

CONSTITUTIONAL DEVELOPMENT LAW

DRAFT

First Book

First Section On Human Rights

Article 1

In order to end poverty and reduce the shortcomings that affect indigenous communities, the Federation, States and Municipalities are required to:

- I. Promote regional development of the indigenous areas in coordination of the three levels of government and with the participation of the communities in order to improve the performance of local economies and improve the living conditions of their inhabitants.
The municipal authorities shall equitably decide on the budget allowances that the communities will manage for specific objectives.
- II.
 - a. Increase and guarantee educational levels and alphabetization for indigenous population; uphold bilingual and intercultural education; encourage productive training, high school education and professional education; and, reduce the dropout rates during elementary education.
 - b. Establish a scholarship system for indigenous students at all educational levels
 - c. Design and develop educational programs with regional content that includes and acknowledges the cultural heritage of the indigenous communities. These programs shall be designed in consultation to indigenous communities and shall comply with the laws and regulations on the topic.
 - d. Promote the respect and knowledge of all the different cultures that coexist in the Nation.
- III. Guarantee the effective access to health services by increasing the coverage of the national health system, using traditional medicine when possible, and endorsing indigenous nutrition, especially for indigenous children. The government shall use food programs for that aim.

- IV. Increase the basic social services, the recreational spaces and improve the conditions under which the indigenous population live by enabling the access to public and private financing mechanisms for house construction and improvement or for infrastructure.
- V. Promote the women's participation in the development of indigenous communities through the promotion of productive projects, health protection, education stimulus and their participation in the decision making process within a community.
- VI. Expand the telecommunications services and the transport infrastructure to promote the integration of the indigenous communities to the rest of the country. Establish the conditions in which indigenous communities could acquire, manage and operate communication and media services, according to the provisions established in the corresponding law.
- VII. Promote productive activities and the sustainable development of indigenous communities through the creation of programs that allow indigenous population to reach enough economic resources to support themselves and by incentivizing public and private investments related to the creation of new jobs and the use of technology to increase production and equitable access to distribution and commercialization systems.
- VIII. Establish social policies to protect migrants of the indigenous populations, within the national territory and abroad. The State shall guarantee labor rights of land farmers, the health and sanitary conditions of women, support and promote education and nutrition of child and teens of migrant families; as well as to promote the respect to human rights and
- IX. During the design and creation of the national, state and municipal development plans, indigenous populations shall be consulted and their recommendations and proposals shall be included in the plans.

Article 2

To exercise the right of access to information, the Federation, the States and the Federal District, according to their respective powers, shall act in accordance to the following basis and principles:

- I. All information in custody of any authority, entity or organ of the Executive, Legislative and Judicial Powers, autonomous organisms, political parties, public funds or any person or group, such as unions, entitled with public funds or that can exercise authority at the federal, state or municipal level is public. This information may only be reserved temporarily due to public interest or national security, following the law provisions for this. The principle of maximum disclosure shall prevail when interpreting this right. The obligors must record every activity that derives from their authority, competence or function, the law will specifically establish the assumptions under the declaration of inexistence of information shall proceed.
- II. Information regarding private life and personal data shall be protected according to law and with the exceptions established therein.

- III. Every person shall have free access to public information, his/her personal data and in the case to the rectification of his/her personal data, without any requirement to argue interest or justification.
- IV. The mechanisms to access information and expedite review procedures shall be established. These procedures must be formalized before specialized and impartial autonomous agencies established by this Constitution.
- V. Obligors shall record and keep their documents in updated administrative files, and shall disclose, through electronic media, the complete and updated information about the use of public resources and their management indexes so that the information allows accountability procedures in regard to the fulfillment of their objectives and the results of their performance.
- VI. The law shall establish procedures for obligors to disclose information concerning the use of public resources paid to individuals or companies.
- VII. Failure to comply with these dispositions in regard to the access to public information shall be penalized according to the law.

Article 3

Organized crime is defined as the organization of three or more people gathered together to commit crimes in a permanent or frequent manner, according to the provisions stated by the corresponding law.

Article 4

Every search warrant granted by the judicial authority at request of the Public Prosecution Service, must describe the place to be searched, the person or persons to be apprehended and the objects to be seized. Upon the conclusion of the search, a report must be compiled at the site and before two witnesses proposed by the occupant of the place searched or, in his absence or refusal, by the acting authority.

Article 5

The Federation, the States and the Federal District must guarantee the existence of a quality public defenders service and shall provide the conditions for a professional career service for the defenders. The defenders' wages shall not be inferior to the public prosecutors' wages.

Article 6

The judge may order preventive prison, by its own motion, in the cases of organized crime, first-degree murders, rape, kidnap, human trafficking, crimes committed using firearms, explosives or other violent weapons, and serious crimes against national security, the right to freely develop personality and the public health.

Article 7

The criminal proceedings will be oral and adversarial and shall uphold the following provisions:

- I. Criminal proceedings shall aim for the elucidation of the facts, the protection of the innocents, to prevent impunity and compensate the damages that the crimes had caused;
- II. In every hearing, the judge must be present. The judge cannot delegate to somebody else the submission and evaluation of evidence, which shall be done in a free and logical manner;
- III. Only the evidence submitted in the hearing shall be used for the evaluation of the case. The law shall establish the exceptions for the above and the pertinent requirements in case that the nature of the evidence requires prior evaluation;
- IV. The trial shall be carried out before a judge who has not previously handled the case. All arguments and evidence shall be presented in a public, contradictory and oral manner;
- V. The accuser must provide the evidence necessary to demonstrate defendant's guilt according to the criminal types. Both parties are equal during the proceeding;
- VI. No judge can talk about the trial with one of the parties without the presence of the other one, taking always into account the principle of contradiction, except for the cases stated by this Constitution;
- VII. Criminal proceeding can be terminated in advance, provided that the defendant agrees and if the case complies with the requirements and provisions stated by the law. If the defendant, voluntarily and aware of the consequences, acknowledges his guilt and there is enough evidence to corroborate the charges, the judge shall call to a sentence hearing. The law shall establish the benefits granted to the defendant in case he accepts his guilt;
- VIII. The judge shall only convict when there is certainty about the guilt of accused;
- IX. Any evidence obtained by violating the defendant's fundamental rights shall be null and void;
- X. These principles stated in Article 20 of the Mexican Constitution and in this article shall be observed in the preliminary hearings as well;

Article 8

The criminal procedures shall be oral, adversarial and shall uphold the provisions stated in Article 20 of the Mexican Constitution as well as the following provisions:

- I. In cases of organized crimes, the activities done during the investigation stage may be considered as evidence when they cannot be repeated in Court or when there is a risk to victims and witnesses without regard of the right of the defendant to challenge the evidence or to provide evidence against it.
- II. The accused and his counselor can access to the investigation records when the accused is under arrest and when he makes his statement or is interviewed. Likewise, the defendant and his counselor can consult the records before their first hearing before the judge. Once the first hearing has been carried out, information on investigation cannot be kept in secret, except for exceptional cases determined

by the law, whenever that is imperative to ensure the success of the investigation and provided that they are revealed in time to safeguard defendant's rights. The accused and his counsel can access to the investigation records: a) when the accused is under arrest, b) when he makes his statement or is interviewed, c) before the first hearing. Once the first hearing has been carried out, information on investigation cannot be kept in secret, except for exceptional cases determined by the law, whenever that is imperative to ensure the success of the investigation and provided that they are revealed in time to safeguard defendant's rights.

Article 9

The procedure for seizure of property shall follow the next provisions:

- I. Seizure shall be a jurisdictional and autonomous from the criminal procedure.
- II. Seizure may apply to cases of organized crime, crimes against public health, kidnapping, car theft, human trafficking and embezzlement or illegal enrichment in regard to the following assets:
 - A. Those goods that are instrument, object or product of a crime, even though criminal responsibility has not been established by a ruling, as long as there is enough evidence to determine that the crime has occurred.
 - B. Those goods that are not instrument, object or product of a crime but that have been used to hide or mix crime assets, provided that the elements established in the previous clause have been met.
 - C. Those goods that have been used for the perpetration of a crime by a third party, if the owner was aware, but he did not notify to the proper authority or he did not try to stop it.
 - D. Those goods that are the property of third parties, but there are enough elements to conclude that they are the product of patrimonial or organized crime, and the accused of such felonies behaves like the owner.
- III. Every individual that consider itself to be affected by these procedures may challenge the seizure to prove the licit origin of the goods or assets, to prove that he/she acted in good faith, or to prove that he/she had was unable to be aware about the illicit use of his/her properties.

Second Section

On the Agencies that Protect, Guarantee and Promote Human Rights

Article 10

The National Human Rights Commission shall have a Board of Advisors, which will be composed of ten councilors, who shall be elected by the vote of two thirds of the members present at the Senate, or at the Permanent Committee during the congress recess. The law shall establish the procedure to be followed by the Senate to nominate the candidates. Every year, the most senior councilors shall be replaced, unless they are proposed and ratified for a second term.

