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**MEASURES TO  
GUARANTEE FAIRNESS  
IN THE CONTEST IN  
LATIN AMERICA**

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## INTRODUCTION

Undoubtedly one of the most complex social practices throughout history has been the lack of credibility in the institutions, that is, in a large part of the citizenry there is no certainty that the organizations are carrying out the tasks necessary to achieve its objectives and that they are based on the well-being of the Country, as well as on safeguarding the fundamental rights of the population in general.

Now, regarding the issue at hand, it must be noted that the credibility of specialized institutions in electoral matters has been part of various questions and distrust, derived from media, socio-cultural, economic factors, among others, since they are directly related to the importance of the positions to be contested, as well as the accumulation of opinions that the participation of certain political actors entails, the results obtained from previous governments, in short, the context in which the electoral departments are developed is subject to many criticisms and controversies in this regard.

That is why the evolution of these institutions comes predominantly from social events, which have given rise to the creation of institutions or structural modifications, in order to improve and strengthen their actions and, above all, to provide certainty to citizens. and to the different political currents, that the actions implemented are carried out in an objective, independent and impartial manner and above all in accordance with the law.

In this order of ideas, the creation, modification and strengthening of electoral institutions, to a large extent, are the result of the demands that demand respect for the decision-making of the subjects immersed in the matter, whether by political parties or by a group of citizens or, as the case may be, by any

entity that notices an affectation in its legal sphere.

In recent years, elections in Latin America have been immersed in endless complexities, that is, media, socio-cultural, and political situations, among others, that have radically affected the credibility of electoral institutions, thereby generating collective mistrust to the detriment of the Latin American electoral systems, however, these complexities have been part of the most important challenges of these systems, therefore, over the years various structural reforms have been carried out that have provided attributions and elements to the electoral departments that have allowed a consolidated normative scaffolding, that is why in this work we will analyze the evolution of the electoral systems in the different countries of Latin America and how each one of them has seen the need to modify circumstances that in effect threatened against national sovereignty, likewise, we will be able to notice the existence of countries that despite the authoritarian governments that have governed them, they resist giving way to the democratization of their systems.

## CREATION OF ELECTION QUALIFYING DEPARTMENTS

The incorporation of the qualifying departments of the electoral contests was carried out with the purpose of guaranteeing that the results of the elections are respected, in other words, that the vote of the citizens is protected, that the decision taken is validated and that it is recognized by The authorities.

According to what was mentioned by Orozco Henríquez<sup>1</sup> *“the essential purpose of the electoral dispute has been the authentic protection or effective protection of the right to elect or be elected to hold a public office, through a set of guarantees to the participants (political parties and, where appropriate, citizens and*

1 Jesús Orozco Henríquez, EL CONTENCIOSO ELECTORAL, LA CALIFICACIÓN ELECTORAL, *Extracted from Treatise on compared electoral law of Latin America, International Institute from democracy and Electoral Assistance 2007*, pag. 1153.

*candidates) to effect to prevent the popular will from being violated to their detriment, helping to ensure the legality, certainty, objectivity, impartiality, authenticity, transparency and justice of electoral acts and procedures.”, for this reason, over the years, throughout various electoral contests, they have seen the need to create instances that guarantee the protection and control of electoral acts and procedures.*

Thus, the creation of jurisdictional instances that allow the qualification of the elections, however, this qualification occurs at the end of the stages of the electoral process, that is, it occurs at the end of voting day, which leads to restricting its scope. of competence in the sense of determining if the election is validated or not, taking into consideration the different elements that are provided by the non-conformists. This restriction of knowing only acts related to the results of the election can be observed in the jurisdictional challenge media, as occurs in Spain, or against the acts or omissions of the administrative electoral authority, as occurs in Venezuela.<sup>2</sup>

In this sense, the actions of the electoral dispute have been limited to hearing regarding the elections to be carried out, however, there are administrative controls, these are those in which they disagree against actions carried out by the same departments in charge of the direction, organization, administration and monitoring of electoral procedures, which in the case at hand can be called administrative appeals filed with the same authority.

