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# Turning rights into ballots: Mexican external voting from the US

Victoria Finn <sup>a</sup> and Andrés Besserer Rayas <sup>b</sup>

## ABSTRACT

While some countries lag in enacting or implementing voting rights for nationals living outside the territory, others grant them but lag in turning rights into ballots. What explains the stagnation between offering democratic voice on paper to realizing active external voting in practice? We draw from the diaspora politics literature to analyse Mexico as a deviant case: we expect widespread external voting, given extensive state–diaspora institutionalization, continued legal and policy innovations, high financial investment, and consistent application of federal-level external voting since 2006. Yet, 15 years on, around 2% of those with a voter ID card and less than 1% of the pool of over 10 million potential voters participated in the 2018 election. Lowering key institutional barriers and easing voting modalities have yet to spur meaningful participation. Evidence from turnout data and electoral laws is supported with interviews within Mexico’s electoral management body, which capture insiders’ views on the politics behind innovations. The interpretive policy analysis contributes to understanding the role of electoral institutions and governance across territories. Innovations to ease registration and voting can fail to increase external voting numbers, leaving a large group of nationals abroad on the sidelines of democracy.

## KEYWORDS

diaspora politics; diaspora governance; external voting; institutional innovation; Mexico

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## 1. INTRODUCTION

People have demanded for some time to have an easier way of voting for our compatriots who are overseas ... there are still too few people who vote. ... I will ask the Secretary of Foreign Affairs, Marcelo Ebrard, to start a whole campaign for this purpose ... so that [Mexicans abroad] can vote and that it be made easier and that there should not be so many bureaucratic tasks, that they [Mexican decision makers] should look for efficient, modern mechanisms to vote online, without having to vote in-person. To look for a way for all our fellow compatriots to vote – there are millions of them in the United States – and they want to participate more and more in the public life of our country.

(Andrés Manuel López Obrador, President of Mexico, 13 September 2021; López Obrador, 2021)

As part of deepening diaspora–state relations, the opening quotation captures a president encouraging nationals abroad to vote and policymakers to make registration and voting easier for nationals abroad. External voting affects, and is affected by, contemporary aspects of territory,

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politics and governance. Alongside the expansion of migrant voting rights (Arrighi & Bauböck, 2017; Wellman et al., 2022), diaspora politics and institutions have expanded, bringing theoretical and practical implications for transborder governance, international relations and transnationalism (Adamson, 2016; Délano & Gamlen, 2014; Délano & Mylonas, 2019; Gamlen, 2014). Given its multilevel approach and transnational institutional perspective, the literature on diaspora politics and governance sheds light on how both granting and implementing external suffrage relate to electoral participation. The uptake of rights, or lack thereof, shows how political and citizenship practices unfold across borders.

To understand how to turn external voting rights into ballots, it is crucial to examine registration and voting laws both on paper and in practice. Emigrant enfranchisement – the process of granting suffrage – requires states to enact rights, regulate them, then apply them (Palop-García & Pedroza, 2019). For external voting to function, it involves voter registration, casting votes, then counting votes (Collyer, 2014a; Lafleur, 2013). While the legal enfranchisement process occurs on one side of the border, implementing registration and voting happens in two places, that is, voters physically reside and cast ballots in one country, which travel by post or electronically to be counted in the origin country (Waldinger & Soehl, 2013). Politics and institutions in both territories matter since they influence individuals' participation, including turnout (Finn, 2020).

While comparing rights on paper versus rights in practice usually involves juxtaposing written laws to application, we take it a step further by examining *continued* application of external voting rights and considering institutional innovations, to capture the whole story of turning rights into ballots. We focus on the post-implementation process of Mexican exterior voting. Most relevant research focuses on Mexican external voting enactment and turnout in the 2006 and 2012 general elections; however, the country undertook extensive legal and institutional innovations in 2014 and 2016 before the 2018 election. Exploring within-case variation and the persistence of low electoral participation contributes to theoretical developments involving how migrant political rights unfold in practice.

All signs point to expecting more extensive electoral participation: since the 1990s, the Mexican state has successfully fostered material and symbolic socio-spatial relations with nationals abroad (e.g., Smith & Bakker, 2008). Mexico is a democratic country with one of the world's largest consular networks concentrated in a single country (the US); active transmigrant communities displaying origin-country identities (including politically active hometown associations); a professionalized and efficient electoral administration; a cutting-edge programme to provide voter IDs through its consulates; extensive programmes to incentivize remittances; and many other policies that foster emigrant-state relations and participation (Burgess, 2020; Délano, 2011, 2014; Duquette-Rury, 2020; FitzGerald, 2009; Goldring, 2002; Lafleur & Calderón Chelius, 2011; McCann et al., 2021; Paarlberg, 2020b; Pedroza & Palop-García, 2017; Smith, 2003, 2008; Waldinger & Soehl, 2013). Mexicans abroad send large volumes of remittances (World Bank, 2019). Of Mexicans abroad, 97.78% live in the US (Secretaría de Relaciones Exteriores, 2015), which should foster strategic political party outreach (Umpierrez de Reguero & Dandoy, 2021).

Mexico has one of the largest networks abroad in the world with almost 12 million Mexico-born nationals who live abroad, equating to almost 10% of its population – what Paarlberg (2020a) refers to as a 'sleeping giant', for its enormous potential electoral weight – and since several millions more could obtain Mexican nationality, it has the potential to expand (Pew Research Center, 2019a). As we will outline, Mexico has overhauled its electoral system in innovative ways and has one of the most modern and sophisticated electoral management bodies in the world (IDEA, 2016). In the last 30 years, it has undertaken major constitutional reforms, including granting, then consistently applying, external voting for 15 years (Pedroza, 2015; VMRE, 2021). Despite all these signs that might indicate high participation, a pithy 98,470

nationals abroad voted in the last election in 2018 (INE 2018b), making Mexican external voting from the US a deviant case study.

