

Case Note on Draft Judgment in Electoral Annulment Proceeding (Nonconformity Trial) 194/2025¹

The Annulment of Mexico's Supreme Court Election

Abstract

The election of nine Supreme Court justices in Mexico was a pivotal event within an unprecedented judicial election process. In June 2025, for the first time in the nation's history, both federal and state judges were selected by popular vote. This case note examines the *Draft Judgment in Electoral Annulment Proceeding (Nonconformity Trial) 194/2025*, authored by Justice Reyes Rodríguez Mondragón of the High Chamber of the Electoral Tribunal of the Federal Judiciary. The draft advocated annulling the Supreme Court election on the grounds of serious irregularities. Although the decision was ultimately rejected by most of the Chamber, the draft remains a crucial document for understanding the irregularities observed during this extraordinary process and the broader challenges they pose for democratic legitimacy.

The note begins with a concise overview of the judicial election and the annulment proceedings brought before the Tribunal. It then follows the structure of the draft judgment to outline three key arguments: First, that unlawful financing and the use of acordeones (a term referring to cheat sheets) warranted annulment. Second, that procedural deficiencies—evaluated through the lens of electoral integrity—eroded public trust and democratic legitimacy, even if these flaws alone could not justify annulment. Third, that legislative omission, a constitutional concept in Mexican law, exposes a structural weakness in regulating judicial elections and highlights the need for urgent reform.

Overview: Mexican Judicial Election

In September 2024, Mexico enacted a sweeping constitutional reform fundamentally restructuring its judiciary by introducing, for the first time, a system in which all federal and state judges would be chosen by popular vote. The inaugural election under this new system took place on June 1, 2025, enabling citizens to elect nearly half of the Federal Judiciary, with the remaining posts to be filled in 2027. At the federal level, 881 judicial offices were contested:

- The Supreme Court had 64 candidates competing for nine seats.
- The Judicial Disciplinary Tribunal had 38 candidates vying for five positions.
- The Federal Electoral Tribunal had 110 candidates seeking 17 posts.
- The circuit appellate and district courts saw over 3,000 candidates running for 850 positions.

¹ Draft Judgment proposed by Justice Reyes Rodríguez Mondragón in *Electoral Annulment Appeal 194/2025* and consolidated cases, High Chamber of the Electoral Tribunal of the Federal Judiciary (México). Full draft judgment available in Spanish at: <https://justiciaabierta.net/proyecto-de-analisis-de-la-validez-de-la-eleccion-de-la-suprema-corte-de-justicia-de-la-nacion-scnj/>.

Additionally, nearly 1,800 state-level positions were also up for election, making this one of the largest and most intricate electoral exercises in Mexico’s history.

The design of the election introduced further complexity. At the federal level, Evaluation Committees from the Executive, Legislative, and Judicial branches reviewed tens of thousands of applications and nominated up to three candidates for each vacancy. Campaigns, which commenced in late March, were strictly regulated: candidates had to self-finance, were barred from receiving public or private funding, and no third party was allowed to support or oppose any candidacy.

To organize the process, the National Electoral Institute (“INE”, by its Spanish initials) subdivided Mexico’s 32 judicial circuits into 60 electoral judicial districts. Voters received six different federal ballots, plus the ones comparable to the state’s local contests. Each ballot listed candidates by gender, number, nominating branch, and where relevant, legal specialization. On the Supreme Court ballot alone, more than 60 names appeared, from which voters were required to select five women and four men.

The unprecedented scale of the election, combined with gaps in a legal framework originally designed for executive and legislative races, exposed structural weaknesses in Mexico’s institutional design and raised questions about judicial independence and electoral integrity. These vulnerabilities became most visible in the final phase of the process. In the last days of campaigning, during the electoral silence period, and on election day itself, illicit voting guides -commonly known as *acordeones* (a Mexican term for cheat sheets)- were widely distributed. These documents listed pre-selected candidates and were distributed with the intent of directing citizens’ votes (Figure 1). Despite preventive measures adopted by the INE to restrict,² *acordeones* were extensively spread and quickly became one of this election’s clearest symbols of the election’s vulnerabilities.

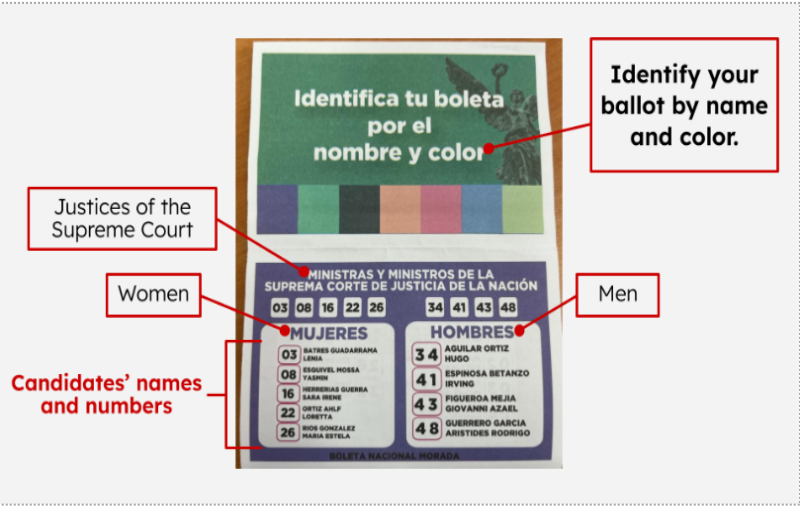


Figure 1 Example of an acordeón (singular of acordeones), representing the predominant model. The design of these cheat sheets revealed professional production and specialized electoral knowledge, as they included: the type of election (here, Supreme Court), the ballot color (purple), the identification numbers and names of preferred candidates, and, in some cases, numerical references to circuits and judicial districts (See §1.2).

² INE/CG535/2025 Resolution available in Spanish at: <https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/183437/CG2ex202505-29-ap-4.pdf>

Draft Judgment in Electoral Annulment Proceeding (Nonconformity Trial) No. 194/2025

In the aftermath of the election, numerous claims were filed before the High Chamber of the Electoral Tribunal of the Federal Judiciary (“High Chamber”). Many challenged the validity of the election of the nine Supreme Court Justices. Those assigned to Justice Reyes Rodríguez Mondragón were consolidated into Electoral Annulment Proceeding No. 194 of 2025 for joint resolution. In these cases, the petitioners argued that the use of *acordeones* amounted to an unlawful mechanism of vote inducement, violated the principles of free and authentic voting, and compromised fair competition in elections. They further argued that the distribution of such guides reflected an organized strategy backed by illicit financing.

After examining the arguments and evidence, Justice Reyes Rodríguez Mondragón drafted a judgment concluding that the election of the nine Supreme Court justices should be annulled due to violations of the legal prohibition against external campaign financing, as well as fundamental constitutional guarantees of fair competition and the freedom and authenticity of the vote. However, the majority of the Chamber rejected this draft, finding that the evidence was insufficient to justify annulling the election. This divergence highlighted broader concerns over how best to safeguard democratic legitimacy in such an unprecedented process. The following subsections explore these issues in greater detail, starting with the role of unlawful financing and the use of *acordeones* as bases for annulment.

