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# The Political Role of Electoral Justice in Polarized Constitutional Democracies: Insights from Mexico.

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**Disclaimer**

I have worked for over a decade at the Electoral Tribunal, but this work only reflects my personal views. I used artificial intelligence tools to review and polish structure and prose, but all arguments, claims, proposals and analysis are my own.

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# 1. Introduction

## 1.1 Research problem: electoral justice as a guarantor of political and electoral rights

The emergence of an international human rights regime during the second half of the twentieth century and, alongside it, an increasing worldwide trend to use elections to choose representatives at all levels of government, has produced different types of democracies and institutional models to guarantee the principles and rights that sustain them. The creation of electoral tribunals during the twentieth century is in line with this trend, as a mechanism to provide basic legal guarantees to candidates, political parties, voters, and citizens regarding political participation and representation (Orozco-Henríquez et al., 2010).

At its core, electoral justice operates as a provider of legal remedies whenever political and electoral rights are allegedly violated (Orozco-Henríquez, 2017). The basic assumption of this research is that final decisions on electoral matters play an important role in the quality of democracy and, more specifically, in the stability or change of the electoral system. The adjudication of electoral disputes is not a politically inert activity, but it is a form of electoral governance through which rules are interpreted, applied, and enforced (Mozaffar & Schedler, 2002), and its outcomes condition both the integrity of elections and public confidence in democratic institutions (Norris, 2017; Van Ham, 2020).

When such decisions are rendered in contexts of high political polarization, the work of electoral courts becomes far more visible to political stakeholders, and the impact of their rulings is amplified by public opinion. Under these circumstances,

political parties and candidates may have incentives to bring disputes before electoral tribunals to gain attention, or as part of broader strategies to construct narratives against their opponents or even against electoral authorities. The judicialization of electoral politics thus intensifies precisely when the social and institutional salience of each ruling is highest (Hirschl, 2008).

### 1.2 Object, scope, and delimitation of the study

This dissertation analyzes the role of electoral justice in democracies as a provider of legal remedies when there are alleged violations of political and electoral rights. It examines the institutional design of electoral courts and works with a selection of relevant cases adjudicated under a polarized context in Mexico, taken as an example of a specialized last-instance court that rules on electoral matters. The study focuses on decisions made by the High Chamber of the Electoral Tribunal of the Federal Judiciary (TEPJF) in the context of the election of judges, which took place under high levels of political polarization and after an important constitutional reform (Espinosa Silis, 2025; Mora-Sifuentes, 2025).

There are two important clarifications to frame this analysis. First, while the Supreme Court of Justice of the Nation was also mandated with abstract constitutional control and with the resolution of contradictions of criteria between the chambers of the Electoral Tribunal and of the Supreme Court itself, this dissertation concentrates on rulings by the High Chamber of the Electoral Tribunal, incorporating Supreme Court decisions only insofar as they are necessary to reconstruct the institutional conflict. Second, although the current Electoral Tribunal created in 1996

has been reshaped by successive constitutional reforms that altered its nature and mandate (Nava, 2018), the analysis considers only its decisions, and the corresponding levels of polarization, during the period following the 2024 constitutional reform that led to the election of judges by popular vote. Research on the Tribunal's role across the elections held between 1997 and 2025 would also shed light on the broader evolution of the institution and its political role from a more systemic perspective; that longitudinal inquiry, however, lies beyond the scope of the present study and is identified as an avenue for future research.

### 1.3 The institutional approach: courts as collegiate institutions, not judges as individuals

The analytical perspective adopted in this dissertation is institutional rather than individual-behavioral. The study does not disregard the behavioralist tradition in judicial research, particularly the line of research that) emphasizes the role of individual judges, their preferences, and their subjective motivations in judicial decision-making (Posner, 2008). Indeed, constitutional adjudication is, ultimately, carried out by judges as individuals, and that scholarship has yielded valuable insights regarding ideology, strategic behavior, and attitudinal influences within courts (Sunstein et al., 2006). Nevertheless, for the purposes of this research, the political role of electoral justice is understood primarily as an institutional phenomenon, in line with new-institutionalist approaches that give explanatory weight to the rules, structures, and collective conduct of institutions rather than in the

psychology of individual actors (Hall & Taylor, 1996; Shapiro, 1981), as conclusions on personal behaviors rely on assumptions that are difficult to prove and sustain. Therefore, any policy implications derived from this dissertation are intended to address institutional dynamics rather than the personal inclinations of judges. This distinction is especially relevant in the Mexican context because, unlike other judicial systems, Mexican electoral judges are not formally affiliated with political parties or nominated by them, regardless of their ideological positions and even their presumed ties with them. Also, I claim that an institutional approach enhances analytical neutrality and predictability. While studies centered on individual motivations risk becoming speculative, since they require attributing personal intentions or ideological commitments to specific actors, an institutional analysis focuses on publicly observable conducts that accumulate the preferences by all or a majority of the members of a court as a whole and on decisions that, by their nature, must be justified through legal reasoning subject to public scrutiny and constitutional accountability (Dworkin, 1986; Priel, 2020). Finally, in polarized settings where political conflict tends to be personalized, analyzing the Tribunal as a collegiate actor also allows the research to identify consistent orientations in its aggregate behavior rather than the contingent views of each of its judges. Accordingly, the central question is not what political position any individual electoral judge may have held or their potential strategic individual behavior, but whether if the Tribunal's aggregate decisional behavior reveals a discernible political tendency in relation, in this case, to the implementation of Mexico's first judicial election.

## 1.4 Hypothesis and research questions

Building on these premises, the dissertation addresses the role of electoral justice and of electoral constitutional review in Mexico during the extraordinary electoral process of 2025, in which judges were appointed by popular vote for the first time. The analysis emphasizes three elements that, taken together, highlight the political role of electoral justice. First, the institutional design of the electoral justice system, which establishes the general conditions of access to justice on electoral matters and determines whether the conditions exist to effectively protect rights related to political participation and representation. Second, the levels of political polarization, which bring the decisions of electoral courts to the forefront and simultaneously intensify the judicialization of politics and the politicization of the judiciary (Hirschl, 2008; McCoy & Somer, 2019). Third, the choice, within the Tribunal's mandate, between judicial activism and self-restraint, which reveals its role as an operator of one of the powers of the State and as a stabilizer or, alternatively, an agent of change within the electoral and political system.

From these elements follows the central hypothesis of the study: in a context of high political polarization, the High Chamber of the TEPJF, understood as a collegiate institution, assumed a politically identifiable institutional role oriented to the stabilization of the current constitutional system, prioritizing the continuity of the electoral process and the supremacy of the reformed constitutional mandate. This central claim is accompanied by two comparative sub-hypotheses concerning the other jurisdictional bodies drawn into the conflict that stemmed from the 2024 constitutional reform: that the District Courts, through amparo suspensions, adopted a position of resistance aimed at protecting judicial independence and the pre-

existing structure of the Judiciary; and that the Supreme Court of Justice of the Nation moved from an also initially resisting stance towards the reform, to an ultimately stabilizing role. Because the approach is institutional, these propositions are treated as falsifiable expectations to be tested against observable patterns: the direction of the rulings, the constitutional interests prioritized, and the argumentative strategies employed by the High Chamber of the TEPJF as a collegiate institution, rather than against the presumed motivations of individual judges.

The study is therefore guided by the following questions: does the aggregate decisional behavior of the High Chamber reveal a consistent institutional position regarding the implementation of the judicial reform? Which constitutional interests did it prioritize, and through which argumentative strategies? And how do its positions compare with those of the District Courts and the Supreme Court within the same polarized environment?

Finally, it is worth noting that this dissertation does not assign a normative value to any of these institutional choices. The paired variables stability/continuity and instability/change are employed as analytical categories for describing the political role of electoral justice, not as benchmarks for praising or criticizing the Tribunal's conduct. Depending on the constitutional circumstances, either orientation may serve, or undermine, the quality of democracy. What this study seeks to establish is not whether the Tribunal acted well, but what institutional role it performed within a polarized constitutional order. The analytical categories that I propose do not assign a better or worse value nor focus on the outcomes. They rather try to provide a framework to technically understand the decisions issued.

### 1.5 Structure of the dissertation

The remainder of the dissertation unfolds across eleven further sections. Sections 2 to 4 develop the conceptual and theoretical framework, defining electoral justice and its constitutional nature (Section 2), situating it within the literature on the judicialization of politics and the political role of constitutional courts (Section 3), and briefly reviewing the scholarship on political polarization in constitutional democracies (Section 4). Sections 5 to 7 turn to the Mexican case, reconstructing the history and constitutional design of the electoral justice system (Section 5), documenting the trajectory of political polarization in Mexico (Section 6), and describing the 2024 judicial reform and the first judicial election (Section 7). Section 8 presents the mixed-methods, institutional research design, including the operationalization of the hypothesis and the system of variables. Sections 9 and 10 report the findings, combining a quantitative analysis of the decisional patterns of the High Chamber (Section 9) with a qualitative analysis of the institutional positions adopted by the different jurisdictional bodies (Section 10). Section 11 discusses these findings, analyzing the quantitative and qualitative evidence and interpreting the stabilizing role of the Tribunal considering the polarized context. Section 12 concludes by revisiting the hypothesis, outlining the theoretical contribution of the study, and identifying its limitations and avenues for future research.

## 2. Electoral justice: definition, scope, and constitutional nature

### 2.1 Defining electoral justice

The concept of electoral justice is attached to a history that widely differs between regions and legal traditions. The contentious nature of elections and the formalization of legal structures to provide sets of rules and certainty to citizens, candidates, and parties partially explains the need to create a jurisdictional arrangement to settle disputes. The other part of the story is related to the need to uphold human rights, more broadly speaking, that are entrenched in the democratic universe (Aragón Reyes, 1988; Nohlen et al., 2007).

A general approach to electoral justice by Orozco-Henríquez et al. (2010, p. 9) claims that it encompasses the means and mechanisms to ensure "that every action, procedure and decision related to the electoral process is in line with the law (the constitution, statute law, international instruments or treaties and all other provisions in force in a country), and that the enjoyment of electoral rights is protected and restored, giving people who believe their electoral rights have been violated the ability to make a complaint, get a hearing and receive an adjudication." While a broad definition could include all Electoral Management Bodies and similar institutions that organize elections which regularly have internal oversight instances that guarantee their compliance with the Constitution and electoral laws, this dissertation focuses on judicial institutions and, particularly, the Mexican TEPJF: its structures, rulings, and decisions that enforce rights related to political participation and representation, prevent their violation, and restore or repair them in cases of abuse.

On the point about differences across territories and legal traditions, Milani (2023, pp. 4–5) observes that the evolution of the concept of electoral justice in Europe and in Latin America is related to elements such as a fragmented system of protections and a lack of concentrated institutional mechanisms in the former, while in the latter we find independent electoral commissions and courts that were created during the twentieth century. Moreover, those institutions have played a prominent role in the democratization process itself, whereas Europe has not institutionalized similar mechanisms across the continent. Milani points out that, while some central and eastern European countries have established specialized electoral bodies, the rest of Europe still lacks comprehensive institutionalization.

This regional contrast also explains why electoral justice in Latin America has been theorized as a distinct branch of public law, closely intertwined with constitutional justice in the broader sense (Díaz Revorio, 2009; Orozco-Henríquez, 2001). Before describing the typology and explaining how different systems of electoral justice work, it is therefore important to spell out the specific rights that electoral justice protects, so that it is possible to distinguish it from constitutional justice more broadly, and clarify its specific nature, dynamic and particularities. Moreover, the spread of active judicial review and the development of specialized electoral courts occurred in parallel with the consolidation of an international human rights regime and its institutionalization. The following sections dissect these concepts before turning to constitutional democracies and the role of electoral justice.

## 2.2 Political, civil, and electoral rights as human rights

Understanding the role of the Judiciary as guardian of democracy and the rule of law, stems from an overarching objective to defend human rights and from a corresponding institutional layout that evolved during the last century. This has been even more relevant in regions that adopted the democratization agenda, where a "highly professional and independent judiciary came to be understood as one of the central pillars of rule of law advocacy efforts aimed at supporting new democracies and encouraging reform in authoritarian contexts" (Holsinger, Reenock, & Staton, 2022, p. 4). These authors find evidence to support this proposition, while acknowledging caveats regarding the nature of the political bargains that courts supervise and the levels of compliance in each political system (Holsinger, Reenock, & Staton, pp. 142–144). In highly polarized democracies, and where a final-instance jurisdictional constitutional body is in charge of upholding and protecting political, civil, and electoral rights, it becomes even more relevant to clarify this set of rights and the role of electoral justice in their protection.

In his foreword to *The Right to Political Participation: A Study of the Judgments of the European and Inter-American Courts of Human Rights*, Albert argues that, according to Cobbett, the "right of rights" in the age of constitutional rights is precisely the right to political participation, which "includes the right to vote, the right to run for office, the right to form a political party, the right to free and fair elections, and other key rights that help democracy take root and ultimately thrive" (Albert, in Citroni, Spigno, & Tanzarella, 2022, p. xi).

Electoral judges are, in most countries, constitutional judges. They serve as interpreters of the Constitution and the law in the context of electoral processes, ensuring that voting processes are conducted according to the constitutional order and that the rule of law is upheld. They are tasked with overseeing electoral disputes, interpreting electoral laws, and safeguarding the integrity of the electoral process, precisely by protecting rights linked to political participation and representation. This protective function is typically exercised through the combined controls of constitutionality, conventionality, and legality (Figueroa Ávila, 2012). At the same time, through their rulings and through citizens' perceptions of their work and role, electoral courts also influence public trust in democratic institutions, which is essential for democracy's legitimacy (Valverde Gómez, 2016).

The role of electoral justice also intersects with broader discussions about judicial review and electoral law. The global trend towards the constitutional adjudication of electoral legislation highlights the increasing importance of judicial scrutiny in electoral matters (Fasone, Mostacci, & Romeo, 2024). This trend has allowed courts to influence how electoral systems work, but it has also opened the door to judicial activism. Such activism can serve as a check on potential abuses of power by political actors, thereby reinforcing the rule of law and enhancing the quality of democracy. However, it can also border and even step into the faculties of legislative and executive powers and, as analyzed in Section 3, it may also create incentives for other powers to constrain the Judiciary and limit its independence. It turns, in sum, into a two-edged sword.