What explains the stagnation between offering democratic voice on paper to realizing active external voting in practice? How have innovations affected policymaking toward, and governance of, emigrants? Mexico designates a special group within the electoral management body (EMB) to spearhead external voting procedures, with whom we conduct informant interviews; their in-depth answers to how and why Mexico implemented institutional innovations provide contextual understanding and inform our interpretive policy analysis. The study begins in 1996, when a constitutional reform enacted Mexican external voting, and runs up until 2021; we emphasize 2014, when an electoral reform overhauled exterior voting regulation and implementation. We analyse one case of how diaspora politics unfold and the role of electoral institutions in transnational political engagement in national-level elections. Our aim is to explain what has deterred meaningful electoral participation by examining institutional innovations and governance in a country with a large diaspora of potential voters with established origin-country ties.

The remainder of the paper is structured as follows. Section 2 explains our data and methods. Section 3 contains the theoretical framework on diaspora politics, as related to enfranchisement and external voting. The Mexican puzzle unfolds in section 4, detailing how overseas voting and laws have developed since the country enacted external voting rights in 1996. Section 5 covers the legal and institutional innovations of the past 15 years, since the implementation of overseas voting. Discussion follows in section 6, then we conclude.

## 2. DATA AND METHODS

We choose a deviant, or anomalous, case (i.e., the outcome contrasts with our expectations), which allows for exploring new explanations that may then be tested or used in a wider context (Seawright & Gerring, 2008). Mexico enacted national-level external voting rights and continues to apply and invest in their implementation. Nonetheless, registration remains low. While most *registered* voters turn out, considering the stock of potential voters, the number of those registered remains abominably low (Burgess, 2020).

While our secondary data sources of turnout statistics and electoral laws are sufficient to list institutional changes, we bolster these facts through conducting interviews with five high-ranking officials within Mexico's EMB, the National Electoral Institute (INE).<sup>1</sup> We employ a pragmatic, abductive approach to research (Friedrichs & Kratochwil, 2009) since it fits well with existing analyses on Mexican external voting, and with the overarching emigrant enfranchisement and voting literature. Abductive research is especially important when there are relatively few established theories of the social phenomenon of interest.

Interviewees are public servants in high and active positions of planning, budgeting, and implementation within Mexico's EMB, within a special task force on external voting. Interviewees work or have worked directly on out-of-country voting over more than one electoral cycle, or since the inception of exterior voting in one informant's case (see Table A1 in Appendix A in the supplemental data online). One of the authors (Besserer Rayas) previously worked at the Mexican INE (2011–16), which eased access to such interviews, otherwise difficult to secure. Despite being located within the domestic institution of the INE, we consider this team a diaspora institution, being well-placed for informant interviews on external voting.

The purpose of our approach is to use their behind-the-scenes information to explain how and why innovations were implemented and how they relate to turnout; we use the interview data to conduct interpretive policy analysis (Yanow, 2000). They provided key 'insider' knowledge and contextual understanding regarding state and institutional innovations for external voting. The role of insider knowledge production has the potential to unveil new perspectives, knowledge and complex intra-organizational issues (Brannick & Coghlan, 2007; Merton,

1972). Interviewees provided behind-the-scenes information into institutional learning and internal processes that led up to implemented innovations. They also shed light on cooperation, or lack thereof, between institutions, such as the Foreign Ministry and Mexican consulates in the US.

### 3. DIASPORA POLITICS AND PARTICIPATION

Diaspora politics involves both origin and residence countries since practices unfold ‘within the transnational tentacles of the political institutions’ of both countries (Laguerre, 2006, p. 3). By ‘diaspora’, we follow Arrighi and Lafleur (2019) to indicate non-resident citizens, since we are interested in state–diaspora relations via unpacking the institutional implementation of suffrage rights and individuals exercising these rights. Potential voters abroad can be ‘effectively disenfranchised’ when they legally hold rights but cannot manage to actually exercise them (Wellman & Whitaker, 2021). Our overarching argument outlines that, while we know it is not enough to have suffrage rights only ‘on paper’, applying these rights in practice can also fall short, when rights fail to instigate extensive participation.

States and individuals act within, and can reciprocally shape, overarching processes. Diaspora outreach efforts occur with different actors and at multiple levels (Délano, 2011), such as within bureaucracies, political parties and institutions, which are all embedded within states and political regimes (Koinova & Tsourapas, 2018). Migration policymakers interpret scenarios based on current events and act within their surrounding politics (Pettrachin, 2021). At the individual level, nationals abroad similarly act within institutions and processes in and between at least two territories – meaning membership practices develop and unfold transnationally (e.g., Erdal, 2020; Faist et al., 2013; Glick Schiller et al., 1995; Smith, 2003). Individuals’ ties in one place do not necessarily replace or eliminate ties to another, as reflected in the relatively new norm of democratic states’ acceptance of dual nationality (Vink et al., 2019) and the widespread phenomenon of individuals holding political rights and participating in two countries (Finn, 2020; Szulecki et al., 2021; Umpierrez de Reguero et al., 2020). Individual turnout affects electoral outcomes, possibly shaping political parties’ future campaigning efforts and influencing how states conduct registration and voting procedures.

As such, external voter turnout matters to political parties and states. To engage with diasporas, parties can use the transnational space as ‘a new arena for party politics’ (Kernalegenn & Van Haute, 2020) to campaign, mobilize voters, and lobby, with the aim of gaining votes (e.g., Østergaard-Nielsen & Ciornei, 2019; Paarlberg, 2017). Origin countries may attempt to use parties to influence populations abroad, for instance over contentious political issues, like targeting Turkish voters in the Netherlands (Mügge et al., 2021) and Germany (Yener-Roderburg, 2020). Diasporas’ political preferences are likely unknown and parties strategically channel finite resources into transnational arenas where they perceive possible electoral success (Paarlberg, 2020a; Umpierrez de Reguero & Dandoy, 2021; Wellman & Whitaker, 2021), making a less than straightforward challenge to convince voters to first turn out and then also to vote in their favour.

