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Mexico's Constitution of 1917 with Amendments through 2007

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FIRST TITLE

CHAPTER I: Individual Guarantees

Article 1

Every individual in the United Mexican States shall enjoy the guarantees granted by this Constitution, which cannot be restricted or suspended except in such cases and under such conditions as herein provided.

Slavery is forbidden in the United Mexican States. Slaves who enter the national territory from abroad shall, by this act alone, obtain their freedom and enjoy the protection afforded by the laws.

All discrimination motivated by ethnic or national origin, gender, age, handicaps, social condition, health, religion, opinions, preferences, marital status, or any other discrimination that violates human dignity and has the objective of restricting or diminishing the rights and liberties of persons is prohibited.

Article 2

The Mexican Nation is one (única) and indivisible.

The Nation has a multicultural composition which has its roots in its indigenous peoples, comprising those who have descended from the people who inhabited the present territory of the country at the beginning of the colonization and who have preserved at least partially their own social, economic, cultural, and political institutions.

The awareness of their indigenous identity shall be an essential criterion in determining to whom the provisions on indigenous peoples apply.

Communities of indigenous people are those which constitute a social, economic, and cultural unit, are situated in a territory, and have their own authorities in accordance with their traditions and customs.

The right of indigenous peoples to self-determination shall be exercised within a constitutional framework of autonomy that ensures national unity. The indigenous peoples and communities shall be recognized in the constitutions and laws of the federal entities, which shall take into consideration, in addition to the general principles established in the previous paragraphs of this article, ethno-linguistic criteria and physical location.

A. This Constitution recognizes and guarantees the right of indigenous peoples and communities to self-determination and, as a result, their autonomy with regard to:

- I. Deciding their forms of group life and internal social, economic, political, and cultural organization.
- II. Applying their own systems of rules in the regulation and resolution of their internal conflicts, so long as these are consistent with the general principles of this Constitution, respecting the guarantees of the individual, human rights, and in particular the dignity and integrity of women. The law will establish the mechanisms and procedures of enforcement by the appropriate judges or courts.

• Prohibition of slavery

• Human dignity
 • General guarantee of equality
 • Equality regardless of gender
 • Equality regardless of creed or belief
 • Equality regardless of social status
 • Equality regardless of origin
 • Equality regardless of religion
 • Equality regardless of age
 • Equality for persons with disabilities

• Right to culture
 • Integration of ethnic communities

• Reference to country's history

• Indigenous right to self governance

• Right to self determination

- Indigenous right to self governance

III. Electing in accordance with their traditional customs, procedures, and practices, the authorities or representatives charged with the exercise of self-government, guaranteeing the participation of women in conditions of equality with men and within a framework that respects the federal pact and the sovereignty of the States.

- Protection of language use

IV. Preserving and developing their languages, knowledge, and all the elements that constitute their culture and identity.

- Protection of environment

V. Protecting and improving their living environment and preserving the integrity of their territories in accordance with the terms established by this Constitution.

VI. Having access to the preferential use of natural resources in the territories that these communities occupy and in which they live, except for those that correspond to strategic areas as determined by this Constitution, while respecting the forms and categories of property and land usage established by this Constitution and the relevant laws as well as any rights acquired by third parties or by members of the community. To this end Communities may merge with others in the terms provided for by the law.

- Indigenous right to vote
- Indigenous right to representation

VII. Electing, in municipalities with an indigenous population, representatives to the municipal governments.

The constitutions and laws of the federal entities shall recognize and regulate these rights in the municipalities with the objective of strengthening participation and political representation in a manner consistent with their traditions and internal rules.

- Trial in native language of accused

VIII. Having full access to the court system of the State. In order to guarantee this right in all trials and proceedings in which they take part, individually or collectively, their customs and cultural particularities shall be taken into account, while respecting the principles of this Constitution. Indigenous people have at all times the right to be assisted by translators and counsel who know their language and culture.

The constitutions and laws of the federal entities shall establish the characteristic elements of self-determination and autonomy which best correspond to the circumstances and aspirations of the indigenous people in each entity, as well as the rules on the recognition of the indigenous communities as entities of public interest.

• Provisions for wealth redistribution

- B.** In order to promote equal opportunity for the indigenous people and to eliminate any discriminatory practices, the Federation, states, and municipalities, shall establish the institutions and determine the policies required to guarantee the effectiveness of the rights of the indigenous population and the comprehensive development of their peoples and communities. They shall be conceived and applied in coordination with them.

In order to address the hardship and lack of development that affect the indigenous peoples and communities, these authorities have the obligation to:

- I. Stimulate the regional development of indigenous zones, with the objective of strengthening the local economies and enhancing the quality of life of their peoples, through coordinated actions of the three branches of government and with the participation of the communities. The Municipal authorities shall equitably determine budget allocations that the communities will administer directly and for specific ends.
- II. Guarantee and increase the levels of schooling, favoring bilingual and inter-cultural education, literacy, completion of basic education, vocational training, and middle and higher education. Establish a scholarship program for indigenous students at all levels. Define and develop educational programs of regional content that recognize the cultural heritage of their peoples, in accordance with the relevant laws and in consultation with the indigenous communities. Stimulate respect and knowledge of the diverse cultures that exist in the Nation.
- III. Ensure effective access to health care services by expanding the coverage of the national system, making good use of traditional medicine, and support the nutrition of indigenous people through food programs, especially for the child population.
- IV. Improve the conditions of indigenous communities as well as their living and recreational areas through initiatives that facilitate access to public and private financing of construction and improvement of housing, as well as the expansion of the coverage of basic social services.
- V. Promote the incorporation of indigenous women into the development of the community by providing support for productive projects, the protection of their health, and stimulate their access to education and participation in the decision-making processes related to community life.

• Telecommunications

- VI. Expand the network of communications so as to permit the integration of the communities through the construction and expansion of channels of communication and telecommunication. Establish conditions under which indigenous peoples and communities may acquire, operate, and administer means of communication, in the terms defined by the relevant laws.
- VII. Support productive activities and sustainable development of indigenous communities through initiatives that permit them to generate sufficient income, the creation of incentives for public and private investments that encourage the creation of jobs, and the use of technology in order to increase their productive capacity as well as to ensure equitable access to the supply and trade systems.

VIII. Establish social policies to protect indigenous migrants, within both national and foreign territory, through actions to guarantee the labor rights of agricultural day workers, improve the health conditions of women, support children and young people from migrant families through special education and nutrition programs, monitor the respect for their rights and disseminate information about their culture.

IX. Consult with indigenous peoples in the elaboration of the National Development Plan and the development plans of states and municipalities and incorporate their recommendations and proposals, as appropriate.

In order to guarantee the fulfillment of the obligations established in this paragraph, the Chamber of Deputies of the Congress of the Union, the legislatures of the federal entities, and the municipal councils shall include, in the ambit of their respective competences, the funding allocations specifically earmarked for the fulfillment of these obligations in their approved spending budgets, as well as the methods and procedures available for [indigenous] communities to participate in their implementation and control.

Without prejudice to the rights established herein in favor of the indigenous people, their communities and their towns, all communities which are comparable to them shall have the same rights, as established by the law.

Article 3

Every individual has the right to receive an education. The State--the Federation, the States, the Federal District and the municipalities--shall provide pre-school, primary, and secondary education. Pre-school, primary and secondary education constitutes the basic compulsory education.

The education imparted by the State shall be designed to harmoniously develop all the faculties of the human being and shall foster in him, at the same time, the love of the fatherland and a consciousness of international solidarity in independence and justice.

I. As Article 24 guarantees freedom of beliefs, education shall be secular (laica) and, as such, must be maintained entirely apart from any religious doctrine.

II. The guiding criterion for such education shall be based on the results of scientific progress and shall strive against ignorance and its effects, servitudes, fanaticism, and prejudice.

Moreover:

a. It shall be democratic, considering democracy not only a judicial structure and a political arrangement but also a system of life based on the constant economic, social, and cultural improvement of the people;

b. It shall be national insofar as--without hostility or exclusiveness--it shall achieve the understanding of our problems, the utilization of our resources, the defense of our political independence, the assurance of our economic independence, and the continuity and growth of our culture; and

c. It shall contribute to better human relationships not only by the elements which it provides toward strengthening and at the same time inculcating, together with respect for the dignity of the person and the integrity of the family, the conviction of the general interest of society but also by the care which it devotes to the ideals of brotherhood and equality of rights of all men, avoiding privileges of race, religion, class, sex, or individuals;

III. In order to fully comply with the provisions in the second paragraph and in section II, the Federal Executive shall determine the initiatives and study programs for preschool, primary, secondary, and post-secondary education for the whole Republic. To that effect, the Federal Executive will take into consideration the views of the federal entities' governments and of the various social segments involved in the education field, consistent with the terms that the law specifies.

IV. All education provided by the State shall be free of charge.

V. Besides providing preschool, primary, and secondary education, as established in the first paragraph, the State shall promote and assist in all types and means of education--including primary and higher education--which are necessary for the development of the Nation, will support scientific and technological research, and will advance the strengthening and knowledge of our culture.

VI. Private persons may engage in education of all kinds and grades. Consistent with the terms established by law, the State grants and withdraws official recognition of studies performed in private facilities. In the case of preschool, primary, secondary, and post-secondary education, the criteria shall be:

a. To provide education following the same objectives and criteria established in the second paragraph and in section II, as well as to be in full compliance with the plans and programs referred to in section III, and

b. To obtain previously, in each case, express authorization from the public power, consistent with the terms established by law;

• Human dignity
• General guarantee of equality

• Free education

• Reference to science

• Right to academic freedom

VII. Universities and other institutions of higher education that have been granted autonomy by law will have the ability and responsibility to govern themselves; will realize their objectives of education, research, and spreading culture consistent with the principles embodied in this article, respecting freedom of teaching and research and of free examination and discussion of ideas; will determine their initiatives and programs; will fix the terms related to salary, promotion, and tenure of their academic personnel; and will administer their own property. Labor relations concerning both academic and administrative personnel will be subject to section A of Article 123 of this Constitution and in conformity with the terms and requirements that the Federal Labor Law establishes with regard to the characteristics of a special work, in a manner that is consistent with the autonomy, freedom of teaching and research, and objectives of the institutions referred to in this section, and

VIII. The Congress of the Union, with the goal of unifying and coordinating education throughout the Republic, shall enact the necessary laws for dividing the social function of education among the Federation, the States, and the Municipalities, for setting the appropriate financial allocations for this public service and for establishing the sanctions applicable to officials who do not comply with or enforce the pertinent provisions as well as the penalties applicable to all those who infringe such provisions.

Article 4

• Equality regardless of gender
• Provision for matrimonial equality

A man and a woman are equal before the law. The organization and the development of the family will be protected by law.

• Right to found a family

Every person has the right to decide, in a free, responsible, and informed manner, the number and spacing of his or her children.

• Right to health care

Every person has the right to health protection. The law will describe the basis and means for access to health care services and will establish the concurrence of the Federation and the federal entities in matters of public health, in a manner consistent with the provisions of Article 73, section XVI of this Constitution.

• Protection of environment

Every person has the right to live in an environment that is adequate for his or her development and well-being.

• Right to shelter

Every family has the right to dignified and decent housing. The instruments and assistance necessary to achieve this objective will be established by law.

• Rights of children guaranteed

Boys and girls have the right to satisfy their nutrition, health and education needs and to healthy recreation for their total development.

• Rights of children guaranteed

Ancestors, tutors and guardians have the duty to safeguard these rights. The State will make available all that is necessary to promote respect for the dignity of all children and the full exercise of their rights.

• State support for children

The State will provide facilities to assist individuals in the fulfillment of the rights of children.

Article 5

No person may be prevented from engaging in the profession, industrial or commercial pursuit, or occupation of his or her choice, so long as it is lawful. The exercise of this liberty may only be forbidden by a judicial determination when the rights of a third party are infringed or by a government resolution, issued in the manner provided by law, when the rights of society are undermined. No one may be deprived of the fruits of his or her labor except by judicial resolution.

The law in each state shall determine the professions that may be practiced only with a degree or license and set forth the requirements for obtaining such license and the authorities empowered to regulate them.

No one can be compelled to render personal services without due remuneration and without his or her full consent, the exception being labor imposed as a penalty by a judicial authority, which shall be governed by the provisions of sections I and II of Article 123.

Only the following public services shall be obligatory, subject to the conditions set forth in the respective laws: military and jury duty, as well as the discharging of the office of municipal councilman and offices of direct or indirect popular election. Duties related to elections and the census shall be compulsory and unpaid, but those performed professionally consistent with the terms of this Constitution and relevant laws will be compensated. Professional services of a social character or public nature shall be compulsory and paid according to the provisions of law and with the exceptions established thereby.

The State cannot permit the execution of any contract, covenant or agreement having as its object the restriction, loss or irrevocable sacrifice of personal liberty for any reason.

Likewise, no agreements can be recognized in which persons agree to their own proscription or exile, or in which they renounce, temporarily or permanently, the exercise of a given profession, trade, or commerce.

A labor contract shall be binding only to render the services agreed on for the time specified by law and may never exceed one year to the detriment of the worker, and in no case may it include the waiver, loss, or restriction of any civil or political rights.

Breach of such contract by the worker shall only render him civilly liable for damages, but in no case shall it imply coercion against his or her person.

Article 6

The expression of ideas shall not be subject to any judicial or administrative investigation unless such expression offends good morals, infringes upon the rights of others, incites crime, or disturbs the public order; the right to a reply shall be exercised subjects to the terms established by law. Freedom of information shall be guaranteed by the State.

With regard to the exercise of the right of access to information, the Federation, the State, and the Federal District shall act, within their respective competences, in accordance with the following principles and basic tenets:

- I. Any information held by any federal, State or municipal authority, entity, organ or body is public and may be held back only temporarily for public interest reasons in accordance with the terms established by law.
- II. Information relating to private life and personal data shall be protected in the terms and with the exceptions provided for by law.

- III. Everybody shall have free access to public information, his/her personal data or the correction of the latter, without having to show any cause or justification for their use.
- IV. Mechanisms for granting access to information and speedy correction procedures shall be established. Those procedures shall be conducted before specialized and impartial organs and bodies enjoying autonomy in terms of operation, management and decision-making.
- V. The persons and institutions subject to the [previously defined] obligations shall keep their records in updated public registries and shall publish via the available electronic media the complete and updated information about their management indicators and the use of public funds.
- VI. The laws shall determine the manner in which the persons and institutions subject to the [previously defined] obligations shall make public the information concerning the public funds which they transmit to individuals and juridical persons.
- VII. The non-compliance with provisions concerning the access to public information shall be sanctioned in the conditions defined by the laws.

Article 7

The freedom to write and publish writings on any subject is inviolable. No law or authority may establish prior censorship, require bonds from authors or printers, or restrict the freedom of printing, which shall be limited only by the respect due to private life, morals, and public peace. Under no circumstances may a printing press be seized as the instrument of a crime.

The organic laws shall contain whatever provisions are necessary to prevent the imprisonment of vendors, "newsboys," operators, and other employees of the establishment publishing the work denounced, under pretext of denunciation of offenses of the press, unless their guilt is previously established.

Article 8

Public officials and employees shall respect the exercise of the right of petitioning provided it is made in writing and in a peaceful and respectful manner. However, this right may only be exercised in political matters by citizens of the Republic.

Every petition must be replied to in writing by the official to whom it is addressed and who has the obligation to inform the petitioner of the decision taken within a brief period of time.

Article 9

The right to assemble or associate peacefully for any lawful purpose shall not be restricted; but only citizens of the Republic may do so to take part in the political affairs of the country. No armed deliberative meeting or gathering is authorized.

- Freedom of expression
- Freedom of press

- Inalienable rights

- Right of petition

- Freedom of assembly
- Freedom of association

No assembly or meeting which has as its object the petitioning of any authority or the presentation of a protest against any act shall be deemed unlawful; nor may it be dissolved, unless insults are proffered against the authority or violence is resorted to, or threats are made to intimidate or compel such authority to render the desired decision.

Article 10

The inhabitants of the United Mexican States have the right to possess arms in their residences for their protection and legitimate defense, except such as are expressly forbidden by law or which have been reserved for the exclusive use of the Army, Navy, Air Force and National Guard. Federal law will determine the circumstances, conditions, requirements, and places in which the bearing of arms by inhabitants will be authorized.

Article 11

Every person has the right to enter and leave the Republic, to travel through its territory, and to change his [or her] residence without the necessity of a letter of security, passport, safe conduct pass, or any other similar requirement. The exercise of this right shall be subordinated to the powers of the judiciary in cases of civil or criminal liability and to those of the administrative authorities insofar as concerns the limitations imposed by the laws regarding emigration, immigration, and public health of the country, or in regard to undesirable aliens resident in the country.

Article 12

No titles of nobility, prerogatives or hereditary honors will be conferred in the United Mexican States, nor shall any recognition be given to those granted by other countries.

Article 13

No one may be tried under laws designed only to apply to the case at hand (*leyes privativas*) or before special courts. No person or corporation can have privileges or enjoy emoluments other than those given in compensation for public services and which are set forth by law. Military jurisdiction is recognized for the trial of crimes against the violation of military discipline, but the military tribunals can in no case have jurisdiction over persons who do not belong to the armed forces. Whenever a civilian is implicated in a military crime or violation, the corresponding civil authority shall have jurisdiction over the case.

Article 14

No law shall be given retroactive effect to the detriment of any person whatsoever.

No one may be deprived of liberty or his/her property, possessions or rights, except by means of a judicial proceeding before a duly created court in which the essential procedural formalities are observed and in accordance with the laws enacted prior to the act in question.

No penalty may be imposed in criminal cases by mere analogy or even by preponderance of the evidence unless such penalty is pronounced in the law and is in every respect applicable to the crime in question.

- Right to bear arms

- Freedom of movement

- Mentions of social class

- Establishment of military courts

- Protection from ex post facto laws

- Guarantee of due process
- Principle of no punishment without law

The final judgment in civil cases must conform to the letter or the judicial interpretation of the law, and, in the absence of the latter, such judgment shall be based on the general principles of law.

Article 15

No treaty shall be authorized for the extradition of political offenders or of delinquents of the common order who have been slaves in the country where the offense was committed; nor shall any agreement or treaty be entered into which restricts or modifies the guarantees and rights established in this Constitution for man and citizen.

Article 16

No one may be disturbed in his [or her] person, family, domicile, papers, or possessions, except by virtue of a written order by a competent authority stating the legal grounds and justification for the action taken.

No order of arrest or detention may be issued against any person other than by the competent judicial authority and unless it is preceded by a charge, accusation, or complaint for a specific action determined by the law to constitute a crime for which the accused may be punished by imprisonment and there is evidence to support both the punishment and the probable guilt of the accused.

The authority that carries out a judicial order of apprehension must take the accused before a judge without delay and under the strictest responsibility. Failure to do so is punishable under criminal law.

In cases of flagrante delicto, any person may detain the offender, turning him over without delay to the nearest authority, and from there, as expeditiously as possible, to the Public Ministry.

Only in urgent cases, when the offense constitutes a serious crime under the law and where there is well-founded risk that the accused may evade the action of justice and the accused cannot be brought before a judicial authority because of the time, place or circumstance, does the Public Ministry have the authority, on its strictest accountability, to order the accused person's detention founded on a thorough description of the evidence that motivated its decision.

In cases of urgency or flagrancy, the judge who receives the detained must immediately approve the detention or order liberty under the reservations of law.

No accused [person] may be detained by the Public Ministry for more than forty-eight (48) hours; within such period of time, the accused must either be set free or placed at the disposition of the judicial authority. This term may be doubled in those instances that are classified as organized crime under the law. All abuses of aforementioned provision will be subject to punishment under the criminal law.

Every search warrant, which can be issued only by a competent judicial authority and which must be in writing, shall specify the place to be searched, the person or persons to be detained, and the objects sought, and the proceedings shall be limited thereto. At the conclusion of the search warrant, a detailed statement shall be drawn up in the presence of two witnesses designated by the occupant of the place searched or, in his or her absence or refusal, by the official making the search.

Private communications are inviolable. The law shall criminally sanction any act that threatens the liberty and privacy of thereof. Only the federal judicial authority, upon petition by the federal official empowered by the law or the head of the Public Ministry of the corresponding federative entity, may authorize the interception of any private communication. To that effect, the proper authority must first establish and justify in writing the legal causes motivating the request and also indicate the

- Extradition procedure
- International law

- Regulation of evidence collection
- Right to privacy

- Protection from unjustified restraint

- Protection from unjustified restraint

- Protection from unjustified restraint

- Protection from unjustified restraint

- Protection from unjustified restraint

- Protection from unjustified restraint

- Regulation of evidence collection
- Right to privacy

type of interception, its subjects, and its duration. The federal judicial authority cannot authorize these interceptions when the communications involve electoral, fiscal, trade, civil, labor, or administrative matters, or in the case of private communications between a detained person and defender.

Authorized interceptions must conform to the requirements and limits specified in the laws. The product of any interceptions that do not comply with these requirements will lack all evidentiary value.

Administrative officials may enter private homes for the sole purpose of ascertaining whether the sanitary and police regulations have been complied with; and may demand to be shown the books and documents required to prove compliance with fiscal regulations, in which latter cases they must abide by the provisions of the respective laws and be subject to the formalities prescribed for searches.

Sealed correspondence sent through the mail is exempt from search, and any violation of this shall be punishable under the law.

No member of the armed forces may, in time of peace, be quartered in private dwellings without the consent of the owner, nor may he impose any obligation whatsoever. In times of war, the military may demand lodging, supplies, and other assistance, consistent with the terms established by the corresponding martial law.

Article 17

No person may take the law into his or her own hands or resort to violence in the enforcement of his [or her] rights.

Every person has the right to have quick, complete and impartial justice by courts, which shall be open for the administration of justice at such times and under such conditions as established by law. The courts' services shall be gratuitous and all judicial costs are, therefore, prohibited.

Federal and local laws shall establish the methods necessary to guarantee the independence of the courts and the full execution of their decisions.

No one may be imprisoned for debts of a purely civil nature.

Article 18

Preventive detention is permissible only for crimes punishable by imprisonment. The place of such detention shall be distinct and completely separate from the place used for the serving of sentences.

The federal and state governments shall organize the penal system within their respective jurisdictions on the basis of labor, training, and education as means of social readjustment of the offender. Women shall serve their sentences in places separate from those designated for men for the same purpose.

State governors may, subject to the provisions of their respective local laws, conclude agreements of a general nature with the federal government, under which offenders convicted for common crimes may serve their sentences in establishments maintained by the Federal Executive.

The Federation, the States and the Federal District shall establish; within their respective powers, an integrated system of justice which shall apply to those who are at least twelve and less than eighteen years old and have shown a conduct which the penal laws qualify as crime, a system which shall guarantee the fundamental rights of the individual recognized by this Constitution, as well as those special rights which they enjoy in their capacity of individuals still in the process of development. Persons of less than twelve years of age who have shown a conduct qualified as crime by the law shall only be subject to rehabilitation and social assistance.

• Privileges for juveniles in criminal process

The operation of the system in each province of government shall be the responsibility of institutions, courts and authorities specialized in the administration of justice for juveniles. The orientation, protection and other measures required by the specific case may be applied while taking into account the integral protection and the superior interest of the juvenile delinquent.

• Privileges for juveniles in criminal process

Alternative forms of justice must be given due consideration in the application of this system, insofar as they appear appropriate. In all proceedings brought against juvenile delinquents the guarantee of a fair trial shall be observed, as well as the principle of separation of the authorities competent to cancel the sanctions from those imposing them. They must be proportional to the conduct adopted and pursue the objective of social and family reintegration of the juvenile delinquent, as well as the full development of his/her personality and skills. The internment may only be used as ultimate sanction and for the shortest possible period, and may only be applied to juvenile delinquents of more than fourteen years of age for the adoption of antisocial behaviour which is qualified as grave.

• International law

Prisoners of Mexican nationality who are serving sentences in foreign countries may be transferred to the Republic to complete their sentences subject to the system of social readjustment previously described in this article, and prisoners of foreign nationality sentenced for federal crimes committed in the Republic or for common law offenses in the Federal District, may be transferred to their country of origin or residence, subject to the international treaties that may have been concluded to this effect. The governors of the States may solicit from the Federal Executive, consistent with their respective state laws, the inclusion of prisoners of the common order in these treaties. The transfer of prisoners may only be carried out with their express consent.

Prisoners, in the cases and under the conditions established by law, shall be allowed to serve their sentences in the penitentiary institutions located closest to their domicile so as to promote their reintegration to the community and their social readjustment.

• Protection from unjustified restraint

Article 19

No detention before a judicial authority may exceed the term of seventy-two (72) hours without a formal order of commitment, which shall state the crime for which the accused is charged; the place, time, and circumstances of its commission; and the facts resulting from the preliminary investigations, which must be sufficient to establish the corpus delicti and the probable guilt of the accused.

This period may be extended only at the petition of the accused, and as provided by law. Prolonging the detention otherwise will be punishable under criminal law.

The official responsible for the institution where the accused is detained, who does not receive an authorized copy of the formal order of commitment or of the written request to prolong it, must give notice of such occurrence to the judge who has jurisdiction in the case, and if [the official] does not receive the aforementioned documentation within the following three hours of the notification, [the official] shall free the accused.

The trial shall take place only for the crime or crimes set forth in the formal order of commitment. If it develops during the course of the proceedings that another crime, different from that originally charged, has been committed, a separate investigation must be conducted. This, however, shall not prevent the joinder of both proceedings if deemed advisable.

Any mistreatment during the time of arrest or confinement, any molestation lacking legal justification, and any duties or contributions levied in prison constitute abuses which shall be punishable by law and repressed by the authorities.

Article 20

In every criminal trial, the accused, victim or the offended shall enjoy the following guarantees:

A. The accused:

- I. He [or she] shall be provisionally freed on demand and immediately upon furnishing bail as determined by the judge except for crimes which, because of their gravity, the law expressly prohibits this benefit. In the case of non-serious crimes, upon request from the Public Ministry, the judge may deny bail in instances where the accused has been previously found guilty of a serious crime as classified by law. The judge may also deny bail when the Public Ministry introduces elements establishing that the accused represents, as evidenced by his or her previous conduct or by the circumstances and characteristics of the crime committed, a risk to the victim or to society in general.

The amount and form of bail shall be attainable by the accused. The judicial authority may modify the amount of bail in certain circumstances determined by law. In order to determine the form and the amount of bail, the judge must take into consideration the nature, means, and circumstances of the crime, the characteristics of the accused, and the probability that the accused will comply with his or her procedural obligations, the damages and injuries caused to the victim, as well as the financial penalty which may be imposed to the accused.

The serious cases for which the judge may deny bail shall be determined by law.

- II. The accused may not be forced to confess. Keeping the accused incommunicado or subjecting him or her to any intimidation or torture is prohibited and punishable under the criminal law. Confessions given to any authority other than the Public Ministry or a judge, without the presence of his or her defender, will lack all evidentiary force whatsoever.
- III. The accused shall be notified in a public hearing within forty-eight (48) hours after being turned over to the judicial authorities of the name of his or her accuser and the nature and cause of the accusation so that he or she may become familiar with the crime charged and reply thereto as part of his or her opening statement.
- IV. When the accused so requires, he [or she] shall be confronted with the witnesses testifying against him [or her], and in the judge's presence, except as provided in subsection V of section B of this article.
- V. All the witnesses and other evidence that the accused may offer in his [or her] defense shall be heard, and he [or she] shall be granted the necessary time as established by law for this purpose; the accused shall furthermore be assisted in securing the presence of the persons whose testimony he or she may request, provided they are to be found at the place where the trial is being conducted.

• Right to pre-trial release

• Regulation of evidence collection
• Protection from self-incrimination
• Prohibition of torture

• Right to examine evidence/ witnesses

• Right to examine evidence/ witnesses

- Jury trials required
- Right to public trial

VI. The accused shall be entitled to a public trial by a judge or a jury of citizens who know how to read and write and are also residents of the place and district where the crime was committed, provided that the penalty for such crime exceeds one year's imprisonment. In all cases, crimes committed by means of the press against the public order or against the domestic or foreign security of the nation shall be subject to trial by jury.

- Right to examine evidence/ witnesses

VII. The accused shall be provided with all the information on record which he or she may require for his or her defense.

- Right to speedy trial

VIII. The accused shall be tried within four months if charged with a crime for which the maximum penalty does not exceed two years in prison, and within one year if the maximum penalty is greater unless he or she requests more time for his [or her] defense.

- Right to counsel

IX. At the beginning of the process, the accused shall be informed of his [or her] rights under this Constitution, and he [or she] shall have the right to an adequate defense, either personally, by counsel, or by a person of his [or her] trust. If the accused does not wish or is unable to name any counsel for his [or her] defense after being called upon to do so, the judge will appoint such counsel for the defense. The accused shall also be entitled to have his [or her] counsel present at every stage of the trial, and

- Rights of debtors

X. In no event may imprisonment or detention be prolonged due to the accused person's failure to pay legal fees or for any other monetary obligation, on account of civil liability, or for other similar reason.