The President of the National Human Rights Commission, who shall also be the President of the Board of Advisors, shall be elected following the procedure established in the previous paragraph. The President of the National Human Rights Commission shall hold office for a five years term and may be reelected only for an additional period. The President of the National Human Rights Commission may be dismissed only in the cases established in the Title Four of this Constitution.

The election of the President of the Commission and the members of the Board of Advisors shall be subject to a public consultation procedure that shall be transparent and shall follow the terms and conditions that the law establishes.

Article 11

- A. The National Institute for Educational Evaluation shall follow the provisions stated in this item for the purpose of the performance and results evaluation of the national education system that comprises kindergarten, elementary, middle and high education.
 - a. Design and perform the corresponding evaluation measurements to the components, processes and results of this system;
 - b. Issue the guidelines to which the federal and local educational authorities will be subject to in order to perform their corresponding evaluation functions;
 - c. Create and publicize information, based on which it will issue the relevant guidelines to contribute to the improvement of education quality and its equity as an essential factor of social equality.
- B. The Executive Board will be the managing body of the Institute and will be composed of five members. The Federal Executive will present a list of three candidates for consideration of the House of Senators, which, with previous appearance of the proposed persons, shall appoint the person to fill the position. Appointment shall be decided by a two-thirds vote of the present members of the Senate or the Permanent Committee, accordingly, within a thirty days period not to be extended. Should the Senate fail to decide on the appointment within such time limit, the position will be filled by one of the three candidates selected by the Federal Executive.

In case that the Senate rejects the proposed list of three entirely, the Federal Executive shall submit a new list according to the previous paragraph. If the second list was rejected, the position will be filled by one of the candidates in the list to be selected by the Federal Executive.

Members of the Executive Board of the National Institute for Educational Evaluation shall be capable and experienced individuals in the fields of competence of the Institute. The members shall also meet the requirements set forth by law and they shall remain in office for seven years in staggered terms, subject to only one reelection. Members of the Executive Board may not stay in office for more than fourteen years. In case of vacancy, a substitute will be appointed to complete the respective term. They can only be removed for severe cause under the terms of Title IV of this Constitution, and they shall not hold any other position job, position or

commission with the exception of those in which they act in representation of Institute and those non-remunerated positions in teaching, scientific, cultural or charitable activities.

The Executive Board shall appoint, by at least 3-vote majority, the member that will preside for a term set by law.

- C. The law shall establish the rules for the organization and operation of the Institute, which will circumscribe its activities to the principles of independence, transparency, objectivity, pertinence, diversity and inclusion.

The law shall establish the necessary mechanisms and actions to allow efficacious cooperation and coordination between the Institute and the federal and local education authorities to achieve a better discharge of their respective duties.

Article 12

- A. The National Transparency, Access to Public Information and Protection of Personal Data Institute shall be governed by the transparency, access to public information, and personal data protection held by public agencies laws that have been enacted by the Federal Congress in order to establish the minimum basis and procedures to exercise the right to information. The law shall establish the considerations for the information to be reserved or confidential.

- B. The Institute shall be constituted by seven commissioners. To appoint them, the Senate, previous extensive consultation to social actors and by proposal of the different parliamentary groups, will appoint the commissioner with the vote of two-thirds of the Senators present in the session according to the vacancy that must be covered and following the procedure established by law. The President may oppose the appointment within ten business days. If the President does not oppose the appointment within the given days, then the person appointed by the Senate will assume the commissioner office.

If the President opposes the appointment, the Senate will present a new proposal to occupy the vacancy according to the previous paragraph. However, to approve the proposal the vote of three-fifths of the Senators present is required. If this second appointment were objected, the Senate, according to the procedures in the previous paragraph, with the approval of three-fifths of the Senators present would appoint definitively the commissioner that will occupy the vacancy. In the appointment procedures, gender equality shall be promoted.

The commissioner office will be held during seven years, and the commissioners shall fulfill the requirements provided in items I, II, IV, V and VI of the article 96 of this Constitution. The commissioners shall not hold other office; have an additional employment, or other commission with exception of the non-remunerated chairs or offices related to charities and academic or scientific institutions. The commissioners can only be removed from office according to the terms in the Fourth Title of this Constitution and they might be subject to political trial.

The commissioner president shall be selected by the secret vote of the commissioners. The commissioner president will remain in office for three years, with the possibility of being reelected for another three years. The commissioner president must render an annual report before the Senate in the date and terms described by the law.

- C. The Institute shall have an Advisory Board formed with ten council members that shall be elected by the vote of two thirds of the present Senators. The law will establish the procedures to present the candidates to the Senate. Each year, the two council members with longer tenure will be replaced, unless they were proposed and ratified for a second term in office.
- D. The Institute will coordinate its actions with the Federal Superior Comptroller Office, the entity specialized in archives and files, the National Institute of Statistical and Geographical Data, as well as, with the local agencies in the States and the Federal District in order to strengthen the accountability within the Mexican State.

Article 13

The Broadcasting Public System of the Mexican State shall have a citizens' council in order to secure its independence and an impartial and objective editorial policy. The council shall have nine honorary members to be appointed, after a comprehensive public consultation, by the vote of two-thirds of the present Senators or, during recess, by the Permanent Committee. Council members shall serve in staggered terms. Each year, the two most senior members shall be replaced unless ratified for a second term by the Senate.

The President of the System shall be appointed by the two-thirds of the present Senators, or the Permanent Committee accordingly, given a proposal of the Federal Executive. The President of the System shall remain in office for five years and might be reelected for an additional term. He or she may only be removed by two-thirds of the Senate.

Third Section

On the Economic and Social Regime and on Democratic Planning

Article 14

In no case commercial stockholders corporations may own agricultural, livestock or woodlands in an extension larger than the equivalent to twenty five times the limits specified in the next paragraphs. The statutory law shall determine the capital structure and minimum number of shareholders so that the lands owned by each shareholder do not exceed the limits established for small rural property. All individual rural properties, based on shares, will be cumulative for this purpose. Likewise, the law shall establish the requirements for the participation of foreigners in said corporations. The same law shall establish the registration and control procedures required to comply with the provisions of this section.

Small agricultural property is defined as the land which area does not exceed one hundred hectares of irrigated or damp soil per person, or the equivalent in other kind of soil. The equivalence will consider one hectare of irrigated soil equals two hectares of seasonal soil equals four hectares of good quality pasture land equals eight hectares of forest, mountain or arid pastureland.

Small agricultural property is defined as the land which area does not exceed one hundred and fifty hectares per person, when the land is used for harvesting cotton or if they are irrigated. Small agricultural property shall be defined as the land that do not exceed three hundred hectares when they cultivate banana, sugar cane, coffee, henequen, rubber, palm, grape vine, olives, quinine, vanilla, cacao, agave, prickly pear or fruit trees.

Small livestock property is defined as the area that does not exceed the land necessary to maintain up to five hundred heads of big livestock or the equivalent in small livestock per person, in accordance with the law and with the fodder capacity of the soil.

Article 15

In order to promote respect and strengthening of the community life of farming cooperatives and communal land, the law shall protect the lands for human settlements and shall regulate the uses of communal lands, forests and waters. The State shall implement actions to improve the quality of life of in such communities.

The law shall regulate the exercise of indigenous peoples' rights over their land and of joint-title farmers over their parcels, respecting their will to adopt the best conditions for the use of their productive resources. The law shall establish the procedures whereby the members of a cooperative and indigenous people may: associate among themselves, with the State or with third parties to grant the use of their lands; transfer their land rights to other members of their rural community, in the event of farming cooperative. The law shall also set forth the requirements and procedures whereby the cooperative assembly shall grant their members private rights over land. In cases of transfer of ownership, the right of preference set forth by the law shall be respected.

Within a same rural community, no member of a cooperative can hold land exceeding five percent of the total land belonging to the farming cooperative. Land ownership must always adjust to the restrictions established in the previous paragraph.

The general assembly is the supreme authority of the farming cooperative or indigenous community, within the organizational structure and powers granted by law. The communal property commission is a body democratically elected according to the terms provided by the law. It is the representative organ of the farming cooperative and the one responsible to enforce the assembly's decisions.

Article 16

The management of the Central Bank shall be entrusted to the persons appointed by the President of the Republic with the consent of the Senate or the Permanent Committee, accordingly. They shall hold office for the appropriate duration and staggering that are best suited to the autonomous exercise of their duties; they may only be removed for a serious cause and they cannot hold any other employment, position or assignment, except for those in which they act in the name of the Bank, and those unpaid activities carried out in educational, scientific, cultural or charitable organizations. The persons in charge of the Central Bank may be subjected to impeachment in accordance with the provisions established in the Article 111 of the Constitution.