While party-led emigrant outreach can successfully increase voter turnout, state-led outreach may not (Burgess, 2018); moreover, origin countries may engage with some nationals abroad, while ignoring others (Koinova & Tsourapas, 2018). Some governments may want to show overseas voters have suffrage on paper, and can later decide how, when, and to what extent to implement it. When such rights are normatively encouraged, opponents may implement barriers to prevent it in practice, instead of condemning it outright (Umpierrez de Reguero et al., 2020). Voter turnout is dampened by institutional barriers, such as cumbersome procedures to register and vote (e.g., Ciornei & Østergaard-Nielsen, 2020; Hutcheson & Arrighi, 2015). Authoritarian regimes use additional tools to restrict migrant political participation in practice, for example,

using ‘ad-hocratic governance strategies’ to regulate immigrants’ rights (Natter, 2021) and controlling the right of exit from the origin country or limiting citizenship rights upon return (Liu, 2021; Tsourapas, 2020). Diaspora politics does not thus always nourish individual–state connections (Délano & Gamlen, 2014). One prior tool in Mexico was using citizenship laws to revoke nationality for those who naturalize abroad; this was changed in 1997–98 (González Martín, 2000).

Other governments foster overseas participation and invest significant sums in enacting, regulating, or implementing migrant voting rights, which we find is the case for contemporary Mexico. As of 2021, over 130 countries grant some form of external voting, typically for national rather than local – or regional-level elections (Arrighi & Lafleur, 2019; Piccoli, 2021; Wellman et al., 2022). Some countries even designate special representatives to overseas populations (e.g., Collyer, 2014b). Post-implementation, countries concerned about low turnout have tried to innovate by making external voting easier, such as using online voting (e.g., France; Dandoy & Kernalegenn, 2021), also recently introduced in Mexico. Part of the post-implementation process is achieving active widespread voting, given participation is a cornerstone of democracy. We examine Mexico as a country that has enfranchised nationals abroad but has lagged in turning rights into ballots.

Before presenting our analysis, we dispel two alternatives that could explain the low electoral participation of Mexicans in the US. First, one may propose that Mexicans are just uninterested in voting.<sup>2</sup> Evidence however suggests that Mexicans are connected to, and interested in, origin-country politics: Mexicans’ transnational ties are evident through following homeland politics, sending remittances, and joining hometown associations (Doyle & López García, 2021; FitzGerald, 2005; Lafleur & Calderón Chelius, 2011; Leal et al., 2012; McCann et al., 2019; McCann & Jones-Correa, 2020; Paarlberg, 2020b).

Second, low participation could relate to state-level decisions such as political party legacies, banned campaigning abroad, feared ruptures in Mexico–US politics, and cumbersome registration and voting procedures (Calderón Chelius, 2003; Waldinger & Soehl, 2013). Burgess (2020) argues that Mexican diaspora-making politics have aimed at depoliticizing nationals abroad to limit their participation, lowering barriers only when external voting was no longer considered a threat to domestic politics and electoral outcomes. Yet, despite the legal prohibition, parties have nonetheless campaigned in some form in the US – especially the MORENA party for the 2018 election, where it collaborated with Mexican hometown associations to campaign in their favour for external voting and to call family members in Mexico to influence their vote (Paarlberg, 2020a, 2020b; El País, 2018, May 19; Smith & Bakker, 2008). MORENA consulted the INE before the 2018 campaign asking what activities abroad are permitted; the INE (2018a) responded that they were not allowed to carry out any campaign acts. Afterwards, the INE investigated MORENA’s suspected campaign acts but did not impose penalties due to the fragmentary evidence of campaign acts and expenses. As we argue in this analysis, contemporary Mexico – both the government and the electoral body – does not seem to want to limit emigrant participation, evidenced by political will (e.g., see the epigraph) and the large financial investment in legal and practical reforms, including institutional innovations. Even though external voting rights are implemented in practice, do they remain some sort of symbolic gesture or superficial state–diaspora political connection? What else is preventing or deterring external voters from participating?

After outlining the legal enfranchisement process and voter turnout, we pinpoint post-implementation issues that states face while trying to ‘turn rights into ballots.’ Following Gamlen’s (2014) suggestion for future research on analysing diaspora governance, we consider how it unfolds within a wider context, considering the transnational aspects of a country’s legal infrastructure, institutional implementation and voters.



## 4. EXTERNAL VOTING: MEXICAN LAWS AND TURNOUT, 1996–2018

Mexico enacted external voting in 1996 in its constitution, but the country lagged in regulating the right until 2005, then implemented it at the federal level in 2006 (Table 1). Post-implementation, Mexicans have since voted from abroad in Mexico's 2006, 2012 and 2018 federal elections – first only in presidential elections then also in senate elections in 2018. Given that significant changes to external voting regulation and implementation occurred in 2014, we update existent studies focused on the first rounds of extraterritorial voting (Leal et al., 2012; McCann et al., 2021; Smith, 2008; Waldinger & Soehl, 2013). Low turnout could have been expected during the period of PRI (*Partido Revolucionario Institucional*, the Institutional Revolutionary Party) from 1929 to 2000 since the party attempted to bidirectionally deter political engagement from abroad. After the first alternation of party in the executive, which saw the first non-PRI president, Mexico moved past symbolic external suffrage rights, continuing to apply external voting. After its first application, initially there was a normatively 'positive' effect, since low turnout quelled fears that 'Americanized' voter viewpoints would swing election outcomes in Mexico (Smith & Bakker, 2008). Since then, despite innovations by electoral institutions and administrations aiming to increase participation, Mexico has yet to see widespread overseas voting, as of the last presidential election in 2018 (Table 2).