Nor shall detention be extended beyond the time established by law as the maximum for the crime charged.

The period of detention shall be deemed as part of the term of imprisonment imposed by sentence.

The aforementioned guarantees in sections I, V, VII, and IX shall also be observed during the initial investigation, consistent with the terms and the requirements and limits established by law; the provisions of section II will not be subject to any condition.

- Protection of victim's rights

B. The victim or the offended:

I. Shall have access to legal counsel; be informed of his or her rights under this Constitution, and, when he [or she] so requests, be informed about the status of the criminal process.

II. Shall assist the Public Ministry and ensure that it is aware of all the facts or evidence about the crime that the victim has, both during the preliminary investigation as well as throughout the judicial process, and to relieve all the corresponding formalities.

When the Public Ministry is of the opinion that such relief of formalities is not necessary, it must substantiate and justify the reasoning behind its decision.

- III. Receive, since the time the crime was committed, urgent medical and psychological care.
- IV. Be compensated for all damages. In certain proper cases, the Public Ministry shall be compelled to seek compensation for the victim's damages, and the judge may not absolve the accused of the reparations if he or she has been convicted.

The law will establish an efficient procedure to enforce all rulings regarding the compensation of damages.

- V. In cases of rape or kidnapping, when the victim or the offended is a minor, he [or she] shall not be required to face the accused. In such cases, depositions will be taken consistent with the conditions established by law, and
- VI. Take all the necessary provisions available under the law to ensure the victim's security and to assist him or her as necessary.

Article 21

The imposition of criminal penalties is an exclusive attribute of the judicial authority. The investigation and prosecution of crimes pertains to the Public Ministry and the judicial police which shall be under its immediate authority and command. The punishment of violations of governmental and police regulations, which shall be limited to a fine or arrest for a period not thirty-six hours, falls within the jurisdiction of the administrative authorities. If the offender fails to pay the fine imposed, it shall be commuted into the corresponding period of arrest, which shall in no case exceed thirty-six (36) hours.

If the offender is a day laborer or salaried worker, the punishment or fine may not exceed the amount of his or her daily wages.

The fine for non-salaried workers shall not exceed the equivalent of their daily income.

Any decisions by the Public Ministry not to initiate or to terminate criminal investigations may be challenged in the appropriate jurisdiction in accordance with the terms established by law.

The Federal Executive may, with the approval of the Senate in each case, recognize the jurisdiction of the International Criminal Court.

Public security is a task incumbent on the Federation, the Federal District, the States, and the Municipalities, within their respective powers determined by this Constitution. The activities of police institutions shall be governed by the principles of legality, efficiency, professionalism, and integrity.

The Federation, the Federal District, the States, and the municipalities shall coordinate their activities in the terms defined by the law in order to establish a national public security system.

Article 22

Punishment by death, mutilation, infamy, branding, flogging, beating with sticks, torture of any kind, excessive fines, confiscation of property, and any other unusual or extreme penalties are prohibited.

Confiscation proceedings covering the whole or part of the property of a person by a judicial authority to cover payment of civil liability arising from the commission of a crime or for payment of taxes or fines shall not be considered a confiscation of property. Furthermore, a seizure, ordered by a judicial authority, of property acquired illegally as defined in Article 109, or the forfeiture of goods belonging to a person convicted of felonies classified as organized crime or goods which are depicted to be owned by the person sentenced, shall also not be deemed a confiscation of property unless the legitimate origin of these goods can be proven.

The allocation of seized goods in favor of the State will not be considered a confiscation of property if the goods have been abandoned under the terms of the applicable provisions. Goods confiscated as a result of an investigation or process and which were acquired through organized crime may be assigned to the State by the judicial authority at the termination of an investigation or process without the need for a specific pronouncement regarding the goods. The judicial decree (resolución) will always precede a hearing with the third parties involved in the case where it shall be fully established that the goods in question were acquired as a result of a felony classified by the law as organized crime, so long as it can be determined that the goods were the property or were in the possession of the accused. The process of confiscation will proceed independently of whether the goods had been transferred to third parties, unless the third parties can prove that they acquired the goods in good faith.

Article 23

No criminal trial shall have more than three instances. No one, whether acquitted or convicted, can be tried twice for the same crime. The practice of absolving from the instance is prohibited.

Article 24

Everyone is free to embrace the religion of his [or her] choice and to practice all ceremonies, devotions or observances of his or her respective faith, provided they do not constitute a crime or offense punishable by law.

Congress shall not enact any laws that either establish or forbid any religion.

Religious acts of public worship are ordinarily performed in temples or places of worship. Those that are exceptionally performed outside of them shall be subject to the applicable regulations and law.

Article 25

The State is responsible for the direction of the national development and ensuring that it is absolute and sustainable, that it will strengthen the sovereignty of the Nation and its democratic system, and that, through the promotion of economic growth and employment and a more just distribution of income and wealth, the full exercise of liberty and dignity of all individuals, groups, and social classes, whose security is protected by this Constitution, is achieved.

The State will plan, conduct, coordinate, and adjust all national economic activity and will advance the regulation and promotion of activities that the general interest demands within the framework of liberties granted by this Constitution.

- Prohibition of capital punishment
- Prohibition of corporal punishment
- Prohibition of cruel treatment
- Prohibition of torture

- Right to appeal judicial decisions
- Prohibition of double jeopardy

- Freedom of religion

- Official religion

- Economic plans

- Human dignity
- Mentions of social class

The public, social, and private sectors will carry out their social responsibility by contributing their share to the national economic development without impairing other forms of economic activity that may contribute to the development of the Nation.

The public sector will have exclusive responsibility over the strategic areas indicated in Article 28, paragraph four of the Constitution. The Federal Government shall always maintain the ownership and control over any organizations that are established for this purpose.

Also, the public sector has the power to participate, on its own or in concert with the social and private sectors, in efforts to stimulate and organize priority areas of development, so long as it is in harmony with the law.

Economic enterprises of the social and private sectors will be supported and encouraged under criteria of social equality and productivity, subject to the methods dictated by the public interest and the use, to the general benefit of all productive resources ensuring both their conservation and the environment.

The law shall establish procedures to facilitate the organization and expansion of the economic activity of the social sector: of the communes, labor organizations, cooperatives, communities, ventures that are owned principally or exclusively by workers, and, in general, of all types of social organization for the production, distribution, and consumption of socially necessary goods and services.

The law will encourage and protect economic activities performed by individuals and will detail the conditions for the involvement and contribution of the private sector to the national economic development, consistent with the terms established by this Constitution.

Article 26

A. The State shall organize a democratic system for the planning of the national development that ensures solidity, dynamism, permanence, and equity of the growth of the economy for the independence and the political, social, and cultural democratization of the Nation.

The objectives of the national project contained in this Constitution shall determine the objectives of such planning. The planning process shall be democratic. Through the participation of the different social sectors it shall identify the aspirations and demands of the society and incorporate them into the plan and development programs. A national development plan shall be created to which the programs of the Federal Public Administration shall be subordinated.

The law shall authorize the Executive to establish the procedures for participation and popular consultation in the democratic system of national planning and the criteria for the formulation, implementation, control and evaluation of the plan and development programs. It shall also determine the entities responsible for the planning process and the basis on which the Federal Executive shall coordinate through covenants with the governments of the federal entities and arrange with individuals the action necessary for the plan's development and execution.

The Congress of the Union shall intervene in the democratic planning system as provided by law.

• Protection of environment

• Economic plans
• Reference to fraternity/solidarity

• Census

- B. The State shall have a National System of Statistical and Geographical Information whose data shall be considered official. For the Federation, the States, the Federal District and the municipalities the use of the data contained in the system shall be compulsory in the terms established by law.

The responsibility to regulate and coordinate the aforementioned system shall lie with a body which shall have functional and managerial autonomy, legal personality and its own assets, with the necessary faculties to regulate the collection, processing and publication of the information which is generated and to make sure that it is duly taken into account.

The organization shall have a Management Board composed of five members, one of whom shall act as President of the Board and the organization; they shall be appointed by the President of the Republic with the consent of the Senate, or by the Permanent Commission of the Congress during its recess.

The law shall establish the bases for the organization and the operation of the National System of Statistical and Geographical Information in accordance with the principles of accessibility of information, transparency, objectivity, and independence; as well as the requirements which have to be met by the members of the Management Board, the length and respective beginnings of their terms of office.

The members of the Management Board may only be removed from office for serious cause and may not hold any other employment, office or commission, with the exception of non-salaried occupations in teaching institutions or those of a scientific, cultural, or charitable character; they shall be subject to the provisions of Title IV of this Constitution.

• Ownership of natural resources

Article 27

Ownership of the lands and waters within the boundaries of the national territory is vested originally in the Nation, which has had, and continues to have, the right to transmit title thereof to private persons, thereby constituting private property.

• Protection from expropriation

Private property shall not be expropriated except for reasons of public use and subject to payment of indemnity.

• Protection of environment

The Nation shall at all times have the right to impose on private property such limitations as the public interest may demand, as well as the right to regulate the utilization of natural resources which are susceptible of appropriation, in order to ensure a more equitable distribution of public wealth, look after their conservation, achieve a more balanced development of the country and improvement of life for the rural and urban populations. Consequently, necessary measures shall be taken to organize human settlements and establish adequate provisions, uses, reserves, and end uses of lands, waters, and forests with the purpose of carrying out public works and planning and regulating their construction, conservation, improvement, and growth of centers of population; to preserve and restore ecological balance; to divide up large estates; to manage, consistent with the terms of the applicable regulations and law, the organization and collective functioning of common public lands and communities; to secure the development of small rural property; to encourage agriculture, ranching, forestry, and of the various economic activities in the rural setting, and to prevent the destruction of natural resources, and to protect property from damage to the detriment of society.

The Nation has direct ownership of all natural resources of the continental shelf and the submarine shelf of the islands; all minerals or substances that are in veins, layers, or masses; beds of ore that constitute deposits naturally distinct from the components of the earth itself, such as the minerals from which industrial metals and metalloids are derived; deposits of precious stones; rock salt, and the salt deposits formed by sea water; products derived from the decomposition of rocks when subterranean works are required for their extraction; mineral or organic deposits of

materials susceptible of utilization as fertilizers; solid mineral fuels; petroleum and all solid, liquid and gaseous hydrocarbons; and the space above the national territory, to the extent and within the terms established by international law.

• International law

The waters of the territorial seas are the property of the Nation, within the limits and terms specified (que fije) by international law; inland marine waters; those of lagoons and estuaries permanently or intermittently connected with the sea; those of naturally-formed inland lakes which are directly connected with streams having a constant flow; those of rivers and their direct or indirect tributaries from the point in their source where their first permanent, intermittent or torrential waters begin to their mouth in the sea or a lake, lagoon, or estuary that are national property; those of constant or intermittently-running streams and creeks and their direct or indirect tributaries whenever the bed of the stream, throughout the whole or a part of its length, serves as a boundary of the national territory or between two federal entities, or if it flows from one federative entity to another or crosses the boundary line of the Republic; those of lakes, lagoons, or estuaries whose basins, zones, or shores are crossed by the boundary lines of two or more divisions or by the boundary line of the Republic and a neighboring country or when the shoreline serves as the boundary between two federal entities or of the Republic and a neighboring country; those of springs that originate from beaches, maritime zones, the beds, basins, or shores of lakes, lagoons, or estuaries in the national domain; and waters that are extracted from mines, and the channels, beds, or shores of inland lakes to the extent established by law. Underground waters may be brought to the surface by artificial works and utilized by the owner of the land, but if the public interest so requires or use by others is affected, the Federal Executive has the power to regulate its extraction and utilization and even to establish zones where underground water extraction is prohibited as may be done with all the other waters in the public domain. Any other waters not included in the foregoing list shall be considered an integral part of the property through which they flow on or in which they are deposited, unless they are located in two or more properties, in which case their utilization shall be deemed a matter of public use and shall be subject to the laws enacted by the States.

In the cases referred to in the preceding two paragraphs, ownership by the Nation is inalienable and imprescriptible, and the exploitation, use, or appropriation of these resources, by private individuals or by companies organized according to Mexican laws, may not be undertaken except through concessions granted by the Federal Executive in accordance with the rules and conditions established by law. The legal rules relating to the working or exploitation of the minerals and substances referred to in the fourth paragraph shall govern the execution and verification of what is carried out or should be carried out after they go into effect, independent of the date of granting the concessions, and their non-observance will be grounds for the cancellation of the concession. The Federal Government has the power (facultad) to establish national reserves and to abolish them. The declarations pertaining thereto shall be made by the Executive in those cases and conditions prescribed by law. No concessions or contracts shall be granted for the extraction of petroleum or solid, liquid, or gaseous hydrocarbons, or for radioactive minerals, nor may those that have been granted continue, and the Nation shall carry out the exploitation of these products, consistent with the provisions established in the respective regulatory law. Furthermore, the Nation has the exclusive right to generate, conduct, transform, distribute, and supply electric power to be used for public service. No concessions for this purpose will be granted to private individuals, and the Nation will make use of the property and natural resources required to achieve these ends.

The Nation also enjoys the use of nuclear combustibles for the generation of nuclear energy and to regulate its application for other uses or purposes. The use of nuclear energy is permitted only for peaceful purposes.

The Nation exercises control over an exclusive economic zone situated outside the territorial seas and adjacent to them, consistent with the rights of sovereignty and

the jurisdictions established by the laws of Congress. The exclusive economic zone shall extend two hundred (200) nautical miles from where the territorial seas start. In those instances where this extension produces conflict with the exclusive economic zones of other countries, the boundaries of the respective zones shall be determined, as necessary, through agreements with those countries.

The legal capacity to acquire ownership of lands and waters of the Nation shall be governed by the following provisions:

- I. Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership of lands, waters, and their appurtenances (acciones) or to obtain concessions for the exploitation of mines or waters. The State may grant the same right to foreigners, provided they agree before the Ministry of Foreign Relations to consider themselves nationals with respect to such property and bind themselves not to invoke the protection of their governments in matters relating thereto; under penalty, in case of noncompliance with the agreement, of forfeiture of the acquired property to the Nation. Under no circumstances may foreigners acquire direct ownership of lands or waters within a zone of one hundred (100) kilometers from the borders and of fifty (50) kilometers from the coasts of the country.

The State, in accordance with internal public interests and the principles of reciprocity and at the discretion of the Ministry of Foreign Relations, may authorize foreign States to acquire, at the permanent sites of the Federal Powers, private ownership of real property necessary for their direct services of their embassies or delegations.

- II. Religious institutions, constituted in accordance with the terms of Article 130 and its regulating law, will have the capacity to exclusively acquire, possess, or administer the property that is essential to pursue their objectives, consistent with the requisites and limitations established by the applicable regulatory law.

- III. Public or private charitable institutions established for the rendering of assistance to the needy, for scientific research, the dissemination of education, mutual aid to its members, or any other lawful purpose, may not acquire more real property than actually needed to fulfill their purpose and immediately and directly devoted thereto, subject to the provisions established by regulatory law.

- IV. Commercial stock companies may acquire ownership of rural lands but only to the extent that is necessary to complete their objective.

In no case may companies of this type acquire lands dedicated to agriculture, ranching, or forestry activities in greater extension than the amount equivalent to twenty-five (25) times the limits established in section XV of this article. The regulatory law will determine the structure of capital and the minimum number of partners of these companies to ensure that the lands owned by the company do not exceed, in relation to each of its partners, the limits for small properties. In this case, all property of individual investors or partners consisting of rural lands will be counted for the effects of computation. Also, the law will provide the conditions for foreign participation in these companies.

• Reference to science

The law will establish the means of registration and control necessary to implement this section.

- V. Banks duly authorized to operate in accordance with the laws on credit institutions may hold capital obligations or mortgages on urban and rural property in conformity with the provisions of such laws, but they may not own or administer more real property than is actually necessary for their direct purpose.

- VI. The States and the Federal District, as well as all the Municipalities in the Republic, shall have the full legal capacity to acquire and own all the real property necessary to render public services.

The Federal and State laws, within their respective jurisdictions, shall determine the instances in which occupation of private property shall be considered to be of public utility, and, in accordance with such laws, the administrative authorities shall issue the respective declaration. The price established as compensation for the expropriated property shall be based on the assessed value recorded in the assessment or tax offices, whether this value has been declared by the owner or tacitly accepted by him by having paid taxes on that basis. The increased or decreased value of such private property due to improvements or depreciation, which occurred after such assessment, is the only portion of the value that shall be subject to expert judgment and judicial proceedings. This same procedure shall be followed in the case of property the value of which is not recorded in the tax offices.

The exercise of actions pertaining to the Nation by virtue of the provisions of this article shall be made effective by judicial procedure; but during these proceedings and by order of the proper courts, which must render a decision within a maximum of one month, the administrative authorities shall proceed without delay to occupy, administer, auction, or sell the lands and waters in question and all their appurtenances, and in no case may the acts of such authorities be set aside until a final decision has been rendered.

- VII. The juridical personality of the communal population centers (núcleos de población ejidales y comunales) is recognized, and their property attached to the land used for human settlements as well as for productive activities is protected.

The law protects the integrity of the lands of indigenous groups.

The law, taking into consideration the respect for and strengthening of the community life of the agricultural corporations (ejidos) and communities shall safeguard the land for human settlement and regulate the usage of common lands, forests, and waters and the necessary measures to stimulate and elevate the standard of life of their inhabitants.

The law, while respecting the will of the owners of communal lands (ejidatarios) and the community members to adopt the conditions most suitable to them for the use of their productive resources, shall regulate the exercise of the rights of the peasant communities over the land and of each community member over his or her own tract of land. At the same time, it shall establish the procedures by which the peasant communities and their

members may associate with each other, with the State, or with third parties, and cede the use of their lands, and, in the specific case of community members, convey their parcel rights among the individual members of the local community; at the same time, it shall establish the requisites and procedures by which the community assembly may grant its members ownership of their tracts of land or parcels. The right of preference established by law shall be respected in cases where parcels are transferred.

No member of a local community may own more than the equivalent of five percent (5%) of all communal lands of that community. In all cases, ownership of lands by individual community members must conform to the limits specified in section XV.

The general assembly is the supreme organ of the communal population center, with the organization and roles established by law. The commissioner of the communal lands and property, elected democratically according to the terms of the law, is the representative of the center and the person responsible for implementing the resolutions of the assembly.

The restitution of lands, forests, and waters to centers of population will take place consistent with the terms established by regulatory law.

VIII. The following are declared null and void:

- a. All transfers of lands, waters, and mountainous lands belonging to villages, settlements, groups, or communities, made by the local political leaders (jefes politicos), state governors, or other local authorities in contravention to the provisions of the law of June 25, 1856, and other related laws and rulings;
- b. All concessions, deals, or sales of lands, waters, and mountainous lands made by the Secretariats of Development, Finance, or any other federal authority, from December 1, 1876 to this date, which encroach upon or illegally occupy communal lands, lands held in common, or lands of any other kind belonging to villages, settlements, groups or communities, and centers of population;
- c. All survey or demarcation of boundary proceedings, transfers, alienations, or auction sales brought about during the period of time referred to in the preceding subsection, by companies, judges, or other federal or state authorities entailing encroachments on or illegal occupation of the lands, waters, and hills, lands held in common, or other holdings belonging to centers of population.

The sole exception to the aforementioned nullification shall be the lands to which title has been granted in allotments made in conformity with the law of June 25, 1856, and held with proper title by persons in their own name for more than ten years, when their area does not exceed fifty hectares.

- IX. The divisions or allotments of land among the inhabitants of a given center of population which, although apparently legitimate are not so due to an error or defect, may be voided at the request of three-fourths of the residents holding one-fourth of the lands in question or one-fourth of such residents holding three-fourths of the lands.
- X. (Abrogated).
- XI. (Abrogated).
- XII. (Abrogated).
- XIII. (Abrogated).
- XIV. (Abrogated).
- XV. Large estates (latifundios) remain prohibited in the United Mexican States.

Small agricultural property is that which does not exceed one hundred (100) hectares per individual of irrigated or prime wetland or its equivalent in other classes of land.

For the purposes of equivalence, one hectare of irrigated land shall be computed as two hectares of seasonal land, as four of prime grazing land, and as eight of woods, mountainous land, or arid pasturage lands.

Also to be considered as small properties are land areas not exceeding one hundred fifty (150) hectares of land used to raise cotton if irrigated; and three hundred (300) when used for the cultivation of bananas, sugar cane, coffee, henequen, rubber, coconuts, wine grapes, olives, quinine, vanilla, cacao, agave, prickly pear (nopal) or fruit trees.

Small properties for raising livestock are lands not exceeding the area necessary to maintain up to five hundred (500) heads of large livestock or cattle or their equivalent in small livestock, as determined by law and in accordance with the grazing capacity of the lands.

Whenever, due to irrigation or drainage works or any other works executed by the owners or occupants of a small property, the quality of the land is improved, such property shall not be subject to agrarian appropriation even if, by virtue of the improvements made, the maximums indicated in this section are exceeded, provided that the requirements specified by law are met.

When within one small livestock raising property improvements are made to lands dedicated to agricultural uses, the area allocated for this purpose shall not exceed in any given case the limits referred to in the second and third paragraphs of this section pertaining to the quality that these lands had before such improvements.

XVI. (Abrogated).

XVII. The Congress of the Union and the State Legislatures shall, within their respective jurisdictions, enact laws to establish the procedures for the division and transfer of property that exceeds the limits established in sections IV and XV of this article.

The excess shall be divided and transferred by the owner within a year of receipt of the corresponding notification. If the excess has not been transferred before this term has elapsed, the sale shall be carried out by public auction. The right of preference established in the regulatory laws shall be respected.

Local laws shall organize the family patrimony, determining what property shall constitute it, on the basis that it shall be inalienable and not be subject to seizure or encumbrance of any kind.

XVIII. All the contracts and concessions made by former governments since the year 1876, which have resulted in the monopolization of lands, waters, and natural resources of the Nation by a single person or company, are declared subject to revision, and the Executive of the Union is empowered to pronounce them null and void whenever they are found to involve serious damage to the public interest.

XIX. On the basis of this Constitution, the State shall take measures for the expeditious and honest administration (*impartición*) of agrarian justice with the aim of guaranteeing juridical security of the tenancy and ownership of collective and communal lands and of small properties, and it will support the legal counseling of farmers.

All matters concerning the boundaries of communal and community lands, regardless of their origin, including pending or ongoing issues between two or more centers of population; as well as questions arising from the ownership of the land in communes and communities, shall be under the jurisdiction of the Federal Government. For that matter and for the administration of agrarian justice in general, the law will establish tribunals endowed with autonomy and plenary jurisdiction consisting of magistrates proposed by the Federal Executive and confirmed by the Chamber of Senators or, during its recess, by the Permanent Commission.

The law will establish an organ for procuring agrarian justice, and

XX. The State will promote conditions for integral development of the rural areas, with the purpose of creating jobs and guaranteeing the well-being of farmers and their participation and incorporation into the national development, and shall promote agriculture and forest activity for the optimum use of land with infrastructure projects, financial grants, credits, education, and technical assistance. At the same time, it will enact regulatory legislation to plan and organize agricultural production and its industrialization and commercialization, considering them to be in the public interest.

Article 28

In the United Mexican States there shall be no monopolies, monopolistic practices, [or] exemption from taxes as provided in the terms and conditions established by law. The same treatment will be afforded to the prohibitions covered under the guise of protection to the industry.

Consequently, the law shall severely punish and the authorities shall effectively prosecute every concentration or gathering in one or a few hands of articles of prime necessity for the purpose of obtaining an increase in prices; every act or proceeding which prevents or tends to prevent free competition in production, industry or commerce, or services to the public; every agreement or combination, in whatever manner it may be made, of producers, industrialists, merchants, and common carriers, or those engaged in any other service, to prevent competition among themselves and to compel consumers to pay exaggerated prices; and in general, whatever constitutes an exclusive or undue advantage in favor of one or more specified persons and to the prejudice of the public in general or of any social class.

The law shall establish the basis to determine the maximum prices of articles, objects, or products considered to be essential to the national economy or popular consumption, as well as the rules applicable to the organization and distribution of those articles, objects, or products in order to preclude unnecessary or excessive interventions that may trigger shortage of supplies or increased prices. The law shall protect the consumers and shall promote their organization and the safeguarding of their best interests.

The functions that the State exclusively exercises in the following strategic areas shall not constitute monopolies: postal delivery, telegraphs, and radio telegraphy; petroleum and other hydrocarbons; basic petrochemicals; radioactive minerals and the generation of nuclear energy; electric power, and activities expressly provided by the laws enacted by the Congress of the Union. Satellite communications and railroads are priority areas for national development consistent with the terms of Article 25 of this Constitution; in exercising its control over them, the State shall safeguard the security and sovereignty of the Nation and, when granting concessions or permits, shall maintain or establish its control (dominio) over the respective ways of communication in accordance with the laws on the matter.

The State shall have organs (organismos) and ventures (empresas) required for the effective management of the strategic areas in its charge and priority activities where, in accordance with the law, it participates by itself or jointly with the social and private sectors.

The State shall possess a Central Bank that shall be autonomous in the exercise of its functions and in its administration. Its highest priority shall be to procure the stability of the national currency's buying power, as a way of strengthening the State's control of the national development. No authority may order the Bank to grant financing.

The functions that the State exclusively exercises through the Central Bank in the strategic areas relating to the coinage of money and the issuance of paper money do not constitute monopolies. The Central Bank, in accordance with the terms established by law, and with the intervention corresponding to the competent authorities, shall regulate the rates of exchange as well as intermediary and other financial services, relying on the necessary authority conferred to it to introduce the regulation and provide for its observance. The direction of the Bank shall be carried out by persons appointed by the President of the Republic with the consent of the Chamber of Senators, or the Permanent Commission, as is the case; who will serve for periods of time and at intervals that promote the autonomous exercise of their functions; who may only be removed from their position for grave cause, and who may not hold any other employment, duty, or commission, with the exception of those in which they act in the Bank's representation and those of non-salaried

positions in artistic, scientific, cultural, or charitable institutions. The persons in charge of directing the affairs of the Central Bank will be subject to political judgment in accordance with the provisions of Article 110 of this Constitution.

Associations of workers formed to protect their own interests do not constitute monopolies; nor do cooperative associations or societies of producers, which in defense of their interests or of the general interest sell directly in foreign markets the domestic or industrial products which are the main source of wealth in the region in which they are produced and which are not essential articles, provided that such associations are under the supervision and protection of the Federal or State Governments and that they were previously duly authorized for that purpose by the respective legislatures, in every case. The legislatures themselves or on proposal of the Executive may, when the public need so requires, revoke the authorizations granted for the formation of the associations in question.

Neither do the privileges that, for a specified period of time, are granted to authors and artists for the production of their works, nor those that, for the exclusive use of their inventions, may be granted to inventors and to those who improve a product constitute monopolies.

The State, subject to the laws, may in cases of general interest grant concession for the provision of public services, or the exploitation, use and development of goods in the domain of the Federation, except in the instances determined by laws. The laws will specify rules and conditions to ensure the efficiency of the provision of services and the social utilization of property and will prevent instances of concentration that are contrary to the public interest.

The governance of public services shall be in accord with the provisions of the Constitution and carried out only through the law.

Subsidies may be granted to essential activities when they are broad in scope and temporary in nature and do not substantially affect the finances of the Nation. The State shall oversee their application and evaluate their results.

Article 29

In the event of an invasion, serious disturbance of the public peace, or any other event which may place society in great danger or conflict, only the President of the United Mexican States, with the consent of the Secretaries of State, the Attorney General of the Republic and with the approval of the Congress of the Union or, if in recess, the Permanent Commission, may suspend throughout the country or in a determined place the guarantees which could present an obstacle to the swift and effective redress of the situation; but he/she must do use this power only for a limited period, through general preventive measures and without limiting the suspension to a particular individual. If the suspension occurs while the Congress is in session, the latter shall grant such authorizations which it deems necessary to enable the Executive to deal with the situation, but if it takes place during the time of recess, the Congress shall be convened without delay in order to approve them.

CHAPTER II: Mexicans

Article 30

Mexican nationality is acquired by birth or by naturalization.

A. Mexicans by birth are:

- I. Those born in the territory of the Republic, regardless of the nationality of their parents.

• Reference to art
• Provisions for intellectual property

• Emergency provisions

• Requirements for birthright citizenship

II. Those born in a foreign country of Mexican parents born in the national territory, of a Mexican father born in national territory, or of a Mexican mother born in national territory.

III. Those born in a foreign country of Mexican parents by naturalization, of a Mexican father by naturalization, or of a Mexican mother by naturalization, and

IV. Those born on Mexican vessels or aircraft regardless of their military or civil nature.

B. Mexicans by naturalization are:

I. Foreigners who obtain letters of naturalization from the Ministry of Foreign Relations (Secretaría de Relaciones).

II. A foreign woman or man who marries a Mexican man or woman, who has or establishes his or her domicile within the national territory, and complies with all the other requirements set forth by the law.