## 2.3 The international and regional human rights regime

The trend towards constitutionalization, coupled with the consolidation of an international human rights regime, has significantly enhanced the relevance of electoral justice in democracies. This evolution reflects a broader recognition of the importance of judicial oversight in maintaining electoral integrity and upholding democratic principles. Electoral courts play a crucial role in interpreting and enforcing constitutional provisions related to elections, thereby ensuring that electoral processes adhere to both national and international standards.

### 2.3.1 International treaties and conventions

Elections worldwide now operate within a truly global framework that spells out the standards that must be followed to organize free and fair elections. These international obligations have been systematized by organizations such as the Carter Center and the International Institute for Democracy and Electoral Assistance, known as International IDEA (Orozco-Henríquez et al., 2010). They include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination Against Women, among others. The framework also comprises bodies that supervise compliance and monitor risks at the international level, as well as documents and institutions at the regional level, such as the American Convention on Human Rights, the Inter-American Commission on Human Rights, and the Inter-

American Court of Human Rights. This has created an international regime that upholds, among others, political rights.

### 2.3.2 Ius Constitutionale Commune in Latin America

Ginsburg (2003) notes that many new democracies have adopted constitutional courts to oversee democratic politics, a function that includes the adjudication of electoral disputes. This institutionalization of judicial review empowers electoral courts to intervene in cases of electoral malpractice, thereby reinforcing the rule of law and enhancing public confidence in electoral outcomes. The establishment of constitutional courts signifies a commitment to uphold democratic norms and to protect citizens' rights, including the right to free and fair elections.

Moreover, the consolidation of an international human rights regime has further underscored the role of electoral justice in promoting electoral integrity. As international human rights instruments increasingly emphasize the right to participate in public affairs, electoral courts are tasked with ensuring that these rights are respected within their jurisdictions. This reflects a growing reliance of courts on international human rights law in their decisions, and a broader trend towards integrating global human rights standards into domestic legal frameworks (Assefa, 2024). This alignment with international norms enhances the legitimacy of electoral processes and empowers courts to act as guardians of democratic values.

The concept of *Ius Constitutionale Commune in Latin America* (ICCAL) refers to a collective legal framework that integrates national, transnational, and international legal norms, emphasizing the principles of democracy, human rights,

and the rule of law. This framework has emerged as a significant intellectual and practical movement within the region's constitutionalism, particularly in the context of transformative constitutionalism, which seeks to address historical injustices and promote social change (Manus, 2021). Its relevance to the role of courts in democracies is profound, as it shapes the judiciary's function in interpreting and enforcing constitutional norms (von Bogdandy, Morales Antoniazzi, & Ferrer Mac-Gregor, 2017).

ICCAL is characterized by its focus on the interplay between various legal orders and by the promotion of a normative trinity: democracy, human rights, and the rule of law. This approach recognizes that constitutionalism in Latin America is not merely a reflection of Western legal traditions, but rather a unique synthesis that incorporates local realities and aspirations (Manus, 2021). The emergence of this framework has been influenced by a variety of factors, including social movements, political changes, and the increasing importance of international human rights standards.

Judges play a crucial role in this framework by acting as interpreters of constitutional norms and as enforcers of the rights enshrined in constitutions. Their decisions can significantly influence the trajectory of democratic governance and the protection of human rights. They are often called upon to adjudicate cases involving electoral integrity, freedom of expression, and the rights of marginalized groups, serving as guardians of the constitution and ensuring that democratic principles are upheld and the rule of law is maintained (Kapiszewski & Taylor, 2008; Manus, 2021).

The consolidation of ICCAL also reflects a broader trend towards judicial activism in Latin America, in which courts increasingly engage in constitutional interpretation, incorporating considerations of social justice and the protection of fundamental rights into their rulings, even when these are not explicitly stated in the Constitution. There is evidence of this from cases related to electoral processes in Mexico, where courts have intervened to ensure that elections are conducted fairly and that the rights of voters are protected. The road to equal conditions in the political participation of women in Mexico, for instance, is marked by judicial decisions that required constitutional and conventional interpretation to reach the current state of affairs (Guevara Castro, 2015). This increase in judicial activism has also brought questions on the limits between public powers and has made evident the alternatives that, in this case, electoral justice faces when issuing a ruling. In other words, electoral justice may choose to explore novel interpretations in their understanding of broadening rights, but they may also prioritize to stabilize constitutional stability.

### 2.4 Institutional models of electoral justice

The means through which political rights are protected vary worldwide. It is useful to review the different institutional designs that can broadly be found across jurisdictions, following the handbook on the topic by International IDEA and the further work of its main author (Orozco-Henríquez, 2017; Orozco-Henríquez et al., 2010). This classification results from analyzing which last-instance body oversees challenges against the results of elections, and not necessarily all challenges and

claims arising during the different stages of the electoral process (Nohlen et al., 2007).

### 2.4.1 Legislative bodies

In this institutional arrangement, the legislature or a political assembly is generally responsible for resolving claims against the results of the election. As Orozco-Henríquez notes, these bodies follow constitutional principles and the applicable laws, but "given their nature, composition and propensity to act politically –in addition to the lack of mechanisms, when they are constituted as the final body, to control that their electoral resolutions comply with the law– it has been frequent that political criteria (such as opportunity and negotiation of competing interests) prevail over legal reasons in their decisions" (Orozco-Henríquez et al., 2010, p. 57).

The origins of this model can be traced to the origins of parliaments, and part of the logic behind its creation is precisely the separation of powers and the responsibility of an elected legislature to decide on its own integration without undue influence by another power (Ricci & Porto Zulini, 2013). In most cases, this model has evolved into a mixed system in which legislative qualification coexists, at least partially or complementarily, with jurisdictional controls.

### 2.4.2 Administrative bodies

In this model, the responsibility to resolve conflicts and declare the validity of elections lies within the Electoral Management Body (EMB). While many EMBs have the mandate to resolve electoral disputes more broadly, this category applies only

to those that can declare the validity of elections as a final instance and whose decisions are not subject to legislative or judicial review. Moreover, beyond their responsibilities as organizers of the electoral process, these bodies review the decisions of other authorities as a final appellate instance, which may be problematic when they adjudicate cases concerning decisions they themselves have made (Orozco-Henríquez et al., 2010, pp. 74–77).

### 2.4.3 Judicial or similar bodies

These bodies emerged either as a reaction against the political abuse associated with the legislative model described above, or to reinforce the alignment between the Constitution, the law, and the rationale behind the resolution of challenges against the results of elections. This model places the idea of the rule of law at the center of the decision-making process and turns constitutional and legal reasoning into a pillar of the arguments that support it. This has fostered the continuous development of electoral law as a specialized area of knowledge and has promoted a general shift in the strategies of political actors involved in post-electoral conflicts, who increasingly invest in resolving them through institutional means. This leads to a potential erosion of the Judiciary as it becomes involved in political conflicts (Orozco-Henríquez et al., 2010, pp. 61–63).

In general, four subcategories can be observed: a non-specialized ordinary court, such as the Supreme Court; a constitutional council or court; an administrative court; and a specialized court. While the characteristics of these models sometimes overlap, their main common feature is the preeminence of legal arguments and the

preservation of constitutional principles to support the results of an election (Orozco-Henríquez, 2001; Sobrado González, 2009). Mexico was a pure example of the specialized model until the constitutional reform of 2024 determined that complaints concerning the election of the electoral justices of the Electoral Tribunal of the Federal Judiciary would be filed before the Supreme Court. While this reform is described in a later section, it is worth noting that it preserved the final-instance nature of the Electoral Tribunal, but the election of its members may be challenged before the Supreme Court, under the logic of preventing judges from adjudicating cases related to their own election.

#### 2.4.4 Ad hoc / transitional bodies

These bodies are created as an extraordinary measure to offer guarantees at a specific moment in a country's history. They are implemented during democratic transitions, in situations of political deadlock, when established institutions are unable to process a conflict, or in post-war scenarios. For these reasons, they are less common than the previous models and are mentioned here only to acknowledge Orozco-Henríquez's complete categorization (Orozco-Henríquez et al., 2010, pp. 78–80).

Regardless of the nature of electoral justice bodies, they rule on what is now broadly understood as a legal and constitutional phenomenon that enshrines rights related to political participation and representation. This is illustrated by the fact that, already a decade ago, more than 125 constitutions worldwide guaranteed universal suffrage, and that many of them already provided mechanisms to adjudicate

electoral disputes under one of the models described above (Democracy Reporting International, 2014). Moreover, many of the debates that led to constitutional reforms on electoral justice were implicitly or explicitly attached to international standards or to the jurisprudence of supranational courts.

### 2.5 The constitutional nature of electoral justice decisions

In any case, how electoral conflicts and challenges are processed is a decision that reinforces the legal nature of the process, based on the principles of constitutionality and legality. This involves not only the constitutional nature of the institutional choice, but also of the decisions these bodies adopt. While the spectrum is broad, rulings on electoral matters generally have the effect of preserving, transforming, or restoring the electoral system at large and its legal framework (Rodríguez Mondragón & Gama Leyva, 2022). When adjudicating electoral disputes that may affect the results of a voting process, the consequences may include the annulment of a previous decision or, in extreme cases, of the election itself; the setting aside of a legal basis deemed unconstitutional; or even the expulsion of a provision of the legal corpus, among other consequences that affect not only an isolated case but also the way in which a given democracy works.

Two aspects of the decisions made by electoral justice bodies underscore their constitutional nature. First, the direct oversight of the regularity of the electoral process, which generally guarantees its alignment with a given constitutional framework while reinforcing the constitutional principles behind it. Second, their scope, which extends beyond political rights themselves to the exercise of other

human rights associated with elections, such as basic freedoms and equality guarantees.

This last element is relevant when assessing the role of electoral justice in the quality of democracies, since it involves weighing rights that do not necessarily complement one another but are sometimes in tension. For instance, an effort to prevent disinformation and to guarantee free access to truthful information may be interpreted as censorship. When faced with such cases, courts justify their decisions through a wide range of interpretive tools, which include the identification of the rights at stake and the analysis of the context (Soto, 2022), as well as a review of the reasoning of the original legislators and of international standards. It is not surprising that, in relevant cases, electoral courts use the latter as a means of pursuing the effectiveness of fundamental rights that may not find adequate protection in national rules. International standards address various issues related to political and electoral rights and encompass the different phases of the electoral process, serving as an unavoidable reference for national decisions of a constitutional nature.

In the Latin American context, these standards can be found in the American Convention on Human Rights, but also in the decisions and actions of the Inter-American Court and Commission. In the Mexican case, Resolution 1/90 and the Castañeda Gutman v. Mexico case provide clear examples of guidelines for action regarding what should be done to effectively protect political rights and provide remedies, though not necessarily how this should be done. As with the Convention, they regulate baseline rights that must be enforced in observance of the historical, political, social, and cultural needs of each country.

Thus, it is not surprising that the jurisprudence of the Electoral Tribunal and, more broadly, the consistently sustained decisions of other constitutional courts, contains various references to international standards (Sobrado González, 2009). In Mexico, after the 2011 reform that integrated international human rights treaties into domestic law and granted them constitutional status, these references became more frequent. There are more than sixty jurisprudential theses that mention international standards, including one establishing that "[f]rom a systematic and functional interpretation of Article 1, paragraphs two and three, of the Political Constitution of the United Mexican States, it is clear that in order to provide content to the norms relating to human rights, they must be interpreted in accordance with the provisions of the Constitution and the international treaties on the subject, in observance of, among others, the principles of pro persona and progressiveness, according to which these rights must be gradually expanded" (TEPJF, Jurisprudence 21/2015). In other words, the weight of international standards is such that good practices acknowledged by international organizations also provide guidance when interpreting regulations, whenever they entail an extensive exercise of human rights.

## 3. The political role of electoral justice: from judicialization to institutional stabilization

### 3.1 The judicialization of politics and the politicization of the judiciary

The judicialization of politics refers to the increasing reliance on judicial mechanisms to resolve political disputes and to influence policy outcomes (Hirschl, 2008). It has generated a sustained debate between judicial activism and self-restraint, as courts increasingly shape governance institutions, rule on relevant policy decisions and—in the cases examined in this dissertation—exercise powers to define electoral jurisdictions, declare the legality of electoral results, validate or annul candidacies, and, ultimately, interpret fundamental political rights.

Historically, the judicialization of politics emerged as a response to perceived inadequacies in political institutions, where courts began to fill the void left by ineffective legislative processes. This trend has been particularly pronounced in regions such as Europe and Latin America, where courts have assumed roles traditionally reserved for elected officials (Stone Sweet, 2000). Martinsen (2015), for example, shows that the European Court of Justice does not act as an independent catalyst for political change but rather operates within the constraints of political dynamics, illustrating the complex interplay between judicial influence and legislative politics. Similarly, Dressel and Mietzner (2012) explore how courts in Asia have become pivotal in electoral politics, oscillating between judicial deference and active policymaking, thereby reflecting a spectrum of judicial activism.

This expansion is closely tied to the nature of electoral governance itself, which encompasses rulemaking, rule application, and rule adjudication, as activities

that are all essential for ensuring credible elections (Mozaffar & Schedler, 2002). As the bodies responsible for interpreting and enforcing electoral law, courts can significantly influence the conduct of elections and the behavior of political actors, thereby shaping the overall democratic landscape. Then, the judicialization of electoral politics is inseparable from the politicization of the judiciary because, as political disputes are channeled into jurisdictional forums, the courts that resolve them are themselves drawn into the political arena (Nava, 2018).

The relationship between public opinion and judicial behavior is an important dimension of this phenomenon. While responsiveness to the public can enhance the legitimacy of judicial decisions, it also raises concerns about the potential erosion of judicial independence, on the premise that courts may prioritize popular opinion over legal principles and thereby compromise their neutrality in difficult cases. Although the direct election of judges remains uncommon,[1] Mexico's 2024 constitutional reform introduced the popular election of judges at both the local and national levels, including the Supreme Court and the Electoral Tribunal. This is a development that must be borne in mind when analyzing the role of the judiciary in protecting political, civil, and electoral rights.