For comparison, external voters from the Dominican Republic provide an interesting contrast to that of Mexicans. As with Mexico, a significant percentage (about 14%) of the population lives abroad, with a large majority (82%) in the US (INMRD, 2018). The first election in which Dominicans could vote from abroad was in 2004, with an in-person modality at voting centres set up by consulates. In the 2020 election, 596,000 Dominicans abroad registered to vote and 127,000 voted, equivalent to about 21% of registered voters, and about 9% of all Dominicans living abroad (JCE, 2022). Similarly, Colombian external voters participate at much higher rates than Mexicans. In the latest presidential election, nearly 1.4 million registered to vote from abroad and 275,000, or close to 20% of those registered turned out (*El Tiempo*, 2018). While

**Table 1.** Legal timeline of external voting, national elections, Mexico, 1996–2021.

Year	Milestone
1996	Eliminated the requirement that Mexicans must vote in Mexico, opening the possibility of external voting via constitutional amendment (Article 36)
1997	Opened the possibility for dual nationality through constitutional reform (to Articles 30, 32 and 37)
1998	Regulated dual nationality through a new Nationality Law, which established Mexicans could not lose Mexican nationality
2005	Regulated external voting (new chapter added to electoral code [COFIPE] to include details on external voting)
2006	Applied external voting for the first time (in a presidential election)
2012	Applied external voting for the second time (in a presidential election)
2014	Eased external registration and voting procedures through innovations (as part of overhauling the electoral law in the General Law of Electoral Institutions and Processes [LGIPE])
2016	INE conducted the first online voter registration for local elections
2018	Applied external voting for the third time (in presidential and senate elections), including online registration for federal elections
2021	INE organized the first mixed postal and online voting for online local-level elections

**Table 2.** External voting registration and turnout, Mexico 2006–2018.

Presidential election year	Total registered Mexican overseas voters	Registered Mexican overseas voters in the US	Total overseas votes cast per election	Participation of potential overseas voters (%)
2006	40,876	35,763	32,479	0.3%
2012	59,115	45,586	40,714	0.4%
2018	181,256	152,337	98,470	0.9%

Note: We calculate the last column based on 10.74 million potential voters, estimated in 2017 by Pew Research Center (2019a).

Sources: Mexico's National Electoral Institute (IFE, 2006, 2012; INE, 2018b).

here, too, external voting turnout remains below its potential, it remains much higher than the Mexican case.

Closer to the more extreme case of Mexico's paradox is El Salvador's external voting: over 40% of the population lives abroad, again with the majority concentrated in the US. Voting from abroad was passed in 2013 and first implemented in 2014. Salvadorans are restricted to postal voting that requires identity cards which are difficult to obtain from abroad. In 2014, only 10,000 Salvadorans abroad voted, a small fraction of the close to 2 million in the US (El País, 2014, February 2). In the 2019 elections, only 3646 Salvadorans abroad voted. In 2021, its congress passed a new law which could change substantive aspects of the voting process, such as the modality (Los Angeles Times, 2021, September 14). Time will tell if incremental changes are effective for increasing turnout. In Mexico, such external voting regulations have been incrementally developing (Table 1). With notable exceptions (e.g., Burgess, 2020; Lafleur & Calderón Chelius, 2011; Smith, 2008), research published in English has mostly omitted specifications about which aspects of Mexican diaspora voting regulation dampen external voting. Rather than glossing over them, we analyse these key aspects, positioning them as bureaucratic obstacles that lower registration and voting from abroad.

The legal modifications through which voting from abroad emerged occurred at the crest of Mexico's political transformation. As its hegemonic-party authoritarian system was liberalized in the 1990s through a series of political and economic reforms, centred especially on electoral changes, the state began engaging with its diaspora and institutionalized its relations with Mexicans in the US. While Mexico previously treated the diaspora with either official indifference – framed by Martínez-Saldaña (2003) as *los olvidados*, or 'the forgotten ones' – or viewed it with nationalist-inspired suspicion, the 1990s hyperinflation showed the Mexican political elite the usefulness of a foreign currency stream to keep the peso afloat. As generous remittances from millions of US-based Mexicans became a crucial state concern, Mexico reoriented its policies and resources to engage its diaspora (Délano, 2011; FitzGerald, 2005; Martínez-Saldaña, 2003; McCann et al., 2021; Smith & Bakker, 2008). Within this context, and with movements demanding voting rights (McCann et al., 2009; Navarro & Carrillo, 2007), the Mexican Congress passed a constitutional amendment in 1996 that eliminated the requirement that voting must occur 'within the national territory,' in effect opening the door for external voting.

Citizenship and nationality laws are crucial to ensure external voting can be applied over time. In 1998, Congress passed an amendment allowing dual nationality, satisfying a key demand of the diaspora (Escobar, 2007), who previously had to renounce Mexican nationality if they naturalized abroad (FitzGerald, 2009). Part of reconceptualizing emigrants as a critical economic source, the state decided no longer to 'penalize' Mexicans through revoking citizenship for those who acquire US citizenship (González Martín, 2000; Pedroza, 2015; Vink et al., 2019).



While the law still prohibits candidacy rights for Mexicans abroad, allowing dual nationality signalled a change in how the state viewed the diaspora's role in Mexican politics.

Between enactment in 1996 and regulation in 2005, the Mexican Congress discussed 17 legal initiatives (SIL, 2006). These stemmed mostly from PAN and PRD (opposition) congress people, two from the PRI party, and one from the first president of the transition.<sup>3</sup> A proposal to regulate voting rights was approved in July 2005, then implemented in July 2006. The changes came just half a decade after the PRI lost power, which was the first time Mexico alternated parties at the presidential level in almost a century.