## CONTENTIOUS ELECTORAL SYSTEM

In the extraordinary work carried out by Jesús Orozco Henríquez<sup>3</sup>, called *El Contencioso Electoral*, the electoral qualification, excerpt from the *Comparative Electoral Law Treaty in Latin America*, refers

<sup>2</sup> Jesús Orozco Henríquez, pag. 1154

<sup>3</sup> Jesús Orozco Henríquez, *EL CONTENCIOSO ELECTORAL, LA CALIFICACIÓN ELECTORAL*, *Extracted from Treatise on compared electoral law of Latin America, International Institute from democracy and Electoral Assistance 2007*, pag. 1171 to 1187

to each of the electoral contentious systems which I will point out in this section.

1. **Administrative electoral dispute:** Several countries have an administrative electoral dispute, characterized by administrative resources that are substantiated before the electoral departments themselves (or their hierarchical superior) in charge of the direction, organization, administration and surveillance of electoral procedures, when such departments are strictly administrative in nature (excluding, therefore, the cases in which such functions are entrusted to administrative departments.

that have a jurisdictional character, whether they exercise them directly or through their areas or dependencies, as occurs in Bolivia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Panama, Paraguay, the Dominican Republic and Uruguay), being able to distinguish between that system that exclusively has administrative electoral disputes that combine with some subsequent challenge before a jurisdictional or political department, giving rise to the latter to a mixed dispute.

The system that exclusively contemplates an administrative electoral dispute is that of the Supreme Electoral Council of Nicaragua, which is conferred powers to hear and ultimately decide on the controversies that arise as a result of the elections -including challenges that are filed against the resolutions of the subordinate or dependent electoral departments or boards, as well as to carry out the scrutiny of the national elections and the proclamation of the respective elected officials.

In general, the various electoral departments of an administrative nature (such as that of Nicaragua and those others that coexist with electoral jurisdictional departments) are structured in a pyramidal fashion, at the top of which appears a supreme central authority at the national level (or, in its case, federal), to which are subordinated others of an intermediate nature that, for the most part, obey the territorial, political, administrative and electoral division of the State (often called regional, state, provincial, departmental, municipal or district councils or boards), until reaching the board of directors of the voting booth or voting board, a specific place where the citizen votes.

This is how administrative appeals can be filed with the electoral department itself from which the contested act emanated (the respective councils or boards, as well as other executive departments such as electoral directorates or registries), or, before the hierarchical superior, up to the highest department of an administrative nature (as is the case of the Supreme Electoral Council of Nicaragua, without the latter's resolutions being subject to further challenge before another department).

## **2. Jurisdictional electoral dispute:**

Jurisdictional electoral litigation is understood, in general terms, as those legal controversies that arise with respect to certain electoral acts or resolutions

and that are raised between two opposing parties before a judge or court that, as a third party and as an organ of the State, decides said controversies in an imperative and impartial manner.<sup>4</sup>

As noted, the tendency to establish jurisdictional means of challenge in the various electoral regimes is becoming more accentuated, and can be distinguished according to whether they are filed before the ordinary jurisdiction (that is, before the ordinary judges, as in Canada and Great Britain); a branch specialized in electoral matters belonging to the Judiciary (as in Argentina, Brazil, Mexico, Paraguay and Venezuela); a jurisdiction specialized in autonomous electoral matters (the so-called electoral tribunals or courts, predominant in Latin America); an administrative contentious jurisdiction (as in Colombia); a constitutional jurisdiction (the constitutional courts or tribunals, as in Austria),<sup>5</sup> or, before some combination of jurisdictions (for example, there are cases in which certain challenges are filed before the contentious-administrative jurisdiction and, subsequently, the resolutions of these departments are challenged before the constitutional jurisdiction, as occurs with the Constitutional Court of Spain or the Constitutional Council in France,<sup>6</sup> also presenting in Latin America various systems of mixed jurisdiction in electoral matters.