The effectiveness of electoral courts is also influenced by the broader political context in which they operate. In many emerging democracies, the judiciary faces significant challenges, including political interference and a lack of resources (Harvey, 2022), which can compromise the integrity of the electoral process. Therefore, strengthening judicial independence and providing adequate resources

[1] It is used in certain states in the United States, for some courts in Japan and Bolivia, and now broadly to the Judiciary in Mexico.

are critical to the role of electoral justice in sustaining a constitutional democracy. In some settings, courts and their members may be perceived as political actors that influence electoral outcomes through their decisions (Hogan et al., 2023), or as allies or adversaries of particular political parties. These perceptions can undermine both their de facto and their perceived neutrality and, with it, public trust in the judiciary. As Merkel (2004) notes, the quality of democracy is contingent upon the effective functioning of judicial institutions, including the independence of the bodies that adjudicate electoral matters.

Taken together, these considerations indicate that the role of electoral justice in a modern constitutional democracy is determined not only by its explicit mandate, but by how clearly the parameters for its intervention are defined, by the balance it strikes between activism and self-restraint, by public expectations, and by its relationships with the media, political parties, and other stakeholders. Courts rely on what the constitution and the law establish as their role and remit, but increasingly also on national, transnational, and international norms.[2]

### 3.2 Judicial self-restraint and judicial activism

The roles of judicial self-restraint and judicial activism are central to the political role of electoral justice, particularly in modern democracies characterized by political polarization and contentious electoral environments. Both represent distinct approaches to judicial decision-making that can significantly influence the integrity of electoral processes and the broader democratic framework.

[2] This is what, in Latin America, has been termed the *Ius Constitutionale Commune* (von Bogdandy et al., 2017; see Section 2.3.2).

Judicial self-restraint refers to a mode of adjudication in which courts deliberately limit the exercise of their own authority by avoiding rulings on constitutional questions unless intervention is strictly necessary. This approach is grounded in the view that courts should defer, as a rule, to the legislative and executive branches, thereby allowing democratically accountable institutions to make policy choices unless a clear violation of constitutional rights is at stake (Neto et al., 2021). In the electoral domain, judicial self-restraint may therefore be understood as a mechanism for preserving the balance of powers and for preventing excessive judicial intrusion into matters that are primarily political in character. At the same time, excessive restraint may carry significant costs. If courts decline to address serious constitutional deficiencies in electoral laws or violations of voting rights, they may permit the continuation of practices that erode democratic principles and weaken the effective protection of rights. Judicial self-restraint can thus contribute to institutional stability and respect for the separation of powers, but only insofar as it remains compatible with the judiciary's duty to safeguard fundamental rights and to ensure the fairness of electoral processes.

Judicial activism, by contrast, denotes an approach to adjudication in which courts assume an active role in interpreting the law and the Constitution, often entering areas that have traditionally been regarded as belonging to the legislative or executive branches. It is marked by a willingness to issue far-reaching decisions capable of reshaping both legal doctrine and the surrounding political landscape, particularly when courts perceive serious injustices or institutional failures on the part of other branches of government. In electoral matters, activism may be observed in the adjudication of disputes, the protection of voting rights, and the enforcement of

electoral law, even where the constitutional principle at issue is not expressly stated in the text. In this sense, judicial activism is closely associated with the broader constitutionalization of democratic politics (Issacharoff, 1993; Pildes, 2004). Yet activism also entails important risks. In polarized environments, judicial decisions are more likely to be interpreted as partisan or politically motivated, and critics therefore argue that activist courts may exceed their proper institutional role and displace decisions that ought to remain within the sphere of elected representatives.

This tension is not only doctrinal, as it has been framed as a progressive erosion of the once dichotomous distinction between jurisdictional control and political control. This is more evident as constitutional courts increasingly perform functions that are simultaneously legal and political (Pegoraro, 2019).

Judicial review may itself operate as a response to political posturing by providing a forum in which political actors externalize conflicts that they are unable to resolve through ordinary institutional channels (Fox & Stephenson, 2011). The central challenge for electoral justice, therefore, lies in managing the balance between activism and restraint in a way that preserves both constitutional legitimacy and electoral integrity, when making decisions that will have an effect in the political landscape. Courts must intervene when the protection of rights or the regularity of the electoral process so requires, but they must do so based on legal reasoning that remains institutionally persuasive and normatively grounded and always respecting the current constitutional order.

### 3.3 The constitutional court as a political-institutional actor: the Kelsen-Schmitt debate and its contemporary reformulation

Contemporary democratic systems generally require an institution entrusted with supervising the validity and supremacy of the Constitution (Alexy, 2000). In most modern constitutional models, this responsibility is assigned to jurisdictional bodies whose function is to ensure that the acts of public authorities conform to the constitutional framework and that normative conflicts are resolved according to pre-established rules. In this sense, constitutional courts perform a function of control that produces not only legal consequences but also profound political and institutional effects (Uribe Arzate, 2002). The judiciary is therefore not limited to resolving individual disputes. It also fulfills a fundamental function in legitimizing political processes, and the authority of courts depends on their capacity to persuade through their rulings and on their institutional relationship with the remaining branches of government (O'Brien & Silverstein, 1986).

If one accepts the premise that a constitution embodies the fundamental political decisions of a state (Schmitt, 1982), it follows that the institution entrusted with protecting those decisions inevitably assumes a political role. The classical controversy between Hans Kelsen and Carl Schmitt is particularly illustrative in this regard because it centered precisely on the nature of constitutional review and the authority competent to exercise it. Kelsen defended a jurisdictional model of constitutional review, entrusted to a specialized tribunal capable of exercising normative control over legislative acts and the actions of other public authorities. For Kelsen, the establishment of a constitutional court constituted a legal safeguard against the excesses of political power because it institutionalized conflict within a

normatively structured procedure (Kelsen, 1942). Schmitt, by contrast, argued that the guardian of the Constitution should be an eminently political authority capable of acting in exceptional circumstances to preserve political unity. From this perspective, assigning constitutional review to judges entailed a “politicization of justice” (Politisierung der Justiz), insofar as courts would inevitably be compelled to resolve questions that were ultimately political in nature (Schmitt, 2020).

However, even Kelsen acknowledged the political dimension inherent in judicial functions, recognizing that it is mistaken to assume that only legislation is political while the judiciary merely applies the law without participating in its creation or normative configuration (Kelsen, 1942). This observation undermines the notion of an absolute separation between law and politics within the jurisdictional sphere. In contemporary constitutionalism, the debate has been reformulated through the concept of the judicialization of politics (Gargarella, 1996; Hirschl, 2004), understood as an institutional mechanism through which politically sensitive conflicts are submitted to specialized and ostensibly impartial bodies for resolution under the prevailing legal framework. Nevertheless, in contexts of high political polarization, judicial intervention may generate perceptions of confrontation that, if not properly managed, can erode the legitimacy of judicial rulings and of the institutional system (Nava, 2018).

The structural rationale for this arrangement lies in the need to prevent and correct excesses in the exercise of political power (Valadés, 1998). Constitutional courts perform a function aimed at controlling political power according to the constitutional order and preserving the normative supremacy of the Constitution. Their most significant functions, including interpreting the Constitution, safeguarding

constitutional supremacy, exercising control over contentious political processes, particularly electoral disputes, conducting ex post constitutional review, and protecting the democratic system and human rights, demonstrate that their rulings directly affect the configuration of the political system (Uribe Arzate, 2002). From this perspective, constitutional review cannot be understood as a neutral activity devoid of political effects (Grimm, 2019). Rather, constitutional courts may be characterized simultaneously as legal and political actors (Landfried, 2019). This dual nature becomes especially visible in contexts of polarization, where constitutional review directly affects processes of institutional definition and may reinforce or reconfigure preexisting political balances (Mora-Sifuentes, 2025).

If this proposition holds for constitutional courts in general, it is even more evident in constitutional electoral justice, where the judicialization of politics and the politicization of the judiciary converge. Electoral disputes are inherently political because they directly affect the composition of representative institutions and the distribution of public power. Yet their resolution is entrusted to jurisdictional bodies required to decide according to legal parameters, even when their rulings produce immediate consequences in the political arena. Constitutional electoral justice therefore assumes a particularly pronounced political-institutional role.

How this role is exercised is, to a significant degree, a function of the relationship between the autonomy of law and the autonomy of politics. Constitutional adjudication cannot become a structural obstacle to democratic deliberation, nor can it generate normative expectations that the political system is incapable of fulfilling. Institutional effectiveness therefore requires that constitutional review be exercised prudently and selectively, avoiding both expansive

interventionism and uncritical abstention (Fix-Fierro, 2020). As political conflict intensifies, constitutional adjudication frequently becomes the ultimate arbiter of the dispute, and constitutional courts tend to perform a stabilizing function. Through rulings that maintain a degree of equidistance from the ideal preferences of the political actors in conflict, they seek to generate sufficient levels of institutional legitimacy (Fix-Fierro, 2020). Because their real authority depends to a significant extent on the persuasive force of their reasoning, constitutional adjudicators respond not only to their own convictions but also to the expectations and reactions of multiple audiences, including political actors, the legal community, the media, and society at large (Fix-Fierro, 2020).

It is precisely this stabilizing potential that the present study foregrounds. Consistent with the institutional approach set out in Section 1.3, the political role analyzed here is not identified with the subjective motivations of individual adjudicators, but with observable and measurable institutional patterns derived from judicial rulings and the argumentative structures that support them. The question, therefore, is not what political position a given justice may hold, but whether the aggregate decisional behavior of a court reveals a discernible political tendency and whether in a context of constitutional polarization it performs the stabilizing function that constitutional theory attributes to it.

### 3.4 Electoral integrity and the quality of democracy

The preceding sections establish that electoral justice performs a political-institutional role. In that sense, the value of that role must be assessed against the

standards of electoral integrity and the quality of democracy. Electoral integrity is conceptualized as a multifaceted framework encompassing adherence to democratic norms and standards throughout the electoral process, and it enshrines respect for the international standards and global norms that govern the proper conduct of elections (Norris, 2015, p. 4; Norris, 2017). It is not merely about the act of voting; it involves a comprehensive assessment of the entire electoral cycle, including pre-election conditions, the conduct of elections, and post-election processes.

One foundational definition anchors electoral integrity in adherence to internationally accepted norms of electoral conduct and the extent to which elections meet standards of fairness, transparency, and accountability (Norris, 2017). This definition aligns with a broader democratic theory that treats participation and contestation as essential criteria for free and fair elections (van Ham, 2020). The concept has evolved to incorporate various dimensions, including the independence of electoral management bodies, the presence of effective oversight mechanisms, and the absence of electoral fraud (Birch & van Ham, 2017; van Ham & Garnett, 2019). It has further been expanded through the electoral-cycle approach, which maps irregularities and manipulations across the entire process, from the pre-election period to the post-election aftermath (van Ham & Lindberg, 2015), recognizing that electoral integrity is not a static condition but a dynamic process shaped by political context, institutional design, and societal norms (van Ham, 2014).

Perceptions of electoral integrity, in turn, significantly influence public trust in democratic institutions. Citizens who perceive elections as fair are more likely to engage in the electoral process, thereby reinforcing democratic values (Birch & van

Ham, 2017), and perceptions of electoral fairness are closely linked to voter turnout (Birch, 2010). In this sense, the rulings of electoral courts can serve as a measure of effectiveness: by upholding the regularity of elections, they can increase confidence and signal a healthy democratic system in which citizens' voices and votes count.

These considerations connect electoral integrity to the broader literature on the quality of democracy. A "good" democracy is generally understood as one that secures not only free and fair electoral competition, but also the rule of law, accountability, and the effective protection of rights (Morlino, 2004; O'Donnell, 2005). By contrast, defective or non-embedded democracies are those in which one or more of these dimensions, including the institutions that guarantee electoral integrity, have been eroded (Merkel, 2004). Within this framework, electoral justice occupies a strategic position because, as the institution responsible for adjudicating the regularity of elections and protecting political-electoral rights, it constitutes one of the guarantees on which democratic quality depends. The subsequent analysis of the Mexican Electoral Tribunal's institutional role should therefore be read against this benchmark.

## 4. Political polarization and constitutional democracy

### 4.1 Polarization in contemporary democracies

Political polarization is one of the most critical challenges facing contemporary democratic systems. However, defining and measuring polarization is not straightforward and the concept has been operationalized in different ways across the literature (Bauer, 2019). The Varieties of Democracy (V-Dem) project offers one widely used definition, conceiving political polarization as "the extent to which political differences affect social relationships beyond political discussions," such that "[s]ocieties are highly polarized if supporters of opposing political camps are reluctant to engage in friendly interactions, for example, in family functions, civic associations, their free time activities and workplaces" (V-Dem, 2023, p. 232). This definition deliberately locates polarization not only in the distance between programmatic positions, but in the degree to which political identity reshapes ordinary social life.

A complementary theoretical approach is offered by McCoy, who describes polarization as a process that simplifies politics into a binary division, arranging society into opposing, antagonistic camps of "us versus them." Unlike definitions that focus solely on ideological distance, the author treats polarization as a social phenomenon in which multiple societal cleavages align into a single, mutually exclusive split, involving not merely political disagreement but intense emotional hostility, with each group perceiving the other as a threat. Such "pernicious polarization" can reduce trust in democratic institutions and foster an unwillingness to cooperate across party lines, ultimately destabilizing democracy (McCoy & Somer, 2019). This emphasis on hostility connects with the literature on affective

polarization, which understands the phenomenon as rooted less in ideological divergence than in identity-based attachments, where individuals display strong in-group favoritism and heightened animosity towards opposing political actors (Druckman & Levendusky, 2019; Iyengar et al., 2012; Iyengar & Westwood, 2015).

McCoy further observes that sustained polarization harms democracy by creating an environment in which political groups view one another as existential threats; this antagonism discourages compromise, empowers leaders to consolidate power, and erodes institutional checks, with Latin America offering cautionary examples of democracies rendered vulnerable by deepening social divides and the temptation of populist leaders to exploit them for autocratic ends (McCoy & Somer, 2019). In a similar vein, Freidenberg argues that sustained and "toxic" polarization "erodes democracies, because of the difficulties in identifying mechanisms of mutual understanding and making it the citizens' responsibility to, through their voices and ballots, demand that their leaders restrain themselves, acknowledge and respect the plurality of ideas, visions, and interests present in society" (Freidenberg, 2024).