Despite high expectations that Mexican emigrants would vote *en masse* in 2006,<sup>4</sup> as Table 2 shows, only around 41,000 registered and approximately 32,500 voted; subsequent presidential elections also captured less than 1% of potential voters. For comparison, about 61,000 Mexicans live in Spain and about 3000 voted, representing 5.0%, whereas about 130,000 Mexicans reside in Canada and 5000 voted, equivalent to 3.8% (Instituto de los Mexicanos en el Exterior, 2021). Notably, most (around 50–80%) registered voters participated, but the number of registered voters is miniscule, given the *millions* of potential voters.<sup>5</sup> Prior studies such as Paarlberg (2020a) report 4.2 million potential Mexican voters abroad who hold voter IDs. As outlined in Table 3, legislation has changed; Mexicans can now obtain voter IDs in the US. By 2018, about 713,000 had obtained an ID in the US and by 2021, a little over 1 million had (INE, 2021a). Many Mexicans residing abroad emigrated with an ID that is within its 10 years of validity, so we consider potential emigrant voters as all Mexican-born adults (18 and older) abroad, numbering approximately 10.74 million in the US (Pew Research Center, 2019a). Regardless, both numbers are so much higher than those registered, that is, enrolled in Mexico's Nominal List of Voters Residing Abroad (*Lista Nominal de Electores Residentes en el Extranjero*). As of 2018, Mexicans are spread over 120 countries but, in percentages, almost all live in the US.<sup>6</sup>

External voting has become the norm and local legislators have presented initiatives in several states that still withhold such rights, despite very low participation rates at the national level and in other states. At the local level, several Mexican states have passed laws enfranchising out of country voters to participate in local elections (see Table A2 in Appendix A in the supplemental data online). The first state to enfranchise overseas voters was Michoacán in 2007 (heavily reliant on remittances and with a large diaspora population), followed by Mexico City in 2010 (a state less dependent on emigrant contributions), then Chiapas and Puebla in the early 2010s. In 2014, 10 more states enacted external voting laws and as of 2021, 22 out of 32 Mexican states allow for external voting in local elections (see also Burgess, 2020). At the national level, implementing external voting is costly. The IFE initially invested about US\$10.8 million in 2005 to organize voting procedures and another US\$16.9 million through 2006 to apply them (Navarro & Carrillo, 2007). The system allowed overseas voters to participate in federal elections, although with institutional barriers, such as the postal modality to register and vote (i.e., mail-in registration and mail-in ballots) (McCann et al., 2009; Waldinger & Soehl, 2013), as we elaborate on in the next section.

## 5. LEGAL AND INSTITUTIONAL INNOVATIONS IN MEXICAN EXTERNAL VOTING, 2006–21

The EMB of Mexico has played a major role throughout post-implementation of external voting rights, and changes to voting have stemmed from legal adjustments (some proposed by the EMB) and institutional innovations. To address our research question, Table 3 outlines constraints and post-implementation innovations – i.e., institutional efforts that have eased external registration and voting but have not resulted in high numbers of external voting.

Overall, scholarship has failed to trace within-case variation of Mexico's external voting processes, which leads to imprecise characterization of conveying the rules as static. The 2006, 2012,

and 2018 elections used only postal voting. Given nationals abroad had to mail their ballot in a special envelope provided by the INE, they had first to provide a mailing address. The electoral institute originally deemed PO boxes unfit for registration in 2006 but accepted them in 2012, since US-based migrant leaders told electoral officials that this would assuage concerns from migrants about the potential leak of information to US authorities.<sup>7</sup> Reiterated throughout our interviews, those lacking legal status in the US hesitate to provide a home address to (Mexican or US) authorities – thus, the postal modality acts as a deterrent to register. Based on experiences in 2006, the EMB made various administrative changes, attempting to increase participation in 2012. However, a lack of constitutional and other legal changes limited administrative innovation and learning, a view widely shared by interviewees.

The most important legal changes occurred in a 2014 electoral reform that modified key aspects of external voting. The three-fold reform allowed Mexicans to obtain voter identifications (IDs) outside of Mexico, the possibility of online registration for external voting, and the possibility of online voting. These changes emerged after an expert report in 2013, drafted by a group hired by the INE to recommend modifications to the external voting system. Legislative adjustments did not necessarily mandate changes but instead opened the possibility (which would have been illegal before the reform) for implementation, if the electoral body took action.

The first modification involved voter IDs. Starting in 2005, voters needed an up-to-date voter ID, which could only be processed and obtained in Mexico. They expire every decade, so it is possible that Mexicans hold expired ones, lose them, or emigrate without one. Because gaining access to the external voter roll required sending a photocopy of a valid voter card, a large proportion of the diaspora faced a huge barrier to voting in the 2006 and 2012 presidential elections. On multiple occasions, migrant leaders in Mexico and the US demanded that Mexico change its laws to allow obtaining a voter card from the US, using the slogan ‘*Sin foto no hay voto*’ (conveying, ‘no voting without a photograph’, i.e., voter ID).<sup>8</sup> Before the 2006 election, the Pew Research Center (2006) found that despite only 31% of Mexicans residing in the US having a valid voter card, most considered Mexican politics relevant or interesting. A similar survey before the 2012 election found only 37.7% of the Mexican diaspora had a voter card, but that 73.7% of survey respondents were interested in voting and 70.6% answered that they would vote from abroad if they had a valid voter card (Durand et al., 2013). Their interest in politics suggests that they will vote, whereas the bureaucratic barrier of getting a voter ID seems to conflict with their impetus for participating.