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<sup>4</sup> According to Alcalá Zamora, jurisdiction is the public function whose purpose is to resolve legal disputes that arise between two opposing parties, and which must be submitted to the knowledge of a judge or court that, as a State department, decides such disputes accordingly, in an imperative and impartial manner (cited by Fix-Zamudio, 1992:26)

<sup>5</sup> The Constitutional Court of Justice (Verfassungsgerichtshof) is responsible for judging the contestation of the elections for the President of the Federation; of the representative departments (National Council and the Diet of each Länd); of the constituent and representative departments of professionals determined by law; of the governments of each Länd and of the executive communal departments, as well as of the resources against the disqualifications decreed by the hierarchical superiors in the aforementioned cases, as long as the law so provides (Orozco Henríquez, 1993a: 812-813, 2001:46-47 y 50-51)

<sup>6</sup> Véase Aragón Reyes (1988: 112-124); Fernández Segado (1993: 59-78); Orozco Henríquez (1993:803-819, 2001:50-51; De la Peza (1993:19-23; Patiño Camarena (1993:51-74).

3. **Mixed electoral dispute:** The mixed electoral dispute is characterized by successively combining challenges before administrative, jurisdictional or political departments. In the countries of the region it is possible to distinguish between systems that combine an administrative electoral dispute with a jurisdictional one (as in Brazil, Colombia, Chile, Mexico, Peru and Venezuela), from those others that combine an administrative electoral dispute with a political one (as occurs, partially, in Argentina).

**(1) Administrative and jurisdictional:** There are systems that, unlike the majority of autonomous electoral departments in Latin America – which perform administrative, jurisdictional and even regulatory functions – provide for a duality of specialized departments, autonomous from each other, one of which is entrusted with administrative matters to him, that is, the organization, direction and supervision of electoral procedures, and the other the resolution of jurisdictional challenges against the acts of the former. In this regard, it is convenient to differentiate between the systems that combine the possibility of challenging before an autonomous administrative electoral department and, subsequently, before a jurisdictional electoral department, either autonomous (as in Chile and Peru) or belonging to the Judiciary (as occurs in Brazil, Mexico and Venezuela), from those

others in which, after resorting to an autonomous administrative electoral department, it can be challenged before the contentious administrative jurisdiction (as in the case of Colombia).

**(2) Administrative, jurisdictional or political:** There are systems that contemplate the possibility of filing challenges before the corresponding autonomous administrative electoral department and, subsequently, before a political department, giving rise to a typical mixed electoral dispute.

**(3)** Thus, for example, in Argentina, when dealing only with the results of the legislative and presidential elections (since the remaining electoral acts, as he explains later, can only be challenged before the National Electoral Chamber, which is part of the Judicial Power), a time that the corresponding national electoral boards (whose nature is strictly administrative, although they are integrated, similar to what happens in Brazil, with judicial officials)<sup>7</sup> decide on the challenges, appealed votes and protests that are submitted for their consideration, in addition to carrying out the scrutiny and, in the case of legislative elections, the proclamation of elected officials and the granting of the respective diplomas, it is the case that the final decision on the validity of the elections is attribution of a political department, giving rise to a mixed

<sup>7</sup> In the Federal Capital, the National Electoral Board is made up of the president of the National Chamber of Appeals in Federal Administrative Litigation, the president of the (sic) National Chamber of Appeals in Civil Matters and the electoral judge or, if there is no still been appointed, the federal judge with jurisdiction in electoral matters; in the provincial capitals, with the president of the Federal Chamber, the electoral judge and the president of the Superior Court of Justice of the province (González Roura, 1986: 826-837). On the other hand, it must be noted that in Argentina various administrative-electoral functions are also entrusted to the Ministry of the Interior through its National Electoral Directorate.

electoral contentious system:  
administrative-political.

As we can see, the jurisdictional instances have different modalities, in the jurisdictional, administrative and even in the mixed sphere, which have been updated according to the demands of the citizens, in reforms that modify actions and attributions, however, Despite the innovations in democracy in Latin America, legislative deficiencies persist regarding the actions of the jurisdictional authorities.