Article 17

- A. The Federal Economic Competition Commission and the Federal Telecommunications Institute shall be independent in their decisions and operations; they shall be professional in the performance of their roles, and impartial in their proceedings; and they shall uphold the following provisions:
- a. They shall issue their resolutions with full independence;
 - b. They shall execute their budget autonomously. The House of Representatives shall guarantee sufficient budgetary allocations to allow a timely and efficacious discharge of their competences;
 - c. They shall enact their respective organizational statutes with a special majority vote;
 - d. They may only issue general administrative regulations for the discharge of their regulatory functions in their respective sectorial competence;
 - e. The law shall guarantee, within each agency, the separation between the investigative and the adjudicating authorities in those proceedings of a contentious nature;
 - f. They shall deliberate in a collegiate manner, and shall decide by majority vote; their sessions, agreements and resolutions shall be public with the exceptions to be determined by law. Their boards shall meet the transparency and access to information standards;
 - g. The general regulations, acts or omissions by the Federal Economic Competition Commission and the Federal Telecommunications Institute may only be subject to challenge through indirect constitutional adjudication, and shall not be subject to suspension. Only in those cases in which the Federal Economic Competition Commission imposes fines or orders divestment of assets, rights, quotas or shares, these decisions shall only be enforced once the constitutional injunction proceedings, if any, is resolved. Resolutions rendered through adjudicative proceedings may only

be challenged if they are final, on the grounds of breaches committed during the proceedings or in the resolution itself; general regulations applied during the procedures may only be challenged through the constitutional injunction initiated against such general regulation. Specialized judges and courts according to Article 95 of the Constitution shall hear constitutional injunctions. No ordinary or constitutional appeals shall be admitted against in-process acts;

- h. The heads of the agencies shall present to the Executive and Legislative Branches an annual working plan and shall inform their activities every trimester; they shall appear before the Senate annually, and before both Chambers of Congress according to Article 93 of the Constitution. The Federal Executive may request to either Chamber of Congress the appearance before them of the heads of these agencies;
 - i. The law shall promote governmental transparency in these agencies under principles of digital government and open data;
 - j. Commissioners may be removed from office by the Senate with a two-thirds vote of its present members, on the grounds of gross fault in the discharge of their functions and in accordance with the provisions of the law; and
 - k. Each agency shall have an Internal Comptroller whose head shall be appointed by the House of Representatives by a two-thirds vote of its present members, in accordance with the terms set forth by the law.
- B. The governing bodies of both the Federal Economic Competition Commission and the Federal Telecommunications Institute shall have seven Commissioners, including the presiding Commissioner, to be appointed staggered upon the proposal of the Federal Executive with the consent of the Senate.

The presiding Commissioner of each agency shall be selected by the Senate among the Commissioners with a two-thirds vote of its present members, to serve for a four-year term and may only be reelected once. When the appointment of the Presiding Commissioner falls upon a Commissioner whose term is to finish before the four-year term, then the presidency shall only last for the remaining time of his term as Commissioner.. Commissioners must meet the following requirements:

- a. Be a natural born Mexican citizen and enjoy both civil and political rights;
- b. Be of 35 years of age;
- c. Enjoy a good reputation and have no record of convictions for intentional felony or crime with a sentence of more than one year;
- d. Have a graduate degree;
- e. Have at least three years of distinguished professional, public service or academic track-record substantially connected to economic competition, broadcasting or telecommunications, as it may correspond;

- f. Substantiate, in accordance with this provision, the technical knowledge required to discharge the responsibilities of the position;
- g. Not having been appointed, during the year prior to the appointment, Secretary of State, Attorney General of the Republic, senator or representative either at the federal or local level, Governor of any state, or Head of Government of the Federal District; and,
- h. Not having had, in the last three years, an employment, appointment or managerial positions in companies that had been subject to any proceeding leading to sanctions before said Commission. In the case of the Federal Telecommunications Institute, not having had employment, appointment or managerial positions in companies owned by commercial or private concessionaires or entities related to them, subject to the regulations of said Institute in the previous three years.

Commissioners shall refrain from performing under any other employment, work, public or private commission, except for teaching positions; they shall refrain from hearing cases in which they may have a direct or indirect stake pursuant to applicable law, and shall be subject to impeachment and the accountability regime set forth in Title Four of the Constitution. The law shall regulate the modality under which Commissioners may have contact with people representing regulated economic agents to discuss matters of their competence.

Commissioners shall serve for nine years and under no circumstances will they be appointed for a second term. In case of vacancy of any position, a replacement shall be appointed to complete the remaining term, according to the procedure set forth in this Article.

Candidates to the position of Commissioner shall substantiate their compliance with the requirements set forth above before an Evaluation Committee formed by the heads of the Bank of Mexico, the National Institute for Educational Evaluation and the National Geographical and Statistical Institute. To that end, the Evaluation Committee shall hold hearings every time a vacancy opens; it shall make its decisions by a majority vote and shall be presided by the member with most seniority who will also have a quality vote.

The Committee shall issue public calls to fill the vacancy. It shall verify the candidate's' compliance with the requirements set forth in this Article and shall further administer a test of knowledge in the field to be taken by those candidates that meet them. The Evaluation Committee shall consider the opinion of at least

two higher education institutions when preparing the test and shall follow the best practices in the field. The proceedings must observe transparency, publicity and maximized turnout standards.

For each vacancy, the Evaluation Committee shall send a list with a minimum of three and a maximum of five candidates with the highest scores. In case of not reaching the minimum number of candidates, a new public call for candidates shall be issued. The Executive shall select, from among the candidates in the list, the one to be proposed to the Senate for its consent.

The Senate shall give its consent with a two-thirds vote of the present members, within thirty business days as of the day of filing of the proposal. When in recess, the Permanent Commission shall summon the Senate. In case the Senate rejects the candidate proposed by the Executive, the President of the Republic shall submit a new proposal in accordance with the previous paragraph. This procedure shall be repeated, as many times as needed should new rejections take place, until there is only one candidate approved by the Evaluation Committee in the list, who shall then be directly appointed Commissioner by the Executive.

No act pertaining to the selection and appointment of Commissioners proceedings shall be subject to challenge.

- C. The Federal Telecommunications Institute shall uphold, other than the provisions stated in article 30 of the Constitution, the following provisions:
- a. In the broadcasting and telecommunications sectors it shall regulate the participants in an asymmetrical manner to efficaciously eliminate barriers to competition and free access to the marketplace; it shall set limits to the national and regional concentration of frequencies, concessions and cross-ownership as a means to control several media units with broadcasting and telecommunication concessions serving a given market or geographical coverage area; and it shall order the divestment of assets, rights or quotas necessary to secure compliance of these limits, so that it can guarantee what the provisions stated in Articles 6 and 7 of the Constitution.
 - b. The Institute shall have the power to grant, revoke, as well as authorize assignment, changes of control, ownership or operation of legal entities in connection with broadcasting and telecommunications concessions. The Institute shall notify the Secretary of the corresponding jurisdiction prior to rendering a decision, who may issue a technical opinion on the matter. Concessions may be for commercial, public, private or social use, the latter

including community and indigenous use, in accordance with their purpose, and subject to the principles set forth in Articles 2, 3, 6 and 7 of the Constitution.

The Institute shall set the amount to be paid for the award of these concessions, as well as for the authorization of services related to them, after receiving the opinion of the treasury authority. The opinions aforementioned shall not be binding and shall be issued within thirty days; once that term is elapsed, should the opinions be still pending, the Institute shall proceed with the corresponding proceeding.

- c. The public tenders for concessions of the radio electric spectrum shall have the final objective of ensuring the maximum participation, taking into consideration concentration phenomena to the detriment of public interest, and securing the least price level for final consumers; and the economic factor shall not have controlling weight in the concession award decision-making process. Concessions for public or social use will be nonprofit and shall be awarded directly in accordance with the law and under conditions that shall guarantee transparency in the proceedings. The Federal Telecommunications Institute shall keep a public registry of all concessions.
- d. The causes to revoke a concession shall include, among others the noncompliance of the resolutions in cases of anti-competitive conduct. When revoking a concession the Institute shall give prior notice to the Federal Executive to allow, eventually, the exercise of its power as needed to secure the continuity of service.

Article 18

The National System of Statistical and Geographical Information shall have a Board of Government composed by five members, one of them shall be the chairman of both, the board and the organism. The five members shall be designated by the President of the United Mexican States and approved by the Senate, or by the Permanent Committee during recess.

The law also shall establish the requirements to become a member of the board, as well as the tenure term and the staggered renewal of the members. The members of the board may be removed only due to a serious cause. They cannot have any other job, position or assignment, except for unpaid services in educational, scientific, cultural or altruistic institutions. Board members shall be subjected to that established in the Title Four of this Constitution.

Article 19

The National Council for the Evaluation of the Social Development Policy shall be formed with one president and six councilors that shall be Mexican citizens with recognition for their work in the private or social sector, the academia or by their professional merits. They shall have at least ten years of experience in the social development sector and they must not be affiliated with any political party or have been a candidate for public office through electoral process. The Councilors shall be appointed by two thirds of the present members of the Chamber of Representatives, according to the procedures established by law. The Mexican President may object the appointment within ten business days, if the President does not present any objection, the person appointed shall occupy the office of Councilor. Every four years, the two Councilors with higher seniority shall be substituted unless they were nominated and appointed for a second term in office.

The President of the National Council for the Evaluation of the Social Development Policy shall be appointed in the same manner as the previous paragraph and shall be in office for five years after this period, he/she could be reelected for one more period and may only be removed in the terms stated in the Fourth Title of this Constitution.