1 *Acordeones* and unlawful financing as grounds for annulment

The draft judgment begins its analysis with the issue of *acordeones*, which, by their nature and method of dissemination, constituted prohibited electoral materials. Under the rules governing these elections, no actor was permitted to direct, influence, or channel the electorate’s vote. Not even joint promotion by candidates was allowed. The applicable legislation was explicit on this point:³

- Candidates, acting individually, were the only actors permitted to conduct and self-finance their campaigns within legally defined limits.
- Third-party intervention -whether by political parties, public officials, or other groups- was strictly prohibited if it sought to favor or harm any candidate.

Within this framework, the distribution of *acordeones* listing specific vote combinations, without being financed, reported, or acknowledged by the candidates, clearly amounted to unlawful intervention. Such conduct, if proven and shown to have had a determinative impact on the outcome, would be sufficient to annul the election.

³ General Law of Electoral Institutions and Procedures (*Ley General de Instituciones y Procedimientos Electorales* in Spanish) articles 506, 509, and 519 to 522.

The key question, therefore, was how to establish the existence of a generalized strategy for distributing illicit electoral propaganda, which at the same time implied the use of prohibited financing and the violation of constitutional principles.

The draft judgment answered this question by turning to the evidence on record, applying the standard of preponderance of the evidence. This required weighing competing hypotheses and, through rational assessment, determining which was best supported and most probable considering the available evidence. Applied here, the inquiry involved determining:

1. whether *acordeones* existed;
2. whether they formed part of a deliberate, complex, coordinated, systematic, and widespread strategy intended to influence voters; and
3. whether their existence and distribution had a decisive impact on the outcome of the election.

The following sections present the evidence supporting each of these hypotheses. Importantly, the draft judgment relied only on information contained in the official case files, annexes submitted by the parties, and a brief presented by an *amicus curiae*. While additional evidence might have shed further light on what occurred, the adjudication of these cases was limited to the legally submitted evidence.

1.1 Establishing the Existence of *Acordeones*

The draft judgement considered that the existence of *acordeones* as an illicit form of propaganda was fully established based on:

1. The submission of 3,188 printed *acordeones* were submitted by the petitioners.
2. The presence of *acordeones* in 374 images, videos, audio recordings, internet links, social media posts, and news articles submitted as evidence, all referencing their circulation and distribution.
3. Resolutions of the INE's General Council⁴, and later the High Chamber itself⁵, both of which acknowledged the circulation of *acordeones* when adopting precautionary measures.
4. Statements in *procedimientos especiales sancionadores* (special sanctioning proceedings), where candidates named in the *acordeones* disavowed responsibility and even referred to other guides with the same purpose, thereby confirming their existence.
5. References to their circulation in 156 appeals resolved by the High Chamber, confirming their presence in at least 23 states.

⁴ INE/CG535/2025

⁵ High Chamber of the Electoral Tribunal of the Federal Judiciary (Mexico), SUP-REP-179/2025 and consolidated cases, Judgment of May 30, 2025 (unanimous decision). Judgement available in Spanish at: <https://www.te.gob.mx/media/SentenciasN/pdf/superior/SUP-REP-0179-2025.pdf>

6. Resolution 563 of 2025, in which the INE's General Council invalidated votes from several polling stations due to proven use of *acordeones* on election day.
7. Reports in 38 investigation files opened by the Special Prosecutor's Office for Electoral Crimes in Mexico City, documenting facts and evidence consistent with the case file.

Together, these elements were sufficient to establish that *acordeones* existed and were used in the judicial election under review.

1.2 Evidence of a Dissemination Strategy

The draft judgement concluded that existence of a deliberate, complex, coordinated, systematic, and widespread strategy for the distribution of *acordeones* intended to influence the electorate was demonstrated by the following elements:

1. Direct and indirect evidence confirmed their existence in all 32 states.
2. Reports in special sanctioning proceedings established their circulation in at least 15 states, reinforced by the 38 investigation files from the Special Prosecutor's Office for Electoral Crimes in Mexico City.
3. References in 156 appeals before the High Chamber indicated distribution in at least 23 states.
4. Their presence was concentrated in the final days of the campaign, during the *veda electoral* (electoral silence period), and on election day.
5. The design of the *acordeones* revealed professional production and specialized electoral knowledge, as they included: the type of election, the color of the ballot, the identification number and names of preferred candidates, and in some cases, numerical references to circuits and judicial districts (Figure 1).
6. Distribution mechanisms, such as websites that enabled the downloading of these documents, further illustrated the sophisticated and coordinated nature of the strategy.

Taken together, these elements confirm that the *acordeones* were not isolated or spontaneous citizen actions but rather the product of a premeditated and intentional operation. Moreover, the complete overlap between the candidates featured in the voting guides and those who ultimately won or secured the highest number of votes provides compelling evidence of their influence on voter behavior and the election results.

1.3 The Decisive Impact of *Acordeones* on The Election Outcome

Once the existence and dissemination of *acordeones* had been established, the draft judgement turned to the central question of whether such irregularities were outcome-determinative (*determinancia*), thereby justifying the annulment of the election. In Mexican electoral law, *determinancia* refers to circumstances with the potential to alter the result of the election, whether in a quantitative sense (affecting the numerical margin of victory) or in a qualitative sense (for instance, undermining the conditions of freedom, fair competition, or authenticity of the vote). In this case, the draft found both dimensions present. The analysis pointed to two decisive elements:

1. First, the margin separating the winning candidates from the highest-placed losing candidates (“closest runners-up”) was less than 5%, a threshold that under constitutional mandate is sufficient to establish a quantitative determinative effect.⁶
2. Second, the electoral results revealed a statistically significant and exceptionally strong correlation between the candidates included in the *acordeones* and those who obtained the highest number of votes - an alignment that cannot be plausibly explained without deliberate coordination.

To support the latter conclusion, the draft set out eight findings demonstrating that the distribution of *acordeones* decisively shaped voting behavior and directly influenced the outcome of the election.

1. The dominant configuration of *acordeones* included the nine eventual winners and accounted for over 70% of all documented cheat sheets.
2. The frequency with which candidates appeared in *acordeones* closely matched their electoral performance, both among women and men.
3. The territorial distribution of *acordeones* models strongly correlated with the geographic spread of votes, especially those containing the nine winners.
4. The election results displayed atypical patterns of voter behavior inconsistent with open-list elections, confirmed by indices such as the Herfindahl-Hirschman and Dissimilarity Index.
5. Candidate pairings within *acordeones* showed that voters who supported one listed candidate overwhelmingly supported the others as well.
6. The opposite of the fifth finding was also true as candidates rarely or never paired in *acordeones* were likewise not jointly supported by voters, a statistically improbable pattern without coordination.
7. Voting correlations extended across simultaneous elections, linking the nine winning candidates for the Supreme Court with the five winners for the Judicial Disciplinary Tribunal.
8. Higher turnout, instead of fragmenting the vote, concentrated support even further around the same nine candidates.