In 2014, the INE began negotiating with the Ministry of Foreign Affairs to establish a procedure allowing nationals to obtain a voter ID in Mexican consulates. Such cooperation implied breaking a long-standing taboo in the Mexican politics whereby the electoral authorities distance themselves from the executive branch, as a perceived way to preserve electoral independence. It required work by INE officials to lobby parties and politicians and assuage their misgivings.<sup>9</sup> Since 2018, the INE and the Ministry of Foreign Affairs began a programme in which citizens apply for a voter ID in consulates or embassies and receive the card via post (INE, 2020a). This sweeping legal innovation is a work-around to bend the traditional meaning of electoral independence. Implementation required technical cooperation and sophistication to share data, such as biometrics, in a secure way.<sup>10</sup>

The second key modification in the 2014 electoral reform opened the possibility of online registration. The INE developed a secure online application system, used since the 2018 election: Mexicans abroad can register for the external voting roll via their computer, mobile phone, or mail in a form. Nonetheless, registration is still inconvenient since the electoral law requires *double registration*. Emigrants must first register when they obtain a voter ID and enter the voter roll. The voter ID serves as an official identity document in Mexico and is the only identification provided free of charge across the country (see Mexico’s General Population Law). Because it doubles as identification, Mexican enrolment in the national

**Table 3.** Legal and institutional constraints and innovations, Mexican overseas voting, 2006–21.

Constraints to Mexican overseas voting	Post-implementation innovations to overcome barriers
Registration modality: only postal	Since 2012, INE has fixed faulty or imprecise applications instead of rejecting them outright. The 2014 electoral reform added the option to register online (implemented in 2016), instead of solely the postal modality (used since 2006)
Registration timetable and duality	Since 2018, INE has expanded the deadline for registration set by law, from December to March, using legal argumentation in favour of rights
Voting modality: only postal	A 2014 electoral reform opened the possibility to change the modality (requiring INE to develop an online voting system and have it certified). INE created and certified an online system in 2021, applied it in local elections in 2021 and plans to use it in federal elections in 2024
Requiring valid voter ID	Voter IDs were attainable only in Mexico until 2016, when Mexicans could also obtain IDs in the US, thanks to a collaborative effort between INE and the Ministry of Foreign Affairs
Prohibiting campaigning abroad (fines for non-compliant political parties)	INE's panel of experts proposed easing restrictions in a 2013 report, but neither legal nor regulatory change has materialized
Having a low/absent advertising budget	INE has sought to refine online publicity via partnerships with Facebook, Google and other digital agencies, as well as approached US-based community leaders to help with advertising efforts
Showing limited collaboration between the Ministry of Foreign Affairs and the executive power	Starting in 2014, INE has negotiated with the Ministry of Foreign Affairs to expand activities, including creating a procedure to obtain a voter card outside of Mexico via the consular network
Lacking an immigrant legal status abroad/distancing from official processes	Since 2012, INE has allowed nationals abroad to use PO boxes instead of home mailing addresses (i.e., to depersonalize the registration process by requiring less personal-information sharing with the state)

Sources: Secretaría de Gobernación (2014); VMRE (2021); interviews conducted in 2021 with INE officials.

voter roll is extremely high: over 97% of eligible voters have registered at some point in their lives (INE, 2021b); those living abroad with expired IDs remain on the roll, but cannot vote until they renew their ID. Thereafter, nationals abroad need to register *again* with an INE to remove their name from the national voter roll and instead get on the temporary out-of-country roll. They must do so by March, whereas elections occur in June (Navarro & Carrillo, 2007) – putting overseas registration at a time before presidential campaigns start to interest voters.

The third modification critical for increasing external voting was opening the possibility for the INE to implement electronic overseas voting, in practice circumventing cumbersome postal services. The law requires that, if the INE develops an online voting system, two independent companies must certify it before it can be used. The INE began developing a secure online voting system in 2018 with a double factor authentication; as in other aspects of the reform, the system required important lobbying efforts by INE officials with political parties (according to several interviewed INE officials). The system was verified and approved by two companies in late 2020 and was applied for the first time in 2021 in local elections (INE, 2020b).

In 2021, the INE oversaw and monitored 11 local elections where nationals abroad registered only online and could then choose to vote by the post or online; two-thirds of about the 32,000 registered opted for the online voting modality (INE, 2021b). Given how cumbersome postal voting had been, and how much the expert panel had insisted on a change of modality, it surprised the INE that 10,000 still preferred postal over electronic voting.<sup>11</sup> The number of voters who registered from abroad was much lower than the potential voting pool,<sup>12</sup> despite considerable efforts from the INE and collaboration with local electoral institutes. Given the novel modality, registration was disappointingly low.<sup>13</sup>

Given its leading role in influencing and implementing legal changes for regulating extraterritorial voting rights, the EMB represents a main diaspora institution. The postal modality in the 2006 and 2012 elections was very strict with the mailed-in form and photocopy of the voter ID: any application with spelling mistakes or discrepancies between the signature on the form versus the voter ID were *discarded*; the INE invalidated approximately 25% of all requests in 2006 to enrol as an external voter (IFE, 2013). Recognizing this as a steep institutional barrier to registration, the INE set up a task force to interpret the law through a human-rights lens and to instigate legal adjustments. Starting in 2012, it no longer rejects imprecise or faulty applications but instead fixes the mistakes, adding a legal memo of the reasons why they remedied the overseas voter application. As a result, 95% of all requests in 2012 were successful (IFE, 2013). This seems to be the main factor contributing to an almost 25% increase in enrolment, as compared with the prior election. Since 2018, the INE also stretches the deadline for enrolment applications three months earlier, giving overseas voters more time to register.

Despite advances, there are limits to the INE's independent innovations. The INE has sought to refine its publicity strategy to reach Mexicans abroad and make a more efficient use of its small advertising budget, but this remains highly problematic.<sup>14</sup> While they can promote overseas voting via social media, Mexico prohibits them from advertising on television or the radio, that is, principal media outlets for the target population. Less widespread advertising translates to less knowledge on how to cast ballots from outside Mexico and lower interest in the election. A Pew Research Center (2006) survey unsurprisingly found that only 45% of Mexican respondents in the US knew there was a Mexican presidential election taking place that year and just 25% of all respondents knew 'something' about the external voting requirements. A 2010 survey by Durand et al. (2013) found that only 6.8% of Mexicans in the US were very familiar with the external voting process.

