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Judicial Elections in Mexico: A Historic Experiment under the OAS Microscope

By Rircardo Nerio

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

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On June 1, 2025, Mexico held an unprecedented election. Citizens were called to the polls to choose, by popular vote, the entire Judicial Branch, from ministers of the Supreme Court to electoral magistrates, circuit and district judges, and even local judicial posts in various states. This Extraordinary Election of the Judicial Branch followed a constitutional reform rushed through in September 2024. Never before in any country had an entire judiciary faced a popular vote. Advocates argued it would “democratize” justice and empower the people to shape their courts. But the process and its outcome have ignited fierce debate about judicial independence, the quality of justice, and the health of Mexico’s democracy.

Voting proceeded calmly and without major security incidents that Sunday. Yet the final numbers rang alarm bells. Turnout was barely 13% of the electoral roll, one of the lowest participation rates ever recorded in Latin America for any election¹. In other words, nearly 87 out of every 100 eligible Mexican voters stayed home. Among the small minority who did vote, more than one in ten ballots were spoiled or left blank. In several contests, null votes even outnumbered those for any candidate. This illustrated widespread confusion or open displeasure with such a novel, complex process. How legitimate can a judiciary be when it takes office with so little popular backing? Nearly 87 percent of the electorate didn’t even know this election was happening, critics now contend².

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These worrying abstention figures did not arise in a vacuum. The election was organized in just months after the legislative majority approved the reform at the end of the previous administration. It took place amid a public clash between the outgoing government and the Supreme Court. Critics called the reform “messy and perverse; a populist maneuver.” It prematurely removed sitting ministers and judges so their seats could be put to a popular vote. Judges’ associations warned this was democracy in name only, and that it would co-opt the judiciary³. The National Association of Circuit Magistrates and District Judges (JUFED) even sought, unsuccessfully, to suspend the election days before. They denounced it to international bodies as “a maneuver to co-opt the judiciary under the guise of supposed democratization⁴.”

Rushed implementation also spawned logistical headaches. The ballots were enormous; each citizen could take up to 15 minutes to complete them (six federal contests plus several more at the state level). The National Electoral Institute (INE) warned that, with so many tallies and validation stages, a high-participation vote could drag on for days. Despite these challenges, the INE maintained it had organized the election in accordance with the law and defended its validity.

1.- Martínez & Urrutia, *La Jornada* (6 Jun 2025) - <https://www.jornada.com.mx/noticia/2025/06/06/politica/mision-de-oea-no-recomienda-para-otros-paises-modelo-de-eleccion-judicial>

2.- García García & Pereda, *Animal Político* (12 Jun 2025) - <https://www.animalpolitico.com/analisis/invitados/eleccion-judicial-inedita-preocupantes-resultados>

3.- Hernández, Martínez & Urrutia, *La Jornada* (5 Jun 2025) - <https://www.jornada.com.mx/noticia/2025/06/05/politica/farsa-y-verguenza-el-proceso-electoral-para-el-poder-judicial-pan-y-pri>

4.- Huitron, *Infobae* (31 May 2025) - <https://www.infobae.com/mexico/2025/05/31/jufed-exige-suspension-inmediata-de-la-eleccion-judicial>

A mission from the Organization of American States (OAS) arrived to observe this unprecedented trial. Its preliminary report, released on June 6⁵, became the focal point of debate. Far from praising the experiment, the OAS raised serious doubts about Mexico's new model. The observers' report highlighted the high abstention rate as its first "red flag," interpreting it as evidence that the election "failed to motivate the electorate" and that a judiciary born with such scant support "is born weakened" in its legitimacy. It also noted the large number of spoiled ballots as a sign that many voters "did not understand the process or did not trust it."

Beyond turnout, the OAS scrutinized candidate selection. Unlike traditional judicial competitions, there were no rigorous merit-based filters. Thousands of applicants were never tested on legal knowledge or required to demonstrate sufficient experience. Minimal paper requirements sufficed. The observers concluded bluntly: "There is no guarantee that those elected have the technical competence, suitability, and specific capabilities that the positions they will assume require." In other words, nobody seriously verified whether future ministers, magistrates, and judges truly knew the law or had real qualifications.

The report's most sensitive finding concerned judicial independence. It noted that six of the nine new Supreme Court ministers came from the Executive's shortlist -a mechanism provided by the reform- while only three came from the list sent by the outgoing Court. This distribution "raises reasonable doubts about the autonomy and independence of the highest Court with respect to the Executive." Plainly, the government had placed two-thirds of its candidates on the "people-elected" Court, calling into question the separation of powers. The report also flagged that many lower-court candidates had political-party ties or questionable backgrounds, reinforcing fears of a politicized judiciary.

At the end of its evaluation, the OAS issued an unusual warning: it urged Mexican society and institutions to reflect on whether this model "strengthens the fundamental principles of justice administration or ends up weakening transparency, impartiality, efficiency, and independence of the Court." It went further, stating it "does not recommend that this model of judicial selection by popular vote be replicated in other countries in the region." Any judicial reform, the OAS insisted, should be "undertaken gradually, with truly plural debate and, above all, based on a comprehensive, technical, and professional diagnosis," not by sudden, sweeping changes.