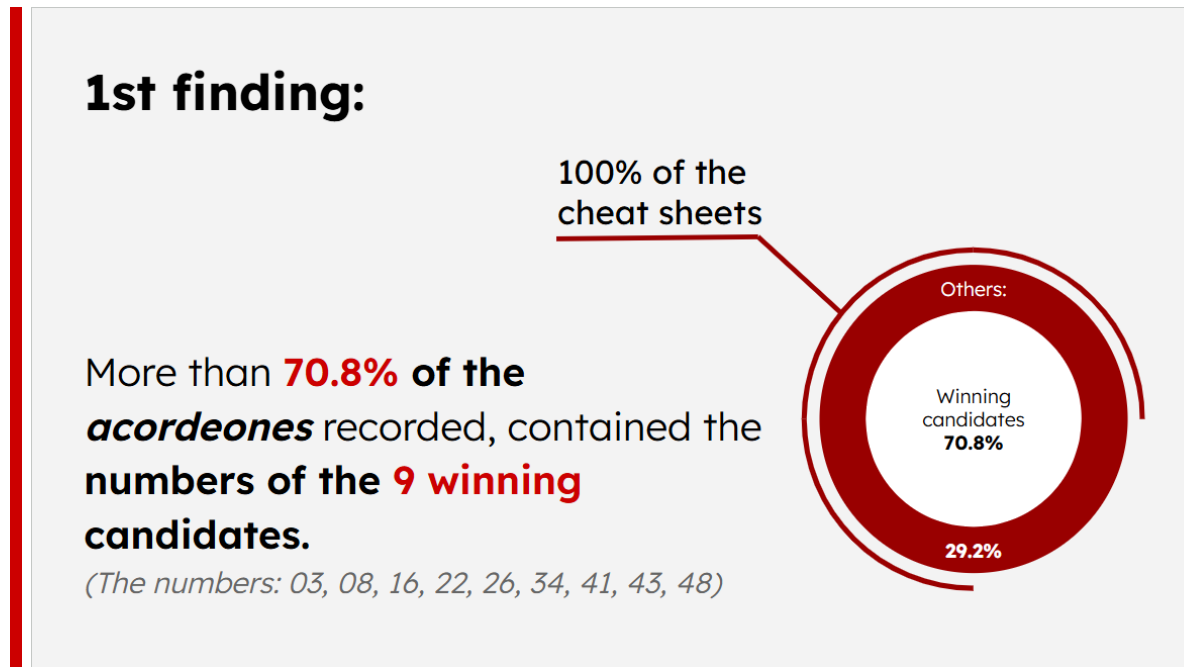
Each of these findings will be examined in detail in the subsections that follow.

1.3.1 First Finding: The Dominant *Acordeón* Replicated the Winning Slate

Among the 51 documented models of *acordeones*, the predominant version reproduced exactly the nine winning candidates for the Supreme Court. This configuration alone accounted for 70.8 percent of all cheat sheets recorded in the case file. The probability of such alignment

⁶ Under Article 41, fraction VI, second-to-last paragraph of the Mexican Constitution, federal and local elections may be annulled when serious, willful, and outcome-determinative violations are proven. The Constitution presumes a determinative effect in the quantitative sense when the margin of votes between the first- and second-place candidates is less than five percent.

arising from individual campaign efforts is implausible, particularly given the strict legal limits imposed on campaign events, financial resources, and permissible forms of promotion.



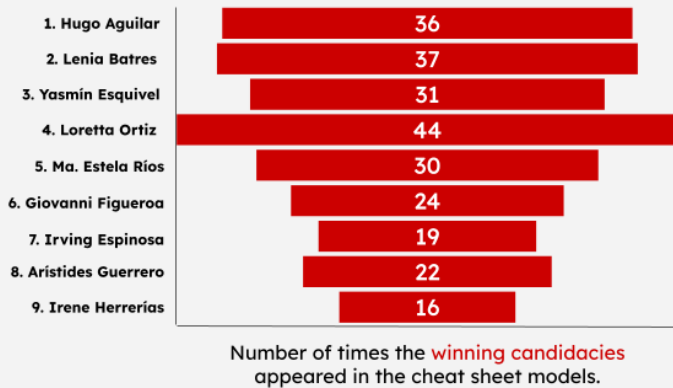
1.3.2 Second Finding: Frequency in *Acordeones* Predicts Electoral Performance

The second finding emphasized the strong correlation between the frequency with which individual candidates appeared in the *acordeones* and their electoral performance.

- Among women, the seven candidates most frequently included in the *acordeones* were also the seven who obtained the highest number of votes, a group that comprised the five eventual winners and the two closest runners-up.
- A similar pattern was observed among men: the four winners winning candidates were precisely those who appeared the most often in the *acordeones*, followed immediately by the three next high-placed candidates.

2nd finding:

The candidates that **appeared most frequently** in the **51 cheat sheets models** were also the ones that **ranked highest in the voting.**



This overlap between candidates who are most frequently promoted through *acordeones* and those who received the most votes demonstrates that these materials exerted a decisive impact on the outcome of the election.

1.3.3 Third Finding: The Impact of Territorial Distribution of *Acordeones* on Electoral Outcomes

The third finding concerned the territorial distribution of *acordeones* and its impact on electoral outcomes. While a total of 51 models were identified, their distribution was uneven. Thirty-five of these models appeared only in a single state, whereas the version that replicated the nine winning candidates was distributed in twenty-six of Mexico's thirty-two states. In other words, the most widely circulated *acordeón* was precisely the one featuring the nine eventual winners.

This correlation becomes even more apparent when analyzed by gender:

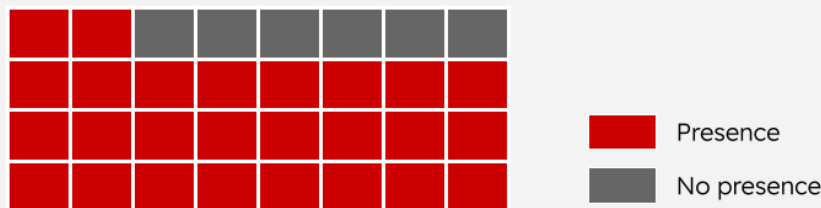
- Among women, the six most voted candidates —comprising the five winners and the closest runner-up— were precisely those included in the *acordeones* with the broadest territorial reach.
- Among men, the pattern was even stronger: the nine candidates with the highest vote totals were also those whose names appeared most widely across the country, with their exact ranking explained by the number of states in which they featured.

As the draft emphasized, the territorial spread of the *acordeones* was a decisive factor in electoral success, producing distinct but predictable effects across gender lines.

3rd finding:

There's a **strong relationship** between the **territorial distribution** of certain cheat sheets and the **electoral performance** of the candidates included in them.

The **most circulated cheat sheet model** that included the 9 winning candidates was present in **26 of the 32 Mexican states**.



1.3.4 Fourth Finding: Unlikely Uniformity in Voting Behavior

The election's design -without political parties, with complex ballots, and open lists of candidates- together with approximately 13 million voters choosing among 64 contenders for only nine Supreme Court seats, mathematically allowed for billions of possible combinations (7.4 billion, to be exact). Yet nearly 45 percent of voters selected the same single combination of nine candidates. The probability of this coincidence occurring through individual initiative and without coordination is virtually zero.

4th finding:

Voting showed an atypical behavior: despite there being 7.4 billion possible combinations, **45% of the valid votes went to a single combination**, which included the 9 winning candidates.

The mathematical probability of this coincidence occurring through individual citizen initiative and without any coordination is **virtually: zero.**

This statistical anomaly was confirmed by indices such as the Herfindahl-Hirschman Index (HHI), which revealed extraordinary vote concentration (Figure 2), and the Dissimilarity Index, which showed striking uniformity of support across states (Figure 3).

The HHI measures how concentrated or dispersed votes are across candidates. In an election with 64 candidates and billions of possible voting combinations, votes would normally be widely distributed, producing an HHI close to 0.0156 (blue bar). Even under a scenario of partial coordination with about 50 different combinations, the value would only rise slightly, to around 0.02 (green bar).