### 4.2 Polarization, democratic backsliding, and the judiciary

Within this broader context, political polarization plays a central role as both a symptom and a driver of democratic erosion, which frequently originates within previously democratic regimes rather than through abrupt ruptures (Popper, 2011). Empirical data indicate that polarization is increasing in roughly a quarter of all countries worldwide and often reaches levels described as "toxic" (Nord et al., 2025). Cross-national evidence reinforces these concerns: of the 31 countries in which

governments increasingly employ disinformation, two-thirds are simultaneously undergoing processes of autocratization, while polarization is rising significantly in 45 countries, more than half of which have reached toxic levels. Crucially, these trends are not confined to authoritarian regimes: more than half of the countries experiencing increasing polarization are democracies (Nord et al., 2025). In such environments, individuals may become more willing to tolerate democratic backsliding or to support measures that weaken institutional checks and balances when those measures benefit their preferred political faction (McCoy & Somer, 2019; Nord et al., 2025).

These dynamics bear directly on the judiciary. High political polarization is an element that must be considered when analyzing the role of courts as protectors of constitutional democracies because it can significantly influence both judicial behavior and public perceptions of the judiciary. One of the primary considerations is the degree of judicial independence. In polarized contexts, courts may face pressure from political actors from who may seek to compromise their capacity to decide impartially. Hasen (2019) observes that, in times of heightened polarization, the processes for nominating and confirming judges tend to become politicized, producing a judiciary that may reflect partisan affiliations rather than an impartial legal standard. Assessing judicial independence, through mechanisms such as security of tenure, budgetary autonomy, and the absence of political interference, therefore provides insight into the capacity of courts to uphold the rule of law under polarized conditions.

As polarization intensifies, constitutional and electoral tribunals are increasingly cast as central arenas for resolving conflicts that are simultaneously

legal and political. Their decisions become more likely to be interpreted through political lenses, and they may face heightened pressure to adopt positions that either reinforce or counteract prevailing political dynamics. This amplifies the significance of judicial behavior: in a polarized environment, a ruling is rarely received as a purely technical act, but it is read as an institutional positioning with political consequences and within a given political spectrum. It is precisely this condition that renders the political role of electoral justice both more visible and more consequential, and that motivates its systematic examination in the present study.

### 4.3 Polarization as a structural condition of the analysis

The foregoing has an important methodological implication for how polarization is treated in this dissertation. Political polarization is not a variable measured directly within the dataset of judicial decisions; rather, it is treated as a structural condition that informs the interpretation of the patterns identified through both quantitative and qualitative methods. The quantitative component captures aggregate tendencies in judicial behavior in terms of levels of deference or intervention, while the qualitative component reveals how those tendencies are justified through legal reasoning. Read under the broader context of polarization, these patterns acquire deeper explanatory meaning, because they can be understood not only as technical legal outcomes but also as institutional responses to a fragmented and adversarial political environment.

This framing strengthens the analytical relevance of examining the TEPJF as an institutional actor rather than through the motivations of individual judges. Affective polarization tends to personalize political conflict, and this dissertation

avoids that approach. The choice to examine the aggregate behavior of the Tribunal reveals a consistent *institutional* orientation towards safeguarding constitutional continuity or reinforcing the implementation of a contested reform. In this sense, polarization is the explanatory backdrop against which observable institutional patterns become legible, consistent with the institutional approach set out in Section 1.3 and operationalized through the system of variables described in Section 8.

Two further considerations follow. First, the timing of peak polarization is itself analytically significant: where the highest levels of polarization coincide with the most contentious phase of institutional transformation, judicial decisions must be read as responses to a dual pressure, namely, the obligation to uphold constitutional mandates and the need to preserve institutional stability within a fragmented political landscape. Second, this linkage allows the analysis to move beyond description toward a theoretically grounded explanation of judicial behavior, in which the role assumed by an electoral tribunal can be understood as an institutional response to the structural conditions of polarization, under which the preservation of constitutional order, electoral continuity, and institutional legitimacy becomes a central concern. The empirical trajectory of polarization in Mexico, which provides the concrete setting for this argument, is documented in Section 6.

## 5. Electoral justice in Mexico and Latin America

### 5.1 A brief history of electoral justice in Latin America

Since the creation of the Electoral Court of Uruguay and the Electoral Qualifying Tribunal of Chile in the 1920s, electoral justice in Latin America has been granted constitutional status. The regional tradition of these institutions dates back to the establishment of these courts, respectively, in 1924 and 1925, followed by the National Jury of Peru (1931), and the Superior Electoral Tribunal of Brazil (1934) (Nohlen et al., 2007; Orozco-Henríquez, 2001). Throughout the twentieth century, however, Latin American democracies faced challenging episodes in which electoral authorities frequently operated within, depended on, or were subject to overwhelming pressures from the Executive.

Throughout the last century, and particularly in recent years, electoral justice has played a key role in the consolidation of Latin American democracy. Through its decisions, it has given content to the concept of free and fair elections by processing claims filed by contending parties, candidates, and citizens, and by guaranteeing the systematic celebration of voting processes held periodically under foreseeable rules (Sobrado González, 2009). Historically, the validation of electoral results often rested with political bodies before the creation of specialized electoral courts (Ricci & Porto Zulini, n.d.), and the gradual transfer of that function to jurisdictional organs marks a defining feature of the region's democratization.

Currently, all Latin American countries have electoral tribunals, although not all of them are jurisdictional bodies dedicated exclusively to electoral matters. Some of them carry out both the organization of elections and the adjudication of cases

related to the results. The incorporation of these bodies into the electoral system has been implemented primarily through the Constitution, by including them at that level of regulation. In some cases, like in Mexico, they are the final instance responsible for resolving electoral disputes, with decisions that are final and unappealable.

### 5.2 The Electoral Tribunal of the Federal Judiciary: constitutional basis, structure, and mandate

The current configuration of electoral administration and electoral justice in Mexico stands in contrast to the country's model of electoral governance before 1990. For nearly two centuries, the organization of elections was characterized by an almost absolute control exercised by the Executive through the Minister of the Interior, without the intervention of specialized jurisdictional bodies. In that sense, electoral justice did not exist (Alanis Figueroa, 2008). This absence was reinforced by a doctrinal tradition established in the nineteenth-century and known as the "Vallarta thesis", according to which the judiciary was precluded from intervening in political and electoral matters, and by a persistent distrust of judicial involvement in such questions, grounded in the perception that it could alter political balances (Garza Onofre & Martín Reyes, 2021).

The consolidation of the Electoral Tribunal as a constitutional court mandated with guaranteeing electoral justice was the result of successive constitutional and legal reforms that redefined its nature, powers, and institutional position within the Federal Judiciary. While they can be traced back to the reforms of 1977 and 1986, it is only in the ones in 1990, 1993, 1996, and 2007 that we see what we currently

understand as electoral justice in Mexico (Galván Rivera, 2018; Nava, 2018). These transformations responded to the need to strengthen the credibility of electoral processes and to institutionalize jurisdictional mechanisms capable of resolving political disputes under legal standards.

The decisive turning point came with the constitutional reform of 1996. To safeguard the principles of constitutionality and legality in electoral adjudication of complaints, the reform established a judicial system of appeals by incorporating electoral jurisdiction into the Federal Judicial Branch. This institutional reconfiguration displaced the prior model, under which the Electoral College was responsible for the political qualification of elections and for certifying the presidential election, and transferred those functions to the Electoral Tribunal of the Federal Judiciary (TEPJF). Acting through its High Chamber, the TEPJF was empowered to validate the election, declare its results, and issue the corresponding certificate. This reform was described at the time as the “definitive electoral reform,” since it endowed the Mexican electoral system with a more coherent and robust legal framework and strengthened the institutional capacities of the electoral authorities by providing greater effectiveness and certainty in the exercise of their jurisdiction.

Article 99 of the Constitution expressly delineated the nature of the TEPJF, recognizing it as a jurisdictional body of the Judiciary with exclusive and final competence in electoral matters, subject only to the exceptional powers reserved to the Supreme Court of Justice of the Nation concerning the unconstitutionality of laws and the resolution of jurisprudential contradictions (Political Constitution of the United Mexican States, art. 99). Among its constitutional powers are the definitive adjudication of challenges related to the federal elections for the Chamber of

Deputies and the Senate; the resolution of disputes concerning the election of the President of the Republic, including the final tabulation of that election and, where appropriate, the declaration of its validity and of the President-elect; the review of acts and resolutions of the federal electoral authority; and the protection of the political-electoral rights of citizens, including the rights to vote, to be elected, and to associate freely to participate in the country's political affairs. Following the 2024 judicial reform, this catalogue was extended to encompass disputes arising from the popular election of members of the Judiciary itself (Political Constitution of the United Mexican States, art. 99).

At the top of this institutional structure sits the High Chamber, the final jurisdictional authority in electoral matters and the principal unit of analysis of this dissertation. Based in Mexico City, it is composed of seven electoral judges (*magistraturas*) that, until the constitutional reform of 2024, were appointed by the Senate, by a two-thirds vote of the members present, from slates proposed by the Supreme Court. They served for nine-year terms without the possibility of reappointment. The presidency of the High Chamber was filled through an internal vote by peers for a four-year term, with the possibility of reelection. In terms of jurisdiction, the High Chamber hears, at first instance, appeals related to the presidential election and to the federal elections of deputies and senators elected by proportional representation, and, at second instance, appeals concerning gubernatorial elections, including that of Mexico City. It also performs the final tabulation of the presidential election once any challenges have been resolved and declares the validity of the election and the President-elect. As the highest jurisdictional authority in electoral matters, the TEPJF therefore functions as a

specialized constitutional electoral court whose decisions directly affect the composition of public authorities, the legal validity of electoral outcomes, and the legitimation of democratically elected institutions (Narváez Hernández, 2019). While the general logic of its jurisdiction and mandate was preserved, now it also solves disputes related to the election of all judges, except for those associated with the election of the High Chamber. The Supreme Court, against the historical tradition, is now responsible for the adjudication of complaints of those elections.

### 5.3 The national electoral system: INE and related authorities

The High Chamber does not operate in isolation, but within a broader national electoral system that combines jurisdictional and administrative authorities. On the jurisdictional side, alongside the High Chamber, the Electoral Tribunal comprised a Specialized Regional Chamber, that the 2024 reform eliminated, and five Regional Chambers. The Specialized Regional Chamber, seated in Mexico City, heard disciplinary proceedings concerning violations of the rules on access to radio and television, the use of public resources, public and electoral advertising, and premature pre-campaign and campaign acts. The five Regional Chambers were established in Guadalajara, Monterrey, Xalapa, Mexico City, and Toluca, the capitals of the country's electoral regions (*circunscripciones*) and are each composed of three judges (*magistraturas*) that were also appointed by the Senate, on the proposal of the Supreme Court, for nine-year terms. While the selection process was substituted by elections, they still review, in the first instance, challenges concerning

federal deputies and senators elected by relative majority and, in the second instance, those concerning local authorities, except for governorships.

On the administrative side, the organization of elections is a State function carried out through the National Electoral Institute (INE), an autonomous, constitutional, permanent public body, independent in its decisions and operation, endowed with its own legal personality and assets, and constituting the highest administrative electoral authority in the country (Political Constitution of the United Mexican States, art. 41). The INE is responsible for organizing the federal elections of the President of the Republic, members of congress, and senators. Since 2014, in coordination with the Local Public Electoral Bodies (OPLEs) of the federal entities, it is also in charge of local elections. For both federal and local processes it is responsible for electoral training, electoral geography, the electoral roll and the list of voters, the location of polling stations, the oversight of voter registration, and the relevant rules, guidelines, criteria, and formats; for federal processes it additionally prepares the voting day, prints electoral documents, conducts the count, declares validity, and issues certificates. Its principal functions include contributing to the development of democratic life, preserving and strengthening the party system, guaranteeing the periodic and peaceful holding of elections, ensuring the authenticity and effectiveness of the vote, and administering the State's radio and television time allocated to electoral purposes.

The INE is organized into governing, technical-executive, and oversight bodies. Its highest governing body is the General Council, which ensures that the principles of certainty, legality, independence, impartiality, and objectivity guide the institution's activities. It is composed of a President Councilor and ten Electoral

Councilors, all of whom have voice and vote, together with councilors of the Legislative Branch and the representatives of the national political parties, who participate with voice but without vote. The General Council is complemented by Local and District Councils, which are established only during electoral processes in each of the thirty-two federal entities and the three hundred single-member districts, respectively, as well as by permanent Local and District Boards that provide technical and executive support. The General Executive Board, chaired by the President Councilor and composed of the Executive Secretary and the executive directorates, implements the Institute's policies and programs, while a set of oversight bodies supervises the integration and operation of the electoral register.

Taken together, this institutional architecture distributes electoral functions between an administrative authority that organizes and conducts elections, namely the INE in coordination with the OPLEs, and a set of jurisdictional authorities that adjudicate disputes and guarantee the constitutionality and legality of electoral acts, namely the chambers of the TEPJF. It is within this institutional configuration, and particularly at its jurisdictional peak, that the rulings analyzed in this dissertation were produced.

## 6. Political polarization in Mexico

### 6.1 A longitudinal view (V-Dem data, 1940s–2025)

The analysis of political polarization in Mexico requires a longitudinal perspective that captures both historical variation and contemporary escalation. This is because, as polarization intensifies, it contributes to the erosion of trust in institutions, the delegitimization of political opponents, and the weakening of democratic norms (Nord et al., 2025). This poses additional pressures on the judiciary from political actors.