It is evident that the creation of these systems is due to various historical events and the legislative roots that each country has, likewise citizen participation is part of a fundamental role, since citizen demands activate political forces to carry out reforms that allow modifications in the qualification of electoral contests.

The evolution of the legislative practice with respect to the jurisdictional departments in electoral matters, allows the existence of mechanisms for the protection and defense of the citizens' vote, as well as safeguarding the rights of political actors and candidates who were elected to elected positions. popular, opening the way to have jurisdictional institutions specialized in the resolution of conflicts in electoral matters, thus granting certainty and legality in each of the acts that are part of the electoral processes. However, the integration of these electoral tribunals or courts must be analyzed from another perspective, in order to guarantee that decisions are taken in strict adherence to law,

without the intervention of the government apparatus or that its resolutions pursue political or partisan interests.

This is so, because according to the different legislations of the Latin American countries, there are different currents by which the members of the electoral departments are elected, as Jesús Orozco Henríquez refers in the following way:

Of the 18 countries analyzed, one establishes an administrative electoral dispute (before an autonomous electoral department of a strictly administrative nature);<sup>8</sup> 10 establish jurisdictional electoral litigation (three of which exclusively before autonomous electoral tribunals,<sup>9</sup> while the other seven before autonomous electoral courts or courts belonging to the judiciary and subsequently before the constitutional jurisdiction),<sup>10</sup> while the seven shelves establish a mixed electoral dispute, since six of them foresee an administrative and jurisdictional electoral dispute (that is, before an autonomous electoral department of an administrative nature, whose resolutions can be challenged before an autonomous electoral court,<sup>11</sup> an electoral court that is part of the Judiciary,<sup>12</sup> or, before the administrative contentious jurisdiction), while another contemplates an administrative electoral or political jurisdictional contentious (by virtue of the fact that although in Argentina all electoral acts, with the exception of the electoral results, are susceptible to challenge before a administrative electoral department and then before an electoral court

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8 This is the case of the Supreme Electoral Council of Nicaragua.

9 As it happens in Costa Rica, Ecuador and Uruguay

10 Whether the constitutional jurisdiction is in charge of the respective Federal Supreme Court or Supreme Court of Justice, as in Brazil, El Salvador, Honduras, Panama and Paraguay; of a Constitutional Court, as in Bolivia, or, first before the Supreme Court of Justice and then before the Constitutional Court, as occurs in Guatemala, in the understanding that Brazil and Paraguay are the only ones of those countries whose Superior Electoral Court or Superior Court of Electoral Justice, respectively, are part of the Judiciary.

11 As in Chile, Peru and the Dominican Republic (with the understanding that in the latter country it is actually a single department, the Central Electoral Board, which is divided into an administrative chamber and a contentious electoral chamber)

12 As in Mexico and Venezuela, where the rulings of the corresponding court or electoral chamber, which is part of the Judiciary and even the Supreme Court of Justice, respectively, are final and unassailable.



that is part of the Judicial Power,<sup>13</sup> without the possibility of subsequent challenge before any department of a political nature, it is the case that the resolutions of the electoral departments Administrative rulings on the results of presidential and legislative elections can be challenged before a department of a political nature).

From the foregoing, we have that, although it is true, the different Latin American countries provide control systems, or as the author Orozco refers to it, a contentious electoral system, what we can conclude is that in these systems we are talking about the challenges of the elections and determinations of the administrative departments, however, there are mechanisms that have been implemented in Mexico that, in light of the different legislations of the South American countries, have not been considered as the Sanctioning Administrative Procedures.

## **MEXICAN SPECIAL SANCTION PROCEDURE**

Derived from the 2005-2006 federal electoral process of the presidential election in Mexico, the legislator saw the need to carry out various reforms in electoral matters, all because these electoral campaigns were immersed in a sea of propaganda of denigration and slander, also known as the “black” campaign, this in its different aspects, highlighting the one on Radio and Television. In those promotions of the “Alliance for Mexico” coalition, the presidential candidate of the “For the Good of All” coalition, Andrés Manuel López Obrador, was associated with a legislator and government officials from the Federal District who had been accused of incurring in acts of corruption. The candidate was accused of lying about one of the values

13 As in Argentina, where the resolutions of the National Electoral Chamber can only be subsequently challenged for constitutional reasons before the corresponding Supreme Court of Justice.