Fourth Section On Public Safety

Article 20

The National Public Safety System shall be subject of the following minimum basis:

- a. There must be a regulation for selection, admission, training, continuance, evaluation, appreciation and certification of the members of public safety institutions. The Federation, the Federal District, the States and Municipal Councils shall operate and develop public safety actions in the field of their respective jurisdictions.
- b. A criminal and personnel database must be created for the public safety institutions. No one can be recruited unless he has been duly certified and registered in the system.
- c. There should be public policies intended for crime prevention.
- d. The community shall participate in processes like evaluation of the public safety institutions and the policies intended for crime prevention.

- e. Funds for public security, provided by the federal government to the States and Municipal Councils shall be exclusively used for that purpose.

Second Book

First Section

On Popular Elections

Article 1

The electoral campaigns in the years that there are elections for President of the Republic, senators and representatives shall have a duration of ninety days. The electoral campaigns shall last sixty days in the years that only representatives are to be elected. Never the duration of run-up to the electoral campaign shall exceed two-thirds of the period granted for electoral campaigns.

Infringement of these provisions by parties, private individuals or legal entities will be punished according to the law.

Article 2

A. The National Electoral Institute shall be the only authority to manage media time for the State in radio and television to fulfill its own means and for the national political parties to exercise its rights, according to the law and to the following provisions:

- a. From the run-up to the election campaign until the election day, the National Electoral Institute shall get forty eight minutes daily, distributed in two to three minutes segments per hour in each radio station and television channel, according to the schedule defined in item *d.* of this section.

In the period between the run-up for the internal election and the beginning of the electoral campaign, the fifty percent of the time in radio and television shall be distributed to the goals and objectives of the electoral authorities and the remaining minutes shall be distributed to air generic messages from the political parties in the terms established by law.

- b. During run-up, political parties shall get, jointly, one minute per transmission hour at each radio station and television channel. The remaining time shall be used according to the law.

- c. During electoral campaigns, the media shall allocate at least eighty-five per cent of the time established in paragraph *a.* of this section to political parties and candidates to guarantee their rights.
- d. Transmissions about political parties in each radio station and television channel shall be distributed between 06:00 and 24:00 hours.
- e. According to the rights of the political parties and, in a given case, to the independent candidates, airtime shall be distributed among them in the following way: seventy percent shall be distributed according to the vote percentage obtained by each political party at the previous House of Representatives election, the remaining thirty percent of airtime shall be equally distributed, from these equally distributed parts, up to one shall be assigned to all the independent candidates.
- f. Political parties that are not present in the Mexican Congress shall only get the airtime in radio and television corresponding to the percentage, equally distributed among parties, mentioned in the last item.
- g. Apart from the running-up period and the electoral campaigns, and with independence of this section, the National Electoral Institute shall get at radio and television airtime up to twelve percent of the total airtime allocated for the State, according to the law and under any modality. From this twelve percent, the National Electoral Institute shall equally allocate fifty percent between the political parties. The remaining fifty percent shall be used by the National Electoral Institute for its own purposes or another, federal or local, electoral authority. Every political party shall use its airtime according to the schemes provided by the law. In any case, the airtime shall be transmitted according to the schedule designed by the National Electoral Institute according to item *d.* of this section. In special occasions and with the proper justifications, the Institute might use the time that corresponds to party messages used to promote a political party.

Political parties or candidates cannot, at any time, buy or acquire any modality of airtime in television or radio by themselves or through third persons.

No private individual or corporation, by its own means or by third parties, can buy airtime on television or radio to influence political preference, or to promote or attack certain candidate or party. Such kind of media messages that have been contracted in a foreign country cannot be transmitted in the Mexican territory.

The States and the Federal District shall enforce the observance of the provisions established in the two previous paragraphs according to the applicable legislation.

- B. In the Mexican States, for electoral purposes, the Institute shall allocate and manage the airtime in radio and television in stations and channels with coverage in the given state, according to the law and the following provisions:
- a. In the event of state elections that coincide with federal elections, airtime for the state shall be included within the total time allocated in accordance with paragraphs *a*, *b* and *c* of section A.
 - b. For the rest of electoral processes, allocation shall be done according to the law and to the criteria provided in this section
 - c. Airtime distribution among the parties, including local parties and independent candidates, shall be carried out in accordance with the criteria established in section A and with the applicable legislation.

If the National Electoral Institute considers that total airtime in radio and television granted by this and the previous paragraphs were not enough for its own purposes, for another electoral authority's purposes or for the independent candidates, it can issue orders to cover the deficit within the powers vested to it.

Article 3

The President of the Council and the Electoral Councilors shall be elected to serve for a period of nine years and may not be reelected. They shall be elected through the vote of two-thirds of the members present in the House of Representatives according to the following procedures:

- I. The House of Representatives will present an agreement for the election of a President of the Electoral Council and the Electoral Councilors that will shall contain a public call, the stages of the process and the time limits, as well as the procedures to install a

technical committee for the evaluation of candidates, this committee shall be formed with seven persons with professional recognition, three of this persons shall be nominated by the executive political organ at the House of Representatives, two by the National Commission for Human Rights and the remaining two shall be nominated by the National Transparency, Access to Public Information and Protection of Personal Data Institute established by the 6th Article of the Constitution.

- II. The committee shall receive the list of all candidates for Electoral Councilor that present themselves to the call of candidates. The committee shall verify that the candidates fulfill the constitutional and legal requirements, as well as their suitability to occupy the office. It is responsibility of the committee to select five best candidates according to the evaluation for each vacancy, then the relation of candidates will be sent to the executive political organ at the House of Representatives.
- III. The executive political organ at the House of Representatives shall promote agreements for the election of President of the Electoral Council and Electoral Councilors; this organ must hold an election to select the candidate in the terms described by law and then the proposal shall be sent to the floor of the House of Representative for its consideration.
- IV. The agreement stated in the item I. shall establish a time limit to have the election in the executive political organ at the House of Representatives, if this organ does not hold an election or do not sends the proposals stated in the previous item, or even when it has done all the proceedings but the required vote threshold has not been met then they shall call for a special session to reach a decision by drawing lots from the list of candidates presented by the evaluation committee.
- V. In the case when no decision has been agreed according to the items III and IV within the time limits described in item I, the Supreme Court of Justice, in a public hearing, shall make the election by drawing lots from the list of candidates presented by the evaluation committee.

Given the absolute absence of the President of the Electoral Council or from any of the Electoral Councilors during the first six years of their term in office, a substitute

shall be elected to finish the corresponding period. If the absence happens during the last three years of the office period a new Electoral Councilor shall be elected for a new office period.

The President of the Electoral Council and the Electoral Councilors shall not have another employment or hold any other office or commission with exception of those that represent the General Council or the non-remunerated positions in academic, scientific, research, cultural or philanthropic associations.

The head of the Office of the Comptroller General of the Institute shall be designated by the vote of two thirds of the present members of the House of Representatives and by proposal of public institutions of higher education, according to the terms described by law. The Comptroller General shall remain in office for six years and may only be reelected once. This office shall be administratively dependent of the General Council and will maintain the technical coordination with the Superior Comptroller General.

The Executive Secretary shall be appointed by two-thirds of the General Council after his nomination by the President of the Electoral Council.

The law shall establish the requirements that every individual must meet in order to be appointed as the President of the Electoral Council, Electoral Councilor, the Internal Comptroller or the Executive Secretary of the National Electoral Institute. Those individuals having served as President of the Electoral Council, Electoral Councilor or Executive Secretary may not hold a position in those public offices or powers where they were involved in the election of the members of that office or power, nor can they be hired by the executive organs of political parties or become candidates of public office for the next two years after their time in office at the Institute have concluded.

Congressional Councilors shall be appointed by the parliamentary groups with party affiliation in any of the two Chambers of Congress, at a ratio of one per each parliamentary group notwithstanding their recognition in both Chambers of the Congress.

Article 4

Public funding for the political parties that keep their registration after each election will be provided according to the law and the following principles:

- I. Public funding directed to cover ordinary and permanent activities shall be fixed annually by multiplying the total quantity of citizens registered in the electoral register by sixty five percent of daily minimum wage in the Federal District. Thirty percent of the amount obtained by such calculus shall be equally distributed among political parties and the remaining seventy percent shall be distributed according to the vote percentage they have obtained at the previous House of Representatives election.
- II. Public financing for electoral activities in the year when President of the Republic, senators and representatives are elected shall be equal to the fifty percent of public funding provided for ordinary activities in that same year. Public financing for electoral activities in the year when only representatives are elected shall be equal to the thirty percent of public funding provided under the previous paragraph.
- III. Public funding for specific activities, related to education, training, socioeconomic and political research and publishing activities, shall be equal to the three percent of the total public financing for ordinary activities. The thirty percent of the amount obtained by the previous calculus shall be equally distributed among political parties and seventy percent shall be distributed according to the vote percentage they have obtained at the previous House of Representatives election.

Third Book

First Section

On Branches of Government

Article 1

For the election of the two hundred Representatives under the proportional representation principle and the system of regional lists, five multimember constituencies shall be created across the country. The allocation of Representatives by this principle shall follow the next provisions:

- I. To register its regional list, a political party must prove that it participates with candidates to the House of Representatives to be elected by the principle of majority voting in at least two hundred uninominal districts.