Another barrier to voting involves political parties: Mexico has strict prohibitions on political campaigning abroad, as established explicitly in numerous articles of its electoral law.<sup>15</sup> Since external voting was enacted in 2005, Mexico does not allow parties and candidates to organize campaign events or hire advertising slots on television or radio outlets outside Mexico (Paarlberg, 2020a). This is due to political changes that begun during Mexico's drawn-out transition to democracy, and continued into the 2010s, whereby political parties that lost elections demanded changes to electoral laws that increasingly regulate campaign acts, aimed at producing fairer elections (Becerra et al., 2000). This dynamic was key for creating competitive and fair elections after the PRI rule, marked by fraudulent elections and the use of public resources to influence elections. The result was Mexican elections having strict regulations: of

the 29 variables IDEA (2021) uses to analyse how a country regulates campaign finances, Mexico's legislation has regulated all 29! The regulations are so embedded that they seem to be an immovable part of the Mexican electoral system, and they require vast monitoring efforts which would be nearly impossible or prohibitively costly to control outside of the national territory. There is, instead, a blanket prohibition for campaigning. The result for Mexicans abroad is needing to gain political information on policies and issues elsewhere; some parties find loopholes or have ignored regulations. As a diaspora institution, the external voting team within the INE has no leeway over this dimension, thus it remains as a legal barrier affecting turnout.

Finally, a deterrent remains for individuals *before* registration: having irregular legal status in the residence country. Despite origin-country efforts and innovations in terms of laws and implementation, the transnational scenario and another legal system mean low numbers of registered Mexican voters. About 4.7 million of the more than 10 million Mexican-born residents in the US lack an immigrant legal status (Pew Research Center, 2019a, 2019b). Some individuals, such as recipients of Deferred Action for Childhood Arrivals (DACA), currently hold some form of legal status but had previously not. A lack of legal status understandably relates to displaying higher levels of distrust of state authorities, as compared with their co-ethnic counterparts, and to managing interactions with government officials and associations strategically, sometimes preferring to withdraw rather than participate (Doran et al., 2018; García, 2019). The experience of being undocumented is often accompanied by depression, anxiety, and high stressors, some carried over from pre- or migratory experience, and others resulting from post-migratory experiences such as the fear of family separation through deportation, all of which can be traumatic (Martinez et al., 2015), leading to long-term distrust of official procedures. The exclusion faced by migrants sometimes also translates into a distrust of origin-country services and officials (Délano, 2018), unsurprisingly creating disengagement with state-led processes. Given all these factors, it is plausible that these conditions also disincentivize external voting.

## 6. DISCUSSION: EFFECTIVE GOVERNANCE OF OVERSEAS VOTING

Some governments choose to form diaspora institutions – or ‘formal state offices dedicated to emigrants and their descendants’ – with three possible motivations: ‘tapping’ to extract material resources from the diaspora; ‘embracing’ to re-establish lost connections with nationals abroad; and ‘governing’ diaspora engagement as part of a state’s overarching migration governance strategy (Gamlen, 2014, p. 182; see also Koinova, 2018). Our interpretation is that Mexico has used various actors and institutions to tap, embrace, and govern its diaspora in the US, varying over time and catering their efforts based on emigrant characteristics.

Mexico has ‘tapped’ into emigrants’ resources by encouraging remittances – enormous sums, reaching US\$39 billion in 2019 (World Bank, 2019) – which contribute to economic stability and boost household consumption. Mexico has ‘embraced’ them by changing how the state frames the diaspora, trying to create a sense of belonging and connectedness, for example, by changing laws to allow for dual nationality. It can encourage external voting, assuming a very low risk of swinging electoral results (Gamlen, 2015; Smith, 2008). Mexico now seems to be ‘governing’ the diaspora, unsurprisingly alongside the spread of migration governance strategies across the globe, evidenced by ‘best practices’ and new norms, such as the United Nation’s Global Compact for Safe, Orderly and Regular Migration. Mexico has used its extensive diaspora institutionalization to engage transnational citizens in many ways, but only recently have we found collaboration aimed at fostering engagement through external voting (Table 3). An important diaspora institution, as we have focused on in this analysis, is a team within the INE designated

to external voting. Overseas participation from governments' tapping, embracing and governing strategies opens new lines of research.

Despite political will and institutional efforts, barriers remain, thus top-down efforts can encourage external voting but nonetheless face limits. The team at the INE cannot change legislation to lift electoral regulations or allow campaigning abroad. Moreover, many other factors affect voting, such as individual-level characteristics and the migration trajectory (age at migration, transnational ties to Mexico, years since arrival). Potential migrant voters are also influenced by many other actors, such as political parties and migrant organizations, which continue to grow in size and relevance. We have tried to reframe part of the overseas participation discussion by analysing post-implementation effectiveness of Mexican external voting and showing that incrementally lowering barriers to vote will not necessarily lead to high active voting from abroad.

Based on our interviews within the Mexican EMB, practitioners recognize that an undocumented status acts as a barrier to origin-country electoral participation – another factor that is beyond the control of Mexico and the INE. Various studies focus on socio-economic and other characteristics of the Mexican diaspora, for example, the density of community and immigrant networks (Leal et al., 2012) and legal frameworks and voting procedures (Calderón Chelius, 2003, 2006; McCann et al., 2009; Smith, 2008; Waldinger & Soehl, 2013); yet scant attention has been paid to a sizeable proportion of the diaspora living as undocumented immigrants, who are potential emigrant voters. Taking a more balanced analysis of origin-country laws and structural implementation alongside residence–country dynamics would reveal transnational nuances on how registration and voting laws are implemented and change over time. In this case, in addition to institutional barriers limiting meaningful participation, our findings hint at irregular legal status in the residence country strongly deterring external voter *registration*.