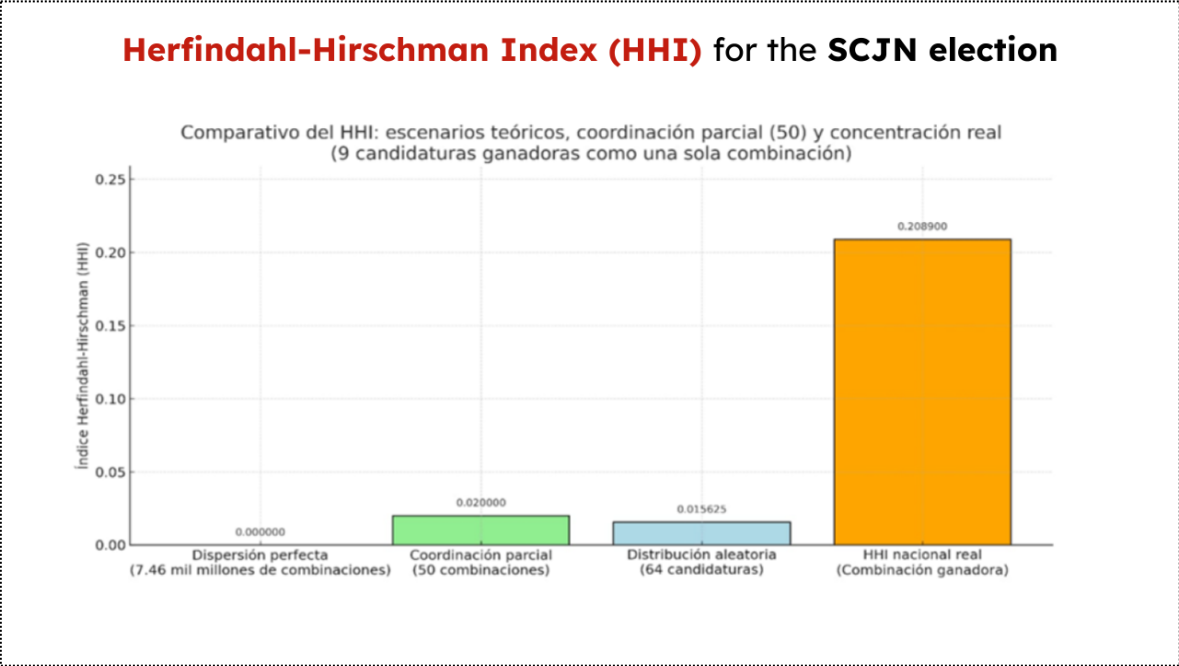


Figure 2 Herfindahl-Hirschman Index (HHI) for the Supreme Court (SCJN) Election. The 2025 election for the SCJN (orange bar) yielded an HHI of 0.2089, indicating an extraordinary concentration of votes in one combination of nine candidates.

By contrast, the actual 2025 Supreme Court election produced an HHI of 0.2089 (orange bar), which is more than ten times higher than either of these benchmarks. This indicates that instead of voters distributing their choices across many different combinations, support was overwhelmingly concentrated on one single formula of nine candidates. Such a level of concentration is statistically improbable without deliberate coordination, consistent with the widespread use of *acordeones*.

The Dissimilarity Index measures the degree of variation in voting patterns across different territories. In the case of the 2025 judicial election, the results by state for the nine winning candidates revealed an exceptionally low level of dissimilarity, indicating highly uniform support across the country.

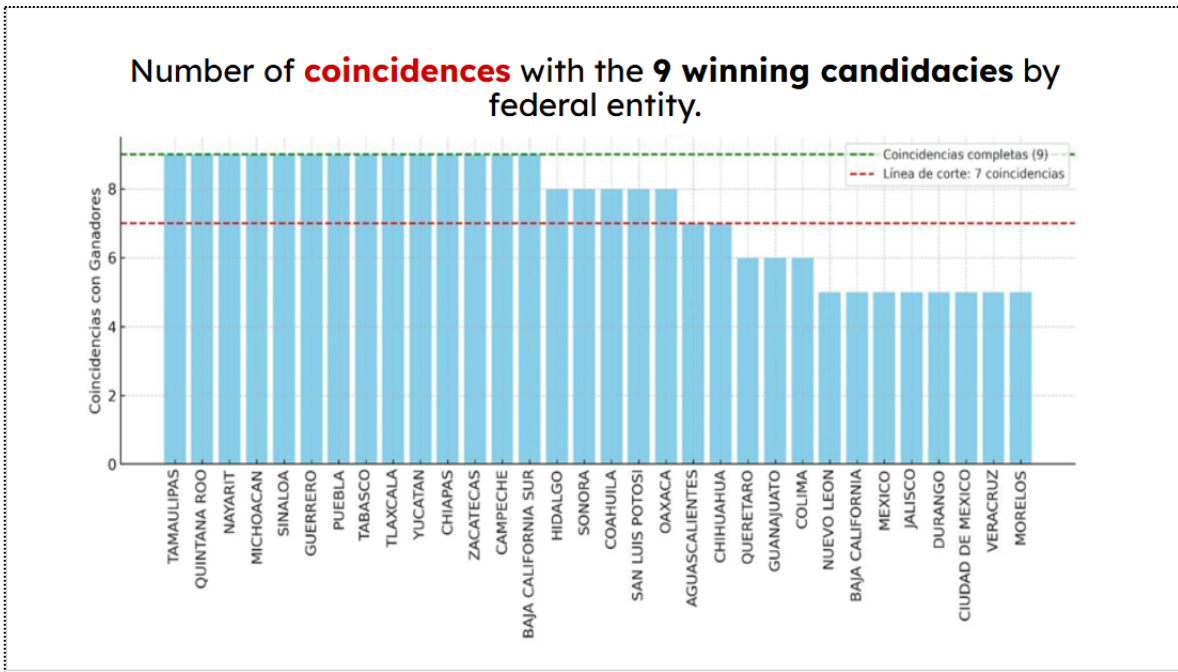


Figure 3 Dissimilarity Index (DI). Territorial homogeneity in the Supreme Court election. In 14 states, voters selected all 9 winners; in 5 states, 8; and in 2 states, 7.

As reflected in the data (Figure 3), 14 states registered a perfect match in the selection of all nine winning candidates. In another five states, the match extended to eight of the nine, and in two additional states, to seven. Such consistency is atypical for open-list elections, which ordinarily produce fragmented outcomes due to the large number of candidates and the absence of party structures.

The extraordinary territorial homogeneity observed suggests that the concentrated support for the nine winning candidates across all 32 states cannot be explained by spontaneous or independent voter behavior. Instead, it points to deliberate coordination, consistent with the organized distribution of *acordeones*.

1.3.5 Fifth and Sixth Findings: Candidates in *Acordeones* Were Consistently Voted Together

Further evidence arises from the analysis of candidate pairings within the *acordeones*. By quantifying how often specific pairs of candidate numbers appeared together in these materials and comparing those patterns with the electoral outcomes, the draft identified a near-perfect correspondence. Voters who supported one of the nine eventual winners overwhelmingly cast their votes for the remaining eight as well. In other words, support for a candidate listed in an *acordeón* was systematically accompanied by votes for the others appearing in the same guide.