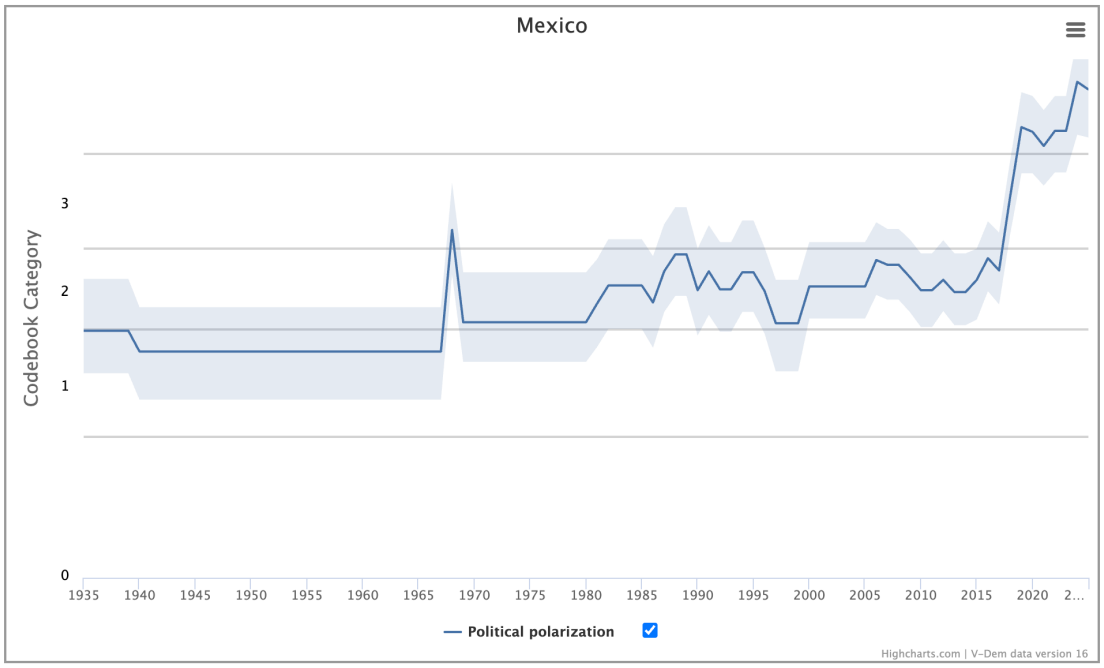
The V-Dem dataset provides a systematic measure of polarization based on expert assessments of the extent to which societies are divided into antagonistic political camps, with political differences extending beyond institutional arenas into social relations. The scale ranges from low polarization, where individuals across political divides interact amicably, to high levels of polarization, where hostility permeates everyday social interactions ("Data Page: Political polarization score", 2025).

The long-term trajectory of political polarization in Mexico reveals significant fluctuations. During the mid-20th century, particularly throughout the period of hegemonic party rule, polarization levels remained consistently below the global average, with values around -1.09 from the 1940s through the 1960s. This period of low polarization can be interpreted not necessarily as the absence of political conflict, but rather as the suppression or institutional containment of political competition within a dominant-party system. (V-Dem, 2026)

The transition towards electoral pluralism in the late 20th century produced moderate increases in polarization, although levels remained relatively close to the global mean. For instance, during the democratic electoral transition period (1990s–early 2000s), polarization fluctuated around slightly negative or near-zero values, indicating a context in which political competition intensified but had not yet translated into deeply antagonistic social divisions (V-Dem, 2026).

**Figure 1**

**Political polarization score, Mexico (V-Dem), 1940s–2025. Model estimates.**




Source: V-Dem 2026, https://www.v-dem.net/data_analysis/CountryGraph/

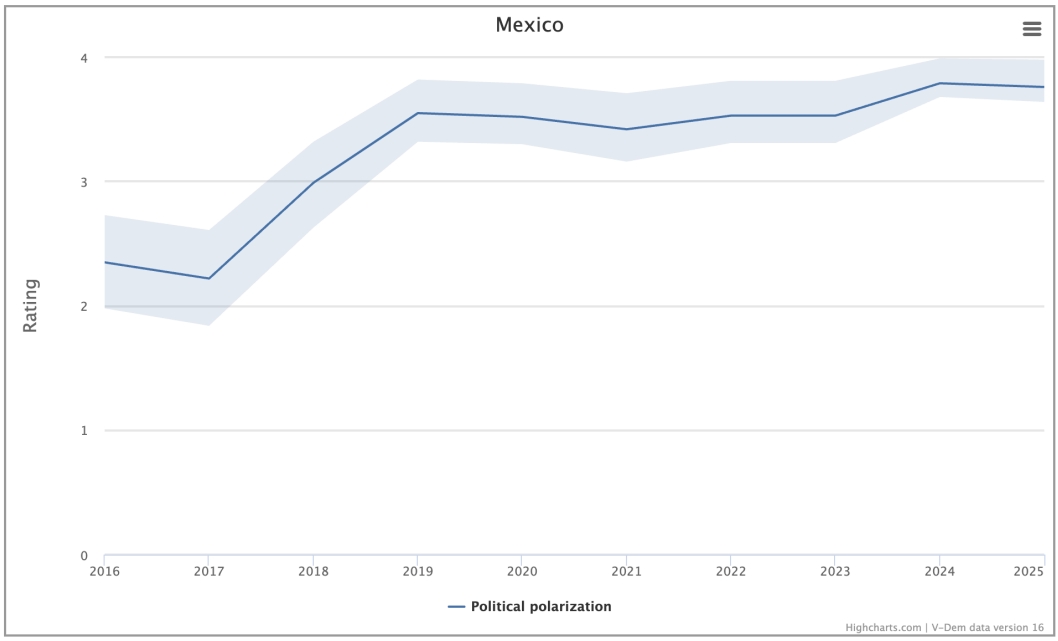
6.2 The post-2018 escalation and the 2024–2025 peak

A clear shift occurs beginning in 2018, as political polarization reached levels above 2 in the original V-Dem scale, which are only registered in the country in the late

sixties. The last decade records the highest levels of political polarization in Mexico's contemporary democratic period, placing the country within a range that approaches "toxic polarization" (Nord et al., 2025). At this level, political divisions are no longer confined to ideological disagreement but extend into social fragmentation, in which individuals affiliated with opposing political camps are more likely to engage in hostile than in cooperative interactions.

**Figure 2**

**Political polarization score, Mexico (V-Dem), 1940s–2025. Original scale.**




Source: V-Dem 2026, https://www.v-dem.net/data_analysis/CountryGraph/

Recent scholarship indicates that polarization in Mexico has evolved beyond ideological disagreement into a deeper form of affective polarization, characterized by strong emotional divisions between partisan groups, such that citizens

increasingly perceive political opponents not merely as competitors but as illegitimate actors (Aguiar Aguilar et al., 2025). This phenomenon became particularly pronounced following the 2018 presidential election, as the country moved towards an affective polarization driven by a narrative structured around an "us versus them" dichotomy that cast the political establishment as an adversarial out-group (Castro Cornejo & Langston, 2023). Consistent with broader theory, this form of polarization is rooted less in ideological divergence than in identity-based attachments, with strong in-group favoritism and heightened hostility towards opposing actors (Druckman & Levendusky, 2019; Iyengar et al., 2012; Iyengar & Westwood, 2015). Its implications for democratic governance are significant: as affective polarization intensifies, citizens become more willing to support illiberal measures when they perceive them as benefiting their preferred camp (Aguiar Aguilar et al., 2025).

In sum, political polarization in Mexico has transitioned from historically low or moderate levels to structurally high levels within a relatively short period. This shift suggests a reconfiguration of political competition, where disagreement is increasingly expressed in antagonistic and identity-based terms. Crucially for this dissertation, the sharp rise in polarization after 2018 and its peak during 2024–2025 coincide with a period of intense constitutional amendment that includes the judicial reform and the implementation of the electoral process for judicial offices. In this context, the courts charged with resolving the resulting disputes operated within an environment of heightened political conflict and social division.

### 6.3 The electoral judiciary operating within a polarized environment

The persistence of high polarization in 2024–2025 means that the decisions regarding the electoral implementation of the judicial reform were not rendered within a neutral social framework. On the contrary, they were inserted into a context in which political identities were deeply entrenched, and societal divisions were pronounced, and in which, as a result, judicial decisions were more likely to be interpreted through political lenses. In such conditions, constitutional and electoral tribunals become central arenas for resolving conflicts that are simultaneously legal and political, and the significance of their conduct is correspondingly amplified.

This context strengthens the analytical relevance of examining the Electoral Tribunal of the Federal Judiciary as an institutional actor rather than through the motivations of individual judges. Because affective polarization tends to personalize political conflict, this dissertation avoids attributing subjective intentions to specific actors (judges) and asks instead whether the aggregate behavior of the Tribunal reveals a consistent orientation towards safeguarding constitutional continuity by guaranteeing the implementation of the reform. Polarization thus operates as the explanatory backdrop that gives meaning to the observable patterns reconstructed in the empirical analysis, in keeping with the design set out in Section 8.

The broader implication is that, in contexts of high and sustained polarization, electoral courts are not merely arbiters of legal disputes but institutional actors operating within a fragmented and conflictual political environment. Whether through deference, intervention, or stabilization, their decisions contribute to defining the balance between constitutional order and political contestation. The Mexican case

during 2024–2025 offers a particularly clear setting in which to observe this dynamic, in the context of the implementation of de 2024 judicial constitutional reform.

## 7. The 2024 judicial reform and the first judicial election

### 7.1 Background: structural criticism of the justice system

The constitutional reform concerning the Federal Judiciary, published on September 15, 2024, is better understood with reference to the prior context of structural criticism directed at the Mexican justice system. In the preceding years, public debate increasingly incorporated discussions about the need to transform the administration of justice, particularly as institutional deficiencies and the judiciary's limited capacity to respond to social demands became more visible. Public recognition of, and confidence in, judicial institutions had reached low levels, while broad sectors of the population faced genuine obstacles in accessing the courts; society demanded that jurisdictional bodies act as guardians of democratic commitments while simultaneously expressing skepticism about their performance and legitimacy (Fix-Fierro, 2020).

This climate of institutional distrust generated the conditions for structural reforms aimed at redefining the role of the Judiciary within the Mexican democratic system. Within this context, different proposals emerged seeking to modify the models of electoral and constitutional justice, progressively incorporating the idea of subjecting the members of high-level jurisdictional bodies to popular election.

### 7.2 From "Plan A" to "Plan C": the road to constitutional reform

The reform did not emerge as an isolated event, but as the outcome of a progressive political process marked by successive reform attempts and strategic institutional reconfigurations (Camacho Loza, 2026). On April 29, 2022, the Federal Executive

submitted a constitutional reform initiative publicly known as “Plan A,” which contemplated substantial modifications to the political-electoral system and, among other elements, began to incorporate the possibility of direct popular vote for the election of certain electoral justices. The initiative failed to obtain the qualified majority required in the Chamber of Deputies and was therefore rejected.

Following that unsuccessful attempt, on December 6, 2022, a package of legal reform initiatives was introduced, largely mirroring the contents of the previous proposal and known in political discourse as “Plan B”. It was not a constitutional reform, so the threshold to approve it was lower. When it was eventually passed, its two parts were issued in the Official Gazette of the Federation on December 27, 2022, and March 2, 2023 (Camacho Loza, 2026). “Plan B” was challenged before the Supreme Court of Justice of the Nation through actions of unconstitutionality, and on June 22, 2023, resolving Action of Unconstitutionality 71/2023 and its related cases, the Court declared the decree of March 2, 2023, invalid on the ground that the legislative procedure had contained substantial irregularities, in particular, the failure to publish the initiatives before the corresponding session began, which prevented legislators from adequately reviewing their content. Although the popular election of judges did not yet exist at that point, this ruling constitutes a significant early precedent, because by invalidating the statutory route, the Court redirected the trajectory of the reform process and opened the way for a constitutional strategy, illustrating how constitutional review directly shapes political and institutional debate. The ruling is analyzed in detail in Section 10.

On February 5, 2024, the Federal Executive introduced a new package of constitutional reforms that were labeled as “Plan C” in the public debate. They

proposed a substantial transformation of the model for the composition of the Federal Judiciary through the popular election of judges and, unlike “Plan B,” entailing a direct amendment to the constitutional text (Camacho Loza, 2026). After its approval, the Decree amending, adding to, and repealing various provisions of the Constitution concerning the reform of the Judiciary was issued in the Official Gazette of the Federation, in September 15, 2024, formalizing the new model. The approval of “Plan C” marked a turning point in Mexican constitutional history, as the composition of the Judiciary became subject to popular election, transferring to the electoral sphere a dimension traditionally associated with judicial-career systems and indirect appointment procedures. This contributed to intense political polarization and opened a period of extensive constitutional litigation.

### 7.3 Content of the 2024 reform

The Decree of September 15, 2024, introduced a structural transformation in the model for organizing both the Federal Judiciary and the judiciaries of the federal entities, establishing that federal and local judicial authorities would henceforth be elected by direct popular vote (Astudillo Reyes, 2024; Diario Oficial de la Federación, September 15, 2024). Its most significant change consisted of transferring to the electoral sphere the selection of positions that had historically been filled through institutional appointment mechanisms or judicial-career systems. At the federal level, the Extraordinary Electoral Process 2024–2025 contemplated the complete renewal of the Supreme Court of Justice of the Nation, whose composition was reduced from eleven to nine members and whose chamber-based structure was eliminated. It also

provided for the election of the electoral justices of the High Chamber and the judges of Regional Chambers of the Electoral Tribunal, the creation and integration of the Judicial Disciplinary Tribunal, and the partial renewal of Circuit magistrates and District judges.

The reform also modified the organizational structure of the Judiciary. The Federal Judiciary Council, in charge of administrative and judicial discipline, was abolished and replaced by two new bodies: the Judicial Disciplinary Tribunal, entrusted with disciplinary functions, and the Judicial Administration Body, responsible for administrative management and the judicial-career system. The judges of the earlier would also be elected and the members of the latter would be appointed at the proposal of the Executive, the Legislative and the Supreme Court. At the electoral level, the Decree empowered the National Electoral Institute (INE) to issue the agreements necessary for the organization, conduct, tabulation, and oversight of the election, in accordance with the constitutional principles of certainty, legality, independence, impartiality, transparency, objectivity, and gender parity. It also established a detailed electoral calendar, including the commencement of the process on September 16, 2024, election day on June 1, 2025, and a final deadline of August 28, 2025, for the resolution of electoral challenges.

The magnitude of the process was unprecedented. For the first time in Mexican constitutional history, 881 federal judicial positions were submitted to popular election, in addition to the positions in the nineteen federal entities that harmonized their local constitutions with the federal reform. Finally, the reform established transitory provisions with direct effects on sitting adjudicative authorities, including rules on automatic inclusion in candidate lists, the early termination of

appointments in the event of electoral defeat, differentiated terms of office, and provisions on salaries and employment benefits. These measures generated institutional incentives and concrete legal effects that would later be invoked in various constitutional-review proceedings.