- II. Every political party attaining at least three percent of the total votes casted for the regional lists at the multimember constituency shall be entitled to have representatives under the principle of proportional representation.
- III. The political party complying with the two principles above established, shall obtain the number of representatives from the list corresponding to each multimember district, according to the proportion that people vote on that constituency. The order established in the regional lists shall be respected to appoint the candidates.
- IV. No political party shall have more than 300 representatives, regardless the principle by which they have been elected.
- V. After that seats have been distributed according to previous paragraphs III, IV as well as Article 54 of the Constitution, the leftover of proportional representation seats shall be awarded to the remaining political parties according to part IV which have a right in each one of the multimember districts, in direct proportion to the national and effective votes received by these parties. The law shall regulate procedures and formalities to apply this article's principles.

Article 2

For the election of the Senate, the political parties must register a list with two candidate formulas. The seat for the first minority shall be given to the candidate formula that is in the top of the list of the political party that obtained the second larger number of votes in the State that corresponds.

Article 3

The Congress, through the legislative commission of both Houses, shall analyze the strategies to strengthen the local public finances described in the agreements that the local governments promote with the Federal Government to obtain loans. The Congress may issue recommendations and observations within fifteen-business days limit, even in the recess periods of the Congress. The previous statement shall apply in the cases of those Local Governments that already have high levels of public debt according to the corresponding law. Immediately after the celebration of the agreement, the strategy to adjust the finances of the Municipalities that fall into the same case shall be informed. These may also apply for the agreements that the States celebrate regardless their debt level.

Article 4

Despite the provisions stated in Article 79 of the Constitution, the Federal Auditing Office, shall follow the next provisions:

- I. The Federal Auditing Office shall submit to the House of Representatives the individual auditing reports of public account of the respective fiscal year that they have concluded on the last working day of the months of June and October, as well as February 20 of the next year. On this same date the Fiscal Auditing Office shall submit the General Executive Report of the Public Accounts Audit, which shall be considered by the floor of the House of Representatives. This report shall be public and shall include audits, opinions, justifications and observations that the government agencies have presented. For this purpose, before the submission of the general executive report and the individual reports to the House of Representatives, the Federal Auditing Office shall notify the entities under revision about the results obtained from their public accounts, so that they could submit the pertinent justifications and explanations.

The Head of the Federal Auditing Office shall send to the entities under revision the individual reports with recommendations and measures suggested no later than 10 business days after submission of the report to the House of Representatives. The entities under revision shall, within 30 business days, present the appropriate information and carry out the suitable measures. The law shall establish punishments for failures thereof. This provision shall not apply to the lists of accusations, which shall observe the procedures and terms established by law.

The Federal Auditing Office shall, within a 120 business days term, answer the explanations and justifications submitted by the entities under revision. Failure to do so, means that explanations and justifications have been accepted. Regarding fulfillment of recommendations, the entities under revision shall describe the improvements carried out or justify the inappropriateness of the measures suggested by the Federal Auditing Office.

- II. On May 1 and November 1 of every year, the Federal Auditing Office shall submit to the House of Representatives a report about the progress of recommendations and measures suggested to the public entities in the individual reports. This report shall be public and the Federal Auditing Office shall describe the amounts that the Federal Treasury have received or the amounts that have been restore to the estate of the Government Agencies as consequence of their audits or legal procedures presented before Administrative Courts.

- III. The Federal Auditing Office can request and review concrete information of previous years to that of the public account being revised, this faculty does not mean that the public account of that year has been opened again. The request for information may only be reopened when the program covers more than one year or when fulfillment of objectives is under revision. However, comments and recommendations issued by the Federal Auditing Office shall only refer to the public account belonging to the year under revision.

Regardless of the provisions in the previous paragraphs, the Federal Auditing Office, previous authorization of its chief officer, may review government agencies during the current fiscal years or their information for past fiscal years in the situations described by the law and as consequences of accusations or lawsuits. The government agencies shall give the information requested by the Federal Auditing Office within the time limits considered by the law, if the entity does not meet the deadline and formalities, it shall be punished according to the law.

The Federal Auditing Office shall keep on reserve its acts and comments until the general report and the individual reports have been submitted to the House of Representatives. The law shall establish appropriate punishments for offenders thereof.

Article 5

The Attorney General shall remain in office for nine years and shall be appointed and removed according to the following provisions:

- I. Given a definitive absence of the Attorney General, the Senate will have twenty business days to draft a list of at least ten candidates to occupy the office, once the list is approved by two thirds of the present members of the Senate it will be sent to the Federal Executive.
If the Federal Executive does not receive the list within the time limit stated in the previous paragraph, he will freely send a list of three candidates to the Senate and shall provisionally appoint the Attorney General who will be in functions until a definitive appointment is made according to this article. In this case, the Attorney General provisionally appointed shall participate in the list of three.
- II. Once the Federal Executive receives the list described in paragraph I, the Executive shall send, within the next ten days, a list of only three candidates to the Senate for their consideration.
- III. Based on the list of three sent by the Executive and previous appearance of the nominated persons, the Senate will appoint the Attorney General with the vote of the two thirds of the senators present. The Senate will have ten days to make the appointment.

In case that the Federal Executive does not send a list of three described in the previous paragraph the Senate will have ten days to appoint the Attorney General from the list of candidates described in fraction I of this article.

If the Senate does not comply with the time limits for the appointment as is stated in the previous paragraphs, the Executive shall appoint the Attorney General from the candidates drafted in the list of ten or, if it is the case, from the list of three presented.

- IV. The Executive may remove the Attorney General due to serious causes established by the law. An objection to the removal may be made by the vote of the majority members of the Senate present within a time limit of ten business days. In this case the Attorney General shall be reinstated to its functions. If the Senate does not pronounce itself about the removal it will be understood that there is no objection to it.
- V. During the Senate recess, the Permanent Committee shall call for an extraordinary session immediately in order to decide about the appointment or removal objection of the Attorney General.
- VI. The absences of the Attorney General shall be substituted in the terms described by law.

Article 6

Each minister of the Supreme Court of Justice, upon taking office, takes the following oath before the Senate:

Speaker of the Senate: “Do you swear loyally and patriotically perform the position of Justice of the Supreme Court of Justice of the Nation, which has been conferred upon you and to observe and uphold the Political Constitution of the United Mexican States and the laws that emanate from it, pursuing the welfare and prosperity of the country?”

Justice: “Yes, I do.”

Speaker of the Senate: “If you do not fulfill these obligations, may the Nation demand it of you.”

Article 7

Apart from the provisions stated in Article 107 of the Constitution, in regard to constitutional adjudication the following provisions must be observed:

- I. Whenever the acts claimed in the constitutional adjudication deprive or may deprive the farming cooperatives or communities or their members of their lands, waters, pasture and mountains, all evidence that could benefit any of the aforesaid

entities or individuals must be obtained at the court's own motion, and any proceedings that could be necessary to prove their rights must be ordered to establish their agrarian rights. Also, the nature and consequences of the claimed acts shall be defined.

In the constitutional adjudication mentioned in the preceding paragraph, dismissal of the suit because of procedural inactivity or by discontinuance shall not be admissible to the detriment of farming cooperatives or indigenous communities, or to the detriment of a native or joint-title farmer. However, this kind of proceedings shall be admissible to their benefit. Waiving or express consent shall not be accepted when the claimed acts affect the community's rights, unless waiving or express consent are agreed by the General Assembly of the farming cooperative.

- II. Against final rulings, binding judgments or resolutions that end the trial, the collegiate circuit court shall decide on all the procedural infringements committed, establishing the terms for the new ruling. If such violations were not reported in the first constitutional adjudication, and the specialized court did not decide on the subject, then they cannot be invoked in a second constitutional adjudication.
- III. The constitutional adjudication against final rulings, binding judgments or resolutions that end the trial shall be promoted before the collegiate circuit court that correspond according to the law and the following cases:
 - a. Relating to criminal matter, against final rulings pronounced by federal, ordinary or military courts.
 - b. Relating to administrative matter, when private persons challenge final sentences or rulings pronounced by administrative or judicial courts, provided that such sentences or rulings are not repairable through a legal instrument, trial or any other ordinary means.
 - c. Relating to civil matter, against final sentences pronounced in federal trials, or in federal or local mercantile trials, or in trials for common crimes.
In federal civil cases, sentences may be challenged through the constitutional adjudication by any of the interested parties, even the Federal Government, in defense of its patrimonial interests.
 - d. Relating to labor issues, when adjudication pronounced by a federal or local Commission for Conciliation and Arbitration or by the Federal Court of Conciliation and Arbitration for public employees were challenged.
- IV. Regarding criminal matter, such suspension shall be applied while notifying the constitutional adjudication lodged. Regarding civil, mercantile and administrative matters, such suspension shall be applied when the plaintiff pays a bail, which shall be used to pay for the damages caused by the suspension to a third party. Such suspension shall be void if the other party pays an indemnity bond in order to assure re-installment of the situation as if the constitutional adjudication has been granted.

Article 8

The Administrative Court shall be organized by a plenary meetings or regional courts.

