level of certainty and safety to the activities of the *foreign visitors* coming to Mexico to learn about the 2017-2018 Electoral Process, it is advisable to establish a series of guidelines to specify their activities and make them easier.

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

AGREEMENT

FIRST.- The bases and criteria to invite, attend to and inform the *foreign visitors* present at any stage of the development of the 2017-2018 Electoral Process, which include the federal elections and those in the 30 states happening concurrently, as well as the Official Announcement and the Application Form, included in this Agreement as Appendixes, are established as follows:

First basis

1. For the purposes of this Agreement, a *foreign visitor* is any non-Mexican individual, as acknowledged by the Political Constitution of the United Mexican States, interested in attending the 2017-2018 Electoral Process, having been duly accredited by the International Affairs Unit, according to the present bases and criteria.

Second basis

1. Upon the approval of this Agreement, the National Electoral Institute will address an Official Announcement to the international community interested in learning about the 2017-2018 Electoral Process for them to start the procedures to timely obtain their accreditation as *foreign visitors* in due time.
2. The Official Announcement will be published, in the Official Journal of the Federation, in the equivalent media outlet in the 30 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 30 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 2017-2018 Electoral Process, 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 defense 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, observation organizations, and all Mexican civil institutions and associations specialized or interested in the matter, will be able to disseminate the Official Announcement 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 2017-2018 Federal Electoral Process until June 20th, 2018 to send the President Councilor of the General Council of the National Electoral Institute, through the International Affairs Unit, their Application forms, along with the documents mentioned in the Fourth basis of the present Agreement.
2. For such purpose, interested foreigners will fill in the Application form enclosed in the Official Announcement, which will be available at the headquarters of the Institute, the offices of the 30 local electoral management bodies celebrating concurrent elections, the International Affairs Unit's offices, the 32 local councils' offices of the Institute, and at the websites of the National Electoral Institute and of the 30 local EMBs with concurrent elections. Moreover, the Institute will request the Ministry of Foreign Affairs to have this Application form at hand in Mexican embassies and consulates around the world.

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

Fourth basis

1. In order to become accredited as *foreign visitor* by the National Electoral Institute to the 2017-2018 Electoral Process, applicants must meet the following requirements:
 - A. To address and submit to the Presidency of the General Council, via the International Affairs Unit, the individual 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, via fax, or via email, as established in the Official Announcement and the Application form.
 - B. To pursue non-lucrative purposes with the rights granted by the accreditation.

Fifth basis

1. Within 3 working days after their submittal, the International Affairs Unit will ponder every application according to its timeliness and compliance, and will timely inform the General Council of the Institute, as well as the 30 local EMBs celebrating concurrent elections.
2. For such cases where some document is missing, the International Affairs Unit will inform the applicant within three working days from receiving the application, so that the missing documents may be delivered by the applicant.
3. The deadline to send the documents and apply as international visitor with the National Electoral Institute, specifically with the International Affairs Unit, is June 20th, 2018.
4. Any application submitted by a person considered to be Mexican by the Constitution of our country, or any application lacking any documents by June 20th, 2018, will 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 will implement the mechanisms to issue the corresponding badges as *foreign visitors*. Meanwhile, the International Affairs Unit will establish the most adequate procedure for their notification and delivery to applicants, being June 30th the deadline for applicants to receive them.
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 development of the 2017-2018 Electoral Process 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 30 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 30 local EMBs with concurrent elections can also answer 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*.

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 2017-2018 Electoral Process, as well as relevant documents they deem pertinent.

Seventh basis

1. Accredited *foreign visitors* are responsible for their expenses regarding transportation, sojourn, 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 30 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.

SECOND.- For the states with concurrent elections, the cooperation and collaboration agreements signed by National Electoral Institute and the Local Electoral Management Bodies, will establish cooperation mechanisms for receiving and informing *foreign visitors*.

Along with these actions, the administrative areas responsible for coordinating and executing the activities taken on by the signing institutions will be established.

THIRD.- The present agreement must be shared with the 30 Local Electoral Management Bodies that will celebrate concurrent elections, for their knowledge.

FOURTH.- The present Agreement and complementary documents is to be published in the Official Journal of the Federation, as well as in the equivalent media outlets in the 30 states where concurrent elections will take place.