### 7.4 The reform's immediate effect on the jurisdiction of the TEPJF

From a jurisdictional perspective, the reform produced an immediate effect on the scope of the TEPJF. By establishing that the members of the Judiciary would be elected through popular vote, those elections became subject to the electoral justice regime provided for in Article 99 of the Constitution. Consequently, disputes related to the organization, development, vote count, and validity of the judicial election fell within the jurisdictional sphere of the Electoral Tribunal, with the exception already mentioned before of those specifically concerning the election of the electoral justices themselves, whose final review was assigned to the Supreme Court (Political Constitution of the United Mexican States, art. 99).

This normative shift carries significant institutional implications. Whereas the Electoral Tribunal had already been the highest jurisdictional authority in federal electoral matters, including the presidential election, it now also assumed responsibility for resolving disputes related to the composition of the Judiciary itself, a development that further intensified the political dimension of its rulings (Astudillo Reyes, 2024).

The reform also generated a context of intense constitutional polarization. Various actors filed amparo writs (*juicios de amparo*) challenging both the reform

and the acts implementing the judicial electoral process, obtaining in some cases suspensions intended to halt its enforcement. Simultaneously, the INE, acting pursuant to the constitutional mandate derived from the reform, issued a series of resolutions and guidelines to organize the extraordinary election. Faced with this tension between judicial suspensions and the reformed constitutional mandate, the TEPJF was called upon to determine the viability of continuing the electoral process, and its intervention thus became the convergence point between the judicialization of politics and the politicization of the judiciary (Mora-Sifuentes, 2025). How the Tribunal, the District Courts, and the Supreme Court responded to that tension is the subject of the empirical analysis in Sections 9 to 11.

## 8. Research design

### 8.1 A mixed-methods, institutional design

Consistent with the institutional approach set out in Section 1.3, this study reconstructs the political role of electoral justice from the aggregate, observable conduct of jurisdictional bodies rather than from the subjective motivations of individual judges. As mentioned before, it does not disregard the behavioralist tradition exemplified by Posner (2008), but it deliberately adopts an institutional focus that enhances analytical neutrality and predictability, since it relies on publicly observable decisions that must be justified through legal reasoning subject to public scrutiny, rather than on the *attribution* of personal intentions to specific actors (Dworkin, 1986; Hall & Taylor, 1996; Priel, 2020). Accordingly, the central question is not what political position an individual electoral judge may have held, but if the TEPJF's aggregate decisional behavior reveals a discernible political tendency in relation to the implementation of Mexico's first judicial election that can be theoretically categorized.

To answer that question, this dissertation adopts a mixed-methods design that combines a quantitative analysis of frequencies and decisional patterns with a qualitative analysis of the argumentative discourse contained in the rulings (Creswell & Plano Clark, 2018; Tashakkori & Teddlie, 2010). Also, the use of a case study is particularly suited to examining complex legal phenomena that arise in contexts of intense political polarization (Patton, 2015; Stake, 1995; Yin, 2018). The general objective is to reconstruct the political role assumed by jurisdictional bodies through the analysis of their rulings, understood not merely as acts of legal application but as expressions of institutional positioning in the face of a highly polarized

constitutional conflict (Brenes, 2012), and to do so without attributing subjective intentions to the adjudicating authorities themselves (Dworkin, 1986; Priel, 2020).

## 8.2 Hypothesis operationalization and the system of variables

The central hypothesis is that, in a context of high political polarization, the High Chamber of the TEPJF assumed a politically identifiable institutional role oriented towards stabilization. It also claims that the various jurisdictional bodies drawn into the conflict assumed differentiated political positions, manifested through the selection of arguments, the hierarchy assigned to certain interests or constitutional principles, and through the institutional consequences derived from their decisions (Hirschl, 2004; Zagrebelsky, 2009). The hypothesis is operationalized by treating jurisdictional rulings as the units of observation, which makes it possible to identify the normative and argumentative patterns that evidence the adoption of an institutional political role (Hernández-Sampieri & Mendoza, 2018; Shapiro, 1981).

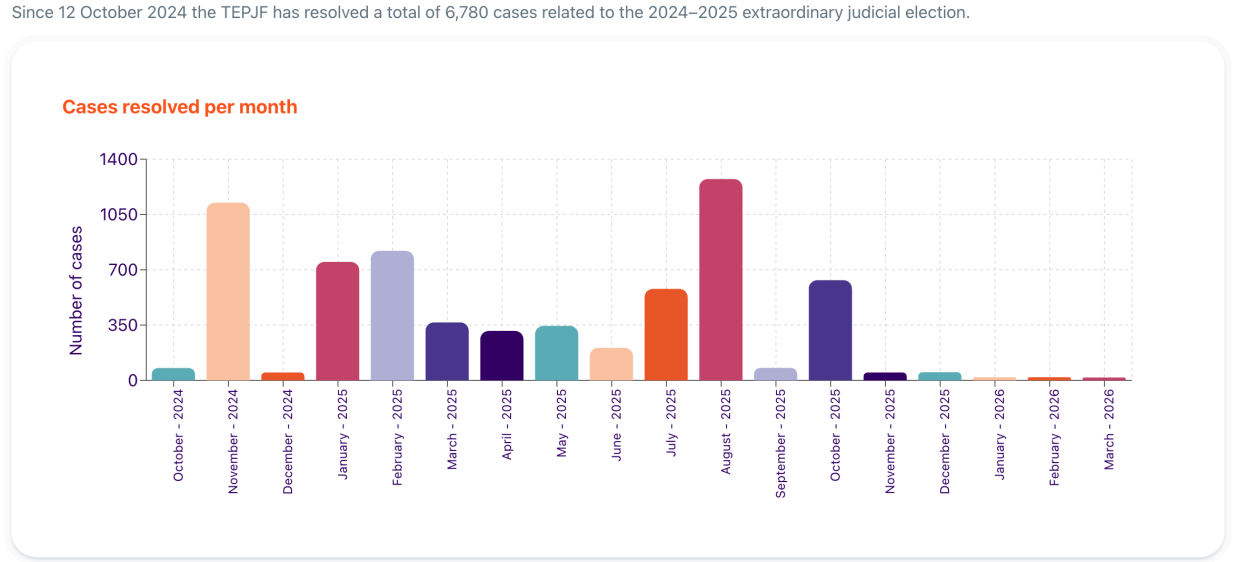
Because the approach is institutional, these propositions are framed as falsifiable expectations to be tested against observable features of the decisions rather than against presumed motivations (Epstein & King, 2002; King et al., 1994). The dependent variable is the judicial political role, identified through the direction of the rulings, the prioritization of constitutional interests, and the argumentative strategies employed. The independent variables are the type of jurisdictional body and the normative context of constitutional conflict, namely, the contradiction between the constitutional mandate to implement the judicial election and the suspensions issued in amparo proceedings. These interact within the broader

environment of polarization described in Section 6, to produce differentiated institutional responses, which are then captured through three analytical variables: the position adopted regarding the reform (Level A), the constitutional interests prioritized (Level B), and the argumentative strategy employed (Level C). The same system of variables governs both the quantitative and the qualitative components, described in turn below.

### 8.3 Quantitative component: descriptive design, universe of rulings, and the deference index

The quantitative component adopts a descriptive design, temporally limited to the Extraordinary Judicial Electoral Process 2024-2025 and substantively confined to rulings issued in challenges brought against resolutions adopted by the National Electoral Institute or the Senate of the Republic, insofar as those acts related to the organization, implementation, continuity, or validity of the judicial election. The unit of analysis is the universe of rulings by the High Chamber resolving such challenges, and the technique consists of the systematic registration and classification of those decisions according to previously defined criteria, enabling the construction of a structured database designed to identify frequencies and percentages (Creswell & Creswell, 2018; Hernández-Sampieri & Mendoza, 2018).

**Figure 3. Total cases solved by the TEPJF related to the Judicial Election.**




Through a process of refinement and systematization, a selection of 2,887 rulings was consolidated as the empirical universe of the quantitative analysis. Figure 3 shows the total number of cases solved at the High Chamber for the Judicial Election. Although the total universe of decisions related to the 2025 judicial election amounts to approximately 7,000 cases, only those directly connected to the central variables of the research were selected, that is, challenges against resolutions of the INE and the Senate concerning the stages prior to and including election day (for example, the declaration commencing the process, the rules on electoral geography, the prohibition on nicknames, the campaign-finance and auditing guidelines, ballot design, and the post-electoral declarations of validity). For reasons of thematic delimitation, matters concerning the Evaluation Committees of the three branches, the INE's technical auditing and electoral-litigation units, and motions seeking the

recusal of specific electoral justices were excluded. While they are relevant, these exceed the scope of this thesis and provide opportunities for future research.

The justification for this component is that the reiteration of judicial criteria is a relevant indicator of the institutional role assumed by the jurisdictional body: a consistent majority of rulings confirming the challenged agreements may be read as evidence of a position oriented towards safeguarding the continuity of the electoral process, whereas a significant number of reversals would suggest a more restrictive posture (Poyanco, 2013). The analysis is organized around three variables, as set out in Table 1: a dependent variable (the outcome of the ruling), an independent variable (the type of challenged agreement), and a derived aggregate indicator (the deference index).

**Table 1. Variable management**

| Type of variable | Variable | Conceptual definition | Operationalization (categories / indicator) | Technique |
|---|---|---|---|---|
| Dependent | Outcome of the ruling on the challenged agreement | Decisional outcome adopted by the High Chamber in response to challenges against agreements issued by the INE or the Senate. | Classification as: dismissal; unfounded; procedural order; granted; partially granted; dismissal on procedural grounds; considered not filed; referral of advisory opinion to the SCJN. | Descriptive statistics of frequencies and percentages. |

| | | | | |
|---|---|---|---|---|
| Independent | Type of challenged agreement | Nature of the normative or administrative act issued by the INE or the Senate and subjected to jurisdictional review. | Coding by subject matter: electoral-organization guidelines, eligibility requirements, voting guides, and similar categories. | Thematic classification and comparative frequency analysis. |
| Derived (aggregate indicator) | Deference index toward the authority | Percentage of judicial confirmation of agreements issued by the INE and the Senate. | Rulings confirming or not altering the challenged resolution / total number of rulings. | Percentage calculation and descriptive interpretation. |

The deference index is calculated as the proportion of “rulings confirming or not altering the challenged resolution” over the “total number of rulings,” and its descriptive interpretation, together with the cross-tabulation of issuing authority and type of ruling, provides the first empirical indicator of the institutional role assumed by the High Chamber (Epstein & King, 2002). The results of this component are reported in Section 9.

### 8.4 Qualitative component: directed content analysis, the corpus iuris, and the three-level coding scheme

The qualitative component proceeds from the premise that judicial rulings are normative texts endowed with evaluative content, capable of revealing the constitutional priorities and interests that jurisdictional bodies choose to protect in contexts of political dispute (Zagrebelsky, 2009). Its principal technique is directed

qualitative content analysis, which derives its analytical categories from the theoretical framework and the research hypotheses and then applies them to the identification of normative, evaluative, and argumentative patterns in judicial discourse (Hsieh & Shannon, 2005; Schreier, 2012).

The corpus iuris was delimited through theoretically guided purposive sampling around a single thematic axis, namely the constitutional and jurisdictional controversy arising from the judicial reform of September 15, 2024. It comprises rulings issued by three sets of bodies that adopted opposing institutional positions. The District Courts, acting in amparo proceedings, granted suspensions that halted the implementation of the process. The High Chamber of the TEPJF determined that suspending the process was constitutionally unfeasible and provided rules and certainty for its conduct. The Supreme Court of Justice of the Nation, in turn, delimited the effects of those determinations to preserve the coherence of the constitutional order (García Urbina, 2025; Guastini, 2011; Shapiro, 1981). The inclusion of these three blocks enables an institutional triangulation that strengthens the comparative analysis of the political roles assumed by different jurisdictional bodies.

The analysis is structured around three levels of coding. Level A identifies the position adopted by each ruling regarding the judicial reform and the electoral process, classifying it as favorable, unfavorable, or modulating. Level B identifies the constitutional values prioritized in the reasoning, such as constitutional stability, continuity of the electoral process, judicial independence, separation of powers, or the rule of law. Level C analyzes the argumentative strategies employed, among them conforming interpretation, formalistic reasoning, institutional deference,

consequentialism, and the balancing of rights (Cicourel, 2020; Garzón, 2003). On this basis, the principal analytical variables of the study were defined, as summarized in Table 2.

**Table 2**

**Operationalization of the qualitative variables**

| Type of variable | Variable | Conceptual definition | Operationalization | Technique |
|---|---|---|---|---|
| Dependent | Judicial political role assumed in the rulings | Institutional positioning expressed through judicial reasoning regarding the reform that established the popular election of adjudicators. | (a) Outcome of the ruling (suspend, allow, modulate effects); (b) prioritization of constitutional interests; (c) type of constitutional argumentation. | Discursive-argumentative analysis within directed content analysis. |
| Independent | Jurisdictional authority | Institutional position of the tribunal within the constitutional structure defining its powers and decisional scope. | Classification by issuing body: District Courts, High Chamber of the TEPJF, or SCJN. | Corpus classification and comparative analysis. |
| Independent | Normative context of constitutional conflict | Contradiction between the constitutional mandate to implement the judicial election and | Identification of (a) explicit references to jurisdictional conflict and (b) the dilemma between | Contextual-interpretive analysis of judicial discourse. |

| | | | | |
|---|---|---|---|---|
| | | the suspensions issued in amparo proceedings. | constitutional supremacy and judicial review. | |
| Analytical (A) | Position regarding the judicial reform | Institutional orientation of the decision concerning the implementation of the reform. | Coding as opposition (suspension), support (continuity), or modulation/delimitation of effects. | Categorical coding in qualitative content analysis. |
| Analytical (B) | Prioritized constitutional interests | Constitutional value whose protection is privileged in the reasoning. | Thematic identification of: separation of powers, judicial independence, acquired rights, constitutional supremacy, rule of law, certainty, continuity of the process. | Thematic coding and interpretive analysis. |
| Analytical (C) | Argumentative strategy | Legal-interpretive technique employed to justify the position adopted. | Classification as: constitutional formalism, institutional consequentialism, teleological argumentation, systematic interpretation, or defense of the constitutional order. | Discursive-argumentative analysis within directed content analysis. |

The reconstruction of the judicial political role thus proceeds through a systematic interpretation of the rulings, understood as the institutional function assumed by courts in contexts of political-constitutional conflict, without recourse to explanations

based on individual motivations. The results of this component are reported in Section 10.

