

The Legislative Branch in Mexico: Structure and Main Functions

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Mexico is a democratic, federal, and representative republic made up of 32 federative entities (sub-national governments). Since its Independence (1821) Mexico adopted presidentialism as the basis of its political system, although for a brief period of history, the country functioned as an Empire. For its functioning, the government is divided into three independent powers: a) Executive Power: Which is head of state and maximum responsible for public administration (it has the ability to reappoint its senior officials); b) Judicial Branch (Supreme Court of Justice, the Electoral Tribunal of the Federal Judiciary, the Collegiate Circuit Courts and the Circuit Courts), who are the "guardians of the Constitution" (Elkins & Ginsburg, 2021) and resolve conflicts based on the interpretation of the laws; c) Legislative Branch, which is called "Congress of the Union" and is divided into two Chambers (Deputies and Senators).

In addition to the division of powers, the Mexican political system has 9 constitutionally autonomous agencies² -which from the neo-institutional theory could be considered as political institutions- which perform strategic functions for the political system, the evaluation of public policy, the strengthening of democracy, the surveillance of human rights and the economy, among others.

Size and structure of the Legislative Branch

According to Weingast (1989), Saiegh (2010) Ardanaz, Scartascini, & Tommasi (2010) the Legislative Branch may be defined as a political institution due to its characteristics: its functioning is regulated by institutional framework (Political Constitution of the United Mexican States -CPEUM- and Organic Law of the General Congress of the United Mexican States), it has a political structure that distributes power, divides functions (based on thematic commissions and political units) and establishes the rules of membership; and political processes of national interest (legislative processes) take place within it.

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The Chamber of Senators, as a political institution, exercises a series of control functions over the Executive Branch and as a space for the development of political processes related to politics and public policy. This Chamber is composed of 128 members, who are representatives of the federal entities in discussions of public interest. Its members are divided into 64 female senators and 64 male senators, in accordance with the principle of gender parity established in the CPEUM as of 2019. The distribution of Senators is divided into 64 elected by direct vote, 32 that are assigned to the first minority and 32 by the proportional representation system. The 128 seats in the Mexican Senate are divided as follows: Movimiento de Regeneración Nacional (61, the first political force in Mexico, since the Executive came from this party), Partido Acción Nacional (23), Partido Revolucionario Institucional (13), Movimiento Ciudadano (8), Partido Verde Ecologista (6), Partido del Trabajo (4), Partido Encuentro Social (4), Partido de la Revolución Democrática (3) and Sin Grupo Parlamentario (6).

Being a political institution, its structure is functional to fragment power and divide the discussion of matters (laws, initiatives, and reforms) that fall within its competence. In this sense, the Chamber of Senators is made up of the "Plenary" which is the political space where senators meet to discuss, approve, or reject initiatives. A second component of its political structure is the Board of Directors, which is made up of a president, 3 vice presidents and 5 secretaries. Its function is to conduct the discussions that take place in the Plenary and, thus, to give order to the legislative process. The third political structure is the Political Coordination Board, which functions as a deliberative body that seeks to generate agreements among the various political forces (parties) represented in the Senate. The last functional structure is the commissions, which function as specialized bodies where the initiatives are discussed by means of technical, legal/constitutional and soundness criteria. Once the initiatives are discussed, the Committees vote to determine whether the initiative is discarded or passed to the Plenary for general discussion and vote. Currently, the Mexican Senate has 46 standing committees. The main functions of the Senate are related to the analysis of Mexico's foreign policy and the ratification of treaties signed by the President of the Republic. It also shares functions related to the creation, amendment, or repeal of laws with the Chamber of Deputies.

The Chamber of Deputies is the political institution in charge of representing Mexican citizens in political processes aimed at discussing laws (reforms, repeal, or creation of new laws), analyzing, and distributing public spending. It is currently composed of 500 deputies, of which 300 are elected by relative majority and 200 by proportional representation. This form of

composition, like the Senate, allows opposition parties (those that do not control the Executive Branch) to have representatives in the Chamber. In the composition of the Chamber, the principle of gender parity has also been established, so that 250 deputies are women and 250 are men. The political parties that have representation within the Chamber are: Movimiento de Regeneración Nacional (202), Partido Acción Nacional (113), Partido Revolucionario Institucional (71), Partido Verde Ecologista de México (42), Partido del Trabajo (33), Movimiento Ciudadano (23) and Partido de la Revolución Democrática (16).

Like the Senate, the Chamber of Deputies has a functional political structure: a) Plenary, the space in which the deputies meet to discuss, approve, or reject initiatives; b) Board of Directors oversees conducting and giving order to the discussion and voting sessions that take place in the Chamber. It is made up of 1 president, 3 vice presidents and 7 secretaries; c) Political Coordination Board, which is in charge of bringing together the representatives of the different benches (political parties) to seek political agreements that help the development of the political processes; and d) Committees, which are specialized technical bodies that discuss the law initiatives to determine their relevance -technical, institutional and powers- before they are discussed in the Plenary. The main functions of the Chamber of Deputies are a) the approval of the Federal Expenditure Budget (distribution of public spending), b) the Audit of the Public Account (expenditures made by public agencies) and c) the approval of the National Development Plan (strategic planning document where the President of the Republic establishes the public policy and issues to be addressed during his term of office. In terms of public policy, it is considered as the "institutional agenda").

The Legislative Branch and the political system in Mexico

According to Carey (2006, p. 431) the Legislative Branch is the main political institution for the elaboration of public policy in modern democracies, since the most important political decisions are made there: discussion and oversight of budgets, ratification of treaties and trade agreements, economic regulations, environmental and social policies, elaboration of individual and collective rights. In this respect, the Legislative Branch becomes key for public policy decision-making, since the political party controlling most of the Chambers (senators and deputies) has greater possibilities of deciding how to distribute the public budget and can promote reforms that modify the Political Constitution and laws with the objective of creating institutional conditions to implement the projects contained in the public and institutional agendas.

Thus, the legislature is relevant to the Mexican political system, not only because of the decisions made within it, but also because of the relations it can establish with the executive branch and because it is considered an arena conducive to the development of political processes. Therefore Executive-Legislative relations have been of great interest to political scientists in the Mexican academy. Since 1997, a divided government has been configured in the Mexican political system (Executive without majorities that allow it to carry out its reforms), a situation that changed in 2018, when the Executive party (MORENA) achieved an absolute majority in the Chamber of Deputies and Senate, as well as majorities in 19 of the 32 subnational legislatures.

In spite of this, political scientists have been interested in the study of Legislative-Executive Relations because in divided governments (from 1997 to 2018) and in those where hyper-presidentialism has emerged (2018 to the present), conditions have been generated so that negotiation between the Executive and the parties is recurrent, in some cases, some public policy decisions are obstructed or others that are favorable to the dominant party are promoted, the control of the institutional agenda is fragmented or controlled by a single party (Valencia, 2006, Barrientos, 2019, Patron, 2019). Because of these scenarios and others, the study of the legislative branch becomes key to understanding the functioning of the political system in Mexico.

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