Article 31

The obligations of Mexicans are:

I. To ensure that their children or dependents attend public or private schools to obtain preschool, primary, and secondary education and receive military training in accordance with the terms established by law.

II. To be present on the days and hours designated by the municipal government of the place in which they reside, to receive civic and military instruction that will equip them for the exercise of their rights as citizens, provide them with the skills to handle weapons, and acquaint them with military discipline.

III. To enlist and serve in the National Guard in accordance with the respective organic law, to secure and defend the independence, territory, honor, rights and interests of the homeland as well as domestic tranquility and order, and

IV. To contribute to the public expenditures of the Federation, as well as the Federal District or the State and Municipality in which they reside, in the proportional and equitable manner provided by law.

Article 32

The law shall regulate the exercise of rights that the Mexican legislation grants to Mexicans who possess another nationality and shall establish rules to prevent conflicts of double nationality.

The exercise of the duties and functions which require, by virtue of the present Constitution, the quality of Mexican by birth is reserved to those who have this quality and do not acquire another nationality. This reservation will also be applicable to any cases designated to this effect in other laws enacted by the Congress of the Union.

No foreigner may serve in the Army, the police, or public security forces during times of peace. In order to be a member of the Army during times of peace or of the National Navy or the Air Force at any moment, or to discharge any office or commission in them, the quality of Mexican by birth is required.

The same quality is indispensable for captains, pilots, masters, engineers, mechanics, and in general, for all personnel who serve as crew on any vessel or aircraft that carries the Mexican flag or merchant insignia. It is also necessary to be a Mexican by birth to exercise the responsibilities of port captain and all the functions of an airport chief officer.

Mexicans shall have priority over foreigners under equal circumstances for all classes of concessions and for all government employments, posts or commissions for which the citizen status is not indispensable.

CHAPTER III: Foreigners

Article 33

Foreigners are those who do not possess the qualifications set forth in Article 30. They are entitled to the guarantees granted by Chapter I, First Title, of this Constitution; but the Executive of the Union shall have the exclusive power to expel from the national territory, immediately and without necessity of previous legal proceedings, all foreigners whose stay it determines to be inconvenient.

Foreigners may not in any way participate in the political affairs of the country.

CHAPTER IV: Mexican Citizens

Article 34

Men and women who, having the status of Mexicans, likewise meet the following requirements are citizens of the Republic:

- I. Have reached the age of eighteen (18) years.
- II. Have an honest means of livelihood.

Article 35

The prerogatives of citizens are:

- I. To vote in popular elections.
- II. To be elected to all offices subject to popular election and to be appointed to any other employment or commission provided they have the qualifications required by law.
- III. To associate individually and freely to participate peacefully in the political affairs of the country.
- IV. To bear arms in the Army or National Guard in the defense of the Republic and its institutions in accordance with the terms prescribed by law, and

- V. To exercise in all cases the right of petition.

Article 36

The obligations of citizens of the Republic are:

- I. To register on the municipal tax lists, declaring the property under their possession, the industry profession, or occupation by which they subsist; and also to register in the National Register of Citizens, in accordance with the terms established by law.

The permanent organization and operation of the National Register of Citizens and the issuing of the documentation that asserts Mexican citizenship are services of public interest, and as such they are the responsibility of the State and the citizens in accordance with the terms established by the law.

- II. To enlist in the National Guard.
- III. To vote in popular elections [consistent with] terms provided by law.
- IV. To serve in the elective offices of the Federation or of the States, which shall in no case be gratuitous, and
- V. To serve in municipal council positions where they reside and to fulfill electoral and jury service functions.

Article 37

- A. No Mexican by birth may be deprived of his/her nationality.
- B. Mexican nationality by naturalization is lost in the following cases:
 - I. By the voluntary acquisition of a foreign nationality; by presenting oneself in any public document as a foreigner, by using a foreign passport, or by accepting or using titles of nobility which imply submission to a foreign State, and
 - II. By residing abroad for five continuous years.
- C. Mexican citizenship is lost by:
 - I. By accepting or using titles of nobility of foreign governments.
 - II. By voluntarily rendering official services to a foreign government without the permission of the Federal Congress or its Permanent Commission.
 - III. By accepting or using foreign decorations without permission of the Federal Congress or its Permanent Commission.

• Reference to science

IV. By accepting titles or functions from the government of another country without previous permission from the Federal Congress or its Permanent Commission, except literary, scientific, or humanitarian titles which may be freely accepted.

V. By aiding a foreigner or a foreign government against the Nation in any diplomatic dispute or before an international tribunal, and

VI. In any other cases established by the law.

In the case of sections II through IV, the Congress of the Union shall determine in the respective implementing law the exceptions in which permits and licenses will be deemed to have been granted once the term indicated by the law has elapsed, on the only condition that a request has been submitted by the interested person.

Article 38

The rights and prerogatives of citizens are suspended:

I. For failure to comply, without just cause, with any of the obligations imposed by Article 36. This suspension shall last for one year and shall be in addition to any other penalties provided by law for the same offense.

II. For being subjected to criminal prosecution for a crime punishable by imprisonment from the date of the formal order of imprisonment.

III. During imprisonment.

IV. For vagrancy or habitual drunkenness declared in the manner provided by the law.

V. For being a fugitive from justice, from the time the order of arrest is issued until the prescription of the criminal action, and

VI. By a final sentence imposing such suspension as a penalty.

The law shall specify those cases in which the rights of citizen may be lost or suspended and the manner of rehabilitation.

SECOND TITLE

CHAPTER I: National Sovereignty and Form of Government

Article 39

The national sovereignty resides essentially and originally in the people. All public power emanates from the people and is instituted for their benefit. The people have,

• Inalienable rights

at all times, the inalienable right to alter or modify the form of their government.

Article 40

It is the will of the Mexican people to be constituted in a representative, democratic, federal Republic composed of free and sovereign States in all that concerns their internal affairs but united in a Federation established according to the principles of this fundamental law.

Article 41

The people exercise their sovereignty through the organs of the Union in those cases within its competence and through those of the States in all that relates to their internal affairs, under the respective terms established by the present Federal Constitution and the individual constitutions of the States, which shall in no event contravene the stipulations of the Federal Pact.

The periodic renewal (renovación) of the Legislative and Executive Powers will take place through free, authentic, and periodic elections in conformity with the following basic principles:

- I. The political parties are entities of public interest; the law shall determine the rules and requirements for their legal registration and the specific forms of their intervention in the electoral process. The national political parties will have the right to participate in state and municipal elections as well as in those of the Federal District.

The objective of the political parties is to promote the participation of people in the democratic life, contribute to the integration of national representation and, as organizations of citizens, make possible their access to the exercise of public power, in accordance with the programs, principles, and ideas that they postulate and by means of universal, free, secret, and direct suffrage. Only citizens may form political parties and affiliate freely and individually with them; by contrast, the intervention of labor organizations or organizations with a different social objective in the creation of political parties and any form of corporate association remains prohibited.

The electoral authorities may intervene in the internal affairs of political parties in the terms defined by law.

- II. The law shall guarantee that the national political parties dispose on an equitable basis of the means necessary to conduct their activities and shall provide rules for the financing of political parties and their electoral campaigns, ensuring that public resources prevail over those of private origin.

Public financing for political parties that maintain their registration after each election will consist of the amounts paid to sustain their ordinary activities, those needed to secure votes during the elections and those for specific purposes. It will be granted in accordance with the following principles and the provisions of the law:

• Type of government envisioned

• Restrictions on political parties

• Secret ballot
• Claim of universal suffrage

• Campaign financing

- a. Public financing to support their ordinary permanent activities shall be fixed annually, multiplying the total number of citizens registered as voters with sixty-five percent of the daily minimum wage in the Federal District. Thirty percent of the amount calculated as previously described shall be distributed among the political parties on an equal basis and the remaining seventy percent in accordance with the percentage of votes they have obtained in the preceding election of Deputies;
- b. Public financing for the activities related to the competition for votes in the year in which the President of the Republic and the senators and federal deputies are elected shall be equivalent to fifty percent of the public financing to which each party is entitled for ordinary activities in that year; when only federal deputies are elected, it shall be equivalent to thirty percent of the aforementioned financing of ordinary activities;
- c. Public financing for specific activities, concerning education, training, socio-economic and political research, as well as editorial tasks, shall amount to three percent of the total amount of public financing which is due each year for ordinary activities. Thirty percent of the amount calculated as previously described shall be distributed among the political parties on an equal basis and the remaining seventy percent in accordance with the percentage of votes they have obtained in the preceding election of Deputies.

The law shall set the criteria to determine limits for the political parties' expenditures in the internal candidate selection processes and in their electoral campaigns. The same law shall establish the maximum amount that their supporters may contribute, the total sum of which may in no party exceed ten percent of the spending limit set for the last presidential campaign; it shall also fix the procedures for the control and monitoring of the origin and use of all resources at their disposal and prescribe the sanctions which have to be imposed for non-compliance with these provisions.

In the same manner the law shall establish the procedure for the liquidation of the obligations of parties which lose their registration and the conditions in which their property and remaining assets are transferred to the Federation.

- III. The political parties shall be entitled to permanent use of the communication media.

Section A. The Federal Electoral Institute shall be the sole authority to decide on the time which is allocated to the State for its own purposes and to the national political parties for the exercise of their rights, in accordance with the following provisions and the provisions of the law:

- Campaign financing
- Electoral commission
- Radio
- Television

- a. From the start of the primaries until election day the Federal Electoral Institute shall have forty-eight minutes daily which shall be split up in portions of two to three minutes in each hour of broadcasting in all radio and television channels, in accordance with the timetable referred to in paragraph c) of this section;
- b. During the primaries the political parties shall be entitled jointly to one minute in each hour of broadcasting in all radio and television channels; the remaining time shall be used in accordance with the provisions of the law;
- c. During the election campaigns at least eighty-five percent of the available time to which paragraph a) of this section refers must be used in order to allow the political parties to exercise their rights;
- d. The broadcasts in all radio and television channels shall be spread over the program scheduled between six o'clock a.m. and midnight;
- e. The time set aside for the political parties to exercise their rights shall be distributed among them in accordance with the following principles: thirty percent on an equal basis and the remaining seventy percent in accordance with the percentage of votes they have obtained in the preceding election of federal Deputies;
- f. Each national political party without representation in the Congress of the Union shall receive only the amount of time in radio and television which corresponds to the percentage fixed on an equal basis as described in the preceding paragraph;
- g. Regardless of the provisions in sections A and B of this basis and in the periods between primary and federal election campaigns, the Federal Electoral Institute shall be given up to twelve percent of the total time of the State in radio and television, in conformity with the law and in whatever form; of this total the Institute shall distribute fifty percent among the national political parties on an equal basis; it shall use the remaining time for its own purposes, or for those of other electoral authorities, federal as well as state authorities. Each national political party shall use the time which is assigned to it in accordance with this concept in a monthly broadcast of five minutes and the remaining time in messages of twenty seconds each. In all cases the broadcasts to which this paragraph is referring shall be made subject to the timetable which the Institute determines in conformity with paragraph d) of this Section. If this appears warranted by special circumstances, the Institute may use the time slots reserved for political messages of a political party.

The political parties may never, by themselves or through third persons, purchase or reserve any time in radio or television.

No other natural or juridical person may, for its own benefit or that of third parties, purchase advertising time in radio or television for the

purpose of influencing the electoral preferences of the citizens, neither for nor against political parties or candidates for elective office. The broadcasting of such advertisements which are purchased abroad remains prohibited in the national territory.

The provisions contained in the preceding paragraphs must be implemented within the jurisdiction of the States and of the Federal District in conformity with the applicable legislation.

Section B. For electoral purposes in the federal entities the Federal Electoral Institute shall decide on the allocation of the time to which the State is entitled in radio and television in the broadcasting stations and channels covering the entity in question, in conformity with the following provisions and the provisions of the law:

- a. In the case of local election processes in which the election dates coincide with federal election dates, the time assigned for each federal entity shall be included in the total time available in accordance with paragraphs a), b) and c) of this section;
- b. In other election processes the allocation shall take place in the terms defined by law, in conformity with the criteria set out in this section of the Constitution, and
- c. The Distribution of the time among the political parties, including those registered locally, shall take place in accordance with the criteria set out in section A of this basis and the provisions of the applicable legislation.

When in the opinion of the Federal Electoral Institute the total time in radio and television to which this and the preceding section refer is insufficient for its own purposes or that of other electoral authorities, it shall take the necessary measures in order to make up for the lack of time, in using the faculties which it has been granted by the law.

Section C. In their political and electoral propaganda the parties shall abstain from expressions which denigrate the institutions or the parties themselves, or slander people.

During the time of federal and local election campaigns and until the end of the respective election day the dissemination of any government propaganda of the federal, state or municipal authorities, organs of government of the Federal District, of its delegations or any other public entity must be suspended. The only exceptions shall be the information campaigns of the electoral authorities, those concerning education and health services, and those necessary for the protection of the civilian population in case of an emergency.

Section D. The infringements of the provisions of this basis shall be sanctioned by the Federal Electoral Institute by means of speedy remedies which may include the order to cancel immediately broadcasts in radio and television, licences and permissions which violate the law.

IV. The law shall establish the delays for the completion of the internal nomination and selection processes of candidates for elective office by the parties, as well as the rules governing the primaries and election campaigns.

- Campaign financing
- Electoral commission
- Radio
- Television

- Restrictions on political parties

- Electoral commission
- Radio
- Television

The duration of the campaigns in the year in which the President of the Republic, the senators and the federal deputies are elected shall be ninety days; in the year in which only the federal deputies are elected, the campaigns shall last sixty days. In no case may the primaries take up more than two thirds of the time reserved for the election campaign.

The violation of these provisions by the parties or any other natural or juridical person shall be sanctioned in conformity with the law.

- Electoral commission
- V. The organization of federal elections is a state function carried out by an autonomous public body known as the Federal Electoral Institute, which possesses legal personality and its own assets and whose members shall be chosen by the Legislative Branch of the Union, the national political parties and the citizens, in accordance with the terms established by law. Certainty, legality, independence, impartiality, and objectivity shall be the guiding principles in the exercise of this state function.

The Federal Electoral Institute shall be the authority in the [electoral] matter, independent in its decision-making and functioning and professional in the performance of its duties; its structure shall include directive, executive, technical and control organs. The General Council shall be its superior directive organ and shall be composed of a council president and eight electoral councilors, and additionally by council members from the Legislative Branch, representatives of the political parties, and an Executive Secretary who shall take part in the deliberations but not in the vote; the rules for the organization and operation of the council's organs as well as the chain of command amongst them shall be determined by law. The executive and technical organs shall have the qualified personnel necessary to offer professional electoral services. An Audit Office (Contraloría General) shall have the task of monitoring the revenue and the expenditure of the Institute, enjoying functional and managerial autonomy to this effect. The labor relations of the personnel working in this public organ shall be regulated by the provisions of the electoral law and by the Statute that the General Council enacts pursuant to it. The organs of control of the electoral register shall consist mostly of representatives of the national political parties. The directive boards (mesas directivas) in the polling places shall be composed of citizens.

The council president shall exercise his/her functions for six years and may be reelected only once. The electoral councilors exercise their functions for nine years; they are subject to partial renewal and may not be reelected. As the case may be, the president and the other members shall be elected successively by a vote of two-thirds of the members present in the Chamber of Deputies upon proposal of the parliamentary parties, following an extended consultation of society. In the case of an absolute incapacity of the council president or any of the electoral councilors, a replacement shall be elected in order to serve for the rest of the term. The law shall establish the corresponding rules and procedures.

- Reference to science

The council president and the electoral councilors may not hold any other employment, duty, or commission, with the exception of those in which they act in the General Council's representation, and those of non-remunerated positions in educational, scientific, cultural, research, or charitable institutions. The pay of the council president and the electoral councilors shall be equal to the one afforded to the ministers of the Supreme Court of Justice of the Nation.

The head of the Audit Office of the Institute shall be appointed by the Chamber of Deputies with the vote of two thirds of its members present upon proposal of the public institutions of higher education, in the form and the terms determined by law. He/she shall exercise his/her functions for six years and may be reelected only once. In administrative terms he/she shall be affiliated to the presidency of the General Council and shall maintain the necessary technical coordination with the Superior Financial Authority of the Federation.

The Executive Secretary shall be appointed by two-thirds of the General Council upon proposal by its president.

The law shall establish the requirements that the president of the General Council, the electoral councilors, the General Auditor and the Executive Secretary of the Federal Electoral Institute must satisfy for their appointment; persons which have discharged the functions of council president, electoral councilors and Executive Secretary may not assume functions in public bodies in whose election they have participated in the two years following their retirement.

The electoral councilors of the Legislative Branch shall be proposed by the parliamentary groups with party affiliation in either Chamber of the Congress. There shall only be one councilor for each parliamentary group regardless of his or her confirmation by both Chambers of the Congress of the Union.

The Federal Electoral Institute shall be responsible, in an absolute and direct form, and in addition to any other responsibilities determined by law, for the activities related to civic training and education, electoral geography, the rights and prerogatives of interest groups (agrupaciones) and political parties, voter registry and lists, the printing of electoral materials, the preparation for the election day, the counting of votes in accordance with the terms specified by law, the declaration of the validity of the election and the granting of election certificates of Deputies and Senators, the counting of votes in the election of the President of the United Mexican States in one-member electoral district, as well as the regulation of electoral monitoring and of opinion surveys or polls conducted for electoral purposes. The meetings of the directive organs of collective character (Órganos colegiados de dirección) shall be public in accordance with the terms established by the law.

The auditing of the finances of the national political parties shall be the responsibility of a technical organ of the General Council of the Federal Electoral Institute, which shall enjoy managerial autonomy and whose head shall be appointed by a two-thirds vote of the Council upon proposal of its President. The law shall regulate the composition and functioning of the said organ in detail, as well as the procedures for the application of sanctions by the General Council. In the fulfillment of its duties the technical organ shall not be limited the banking, property or fiscal secrets.

The technical organ shall be the instrument through which the authorities competent for the control of party finances in the federal entities may overcome the limitations to which the preceding paragraph refers.

The Federal Electoral Institute shall assume, through agreement with the competent authorities of the federal authorities which so request, the organization of the local electoral processes in the terms established by the applicable legislation.

- VI. To guarantee the principles of constitutionality and legality of the electoral acts and decisions, a complaints system shall be established in accordance with the provisions of this Constitution and the law. This system shall give finality to the distinct stages of electoral processes and guarantee the protection of the political rights of citizens to vote, be elected, and to associate in accordance with the terms of Article 99 of this Constitution.

In electoral matters, the lodging of constitutional or legal complaints shall not suspend the effects of the challenged decision or act.

CHAPTER II: Integral Parts of the Federation and the National Territory

Article 42

The national territory comprises:

- I. The integral parts of the Federation.
- II. The islands, including the reefs and keys in adjacent seas.
- III. The islands of the Guadalupe and Revillagigedo situated in the Pacific Ocean.
- IV. The continental shelf and submarine shelf of the islands, keys, and reefs.
- V. The waters of the territorial seas to the extent and under the terms set by international law and the interior waterways, and
- VI. The space located above the national territory to the extent and in accordance with the rules specified by international law on the subject.

Article 43

The integral parts of the Federation are the States of Aguascalientes, Baja California, Baja California Sur, Campeche, Coahuila, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, México, Michoacán, Morelos, Nayarit, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlaxcala, Veracruz, Yucatán, Zacatecas, and the Federal District.

Article 44

México City is the Federal District, seat of the powers of the Union, and capital of the United Mexican States. It shall consist of its present territory, and in the event that the federal powers move to another location, it shall become the State of Valle de

México with such boundaries and area as the General Congress shall assign to it.

Article 45

The States of the Federation shall retain their current area and boundaries provided no difficulties arise concerning them.

Article 46

The States may settle amongst themselves, through amicable agreements, their respective boundaries, but these arrangements shall not become effective without the approval of the Senate.

Failing an agreement, each party may submit the matter to the Senate, which shall act in accordance with Article 76, section XI, of this Constitution.

The decisions of the Senate in these matters shall be final and not subject to appeal. The Supreme Court of the Nation may adjudicate, within the context of a constitutional controversy submitted by the affected party, the conflicts which may result from the execution of the respective decree of the Senate.

Article 47

The State of Nayarit shall have the territorial area and boundaries that currently comprise the territory of Tepic.

Article 48

The islands, keys, and reefs of the adjacent seas which belong to the national territory, the continental shelf, the submarine shelf of the islands, keys, and reefs, inland marine waters, interior waterways, and the space located above the national territory shall depend directly on the Government of the Federation, with the exception of those islands over which the States have, up to the present, exercised their jurisdiction.

THIRD TITLE

CHAPTER I: Division of Powers

Article 49

The supreme power of the Federation is divided for its exercise into Legislative, Executive, and Judicial.

Two or more of these powers can never be combined in one single person or body, nor shall the legislative power be vested in one individual except in case of extraordinary powers granted to the Executive of the Union in accordance with the provisions of Article 29. In no other instance, except as provided in the second paragraph of Article 131, may extraordinary powers to legislate be granted.

CHAPTER II: Legislative Power

Article 50

The Legislative Power of the United Mexican States is vested in a General Congress, which shall be divided into two Chambers, one of Deputies and the other of Senators.

Section I: Election and Installation of Congress

Article 51

The Chamber of Deputies shall be composed of representatives of the Nation, all of whom shall be elected every three years. For each titular (propietario) Deputy an alternate shall be elected.

Article 52

The Chamber of Deputies shall consist of three hundred (300) Deputies elected according to the principle of a relative majority vote, through the system of individual electoral districts, and two hundred (200) Deputies, who will be elected in accordance with the principle of proportional representation and through the regional list system, voted from multiple electoral areas.

Article 53

The territorial boundaries of the three hundred (300) single-member constituencies shall be determined by dividing the total population of the country amongst the aforementioned districts. The distribution of the single-member constituencies amongst the federal entities shall take into consideration the last general population census, except that in no case shall a State have fewer than two Deputies of the majority.

Five multi-member constituencies areas shall be established in the country for the election of the two hundred (200) Deputies in accordance with the principle of proportional representation and the regional list system. The form of establishing the territorial boundaries of these constituencies shall be determined by law.

Article 54

The election of the two hundred (200) Deputies in accordance with the principle of proportional representation and the system of assignment through regional lists shall be subject to the following requirements (bases) and the provisions of the law:

- I. In order to obtain the registration of its regional lists, a political party must prove that it has candidates for Deputies by relative majority in no less than two hundred (200) single-member constituencies.
- II. Every political party that obtains at least two percent of the total vote cast for the regional lists of the multi-member constituencies shall be entitled to have Deputies assigned in accordance with the principle of proportional representation.

- III. The political party that satisfies the two preceding requirements, independent of and in addition to the proof of the relative majority that its candidates have obtained, shall be assigned by application of the proportional system in accordance with its share of the national vote the number of deputies from its regional list to which it is entitled in each multi-member constituency. The order of the candidates in the corresponding lists shall be followed in the assignment.
- IV. No political party shall have more than three hundred (300) Deputies under both principles combined.
- V. In no case may a political party have a number of Deputies under both principles which represents a percentage of the total Chamber membership that exceeds its percentage of the national vote by eight points. This limitation shall not apply to a political party which, through its electoral victories in single-member constituencies, obtains a total number of seats that exceeds the percentage of its national vote plus eight percent, and
- VI. In accordance with the terms established in sections III, IV, and V above, Deputy seats of proportional representation that remain vacant after the allocation referred to in sections IV and V has taken place shall be assigned to the eligible political parties in each of the multi-member constituencies in direct proportion to the share of the vote they have effectively received. The law shall develop the rules and criteria for these purposes.

Article 55

The following is required to be a Deputy:

- I. To be a Mexican citizen by birth in the exercise of his or her rights.
- II. To have attained twenty-one (21) years of age by the day of the election.
- III. To be a native of the State in which the election is held or a resident thereof with effective residence for more than six months prior to the date of the election.

In order to qualify to be listed on the lists of the multiple electoral areas as a candidate for Deputy, the candidate must be a native of one of the federal entities in the district where the election is being held or a resident thereof with effective residence for more than six months prior to the date the election is held.

The status of resident is not lost by absence in the discharge of elective public office.

- IV. Not to be on active duty in the Federal Army or to hold command in the police or rural gendarmería in the district where the election is held within at least ninety (90) days before the election.

• Eligibility for first chamber
• Eligibility for second chamber

• Minimum age for first chamber

• Restrictions on the armed forces

- Eligibility for cabinet

- V. Not to be an official of any body on which this Constitution bestows autonomy, or to be a secretary or assistant secretary of state, or to be an official of any decentralized or deconcentrated (desconcentrados) body of the federal public administration, unless he/she definitely abandons his/her functions 90 days prior to the election date.

Not to be a member of the Supreme Court of Justice of the Nation, or a magistrate, or Secretary of the Electoral Tribunal of the Judicial Power of the Federation, or Presiding Councilor or Electoral Councilor in the general, local or district councils of the Federal Electoral Institute, or Executive Secretary, Executive Director or a member of the professional leadership personnel of the Institute, unless he/she has definitely abandoned the position three years prior to the election date.

The governors of the States and the head of government of the Federal District may not be elected in the constituent entities of their respective jurisdictions during their term of office even if they have definitely resigned their position.

The secretaries of state of the States and the Federal District, magistrates and judges of the Federation, the States or the Federal District, as well as the Presidents of the municipalities and officials of any political-administrative organ in the case of the Federal District may not be elected in the constituent entities of their respective jurisdictions unless they definitely resign their position ninety days prior to the election.

- VI. Not to be a minister of any religious cult, and

- VII. Not to be subject to any of the incapacities specified in Article 59.

Article 56

The Chamber of Senators shall consist of one hundred twenty-eight (128) Senators, with two members elected according to the principle of relative majority vote in each State and the Federal District, and one assigned to the first minority. To that effect, political parties must register a list with two sets of candidates. The post of the Senator of the first minority shall be allocated to the candidate heading the list of the political party that, by itself, obtained the second largest number of votes in the pertinent entity.

The remaining thirty-two (32) Senators will be elected in accordance with the principle of proportional representation through a system of voting lists in a single national multiple district. The law shall establish rules and formulas to that effect.

The Chamber of Senators shall be totally renewed every six years.

Article 57

For each titular (propietario) Senator one alternate shall be elected.

Article 58

To become a Senator requires the same requirements for becoming a Deputy except that age shall be twenty-five (25) years of age attained by the date of the election.

- Size of second chamber
- Second chamber selection

- Term length of second chamber

- Minimum age for second chamber
- Eligibility for second chamber

Article 59

Senators and Deputies to the Congress of the Union may not be re-elected for the immediately following term.

Alternate Senators and Deputies may be elected for the immediately following term as titular [Senators and Deputies] provided that they have not been called upon to serve as principals; but titular Senators and Deputies may not be elected for the immediately following term in the capacity of alternates.

Article 60

The public organ provided for in Article 41 of this Constitution, in accordance with the terms of the law, shall declare the validity of the elections of Deputies and Senators in each individual electoral district and each of the federal entities, the candidates who have obtained a majority vote, and will assign Senators of the first minority in accordance with the provisions in Article 56 of this Constitution and the law. Likewise, it shall declare the validity and the assignment of Deputies according to the principle of proportional representation and in accordance with Article 54 of this Constitution and the law.

Decisions on the declaration of validity, granting of proof, and allocation of Deputies or Senators may be challenged before the regional courts of the Electoral Tribunal of the Judicial Power of the Federation under the terms specified by the law.

The decrees of the courts referred to in the last paragraph may be revised exclusively by the Superior Court of the same Tribunal through the means of challenge that political parties may pursue but only when the reported grievances can change the results of the election. The judgments of this Court shall be definitive and unchallengeable (inatacables). The law shall establish the requirements and procedures for this means of challenge.

Article 61

Deputies and Senators are inviolable for opinions expressed by them in the discharge of their offices and shall never be called to account for them.

The president of each Chamber shall safeguard the respect for the constitutional privileges of their respective members and the inviolability of the site where they gather to session.

Article 62

Titular Deputies and Senators during their terms of office may not hold any other commission or employment from the Federation or the States for which they receive compensation without the prior consent from their respective Chamber; but their representative functions shall thereupon cease, while they perform their new occupation. The same rule shall apply to alternate Deputies and Senators when serving as principals. The violation of this provision shall be punishable by loss of the status of Deputy or Senator.