### 8.5 Institutional cross-examination, scope, and limitations

The criteria for selecting the rulings were defined explicitly, the analytical categories were clearly delimited, and the analytical matrix was applied consistently to every ruling examined. The study then reinforces these safeguards from two further directions. It cross-examines rulings issued by different jurisdictional bodies that adopted opposing positions, and it reads the quantitative and qualitative evidence together, so that each compensates for the limitations of the other (Denzin, 1978; Tashakkori & Teddlie, 2010). Together, the aggregate decisional patterns and the argumentative analysis converge on well-informed reconstruction of the institutional position the courts assumed amid constitutional transformation and political polarization (Creswell & Plano Clark, 2018).

It is important to clarify that the consolidated database also contains decisions on challenges to acts of other authorities, among them the Supreme Court itself and District Courts within the Federal Judiciary. Even so, the analysis concentrates on acts attributable to the INE and the Senate, which were the principal authorities responsible for organizing and advancing the judicial election. Moreover, regarding the qualitative component, it is restricted to paradigmatic rulings that clearly express opposing institutional positions, chosen for their legal relevance, their institutional impact, and their direct connection to the implementation of the process (Espinosa Silis, 2025).

Hence, the main limitation follows from these choices. The subset analyzed is narrower than the full universe of rulings related to the judicial election, and the qualitative inferences rest on a purposively selected corpus rather than on a representative sample. These are deliberate trade-offs in favor of analytical depth. The mixed-methods design is meant to offset them precisely here, weighing the aggregate patterns against the argumentative analysis so that conclusions about the institutional political role never rest on either component alone (Epstein & King, 2002). On this basis, the dissertation proceeds to its findings.

## 9. Quantitative findings: decisional patterns of the High Chamber

### 9.1 The universe of rulings (2,887 cases)

As set out in Section 8.3, the empirical universe of the quantitative analysis comprises the 2,887 rulings issued by the High Chamber in challenges brought against resolutions of the National Electoral Institute (INE) and the Senate of the Republic in connection with the organization, implementation, continuity, or validity of the judicial election. This subset was consolidated, through a process of refinement and systematization, from an approximate total of 7,000 decisions related to the 2025 judicial election, retaining only those directly connected to the central variables of the research. The following sections describe the distribution of these rulings by type and by respondent authority and then derive the institutional deference index.

### 9.2 Distribution by type of ruling

The classification of the 2,887 rulings by their decisional outcome is presented in Figure 4 and Table 3. Dismissals account for 982 rulings, or 34.01 percent; unfounded claims for 843, or 29.20 percent; and procedural orders for 666, or 23.07 percent. Together, these three categories comprise 2,491 rulings, which represent more than 85 percent of all cases. This indicates that substantive judicial intervention remained structurally limited. On the other hand, rulings granted in full represent 306 cases, or 10.60 percent, and those partially granted 39 cases, or 1.35 percent. The remainder of the distribution is made up of 47 dismissals on procedural grounds, 3

decisions treating the claim as not filed, and the single referral of an advisory opinion to the Supreme Court.

**Figure 4**

**Distribution of rulings by type of outcome (n = 2,887)**

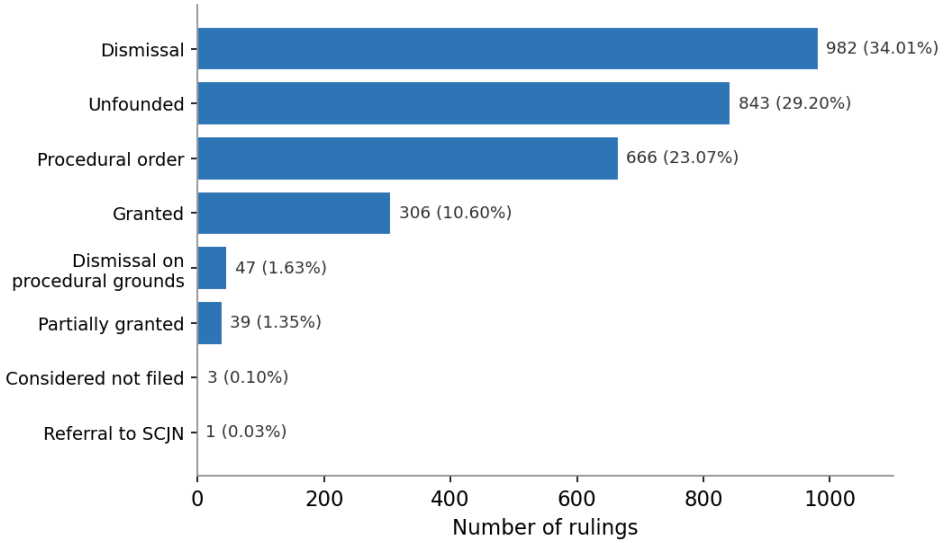



**Table 3**

**Frequency of rulings by type of outcome**

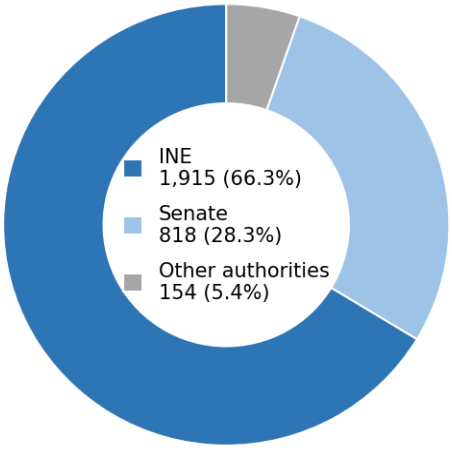
| Type of ruling | Frequency | Percentage |
|---|---|---|
| Dismissal | 982 | 34.01% |
| Unfounded | 843 | 29.20% |
| Procedural order | 666 | 23.07% |
| Granted | 306 | 10.60% |
| Dismissal on procedural grounds | 47 | 1.63% |
| Partially granted | 39 | 1.35% |
| Considered not filed | 3 | 0.10% |
| Referral of advisory opinion to the SCJN | 1 | 0.03% |
| Total | 2,887 | 100% |

9.3 Distribution by respondent authority (INE / Senate / others)

Because the study focuses on the acts of the authorities responsible for implementing the judicial election, the rulings were also grouped by respondent authority (Figure 3). Challenges directed against resolutions of the INE account for 1,915 rulings (66.3%), and those concerning acts of the Senate for 818 (28.3%); the remaining 154 rulings (5.4%) concern other authorities. Together, the INE and the Senate represent 94.6% of the universe, confirming that both institutions constituted the principal axes for the implementation of the judicial electoral process.

**Figure 3**

**Distribution of rulings by respondent authority (n = 2,887)**




Cross-tabulating the issuing authority with the type of ruling makes it possible to assess whether the pattern of judicial deference or intervention varied depending on the institution under review (Figure 4 and Table 4). The contrast is marked. The

Senate attracted only 16 corrective rulings, all of them grants, whereas the INE attracted 318, of which 280 were granted and 38 partially granted. This pattern suggests a functional differentiation in the exercise of judicial review. The High Chamber allowed a broader margin for technical adjustments to the acts of the administrative electoral authority, while showing greater deference toward the legislative decisions tied to the constitutional architecture of the reform.

**Figure 4**

**Outcomes by respondent authority: INE and Senate**

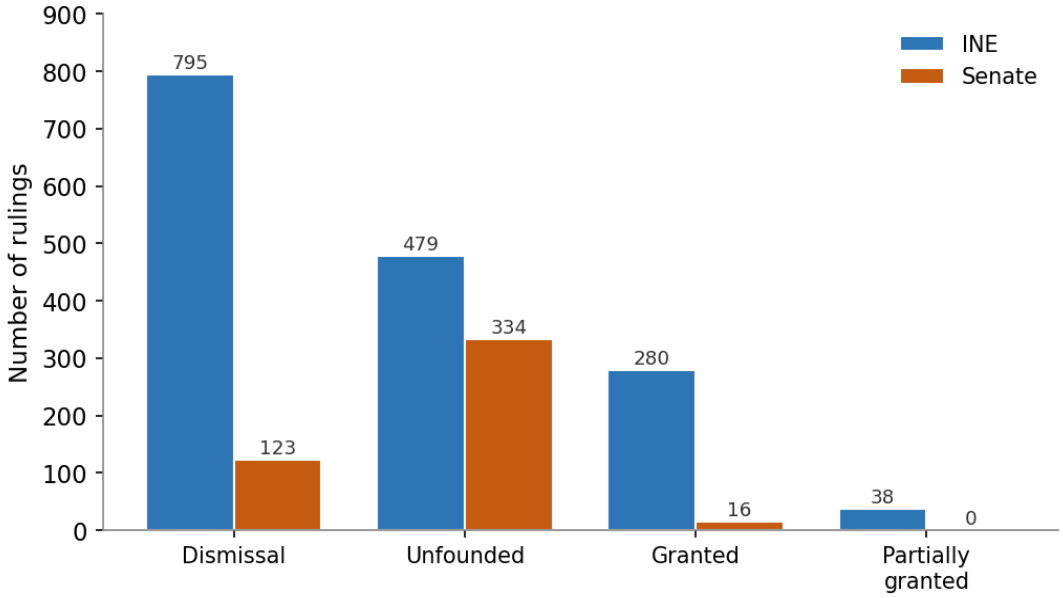



**Table 4**

**Selected outcomes by respondent authority (INE and Senate)**

| Type of ruling | INE | Senate | Total |
|---|---|---|---|
| Dismissal | 795 | 123 | 918 |

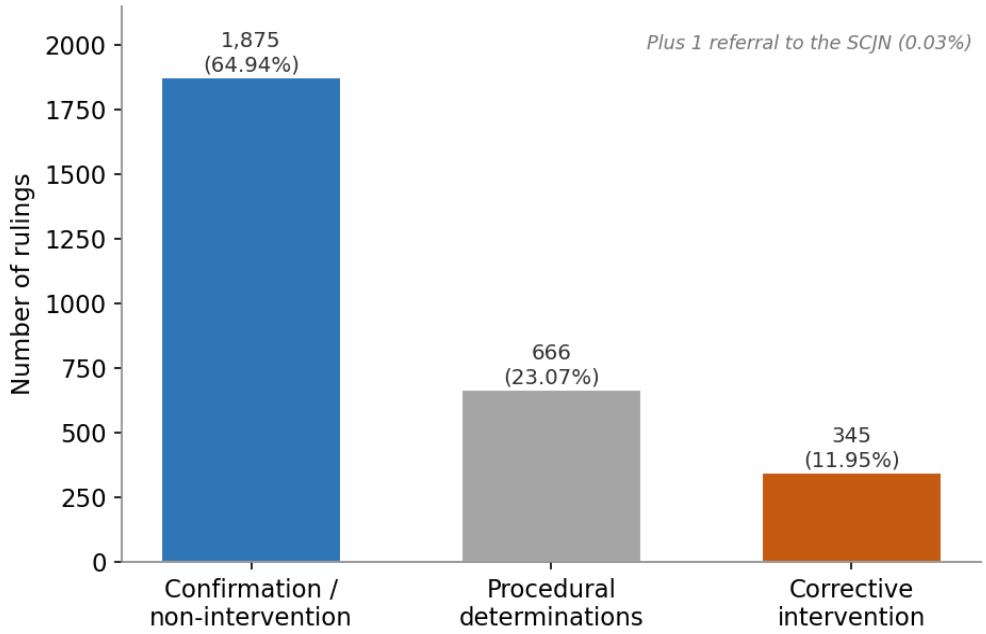
| | | | |
|---|---|---|---|
| Unfounded | 479 | 334 | 813 |
| Granted | 280 | 16 | 296 |
| Partially granted | 38 | 0 | 38 |

9.4 The deference index and the confirmation/intervention ratio

Grouping the decisional categories according to whether they altered the challenged resolution yields the institutional deference index defined in Section 8.3 (Figure 5). One group consists of rulings that confirmed or left intact the contested resolution, namely dismissals, unfounded decisions, dismissals on procedural grounds, and decisions treating the claim as not filed. These amount to 1,875 cases, or 64.94 percent. A second group involves some degree of corrective intervention, comprising rulings granted in full and those partially granted, and amounts to 345 cases, or 11.95 percent. A third group of 666 rulings, or 23.07 percent, consists of procedural determinations such as reclassifications, jurisdictional rulings, or referrals, which did not substantively alter the normative content of the process. The single advisory referral to the Supreme Court completes the distribution.

Figure 5

Institutional deference index (n = 2,887)




The resulting deference index is 64.94%, indicating that approximately two-thirds of the High Chamber's decisions did not modify the resolutions adopted by the authorities responsible for implementing the judicial election, while corrective measures were ordered in only 11.95% of cases. This structural asymmetry in favor of the confirmation of challenged resolutions constitutes the first empirical indicator of the institutional role assumed by the High Chamber: across all phases of the process, most of its rulings left intact the structural decisions governing the judicial electoral process (Poyanco, 2013), providing grounds for constitutional certainty.

### 9.5 A deferential–stabilizing pattern

In contexts of profound constitutional reform, I claim that courts may adopt different models of institutional behavior: a) an obstructionist model, characterized by a high level of structural invalidation; b) a corrective model, involving moderate technical intervention; and c) a deferential-stabilizing model, oriented towards the preservation

of the new normative order. The empirical data support the conclusion that the High Chamber operated predominantly within the deferential-stabilizing model while exercising only limited corrective review.

The data analyzed confirms that corrective interventions remained marginal (11.95%). Also, no systematic pattern of structural invalidation can be identified: the Tribunal did not develop a consistent line of resistance against the design of the judicial election. Moreover, the modifications it did order did not, in aggregate terms, result in the paralysis of the process, but consisted instead of specific adjustments compatible with its continuity. The observed pattern also reveals a relative internal coherence in the Tribunal's decisional line. The structural rules of the process include electoral geography, operational guidelines, ballot design, and eligibility criteria, and the Tribunal confirmed the resolutions governing them consistently. This consistency reinforces the inference of a jurisdictional body oriented toward ensuring the operability of the emerging constitutional model.