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Government and opposition reactions were immediate and sharply divided. From the National Palace, President Claudia Sheinbaum Pardo rejected the OAS's mandate to comment on Mexico's judicial model. "It is not within its functions to recommend how a country should choose its judiciary," she said. She demanded that the OAS "keep its recommendations to itself" and limit its role to observing whether the election day "was peaceful, if there were no problems," but not to comment on the selection system that Mexico, as a sovereign nation, has chosen⁶. The Foreign Ministry sent a diplomatic note to the OAS Secretary General expressing "firm rejection" of what it deemed out-of-place

5.- OAS, Informe preliminar de la Misión de Observación Electoral (6 Jun 2025) - https://www.oas.org/fpdb/press/2025_MEXICO_MOE_Elecciones_Judiciales_Informe_Preliminart_ESP.pdf

6.- Villa y Caña, El Universal (7 Jun 2025) - <https://www.eluniversal.com.mx/nacion/sheinbaum-responde-a-reporte-de-oea-no-esta-en-sus-funciones-dar-recomendaciones-sobre-como-un-pais-debe-decidir-su-poder-judicial-dice>

recommendations. Mexico accused the mission of exceeding its mandate and violating the principle of non-intervention in Article 3 of the OAS Charter, which states that “every State has the right to choose, without external interference, its political, economic, and social system”⁷. President Sheinbaum acknowledged that the new system is “perfectible” but insisted that its guiding principle is irreversible. “Today the Constitution says, ‘In Mexico, the people rule’... with the people everything; without the people, nothing,” she declared, paraphrasing the iconic 19th-century president Benito Juárez⁸.

On the other side, opposition parties and independent groups embraced the OAS report as proof of their warnings. The National Action Party (PAN) and the Institutional Revolutionary Party (PRI) labeled the election “a farce” and “a shame,” arguing that “null and blank votes won, not the candidates,” and that 87 percent abstention demonstrated the initiative’s failure⁹. Retired Supreme Court minister José Ramón Cossío warned that although five INE councilors documented serious problems at polling stations, like unrealistically high turnout figures, officially distributed voting guides, ballot-box stuffing, unused ballots, organized voter transport, hidden vote counts and other similar tricks, the majority chose to ignore this evidence and congratulate themselves on how the election was run¹⁰. Retired magistrate Edna Lorena Hernández predicted a clash between experienced judges and those lacking expertise, saying the real losers would be Mexico’s litigants¹¹. Internationally, both the United States and Canada also voiced concerns that judges elected in this way “could be influenced by politicians and even by criminals,” jeopardizing justice and security cooperation¹².

As the dust settles, Mexico stands at a crossroads. The federal government and its allies celebrate what they call a new democratic paradigm, insisting the popular will now reaches the heart of the judiciary. The opposition, judges’ associations, independent jurists, and international observers warn this may be a Pyrrhic victory that erodes impartial justice. The OAS report -ironically requested by Mexican authorities themselves- has become an uncomfortable mirror reflecting all doubts. Its pages collect many questions millions of Mexicans now ask: Has justice truly been strengthened by this “democratic” exercise, or has the door opened to political subjugation? Can a legitimately elected judiciary exist when the vast majority of citizens turned away? Should judges campaign and seek votes, risking captivity to interests unrelated to the law?

For now, the newly elected magistrates and judges prepare to take office. Legal battles and legislative tweaks are already in the works. Some actors propose “counter-reforms” to introduce the missing filters and safeguards, such as merit-based preselection or mechanisms to shield judicial independence. Others rally to defend the model and extend it to future elections, hoping participation and trust will grow over time. The only certainty is that June 2025 marked a watershed moment. The OAS’s final advice may well guide Mexico’s reflection: “Citizens and Mexican institutions must evaluate whether the model... helps to strengthen... or, on the contrary, ends up weakening... the independence of the Court”¹³. Between enthusiasm and indignation, one truth remains: Mexican justice has entered an unprecedented trial phase, and it now faces the titanic task of proving that promised judicial democratization is not merely an illusion.

7.- López-Castro, Infobae (7 Jun 2025) - <https://www.infobae.com/mexico/2025/06/07/gobierno-de-sheinbaum-rechaza-postura-de-la-oea-para-no-replicar-modelo-de-eleccion-judicial/>

8.- See note 6.

9.- See note 3.

10.- Cossío Díaz, El Universal (24 Jun 2025) - <https://www.eluniversal.com.mx/opinion/jose-ramon-cossio-diaz/razones-y-votos-en-la-eleccion-judicial/>

11.- Hernández Granados, Aristegui Noticias (3 Jun 2025) - <https://aristeguinoticias.com/030625/enterate/sera-un-choque-entre-jueces-con-conocimiento-y-los-que-no-saben-ex-magistrada-enterate/>

12.- See note 2.

13.- See note 5.

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