- Term limits for first chamber
- Term limits of second chamber

- Immunity of legislators

- Leader of first chamber
- Leader of second chamber

- Outside professions of legislators
- Removal of individual legislators

Article 63

The Chambers may not open their sessions nor discharge their duties without the attendance, in each of them, of more than half of the total number of their members; but those present in either [Chamber] must assemble on the day specified by law and compel the absent members to join them within the following thirty days, with the warning that if they do not do so, it shall be understood that, by that sole fact, they do not accept their office; their alternates shall be subsequently called and must present themselves within a like period; if they fail to do so, the seat shall be declared vacant. The vacancies in the seats of Deputies and Senators of the Congress of the Union which exist at the beginning of the legislature as well as those which occur during the legislative term shall be filled in the following manner: in the case of Deputies or Senators of the Congress of the Union who have been elected by simple majority, the respective Chamber shall call extraordinary elections in accordance with the provisions of Chapter IV of this Constitution; the vacancies of members of the Chamber of Deputies elected in accordance with the principle of proportional representation shall be filled the candidate and his/her alternate of the same party who are the next in line on the respective regional party list, after the seats corresponding to that list have been allocated; the vacancies of members of the Senate elected in accordance with the principle of proportional representation shall be filled by filled by the candidate and his/her alternate of the same party who are next in line on the national party list, after the seats corresponding to that list have been allocated; the vacancies of members of the Senate elected in accordance with the principle of best minority party (primera minoría) shall be filled by the candidate and his/her alternate of the same party which in the federal entity in question has obtained the second place on the respective list of parties.

It is also understood that Deputies or Senators who are absent for ten consecutive days without justifiable cause or previous permission from the president of their respective Chamber, of which the other members shall be informed, have vacated their seats for the respective term, which shall be filled immediately by their alternates.

If there is no quorum to install either Chamber or to exercise its functions once installed, the alternates shall be called immediately to present themselves within the shortest delay for discharge of their duties, while the period of thirty days referred to above is expiring.

Anyone who has been elected Deputy or Senator but does not present himself/herself for the discharge of his/her office within the time limit indicated in the first paragraph of this article, without justifiable cause as determined by the respective Chamber, shall be held responsible and be subject to the sanctions provided by law. National political parties that have nominated candidates in an election for Deputies or Senators and decide that its members which have been elected shall not present themselves to assume office will also be held responsible and be sanctioned under the same law.

Article 64

Deputies and Senators who without justifiable cause or without the permission of their respective Chamber do not attend a session shall have no right to remuneration (dieta) for the day on which they were absent.

Article 65

Starting on September 1 of each year, the Congress shall meet to hold its first ordinary session period, and starting on February 1 of each year to hold a second ordinary session period.

During both periods, the Congress shall devote itself to the study, discussion, and voting of the bills which are introduced and to the resolution of the other matters which fall within its sphere of competence under the terms of this Constitution.

In each period of ordinary sessions, the Congress shall deal as a matter of priority with the issues specified in its Organic Law.

Article 66

Each period of ordinary sessions shall last for the time necessary to address all matters mentioned in the preceding article. The first period shall not last beyond the fifteenth (15th) of December of the same year, except when the President of the Republic initiates his duties (encargo) on the date specified by Article 83, in which case the sessions may be extended until the thirty-first (31st) of December of the same year. The second period shall not last beyond the thirtieth (30th) of April of the same year.

If the two Chambers are not in accord as to the termination of the sessions before the dates indicated, the President of the Republic shall resolve [the matter].

Article 67

The Congress or either one of its Chambers, when a matter exclusive to it is concerned, shall meet in extraordinary sessions whenever the Permanent Commission shall convoke them for that purpose; but in both instances they shall occupy themselves only with the matter or matters which the said Commission submits to their attention, which shall be specifically stated in the respective call (convocatoria).

Article 68

The two Chambers shall reside at the same location and may not move to another unless they previously agree to the move and on the time and manner of doing so, designating the same location for the meeting of both. However, if the two, while agreeing on the move, differ in specifics such as time, manner, and location, the Executive shall settle the difference by choosing one of the two extremes (extremos) in question. Neither Chamber may suspend its sessions for more than three days without the consent of the other.

Article 69

The President of the Republic shall attend the opening of the ordinary sessions for the first period of the Congress and shall present a written report in which he shall indicate the general state of the administration of the country. At the opening of extraordinary sessions of the Congress or of one of its Chambers, the Chairman of the Permanent Commission shall report as to the motives or reasons that led to the convocation (convocatoria).

Article 70

Every resolution of the Congress shall have the character of a law or of a decree. The laws or decrees shall be communicated to the Executive, signed by the presidents of both Chambers and by the secretary of each, and shall be promulgated (promulgarán) in this form: "The Congress of the United Mexican States decrees: (text of the law or decree)."

The Congress shall enact a law to regulate its internal structure and functioning.

• Length of legislative sessions

• Extraordinary legislative sessions

• Legislative oversight of the executive

• Leader of first chamber
• Leader of second chamber

The law shall establish the forms and procedures for the grouping (agrupación) of the Deputies in accordance with their party affiliation, with the objective of guaranteeing the free expression of the different ideological views represented in the Chamber of Deputies.

This law cannot be vetoed and does not require the Federal Executive's promulgation (promulgación) to come into force.

Section II: Initiation and Formation of the Laws

Article 71

The right to initiate laws or decrees belongs to:

- I. The President of the Republic.
- II. The Deputies and Senators of the Congress of the Union, and
- III. The legislatures of the States.

Initiatives presented by the President of the Republic, by the legislatures of the States, or by their commissions shall be referred at once to a committee. Those which are presented by Deputies or Senators shall be subject to the procedures designated in the Regulations on Debate.

Article 72

Every bill (proyecto de ley) or proposed decree, the resolution of which does not pertain exclusively to one of the Chambers, shall be discussed successively in both, conforming to the Regulations on Debate as to the form, intervals of time, and manner of procedure in discussions and voting.

- a. A bill approved in the Chamber where it originated shall be referred to the other for discussions. If the latter approves it, it shall be sent to the Executive which, if it has observations to make, shall immediately publish it.
- b. All bills shall be regarded as approved by the Executive Power if it is not returned with observations to the Chamber of its origin within ten business days; unless during this time the Congress shall have adjourned or suspended its sessions, in which case the return must be made on the first business day on which the Congress has reassembled.
- c. A bill or proposed decree rejected in whole or in part by the Executive shall be returned with observations to the Chamber of origin. It must be discussed anew by the latter, and if it is passed by a vote of two-thirds of the total membership, it shall again be sent to the other Chamber for review. If it is sanctioned there by the same two-thirds majority, the bill shall become law or decree and shall be returned to the Executive for its promulgation.

The voting on a law or decree shall be by roll call (nominales).

• Veto override procedure

d. If any bill or proposed decree is rejected in its entirety by the reviewing Chamber, it shall be returned to that of its origin with the observations made by the former. If upon examining it anew, it is approved by an absolute majority of the members present, it shall be returned to the Chamber that rejected it, which shall again consider it and, if it approves it by the same absolute majority, it shall be sent to the Executive for the purposes of section (a) above; but if rejected, it cannot be introduced again during the same period of sessions.

• Veto override procedure

e. If a bill or proposed decree is rejected in part, amended, or added to by the reviewing Chamber, the new discussion in the Chamber of origin shall be limited to the part rejected or to the amendments or additions without modifying in any manner the approved articles. If the additions or amendments made by the reviewing Chamber are approved by an absolute majority of the votes present in the Chamber of origin, the entire bill shall be sent to the Executive for the purposes indicated in section (a). If the additions or amendments proposed by the reviewing Chamber are rejected by a majority of the votes in the Chamber of origin, they shall be returned to the former for consideration of the views of the latter, and if the amendments or additions are rejected during this second revision by an absolute majority of the votes present, the bill, insofar as it has been approved by both Chambers, shall be sent to the Executive for the purposes indicated in section (a). If the reviewing Chamber insists, by an absolute majority of the votes present, upon such amendments and additions, the entire bill shall not be introduced until the following period of sessions unless both Chambers agree, by an absolute majority of their members present, that the law or decree be enacted only with the approved articles, and those added or amended shall be reserved for their scrutiny and vote at the following sessions.

f. In the interpretation, amendment, or abrogation of laws or decrees, the same procedure shall be followed as that established for their enactment:

g. All bills or proposed decrees that are rejected in the Chamber of their origin may not be introduced again in the sessions of that year.

h. The enactment of laws or decrees may commence in either of the two Chambers with the exception of bills pertaining to loans, taxes, or the recruiting of troops, all of which must be discussed first in the Chamber of Deputies.

i. Bills or proposed decrees shall preferentially be discussed in the Chamber in which they were introduced, unless one month elapses since they were referred to the reporting committee without a report being issued, in which case the bill may be discussed in the other Chamber.

j. The Executive of the Union may not offer observations to the resolutions of the Congress or of either Chamber when they exercise functions of an electoral body or of a jury or when the Chamber of Deputies declares that a senior official of the Federation must be impeached for official crimes.

Neither may the Executive do so in regard to a decree of convocation of extraordinary sessions issued by the Permanent Commission.

• Finance bills
• First chamber reserved policy areas
• Tax bills

Section III: Powers of Congress

Article 73

The Congress has the power:

- I. To admit new States into the Federal Union.
- II. (Abrogated).
- III. To form new States within the boundaries of the existing ones, for which purpose it shall be necessary:
 - 1. That the section or sections seeking to become a State have a population of at least one hundred and twenty thousand (120,000) inhabitants;
 - 2. That it be proven before the Congress that they possess the resources necessary to sustain their political existence;
 - 3. That the legislatures of the States involved be heard as to whether it is advisable (*conveniencia*) or not to form the new State, and they shall be required to render their report within six months from the date that the respective communication was submitted to them;
 - 4. That the Executive of the Federation likewise be heard, who shall transmit his report within seven days from the date on which it was requested from him;
 - 5. That the creation of the new State be adopted by a vote of two-thirds of the Deputies and Senators present in their respective Chambers;
 - 6. That the resolution of the Congress be ratified by a majority of the State legislatures after their examination of a copy of the record provided that the legislatures of the States whose territory is involved have granted their consent;
 - 7. If the legislatures of the States the territory of which is involved have not given their consent the ratification mentioned in the preceding section must be given by two-thirds of the other State legislatures;
- IV. (Abrogated).
- V. To change the seat of the Supreme Powers of the Federation.
- VI. (Abrogated).
- VII. To levy the necessary taxes to cover the budget.

• Accession of territory

- VIII.** To provide the bases upon which the Executive may borrow on the credit of the Nation, to approve such loans, and to recognize and order the payment of the national debt. No loan may be made except for the execution of works that directly produce an increase in the public income except for those that are made for purposes of currency regulation, conversion operations, and loans contracted during an emergency declared by the President of the Republic within the terms of Article 29. Likewise, to approve annually the amount of debt, which must be included in the Income Law as required by the Government of the Federal District and the entities of its public sector in conformance with the provisions of the corresponding law. The Federal Executive shall inform the Congress of the Union every year about the status of the debt, to which effect the Head of the Federal District shall deliver to him a report on the use of the corresponding resources. The Head of the Federal District shall also inform the Assembly of Representatives of the Federal District to produce a public account.
- IX.** To prevent the establishment of restrictions on interstate commerce.
- X.** To legislate throughout the Republic on matters regarding hydrocarbons, mining, chemical substances, explosives, pyrotechnics, cinematographic industry, commerce, betting games and lotteries, intermediation and financial services, electric and nuclear energy, and to enact labor legislation implementing Article 123.
- XI.** To create and eliminate public office positions of the Federation, and set, increase, or decrease their staff.
- XII.** To declare war, in view of the information presented by the Executive.
- XIII.** To enact laws pursuant to which captures on sea and land must be declared good or bad and to enact maritime laws applicable in times of peace and war.
- XIV.** To establish and maintain the armed forces of the Union, namely: the National Army, Navy, and Air Force, and to regulate their organization and service.
- XV.** To provide regulations for the purpose of organizing, arming, and disciplining the National Guard, reserving for the citizens who form it the appointment of their respective commanders and officers and for the States the power of training them in accordance with the discipline prescribed by such regulations.
- XVI.** To enact laws regarding nationality, legal status of foreigners, citizenship, naturalization, colonization, emigration and immigration, and the general health of the Republic.
- 1.** The General Health Council shall answer directly to the President of the Republic without the intervention of any Secretariat of State, and its general rulings shall be compulsory throughout the country;

• Power to declare/approve war

2. In case of serious epidemics or the danger of the inportation of exotic diseases into the country, the Department of Health shall have the obligation to immediately dictate the indispensable preventive measures, subject to subsequent approval by the President of the Republic;
3. The health authority shall be executive, and its provisions shall be obeyed by the administrative authorities of the country;
4. The measures which the Council shall have put in effect in the campaign against alcoholism and the sale of substances which poison the individual and degenerate the human race, as well as measures adopted to prevent and combat environmental pollution, shall afterwards be examined by the Congress of the Union, in cases within its competency;

XVII. To enact laws concerning general means of communication and post offices and mail; and to enact laws on the use and enjoyment of waters under federal jurisdiction.

XVIII. To establish mints, set the standards for coins and coinage, issue rules to determine the value of foreign currencies, and to adopt a general system of weights and measures.

XIX. To establish rules for the occupation and alienation of vacant lands and set their price.

XX. To enact laws for the organization of the Mexican diplomatic and consular corps.

XXI. To establish crimes and offenses against the Federation and to determine the penalties to be imposed for them.

The federal authorities may also investigate common crimes when these are connected to federal crimes.

In matters of concurrent jurisdiction provided for in this Constitution, the federal laws shall establish the conditions in which the ordinary jurisdictional authorities may investigate and adjudicate federal crimes.

XXII. To grant amnesties for crimes the knowledge of which belongs to the federal courts.

XXIII. To enact laws establishing the basis of coordination among the Federation, the Federal District, the States, and the Municipalities, in matters of public security; as well as for the organization and operation, the recruiting, selection, promotion, and recognition of the members of the public security institutions at the federal level.

• Protection of environment

• Protection from expropriation

XXIV. To enact the Law governing the organization of the superior financial entity of the Federation and others which regulate the management, control, and evaluation of the Powers of the Union and the federal public entities.

XXV. To establish, organize, and maintain throughout the Republic rural, elementary, superior, secondary, and professional schools, and schools for scientific research, of fine arts and of technical training, practical schools of agriculture and mining, of arts and crafts; museums, libraries, observatories, and other institutes concerning the general culture of the inhabitants of the Nation, and to legislate on all matters relating to such institutions; to legislate on matters concerning fossil remains and archeological, artistic, and historic monuments, the conservation of which is in the national interest; and also to enact laws designed to distribute properly among the Federation, the States, and Municipalities the exercise of the educational function and the economic contribution corresponding to this public service, seeking to unify and coordinate education throughout the Republic. The degrees conferred by the aforementioned institutions shall be valid throughout the Republic.

XXVI. To grant leave of absence to the President of the Republic and to constitute itself as an Electoral College and designate the citizen who is to replace the President of the Republic, as either an interim or provisional substitute, under the terms of Articles 84 and 85 of this Constitution.

XXVII. To accept the resignation from office of the President of the Republic.

XXVIII. (Abrogated).

XXIX. To establish taxes:

1. On foreign commerce;
2. On the utilization and exploitation of the natural resources described in paragraphs 4 and 5 of Article 27;
3. On credit institutions and insurance companies;
4. On public services under concession or operated directly by the Federation, and
5. Special taxes on:
 - a. Electric power;
 - b. Production and consumption of processed tobacco;
 - c. Gasoline and other products derived from petroleum;
 - d. Lighters and matches;

- e. Maguey and its fermented products;
- f. Forestry exploitation, and
- g. Production and consumption of beer.

The federal entities shall share in the revenues from these special taxes in the proportion determined by secondary federal law. The local legislatures shall set the percentage corresponding to the Municipalities from revenues obtained from the tax on electric power.

- Municipal government
- Subsidiary unit government

- National anthem
- National flag

XXIX-B. To legislate on matters concerning the characteristics and use of the national flag, seal, and anthem.

XXIX-C. To enact laws that establish the concurrence of the Federal Government, the States, and the Municipalities concur, within the limits of their respective competences, on matters pertaining to human settlements, with the purpose of complying with the objectives provided in the third paragraph of Article 27 of this Constitution.

- Economic plans

XXIX-D. To enact laws on the national planning of social and economic development, as well as on the issue of statistical and geographical information of national interest.

XXIX-E. To enact laws regarding the planning, promotion, coordination, and execution of actions in the economic field, especially those impacting the supply of provisions and others resulting in the adequate and optimal production of socially and nationally necessary goods and services.

- Right to enjoy the benefits of science

XXIX-F. To enact laws intended to promote Mexican investment, regulate foreign investment, transfer technology, and generate, disseminate, and apply scientific and technical knowledge as required for the national development.

- Protection of environment

XXIX-G. To enact laws that establish the concurrence of the Federal, State, and Municipal governments, within their the limits of their respective competences, on matters concerning the protection of the environment and the preservation and restoration of ecological balance.

- Establishment of administrative courts

XXIX-H. To enact laws that institute administrative dispute courts endowed with full autonomy in issuing judgments which shall be competent to settle controversies which may arise between the Federal Public Administration and individuals (particulares) as well as to impose sanctions on public officials who have incurred administrative liability as defined by the law, establishing the norms for their organization, functioning, procedures, and appeal against their decisions.

XXIX-I. To enact laws establishing the basis upon which the Federation, the States, the Federal District, and the Municipalities shall coordinate their actions in matters of civil protection.

XXIX-J. To legislate in sports matters, establishing the general rules for the coordination of concurrent powers between the Federation, the States, the Federal District, and the Municipalities, as well as for the participation of the public and private sectors.

XXIX-K. To enact laws in the matter of tourism, establishing the general bases for the coordinated use of the concurrent powers of the Federation, the States, the municipalities and the Federal District, as well as for the participation of the public and private sectors.

XXIX-L. To enact laws which determine the joint activities of the federal government, the governments of the federal entities and the municipalities, within their respective powers, in the areas of fishing and aquaculture, as well as the participation of the social and private sectors, and

XXIX-M. To enact laws on the matter of national security, establishing the conditions and limits for the relevant investigations.

XXIX-N. To enact laws on the establishment, organization, functioning and extinction of cooperatives. These laws shall establish the bases for the joint action of the Federation, the States and municipalities as well as the Federal District, within their respective powers, with regard to the promotion and sustainable development of the activities of the cooperatives.

XXX. To enact all the laws necessary to enforce the preceding powers and all others granted by this Constitution to the organs of the Union.

Article 74

The exclusive powers of the Chamber of Deputies are:

- I. To release the solemn proclamation (Bando solemne) announcing to the whole Republic the declaration of President-elect issued by the Electoral Tribunal of the Judicial Power of the Federation.
- II. To coordinate and evaluate, without prejudice to its autonomy and management, the correct performance of the functions of the superior budgeting entity of the Federation, in accordance with the terms established by law.
- III. (Abrogated).
- IV. To approve each year the Budget of Expenditures of the Federation following the examination, discussion and, as the case may be, modification of the Draft Budget submitted by the Federal Executive, once it has approved the taxes which, in its opinion, must be levied to cover the proposed modifications, as well as to review the Public Account of the previous year.

• Budget bills
• First chamber reserved policy areas

The Federal Executive shall submit to the Chamber of Deputies the proposed Law of Revenue and the Draft Budget of Expenditure of the Federation no later than September 8, with the competent Secretary presenting them. The Chamber of Deputies shall approve the Budget of the Expenditure of the Federation on November 15 at the latest.

When it assumes office on the date provided for in Article 83, the Federal Executive shall submit to the Chamber of Deputies the proposed Law of Revenue and the Draft Budget of Expenditure of the Federation no later than December 15.

There shall be no secret items in the budget other than those for which the secret character is considered to be of the essence and which are included by the Secretaries with the written approval of the President of the Republic.

The review of the Public Account shall have as its objective the scrutiny of the results of the financial management and the verification that the latter has been in conformity with the criteria established in the Budget and the realization of the objectives contained in the programs.

The review of the Public Account by the Chamber of Deputies shall be supported by the Federation's superior auditing entity. If discrepancies arise from such examination between the amounts collected or spent and the respective allocations, or if there is lack of accuracy or justification with regard to revenue collected or expenditure made, responsibility shall be determined in accordance with the law.

The Public Account of the previous year shall be presented to the Chamber of Deputies of the Congress within the first ten days of the month of June.

The period for presentation of the proposed Law of Revenue and the Draft Budget of Expenditures of the Federation, as well as of Public Account, shall only be extended when the Executive has provided sufficient reasons for such a request in the opinion of the Chamber or the Permanent Commission; in any case the competent Secretary must appear [before the Chamber or the Commission] in order to explain the reasons motivating the request.

- V. To declare if there are or are not grounds to proceed criminally against any public officials who have been accused of committing a crime in terms of Article 111 of this Constitution.

To take cognizance of accusations against public officials for any crimes referred to by Article 110 of this Constitution, and to act as the accusing organ in any political judgments established against them.

- VI. (Abrogated).

- VII. (Abrogated).

- VIII. Any others that this Constitution expressly confers upon it.

Article 75

The Chamber of Deputies, upon approving the Budget of Expenditures, shall not fail to set remuneration corresponding to an office that has been established by law; and in the event that, for any reason, it fails to set such remuneration, the amount set in the previous budget or in the law establishing the office or position shall be understood to remain in force.

Article 76

The exclusive powers of the Senate are:

- I. To analyze the foreign policy conducted by the Federal Executive on the basis of the annual reports that the President of the Republic and the competent Secretary submit to the Congress.
- II. To ratify the appointments which the official makes of ministers, diplomatic agents, consuls general, senior employees of the Treasury, colonels and other superior officers of the National Army, Navy, and Air Force, in accordance with the terms provided by the law.
- III. To authorize him [or her] to permit the departure of national troops beyond the borders of the country, the passage of foreign troops through the national territory, and the stationing of squadrons of other powers for more than one month in Mexican waters.
- IV. To give its consent for the President of the Republic to deploy the National Guard outside of its respective States, setting the necessary size of the force.
- V. To declare, whenever all the constitutional powers of a State have disappeared, that the condition has arisen for appointing a provisional governor, who shall call elections in accordance with the constitutional laws of the State in question. The appointment of the governor shall be made by the Senate, from a short list proposed by the President of the Republic, with the approval of two-thirds of the members present and during recess by the Permanent Commission according to the same rules. The official thus appointed may not be elected constitutional governor in the elections he called. This provision shall govern whenever the constitution of a State does not provide for such cases.
- VI. To resolve political questions that may arise between the powers of a State whenever any of them makes such a request to the Senate or whenever by reason of such questions the constitutional order has been interrupted through an armed conflict. In this case, the Senate shall declare its resolution, subjecting itself to the general Constitution of the Republic and to that of the State.

The law shall regulate the exercise of this and the preceding powers.

VII. To constitute itself as a grand jury to take cognizance in a political trial of offenses or omissions committed by public officials to the detriment of fundamental public interests and the appropriate discharge of their offices, in accordance with the terms of Article 110 of this Constitution.

VIII. To appoint the ministers of the Supreme Court of Justice of the Nation from a short list submitted by the President of the Republic for its consideration as well as to grant or deny its approval to requests for leave or resignation submitted by the same official.

IX. To appoint and remove the head of the Federal District in instances provided by this Constitution.

X. To authorize by decree approved by two thirds of its members present and voting the amicable agreements by which the federal entities settle their respective boundaries.

XI. To settle in a definitive manner the conflicts on territorial boundaries of the federal entities upon request of the latter by decree approved by two thirds of its members present and voting.

XII. Any other powers that this Constitution may grant to it.

Article 77

Each of the Chambers may, without the intervention of the other:

I. Take decisions of an economic character in relation with its internal organization.

II. Communicate with the other legislative Chamber and with the Executive of the Union through committees constituted from among its members.

III. Appoint the employees of its secretariat and fix its internal regulations, and

IV. Issue within a period of 30 days from the occurrence of a vacancy a call for extraordinary elections which must be held within the following 90 days, with the purpose of filling the vacancies among its members to which Article 63 refers, in the case of vacancies among Deputies and Senators of the Congress of the Union in accordance with the principle of relative majority, except in those cases in which the vacancy occurs in the last year of the term of the legislator in question.

• Supreme court selection

• Legislative committees

• Replacement of legislators

Section IV: Permanent Commission

Article 78

During the recess of the Congress of the Union, there shall be a Permanent Commission composed of thirty-seven (37) members, of whom nineteen (19) shall be Deputies and eighteen (18) Senators appointed by their respective Chambers on the eve of the closing of the period of ordinary sessions. For each titular member that the Chambers appoint there shall be an alternate.

The Permanent Commission, in addition to the attributes that this Constitution expressly confers upon it, shall have the following [powers]:

- I. To grant its consent for the use of the National Guard in the instances referred to in Article 76, section IV.
- II. To receive, as the case may be, the oath of the President of the Republic.
- III. To decide on matters within its competence; to receive, during the recess of the Congress of the Union, all bills introduced and proposals directed to the Chambers and schedule them for review of the committees of the Chamber to which they are directed so that they may be acted upon during the next period of sessions.
- IV. To issue on its own or by request of the Executive the convocation of the Congress or of a single Chamber to extraordinary sessions, in both instances two-thirds of votes of the present individuals being necessary. The call shall provide the purpose or purposes of the extraordinary sessions.
- V. To grant or deny its ratification of the appointment of the Attorney General of the Republic as submitted by the head [titular] of the Federal Executive.
- VI. To grant a leave of absence of up to thirty (30) days to the President of the Republic and to appoint the acting President during such absence.
- VII. To ratify the appointments made by the President of the Republic of ministers, diplomatic agents, consuls general, senior employees of the Treasury, colonels, and other superior officers of the National Army, Navy, and Air Force under terms provided by the law, and
- VIII. To assess and settle requests for leave presented to it by legislators.

Section V: Superior Financial Authority of the Federation

Article 79

The Chamber of Deputies' superior financial authority of the Federation shall have functional and managerial autonomy in the exercise of its powers (atribuciones) and in determining its own internal organization, functioning, and resolutions in accordance with the terms provided by the law.

This superior financial authority of the Federation shall have the following responsibilities (cargo):

- I. To scrutinize the accounting for revenues and expenditures already collected and spent; the management, custody, and allocation of the funds and resources of the Powers of the Union and federal public entities, as well to ensure that these funds and resources were spent in accordance with the stated objectives of the federal programs through reports which shall be issued in the terms provided by the law.

It shall also scrutinize federal resources handled by the federal entities, municipalities, and private individuals.

Without prejudice to the reports referred to in the first paragraph of this section and in exceptional situations as determined by law, specific budget allocations may be subject to review of those concepts that are considered relevant and a report to that effect may be required. If these requirements are not satisfied within the time periods and in ways provided by law, financing for the items may be limited to what has already been allocated for them.

- II. To submit the report detailing the results of the review of the Public Account to the Chamber of Deputies no later than the 31st of March of the year following its presentation. This report shall include the conclusions of the review and a corresponding section regarding the scrutiny and the verification of the completion of the programs in question. This section shall also contain comments and observations of the audited, which shall have a public nature.

The superior financial authority of the Federation shall remain silent with regard to its proceedings and observations until it issues the reports referred to in this article; sanctions applicable to those who violate this provision shall be established by law.

- III. To investigate the acts or omissions that may constitute an irregularity or illicit conduct in the collection, spending, management, custody, and allocation of federal funds and resources, and make home visits, although these shall only take place to demand the showing of books, papers, or files necessary for the fulfillment of their investigations, subject to the laws and formalities established for searches, and
- IV. To determine all damages and injuries that affect the Federal Public Treasury or the property of federal public entities and directly assess the payment of indemnification and corresponding monetary sanctions for those responsible, to promote before the competent authorities the financing of other responsibilities, as well as to initiate the probes of responsibility referred to in the Fourth Title of this Constitution, and file the appropriate criminal accusations and complaints, its intervention thereof being provided by law.

The Chamber of Deputies shall appoint the head of the financial authority by the vote of two thirds of its members present. The procedures for such designation shall be provided by law. The appointed official shall remain in office for eight years and may be appointed for only one additional term. He may be removed exclusively for serious causes provided by law following the same voting procedure as for his/her

appointment, or for the causes and conforming to the procedures provided in the Article IV of this Constitution.

In order to become head of the superior financial authority of the Federation, it is required, besides the requisites established in sections I, II, IV, V, and VI of Article 95 of this Constitution, to comply with provisions of law. While exercising his duties, he/she may not be affiliated to any political party, or hold any other employment, duty, or commission with the exception of those of non-remunerated in scientific, educational, artistic, or charitable associations.

The Powers of the Union and those subject to the budget review shall provide any assistance that the superior financial authority of the Federation requires for the exercise of its functions.

The Federal Executive Power shall apply the administrative procedures for the execution of the indemnifications and pecuniary sanctions referred to in section IV of this article.

CHAPTER III: Executive Power

Article 80

The exercise of the Supreme Executive Power of the Union is vested in a single individual who is entitled "President of the United Mexican States."

Article 81

The election of the President shall be direct under the terms provided by the Electoral Law.