External turnout literature should thus seriously consider how immigrant legal status in certain contexts blockades emigrant political participation, which *per se* comprises a fruitful research question. Including the legal and social dynamics of the residence country can differentiate the diaspora voting agenda beyond regional dynamics, as has been studied, for example, in Latin America (Paarlberg, 2017) and Sub-Saharan Africa (Wellman, 2021). Legal status opens scholarly avenues for how diaspora politics plays out between countries: for individuals, emigrants living under two legal systems receive the blunt end of clashes, including having rights on paper for one country but facing issues in exercising them because of situations in the other country. For external voting rights to function in practice, registration and voting must not only be easy (i.e., require little time and effort) but potential voters must know and be comfortable with the procedures. Facing a reality of living undocumented dampens transnational participation since it deters reaching the first step of voter registration. Under this scenario, easing procedures would not greatly influence turnout, helping to explain why innovations – such as online registration and issuing voter IDs in the US – have not resulted in more widespread overseas voting.

## 7. CONCLUSIONS

External voting relates intimately to contemporary aspects of territory, politics and governance. Democratic representation is deterritorializing since nationals continue to participate in the political realm from abroad, while also having political rights in the residence country. Two states are attempting to govern rights and implementation; administrations need to reach significant numbers of potential voters to democratically represent nationals abroad. While notions of 'national' identities remain linked to territories, emigrants who are physically elsewhere offer opportunities to examine cross-border politics over time and how rights in one country depend on politics and policy in another.



Our findings challenge the seemingly straightforward logic that institutional barriers restrict voting and that changing to easier modalities (e.g., from postal to e-voting) encourages electoral participation. The Mexican case shows that even when external registration and voting procedures are eased, such efforts can still fail to result in high turnout. Considering our findings, and taking seriously the transnational aspect, forces us to look at the other side of the border. It is possible that *immigrant* legal status in the residence country can act as a sizeable barrier to registration by potential voters. Policymakers must consider the diaspora's characteristics when designing and changing external rules and modalities. And scholars focusing only on homeland politics may find limited answers when their analyses overlook legal and social dynamics in the residence country.

Alternative explanations for the lack of active turnout of Mexicans in the US are that institutional innovations have been too incremental; maybe the restrictions caused a spillover path dependence of non-participation; perhaps prohibiting campaigning is the key barrier deterring turnout; or maybe the innovations will increase voting but need more time to activate voters abroad. Time will determine a few of these explanations, especially if Mexico further lifts legal and institutional constraints such as campaigning abroad, which would result in greater political party mobilization.

After focusing on within-case variation over time using aggregate data, future research should aim to include studies of individual-level turnout (to elaborate on within-group differences) and focus on comparative perspectives. Studying the same nationality in various countries may reveal which factors are encouraging or restricting turnout. Dandoy and Kernalegenn (2021) use such an approach to examine France's advances and setbacks in applying external voting; they find that success of voting modality depends on the residence country's postal, telecommunications, and internet providers. Similarly, future research could compare Mexicans within the US, as well as compared with those in Canada and Spain to analyse how various levels of (un)documented immigrant status relate to voting; while heeding the caveat that those in Spain are usually both documented and high-skilled, collinearly pointing to higher turnout. Another fruitful avenue involves analysing differences in participation between groups within the same residence country, such as those from El Salvador and Mexico. With large groups of nationals condensed in the US, and both with histories of undocumented statuses, how will their external turnout compare? With emigrants holding more political rights than ever before, such questions are critical to move beyond having rights 'on paper' because if these rights are not 'turned into ballots', large groups of citizens will be left on the sidelines of politics.

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## DISCLOSURE STATEMENT

Andrés Besserer Rayas worked at the Mexican National Electoral Institute from September 2011 (at the time, called the Federal Electoral Institute) to August 2016. All research and writing of the present article occurred once he no longer had any working relation to the Institution.

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## NOTES

1. Mexico's electoral management body was called the Federal Electoral Institute (IFE, *Instituto Federal Electoral*) from 1996 until 2014, when a constitutional reform modified some of its functions and renamed it the National Electoral Institute (INE, *Instituto Nacional Electoral*).
2. Extensive literature evaluates individual and aggregate turnout, considering characteristics such as age, education, interest in politics, civic duty, trust and habit of voting (for an overview, see, e.g., Wass & Blais, 2017), which also apply to migrants.
3. PAN stands for the *Partido Acción Nacional* (National Action Party); and PRD the *Partido de la Revolución Democrática* (Party of the Democratic Revolution).
4. INE distributed over 3 million registration forms in embassies, consulates and around Mexico (hoping that migrants on vacation would use them, or that families would mail them overseas). Based on the number of Mexicans who sought consular services, among other data, the institution projected that several million Mexicans would attempt to register to vote from abroad (IFE, 2006).
5. Similar to federal elections, overseas local-level registration and participation are also low, despite a potential pool of several hundred thousand per state (see Table A2 in Appendix A in the supplemental data online).
6. Of the 120 countries where registered overseas Mexicans live, most live in the US (152,337), followed by Canada (6976), Spain (3641), Germany (3153), France (2463) and UK (2200); the rest number less than 1000 per country (INE, 2018b).
7. Interview with an INE official, 23 March 2021.
8. Interview with an INE official, 14 April 2021.
9. Interview with an INE official, 14 April 2021.
10. Interview with an INE official, 14 April 2021.
11. Interview with an INE official, 5 July 2021.
12. Registration from abroad ranged from only 151 voters registered to vote for Baja California Sur's governor to about 12,000 registered to vote for a special district.
13. Interview with an INE official; see Table A2 in Appendix A in the supplemental data online.
14. Interview with an INE official, 23 March 2021.
15. Articles 414, 443 and 447 of the Law of Electoral Processes and Institutions prohibit campaigning and propaganda abroad; Articles 25 and 54 of the Law of Political Parties prohibit spending money on campaigns or propaganda outside of Mexico.

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