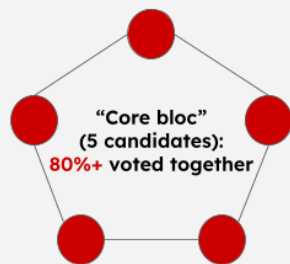
From a statistical perspective, the voting patterns among the nine winning candidates displayed exceptionally strong correlations at the district level. For example, focusing on the

five candidates most frequently included in the *acordeones* -the “core bloc” of the vote- the Pearson correlation exceeded 0.80. Put simply, this means that when a voter supported one of these candidates, in more than four out of five cases the same voter also supported the other four.

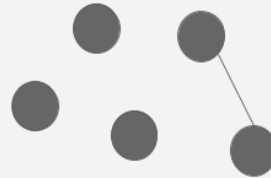
The analysis also revealed the opposite effect: candidates who rarely or never appeared together in the *acordeones* were likewise not supported together by voters. This mirror pattern -strong positive correlations among candidates included in the cheat sheets and strong negative correlations among those excluded- is highly improbable in an election that mathematically allowed billions of possible combinations. In other words, not only did voters consistently support the candidates who appeared together in the *acordeones*, but they also consistently refrained from voting for those who were excluded from them.

5th & 6th findings:

- The 5 candidates most frequently present in the cheat sheets were voted together in the election.
- Their statistical correlation is above 80%, which rules out a random coincidence.



The candidates who **never or rarely appeared** together in the cheat sheets were likewise not **jointly supported in the vote**.



**Source: Amicus curiae presented by Francisco Javier Aparicio Castillo.*

To put this into perspective, it is as if millions of voters, acting independently, all “just happened” to choose the same handful of candidates out of billions of possible combinations, a statistical near impossibility. The only plausible explanation is deliberate coordination achieved through the systematic distribution of *acordeones*.

1.3.6 Seventh Finding: Correlation Across Simultaneous Elections

The evidence of coordination extends beyond the Supreme Court race into other contests held on the same day. Specifically, there is a strong positive relationship between votes cast for the nine winning candidates to the Supreme Court and the five winning candidates to the Judicial Disciplinary Tribunal.

One way to detect coordination through *acordeones* is to analyze voting behavior across these simultaneous elections. Particularly relevant in this regard is the data provided by an *amicus*

curiae (Figure 4). The brief includes a graph in which each blue dot represents a polling station, plotting the percentage of votes for the nine winning Supreme Court candidates on the X-axis and the five winning Disciplinary Tribunal candidates on the Y-axis. The dots form an almost straight line with a positive slope. The results confirm a striking correlation: the Pearson coefficient is 0.92, indicating that in 90% of cases voters who supported the nine winning Supreme Court candidates also supported the same five for the Disciplinary Tribunal.

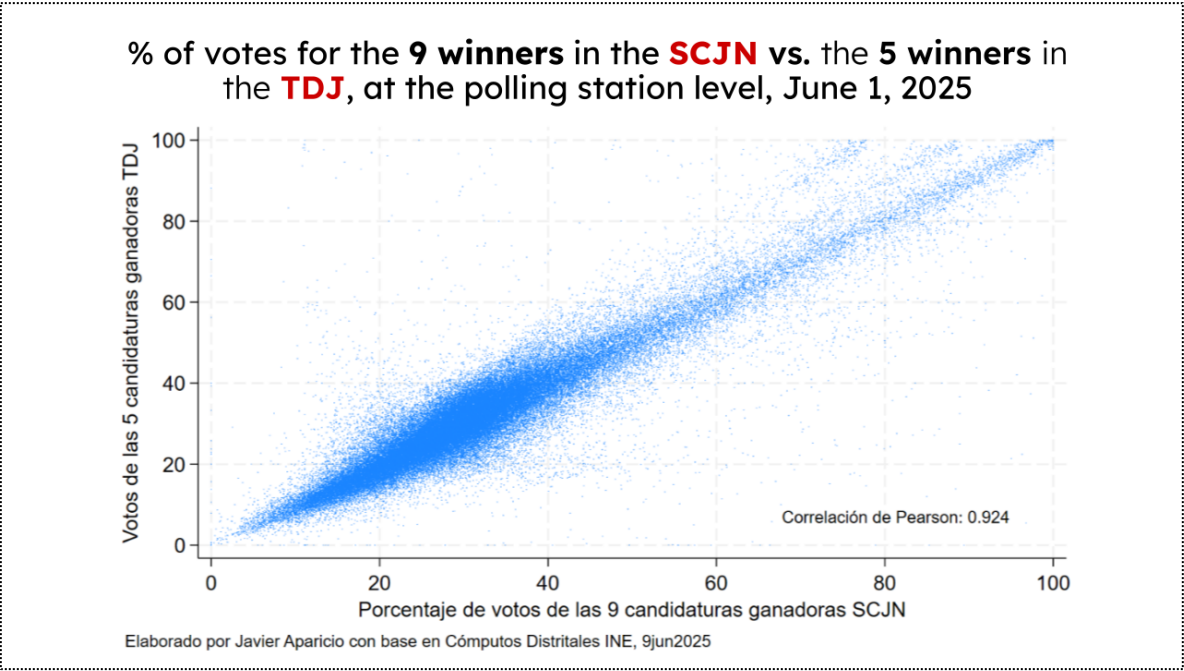


Figure 4. Source: *Amicus curiae* presented by Javier Aparicio. Scatterplot showing the correlation between votes for the 9 winning Supreme Court candidates (X-axis) and the 5 winning Judicial Disciplinary Tribunal candidates (Y-axis) at the polling station level. Each blue dot represents a polling station. The nearly straight upward-sloping line illustrates a strong positive correlation (Pearson’s $r = 0.924$).

This pattern is even clearer when the data is aggregated by state (Figure 5). Across all 32 states, without exception, the same candidates were consistently favored, and in many cases, voting behavior was nearly identical. Such uniformity across socio-political contexts as diverse as those found in Mexico is statistically improbable without deliberate coordination.