Article 82

In order to be President it is required:

- I. To be a Mexican citizen by birth, in the full enjoyment of his rights, a child of Mexican father or mother, and to have resided in the country for no less than twenty (20) years.
- II. To have attained thirty-five (35) years of age at the time of the election.
- III. To have resided in the country during the entire year prior to the day of the election. Absence from the country for up to thirty (30) days does not interrupt residency.
- IV. Not to possess ecclesiastic status or be minister of any religious cult.
- V. Not to be in active duty if being a member of the Army within six months prior to the day of the election.
- VI. Not to be Secretary or Assistant Secretary of State, Attorney General of the Republic, governor of any State or head of government (jefe de gobierno) of the Federal District, unless he/she shall have resigned such position six months prior to the day of the election, and

VII. Not to be included within any of the grounds for incapacity established in Article 83.

Article 83

The President shall assume the duties of the office on the first of December for a term of six years. A citizen who has held the office of President of the Republic by virtue of a popular election, or as an interim, provisional, or substitute President can in no case and for no reason again hold that office.

Article 84

In the event of an absolute disability (*falta absoluta*) of President of the Republic occurring during the first two years of the term, if the Congress is in session, it shall immediately constitute itself as an Electoral College, and if there is at least two-thirds of the total membership present, it shall appoint by secret ballot and by an absolute majority of the votes cast an interim President; the same Congress shall issue within ten days following the designation of the interim President a call for the election of a President to complete the respective term; between the date of the call and that designated for verification of the election, there must be an interval of not less than fourteen (14) months nor more than eighteen (18).

If the Congress is not in session, the Permanent Commission shall immediately appoint a provisional President and shall call the Congress to an extraordinary session so that it, in turn, may designate an interim President and issue the call for presidential elections as indicated in the preceding paragraph.

When the disability (*falta*) of the President occurs during the last four years of the term, if the Congress of the Union is in session, it shall designate a substitute President to complete the term; if the Congress is not in session, the Permanent Commission shall appoint a provisional President and shall convoke the Congress of the Union to an extraordinary session so that it may constitute itself into an Electoral College and elect a substitute President.

Article 85

If at the beginning of a constitutional period the President-elect does not present himself or if the election has not been held or certified on the first of December, the President whose term has just concluded shall nevertheless still leave office, and the Executive Power shall be assumed without delay by the individual whom the Congress designates as Interim President or, or if the Congress is not in session, by the individual whom the Permanent Commission designates as provisional President; proceeding in accordance with the provisions of the preceding Article.

When the disability of the President is temporary, the Congress of the Union if in session or, if not, the Permanent Commission shall designate an interim President to discharge the presidential functions during the period of the disability.

When the disability of the President is for more than thirty days and the Congress of the Union is not in session, the Permanent Commission shall convoke an extraordinary session of the Congress so that it may decide upon the leave of absence and, as the case may be, appoint an acting President.

If the temporary disability becomes permanent, the procedure described in the preceding Article shall be observed.

Article 86

The office of the President of the Republic can be resigned only for grave cause, which must be qualified by the Congress of the Union, before the resignation can be presented.

Article 87

The President, upon taking possession of the office, shall appear before the Congress of the Union or, if in adjournment, before the Permanent Commission to take the following oath: "I promise to observe and enforce the Political Constitution of the United Mexican States and the laws enacted in pursuance thereof and to discharge loyally and patriotically the office of President of the Republic which the people have conferred upon me, always looking for the welfare and prosperity of the Union, and if I have not done so, may the Nation demand it from me."

Article 88

The President of the Republic may not leave the national territory without the permission of the Congress of the Union or of the Permanent Commission, as the case may be.

Article 89

The powers and duties of the President are the following:

- I. To promulgate and execute the laws enacted by the Congress of the Union, providing for their exact observance in the administrative sphere.
- II. To appoint and remove freely the Secretaries of the Government (Secretarios del Despacho), remove diplomatic agents and senior employees of the Treasury, and to appoint and remove freely all other employees of the Union, whose appointment or removal is not otherwise determined by the Constitution or by law.
- III. To appoint ministers, diplomatic agents, and consuls general with the approval of the Senate.
- IV. To appoint, with the approval of the Senate, the colonels and other superior officers of the National Army, Navy and the Air Force, and the senior employees of the Treasury.
- V. To appoint the other officers of the National Army, Navy, and Air Force, in accordance with law.
- VI. To dispose of the permanent Armed Forces, including the land Army, the Navy, and the Air Force, both for the internal security and the exterior defense of the Federation.
- VII. To dispose of the National Guard for the same purposes, under the terms indicated in section IV of Article 76.

• Oaths to abide by constitution

• Head of state powers

• Cabinet removal
• Establishment of cabinet/ministers
• Cabinet selection

• Selection of active-duty commanders

• Selection of active-duty commanders

- Power to declare/approve war
 - Attorney general
 - Foreign affairs representative
 - International law
 - Right to self determination
 - Treaty ratification
 - Extraordinary legislative sessions
 - Power to pardon
 - Provisions for intellectual property
 - Supreme court selection
- VIII.** To declare war in the name of the United Mexican States, pursuant to a previous law enacted by the Congress of the Union.
- IX.** To appoint, with the ratification of the Senate, the Attorney General of the Republic.
- X.** To direct the foreign policy and to conclude as well as to terminate, renounce, suspend, modify, amend international treaties, to withdraw reservations and to formulate reservations with regard to them, and to submit them for approval to the Senate. In conducting foreign policy, the head of the Executive Power shall observe the following normative principles: self-determination of peoples; non-intervention; peaceful resolution of disputes; prohibition of threats or use of force in international relations; juridical equality of States; international cooperation for development, and the struggle for international peace and security.
- XI.** To convoke the Congress to extraordinary sessions when the Permanent Commission so resolves.
- XII.** To provide the Judicial Power with whatever assistance it shall need for the expeditious exercise of its functions.
- XIII.** To open all classes of ports, establish maritime and border customs stations, and designate their location.
- XIV.** To grant, conforming to the laws, pardons to criminals convicted of crimes within the competence of the federal courts, and to those convicted for common crimes in the Federal District.
- XV.** To grant exclusive temporary privileges, in accordance with the respective law, to discoverers, inventors, or improvers in any branch of industry.
- XVI.** To make the appointments referred to in sections III, IV and IX when the Senate is not in session, with the approval of the Permanent Commission.
- XVII.** (Abrogated).
- XVIII.** To present for the consideration of the Senate a short list [of candidates] for appointment of ministers of the Supreme Court of Justice and submit their requests for leave of absence and resignation for the Senate's approval.
- XIX.** (Abrogated).
- XX.** All others expressly conferred on him by this Constitution.

Article 90

The Federal Public Administration shall be centralized and public (paraestatal), in conformity with the Organic Law enacted by Congress which shall distribute the business of the administrative branch of the Federation among the various departments of State and the Administrative Departments and define the general foundations for the creation of public entities as well as the role of the Federal Executive in their operation.

The laws shall determine the relations between public entities and the Federal Executive or between them and the various departments of State.

Article 91

In order to be a Secretary it is required: to be a Mexican citizen by birth, to be in the exercise of his [or her] rights, and be at least thirty (30) years of age.

Article 92

All regulations, decrees, agreements, and orders of the President must be signed by the Secretary of State who is competent on the matter; without [the fulfillment of] this requirement they shall not be executed.

Article 93

The Secretaries of State shall, as soon as the ordinary session period has started, report to Congress on the state of affairs in their respective departments.

Either of the Chambers may summon the Secretaries of State, the Attorney General of the Republic, as well as the directors and administrators of the decentralized federal bodies or the enterprises with majority state participation to provide information whenever a law is being debated or business matter relating to their respective departments or activities is being examined.

The Chambers, upon request of one-fourth of its members in the case of the Deputies or one-half in the case of the Senators, shall have the power to establish commissions to investigate the performance of the aforementioned decentralized bodies and enterprises with majority state participation. The results of these investigations shall be brought to the attention of the Federal Executive.

CHAPTER IV: Judicial Power

Article 94

The exercise of the Judicial Power of the Federation is vested in a Supreme Court of Justice (Suprema Corte de Justicia), in an Electoral Tribunal (Tribunal Electoral), in Collegiate Circuit (Tribunales Colegiados) and Unitary Circuit Courts (Unitarios de Circuito), and in District Courts (Juzgados de Distrito).

The administration, vigilance, and discipline of the Judicial Power of the Federation, with the exception of the Supreme Court of Justice of the Nation, shall be entrusted to the Council of the Federal Judiciary (Consejo de la Judicatura Federal), in accordance with the terms that, conforming to the principles that this Constitution specifies, are established by law.

The Supreme Court of Justice of the Nation shall consist of eleven (11) ministers and shall function in plenary (en Pleno) or in Chambers (en Salas).

- Establishment of cabinet/ministers
- Eligibility for cabinet

- Establishment of cabinet/ministers
- Powers of cabinet
- Head of state decree power

- Establishment of cabinet/ministers
- Legislative oversight of the executive

- Structure of the courts

- Establishment of judicial council

In accordance with the terms provided by law, sessions in plenary (en Pleno) or in Chambers (en Salas) shall be public with the exception of cases in which morals or the public interest require secrecy.

• Supreme court powers

The competence (la competencia) of the Supreme Court, its functioning as a full court or in sessions, the competence of Circuit Courts, of District Courts, and the Electoral Tribunal as well as the responsibilities incurred by public servants of the Judicial Power of the Federation shall be governed by the provisions of law, in conformance with the principles established by the Constitution.

• Establishment of judicial council

The Council of the Federal Judiciary shall determine the number, division into circuits, territorial competence and, as the case may be, the specialization by topic of the Collegiate and Unitary Circuit Courts, and the District Courts.

The Plenary of the Supreme Court of Justice, constituted as a full court, is empowered to issue general decisions, with the purpose of achieving an adequate distribution of the cases that come to its attention among its various sections. In order to expedite the proceedings, it shall remit to the Collegiate Circuit Courts those affairs in which precedent and jurisprudence has already been established, or those which the Court determines for the better administration of justice. These decisions shall take effect upon being published.

• Federal review of subnational legislation
 • Constitutional interpretation
 • International law
 • Judicial precedence

The law shall establish the terms under which the decisions by the courts of the Judicial Power of the Federation regarding the interpretation of the Constitution, federal or state laws and regulations, and international treaties concluded by the Mexican State shall have binding authority, as well as the conditions in which they may be overruled or modified.

• Protection of judges' salaries

The remuneration received for their services by the ministers of the Supreme Court, Circuit magistrates, District judges, and the members of the Council of the Federal Judiciary as well as the Electoral magistrates may not be reduced during their term in office.

• Supreme court term length
 • Supreme court term limits

The ministers of the Supreme Court of Justice shall remain in office for fifteen (15) years and may only be removed under the terms of the Fourth Title of this Constitution and, upon completion of their term, shall have the right to full retirement.

• Supreme court term limits

No person who has been a minister may be appointed for a new term unless he exercised the office as a provisional or interim minister.

• Eligibility for supreme court judges

Article 95

To be elected minister of the Supreme Court of Justice of the Nation, it is necessary:

• Minimum age of supreme court judges

- I. To be a Mexican citizen by birth, in full exercise of his/her political and civil rights.
- II. To be at least thirty-five (35) years of age on the day of the designation.
- III. To have held on the day of designation the professional degree and title of lawyer for a minimum of ten years, issued by an authority or institution legally empowered to do so.

- IV. To enjoy a good reputation and not have been convicted of a crime punishable by imprisonment of more than one year; but if the crime concerned robbery, fraud, forgery, abuse of confidence, or any other crime which seriously injures his or her good reputation as conceived by the public, he or she shall be disqualified for the office regardless of what the penalty was.
- V. To have resided in the country during the last two years prior to the day of the designation, and
- VI. To not have been Secretary of State, Attorney General of the Republic or of Justice of the Federal District, Senator, Federal Deputy or governor of a State, or head of the Federal District during the year prior to the day of his/her appointment.

The appointment of ministers shall be made preferably from those persons who have served with efficiency, competence, and honesty in the impartial delivery of justice or who have distinguished themselves for their honor, ability, and previous professional activity in the exercise of other judicial activities.

Article 96

In order to appoint the ministers of the Supreme Court of Justice, the President of the Republic shall submit a short list of candidates for the consideration of the Senate, which, following the appearance of the proposed candidates, shall designate the minister to fill the vacancy. The designation shall be made by the vote of two-thirds of the members of the Senate present, and within the unextendable term of thirty (30) days. If the Senate does not reach a decision within this period, the office of minister will be occupied by the candidate from the list who is designated by the President of the Republic.

In cases where the Chamber of Senators rejects the entire proposed list, the President of the Republic shall submit a new one under the terms of the preceding paragraph. If this second list is also rejected, the office will be occupied by the candidate from this list whom the President of the Republic designates.

Article 97

The Circuit magistrates and District judges shall be appointed by the Council of the Federal Judiciary based on objective criteria and in accordance with the requirements and procedures established by law. They will hold office for six years at the end of which, if they are reelected or promoted to a higher office, they may be removed from office only in the cases and in conformity with the procedures established by law.

The Supreme Court of Justice of the Nation may also appoint one or more of its members, or a District judge or Circuit magistrate, or designate one or several special commissioners when deemed convenient or if the Federal Executive, or one of the Chambers of the Congress of the Union, or the governor of a state has so requested but only to investigate an act or acts which may constitute a serious violation of an individual guarantee. Also, it may ask the Council of the Federal Judiciary to investigate the conduct of any federal judge or magistrate.

(Third paragraph; Abrogated)

The Supreme Court of Justice may freely appoint and remove its secretary and other officials and employees. The magistrates and judges shall appoint and remove

• Supreme court selection

• Establishment of judicial council
• Supreme/ordinary court judge removal
• Ordinary court selection
• Ordinary court term length

• Supreme court selection
• Ordinary court selection

officials and employees of Circuit Courts and District Courts, respectively, in conformity with what is established by law with respect to the judicial profession.

Every four years, the Plenary shall elect one of its members as the President of the Supreme Court of Justice of the Nation who may not be reelected for the next immediate period.

Each minister of the Supreme Court of Justice, upon assuming office, shall take an oath before the Senate in the following form:

President: "Do you swear to faithfully and patriotically to carry out the office of minister of the Supreme Court of Justice of the Nation that has been conferred upon you and to safeguard and make others safeguard the Political Constitution of the United Mexican States and the laws that emanate from it, always seeking the welfare and prosperity of the Union?"

Minister: "Yes, I swear."

President: "If you do not do so, the Nation shall call you to account."

The Circuit magistrates and District judges shall take an oath before the Supreme Court of Justice and the Council of the Federal Judiciary.

Article 98

When the absence of a minister has exceeded one month, the President of the Republic shall submit the appointment of a provisional minister for the approval of the Senate, observing the provisions of Article 96 of this Constitution.

In the event of the death of a minister or when there is a permanent vacancy for whatever reason, the President shall submit a new appointment for the approval of the Senate in accordance with the terms of Article 96 of this Constitution.

The resignations of ministers of the Supreme Court of Justice may be submitted only for serious reasons; they shall be submitted to the Executive and, if he accepts them, they shall be sent to the Senate for approval.

Leaves of absence of ministers, when they do not exceed one month, shall be granted by the Supreme Court of Justice of the Nation; those exceeding that time shall be granted by the President of the Republic, with the approval of the Senate. No leave may exceed the time of two years.

Article 99

The Electoral Tribunal shall be, with the exception of the provisions of section II, Article 105 of this Constitution, the highest judicial authority on electoral matters and a specialized organ of the Judicial Power of the Federation.

In the exercise of its powers, the Tribunal shall function in a permanent manner with a Superior Chamber (Sala Superior) and regional chambers; its decision-making sessions shall be public under the terms determined by law. It shall have the judicial and administrative personnel necessary for its adequate functioning.

The Superior Chamber shall consist of seven electoral magistrates. The President of the Tribunal shall be elected by the Superior Chamber from among its members to hold the office for four years.

The Electoral Tribunal shall resolve definitively and without appeal, in accordance with the terms of this Constitution and the provisions of law, the following matters:

- I. Challenges to the Federal Elections of Deputies and Senators.

- II. Challenges issued in regard to the election of the President of the United Mexican States, which shall only be resolved by the Superior Chamber.

The Superior and regional chambers of the Tribunal may annul an election only on the grounds expressly established in the laws.

The Superior Chamber shall complete the final count of the votes in the election of the President of the United Mexican States once it has dealt with any challenges regarding the latter, and shall proceed to declare, as the case may be, the validity of the election and the election as President elect of the candidate who has attained the highest number of votes.

- III. Challenges of acts and decisions of the federal electoral authority, distinct from those referred to in the two previous sections, which violate constitutional or legal rules.

- IV. Challenges of definite and final acts or decisions issued by the competent authorities of the federal entities regarding the organization and certification of elections or the resolution of any controversies that occur during the elections which may have a decisive impact on the development of the respective process or the final result of the elections. The challenge shall proceed only when the remedy sought is material and juridically viable within the time frame of the elections and can be implemented before the constitutional or legally set date for the installation of the organs or the taking of office by the elected officials.

- V. Challenges of definite and final acts and resolutions that violate the electoral and political right of citizens to vote, be elected, and to freely and peacefully affiliate to participate in the political affairs of the country, in accordance with the terms specified by this Constitution and the laws. In order to have recourse to the jurisdiction of the Tribunal for violations of his rights by the political party of which he/she is a member, a citizen must first exhaust the mechanisms for the settlement of disputes provided for in the internal rules; the law shall establish the applicable rules and delays.

- VI. Labor disputes and differences between the Tribunal and its employees.

- VII. Labor disputes or differences between the Federal Electoral Institute and its employees.

- VIII. The determination and imposition of sanctions by the Federal Electoral Institute on parties and political groups or natural or juridical persons, national or foreign, which infringe the provisions of this Constitution and the laws, and

- IX. Any other matters specified by law.

The chambers of the Electoral Tribunal shall use the necessary means of pressure in order to implement expeditiously its judgments and decisions, in the terms defined by the law.

The provisions of Article 105 of this Constitution notwithstanding, the chambers of the Electoral Tribunal may determine the non-applicability of laws on electoral

• Regulation of political parties

matters which are contrary to this Constitution. The decisions which are adopted in the exercise of this faculty are limited to the specific case to which they apply. In these cases the Superior Chamber shall inform the Supreme Court of Justice of the Nation.

When a chamber of the Electoral Tribunal supports an opinion about the unconstitutionality of an act or decision or about the interpretation of a provision of this Constitution and that opinion is possibly in conflict with a view maintained by the chambers or the Plenary of the Supreme Court of Justice, any of the ministers, chambers, or parties to the proceedings may denounce the conflict in the terms specified by law, so that the Plenary of the Supreme Court of Justice of the Nation decides definitively which opinion shall prevail. Decisions which are adopted in these circumstances do not affect cases which have already been settled.

The organization of the Tribunal, the power of the chambers, the procedures for the resolution of matters falling within its jurisdiction as well as the mechanisms for establishing binding precedents in the matter shall be determined by this Constitution and the laws.

The Superior Chamber, upon its own initiative, upon request of a party or of any of the regional chambers, may take over the proceedings before the latter; similarly it may defer cases under its jurisdiction to the local chambers for examination and resolution. The law shall fix the rules and procedures for the exercise of such faculties.

The administration, control and disciplinary oversight of the Electoral Tribunal shall be assigned, in the terms established by law, to a commission of the Council of the Federal Judiciary which shall consist of the President of the Electoral Tribunal, who shall preside over it; an electoral magistrate of the Superior Chamber picked among its members by drawing lots (insaculación); and three members of the Council of the Federal Judiciary. The Tribunal shall propose its budget to the President of the Supreme Court of Justice of the Nation for its inclusion in the proposed budget of the Judicial Power of the Federation. The Tribunal shall also adopt its internal regulations and general resolutions for its adequate functioning.

The electoral magistrates who make up the Superior and regional chambers shall be elected by a vote of two-thirds of the members present of the Senate upon proposal by the Supreme Court of Justice of the Nation. The election of its members shall take place successively, in accordance with the rules and the procedure determined by law.

The electoral magistrates who make up the Superior Chamber must fulfill the requirements established by the law which may not be less stringent than those which apply to ministers of the Supreme Court of Justice of the Nation, and shall remain in office for an unextendable period of nine years. The resignations, periods and leaves of absence of electoral magistrates of the Superior Chamber shall be discussed, approved, and granted by the Chamber itself, as appropriate, under the terms of Article 98 of this Constitution.

The electoral magistrates who constitute the regional chambers must satisfy all the requirements specified by law, which shall not be less stringent than those which apply magistrates of the multi-member Circuit Courts. They shall remain in office for an unextendable term of nine years, unless promoted to a higher office.

In case of a permanent vacancy a new magistrate shall be appointed for the remainder of the original term.

The labor relations of the Tribunal's personnel shall be regulated in accordance with the provisions applicable to the Judicial Power of the Federation and special rules or exceptions specified by law.

Article 100

The Council of the Federal Judiciary shall be an organ of the Judicial Power of the Federation shall with independence in its technical, procedural and decision-making processes.

The Council shall consist of seven members, one of which shall be the President of the Supreme Court of Justice who shall also preside over the Council; three designated by the Plenary of the Court by a majority of at least eight votes from among the Circuit magistrates and District judges; two council members designated by the Senate and one designated by the President of the Republic.

All the council members must satisfy the requirements specified in Article 95 of this Constitution and be persons who have distinguished themselves for their professional and administrative capacity, their honesty and honor (honorabilidad) in the exercise of their activities, and in the case of those designated by the Supreme Court, they must also have distinguished themselves in the judicial ambit.

The Council shall function as a Plenary or in commissions. The Plenary of the Council shall resolve matters regarding the appointment, assignment, ratification and dismissal of magistrates and judges, as well as any other affairs determined by law.

Except for the President of the Council, the council members shall stay in office for five years, be replaced gradually and may not appointed for a new term.

Council members do not represent those who designated them, they shall exercise their functions with independence and impartiality. While in the office, they may be removed only in accordance with the terms of the Fourth Title of this Constitution.

The law shall establish the basis for the training of officials and keeping them up to date in the areas of the law, as well as for the development of the judicial profession, which shall be guided by the principles of excellence, objectivity, impartiality, professionalism, and independence.

The Council shall be empowered to enact general rules for the adequate exercise of its functions, in accordance with the terms established by the law. The Supreme Court of Justice may request from the Council that it issue any general resolutions considered necessary to ensure an adequate exercise of the federal jurisdictional function. The Plenary of the Court may also review, and as may be the case, revoke any Council resolutions by a majority of at least eight votes. The law shall establish the terms and procedures for the exercise of these powers (atribuciones).

The decisions of the Council shall be final and unchallengeable (inatatables), and as such, there shall be no judicial or any other recourse against them, except for those relating to the designation, assignment, ratification or dismissal of magistrates and judges, which may be reviewed by the Supreme Court of Justice, but only to verify that they were made in conformity to the rules established by the respective organic law.

The Supreme Court of Justice shall prepare its own budget, and the Council shall formulate it for the rest of the Judicial Power of the Federation without prejudice to the provisions of the seventh paragraph of Article 99 of this Constitution. The budgets so completed shall be remitted by the President of the Supreme Court for inclusion in the Budget of Expenditures of the Federation Bill. The administration of the Supreme Court will be incumbent upon its President.

Article 101

• Reference to science

The ministers of the Supreme Court of Justice, the Circuit magistrates, the District judges, their respective secretaries, and the members of the Council of the Federal Judiciary as well as the magistrates of the Superior Chamber of the Electoral Tribunal may not in any case accept or hold employment or office of the Federation, the States, or of a private nature, except for non-remunerated positions in scientific, educational, literary, or charitable associations.

The persons who have held the office of minister of the Supreme Court of Justice, Circuit magistrate, District judge, or member of the Council of the Federal Judiciary, as well as magistrate of the Superior Chamber of the Electoral Tribunal, may not, within two years after leaving office, act as employers (patronos), lawyers, or representatives in any process before the organs of the Judicial Power of the Federation.

During this period of time, the persons who have held the office of ministers, except those who served in a provisional or interim capacity, may not hold any of the offices specified in section VI of Article 95 of this Constitution.

The restrictions of this article shall be applicable to judicial officials who are on leave of absence.

The violation of that provided in the preceding paragraphs shall be punishable by the loss of the respective office within the Judicial Power of the Federation, as well as of any future compensation or benefits that he or she may have been entitled to, independent of any other sanctions that the laws provide.

Article 102

• Attorney general

A. The law shall organize the Public Ministry of the Federation, the public officials of which shall be appointed and removed by the Executive, in accordance with the respective law. The Public Ministry of the Federation shall be presided over by a Attorney General of the Republic appointed by the head of the Federal Executive and ratified by the Senate or, during its recess, by the Permanent Commission. To be the Attorney General, it is required: to be a Mexican citizen by birth; have attained the age of thirty-five (35) years by the day of the designation; have attained the professional title of attorney at law at least ten years prior to the appointment; enjoy a good reputation, and not have been convicted of a fraudulent crime. The Attorney General may be freely removed by the Executive.

The prosecution before the courts of all federal offenses shall be incumbent on the Public Ministry of the Federation; therefore, it shall request orders of apprehension for offenders; search for and present evidence as to their culpability; see that trials are conducted with due regularity to ensure that the administration of justice is prompt and efficient; request the application of punishment; and intervene in all other matters determined by law.

The Attorney General of the Republic shall personally intervene in controversies and actions referred to by Article 105 of this Constitution.

In all matters where the Federation is a party, in cases involving diplomats, and consuls general, and in any others in which the intervention of the Public Ministry of the Federation is necessary, the Attorney General does so himself or through his agents.

The Attorney General of the Republic and his agents shall be responsible for every offense, omission, or violation of law that they incur in the discharge of their functions.

The function of the legal counsel (consejero jurídico) of the government shall fall under a dependency of the Federal Executive, which, to that effect, the law establishes.

- Human rights commission
- B.** The Congress of the Union and the legislatures of the federal entities, within the ambit of their respective competences, shall establish organs to safeguard the human rights guaranteed by the Mexican juridical order, which shall acquaint themselves with all complaints against the acts or omissions of an administrative nature committed by any public authority or official, with the exception of those of the Judicial Power of the Federation, that violate these rights.

The organs referred to in the preceding paragraph shall formulate non-binding public recommendations (no vinculatorias) and denunciations and complaints before the respective authorities.

These organs shall not be competent in any electoral, labor, or jurisdictional matters.

The organ to be established by the Congress of the Union shall be known as the National Commission of Human Rights, which shall be autonomous in its management and budget, juridical personality, and its possessions.

The National Commission of Human Rights shall have a Consultative Council composed of ten members, who shall be elected by the vote of two-thirds of the present members of the Chamber of the Senators or, during its recess, by the Permanent Commission of the Congress of the Union by the same qualifying vote. The law shall determine the procedures to follow for the introduction of such nominations. The two most senior council members shall be replaced annually, unless they are nominated and ratified for a second period.

The President of the National Commission of Human Rights, who shall also preside over the Consultative Council, shall be elected under the same terms provided in the preceding paragraph. He shall remain in office for five years, can be reelected for only one additional term, and can only be removed from the position in under the terms of the Fourth Title of this Constitution.

The President of the National Commission of Human Rights shall present an annual activity report to the Powers of the Union. To that effect, he shall appear before the Chambers of the Congress under the terms provided by law.

The National Commission of Human Rights shall become acquainted with the inconformities (inconformidades) presented to it regarding the recommendations, agreements, or omissions of the equivalent organs of the federal entities.

Article 103

The Federal Courts shall resolve all controversies that arise:

- I. From acts of the authority that violates individual guarantees.
- II. From acts of the federal authority that infringe upon or restrict the sovereignty of the States or the sphere of competence of the Federal District, and
- III. From acts authorities of States or the Federal District that invade the sphere of competence of the federal authority.

Article 104

It is incumbent on the courts of the Federation to take cognizance of:

- I. All controversies of a civil or criminal nature that arise from the enforcement and application of federal laws or from international treaties concluded by the Mexican State. Whenever such controversies affect private interests only, the regular local judges and courts of the States and the Federal District may also take cognizance at the election of the plaintiff. Judgments of first instance may be appealed to the next higher court above that in which the case was first heard.
- I-B. Recourses for revision interposed against the definitive resolutions of the courts administrative disputes referred to in section XXIX-H of Article 73, and section IV, clause e) of Article 122 of this Constitution, only in cases as specified by the law. The revisions subject to review by the Collegiate Circuit Courts shall be subject to procedures that the regulatory law of Articles 103 and 107 of this Constitution sets for the revision in indirect injunction (amparo indirecto), and against the resolution issued by the Collegiate Circuit Courts there shall be no judgment or any recourse.
- II. All controversies that involve admiralty law.
- III. Those in which the Federation is a party.
- IV. All the controversies and actions referred to in Article 105, which shall fall under the exclusive jurisdiction of the Supreme Court of Justice of the Nation.
- V. Those that arise between a State and one or more residents of another State, and
- VI. All cases that involve members of the diplomatic and consular corps.

