

TERRUM

Nepotism can wait...

By Edgar Bezares

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"DILIGITE JUSTITIAM QUI JUDICATIS TERRAM." "Ye who judge the earth, give diligent love to justice"

Nepotism can wait...

By Edgar Bezares

In our country there are countless issues at the governmental system whose functioning is deficient or that simply do not work at all, which results in the occurrence of a large number of problems of all sorts that are increasingly complicated by the inaction, corruption, disinterest and apathy of the state bodies in charge of solving them, particularly of the officials in charge of taking action.

On many occasions, these problems are intended to be solved by reforming or creating laws, or even by altering the Mexican Constitution, since this represents apparent, media-attractive actions that disguise solutions that will not be real, since their application will remain as always: a dead letter.

Nepotism¹ is one of these very frequent problems in Mexico, which is reflected in a very ancestral and deep-rooted habit of high-level officials in the legislative, executive and judicial spheres of assigning relevant and high-level public positions to their relatives, partners and friends, preventing access to those positions to capable and professionally interested persons. In order to be able to place the people they want in those positions, they carry out acts of corruption or other illicit acts.

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It is for this reason that one of the only useful acts since the beginning of the administration of the President of Mexico, Claudia Sheinbaum, has been her proposal for a constitutional reform known as the "anti-nepotism law", through which she seeks to curb -at least in a formally established manner- the problem of "electoral nepotism", for which on February 7, 2025 she sent to the House of Senators an initiative to reform various articles of the Mexican Constitution.

The President's reform project basically establishes the modification of Articles 55, 59, 82, 115, 116 and 122 of the Mexican Constitution, which regulate the requirements to be a Representative, Senator and President of the Republic, as well as those required to be a Representative and Governor of the federal states, as well as Mayor and Councilor of the country's municipalities and mayoralties².

This reform is composed of two main parts: the first, which establishes the prohibition for each of the public officials mentioned in the immediately preceding paragraph to run for and be reelected in the electoral period immediately following the elective position they have held; and the second, which prohibits electoral nepotism, establishing parameters that limit the kinship of persons who will participate in an election with those who are holding a public position of the aforementioned.

1.- Nepotism: the act of using your power or influence to get jobs or unfair advantages for members of your own family.

<https://dictionary.cambridge.org/es/diccionario/ingles/nepotism>

2.- Reform bill by President Claudia Sheinbaum dated February 7, 2025.

Regarding the prohibition of reelection, no further explanation is necessary beyond saying that, in my opinion, this reform should have definitively prevented reelection under any circumstances, because the fact that it is not allowed consecutively does not mean that there is no risk of undesirable and inefficient people remaining in power for long “interrupted” periods.

However, with respect to electoral nepotism, the project of reform establishes as an additional constitutional requirement to hold, for the Federation, the positions of Representative, Senator and President of the Republic; for the States, those of Representative and Governor; and for the Municipalities, those of Mayor and Councilor, that the candidate has not had in the three years preceding the election a relationship of (i) marriage, concubinage or de facto union, (ii) of blood or civil relationship in a straight-line to any degree, (iii) of collateral relationship up to the fourth degree or (iv) of affinity up to the second degree, with whoever has held the same position for which the candidate is applying. According to the reform bill, these amendments would take effect as of the elections scheduled for 2027.

This reform project was submitted to the consideration of the Senate, which approved it in its entirety, except for the date from which it would become effective, since it was modified to become effective as of the year 2030, because in the elections of 2027, the House of Representatives will be renewed, 17 governorships will be disputed in some of the states, and several municipal presidencies will be elected³. For this reason, the senators decided to postpone the entry into force of the reforms to ensure that the limitation contained therein does not affect various politically relevant individuals who intend to run in those elections, protecting their interests from now on.

“...this reform should have definitively prevented reelection under any circumstances...”

Finally, the legislative process concluded with the absolute approval of the reform bill by the House of Representatives, which without any restriction or comment considered the reform bill of the President of the Republic to be adequate, as well as the only modification made by the chamber of origin, so that, after the approval of the local Congresses, on April 1, 2025, the constitutional reforms were published in the Official Gazette of the Federation⁴.

With the advantageous legislative conduct displayed by the federal congressmen and by the state legislatures by postponing the entry into force of the electoral nepotism reform, it has become evident, firstly, the need to implement these constitutional changes, but, on the other hand, the true purpose of this reform has been distorted, since the elections of 2027 would be its first act of application, but apparently nepotism will prevail in that electoral process thanks to the endorsement of the permanent constituent power.

Furthermore, although the text of the constitutional reform may seem reasonable, it is completely insufficient, since the only thing that is prevented is that whoever holding a position of popular election may not have an obvious relationship with the person who has served in that very same

3.- <https://www.elfinanciero.com.mx/nacional/2025/02/26/reforma-contra-el-nepotismo-que-estados-tendran-elecciones-en-2027-y-que-cargos-se-elegiran/>
4.- https://dof.gob.mx/nota_detalle.php?codigo=5753798&fecha=01/04/2025#gsc.tab=0

position, but it does not exclude different positions. For instance, a person who holds a federal deputy position may be related to a person who has held or holds a senate or a local governorship, since this reform overlooked that the nepotism that prevails in Mexico is not necessarily reflected in "inheriting" the same position, but rather in hoarding several of them among relatives. This shows that this reform is absolutely useless, since it does not fully tackle these common practices in the Mexican political system.

"...no reform that pretends to fight nepotism can be really efficient as long as it only considers popular elected positions..."

In addition to the preceding, it is also absurd that the period during which a relative of a former public official elected by popular vote cannot enter into office has been restricted to only three years, because if there was a real desire to effectively address the problem of nepotism, this requirement would not have been limited to such a short and absurd term; rather, it should have been left without any time limit.

Finally, no reform that pretends to fight nepotism can be really efficient as long as it only considers popular elected positions, since the vast majority of high and medium rank public positions assigned through nepotistic acts, are not popularly elected, so that, in any case, a legal or constitutional reform will be necessary to involve those "lower rank" positions, whose irregular occupation prevents people with real talent, ethics and vocation to occupy them for the benefit of the country's development.

As long as this does not happen, the reform in question will only be a mere simulation...

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