14 Roldán Xopa, José, El procedimiento especial sancionador en materia electoral, México, IFE, 2012, pp.11- 13

15 Electoral Law in force in 2006.

that he proclaimed as a central part of his campaign, honesty, and he was ordered to publicly debate this issue.<sup>14</sup>

Under these conditions, on March 13, 2006, the coalition “For the good of all” requested the General Council of the Federal Electoral Institute, the inclusion in the order of the day, in an extraordinary session, of an item related to the draft agreement by the that the “Alliance for Mexico” coalition would be ordered to withdraw the promotional materials, considering them contrary to the Political Constitution of the United Mexican States and the Federal Code of Electoral Institutions and Procedures.<sup>15</sup> The mentioned provision was formulated within the session of the General Council of the Federal Electoral Institute, since there was no way that is suitable legal entity that would allow him to file a legal mechanism to prevent such electoral propaganda from continuing to be disseminated, which in his perspective, caused damage to the image of his candidate, his client and therefore to the electoral contest.

From the request made, the General Council of the Federal Electoral Institute made the decision to reject said request according to the proposed agreement, since a sanctioning procedure would have to be initiated, and not through an administrative procedure, since it lacked administrative authority powers. Consequently, the aggrieved coalition filed an appeal with the nomenclature SUP-RAP-17/2006 before the Superior Chamber of the Electoral Court of the Judicial Power of the Federation, mainly under the following arguments:

a) By not approving the agreement, the Federal Electoral Institute failed to comply with the obligation imposed by the Federal Code of Electoral Institutions and Procedures,

to ensure the principles of certainty, legality, independence, impartiality and objectivity, and to ensure that the political parties act in accordance with the regulations.

b) The decision of the General Council violated the principle of prompt justice (article 17 of the Political Constitution of the United Mexican States).

c) Resolve through the sanctioning procedure the complaints related to the dissemination of promotional material in the mass media, could generate irreparable damage to the electoral process, since the terms are so long that they do not allow a timely remedy of the damages caused by the infraction; In addition, the principles of fairness and equality could be affected and the rights of the contenders could be reduced.

d) Consequently, if the electoral authority only had the power to sanction and not interrupt those illegal conducts, in fact it could be encouraging the violation of the law, because in the calculation of the offender, the benefit that the illegal conduct can bring It may be greater than the sanction, which will only be applied later, once the infraction has taken effect.

Upon learning of this disagreement, the Superior Chamber of the Electoral Tribunal, through a ruling dated April 5, 2006, partially confirmed the arguments of the “For the good of all” coalition, and in doing so modified in substantive terms the scope of the powers jurisdictions of the Federal Electoral Institute. Determining the following:

a) The Federal Electoral Institute had sufficient powers to resolve the matter raised by the “For the good of all” coalition.

b) The General Council has the implicit power “to prevent or correct the commission of illicit conduct, as well as to take the pertinent measures to restore the valid legal order and guarantee the due development of the electoral process.”

16 Roldán Xopa, José, op. cit., pp 12-15

c) The sanctioning procedure of article 270 of the Federal Code of Electoral Institutions and Procedures was not the ideal way to do so.

d) However, an administrative agreement was not enough either, since it did not satisfy all the necessary procedural formalities.