Article 105

The Supreme Court of Justice of the Nation shall determine, under the terms specified by the regulatory law, the following matters:

- I. Constitutional controversies, with the exception of those pertaining to electoral matters and to the provisions of Article 46 of this Constitution, which arise between:
 - a. The Federation and a State or the Federal District;
 - b. The Federation and a Municipality;
 - c. The Executive Power and the Congress of the Union; or either one of its Chambers or, as may be the case, the Permanent Commission, as federal organs or of the Federal District;

- d. Two States;
- e. A State and the Federal District;
- f. The Federal District and a Municipality;
- g. Two Municipalities of different States;
- h. Two Powers of the same State, regarding the constitutionality of their acts or general provisions;
- i. A State and one of its Municipalities, regarding the constitutionality of their acts or general provisions;
- j. A State and a Municipality of another State, regarding the constitutionality of their acts or general provisions, and
- k. Two organs of government of the Federal District, regarding the constitutionality of their acts or general provisions.

Whenever the controversies involve general provisions of the States or Municipalities challenged by the Federation, of the Municipalities challenged by the States, or in the cases referred to by clauses c), h), and k) above, and the resolution of the Supreme Court of Justice has declared such acts or provision invalid, such resolution shall have general effect only after it has been approved by a majority of at least eight votes.

In all other cases, the resolutions of the Supreme Court of Justice shall have effect only with respect to the parties in the controversy.

• Constitutionality of legislation

II. Actions of unconstitutionality that have as their object to raise possible inconsistencies between a norm of a general character and this Constitution.

Such actions of unconstitutionality may be brought within thirty days following the publication of the norm, by:

- a. The equivalent of thirty-three percent (33%) of the members of the Chamber of Deputies of the Congress of the Union against federal laws or those of the Federal District enacted by the Congress of the Union;
- b. The equivalent of thirty-three percent (33%) of the members of the Senate against federal laws or those of the Federal District enacted by the Congress of the Union or international treaties concluded by the Mexican State;
- c. The Attorney General of the Republic against federal or state laws or those of the Federal District, as well as international treaties concluded by the Mexican State;

• International law
• Legal status of treaties

• Federal review of subnational legislation
• International law
• Legal status of treaties

- d. The equivalent of thirty-three percent (33%) of the members of state legislative organs against laws passed by the appropriate organ;
- e. The equivalent of thirty-three percent (33%) of the members of the Assembly of Representatives of the Federal District against laws enacted by this Assembly; and
- f. The political parties registered with the Federal Electoral Institute, through their national leadership, against federal or state electoral laws; and the political parties with state registration, through their leadership, exclusively against electoral laws passed by the legislative organ of the state that granted the registration;
- g. The National Human Rights Commission against federal or state laws or those of the Federal District, as well as against international treaties concluded by the Federal Executive and approved by the Senate of the Republic which violate human rights recognized in this Constitution; the equivalent human rights protection bodies in the States against laws enacted by the local legislatures, and the Human Rights Commission of the Federal District against laws adopted by the Legislative Assembly of the Federal District.

The only way to raise the issue of inconsistency of electoral laws with the Constitution is that provided in this Article.

The federal and local electoral laws must be promulgated and published at least ninety (90) days before the electoral process begins in which they will be applicable, and there may be no fundamental legal modifications to them during that period.

The resolutions of the Supreme Court of Justice shall only declare the unconstitutionality of the challenged norms provided they were approved by a majority of at least eight votes.

- III. By itself or upon a founded (fundada) petition by the appropriate Unitary Circuit Tribunal or the Attorney General of the Republic, it may take cognizance (podrá conocer) of the recourse of appeal against sentences of District judges in those cases in which the Federation is a party and in which their interest and importance merit its participation.

The declaration of invalidity of the resolutions to which sections I and II of this article refer shall not have retroactive effects, except in criminal matters, which shall be governed by the general principles and legal provisions that are applicable to this matter.

In case of noncompliance with the resolutions referred to in sections I and II of this article, the procedures established in the first two paragraphs of section XVI of Article 107 of this Constitution shall be applicable.

Article 106

It is incumbent on the Judicial Power of the Federation shall have, within the terms of the respective law, the responsibility to resolve controversies that, for the reason of competence arise between the courts of the Federation, and those of the States, between those of two States, and between the State courts and those of the Federal District.

Article 107

All controversies referred to in Article 103 shall be subject to procedures and forms of the juridical order determined by law, in accordance with the following bases:

- I. A trial for judicial relief (amparo) shall always be held at the instance of the injured party.
- II. The judgment shall always be such that it affects only private individuals, being limited to affording them redress and protection in the particular case to which the complaint refers without making any general declaration as to the law or act on which the complaint is based.

Judicial relief trials must resolve the complaints in accordance with the provisions of the Regulatory Law of Articles 103 and 107 of this Constitution.

In cases where members of an ejido or communal holders having a de facto or de jure communal status contest acts that resulted or could result in depriving them of ownership or possession and enjoyment of their lands, waters, pastures, and hills; all the evidence that can benefit the mentioned entities and individuals shall be collected, and the steps necessary and required to ensure the claimants' rights, shall be taken.

The cases referred to in the preceding paragraph shall not be dismissed for lack of procedural activity or expiry, at any level. When actions that affect the collective rights of concentrations of population are challenged, such challenges cannot be dismissed nor the actions consented to unless, in the first instance, they are agreed to by the General Assembly or the consent emanates from the latter.

- III. Relief (amparo) from judicial, administrative, or labor court rulings shall be granted only:
 - a. Against final judgments or awards and resolutions, which bring the trial to an end, against which no ordinary recourse is available by virtue of which these judgments can be modified or amended, where the violation of the law is committed in the judgments or awards, or whether, if committed during the course of the trial, the violation prejudices the petitioner's defense to the extent of affecting the judgment; provided that in civil matters timely objection and protest were made against it because of refusal to certify the wrong and that if the violation was committed in first instance, it was urged in second instance as a grievance. These requisites will not be necessary in judicial relief proceedings against judgments that pertain to marital status or that affect the order and stability of the family;

• Right to amparo

• Establishment of administrative courts
• Establishment of labor courts

- b. Against acts at the trial, the execution of which would be irreparable out of court, or at the conclusion of the trial once all available recourses have been exhausted, and
 - c. Against acts that affect persons who are strangers to the trial.
- IV. In administrative matters, cases of judicial relief may be invoked against decisions that cause an injury that cannot be remedied through any legal recourse, trial, or defense. It shall not be necessary to exhaust these remedies when the law that established them, in authorizing the suspension of the contested act, demands greater requirements than the regulatory law for trials in such cases requires as a condition for ordering such suspension.
- V. Relief against final judgments or awards and resolutions that effectively conclude a trial, based on violations committed during the course of the trial or at the time the judgment was made, will be considered before the corresponding Collegiate Circuit Tribunal, in accordance with the distribution of competences established in the Organic Law of the Judicial Power of the Federation, in the following cases:
- a. In criminal matters, against final rulings given by judicial courts, whether they are federal, of the common order, or military;
 - b. In administrative matters, when private individuals challenge the final decisions or judgments of administrative or judicial courts that bring a trial to an end, and there is no other ordinary recourse or legal remedy available;
 - c. In civil matters, when they are final judgments decreed in proceedings of federal order or in mercantile proceedings, regardless of whether the ruling authority is federal or local, or in proceedings of the common order;

The judgments in federal civil trials can be challenged in a case of judicial relief (amparo) by any of the parties, including the Federation, in defense of their patrimonial interests, and

- d. In labor matters, for awards made by the federal or local boards of conciliation and arbitration or by the federal conciliation and arbitration tribunal of workers in service to the State.

The Supreme Court of Justice, on its own initiative or upon founded petition made by the corresponding Collegiate Circuit Courts or the Attorney General of Republic, may hear cases of direct judicial relief (amparo), when their interest and implications so merit.

- VI. In the cases referred to in the preceding section, the regulatory law of Articles 103 and 107 of this Constitution shall specify the procedure and terms to be followed by the Collegiate Circuit Courts, and, as may be the case, the Supreme Court of Justice, in issuing their respective resolutions.

- VII.** When a writ of relief (amparo) against acts at the trial, outside the trial, or after its conclusion, or if persons foreign to the case are affected, against laws or against acts of administrative authorities, application shall be made to the district judge in whose jurisdiction is located the place in which the act in question was performed or was to be performed, and the procedure shall be limited to the report from the authority in question, to a hearing for which a single summons will include the order for submission of the report and for evidence to be presented by the interested parties and their allegations, the judgment to be rendered at this same hearing.
- VIII.** Judgments of District judges or Unitary Circuit Courts in cases of relief (amparo) shall be subject to review. The Supreme Court of Justice will review such judgments in the following instances:

- a. When the petition for relief has been challenged because it directly violates this Constitution, federal, state, or local laws, international treaties, regulations enacted by the President of the Republic in accordance with section I of Article 89 of this Constitution, and regulations of state and local law made by the governors of the States or by the Head of the Federal District where constitutional challenge remains;
- b. In any of the cases included in sections II and III of Article 103 of this Constitution.

The Supreme Court of Justice, on its own initiative or upon a founded petition made by the corresponding Collegiate Circuit Tribunal or the Attorney General of Republic, may hear cases of direct judicial relief (amparo) when their interest and implications so merit.

In the instances not referred to in the previous paragraphs, the cases of relief (amparo) will be brought before the Collegiate Circuit Courts, and there shall be no recourse admitted against their judgments;

- IX.** The decisions in cases of judicial relief (amparo) pronounced by a Collegiate Circuit Court may not be appealed unless the decision involves the constitutionality of a law or establishes a direct interpretation of a Constitutional provision, the resolution of which, in the judgment of the Supreme Court and in accordance with the general principles of law, involves the determination of an important and transcendental matter. Cases may only be appealed to the Supreme Court of Justice only in these instances, and such appeal shall be limited exclusively to the resolution of the actual constitutional questions.
- X.** The contested acts may be subject to suspension in those cases and under conditions and guarantees specified by law, with respect to which account shall be taken of the nature of the alleged violation, the difficulty of remedying the damages that might be suffered by the injured party by its performance, and damages that the suspension might cause to third parties and the public interest.

Such suspension must be granted with respect to final judgments in criminal matters at the time notice is given of the application for a writ of relief (amparo), and in civil matters when bond is posted by the plaintiff to cover liability for damages resulting from the suspension, but this is waived if the other party also pays bond to ensure the restoration of things as they were if relief is granted and to pay resulting damages.

- XI.** The suspension shall be requested from the responsible authority, in the case of direct relief (amparo) before the Collegiate Circuit Courts, and the appropriate authority shall issue a decision in the matter. In all cases, the aggrieved party must present the petition for relief before the proper responsible authority, accompanied by copies of the petition for the other parties in the case, including the Public Ministry, and one for the judicial files. In other cases, the petition for suspension shall be brought before and resolved by the district judges or the Unitary Circuit Courts.
- XII.** Violations of the guarantees set forth in Article 16, in criminal matters, and Articles 19 and 20, may be taken before the superior body of court that committed them, or before the appropriate District judge or Unitary Circuit Tribunal, and in either case the decision shall be rendered in accordance with the terms prescribed in section VIII.

If the District judge or Unitary Circuit Tribunal does not reside in the same place where the responsible authority resides, the law shall specify the judge before whom the writ of relief must be presented, and that judge may provisionally suspend the act in question, in those cases and under the terms established in the same law.

- XIII.** If the Collegiate Circuit Courts render contradictory opinions in relief (amparo) cases within their competence, the ministers of the Supreme Court of Justice, the Attorney General of the Republic, the aforementioned courts, or the parties that intervened in the case where the challenged opinion was rendered, may denounce such contradiction before the appropriate section, to decide which opinion shall prevail as jurisprudence.

When the Chambers of the Supreme Court of Justice sustain contradictory opinions in relief (amparo) cases within their competence, any one Chamber or the Attorney General of the Republic, or any of the parties who intervened in the cases in which these opinions were sustained, may denounce the contradiction before the Supreme Court of Justice, which, functioning in Plenary, shall decide which opinion shall prevail.

Both in this instance and in the case provided for in the preceding paragraph, the decision rendered by the sections or the Supreme Court as a whole shall be solely for the effect of setting the precedent and shall not affect the concrete judicial situation deriving from contradictory judgments in the case in which they were rendered.

- XIV.** Except as provided in the last paragraph of section II of this article, the case of relief will be dismissed or declared to have expired because of inactivity by the plaintiff or the appellant, respectively, when the act appealed was of civil or administrative order, in those cases and according to the terms specified by the regulatory law. The dismissal of the case for inactivity shall have the effect of making the appealed judgment final.

XV. The Attorney General of the Republic or an agent of the Federal Public Ministry designated for the purpose shall be a party in all proceedings of relief (amparo) but may abstain from intervening in such cases if the matter in question lacks, in his judgment, public interest.

XVI. If, after relief (amparo) has been granted, the responsible authority insists on the repetition of the contested act or attempts to evade the decision of the federal authority, and the Supreme Court of Justice deems that the noncompliance is inexcusable, he shall be immediately removed from office and brought before the appropriate District judge. If it was excusable, with a prior declaration of noncompliance or repetition, the Supreme Court will provide sufficient time for the official to comply with the judgment. If the authority does not comply with the judgment within the time granted, the Supreme Court of Justice shall proceed in accordance with the terms originally specified.

When the nature of the act permits, the Supreme Court of Justice, once it has determined the noncompliance or repetition, may decide on its own to require compliance with the judgments of relief (amparo) when noncompliance seriously affects society or third parties in a greater proportion than the economic benefits that the plaintiff could obtain. Equally, the plaintiff may request the appropriate organ to force compliance with the judgment of relief, as long as the nature of the act allows it.

Procedural inactivity or the lack of advancement by the interested party in cases to enforce the judgments on relief (amparo) shall result in its expiry in accordance with the terms of the regulatory law.

XVII. The responsible authority shall be taken before the appropriate authority whenever he fails to suspend the appealed act when bound to do so, and when he posts bond that is illusory or insufficient, and in such cases the responsible authority and bondsman are jointly and severally liable, and

XVIII. (Abrogated).

FOURTH TITLE: Responsibility of Public Officials and the State

Article 108

For the purposes of determining the responsibilities set forth in this title, public officials shall be deemed to include popularly elected representatives, members of the Federal Judicial Power and the Judicial Power of the Federal District, officials and employees, and in general all persons who hold positions, duties, or commissions of any nature in the Congress of the Union, the Legislative Assembly of the Federal District, the Federal Public Administration or the Federal District, as well as officials of entities which are endowed by this Constitution with autonomy, all of whom shall be liable for the acts or omissions perpetrated in the discharge of their respective functions.

• Head of state removal

During his term of office the President of the Republic may be impeached only for treason to the country and serious common law crimes.

The State governors, deputies of the local legislatures, and magistrates of Superior Tribunals of Local Justice, and, as the case may be, the members of Councils of the Local Judiciaries shall be liable for violations of this Constitution and the federal laws as well as for the improper administration of federal funds and resources.

The constitutions of the States of the Republic shall confer, in the same terms as the first paragraph of this Article and consistent with their responsibilities, the status of public officials to those persons who hold employment, duties, or commissions in the States and the municipalities.

Article 109

The Congress of the Union and the Legislatures of the States, within the scope of their respective competences, shall enact laws establishing the responsibilities of public officials and any other norms for which they may be held accountable, specifying their liabilities, in accordance with the following considerations:

- I. They shall impose, through a political trial, the sanctions indicated in Article 110 on the public officials designated therein, when in the exercise of their functions such servants have committed acts or omissions to the detriment of the fundamental public interest, or to their own best interest.

A political trial cannot take place for the mere expression of ideas.

- II. The commission of crimes by any public official shall be prosecuted and punished in accordance with the terms of the applicable criminal laws, and
- III. Administrative sanctions will be applied to public servants for acts and omissions that affect the legality, honor, loyalty, impartiality, and efficiency that must be observed in the discharge of their employment, duties, or commissions.

The procedures for the application of the aforementioned sanctions shall be developed autonomously. Sanctions of the same nature may not be imposed twice for a single act.

The laws shall determine the instances and circumstances under which public officials may be criminally penalized for illicit enrichment while holding their offices, for themselves or for any other person, when they substantially increase their wealth, acquire goods, or utilize goods as if they were their owners, when there is no legal justification to do so. The criminal laws shall include the penalties of confiscation and seizure of these goods besides any other sanctions it deems appropriate.

Any citizen, under his/her most strict responsibility and through the presentation of evidence, may formulate an accusation before the Chamber of Deputies of the Congress of the Union with respect to the conduct referred to in this article.

Article 110

The following may be subject to political trial: the Senators and Deputies of the Congress of the Union, the Ministers of the Supreme Court of Justice of the Nation, the Members of the Council of the Federal Judiciary, the Secretaries of State (Secretarios de Despacho), the Representatives of the Assembly of the Federal District, the Head of Government of the Federal District, the Attorney General of the Republic, the Attorney General of Justice of the Federal District, Circuit Magistrates and District Judges, the Magistrates and Judges of Common Law (Fuero Común) of the Federal District; the Members of the Council of the Judiciary of the Federal District; the Council President, council members and the executive secretary of the Federal Electoral Institute, the magistrates of the Electoral Tribunal, the Directors General or their equivalents of decentralized bodies, enterprises with majority state participation, societies and associations associated with these, and public trusts.

The State governors, local deputies, magistrates of local Superior Tribunals of Justice, and, in their case, the members of the councils of state judiciaries, may be subject to political trial under the terms of this title only for serious violations of this Constitution and the federal laws that emanate from it, as well as for the improper administration of federal funds and resources, but in this case, the ruling shall be only declarative, and it shall be communicated to the state legislatures so that, in the exercise of their powers, they may proceed accordingly.

The sanctions shall consist of the dismissal of the public official, who from that point shall be unable to hold any position, employment, duty, or commission of any nature in the public service.

For the application of the sanctions referred to above, the Chamber of Deputies shall remit the respective accusation to the Chamber of Senators, such declaration having been made by the majority of the members present in the session of the Chamber of Deputies, and after having concluded the proceeding and hearing the accused.

Cognizant of the accusation, the Chamber of Senators constituted as a grand jury shall impose the appropriate penalty by resolution of two-thirds of the members present in session, with the appropriate diligence and after hearing the accused.

The declarations and resolutions of the Chambers of Deputies and the Senators are unchallengeable (inatacables).

Article 111

In order to proceed criminally against the Deputies and Senators of the Congress of the Union, the ministers of the Supreme Court of Justice of the Nation, the magistrates of the Superior Chamber of the Electoral Tribunal, the council members of the Federal Judiciary, the Secretaries of State, the Representatives of the Assembly of the Federal District, the Head of Government of the Federal District, the Attorney General of the Republic and the Attorney General of Justice of the Federal District, as well as the president and members of the General Council of the Federal Electoral Institute, for the commission of crimes while in office, the Chamber of Deputies must declare by an absolute majority of its members present in session, whether or not there are grounds to proceed against the accused.

If the Chamber's resolution is negative, all further proceedings shall be suspended, but that shall not constitute an obstacle for the accused to be charged with such crime after he or she has left office, for this decision does not, in any way, prejudice the merits of the accusation (imputación).

If the Chamber declares that there are grounds to proceed, the subject shall be at the disposal (disposición) of the competent authorities, which shall then proceed in accordance with the law.

- Central bank
- Cabinet removal
- Electoral court removal
- Head of state removal
- Supreme/ordinary court judge removal
- Removal of individual legislators

- Cabinet removal
- Electoral court removal
- Head of state removal
- Immunity of legislators
- Supreme/ordinary court judge removal
- Removal of individual legislators

Regarding the President of the Republic, the accusation shall only be brought before the Chamber of Senators in accordance with the terms of Article 110. In this instance, the Chamber of Senators shall reach a decision based on the applicable penal legislation.

To be able to proceed penalty against the State governors, local deputies, magistrates of the Superior Tribunals of Justice of the States, and, as may be the case, members of the local councils of the judiciary, for federal crimes, the same procedures previously established in this article shall be followed, but, in these cases, the declaration of justification will have the effect of communicating to the state legislatures that by exercising their power they may proceed as appropriate.

The declarations and resolutions of the Chambers of Deputies and the Senators are unchallengeable.

The effect of the declaration that gives grounds to proceed against the accused shall be loss of office and shall make him subject to a criminal process. If the accused is acquitted, he may resume his office. However, if he is found guilty of a crime committed during the exercise of the office, the defendant (*indulto*) shall not be granted a pardon.

A declaration of justification (*procedencia*) shall not be required in proceedings of the civil order that are brought against any public official.

Penal sanctions will be applied in accordance with penal legislation, and in the case of crimes from which the accused obtained an economic benefit or caused economic damage or injury, such sanctions must be in proportion to the profit obtained and with the need to satisfy the damages and injuries caused by the illicit conduct.

The economic sanctions shall not exceed three times the benefits obtained or the damages or injuries caused.

Article 112

A declaration of justification from the Chamber of Deputies is not required when a public official, as referred to in the first paragraph of Article 111, commits a crime during the time when he was not holding office.

If the public official has returned to discharge his or has been named or elected to another post covered by Article 111, the proceedings shall follow the provisions of that precept.

Article 113

The laws regarding administrative responsibilities shall determine the obligations of public officials, with the purpose of safeguarding the legality, honor, loyalty, impartiality, and efficiency in the discharge of their functions, positions, duties, and commissions; the sanctions applicable for acts or omissions that they incur, as well as the procedures and authorities to apply them. These penalties shall consist, in addition to those provided by law, of suspension, dismissal, and disqualification, as well as economic sanctions, and must be set in proportion to the economic benefits obtained by the responsible and with the economic damages caused by his acts or omissions as referred to by section III of Article 109, but they may not exceed three times the benefits obtained or the damages and injuries caused.

The responsibility of the State for damages caused to the property or rights of private individuals resulting from irregular administrative activities shall be objective and direct. The individuals shall have the right to an indemnification in accordance with the bases, limits, and procedures established by law.

Article 114

The political trial procedure may be initiated only during the period in which the public official is in office and within a year afterwards. The corresponding sanctions shall be applied within a period no greater than a year after the procedure is initiated.

The responsibility for crimes committed during the time in office by any public official will be required to be in accordance with the prescriptive terms of prescription provided in the penal law, which shall never be less than three years. The prescriptive terms are interrupted when a public official holds one of the offices referred to in Article 111.

The law shall specify the cases of prescription of administrative responsibility, taking into account the nature and consequences of the acts and omissions as referred to in section III of Article 109. When these acts or omissions are serious, the prescriptive terms shall not be less than three years.

FIFTH TITLE: States of the Federation and the Federal District

Article 115

The States shall adopt, for their internal government (régimen), the republican, representative, and popular form of government (gobierno), with the "Free Municipality" (Municipio Libre) as the basis of their territorial division and political and administrative organization, in accordance with the following principles:

- I. Each Municipality shall be governed (gobernado) by a council (ayuntamiento) elected by direct popular vote and constituted by a Municipal President and the number of aldermen (regidores) and councilors (síndicos) determined by law. The competence granted by this Constitution to the municipal government shall be exercised in an exclusive manner, and there shall be no intermediate authority between it and the government of the State.

Municipal presidents, aldermen and members of the councils, chosen by direct popular election, may not be reelected for the term immediately following. Persons who discharge the functions of those offices either by indirect election, appointment or designation by any authority, no matter what title they may be given, likewise may not be reelected for the term immediately following. None of the aforementioned officials, when [actually] holding office, may be elected for the term immediately following as alternates, but persons designated as alternates may be elected as office holders the term immediately following unless they have performed such duties during the preceding term.

The local legislatures, with the consent of two-thirds of their members, may suspend the councils, declare their dissolution, and suspend or revoke the office of any of their members for any of the serious causes that the local law provides (prevenga), as long as their members have had sufficient opportunity to submit the evidence and make the arguments that in their judgment they believe to be opportune.

Members leaving office shall be substituted by their alternates or according to the provisions of the law.

In cases where a council has been declared dissolved or when, because of the resignation or absence of the majority of its members and where, conforming to the law, it is not appropriate for the alternates to enter into their functions and there are no new elections, the State legislatures shall appoint people to the municipal councils from within the community to conclude the respective terms. These councils shall consist of the number of members determined by law, and they shall comply with the same eligibility requirements as established for the aldermen.

- II. Municipalities shall be vested with juridical personality and shall administer their assets in accordance with the law.

The councils shall be empowered to approve, in accordance with the laws on municipal matters enacted by the state legislatures, the orders of police and government, and the regulations, circulars and administrative provision of general observance within their respective jurisdictions, that organize the public municipal administration, regulate the matters, procedures, functions, and public services of their competence and ensure citizen and community participation.

The purpose of the laws referred to in the preceding paragraph is to establish:

- a. The general bases of public municipal administration and administrative organs to settle the controversies which may arise between the administration and private parties, subject to the principles of equality, public notice, hearing, and legality;
- b. The cases in which the agreement of two-thirds of the members of the councils shall be required to make resolutions affecting the municipal real-estate or acts or contracts that will either compromise municipal property or commit the municipality for a longer period than that of the council's term;
- c. The general standard procedures to subscribe the types of contracts referred to in sections III and IV of this article, as well as the second paragraph of Article 116 of this Constitution;
- d. The procedure and conditions for the state government to assume a municipal function or service, when, in the absence of the corresponding compact, the state legislature may consider that it is impossible for the municipality to exercise the function or perform the service; in these instances, previous request of the respective council shall be necessary, to be approved by a vote of two-thirds of its members, and
- e. The provisions applicable to those municipalities lacking edicts or corresponding regulations.

The state legislatures shall issue the norms for the settlement of any disputes which may arise between municipalities and the state government, or among themselves, resulting from acts derived from clauses c) and d) above.

- III. The municipalities shall be responsible for the following functions and public services:
- a. Drinking water, drainage, sewage, and treatment of their waste water;
 - b. Public lighting;
 - c. Cleaning, collection, transfer, treatment, and final disposal of waste;
 - d. Markets and supply centers;
 - e. Cemeteries;
 - f. Public walkways;
 - g. Streets, parks, and gardens, and their maintenance;
 - h. Public security, in accordance with the terms of Article 21 of this Constitution, municipal preventive policing, transit; and
 - i. Conclude compacts for the administration and custody of federal zones.

Without prejudice to their constitutional competences, in the discharge of functions or providing services that are their responsibility, municipalities must observe (observarán) provisions of federal and state laws.

The Municipalities, subject to a previous agreement among their councils, may coordinate and associate with each other in order to provide public services more efficiently or to ensure the most professional exercise of the functions that correspond to them. In this case and when the association involves municipalities of two or more States, the prior consent of the legislatures of the respective States shall be required. At the same time, when the respective council deems it necessary, they may conclude compacts with the State, so that the latter may either directly or through the corresponding organ temporarily assume the administration of some of them, or in coordination by both the State and the municipality.

The indigenous communities within the municipal ambit may coordinate and associate with one another under the terms and for the purpose provided by law.

- IV. The Municipalities shall freely administer their finances, which shall include any profits obtained from property owned by them, as well the taxes and other revenue that the legislatures establish in their favor, and in any case:

- a. They shall collect taxes, including additional taxes, which the States establish for real property, and its fractioning, division, consolidation, transfer, and improvement, as well as for any other things which change the value of real property;

The Municipalities may make compacts with their States so that the latter may assume some of the responsibilities related to the administration of the aforementioned contributions.

- b. The federal participations, which shall be covered by the Federation for the municipalities in accordance with the bases, amounts, and terms which are determined annually by the legislatures of the States;
- c. They collect revenue derived from the provision of public services in their charge.

• Subsidiary unit government

Federal laws shall not limit the power of the States to establish the taxes referred to in clauses a) and c), and they shall not grant any exemptions to them. State laws shall not establish exemptions or subsidies with respect to the mentioned contributions in favor of any person or institution. Only the goods of the public domain of the Federation, the States, or of municipalities will be exempt from these taxes, except when these goods are used by state entities or private parties, under any title, for administrative ends, or objectives distinct from the public end.

The councils, within the ambit of their competence, shall propose to the state legislatures the fees and tariffs applicable to taxes, licenses, building permits, and the tables of per-unit values of land and construction which serve as the base for the collection of taxes on real property.

• Subsidiary unit government

The State legislatures shall pass laws establishing the income laws of the municipalities and shall review and scrutinize their public accounts. The budgets of expenditures shall be approved by the council on the basis of their disposable income.

The resources constituting the municipal finances shall be managed directly by the councils or by whomever they shall authorize in accordance with the law.

- V. The Municipalities, in accordance with the terms of the relevant State and federal laws, shall be empowered to:
 - a. Formulate, approve, and administer zoning and other plans of municipal urban development;
 - b. Participate in the creation and administration of their territorial reserves;

- c. Participate in the formulation of regional development plans, which must be consistent with the general plans on the matter. When the Federation or the States develop projects of regional development, they must ensure the participation of municipalities;
- d. Authorize, control, and watch over land use, within the ambit of their competence in their territorial jurisdictions;
- e. Intervene in the regulation of ownership of urban lands;
- f. Grant licenses and permits for construction;
- g. Participate in the creation and administration of ecological reserve zones, and in the creation and implementation of programs in these areas;
- h. Intervene in the formulation and implementation of public transportation projects, when these impact their territorial ambit, and
- i. Conclude compacts for the administration and custody of federal zones.