The Superior Court of the Administrative Tribunal will have sixteen judges and shall perform in plenary meetings or by sections. One of these sections will be in charge of the resolutions regarding the second part of the first paragraph of Article 108 of the Constitution.

The judges of the Superior Court shall be appointed by the President and ratified by the votes of two-thirds of the present members of the Senate or the Permanent Committee if the Senate is in recess. The judges shall be appointed for fifteen years without possibility of remaining in office.

The judges of the Regional Courts shall be appointed by the President and ratified by the majority vote of the present members of the Senate or the Permanent Committee if the Senate is in recess. The judges shall be appointed for ten years and may be considered for a new term in office.

The judges may only be removed from office due to serious grounds stated by the law.

Fourth Book

On the Liabilities of Public Servants and Patrimonial Responsibility of the State

Article 1

The laws shall establish the cases and circumstances in which criminal sanction shall proceed due to illicit enrichment to the public servants, by their own motion or by third parties, that during their term in office or because of it, increase their assets or estate and which legal origin cannot be proved. The laws shall state that this type of offence shall require confiscation of the assets as penalty among others that may apply.

Administrative penalties to be imposed to the public servants consist of reprimand, suspension, dismissal, banning. Economic penalties shall be established according to the economic benefits that the accused obtained by the misuse or abuse of public office. The law shall determine the procedures for the investigation and prosecution of these acts or omissions.

Article 2

The federal agencies shall have a comptroller office with the powers stated by the law to prevent, correct and investigate those acts or omissions that may constitute administrative responsibilities. The comptroller offices may punish those administrative offences that are not in the jurisdiction of the Federal Administrative Court, it also may supervise the revenues, expenditures, management, safe-keeping and use of the federal public resources, as well as to present inquiries for acts and omissions that may constitute a criminal offence before the Specialized Anti-Corruption Prosecution Office.

The local and municipal public agencies, as well as the public agencies of the Federal District and its territorial divisions shall have internal comptroller offices that will be responsible for the local supervision and powers stated in the previous paragraph.

Article 3

Companies shall be punished in terms of item IV Article 110 of the Constitution when the acts related to serious administrative offences are performed by individuals that act in representation of the company or to its benefit. The Court may also order suspension of activities, dissolution or intervention to the respective company when the offences produce damages to the Treasury or federal, local or municipal agencies, given that this company has obtained a pecuniary benefit of these activities and that there is prove that its administrative, supervision organs or its partners have systematically used the company to participate in administrative offences. In this case, the punishment will be executed once the final resolution is issued. The laws shall establish the procedures to the investigation and punishment to those acts and omissions.

Article 4

In order to discharge its responsibilities, the National Anticorruption System shall be subject to the next minimal basis:

- I. The National Anticorruption System shall have a Coordinating Committee that will be formed with the directors of: the Federal Auditing Office, the Specialized Anticorruption Prosecution Office, the Federal Ministry responsible for internal control, the president of the Administrative Justice Court, the president of the National Transparency Agency, one representative of the Federal Judicial Council and one representative of the Citizen Participation Committee.
- II. The Citizen Participation Committee of the National Anticorruption System shall be formed by five citizens that have distinguished themselves for their contributions to transparency, accountability and the anticorruption movement. They will be nominated according to the law.
- III. The Coordination Committee of the National Anticorruption System will be responsible for:
 - a. The establishment of a mechanism of coordination with the local systems
 - b. The design and advancement of comprehensive policies in regard to accountability and control of public resources, policies about prevention,

control and deterrence of administrative offences and acts of corruption with special focus on the causes of these acts.

- c. The establishments of mechanisms for the generation, systematization, sharing and update of the information in regard to these topics that the institutions generate.
- d. The establishment of basis and principles for the effective coordination between authorities of different government levels in regard to accountability policies and control of public resources.
- e. The creation of an annual report that details the results and progress in the exercise of their functions and the implementation of anticorruption of policies and programs.

As a result of this report, the System may issue non-binding recommendations to the corresponding authority in order for them to implement the measures and procedures to strengthen the institution and prevent administrative offences and corruption acts. The authorities that receive these recommendations shall inform the Committee about the implementation of those recommendations.

Fifth Book

First Section

On the Mexican States

Article 1

In regard to electoral issues, the local constitutions and the local laws shall guarantee that:

- I. In the exercise of the electoral functions, the local authorities shall be guided by the principles of certainty, impartiality, independence, legality, objectivity and maximum publicity.
- II. The authorities in charge of organizing elections and the jurisdictional authorities that resolve electoral disputes are autonomous in the exercise of their functions and are granted with independence to make their decisions according to the following statements:
 - a. The local electoral public organs shall have a directive council formed with a President of the Council, and six electoral councilors granted with voice and vote plus an executive secretary and representative of the political parties that shall only be granted with voice before the Council. Each political party shall be granted with a representative in the council.
 - b. The President of the Council and the Electoral Councilors shall be appointed by the general Council of the National Electoral Institute according to the terms provided by law. The local electoral counselors shall be from the state they will serve as councilor or shall have at least five years of residence in the state previous to the date of the appointment. The counselors shall fulfill the requirements and the profile suitable to the position. In case that a vacancy of electoral counselors happens, the General Council of the

National Electoral Institute shall make the corresponding appointment in the terms described by law and by this article. If the vacancy happens during the first four years of their term in office than a substitute shall be appointed to continue the term. If the vacancy happens during the last three years of the term in office then an electoral councilor shall be appointed for a new term in office.

- c. The local electoral councilors shall remain in office for a seven-year period and shall not be reelected. They shall receive a salary in accordance to their functions and may be removed by the General Council of the National Electoral Institute according to the serious reasons stated by law.
 - d. The local electoral councilors and other public servants specified by law shall not hold other office or have another employment or commission except of those unpaid activities such as research, cultural, academic, scientific and altruistic activities. They shall not accept a public office in the organs in which the local electoral public organ was involved to elect their officials or representatives, and they shall not be nominated to run for a public office or hold a position in the party leadership during the next two years after finishing their term as electoral councilors.
 - e. The corresponding jurisdictional electoral authorities shall be composed by an odd number of magistrates that shall be elected by two thirds of the present members of the Senate with prior public call in the terms specified by law.
 - f. The local electoral public organs shall have public servants granted with public trust for the electoral acts and whose attributions and functions law shall define.
 - g. The challenges to the acts in regard to the local electoral process done by the National Electoral Institute, according to the part A of Article 42 of the Constitution, shall be resolved by the Electoral Court of the Judicial Branch of the Federation according to the law.
- III. The administrative electoral authorities have the power to make and execute an agreement with the National Electoral Institute, so that this last entity organizes local elections.
- IV. The political parties are composed of citizens only, without intervention of labor unions or other organizations, and that political parties are not affiliated to a corporation. State constitutions and state electoral laws shall also guarantee that the political parties have the right to register candidates for popular elections, except for the provisions of Article 2, items III and VII of the Constitution.
- V. The local political party that does not obtain, at least, the three percent of the total effective votes casted in any of the elections for the renewal of the Executive Power or the local Congress will lose its registry. These norms shall not apply to the national political parties that participate in local elections.
- VI. The political parties shall receive public funding, in a fair manner, for their permanent ordinary activities and their electoral activities. State constitutions and state electoral laws shall also establish procedures to settle political parties that lose registration and shall decide over their properties and balances.

- VII. The definition of the criteria for the expenditure limits made by the political parties during the run-ups and campaigns, as well as to the contributions made by sympathizers and militants.
- VIII. The political parties shall have access to airtime in radio and television, according to the rules established by the law.
- IX. Establish the rules for the run-up and electoral campaigns, as well as the appropriate penalties to offenders. In every case, the duration of the campaigns shall be between sixty and ninety day for the Governor election and thirty to sixty days only when there are elections for local congress and Municipal Councils. The run-ups shall last no longer than two-thirds of the campaign term respectively.
- X. Electoral authorities shall intervene in the internal affairs of the parties only according to the provisions established by the electoral laws.
- XI. Establish the regulation that applies to the nomination, registry, rights and obligations of the independent candidates guaranteeing their access to public financing and airtime in radio and television according to the terms established by the Constitution and the corresponding laws.
- XII. Establish a system of legal means of challenge to guarantee legality of the electoral acts and rulings. Define the postulates and rules to do the partial or total vote recount in regard to administrative and jurisdictional matters.
- XIII. Specify the causes to nullify the elections for governors, for state representatives and for members of the Municipal Councils; as well as, the terms to file legal challenges and appeals, taking into account the principle of definitiveness in setting the stages of electoral processes.
- XIV. At least one local election shall be held on the same date that any of the federal elections.
- XV. Specify and typify the electoral crimes and the penalties imposed for each one of them.
- XVI. Establish the grounds and requisites for the citizenry to request their registration as independent candidates to be elected to any post subject to popular vote, in accordance with Article 44 of this Constitution.

Second Section

On the Federal District

Article 2

The local authorities of the Federal District are: the Assembly of Representatives, the Head of the Federal District Government and the Superior Court of Justice.

The Federal District's Assembly of Representatives shall consist of a number of representatives elected according to the principle of relative majority and the principle of proportional representation, following the procedure of lists for a multi-member district, according to the provisions established by the Constitution and the Federal District Charter.