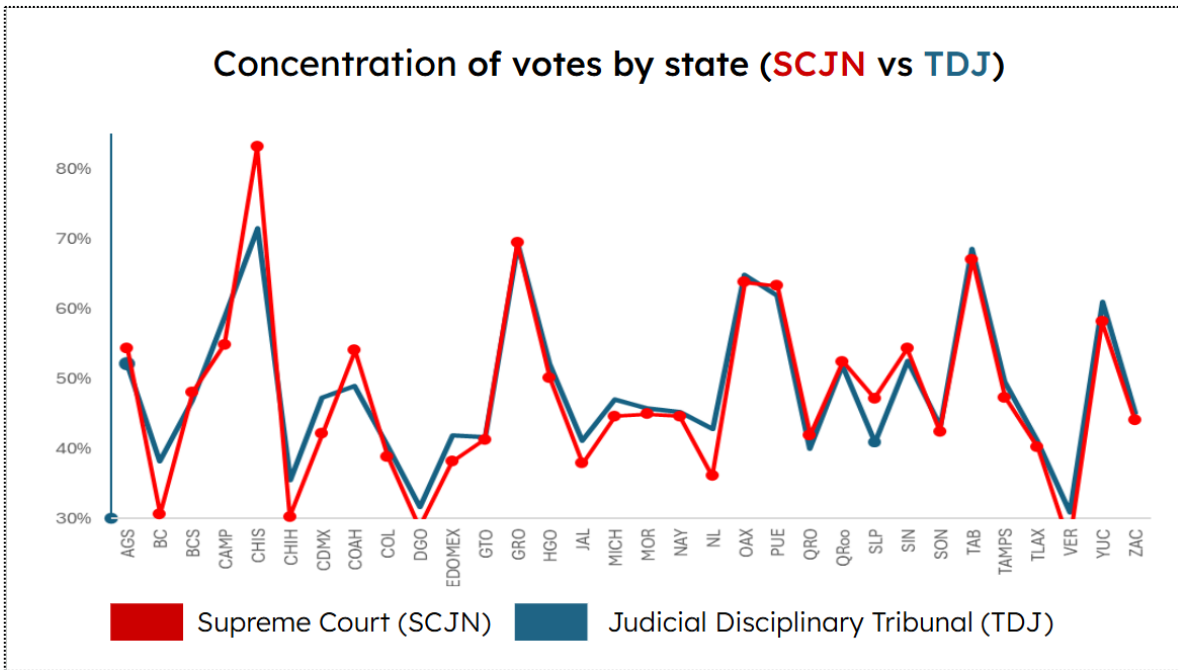


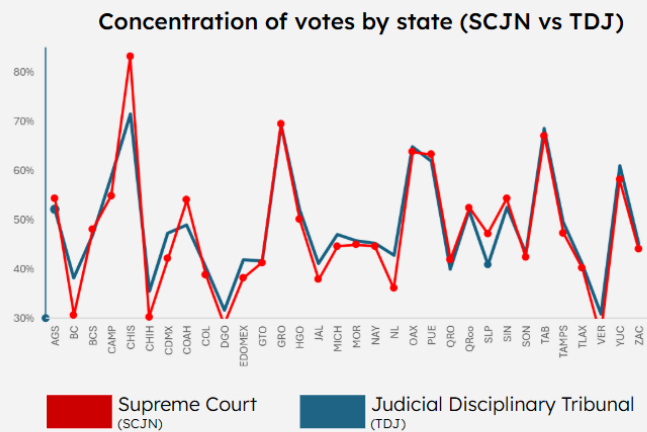
Figure 5. Concentration of vote by state SCJN and TDJ.

Such consistency across two different judicial elections, each with multiple candidates and complex ballots, reinforces this conclusion. The overlap strongly suggests that *acordeones* guided voters not only in the Supreme Court election but also in the election of the Judicial Disciplinary Tribunal, shaping the outcome of both contests and magnifying their overall impact on the judicial election.

7th finding:

The voting pattern for the winning candidates of the SCJN and TDJ was consistent across all 32 states (Pearson coefficient of: 0.92)*, a highly improbable phenomenon without deliberate coordination.

*Source: Amicus curiae presented by Francisco Javier Aparicio Castillo.

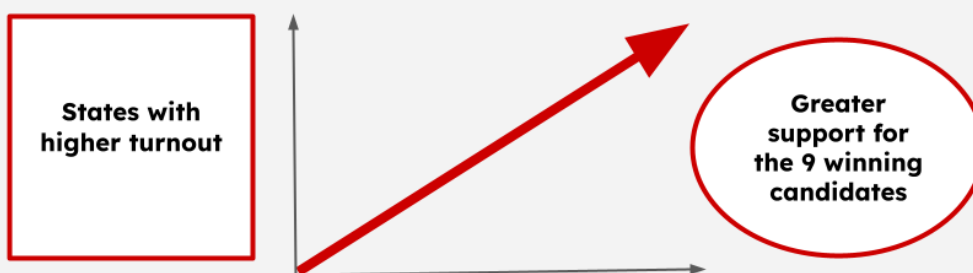


1.3.7 Eighth Finding: Turnout and Concentrated support

A final element identified in the draft is the correlation between turnout levels and support for the nine winning candidates. Typically, in elections with a wide range of candidates, higher turnout tends to fragment the vote by distributing support across more options. In this case, however, the opposite occurred: states with higher participation also showed greater concentration of votes for the nine winners. This atypical relationship reinforces the conclusion that the outcome was the product of coordinated influence rather than spontaneous voter choice.

8th finding:

Far from expected, in elections with a wide range of candidates, **states with higher turnout did not fragment the vote**, instead they showed a greater concentration of votes for the 9 winners.



**Source: Amicus curiae presented by Francisco Javier Aparicio Castillo.*

Taken together, these eight findings make it implausible that the voting patterns emerged authentically or without external interference. The concentrated support for a single group of candidates cannot be explained without the existence of *acordeones*, particularly given the institutional safeguards in place: 1) the design of the election assumed that Evaluation Committees would nominate impartial and independent candidates without identifiable partisan ties, 2) that a broad and diverse number of candidacies would be available on novel and complex ballots, 3) that campaign activity would remain extremely limited in advertising and financing, 4) that candidates would not be able to run on slates or engage in joint promotions, and 5) that radio and television airtime would be reserved exclusively for the institutional promotion of the INE's candidate portal.

On this basis, the draft judgment determined that the existence, distribution, and third-party financing of *acordeones* had been proven, as well as their statistical influence and determinative effect, given the margin of less than five percent between winners and closest

runners-up. It therefore concluded that two grounds for annulment were established: the unlawful use of financing⁷ and the violation of constitutional principles of authenticity of the vote and fair competition in elections. Accordingly, the draft proposed annulling the extraordinary election of the Supreme Court justices.

2 Implementation Deficiencies and Electoral Integrity

As previously explained, the draft judgment proposed annulling the Supreme Court Justices' election on two decisive grounds: the presence of unlawful financing and violations of constitutional principles.

In addition to these factors, the petitioners highlighted flaws in the design and implementation of the judicial election, contending that these deficiencies not only contravened constitutional provisions but also conflicted with international standards, thus warranting annulment.

From a strictly legal perspective, however, these shortcomings could not be considered invalidating irregularities, as they had already been reviewed by the High Chamber of the TEPJF and, once confirmed by the Chamber's majority, could no longer serve as grounds for annulment. Nevertheless, it was essential for the Chamber to address the concerns and arguments raised by the petitioners, which is why the draft judgment examined these issues in detail.

To that end, the draft judgment turned to the concept of electoral integrity as a complementary analytical framework. This approach did not replace the legal assessment but enriched it, allowing the analysis to consider the broader implications for democratic legitimacy. From this perspective, some of the shortcomings of the judicial process raised by the petitioners exposed weaknesses that eroded public trust and compromised democratic legitimacy. In doing so, they amplified the impact of the irregularities already documented, namely the use of unlawful financing and the distribution of *acordeones*.

Electoral integrity, as articulated in the draft judgment, refers to the minimum conditions that make democracy possible. At its core, it encompasses a set of universal principles that sustain democracy and that are enshrined in the Mexican Constitution -such as the freedom and authenticity of suffrage, certainty, legality, equity, and neutrality. Framed in this way, electoral integrity provides a concrete benchmark through which judges can assess the legitimacy and quality of elections.⁸

Viewed through this lens, the draft judgment recognized that the Mexican judicial election displayed deficiencies across several stages of its implementation, including:

⁷ Under Article 77 Ter, section d) of the General Law on Electoral Dispute Resolution Mechanisms (*Ley General del Sistema de Medios de Impugnación en Materia Electoral* in Spanish)

⁸ High Chamber of the Electoral Tribunal of the Federal Judiciary (Mexico), SUP-JDC-906/2024 and consolidated cases, Judgment of August 12, 2025 (unanimous decision). In this case, Justice Reyes Rodríguez Mondragón employed electoral integrity as a benchmark for judicial decision-making, in a partial dissenting opinion concerning the 2024 presidential election. Available in Spanish at: <https://www.te.gob.mx/media/SentenciasN/pdf/superior/SUP-JDC-0906-2024.pdf>

- Exclusion of citizens such as persons deprived of liberty and residents abroad, attributed to technical and financial limitations.
- An electoral map designed under operational urgency, which produced inequalities in the weight of the vote between regions.
- Electoral ballots that, instead of providing clarity and certainty, generated confusion and inequity.

