Mexico's Judicial Elections: A Democratic Mirage

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MONTEVIDEO, Uruguay, Jun 30 2025 (IPS) - On 1 June, Mexico made history by becoming the only country in the world to elect all its judges by popular vote, from local magistrates to Supreme Court justices. This unprecedented process saw Mexican voters choose candidates for 881 federal judicial positions, including all nine Supreme Court justices, plus thousands at local levels across 19 states. Yet what the government heralded as a transformation that made Mexico the 'the most democratic country in the world' may turn out to be a dangerous deception.

Judicial independence under attack

The judicial election was the culmination of a controversial constitutional reengineering pushed through by former President Andrés Manuel López Obrador and embraced by his successor, President Claudia Sheinbaum.

The ruling National Regeneration Movement (Morena) party promoted the change as a bold democratic measure to eliminate corruption, increase transparency and make judges accountable to the people rather than political or economic elites. But this narrative masked a more troubling reality. The judicial overhaul was the final piece in a systematic assault on institutions that checked executive power during López Obrador's presidency. Between 2018 and 2024, the National Electoral Institute faced repeated budget cuts and legislative attacks. The National Institute for Access to Public Information was eliminated in late 2024, leaving oversight of public information access in the hands of an executive-dependent secretariat.

The judiciary became a prime target after the Supreme Court repeatedly struck down López Obrador's key legislative proposals as unconstitutional. The president responded with aggressive public criticism, accusing judges of corruption and cutting the judiciary's budget. When the Supreme Court invalidated his attempt to put the civilian National Guard under military command, López Obrador declared the judiciary needed democratisation.

Following Sheinbaum's landslide victory in June 2024, when she won with close to 60 per cent and Morena secured a supermajority in Congress, the outgoing government introduced constitutional amendments as part of 'Plan C', with judicial elections the centrepiece. Despite protests by judicial workers, students and opposition groups, the bill passed in September.

The new system replaced merit-based appointments with a process where candidates are pre-screened by Evaluation Committees controlled by the executive, legislative and judicial branches before facing popular election. Judicial terms have been shortened and aligned with political cycles, while judicial salaries are now tied to the president's, effectively giving the executive control over judicial remuneration in violation of international standards requiring stable, politically independent judicial funding.

Another concerning development is the new Judicial Disciplinary Tribunal, whose five popularly elected members have broad powers to investigate and sanction judicial personnel through final, unappealable decisions. This tribunal threatens to become a tool of political intimidation against judges who rule against government interests, fundamentally undermining judicial independence.

Corrosive effect on rights

As it turned out, the judicial elections achieved only a 13 per cent voter turnout, light years from the 61 per cent who voted at the last general election. This suggested widespread public disconnection from the process, calling into question the democratic legitimacy its proponents claimed to seek. The complexity of choosing between so many unknown candidates appears to have deterred many voters.

Troublingly, dozens of candidates were identified as having potential ties to drug cartels, including the former defence lawyer for notorious drug lord Joaquín 'El Chapo' Guzmán, who got elected in Chihuahua state. Vulnerability to criminal infiltration is particularly alarming given Mexico's context, where political violence has reached unprecedented levels – with at least 32 candidates and 24 public officials murdered during the 2024 campaign – and where criminal organisations exercise de facto governmental control in many territories.

The international community has responded with condemnation. The Rule of Law Impact Lab at Stanford Law School joined the Mexican Bar Association in filing an amicus curiae – friend of the court – brief before the Mexican Supreme Court challenging the reform's constitutionality. The Inter-American Commission on Human Rights expressed 'grave concern' about judicial independence, access to justice and the rule of law. These concerns were echoed by United Nations Special Rapporteur on the independence of judges and lawyers and the International Bar Association.

The judicial elections will likely have a corrosive effect on democracy and human rights. By making judges accountable to popular majorities rather than constitutional principles, the new system will likely weaken protection for excluded groups including women, migrants and Indigenous communities who depend on judicial intervention for protection against discrimination.

Early analysis suggests that judges aligned with the ruling party performed well in the elections, potentially giving Morena unprecedented influence over judicial decision-making. From the government's perspective, the elections appear to have achieved their underlying political objective: consolidating control across all branches of government. This eliminates the accountability mechanisms needed to prevent authoritarian drift.

Mexico's experience highlights the dangerous tension between populism and constitutional democracy. With fewer institutional barriers remaining to prevent further concentration of power, the country's democratic institutions now face their greatest test. For the rest of the world, Mexico offers a cautionary tale about how populist claims to democratic legitimacy can systematically undermine the institutional foundations democracy depends on.

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