The Head of the Federal District Government shall exercise the executive power and shall be responsible for the public administration of the entity. The Head of the Federal District

Government shall be vested in one single person, elected through universal, free, direct and secret suffrage.

The Superior Court of Justice and the Judicial Council of the Federal District, together with the other bodies established by the Federal District Charter, shall perform the judicial functions related to common law in the Federal District.

Article 3

It pertains to the Congress of the Union:

- I. To legislate on what is relative to the Federal District, except for the affairs expressly conferred on the Assembly of Representatives.
- II. To issue the Federal District Charter.
- III. To enact laws that regulate the public debt of the Federal District.
- IV. To issue the general provisions that guarantees the appropriate, timely and efficient functioning of the Powers of the Union.
- V. The other powers conferred by this Constitution.

Article 4

It pertains to the President of the Republic:

- I. To propose laws to the Congress of the Union related to the Federal District.
- II. To propose to the Senate the person who should substitute the Head of the Federal District Government in the event of his/her removal.
- III. To annually submit to the Congress of the Union the proposal of indebtedness in order to fund the expenditure budget of the Federal District. The proposal shall be submitted by the Head of the Federal District Government to the President and shall meet the requirements established by law.
- IV. To uphold the administrative laws enacted by the Congress of the Union related to the Federal District.
- V. The other powers conferred by this Constitution, the Federal District Charter and the laws.

Article 5

The Federal District Charter shall be subject to the following bases:

- I. The members of the Assembly of Representatives shall be elected every three years through universal, free, direct and secret vote, in accordance with the provisions established by law. The Assembly of Representatives shall consider the provisions established in the Articles 42, 60 and 100 of the Constitution in regard to the organization of elections, the issuance of certificates and the legal challenges on electoral matter.
- II. Qualifications to be a representative in the Assembly shall not be less than those required to be a federal deputy. The compatible provisions included in the Articles

51, 59, 61, 62, 64 and 77, paragraph IV, of the Constitution shall be applied to the Assembly of Representatives and its members.

III. The composition of the Legislative Assembly of the Federal District shall invariably follow the criteria stated in Article 116 part B item II of the Constitution.

IV. The Assembly of Representatives shall fix the dates for the beginning of two ordinary periods of sessions per year, and shall establish the procedures to create internal organ of government that will act during its recesses, as well as the attributions of such internal organ. The internal organ of government can call to an extraordinary period of sessions at the request of the majority of its members or of the Head of the Federal District Government.

V. The Assembly of Representatives shall have the following powers:

a. To issue its own organic law and to send it to the Head of the Federal District Government so that it is published.

b. To review, discuss and approve annually the expense budget and the revenue law for the Federal District, approving first the contributions necessary to cover the budget. Such budget shall include the salaries of the public servants, which shall be subject to the provisions established in the Article 127 of this Constitution.

All the legislative, executive and judicial organs of the Federal District, as well as the autonomous bodies established by the Federal District Charter, shall include the detailed salaries of their employees in their proposals of expenditure budgets. The Federal District Charter and the applicable laws shall establish the procedure to approve the expenditure budget of the Federal District.

The revenue law for the Federal District cannot include indebtedness higher than those previously approved by the Congress of the Union for the financing of the Federal District expenditure budget.

The Head of the Federal District Government can exclusively submit the revenue law and the expenditure budget. The term to submit them ends on November 30, except for the years when the election of the Head of the Federal District Government takes place, in which case deadline shall be December 20.

The Assembly of Representatives shall submit annually its proposal for the budget to the Head of the Federal District Government in order to include it in the general proposal.

The provisions included in the Article 115 section IV item c second paragraph of the Constitution shall be applicable to the treasury of the Federal District in all matters consistent with its nature and organic system of government.

c. The Representatives Assembly, through its Auditing Office shall analyze the public account that corresponds to the previous year according to the applicable criteria established in the Article 73 item VII of the Constitution. Public account of the previous year shall be submitted to the Assembly of Representatives no further than April 30. This term may be extended only

when the Head of the Federal District Government justifies it sufficiently to the Assembly. The same shall apply for the extensions for submitting the revenue law and the expenditure budget.

The Federal District's Auditing Office Reports shall be public.

The Head of the Auditing Office of the Federal District shall be elected by the two-thirds of the members present in the Assembly of Representatives, shall remain in office for at least seven years period and shall have five years of experience in matters of control, financial auditing and liabilities.

- d. To appoint a substitute for the Head of the Federal District Government in case of absolute absence.
- e. To issue the legal provisions required to organize public treasury, the budget, bookkeeping and public spending of the Federal District, as well as the provisions required to organize the Auditing Office, vesting it with technical and operational autonomy to decide its internal organization, functioning and decision making. Auditing function shall be exercised according to the principles of legality, impartiality and reliability.
- f. To issue the provisions required to guarantee free and authentic elections in the Federal District through universal, free, secret and direct suffrage, according to the ground rules established by the Federal District Charter, which shall observe the principles and rules provided in the first Article of this book making reference to the governor, local representatives and Municipal Councils shall apply, respectively, to the Head of the Federal District Government, members of the Assembly of Representatives and District Chiefs.
- g. To legislate in matters of local administration, its internal organization and internal administrative procedures.
- h. To regulate the Human Rights Commission and to legislate in civil and criminal matters and in other matters like citizen participation, public defender, notary service and the land and commerce registry.
- i. To establish standards for civil protection, civic justice for police and governance offences, for the security services provided by private companies, for prevention and social reintegration, for public health and social work, and for social security.
- j. To legislate in matters of development planning; urban development, especially on land use; environmental preservation; housing; construction; public roads; traffic and parking; acquisitions and infrastructure; and exploitation and use of the Federal District's resources.
- k. To regulate provision and contracts of public services; to legislate in matters of public transport, cleaning services, tourism and lodging, markets, slaughterhouse, wholesale markets and cemeteries.
- l. To issue regulations on economic stimulation; employment protection; development of the agricultural and livestock sector; commercial establishments; animal protection; public shows; cultural, civic and sports promotion; and social education in accord with the Article 3 section VII of the Constitution.

- m. To enact the organic law of the courts responsible for the common jurisdiction in the Federal District.
- n. To issue the Organic Law of the Court of Administrative Justice.
- o. To legislate in the matter of the right of access to information and the protection of personal data held by obligors of the Federal District. The Assembly of Representatives may also legislate in issues of organization, administration and management of documents and files according to the general laws issued by the Mexican Congress to establish the bases, principles and procedures to exercise this right.

The Federal District shall establish an impartial, collegiate and autonomous entity responsible for guaranteeing the right of access to information and the protection of personal data held by obligors, this entity shall have legal personality, own patrimony, and full technical, managerial and decision-making autonomy in regard of its budget and internal organization.
- p. To present bill proposals or decrees to the Mexican Congress in regard to the Federal District issues or governance.
- q. To establish by law the terms and requirements by which the citizens of the Federal District may exercise their right of initiative before the Assembly of Representatives of the Federal District.
- r. Other powers conferred expressly by the Constitution or by this law.

Article 6

The Federal District Charter shall follow the next principles in regard to the Head of the Federal District Government:

- I. The Head of the Federal District Government shall hold office for a six-year term, beginning on the 5th day of December of the year in which election was held, in accordance with the provisions established in the electoral law. In order to be eligible for the office of the Head of the Federal District Government, the individual shall meet the requirements established by the Federal District Charter, including: to be a Mexican citizen by birth with legal capacity to exercise his rights; to have lived in the Federal District for the three years previous to the date of the election, if he was born in the Federal District or to have lived in the Federal District for the five years previous to the date of the election, in a continuous manner, if he was born in another entity; to be at least 30 years old on the election day; not to have been Head of the Federal District Government previously under any circumstance. Being appointed to fulfill federal public offices in another state does not interrupt the residence.

In the event of dismissal of the Head of the Federal District Government, the Senate shall appoint a substitute to finish the mandate. The President of the Republic must propose such substitute. In the event of a temporary absence of the Head of the Federal District Government, the office shall be entrusted to the public servant indicated in the Federal District Charter. In case of absolute absence, because of resignation or any other cause, the

Assembly of Representatives shall appoint a substitute that finishes the term. Resignation of the Head of the Federal District Government shall be accepted only due to serious causes. The Federal District Charter shall regulate the leaves for this office.

- II. The Head of the Federal District Government shall have the following powers and obligations:
 - a. To uphold and execute the applicable laws enacted by the Congress of the Union related to the Federal District Executive Office or any of its agencies.
 - b. To issue, publish and execute the laws approved by the Assembly of Representatives through the provision of administrative means by issuing regulations, decrees and covenants that allow its proper compliance. The Head of the Federal District Government, within a ten business days term, can make comments about the laws submitted to him by the Assembly of Representatives for enactment. Should the project with comments be confirmed by two-thirds of the representatives present, it must be enacted by the Head of the Federal District Government.
 - c. To submit bills to the Assembly of Representatives.
 - d. To appoint and remove freely the public servants subordinated to the local executive organ, whose appointment or dismissal is not foreseen in a different manner by the Constitution or by the applicable laws.
 - e. To manage public security services in accord with the Federal District Charter.
 - f. Other powers and duties conferred by the Constitution, the Federal District Charter and the laws.