These examples highlight how the legitimacy of an election depends largely on the conduct of electoral authorities and political actors. Every action and every omission can either bring a process closer to democratic principles or move it further away. It is therefore not enough to merely identify regulatory shortcomings. What is required is a careful examination of how the choices made by authorities and actors influence democratic principles.

In the Mexican judicial election, this requires analyzing how the decisions taken by electoral authorities affected democratic principles and whether those choices advanced or undermined the standards of electoral integrity. Particular attention must be given to the role of the judiciary, in this case the High Chamber of the TEPJF.

Throughout the process, the High Chamber adopted decisions that had a substantial impact on these principles, among them:

- The dismissal of appeals without substantive review, which in many cases limited access to effective judicial protection.
- The validation of inconsistent criteria for candidate eligibility, which undermined equal conditions of competition and the fairness of the process.⁹
- The inadmissibility of claims questioning the suitability of candidates, which compromised both equity and access to justice.¹⁰
- The confirmation of an electoral districting scheme that undermined democratic representativeness and the equality of suffrage.¹¹
- The approval of ballot designs that compromised the principle of “one person, one vote.”¹²

⁹ High Chamber of the Electoral Tribunal of the Federal Judiciary (Mexico), SUP-JDC-1293/2024, Judgment of May 30, 2025 (majority decision). Available in Spanish at: <https://www.te.gob.mx/media/SentenciasN/pdf/superior/SUP-JDC-1293-2024.pdf>

¹⁰ High Chamber of the Electoral Tribunal of the Federal Judiciary (Mexico), SUP-JDC-625/2025 and consolidated cases, Judgment of February 6, 2025 (majority decision). Available in Spanish at: <https://www.te.gob.mx/media/SentenciasN/pdf/superior/SUP-JDC-0625-2025.pdf>

¹¹ High Chamber of the Electoral Tribunal of the Federal Judiciary (Mexico), SUP-JDC-1269/2025 and SUP-JDC-1388/2025, Judgments of February 6 and 19, 2025 (majority decisions). Available in Spanish at: <https://www.te.gob.mx/media/SentenciasN/pdf/superior/SUP-JDC-1269-2025.pdf> and <https://www.te.gob.mx/media/SentenciasN/pdf/superior/SUP-JDC-1388-2025.pdf>

¹² High Chamber of the Electoral Tribunal of the Federal Judiciary (Mexico), SUP-JDC-1186/2025, Judgment of February 19, 2025 (majority decision). Available in Spanish at: <https://www.te.gob.mx/media/SentenciasN/pdf/superior/SUP-JDC-1186-2025.pdf>

- The authorization of election promotion by public officials, which eroded neutrality.¹³
- The approval of the elimination of direct vote counting at polling stations, together with the use of a single ballot box and the absence of physical cancellation of unused ballots, which reduced transparency in the results.¹⁴

From a formal legal perspective, these rulings exclude the possibility of treating such circumstances as invalidating irregularities. Since these outcomes were the product of decisions of the High Chamber itself, they cannot be invoked as grounds for annulment. Once sanctioned or confirmed by the court, they no longer qualify as irregularities. Yet, when examined through the lens of electoral integrity, it becomes evident that they compromise the legitimacy of the judicial election process.

In assessing integrity, it is also necessary to consider the role of the administrative electoral authority, the National Electoral Institute. The Institute was responsible for designing the ballots, approving the electoral districting under urgency, and citing financial and technical limitations to justify the exclusion of certain citizens. Furthermore, during the session validating the judicial election, it chose to uphold the results even though five members of its General Council highlighted not only the irregularities already mentioned but also additional ones, such as:¹⁵

- Voter turnout exceeding 100% of the registered list in certain polling stations,
- Ballots counted without any physical evidence of use,
- And the so-called “shoe-box polling stations” (*casillas zapato*), where all votes were concentrated in a single candidacy.

Taken together, the judicial and administrative shortcomings reflected choices by the authorities that produced a process incapable of sustaining citizen trust or guaranteeing the democratic legitimacy required by the Constitution.

3 Legislative Omission and Judicial Elections: Toward Regulatory Reform for 2027

Building on the previous analysis of implementation deficiencies, the draft judgment extended its focus to the regulatory framework itself. Electoral integrity requires not only sound administration but also a coherent and comprehensive legal foundation. Accordingly, beyond the shortcomings observed in the conduct of the election, the draft judgment examined

¹³ High Chamber of the Electoral Tribunal of the Federal Judiciary (Mexico), SUP-JE-101/2025, Judgment of April 9, 2025 (majority decision). Available in Spanish at: <https://www.te.gob.mx/media/SentenciasN/pdf/superior/SUP-JE-0101-2025.pdf>

¹⁴ High Chamber of the Electoral Tribunal of the Federal Judiciary (Mexico), SUP-JDC-1240/2025 Judgment of February 26, 2025 (majority decision). Available in Spanish at: <https://www.te.gob.mx/media/SentenciasN/pdf/superior/SUP-JDC-1240-2025.pdf>

¹⁵ INE/CG564/2025, Dissenting Opinions, available in Spanish at: <https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/183703/CGex202506-15-ap-2-2-VP-DPRC-JRV-%20MFM-ACL.pdf> and <https://repositoriodocumental.ine.mx/xmlui/bitstream/handle/123456789/183703/CGex202506-15-ap-2-2-VP-BCZP.pdf>

whether the legal framework underpinning the process was adequate to meet the standards of electoral integrity and to sustain democratic legitimacy.

The validity of an election depends on a chain of institutional trust that originates in a clear and consistent regulatory framework, is reinforced by an independent and transparent electoral administration, and culminates in results that authentically reflect the free will of the citizenry. When any of these links fail systematically, the integrity of the entire process is compromised. Reversing this trend requires solid normative foundations. It was precisely in this sense that the draft examined the claims of several petitioners¹⁶ who argued that the legal framework was inadequate and requested a declaration of “*legislative omission*”.

The draft judgment therefore considered whether the extraordinary judicial election of the Federal Judiciary revealed a partial legislative omission, as defined by the Mexican Supreme Court in its jurisprudence¹⁷, and, if so, what reforms would be required before the judicial elections scheduled for 2027.

In Mexico, a legislative omission, as defined by the Supreme Court doctrine, occurs when the Congress fails to comply with an express constitutional mandate to legislate on a specific matter. When such a constitutional obligation exists, the Court distinguishes between two forms: 1) *absolute omission*, when no legislation at all is enacted to fulfill the constitutional mandate, and 2) *relative omission*, when legislation is enacted but is inadequate or incomplete, leaving constitutional principles unprotected.