In conducting these, and in accordance with the objectives set forth in the third paragraph of Article 27 of this Constitution, they shall enact the regulations and administrative provisions that are deemed to be necessary.

- VI. When two or more urban centers located within the municipal territories of two or more federal entities form or tend to form a continuous demographic area, the Federation, the federal entities, and the respective municipalities, within the ambit of their competences, shall plan and regulate the development of these centers in a joint and coordinated manner, following the relevant federal law.
- VII. The municipal preventive police shall be headed by the municipal president, in accordance with the terms of the corresponding regulation. The police shall follow the orders of the governor of the State, but only in cases of force majeure or when there is a serious disturbance of the public order.

The Federal Executive shall be in command of the public forces in the locations where he usually or temporarily resides.

- VIII. The laws of the States shall introduce the principle of proportional representation in the election of all the municipal councils.

The labor relations between municipalities and their workers shall be regulated by the laws enacted by the State legislatures on the basis of provisions of Article 123 of this Constitution and their regulatory provisions.

IX. (Abrogated).

X. (Abrogated).

Article 116

The public power of the States shall be divided, for its exercise, into Executive, Legislative, and Judicial and two or more of these powers shall never reside in a single person or body, nor shall the legislative power be vested in a single individual.

The powers of the States shall be organized in accordance with their respective constitutions, subject to the following norms:

- I. The governors of the States may not hold their offices for more than six years.

The elections of the Governors of the States and of the local legislatures shall be direct, and in accordance with the provisions of the respective electoral laws.

The Governors of the States, regardless of whether they took office by ordinary or extraordinary popular election, may in no case and for no reason return to occupy the office, not even in the capacity of interim, provisional, substitute, or acting Governor.

The following may never be reelected for the term immediately following:

- a. The substitute constitutional Governor or the person designated to conclude the term in the case of a permanent absence of the constitutional [Governor], even if he has been granted a different title;
- b. The interim or provisional Governor, or the citizen who under any title temporarily replaces the Governor, when he held the office during the last two years of the term.

Only a Mexican citizen by birth and native of the State in question, or with effective residence in the State of no less than five years immediately before the day of the election, may become the constitutional governor of a State.

- II. The number of representatives in the State legislatures shall be proportional to the population of each State, but in no instance shall there be fewer than seven deputies for States with a population of less than 400,000 inhabitants; nine, in those where the population has exceeded this number but has not reached 800,000 inhabitants; and eleven (11) in the States where the population is larger than the latter figure.

Deputies to the State legislatures may not be reelected for the immediately following term. Alternate deputies may be elected for the immediately following term in the capacity of a regular (propietario) deputy, as long as they had not been in the exercise of the office, but regular deputies may not be reelected for the immediately following term in the capacity of

alternates.

State legislatures will be composed of deputies elected according to the principles of relative majority and proportional representation, in accordance with the terms specified by their laws.

III. The Judicial Power of the States shall be exercised by the courts established by their respective constitutions.

The independence of magistrates and judges in the exercise of their function must be guaranteed by the constitutions and organic laws of the States, which shall also establish the conditions for the entrance, formation, and permanence of those who serve in the Judicial Powers of the States.

Magistrates of the local Judicial Powers must meet the requisites specified by sections I to V of Article 95 of this Constitution. Persons who have held the offices of Secretary or its equivalent, Attorney General or local deputy in their respective States may not become State magistrates for one year after they have left such offices.

The appointments of magistrates and judges who make up the local Judicial Powers shall be made preferably from those persons who have rendered their services with efficiency and probity in the administration of justice, or who deserve such appointment for their proven honor, competence, and previous experience in other branches of the legal profession.

Magistrates will remain in the exercise of their duties for the time specified by the local Constitution (Constituciones locales), may be reelected, and, if that were the case, may be deprived of their post only under the terms determined by the Constitutions and Laws of Responsibility of Public Officials.

Magistrates and judges shall receive adequate and non-renounceable compensation, which cannot be diminished while in office.

IV. The constitutions and laws of the States pertaining to electoral matters shall guarantee that:

a. The elections of the State governors, the members of State legislatures and municipal councils take place by means of universal, free, secret, and direct suffrage; and that the election day is fixed on the first Sunday of July of the year in which the election is due. The States whose election days are held in the year of the federal elections and do not coincide with the federal election date are not obliged by the latter provision;

b. In the exercise of the electoral function under the responsibility of the electoral authorities the guiding principles shall be those of legality, impartiality, objectivity, certainty, and independence;

• Structure of the courts

• Judicial independence

• Minimum age of ordinary court judges
• Eligibility for ordinary court judges

• Eligibility for ordinary court judges

• Supreme/ordinary court judge removal
• Ordinary court term length

• Protection of judges' salaries

• Scheduling of elections
• Secret ballot
• Claim of universal suffrage

- c. The authorities responsible for the organization of elections and the jurisdictional mechanisms for the settlement of disputes on the matter enjoy autonomy in their functioning and independence in their decision-making;
- d. The electoral authorities of an administrative character may agree with the Federal Electoral Institute that the latter takes over the organization of local electoral processes;
- e. The political parties shall only consist of citizens, without intervention by labor organizations or organizations with different social objectives or the entry of corporate associations. Their exclusive right to request the registration of candidates for elective office, with exception of the provisions of Article 2, section A, subsections III and VII of this Constitution, shall be recognized;
- f. The electoral authorities may intervene in the internal affairs of parties in the terms which they expressly specify;
- g. The political parties receive, in an equitable manner, public funds for their permanent ordinary activities and their competition for votes during election time. The procedure for the liquidation of parties which lose their registration and the disposal of their property and remaining assets is established in the same manner;
- h. The criteria are fixed for the establishment of limits for the expenditure of political parties in their primaries and election campaigns, as well as for the total amount of contributions of their supporters, the total sum of which may not exceed ten percent of the spending limit established for the governor's election; procedures for the control and monitoring of the origin and use of the funds to which the political parties have access; and sanctions are established for the noncompliance with the provisions which apply in these matters;
- i. The political parties have access to radio and television in conformity with the rules established by section B of basis III of Article 41 of this Constitution;
- j. Rules are established on the primaries and election campaigns of the political parties as well as on the sanctions for those who violate them. In no case may the length of the election campaign exceed ninety days in the governor's election, or sixty days if only local deputies and councils are elected; the primaries may not extend over more than two-thirds of the respective election campaigns;
- k. Basic elements of compulsory character are established for the coordination between the Federal Electoral Institute and the local electoral authorities on the matter of controlling the financing of political parties, in the terms specified in the last two paragraphs of basis V of Article 41 of this Constitution;

• Campaign financing

• Campaign financing

• Campaign financing
• Radio
• Television

- l. A complaints system for challenging any electoral acts and decisions is established in order to ensure that they are without exception subject to the principles of legality; similarly, that the conditions and rules in the administrative and judicial spheres are created for a total or partial recount of the vote;
 - m. The grounds for annulment of the elections for governor, local deputies and municipal councils, as well as the time limits for the use of the electoral remedies are fixed, taking into account the principle of the definitive character of the stages of the electoral processes, and
 - n. The crimes and torts in electoral matters are defined and determined, as well as the sanctions which must be imposed for them.
- V. The constitutions and laws of the States may institute courts of administrative disputes (contencioso-administrativo) endowed with full autonomy in pronouncing judgments, which shall have as their responsibility the settlement of the controversies that arise between the State public administrations and private individuals. They shall establish the norms for their organization, their management, their procedure, and the recourses against their decisions.
- VI. Labor relations between the States and their employees shall be regulated by the laws enacted by the State legislatures, based the provisions of Article 123 of the Political Constitution of the United Mexican States and their regulatory provisions, and
- VII. The Federation and the States, under the terms of the law, may agree among them what parts of the exercise of their functions, the execution and operation of public works, and the provision of public services each may assume, when the economic and social development deems it necessary.

The States shall be empowered to enter into compacts with their municipalities with the effect of having them assume the provision of the services or the attention to the functions referred to in the preceding paragraph.

Article 117

The States may not in any case:

- I. Enter into any alliance, treaty, or coalition with another State or with foreign powers.
- II. (Abrogated).
- III. Coin money, issue paper money, stamps, or stamped paper.
- IV. Tax persons or goods passing through their territory.

• International law

- V. Prohibit or tax, directly or indirectly, the entrance into or exit from their territory of any domestic or foreign goods.
- VI. Tax the circulation of domestic or foreign goods by imposts or duties, the exemption of which is made by local customhouses, requiring the inspection and registration of packages or documentation to accompany the goods.
- VII. Enact or maintain in force fiscal laws or provisions that relate to differences in duties or requirements by reason of the origin of domestic or foreign goods, whether this difference is established because of similar production in the locality or because, among such similar production there is a different place of origin.
- VIII. Contract obligations or loans directly or indirectly with governments of other nations or contract obligations in favor of foreign companies or individuals, when they must be paid in foreign currency or outside of the national territory.

States and municipalities may not contract such obligations or loans except when they are destined for productive public investments, and this prohibition is also applicable to decentralized organizations and public enterprises, in accordance with the bases that the legislatures establish by law and by the provisions and up to the amounts that the laws annually set in the budgets. The executives shall report on these in giving their public accounts.

- IX. Tax the production, storage, or sale of tobacco in a manner distinct from or with quotas greater than those authorized by the Congress of the Union.

The Congress of the Union and the State legislatures shall immediately enact laws designed to combat alcoholism.

Article 118

Nor shall the States, without the consent of the Congress of the Union:

- I. Establish ship tonnage dues or any other of port charges, or levy imposts or taxes on imports or exports.
- II. Have, at any time, permanent troops or warships.
- III. Make war by themselves on any foreign power, except in cases of invasion or danger so imminent that it does not admit of delay. In such cases, they shall give an immediate account to the President of the Republic.

Article 119

The Powers of the Union have the duty of protecting the States against all foreign invasion or violence. In any case of internal uprising or disturbance, they shall give them equal protection, provided it is requested by the legislature of the State or by

its Executive if the former is not in session.

Each State and the Federal District is obligated to deliver without delay those accused, processed, or sentenced, as well as practice the securing and delivering of objects, instruments, or products of crime, assisting the authority of any of the federal entities that requires such assistance. These formalities will be practiced, with the intervention of the respective general procuratura of justice, in accordance with the terms of the compacts of collaboration, which, for this purpose, the federal entities may conclude. With the same objectives, the States and the Federal District may enter into compacts of collaboration with the Federal Government, which will be represented by the General Procuratura of the Republic.

Requests for extradition from a foreign State shall be dealt with by the Federal Executive, with the intervention of the judicial authority, in accordance with the terms of this Constitution, the international treaties signed in that respect, and the regulatory laws. In those cases, the writ of the judge ordering compliance with the requests shall be sufficient to motivate the detention of up to sixty (60) natural days.

Article 120

The governors of the States are required to publish and enforce federal laws.

Article 121

Complete faith and credit shall be given in each State of the Federation to the public acts, registries, and judicial proceedings of all the others. The Congress of the Union, through general laws, shall prescribe the manner of proving (probar) such acts, registries, and proceedings, and their effect, by subjecting them to the following principles:

- I. The laws of a State shall have effect only within its own territory and consequently, are not binding outside of that State.
- II. Real and personal property shall be subject to the laws of the place in which they are located.
- III. Judgments pronounced by the courts of one State involving property rights or real property located in another State shall have executory force in the latter only if its own laws so provide.

Judgments on personal rights shall be executed in another State only when the defendant has expressly or by reason of domicile submitted to the court that pronounced it and provided he has been personally cited to appear at the judicial hearing.

- IV. Acts of a civil nature done in accordance with the laws of one State shall have validity in the others.
- V. Professional degrees issued by the authorities of one State, subject to its laws, shall be respected in the others.

Article 122

Consistent with Article 44 of this fundamental law (ordenamiento), which defines the juridical nature of the Federal District, its government shall be the responsibility of the federal powers and the executive, legislative, and judicial organs of a local character, in accordance with the terms of this article.

The local authorities of the Federal District shall include the Legislative Assembly, the Head of Government of the Federal District, and the Superior Tribunal of Justice.

The Legislative Assembly of the Federal District will consist of a number of elected deputies, chosen in accordance to the principles of relative majority and proportional representation, through a system of lists voted on in one multiple districts, in accordance with the terms specified by this Constitution and the Statute of Government.

The Head of Government of the Federal District shall be responsible for executive and public administration of the entity, and such office shall be vested in a single person, elected by a universal, free, direct, and secret vote.

The Superior Tribunal of Justice and the Council of the Judiciary, together with the other organs established by the Statute of Government, shall exercise the judicial function of common order in the Federal District.

The distribution of competences among the powers of the Union and the local authorities of the Federal District shall be subject to the following provisions:

A. It is incumbent on the Congress of the Union:

- I. To legislate on matters relative to the Federal District, with the exception of issues that have been expressly conferred to the Legislative Assembly.
- II. To enact the Statute of Government of the Federal District.
- III. To legislate on matters regarding the public debt of the Federal District.
- IV. To dictate (dictar) the general provisions to ensure the proper, opportune, and efficient functioning of the powers of the Union, and
- V. Other powers (atribuciones) specified by this Constitution.

B. It is incumbent on the Constitutional President of the United Mexican States:

- I. To initiate laws before the Congress of the Union relative to the Federal District.
- II. Propose to the Senate the person who would substitute the Head of Government of the Federal District, in case of his removal.

- III. Send annually to the Congress of the Union, the proposal of the amount of debts necessary to finance the expenditures of the Federal District. To that effect, the Head of Government of the Federal District shall submit the corresponding proposal for the consideration of the President of the Republic, in accordance with the terms provided by the law.
 - IV. Provide, within the administrative sphere, for the exact observance of the laws enacted by the Congress of the Union with respect to the Federal District, and
 - V. Other powers specified by this Constitution, the Statute of Government and the laws.
- C. The Statute of Government of the Federal District shall be subject to the following bases:

FIRST BASIS. With respect to the Legislative Assembly:

- I. The deputies to the Legislative Assembly shall be elected every three years by universal, free, direct, and secret election in accordance with the terms provided by law, which must also take into account, for the organization of elections, the granting of certificates of election, and the means of challenge in electoral matters, as provided in Articles 41, 60, and 99 of this Constitution.
- II. The requirements to become a deputy of the Assembly shall not be lesser than those required for a federal deputy. The provisions of Articles 51, 59, 61, 62, 64, and section IV of Article 77 of this Constitution shall be applicable to the Legislative Assembly and its members, in all areas in which they are compatible.
- III. The political party that obtains, by itself, the most seats by majority vote and at least thirty percent (30%) of the vote in the Federal District shall be assigned a sufficient number deputies of proportional representation to reach the absolute majority of the Assembly.
- IV. It shall establish the dates for the convening (celebración) of two periods of ordinary sessions per year, and the composition and powers of the internal organ of government that will act for it during its recess. The convocation of the Assembly to extraordinary sessions shall be a power of this internal organ upon petition of the majority of its members or the Head of Government of the Federal District.
- V. The Legislative Assembly, in accordance with the terms of the Statute of Government, shall have the following powers:
 - a. To enact its own organic law, which shall be sent to the Head of Government of the Federal District for the sole purpose of ordering its publication;

- Secret ballot
- Claim of universal suffrage

- b. To examine, debate, and approve the annual Budget of Expenditures and the Law of Income of the Federal District, following the approval of the taxes necessary to cover the budget.

The law of income shall not include any debts in excess of those which the Congress of the Union has previously authorized for the financing of the Budget of Expenditures of the Federal District.

The power of the respective initiation of the law of income and the budget of expenditures belongs exclusively to the Head of Government of the Federal District. The period for its presentation concludes on the 30th of November with the exception of the years when an ordinary election of the Head of Government of the Federal District takes place, in which case the deadline shall be the 20th of December.

The Legislative Assembly shall formulate its annual budget bill, which shall be opportunely sent to the Head of Government of the Federal District for its inclusion in his initiative.

The provisions contained in the second paragraph of clause c), section IV, of Article 115 of this Constitution shall be applicable to the public treasury of the Federal District in all areas not incompatible with its nature and its organic regimen of government (régimen orgánico de gobierno).

- c. To review the public account of the previous year, through the main accounting Office of the Treasury of the Legislative Assembly (Contaduría Mayor de Hacienda), in accordance with the applicable criteria established in section IV of Article 74.

The public account of the previous year must be presented to the Legislative Assembly within the first ten days of the month of June. This period, as well as those established for the presentation of the proposed law of revenue and the budget of expenditures, may only be extended in instances where the Executive of the Federal District has provided a sufficiently justified reason in the judgment of the Assembly;

- d. To appoint the substitute in case of a permanent vacancy (falta absoluta) in the office of Head of Government of the Federal District;
- e. To enact the legal provisions for the organization of the public treasury, the main accounting office and the budget, and the accountability and the public expenditures of the Federal District;

- f. To enact the provisions which guarantee in the Federal District fair and authentic elections, by means of universal, free, secret and direct suffrage; subject to the bases established by the Statute of Government, which shall comply with the principles and rules established in clauses b) through n) of section IV of Article 116 of this Constitution; for this purpose the references made by clauses j) and m) to the governor, local deputies and municipal councils shall be understood to refer to the Head of Government, the deputies of the Legislative Assembly and the heads of delegations, respectively;
- g. To legislate on matters of public local administration, its internal regimen and administrative procedures;
- h. To legislate on civil and criminal matters; set up standards for the organization to protect human rights, citizen participation, the public defender's office, notary service and public registration of property and commerce;
- i. To establish standards for civil protection; civic justice and redress for faults of policing, and good government; security services provided by private enterprises; crime prevention and social readjustment; public health and social services, and social planning;
- j. To legislate on matters regarding planning and development; urban development, particularly land utilization; preservation of the environment and ecological protection; housing, construction, and buildings; public roads and streets, transit, and parking; acquisitions and public works; and on the exploitation, use, and enjoyment of the goods owned by the Federal District;
- k. To regulate the granting and conferring of public services; legislate about urban mass transport services, cleaning, tourism and lodging services, markets, supply centers, and cemeteries;
- l. To enact norms regulating economic promotion and employment protection; agricultural development; commercial establishments; animal protection; public events and shows; civic, cultural, and sports promotion; and the social educational function under the terms of section VIII of Article 3 of this Constitution;
- m. To enact the Organic Law of the courts entrusted with the judicial function of the common order of the Federal District, which shall also encompass the responsibilities of the public officials serving in said institutions;
- n. To enact the Organic Law of the Court of Administrative Disputes for the Federal District;

- Secret ballot
- Claim of universal suffrage

- Protection of environment

- ñ. To present initiatives for laws or decrees on matters relative to the Federal District before the Congress of the Union, and
- o. Others that are expressly conferred by this Constitution.

SECOND BASIS. With respect to the Head of Government of the Federal District:

- I. He shall hold the office for a term of six years, beginning on the fifth day of December of the election year, which shall take place in accordance with the terms established by the electoral legislation.

To be Head of Government of the Federal District, one must satisfy the requirements established by the Statute of Government, which must include: being a Mexican by birth in the full exercise of his rights, with an effective residence of three years immediately prior to the day of the election if he is originally from the Federal District, or five uninterrupted years for those born in another entity; to have attained the age of thirty (30) years by the day of the election, and to not have previously held the office of Head of Government of the Federal District in any form. Residence is not interrupted by holding public offices of the Federation in another territorial ambit.

In the case of removal of the Head of Government of the Federal District, the Senate shall appoint, at the request of the President of the Republic, a substitute to complete the term. In the case of a temporary vacancy, the public official specified by the Statute of Government shall fill the vacancy. In the case of a permanent vacancy, either because of resignation or any other cause, the Legislative Assembly shall designate a substitute to conclude the term. The resignation of the Head of Government of the Federal District may be accepted only for serious causes. Leaves from the office shall be regulated in the Statute itself.

- II. The Head of Government of the Federal District shall have the following powers and obligations:
 - a. To observe and execute the laws concerning the Federal District enacted by the Congress of the Union, within the sphere of competence of the executive organ at his charge or its dependencies;
 - b. To promulgate, publish, and execute the laws enacted by the Legislative Assembly, providing for their exact observance in the administrative sphere, through the enactment of regulations, decrees, and compacts. In addition, it may make observations regarding the laws conveyed to him by the Assembly for their promulgation, within a term that shall not exceed ten working days. If the bill subject to the observations is confirmed by a majority of two-thirds of the deputies present, it must be promulgated by the Head of Government of the Federal District;

- c. To present initiatives of laws or decrees before the Legislative Assembly;
- d. To freely appoint and remove the public officials dependent on the local executive organ, whose designation or removal were not provided for in a different manner by this Constitution or the corresponding laws;
- e. To exercise the functions of direction of the public security services in accordance with the Statute of Government, and
- f. Others conferred upon him by this Constitution, the Statute of Government, and the laws.

THIRD BASIS. With respect to the organization of the local public administration in the Federal District:

- I. To determine the general lines and distribution of power among the central, de-concentrated (desconcentrados) and decentralized organs.
- II. To establish the political-administrative organs in each of the territorial demarcations into which the Federal District is divided.

Likewise, to set the criteria to implement the territorial division of the Federal District, as well as the competence of the corresponding political-administrative organs, the form of their composition, functioning, and the relations of the organs with the Head of Government of the Federal District.

The officials (titulares) of the political-administrative organs of the territorial demarcation shall be elected, in universal, free, secret, and direct form, in accordance with the conditions determined by law.

FOURTH BASIS. With respect to the Superior Tribunal of Justice and the other judicial organs of common order:

- I. To become a magistrate of the Superior Tribunal of Justice, one must meet the same requirements that this Constitution demands for the ministers of the Supreme Court of Justice; in addition, it shall be required that magistrates have distinguished themselves in the exercise of the legal profession or in the judicial branch, preferably in the Federal District. The Superior Tribunal of Justice will consist of the number of magistrates specified by the respective organic laws.

In order to fill the vacancies of magistrates of the Superior Tribunal of Justice, the Head of Government of the Federal District shall submit the respective proposal for the decision by the Legislative Assembly. Magistrates shall hold their office for six years and must be ratified by the Assembly; and if they are, they may only be deprived of their posts under the terms of the Fourth Title of this Constitution.

• Minimum age of ordinary court judges
• Eligibility for ordinary court judges

• Supreme/ordinary court judge removal
• Ordinary court selection
• Ordinary court term length

- II. The administration, vigilance, and discipline of the Superior Tribunal of Justice, the lower courts, and other judicial organs shall be the responsibility of the Council of the Judiciary of the Federal District. The Council of the Judiciary shall consist of seven members, one of who shall be the president of the Superior Tribunal of Justice, who shall also preside over the Council. The remaining members shall include: a magistrate, a judge of first instance and a justice of the peace, elected by drawing lots; one designated by the Head of Government of the Federal District, and two others appointed by the Legislative Assembly. All the council members must meet the same requirements demanded of magistrates and will serve for five years, will be substituted in staggered progression, and may not be appointed for a new period.

The Council shall designate the judges of first instance and any others that may be created in the Federal District, in accordance with the terms that the provisions regarding the judicial career foresee.

- III. The powers and norms for performance of the Council of the Judiciary shall be determined taking into account the provisions of Article 100 of this Constitution.
- IV. To set the criteria in conformance with which the Organic Law shall establish the norms for training and keeping up to date (actualización) of officials, as well as the development of the judicial career.
- V. The impediments and sanctions provided in Article 101 of this Constitution shall apply to the members of the Council of the Judiciary as well as to magistrates and judges, and
- VI. The Council of the Judiciary shall develop the budget for the courts of justice within the entity which shall be remitted to the Head of Government of the Federal District for its inclusion in his proposed budget of expenditures to be presented for the Legislative Assembly's approval.

FIFTH BASIS. There shall be a Court of Administrative Disputes, which shall have full autonomy to settle the controversies that may arise between private individuals and the authorities of the local public administration of the Federal District.

The norms for its composition and powers shall be determined in consistency with its own Organic Law.

- D. The Public Ministry of the Federal District shall be presided over by a Attorney General of Justice, who shall be appointed in accordance with the terms specified by the Statute of Government; this statute (ordenamiento) and the respective organic law shall determine its organization, competence, and norms of functioning.

- E. The provisions of section VII of Article 115 of this Constitution regarding the President of the United Mexican States shall be applicable in the Federal District. The appointment and removal of the public official in direct charge of the public force shall take place in accordance with the terms specified by the Statute of Government.
- F. The Chamber of Senators of the Congress of the Union or, during its recess, the Permanent Commission may remove the Head of Government of the Federal District for grave causes affecting relations with the other powers of the Union or the public order in the Federal District. The request for removal must be presented by one-half of the members of the Chamber of Senators or the Permanent Commission, as may be the case.
- G. The respective governments may enter into compacts for the creation of metropolitan commissions for the purpose of ensuring the most efficient coordination among the distinct local and municipal jurisdictions, and of these with the Federation and the Federal District in the planning and implementation of actions in the urban zones contiguous to the Federal District, in accordance with Article 115, section VI of this Constitution, in the areas of human settlements; environmental protection; preservation and restoration of ecological balance; transport, potable water and drainage; collection, treatment, and disposal of solid waste, and public security.

These commissions shall be constituted by mutual agreement of the participants. The form of integration, structure and operation shall be determined in the instrument of creation.

The commission shall establish:

- a. The bases for entering into compacts, within the structure of the commission, in conformity with which the territorial ambits and functions for the execution and operation of works shall be agreed upon, the provision of public services, and the carrying out of actions in the areas indicated in the first paragraph of this basis.
 - b. The bases to establish, in coordination with all the parties constituting the commission, their specific functions in the areas referenced above, as well as for the joint contribution of the necessary material, human, and financial resources for their operation, and
 - c. Other rules for the mutual and coordinated regulation of the development in the urban areas, provision of services, and the carrying out of actions, as agreed upon by the members of the commission.
- H. The prohibitions and limitations established by this Constitution for the States shall apply to the authorities of the Federal District.

• Protection of environment

SIXTH TITLE: Labor and Social Security

Article 123

Every person has the right to dignified and socially useful work. To that effect, the creation of jobs and the social organization shall be advanced in accordance with the law.

The Congress of the Union, without contravening the following basic principles, shall enact labor laws which shall govern:

- A. Workers, day laborers, employees, domestic workers, artisans and, in a general manner, all labor contracts:
 - I. The maximum duration of one workday shall be eight hours.
 - II. The maximum duration of nighttime work shall be seven hours. The following are prohibited: unhealthful or dangerous work, industrial night work, and all work after ten o'clock at night by minors under sixteen (16) years of age.
 - III. The use of labor of minors under fourteen (14) years of age is prohibited. Persons above that age and less than sixteen (16) shall have a maximum work day of six hours.
 - IV. For every six days of work, a worker must have at least one day of rest.
 - V. Pregnant women shall not perform any work that requires considerable effort and presents (signifiquen) a danger to their health in relation to their pregnancy; they shall necessarily enjoy the benefit of rest during the six weeks prior to the expected date of birth and the six weeks following it, during which they shall receive their full wages and retain their employment and all the rights acquired as a result of their labor. During the nursing period, they shall be entitled to two special rest periods each day, of one half hour each, for nursing their infants.
 - VI. The minimum wage to be received by a worker shall be general or according to occupation. The former shall be effective in determined geographical areas; the latter shall be applicable to determined branches of economic activity or special occupations, trades, or labor.

The general minimum wages must be sufficient to satisfy the normal material, social, and cultural needs of the head of a family and to provide for the compulsory education of his children. The occupational minimum wage shall be set by also taking into consideration the conditions of different economic activities.

The minimum wages shall be set by a national commission consisting of representatives of the workers, employers, and the government, which may be assisted by the special consulting commissions that are considered indispensable for the best discharge of their functions.

• Right to equal pay for work

- VII.** Equal wages shall be paid for equal work regardless of sex or nationality.
- VIII.** The minimum wage shall be exempt from attachment (embargo), compensation, or deduction.
- IX.** Workers shall be entitled to a participation in the profits of businesses, regulated in conformity with the following norms:
- a. A national commission composed of representatives of workers, employers, and the government, shall set the percentage of profits to be distributed among the workers;
 - b. The national commission shall undertake research and carry out the necessary and appropriate studies in order to become acquainted with the general conditions of the national economy. It shall also take into consideration the need to promote the industrial development of the country, the reasonable return that shall be obtained on capital, and the necessary reinvestment of capital;
 - c. The commission may revise the set percentage whenever new studies and research so justify;
 - d. The law may exempt newly established businesses from the obligation of profit sharing for a specified and limited number of years for exploration work and other activities so justified by their nature and particular conditions;
 - e. To determine the amount of the profits of each business, the basis to be used is the taxable income according to the provisions of the Income Tax Law. Workers may submit to the appropriate office of the Secretariat of Finance and Public Credit any objections that they deem pertinent, in accordance with the procedures determined by law;
 - f. The right of workers to share in profits does not imply the power to intervene in the direction or administration of the businesses.
- X.** Wages must necessarily be paid in money of legal tender and cannot be paid in goods, promissory notes, or any other token intended as a substitute for money.