Article 7

Regarding the organization of the local public administration in the Federal District, the Federal District Charter shall uphold the following basis:

- I. The Federal District Charter shall establish the guidelines for the distribution of attributions among the central organs and the decentralized bodies.
- II. The Federal District Charter shall establish the political-administrative agencies in every administrative territory in which the Federal District is divided. It shall also specify the criteria to carry out the territorial division of the Federal District; the responsibilities of each one of the political-administrative agencies; how to create them and detail their functioning; and, establish the relationships between such political-administrative agencies and the Head of the Federal District Government.

The directors of the political-administrative agencies shall be elected through a universal, free, secret and direct manner, according to the law.

Article 8

The Federal District Charter shall uphold the following basis regarding the Superior Court of Justice of the Federal District and the other judicial bodies in charge of common affairs:

- I. Magistrates composing the Superior Court of the Federal District shall meet the same requirements than the justices of the Supreme Court of Justice of the Nation. Besides, they should have professional experience at judicial affairs, preferably in the Federal District. The Supreme Court of the Federal District shall have the number of magistrates indicated in the applicable organic law.
In the event of vacancies, the Head of the Federal District Government shall submit his proposal to the Assembly of Representatives for approval. Magistrates shall hold the office for a term of six years. They may be ratified by the Assembly of Representatives, if so, they may be removed from office only in the cases established in the Title Four of the Constitution.
- II. Administration, supervision and discipline of the Superior Court, trial courts and the other judicial organs shall be the responsibility of the Federal District Judicial Council.
The Federal District Judicial Council shall be composed of seven members: the president of the Superior Court of Justice of the Federal District, who shall chair at the Judicial Council; a magistrate and two judges, elected by the two thirds of the members of the Superior Court, in plenary meeting; one councilor appointed by the Head of the Federal District Government; and two councilors appointed by the Assembly of Representatives. Councilors must meet the same requirements than magistrates. They must have professional and administrative experience; they also must be honest and honorable. Councilors appointed by the Superior Court of the Federal District must have proven experience in judicial field. Councilors shall serve for a five year-term and they shall be replaced in a staggered way. Councilors may not be appointed for a second term.

The Federal District Judicial Council shall appoint the judges for the Federal District, according to the provisions regulating the judicial career. The Judicial Council shall also define the quantity of courts and courtrooms belonging to the Supreme Court that shall build up the Judicial Branch of the Federal District, as well as their specialization.
- III. Responsibilities and operating standards of the Federal District Judicial Council shall be determined taking into account the provisions established in the Article 101 of the Constitution.
- IV. The Organic Law shall establish the rules to provide training and updating to the public officials, as well as the rules about professional development of the judicial career.
- V. Impediments and penalties established in the Article 102 of the Constitution shall be applicable to the councilors, magistrates and judges.
- VI. The Federal District Judicial Council shall prepare the budget for the Federal District Courts and shall submit it to the Head of the Federal District Government

to include it in the general budget that shall be sent to the Assembly of Representatives for its approval.

Article 9

The Court of administrative litigation shall have full autonomy to issue its resolutions and to establish its organization, functions and procedures, in some cases also to establish the corresponding challenges to its resolutions. The Administrative Court must resolve the conflicts between the Federal District's public administration and private parties. The Court may impose, according to the law, the corresponding sanctions whenever public servants are found guilty for severe administrative responsibilities and to the private parties responsible for severe administrative faults. It may also establish the corresponding economic sanctions or compensations for the damages caused to the Federal District's Treasury or to the endowment of the Federal District's public organs.

The investigation and substantiation and punishment of the administrative responsibilities of the members of the local judicial branch shall be according to the provisions stated in fraction II of the previous article, without diminishing the responsibilities of the Auditing Office about the management, safe-keeping and use of public resources.

Article 10

The head of the Federal District Public Prosecution Service shall be the Federal District Attorney General, who must be appointed according to the conditions provided by the Federal District Charter. The Federal District Charter and the applicable organic law shall determine organization, powers and operation of the Federal District Public Prosecution Service.

Article 11

The provisions set forth in the section VII of the Article 115 of the Constitution shall apply to the President of the Republic. Appointment and dismissal of the public servant in direct charge of the public force shall be carried out according to the terms established in the Federal District Charter.

Article 12

The Senate, or the Permanent Committee, can dismiss the Head of the Federal District Government due to serious causes affecting relationship between him and the Powers of the Union, or affecting the public order in the Federal District. Dismissal request must be presented by a half of the members of the Senate or of the Permanent Committee.

Article 13

The City Councils of the Federal District suburbs can make and execute agreements with the Federal District Government and the Federal Government in order to create metropolitan commissions that coordinate planning and implementation of actions related to human settlements, protection of the environment, preservation and restoration of ecological balance, transport, drinking water, sewage, garbage collection, treatment and disposal of solid waste, and public security, observing the provisions established in the Article 115, section VI, of the Constitution.

The commissions will be created by mutual agreement of the participants. The document of creation shall determine the procedure for integration, structure and functions.

Through the commissions, it shall be established:

- I. The basis to make and execute agreements inside the commissions. Such agreements shall define the territorial scope and functions of each Municipal Council regarding public works, provision of public services or actions mentioned in the first paragraph of this part.
- II. The basis to define, in a coordinated manner, the specific functions of the members of the commissions, as well as the contributions of material, human and financial resources.
- III. Other rules for the mutual and coordinated regulation for the development of the suburbs, provision of public services and implementation of other actions approved by the commissions.

Article 14

The prohibitions and limitations that this Constitution establishes for the states shall apply to the Federal District authorities.

Sixth Book

On Labor and Social Welfare

Article 1

In addition to the provisions established in Article 123, part A, item V of the Constitution, workers are entitled to participate in profit sharing, which shall be regulated in conformity with the following rules:

- I. The National Commission for the Participation of Workers in Corporate Profit Sharing shall research and study the general conditions of the national economy. It shall also take into consideration the need to promote the industrial development of the country, the reasonable interest that should be obtained by capital, and the necessary reinvestment of capital.
- II. The commission may revise the percentage fixed whenever new studies and research so justify.
- III. The law may exempt newly established corporations from the obligation of sharing profits for a specified and limited number of years. It may also exempt the

exploration works and other activities so justified by their nature or peculiar conditions.

- IV. In order to determine the amount of the profits of each corporation, it will consider the taxable income, according to the provisions of the Income Tax Law, as basis for calculation the amount of profits. Workers may submit to the appropriate office of the Department of the Treasury their objections, in accordance with the procedure indicated in the law.

Article 2

Enforcement of the labor laws belongs exclusively to federal authorities in matters relating to the following sectors:

1. Textile industry
2. Electricity
3. Movie Industry
4. Rubber
5. Sugar
6. Mining
7. Metallurgical, iron and steel industries, including the exploitation of basic minerals, their processing and steelworks, production of iron and steel in all their forms and alloys, and their rolled products
8. Hydrocarbons
9. Petro-chemistry
10. Cement
11. Limekilns
12. Automobile industry, including mechanical and electric car parts
13. Chemical industry, including pharmaceutical and drug industry
14. Cellulose and paper
15. Oils and vegetable fat
16. Food production, applicable only to industries producing packed, canned or bottled products
17. Bottled and canned drinks, and related industries
18. Railroad workers
19. Basic lumber industry, including sawmills and manufacture of plywood and agglutinate materials
20. Manufacture of glass bottles and flat glass, either smooth or carved
21. Tobacco industry, including manufacture of tobacco products
22. Bank and credit institutions

Seventh Book

General Provisions

Article 1

In addition to the provisions established in Article 127 of the Constitution, the remuneration of public servants shall follow the next principles and basis:

- I. Remuneration is any payment made in cash or in kind, including expenses, bonus, rewards, incentives, commissions, gratifications, compensations and any other payment, except for expenses allowance that must be supported by receipts and invoices and for labor costs for traveling in official activities.
- II. No public servant can receive remuneration, as described in the previous paragraph, for its job, commission, or office higher than the remuneration established to the President of the Republic in the corresponding annual budget.
- III. No public servant can have a salary equal or higher than his/her superior's salary, except when the exceeding part is due to the performance of several public duties or to the general characteristics of the job, like a specialized technical job or a very specialized function. The addition of such remunerations shall not exceed a half of the President of the Republic's remuneration.
- IV. Pensions, retirement payments, dismissal payments for a finished job, loans and credits must only be granted when they are established by law, a decree, a labor contract. Such benefits are not part of the remuneration. Social security services required by public servants shall be excluded.
- V. Public servants' remunerations and detailed salaries per position shall be public information. Such information shall specify every fixed and variable elements that comprise the salaries, including payments in cash and in kind.
- VI. The Congress of the Union, the State Legislatures and the Federal District's Assembly of Representatives, within the scope of their jurisdiction, shall enact the laws necessary to enforce the provisions included in this article and all related constitutional provisions. They shall also establish criminal and administrative penalties to be applicable to public servants that circumvent this article.