According to the Supreme Court’s criteria, three conditions must be met for a *relative legislative omission* to exist:

- The existence of an express constitutional mandate for the Congress to legislate on the matter, in this case judicial elections. The Constitution must explicitly require Congress to legislate on the matter. In this case, following the constitutional reform of the Federal Judiciary, the Constitution obligated the federal legislature to issue a regulatory framework for judicial elections that upholds the highest standards for democracy and electoral integrity.
- The inadequacy or incompleteness of regulation. The legislation enacted must be insufficient or incomplete, failing to effectively guarantee the constitutional principles at stake by lacking coherence and comprehensiveness.
- The temporal precedence of the constitutional mandate. The constitutional obligation must predate the inadequate regulation. The reform published on September 15th,

¹⁶ In *Juicio de inconformidad* (Electoral Annulment Appeal) 254, the petitioner argued that the regulatory framework was inadequate with respect to various aspects of the electoral process at different stages. In *Juicio de inconformidad* (Electoral Annulment Appeal) 303, the petitioner expressly requested that a legislative omission be declared, particularly in relation to recounts.

¹⁷ Supreme Court of Justice of the Nation (Mexico), Jurisprudential Thesis 1a./J. 63/2022 (11th Era), *Relative and Absolute Legislative Omissions of Mandatory Exercise. Distinctive Notes for Challenging them through Amparo Proceedings*, Gazette of the Judicial Weekly of the Federation, Digital Register No. 2024730. Available in Spanish at: <https://sjf2.scjn.gob.mx/detalle/tesis/2024730>

2024, established the duty to regulate judicial elections under electoral integrity principles. However, the subsequent legislation failed to fill the regulatory gaps or provide a coherent framework to guarantee the effectiveness of those principles.

In this case, the draft judgment determined that all three conditions were met, thereby establishing the existence of a relative legislative omission regarding judicial elections. Such an omission demonstrates that failures in electoral integrity cannot be understood as isolated events. What occurred in the Mexican judicial election was not circumstantial but systemic, manifesting itself at different stages, from the evaluation of candidacies to election day, and rooted in the deficiencies of the existing normative framework.

Recognizing the magnitude of this problem, the draft judgment emphasized the responsibility of the Mexican Congress to address the omission through a comprehensive legislative redesign. To that end, it identified at least eleven priority areas for reform in preparation for future judicial elections:

Table 1 Eleven Priority Areas for Reform Proposed in the Draft Judgment

1	Establish a uniform framework for Evaluation Committees with minimum and homogeneous criteria that guarantee transparent procedures, duly reasoned decisions, and effective and timely means of appeal against their determinations.
2	Regulate the right to vote from abroad in judicial elections, ensuring the principle of progressivity so that Mexican citizens residing abroad may participate in the election of the Federal Judiciary. This should include, at a minimum, the national positions - such as the Justices of the Supreme Court, the Justices of the High Chamber of the Electoral Tribunal, and the magistrates of the Judicial Disciplinary Tribunal as well as regional positions, such as federal high-ranking appellate judges.
3	Defining a legal basis for judicial territorial design that respects the principle of circuit-based elections, ensures that the electorate votes for all judges in their circuit, and prevents the allocation of judicial specialties to different districts, thereby guaranteeing equal suffrage.
4	Regulate ballot design to ensure clarity, accessibility, and functionality. For example, ballot design should limit the voting spaces to the actual number of vacancies and reinforce balance in the distribution of candidates by gender and specialty.
5	Establish clear rules for the distribution of government airtime on radio and television, especially during concurrent elections, to prevent institutional messages from disproportionately reducing the presence of candidates and to protect media pluralism.
6	Specify the methodology for calculating campaign expenditure caps, differentiating according to the type of election and territorial scope, in line with the principle of proportionality. Such regulations must be accompanied by criteria that guarantee

	fairness in competition, preventing socioeconomic differences between candidates from translating into undue advantages.
7	Regulate conditions to preserve fairness in campaign events, such as debates, round tables, and public meetings, while avoiding excessive restrictions that limit participation in deliberative spaces or discourage academic, social, or community organizations from hosting them.
8	Define a model for vote tallying that strengthens transparency and citizen participation. Unused ballots should be invalidated at polling stations. Likewise, the feasibility of adopting separate ballot boxes as the general rule should be reviewed, limiting the use of a single ballot box to duly justified exceptional cases.
9	Provide explicit grounds for the admissibility of vote recounts, both administratively and judicially.
10	Provide legal provisions to guarantee candidates the right to be represented on election day, considering the particularities of judicial elections. This right may be ensured, for example, by authorizing representatives or accredited observers with sufficient powers to oversee procedures and safeguard integrity.
11	Establish clear rules on neutrality and impartiality in institutional campaigns to promote citizen participation, including precise definition of the prohibition on the use of public resources.

Therefore, the draft judgement emphasized that Congress bears the responsibility to correct legislative omissions, close regulatory gaps, and ensure that future judicial elections are carried out under the highest democratic standards. An election of this magnitude does not allow for partial solutions; it requires a comprehensive regulatory redesign that restores public trust and consolidates a model of justice consistent with the constitutional mandates.

Conclusions

After a comprehensive review of the arguments and evidence, the draft judgment concluded that the election of the nine Supreme Court justices should have been annulled. This conclusion rested on violations of constitutional and legal mandates that also embody three fundamental principles of electoral integrity: fair competition, the freedom and authenticity of the vote, and the prohibition of external campaign financing. The evidentiary record demonstrated the existence of a coordinated, systematic, and widespread strategy of distributing *acordeones* designed to influence the electorate. This strategy proved effective in shaping the results and, by its very nature, constituted an unlawful mechanism of vote inducement sufficient to justify annulment. The draft further emphasized that these illicit practices unfolded within a fragile and inadequate regulatory framework that allowed multiple flaws in the mechanisms designed to safeguard electoral integrity.

Although the majority of the High Chamber ultimately rejected the draft judgment, it remains a valuable lens for evaluating Mexico’s extraordinary judicial election. Had the annulment been approved, it would have signified a pivotal step toward reaffirming electoral integrity and strengthening the democratic foundations of judicial selection. Even without prevailing, the draft is instructive: it illustrates how the principles of fairness, authenticity of the vote, and equity in electoral competition can be operationalized to safeguard legitimacy. By contrast, the Mexican judicial election now serves as a cautionary tale about the dangers of equating electoral procedures with democratic legitimacy. Democracy cannot be reduced to the simple act of casting a ballot. Assuming that the popular election of the judiciary is sufficient for democratization is deeply problematic, as it risks, in the name of democracy, undermining the very institutions that sustain it.

This danger is captured by the phenomenon of “*democratic erosion*”. As Guillermo O’Donnell warned, “democracy no longer dies through abrupt military coups but through a ‘slow death’ inflicted by ‘thousands of cuts’ that gradually bleed it dry”. True democracy requires that each person votes freely that their decision be respected, and that the results genuinely reflect the will of the people. Citizens must be able to trust both the act of voting and the institutions that administer the process.

Accordingly, the role of electoral justice —whether in Mexico or in any democracy— is twofold: to safeguard the right to a free and authentic vote, and to affirm that democracy grows stronger when it corrects itself in the face of violations of its principles, as Daniel Ziblatt has observed. Electoral integrity is the benchmark that enables this. It ensures that elections are free, authentic, and inclusive, and that each stage of the process reinforces public confidence in the results. The Mexican judicial election should therefore have reaffirmed that electoral rules are not relative, and that electoral integrity is not an abstract aspiration but a concrete standard by which the legitimacy is measured. To validate a process so compromised, as the majority of the High Chamber ultimately did, is to normalize practices fundamentally incompatible with democracy.



For more information about the draft judgment and to consult the evidence publicly available in Spanish, visit justiciaabierta.net.