- XI.** Whenever, due to extraordinary circumstances, the working hours of a day must be increased, the remuneration for the overtime must be paid at the rate of one hundred percent (100%) more than the amount set for normal time. Overtime work may never exceed three hours a day nor three consecutive times. Minors under sixteen (16) years of age may not be admitted to this kind of labor.
- XII.** Every agricultural, industrial, mining, or other class of enterprise shall be obligated to furnish comfortable and sanitary accommodations to its workers, in accordance with what is determined by the regulatory law. This obligation shall be complied with through the contributions that businesses make to a national fund for housing, with the purpose of making deposits in favor of their workers and establishing a system of financing that allows granting them credit that is inexpensive and sufficient to acquire their own housing.

The enactment of a law for the creation of an organization composed of representatives of the Federal Government, workers, and employers, to administer the resources of the national housing fund, will be considered a social utility. This law shall regulate the forms and procedures by which workers may acquire the above referenced housing.

The businesses (negociaciones) referred to in the first paragraph of this section, which are located away from the centers of population, are obligated to establish schools, clinics, and any other services necessary to the community.

Furthermore, when the population in the aforementioned centers of work exceeds two hundred inhabitants, a tract of land measuring no less than five thousand (5,000) square meters shall be reserved for the establishment of public markets, the construction of buildings destined for municipal services, and recreation centers.

Establishments for the sale of intoxicating beverages and gaming houses are prohibited in all work centers.

- XIII.** Businesses, regardless of their area of activity, are obligated to provide education or training for the work that they are employed to perform. The regulatory law shall determine the systems, methods, and procedures by which the owners shall comply with this obligation.
- XIV.** Employers shall be responsible for labor accidents and occupational diseases of workers, suffered because of or in the performance of their work or occupation; therefore, the employers shall pay the corresponding indemnification whether death or only temporary or permanent incapacity to work has resulted, in accordance with what the laws determine. This responsibility shall remain even if the employer contracts for the work through an intermediary.

• Right to safe work environment

XV. An employer shall be required to observe, in the installation of his establishments, the applicable legal regulations on hygiene and health and to adopt the adequate measures for the prevention of accidents in the use of machines, instruments, and materials of labor, as well as to organize the same in such manner as to ensure the greatest possible guarantee for the health and life of their workers and of the fetuses of pregnant women. The laws shall contain, to that effect, the appropriate in each case.

• Right to join trade unions

XVI. Both workers and employers shall have the right to organize for the defense of their respective interests, by forming unions, professional associations, etc..

• Right to strike

XVII. The laws shall recognize strikes and lockouts as the rights of workers and employers.

• Right to strike

XVIII. Strikes shall be legal (lícitas) when they have their purpose to achieve a balance among the various factors of production, by harmonizing the rights of labor with those of capital. In public services, it shall be obligatory for workers to give notice to the Board of Conciliation and Arbitration (Junta de Conciliación y Arbitraje) ten days before the agreed upon date for the suspension of work. Strikes shall be considered illegal (ilícitas) only when the majority of the strikers engage in acts of violence against persons or property, or in the event of war, when the workers are employed by establishments or services in which the government relies.

XIX. Lockouts are legal only when an excess of production makes it necessary to suspend work in order to maintain prices at a level with costs and with prior approval of the Board of Conciliation and Arbitration.

XX. The differences or conflicts between capital and labor shall be subject to the decisions of a Board of Conciliation and Arbitration, consisting of an equal number of representatives of the workers and the employers, with one from the government.

XXI. If an employer refuses to submit his or her differences to arbitration or to accept the decision pronounced by the Board, the labor contract shall be considered terminated, and the employer will be obligated to indemnify the workers in the amount of three months' wages and shall incur any liability resulting from the dispute. This provision shall not be applicable in the case of actions covered in the following section. If the refusal is made by the workers, the labor contract shall be considered terminated.

XXII. An employer who dismisses a worker without justifiable cause or because he has joined an association or union or has taken part in a legal (lícita) strike shall be obligated, at the option of the worker, either to fulfill the contract or to indemnify him in the amount of three months' wages. The law shall determine those cases in which the employer may be exempted from the obligation of fulfilling the contract by payment of an indemnification. The employer shall also have the obligation to indemnify a worker in the amount of three months' wages when the worker leaves his employment due to lack of honesty on the part of the employer; or when the worker or his spouse, children, parents, or siblings have been mistreated by the employer. An employer may not relieve himself of this responsibility when said mistreatment is attributable to his subordinates or members of his family acting with his consent or tolerance.

XXIII. Credits in favor of workers for wages or salary earned within the last year and for indemnity compensation shall have preference over all other debts or obligations in the event of receivership or bankruptcy.

XXIV. The debts contracted by a worker that are due to their employers or their employers' associates, family members, or dependents shall be the sole responsibility of that worker, and in no case and for no reason may payment be exacted from the members of the worker's family, nor are these debts demandable for an amount exceeding the worker's wages for one month.

XXV. Services of employment placement for workers shall be gratuitous regardless of whether such service is performed by a municipal office, labor exchange, or any other official or private institution.

The offering of this service shall take into account the demand for work and, under equal conditions, shall give priority to persons who are the sole source of income for their family.

XXVI. Every labor contract made between a Mexican and a foreign employer must be legalized by a competent municipal authority and countersigned by the consul of the nation where the worker intends to go and, in addition to the ordinary clauses (cláusulas), the contract shall clearly state that the costs of repatriation of the worker shall be borne exclusively by the contracting employer.

XXVII. The following conditions shall be null and void and will not obligate the contracting parties, even if expressed in the contract:

- a. Those that stipulate (estipulen) an inhuman workday or one that is notoriously excessive given the kind of work;
- b. Those that fix wages that are not remunerative, in the judgment of the Boards of Conciliation and Arbitration;

- c. Those that stipulate a period of more than one week before payment of a day's wages;
- d. Those that indicate as the place of payment of wages a recreation center, inn, cafe, tavern, bar, or store, except for the payment of employees of such establishments;
- e. Those that entail a direct or indirect obligation of acquiring consumer goods in specified stores or places;
- f. Those that permit the retention of wages as a fine;
- g. Those that constitute a waiver by the worker of indemnification to which he is entitled due to work-related accidents and occupational illnesses, or damages resulting from the non-fulfillment of the contract or from being discharged;
- h. All other stipulations that imply the waiver of any right designed to favor the worker in the laws of protection and assistance for workers.

XXVIII. The laws shall determine what property constitutes the family patrimony, property that shall be inalienable, not subject to encumbrances or attachment, and that shall be transmissible by inheritance with simplification of the formalities of the process of succession (juicios sucesorios).

XXIX. The Law of Social Security is of public utility and shall include insurance for disability, old age, life, involuntary unemployment, illnesses and accidents, day care, and any other instance directed to the protection and well being of laborers, farm workers, non-salaried persons, and other social sectors and their families.

XXX. Likewise, cooperative societies established for the construction of low-cost and sanitary housing to be purchased through installments by workers shall be considered of social utility, and

XXXI. The enforcement of the labor laws is the responsibility of the authorities of the States, within their respective jurisdictions, but it is the exclusive competence of the federal authorities in matters relating to:

- a. Industrial branches and services:
 1. Textile;
 2. Electrical;
 3. Cinematography;
 4. Rubber;

• Right to transfer property

• State support for the elderly
 • State support for the unemployed
 • State support for the disabled

5. Sugar;
 6. Mining;
 7. Metallurgical and steel industries, including the exploitation of basic minerals, their processing and smelting, as well the production of iron and steel in all their forms and alloys and rolled products;
 8. Hydrocarbons;
 9. Petrochemical;
 10. Cement;
 11. Quarries;
 12. Automotive, including mechanical or electric automobile parts;
 13. Chemicals, including pharmaceutical and medical chemicals;
 14. Cellulose and paper;
 15. Vegetable oils and fats;
 16. Food processing of those products that are, or are destined to be, packaged, canned, or bottled;
 17. Beverages that are destined to be bottled or canned;
 18. Railroads;
 19. Basic lumbering, which is understood to be the production from sawmills, and the making of boards or formed wood products;
 20. Glass, exclusively that having to do with the making of flat, smooth, or shaped glass or of glass bottles;
 21. Tobacco, including the making or processing of tobacco products, and
 22. Services of banking and credit;
- b. Businesses:

1. Those that are administered directly or in decentralized form by the Federal Government;
2. Those that operate by virtue of a federal contract or concession and the industries that are connected with them, and
3. Those that operate in federal zones or are under federal jurisdiction, in territorial waters, or in those areas understood to be within the exclusive economic zone of the Nation.

Likewise it shall be the exclusive competence of the federal authorities. The application of labor provisions in affairs relative to conflicts that affect two or more federal entities; collective contracts that have been declared obligatory in more than one federal entity; employer's obligations in educational matters, in the manner and form fixed by the respective law; and with respect to the obligation of employers in matters of training and continuing education of their workers, as well as safety and sanitation in the workplace. To achieve these things, the federal authorities will be assisted by the States, when types of activities or industry are within the scope of the local jurisdiction in accordance with the terms of the corresponding regulatory laws.

B. Among the Powers of the Union, the Government of the Federal District; and their workers:

- I. The maximum daily workday shall be eight hours during the daytime, and seven at night, respectively. Those hours exceeding these shall constitute overtime and shall be paid for by a one hundred percent (100%) addition to the rate set for regular service. In no case may overtime exceed three hours per day or three consecutive times.
- II. For every six days of work a worker shall be entitled to at least one day of rest with full wages.
- III. Workers shall be entitled to vacations of not less than twenty (20) days a year.
- IV. Wages shall be set in the respective budgets, and their amount may not be reduced while a given budget is in effect.

In no case may wages be lower than the minimum for workers in general in the Federal District and in the entities of the Republic.

- V. Equal wages shall be paid for equal work without regard to sex.
- VI. Withholdings, discounts, deductions, or suspensions of wages may be made only in those cases provided by law.

• Right to rest and leisure

• Right to rest and leisure

• Right to equal pay for work

VII. The appointment of personnel shall be made through systems which provide for a determination of the skills and aptitudes of applicants. The State shall organize schools of public administration.

VIII. Workers shall be entitled to the rights of a classification scale so that promotions may be made strictly on the basis of skills, aptitudes, and seniority. Under equal conditions, a person who is the only source of income in his family shall have priority.

IX. Workers may be suspended or dismissed only on justifiable grounds for reasons set by the law.

In the event of an unjustifiable discharge, a worker has the right to choose between reinstatement in his work or to the appropriate indemnity as determined by legal proceedings. In cases of abolishment of positions, the affected workers shall have the right to another position equivalent to the one abolished or to receive indemnification, in accordance with the law.

X. Workers shall have the right to associate with each other for the protection of their common interests. They may also make use of the right to strike after first complying with the requirements determined by law, with respect to one or more dependencies of the public powers, whenever the rights affirmed by this article are generally and systematically violated.

XI. Social security shall be organized in accordance with the following minimum bases:

- a. It shall cover work-related accidents and illnesses, non-occupational illnesses and maternity; and retirement, disability, old age, and death;
- b. In case of accident or sickness, the right to work shall be retained for the time determined by law;
- c. Pregnant women shall not perform work that requires the use of considerable force and endangers their health in relation to their pregnancy. They shall be entitled to one month's leave prior to the approximate delivery date and two months' leave after such date, during which they shall receive their full salary and keep their employment and any acquired rights in relation to their work. During the nursing period, they shall be entitled to two extra rest periods a day, of one-half hour each, to nurse their infants. In addition, they shall be entitled to medical and obstetrical care, medicines, nursing assistance, and child care services;
- d. The members of a worker's family shall be entitled to medical care and medicines in those cases and in the proportions determined by law;

• Right to join trade unions
• Right to strike

• General guarantee of social security

• State support for the elderly
• State support for the disabled

- e. Centers are to be established for vacations and recuperation, as well as economy stores for the benefit of workers and their families;
- f. Workers will be provided low-cost housing for rent or sale in accordance with previously approved programs. In addition, the State, through its own funding allocations, shall establish a national housing fund with the objective of making deposits in favor of these workers and establishing a financing system that will provide them with inexpensive credit and sufficient for them to acquire comfortable and sanitary housing or to construct, repair, improve, or pay debts to bring their existing housing up to these standards.

The contributions made to this fund shall be entrusted to the organ (organismo) responsible for social security, and the methods and procedures for the management and administration of the fund and the granting and adjudication of the respective credits shall be regulated by law;

• Establishment of labor courts

- XII.** The individual, collective, and inter-union conflicts shall be referred to a Federal Court of Conciliation and Arbitration, to be organized as provided in the regulatory law.

The disputes between the Judicial Power of the Federations and its employees shall be settled by the Council of the Federal Judiciary. Those arising between the Supreme Court of Justice and its employees shall be settled by the former.

- XIII.** Military and naval personnel, personnel of the foreign service, agents of the Public Ministry, and members of the police institution shall be governed by their own laws.

The State shall provide the members of the Army, Navy and Air Force who are on active duty the benefits referred to in subsection f) of section XI of this section, in similar terms and through the organ responsible for social security or the components of these institutions.

The members of the police institutions of the municipalities, federal entities, and the Federal District, as well as those of the Federation may be removed from their posts if they do not comply with the requirements of the prevailing (vigente) laws regarding these institutions at the time of their removal. They may not be reinstated or compensated, regardless of the outcome of any judicial proceeding or other means of defense brought to contest the removal, and, as may be the case, shall only be entitled to an indemnification. The removal of the other public officials referred to in this section shall be governed by provisions of the applicable legal precepts.

- XIII-bis.** The Central Bank and the entities of the Federal Public Administration that constitute the Mexican Banking System shall regulate the labor relations with their workers in accordance with the provisions of this section, and

XIV. The law shall determine what positions are to be regarded as those of personal trust (*confianza*). Persons who hold such positions shall be entitled to the benefits of measures for the protection of wages and social security.

SEVENTH TITLE: General Provisions

Article 124

The powers that are not expressly granted by this Constitution to federal officials are understood to be reserved to the States.

Article 125

No individual may hold two popularly elected federal offices at the same time or one of the Federation and another of a State, also by popular election; but the elected person may choose which of the two he desires to hold.

Article 126

No payment may be made for anything that is not included in the budget or provided for in a subsequent law.

Article 127

The President of the Republic, the ministers of the Supreme Court of Justice of the Nation, the Deputies and Senators of the Congress of the Union, the Representatives to the Assembly of the Federal District and all other public officials shall receive an adequate and non-renounceable remuneration for the carrying out of their duties, employment, functions, or commission, which shall be determined annually and equitably in the Budget of Expenditures of the Federation and the Federal District, or in the budgets of the state entities, as appropriate.

Article 128

Every public official, without exception of any kind, before taking possession of his or her office shall take an oath to uphold the Constitution and the laws emanating from it.

Article 129

No military authority may, in time of peace, perform any functions other than those that are directly connected with military affairs. There shall only be fixed and permanent military commands in the castles, forts, and depots, which are immediately subordinate to the Government of the Union; or in encampments, quarters, or barracks established outside populated areas for the stationing of troops.

Article 130

The historic principle of separation of the State and the churches guides the norms contained in the present article. All churches and other religious groups are subject to the law.

It shall be the exclusive responsibility of the Congress of the Union to legislate in matters regarding public cults, churches, and religious groups. The respective regulatory law, which shall be of public order, shall develop and implement the following provisions:

- a. Churches and religious groups shall have juridical personality as religious associations, once they secure the appropriate registration. The law shall regulate these associations, and shall determine the conditions and requirements for such registration.
- b. The authorities shall never intervene in the internal life and management of religious associations.
- c. Mexicans may become ministers of any cult. In so doing, Mexicans as well as foreigners must satisfy the requirements specified by law.
- d. In accordance with the terms of the regulatory law, ministers of cults may not hold public offices. As citizens, they have the right to vote, but not to be elected. Those who have left the ministry in advance and in the manner established by the law may be elected.
- e. Ministers may not associate among themselves for political purposes or preach in favor of or against any political candidate, party, or association. Neither may they oppose the laws of the country or its institutions, nor insult patriotic symbols in any form in public meetings, religious acts of the cult or religious propaganda, or religious publications.

The formation of any class of political groups with a title containing any word or other indication of relation with any religious denomination is strictly prohibited. No meeting of a political character may be held in temples.

The simple promise to tell the truth and to carry out any obligations which are contracted subjects the person who is making such promises in case he/she does not honor them to the penalties provided for this purpose by the law.

Ministers of cults, their ancestors, descendants, siblings and spouses as well as the religious associations to which they belong shall be incapable of inheriting by testament from those persons that they have guided or helped spiritually and who are not within the fourth degree of kinship in relation to them.

All acts related to the civil status of persons shall fall within the exclusive competence of the administrative authorities as established by law and shall have the force and validity that these laws attribute to them.

The federal authorities and those of the States and municipalities shall have, in matters related to civil status, the powers and responsibilities determined by the law.

Article 131

The Federation has exclusive power to levy duties on goods that are imported or exported or that pass in transit through the national territory, as well as to regulate at all times, and even to prohibit, for police or security reasons, the circulation in the interior of the Republic of all classes of goods, regardless of origin; however, the Federation itself may not establish or enact, in the Federal District, those taxes and laws referred to in sections VI and VII of Article 117.

The Executive may be empowered by the Congress of the Union to increase, reduce, or abolish tariff rates on exports and imports, that were imposed by the Congress itself, and to establish others; likewise to restrict and to prohibit the importation, exportation, or transit of products, articles, and goods, when he deems this expedient for the purpose of regulating foreign commerce, the economy of the country, the stability of domestic production, or for accomplishing any other purpose for the benefit of the country. In submitting the fiscal budget to the Congress each year, the Executive shall request its approval of the use it has made of this power.

Article 132

The forts, barracks, depots, and other facilities used by the Government of the Union for public service or for common use shall be subject to the jurisdiction of the Federal Powers in accordance with provisions to be established in a law enacted by the Congress of the Union; but, in order that property acquired in the future within the territory of any State shall likewise be under federal jurisdiction, the consent of the respective legislature shall be necessary.

Article 133

This Constitution, the laws of the Congress of the Union that emanate therefrom, and all the treaties that have been concluded and shall be concluded in accordance therewith by the President of the Republic, with the approval of the Senate, shall be the Supreme Law of the whole Union. The judges of each State shall conform to this Constitution, the laws and treaties, in spite of any contradictory provisions that may appear in the constitutions and laws of the States.

Article 134

The economic resources available to the Federal Government and the Government of the Federal District, as well as to their respective state administrations, shall be administered with efficiency, effectiveness, and honor to satisfy the objectives to which they are destined.

All acquisitions, leases, and transfers of all classes of goods, provision of services of any nature, and the contracting of works that the government undertakes shall be awarded or carried out through open bidding by means of a public call so that solvent proposals may be freely submitted. The proposals shall be presented as sealed bids, to be open publicly, so as to ensure to the State the best conditions available with regards to price, quality, financing, opportunity, and other pertinent circumstances.

When the bids referred to in the preceding paragraphs are not suitable to assure the desired conditions, the laws shall establish the bases, procedures, rules, requirements, and other elements to guarantee the economy, effectiveness, efficiency, impartiality, and honesty that would ensure the best conditions for the State.

The management of the federal economic resources shall be subject to the provisions of this article.

- National vs subnational laws
- International law
- Treaty ratification
- Legal status of treaties

Public officials shall be responsible for complying with these bases in accordance with the terms of the Fourth Title of this Constitution.

Public officials of the Federation, the States and the municipalities, as well as of the Federal District and its delegations always have the duty to use with impartiality the public funds under their responsibility, without influencing the fairness of the competition between the political parties.

The propaganda which the state authorities, the autonomous organs, the branch offices and the entities of the public administration and any other unit of the three branches of government disseminate in their official capacity, regardless of the form of communication, must have an institutional character and pursue goals of information, education or social orientation. In no case this propaganda shall include the names, images, voices or symbols that could imply the personal promotion of a public official.

The laws shall guarantee within their respective scope of application the strict compliance with the provisions in the two preceding paragraphs, including the sanctions regime to which it may give rise.

EIGHTH TITLE: Amendments to the Constitution

Article 135

The present Constitution may be added to, or amended. For the additions or amendments to become a part thereof, it shall be required that the Congress of the Union, by a vote of two-thirds of the members present, agrees to the amendments or additions and that they be approved by a majority of the legislatures of the States.

The Congress of the Union, or the Permanent Commission, as the case may be, shall count the votes of the legislatures and shall announce those additions or amendments that have been approved.

NINTH TITLE: Inviolability of the Constitution

Article 136

This Constitution shall not lose its force and effect (*fuerza y vigor*) even if its observance is interrupted by rebellion. In the event that a government whose principles are contrary to those that are sanctioned herein should become established as a result of a public disturbance, as soon as the people recover their liberty, its observance shall be reestablished, and those who had taken part in the government emanating from the rebellion, as well as those who cooperated with such persons, shall be judged in accordance with this Constitution and the laws that have been enacted by virtue thereof.

TRANSITORY ARTICLES

Article 1

This Constitution shall be published at once and, with the greatest solemnity, an oath shall be made to preserve and cause it to be preserved throughout the Republic; but with exception of the provisions relating to the election of the supreme federal and state powers which shall enter into force immediately, it shall not take effect until the first day of May 1917, on which date the Constitutional Congress shall be formally installed and the citizen elected in the next elections shall take the oath of office so as to exercise the office of President of the Republic.

In the elections that must be called in accordance with the following article, section V of Article 82 shall not apply, nor shall it be an impediment to being a Deputy or Senator to be in active service in the Armed Forces, provided that such service is not to command the forces in the electoral district in question; neither shall Secretaries or Deputy Secretaries of State be barred from election to the next Congress of the Union, provided that they have been definitely separated from their position on the day that the respective call is issued.

Article 2

As soon as this Constitution is published, the [citizen] entrusted with the Executive Power of the Nation shall call for elections to the Federal Powers, making sure that they are conducted in such a manner as to guarantee the constitution of the Congress in time for the declaration of the person who has been elected President of the Republic after the votes in the presidential elections have been counted, so that the provisions of the preceding Article can be complied with.

Article 3

The next constitutional term for Deputies and Senators shall begin to run as of the past year's first (1st) of September, and for the President of the Republic, from December 1, 1916.

Article 4

The Senators bearing even numbers at the next election shall hold office for two years only, so that, thereafter, one-half of the Senate may be renewed every two years.

Article 5

The Congress of the Union shall elect the magistrates of the Supreme Court of Justice of the Nation next May, so that this august body may be solemnly installed on the first of June.

Article 96 shall not govern at this election with respect to the proposed candidates by the local legislatures, but those selected shall only serve for the first two-year terms provided for in Article 94.

Article 6

The Congress of the Union shall have an extraordinary period of sessions which shall begin on April 15, 1917, to constitute itself as an Electoral College to compute the votes and certify the election of President of the Republic by making the respective declaration; and also to enact the Organic Law for Circuit and District Courts and the Organic Law of the Courts of the Federal District and territorial courts, so that the Supreme Court of Justice of the Nation may immediately appoint the Circuit magistrates and District judges, and the Congress of the Union may select the judges of first instance for the Federal District and the Territories; it shall also enact all laws in consultation with the Executive Power of the Nation. The Circuit magistrates and District judges and the magistrates and judges of the Federal District and Territories must take possession of their offices before July 1, 1917, at which time those persons who had been appointed by the official in charge of the Executive Power of the Nation shall cease to function.

Article 7

For this time, the computation of the votes for Senators shall be made by the elections board of the first electoral district in each State or the Federal District, as organized for counting the votes for Deputies, and these boards shall issue the corresponding credentials to the Senators elected.

Article 8

The Supreme Court of Justice of the Nation shall rule on all pending cases of relief (amparo), subject to the laws currently in effect.

Article 9

The citizen in command of the Constitutionalist Army, entrusted with the Executive Power of the Union, is empowered to issue the Electoral Law, under which, for this time, the elections shall be held to form the Powers of the Union.

Article 10

Those who have taken part in the government that emanated from the rebellion against the legitimate Government of the Republic or those who cooperated with it, afterwards taking up arms or holding office or employment with the factions that attacked the Constitutionalist Government, shall be tried under the laws in force unless pardoned by such Government.

Article 11

Until the Congress of the Union and the State legislatures enact laws governing the agrarian and labor problems, the bases established by this Constitution for these laws shall be put into force throughout the Republic.

Article 12

The Mexicans who served in the Constitutionalist Army and their sons, daughters, and widows, and the other persons who rendered services to the cause of the Revolution or to public education shall have preference in the acquisition of parcels of land referred to in Article 27 and the right to the discounts specified by law.

- Reference to country's history
- Crimes of the previous regime

- Reference to country's history

Article 13

All debts contracted by workers, by reason of their labor, up to the date of this Constitution, with their employers or their employers' families or intermediaries are hereby fully canceled.

Article 14

The Secretariat of Justice is hereby abolished.

Article 15

The citizen entrusted with the Executive Power of the Union shall be empowered to issue a law on civil responsibility applicable to the authors, accomplices, and concealers of the crimes perpetrated against the constitutional order during the month of February 1913 and against the Constitutionalist Government.

Article 16

The Constitutional Congress, in its ordinary period of sessions, which will begin on the first of September of the current year, shall enact all the organic laws of the Constitution that have not already been enacted during the extraordinary period referred to in Transitory Article 6 and shall give preference to the laws relating to individual guarantees and to Articles 30, 32, 33, 35, 36, 38, 107, and the final part of Article 111 of this Constitution.

Article 17

(Abrogated).

Article 18

(Abrogated).

Article 19

(Abrogated).

ANNEXES

[* The official Spanish Text of the Mexican Constitution includes the transitory provisions (transitorios) of all amending decrees entered into force since September 3, 1993. However, as most transitory provisions have already been implemented or have otherwise become obsolete, this translation only includes the transitory provisions which have yet to be fully or partially implemented. The other decrees have been omitted from publication]

* * *Decree reforming Articles 6, 41, 85, 99, 108, 116 and 122, adding article 134 and abrogating a paragraph of Article 97 of the Political Constitution of the United Mexican States

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Sole Article

The first paragraph of Article 6 is amended; Articles 41 and 99 are reformed and extended; the first paragraph of Article 85 is amended; the first paragraph of Article 108 is amended; section IV of Article 116 is amended and extended; letter f) of section V of the first basis of Article 122 is amended; three paragraphs are added in Article 134; and the third paragraph of Article 97 is abrogated, all in the Political Constitution of the United Mexican States. They have the following wording:

.....

Transitory Provisions

First Article

This decree shall enter into force on the day following its publication in the Diario Oficial de la Federación.

Second Article

For once the Federal Electoral Institute shall establish, in accordance with the legal bases which are enacted, a spending limit for the presidential campaign in the year 2008, only for the purpose of determining the total amount of private funding which each political party may receive annually.

Third Article

The Congress of the Union must implement the necessary adjustments in the federal laws within a maximum delay of thirty days from the entry into force of this decree.

Fourth Article

In order to implement the provisions in the third paragraph of basis V of Article 41 of this Constitution the Chamber of Deputies shall proceed, within a delay of no more than 30 days from the entry into force of this Decree, with the appointment of the members of the General Council of the Federal Electoral Institute in conformity with the following bases:

- a. Elect a new President of the Council whose term shall end on October 30, 2013; once the term is completed, the appointed person may be reelected only once, in accordance with the terms established in the aforementioned paragraph 3 of Article 41 of the Constitution.
- b. Elect two new electoral councilors whose term shall end on October 30, 2016.
- c. Elect from among the eight councilors in office at the time of entry into force of this Decree three whose term shall end on August 15, 2008 and three who shall remain in their functions until October 30, 2010.
- d. On August 15, 2008 at the latest elect three new electoral councilors whose term shall end on October 30, 2013.

The electoral councilors and the President of the General Council of the Federal Electoral Institute who are in office at the time of entry into force of this Decree shall continue in their functions until the Chamber of Deputies implements the provisions of this Article. The appointment of alternate electoral councilors of the General Council of the Federal Electoral Institute in the Decree published in the Diario Oficial de la Federación on the date of October 31, 2003 shall remain ineffective.

Fifth Article

The renewal in successive stages of the Electoral Magistrates of the Superior Chamber and the regional chambers of the Electoral Tribunal of the Judicial Power of the Federation to which Article 99 of the Constitution refers shall take place in accordance with the rules of the Organic Law on the Judicial Power of the Federation.

Sixth Article

The legislatures of the States and the Legislative Assembly of the Federal District must adjust their applicable legislation in accordance with the provisions of this Decree at the latest one year after its entry into force; the provisions in Article 105, section II, paragraph 4 of the Political Constitution of the United Mexican States shall be observed, as the case may be.

The States which at the time of entry into force of this Decree have initiated electoral processes or are about to initiate them shall hold their elections in accordance with their existing constitutional and legal provisions; but once the electoral process has been completed they must implement the adjustments referred to in the preceding paragraph within the same time limit, starting with the days following the completion of the respective electoral process.

Seventh Article

All provisions which conflict with this Decree are abrogated.

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