It is this way that the Electoral Court determined the need for a different procedure, although analogous, to the one established in article 270 of the Code of Electoral Institutions and Procedures, which is capable of opportunely inhibiting illicit conduct by political parties during the development of an electoral process and, at the same time, continue a trial that allows guaranteeing the hearing of the defendant and an adequate and timely defense. However, in the opinion of the Electoral Tribunal, the fact that such a procedure was not contained in the Code of Electoral Institutions and Procedures did not prevent the General Council of the Federal Electoral Institute from hearing these cases and resolving them through a new procedure of that Type.<sup>16</sup>

Thus, in its resolution, the Electoral Court ordered the Federal Electoral Institute to implement a specialized procedure that, analogous to the one established in article 270 Code of Electoral Institutions and Procedures, would be more expeditious and would have certain special characteristics, among which stand out:

- Ex officio or at the request of a party (through a complaint), the General Council must require the Executive General Board to investigate facts that constitute a significant impact on the rights of political parties, their candidates or the federal electoral process itself.
- Once the complaint or request has been received, the General Council must meet as soon as possible to decide on its admission, indicating the day and



time for holding a hearing, which must be held through the executive secretary within the following days.

- Five days following admission, for the offer, admission and presentation of evidence and arguments.
- Given the summary nature of the procedure, “only the means of evidence that do not need to be prepared in advance and are released by their very nature are admissible”: public and private documentaries, technical, presumptive, and instrumental of proceedings.
- The evidence must be exhibited together with the document in which it appears and none provided outside the established period will be taken into account.
- In extraordinary cases, the unburdening of acknowledgments, judicial inspections or expert evidence may be ordered, when they can be unburdened at the hearing, they are considered decisive to clarify the facts and the presumed violation warrants it.
- Except in duly justified cases, the Executive General Board must formulate an opinion within twenty-four hours after the end of the hearing, on which the General Council must resolve as soon as possible. The resolution must be executed immediately.

Various theses and jurisprudence confirmed and established the meaning of the SUP-RAP-17/2006 resource ruling, which recognized the power of the electoral authority to exercise a specialized procedure of urgent resolution. The main difference between this new procedure and the traditional sanctioning

procedure lies in the fact that, as already mentioned, the first, through the cessation of irregular acts, has an essentially preventive and inhibiting purpose, while the second has a coercive and punitive nature.<sup>17</sup>

In other words, in the expedited procedure, the Lawsuit focuses exclusively on determining whether or not the suspension of the denounced acts is appropriate, based on a provisional analysis of the evidence provided. Therefore, its result cannot be binding for the administrative or jurisdictional electoral authority in the resolution of the sanctioning administrative procedure, much less was it intended that it replace the latter.<sup>18</sup>

The Special Sanctioning Procedure was the response to address the differences that existed in the pre-campaign and campaign periods in electoral contests. As stated by Dr. Lorenzo Cordova: “The special sanctioning administrative procedure has a restorative nature of the legal order within an electoral process”.<sup>19</sup> As mentioned, the importance of this procedure lies in attending during the pre-campaigns and campaigns, those infractions that are committed by political actors, political parties, citizens, militants, pre-candidates and candidates who participate in the electoral contest.

From the foregoing, it is important to highlight that the emergence of said procedure is essentially linked to the attribution that was endowed to the Federal Electoral Institute, derived from the 2007-2008 reform as it was the authority that administered the time on radio and television of the political parties. politicians, that is why said attribution granted him the possibility of being able to suspend the promotions of political parties that were contrary to the law, said attribution

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17 Madrazo Lajous, Alejandro, op. cit., p. 29.

18 Jacobo Molina, Edmundo. 2014. “El procedimiento especial sancionador en la reforma electoral de 2014” Magazine: Mexicana de Derecho Electoral 6 (julio-diciembre): 237-68.

19 Córdova Vianello Lorenzo, “Naturaleza y prospectiva del procedimiento especial sancionador”, Magazine: Folios, Instituto Electoral y de Participación Ciudadana de Jalisco, número: 27, 2012, pp. 52-57

would allow to act in a timely, efficient and expeditious manner to avoid the dissemination of propaganda contrary to the law or that would violate the principle of fairness.

Similarly, within said reform it allowed political or electoral propaganda printed, painted on fences or any other than that transmitted on radio and television that was contrary to the electoral norm to be withdrawn, by resolution of the electoral authority.

At present, the Special Sanctioning Procedure is divided, so to speak, into two major phases or stages: the investigation and substantiation, in charge of the National Electoral Institute and the resolution, in charge of the Specialized Regional Chamber of the Electoral Tribunal of the Judicial Power of the Federation. It is a hybrid and novel model that implies a structural modification because it involves two State departments in the same procedure, which is hardly seen in a legal order to attend to and resolve this type of procedure (Ferrer Silva, Carlos Alberto, 2018 Past, present and future of the special sanctioning procedure. Mexico City. Electoral Court of the Judicial Power of the Federation)

It is important to highlight that the quality of democracy cannot be visualized solely with citizen participation or the vote received at the polls, we must not lose sight of the fact that the organization of elections comes from a process, of different stages that make it up, combined to the fact that the actions carried out by political actors and citizens directly infer in the electoral elections and this whole environment is what must be considered in order to have an effective evaluation of the contests, without a doubt, respect for the different currents political and ideological, we must also consider the growing appreciation of human rights, the inclusion of the rights of citizens based on free, reliable and solid powers, for respect for the decision of the electoral

authorities and, finally, for transparency in the judicial work of the departments responsible for the administration of justice.

In short, in the legal order, the special sanctioning procedure plays a fundamental role as a means of prevention, dam or brake on violations in electoral matters, with the main purpose of not affecting or contaminating the result of the electoral process and the legitimacy of its participants. (Ferrer Silva, Carlos Alberto, 2018, Past, present and future of the special sanctioning procedure, Mexico City, Electoral Tribunal of the Judicial Power of the Federation).

## CONCLUSIONS

In accordance with what is stated in this text, taking into account the evolution of electoral systems regarding the qualification of elections and the incorporation of different jurisdictional departments in different modalities, whether from the administrative, jurisdictional or political aspect, the importance to have means for the qualification of the electoral elections.

Now, from the creation of these instances, as we can see in Mexico, derived from different social demands and elements that emerged during various federal electoral processes, it was necessary to create mechanisms such as sanctioning administrative procedures, which due to their expedites allow neutralizing any act that threatens equity in the electoral contest.

Although every democratic system requires clear and specific rules for its proper functioning, above all to provide certainty in its institutional actions, as well as in the actions carried out by the political actors who are the protagonists in the elections, which is why the implementation of these rules is prevailing for its due realization, as well as the means of being established at the time of committing an infraction.

That is why in Latin America it is necessary to implement mechanisms that guarantee fairness in the contest, instances that are activated when there is a need to denounce an action contrary to legal provisions. Reason for which the legislations of the countries must consider the adoption of said procedures, in order to provide citizens with the certainty of the consolidation of democracy, taking into consideration that it is essential to have a participatory citizenship and active in decision-making in each country, hence the importance of implementing defense mechanisms for both citizens and the protagonists of electoral contests.

Undoubtedly, progress has been seen in the administration of electoral justice, in having suitable mechanisms that allow the qualification of elections, however the elements that are available are ultimately, without taking into consideration the development of the different stages of the electoral process, although it is true that there are means of challenge, the electoral tribunals and courts, the reality is that the resolutions they turn out to be outdated, resolving on faits accomplis and that do not allow equity in the actions carried out by political actors or, where appropriate, by the State.

Therefore, the adoption of devices and procedures in the legislation, without a doubt, is an essential part of the implementation of a preventive means that allows the annulment of violations in electoral matters, resulting in not affecting the electoral contest much. minus the results of the elections to be contested and allow the updating of electoral justice in a broad sense.

Consequently, the countries of Latin America must apply their legal framework, attend to the criticism, challenges and demands of citizens to consolidate an effective democratic system, provide guarantees, that these are respected with suitable legal

instruments and above all that these are expeditious, that are within the reality that each country is going through, even more so that they are up to the demands of citizens and political actors.

Undoubtedly, the Sanctioning Administrative Procedures are an appropriate measure to meet the demands of fairness in the contest, it has suitable devices to act promptly and expeditiously, in order to respect the legal provisions on electoral matters, with clear rules and specialized departments to guarantee the principles in electoral matters.

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