Taken together, these findings constitute the first empirical argument of the dissertation: the identification of a predominant pattern of jurisdictional deference towards the resolutions that structured the judicial election. In terms of judicial political-role theory, the High Chamber performed a stabilizing function within the extraordinary electoral process, allowing it to advance within the framework of the amended Constitution. Since aggregate frequencies do not capture the reasoning through which this role was constructed, the following section complements these results with a qualitative analysis of the argumentative content of the rulings.

## 10. Qualitative findings: institutional positions in the rulings

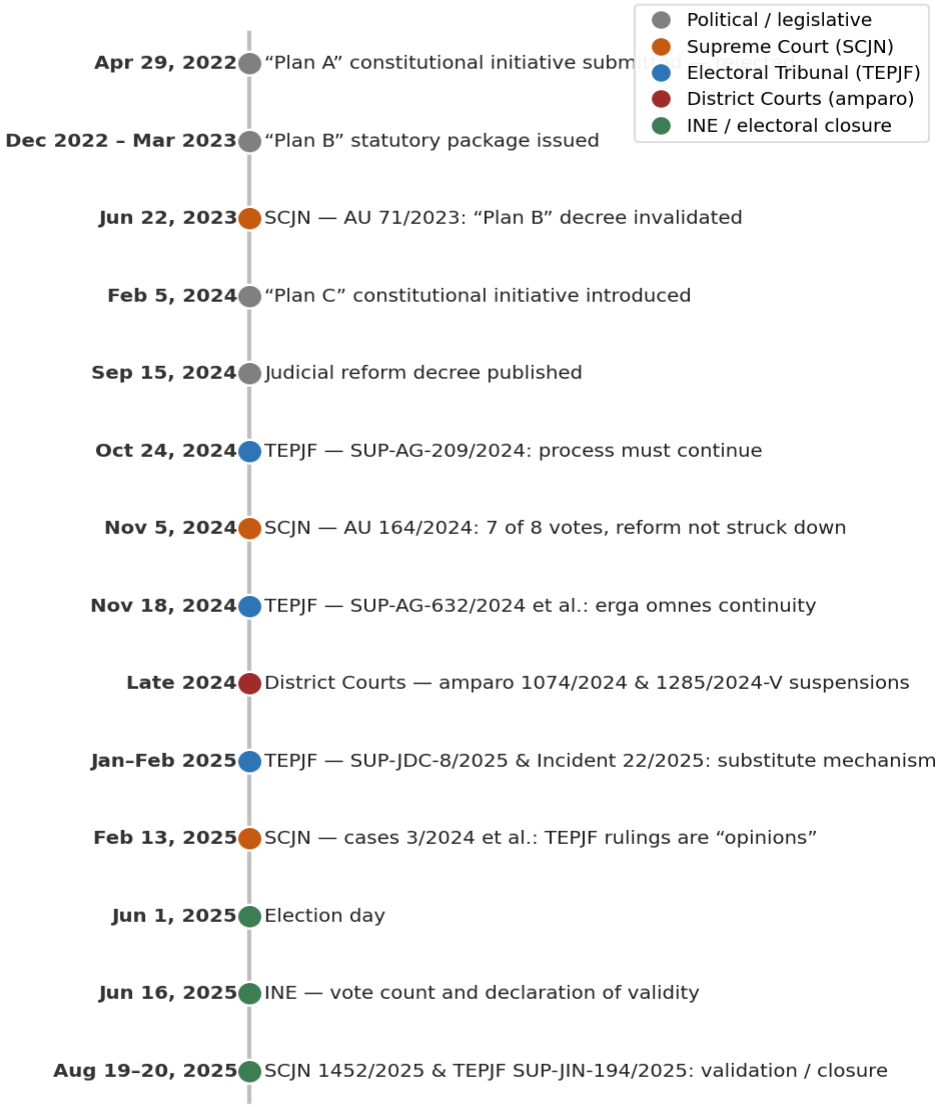
### 10.1 Chronological reconstruction of the milestone rulings

The quantitative analysis established that, in the aggregate, the High Chamber confirmed the great majority of the resolutions structuring the judicial election. That pattern, however, cannot by itself reveal the reasoning through which the institutional role was constructed, nor can it capture the positions adopted by the other jurisdictional bodies drawn into the conflict. This section therefore complements the aggregate findings with a directed content analysis of the milestone rulings, applying to each the three-level coding scheme defined in Section 8.4: the position adopted regarding the reform (Level A), the constitutional interests prioritized (Level B), and the argumentative strategy employed (Level C).

The rulings examined below cannot be understood apart from the institutional sequence from which they emerged. As reconstructed in Section 7, the reform was the outcome of a progressive political process. It ran from the failed "Plan A" of April 2022, through the statutory "Plan B" that the Supreme Court invalidated in June 2023, to the constitutional "Plan C" promulgated on September 15, 2024. Its implementation then generated a chain of jurisdictional milestones in which three sets of bodies assumed differentiated institutional positions. These bodies were the High Chamber of the TEPJF, the District Courts acting as amparo courts, and the Supreme Court of Justice of the Nation. Figure 6 situates these milestones in chronological order and distinguishes the institutional actor responsible for each.

**Figure 6**

*Timeline of the institutional conflict over the judicial election (2022–2025)*




The analysis proceeds by jurisdictional body. It begins with the High Chamber of the TEPJF, whose rulings define the central object of the study; it then turns to the District Courts, whose amparo suspensions represented the opposing pole of resistance; and it concludes with the Supreme Court, whose position shifted across the process. A comparative synthesis, supported by two coding tables and a diagram of the institutional positions, closes the section.

### 10.2 The High Chamber of the TEPJF: a deferential–stabilizing line

***SUP-AG-209/2024 (October 24, 2024): the first milestone***

On October 24, 2024, the High Chamber issued its ruling in case SUP-AG-209/2024, the first major jurisdictional milestone of the conflict. The National Electoral Institute (INE) had submitted a filing reporting that several District Courts and Collegiate Circuit Courts had granted suspensions in amparo proceedings against acts connected with the implementation of the reform. The High Chamber characterized the petition as a declaratory action seeking certainty as to whether the INE could halt the process:

> The petitioner argues that, in light of the various determinations issued by federal judges, there is legal uncertainty regarding the conduct of the electoral process and the exercise of citizens' voting rights, because as a result of the suspensions there is no certainty as to whether the electoral process to renew the members of the Federal Judiciary can continue or not, as mandated by the recently approved constitutional reform. (Electoral Tribunal of the Federal Judiciary, 2024)

Finding the declaratory action admissible, the Chamber reasoned that a binding judicial pronouncement was necessary to eliminate that uncertainty, and recalled its settled criterion that, by constitutional and legal provision, the suspension of electoral acts does not proceed because of the filing of legal challenges. On that basis it reached the core holding of the ruling:

> This High Chamber considers that acts related to the development and organization of the electoral process for the renewal of the Powers of the

> Union cannot be halted by the electoral authority, given that they derive from a mandate and powers expressly conferred by the Constitution. In this sense, it is constitutionally unfeasible to halt the implementation of the electoral procedures entrusted to the INE if there exists a norm that constitutionally imposes such authority and mandate, as is the case here. Concluding otherwise would imply paralyzing state institutions, both those responsible for organizing the election and those empowered to resolve disputes arising from it. (Electoral Tribunal of the Federal Judiciary, 2024)

**Level A: Position regarding the reform.** The ruling supports the continuity of the electoral process. The Chamber concluded that it was constitutionally unfeasible to halt the procedures entrusted to the INE so long as a constitutional provision imposed that obligation, and it did so without ruling on the validity of the amparo suspensions themselves, leaving them formally untouched while denying them any paralyzing effect.

**Level B: Prioritized constitutional interest.** The predominant interest is constitutional supremacy in electoral matters, understood as the primacy of the constitutional mandate to conduct the extraordinary process.

**Level C: Argumentative strategy.** The Chamber combined systematic constitutional interpretation with a defense of the constitutional order, grounding its decision in Article 41, Base VI, of the Constitution (no suspensive effects in electoral matters), reinforced by Article 107 (amparo unavailable in electoral controversies). The technique is carefully calibrated: it avoids open confrontation with the District Courts while affirming the functional primacy of the electoral regime, a stance best characterized as stabilizing rather than confrontational.

***SUP-AG-632/2024 and consolidated cases (November 18, 2024): erga omnes continuity***

On November 18, 2024, the High Chamber resolved cases SUP-AG-632/2024, SUP-AG-760/2024, and SUP-AG-764/2024, a second decisive moment in which both the INE and the Senate of the Republic appeared before it. The common premise was again the existence of District Court suspensions affecting the process:

> The High Chamber reasoned that, from the briefs submitted by the Senate of the Republic and the National Electoral Institute (INE), it was evident that the objective of both parties was to provide legal certainty to the procedure for selecting the judges who will be elected by popular vote. This arose in the context of several provisional suspensions issued by district judges ordering the process to be halted. In this regard, the High Chamber determined that: (i) it is constitutionally unfeasible to suspend acts related to the development of electoral procedures entrusted to the Senate of the Republic, the INE, and other competent authorities with respect to the extraordinary electoral process of the Federal Judiciary 2024–2025; consequently, and (ii) the Senate of the Republic, the INE, and the other competent authorities must continue with the stages of the extraordinary electoral process of the Federal Judiciary 2024–2025. (Electoral Tribunal of the Federal Judiciary, 2024)

**Level A: Position regarding the reform.** Again a decision supporting continuity, but more assertive: the Chamber extended the effects of its ruling to all competent authorities, establishing that no authority, branch, or organ of the State could issue acts intended to suspend, limit, condition, or restrict the stages of the

process, and that this scope was not confined to the proceedings identified by the parties.

**Level B: Prioritized constitutional interest.** Constitutional supremacy and the continuity of the reformed constitutional order. Reasoning that if the constitutional reform itself could not ordinarily be subject to judicial review, then "all the more so" its implementing acts could not be paralyzed, the Chamber framed the protected interest as the integrity of the constitutional design resulting from the reform.

**Level C: Argumentative strategy.** The ruling combines systematic constitutional interpretation (articulating Articles 41 and 107 with constitutional doctrine on the review of amendments), an explicit defense of the constitutional order in which the Tribunal presents itself as the highest and final body of the electoral system of remedies, and institutional authority-based reasoning invoking the Supreme Court's interpretative position. Compared with SUP-AG-209/2024, this is an evolution in intensity: from permitting continuation to establishing a general, *erga omnes* prohibition on paralysis.

***SUP-JDC-8/2025 and Incident 22/2025 (January–February 2025): from doctrine to substitution***

As the conflict escalated, the High Chamber consolidated its doctrine in SUP-JDC-8/2025 and consolidated cases. It reaffirmed that suspension does not operate against acts of authority in electoral matters and located that rule in the constitutional text:

> It should be noted that, generally, suspension constitutes a provisional instrument whose purpose is to prevent the execution of the challenged acts

> or the production or continuation of their effects until a judgment resolving the dispute is issued. However, Article 41, third paragraph, base VI, second paragraph of the General Constitution establishes that in electoral matters the filing of constitutional or legal remedies shall not produce suspensive effects, to guarantee and safeguard the principles of legality, finality, certainty, and legal security that govern this field… In this sense, the purpose of the constitutional rule is to prevent the suspensive effect of decisions that are not final from causing setbacks to the detriment of the finality of each stage of the electoral process. (Electoral Tribunal of the Federal Judiciary, 2025)
>
> A proper understanding of the constitutional rule leads to the conclusion that, regardless of the body from which a decision originates, what is relevant is that the Constitution itself establishes a guarantee that shields electoral processes from potential interference by state actors seeking to paralyze them. (Electoral Tribunal of the Federal Judiciary, 2025)

From this premise, the Chamber drew the operative consequence that the constitutional mandate barred any authority from halting the process, and decreed a positive guarantee of continuity:

> This High Chamber determines that it is legally appropriate to decree, for the purpose of complying with the constitutional mandate established by the Constitutional Reforming Body in the judicial reform decree published in the Official Gazette of the Federation on September 15 of the present year, the guarantee of continuity of the activities related to the extraordinary electoral process of the Federal Judiciary entrusted to the Senate, the INE, and the

> Evaluation Committees of the Powers of the Union. (Electoral Tribunal of the Federal Judiciary, 2025)
>
> To attempt, under the pretext of a suspensive and preventive measure, to alter, defer, or modify the procedure to the extent of rendering it unviable would be contrary to the principle of constitutional supremacy, since the mandate establishing the election of judges derives precisely from that constitutional rank. (Electoral Tribunal of the Federal Judiciary, 2025)

The Chamber further asserted its own exclusive jurisdiction and rejected the power of amparo courts to bind it, marking the sharpest point of the inter-jurisdictional conflict:

> Within this line of reasoning, the Electoral Tribunal of the Federal Judiciary has exclusive jurisdiction to resolve electoral acts and controversies (including challenges to administrative or judicial acts), and it has both the authority and the obligation to guarantee that this reform is implemented without obstacles and to remove any legal or procedural impediment intended to prevent the process for the election of positions within the Federal Judiciary. (Electoral Tribunal of the Federal Judiciary, 2025)
>
> This High Chamber denies the jurisdiction improperly asserted by the First District Judge in the State of Michoacán to bind this High Chamber and its members through the imposition of a definitive precautionary measure… since both constitutional and legal provisions establish the inadmissibility of the amparo proceeding against decisions issued by the Electoral Tribunal of the Federal Judiciary. (Electoral Tribunal of the Federal Judiciary, 2025)

When the Evaluation Committee of the Federal Judiciary subsequently reported that it was unable to comply, the High Chamber resolved Incident 22/2025 by declaring its previous ruling breached and functionally substituting for the paralyzed body. It ordered the Senate's Governing Board to continue the selection of eligible candidates and to conduct the public lottery. It further provided that, if the Supreme Court's Plenary failed to process the candidate lists, the Senate could forward the candidacies directly to the INE.

**Level A: Position regarding the reform.** This was a decisive act in favor of continuity and, indeed, the strongest institutional endorsement of the reform's implementation. The Tribunal adopted structural measures to keep the process moving despite the deadlock produced by the amparo suspensions.

**Level B: Prioritized constitutional interest.** The prioritized interest was the effectiveness of the reformed constitutional mandate and the preservation of the electoral process as a democratic mechanism, together with an explicit concern for institutional continuity and the operational viability of the process.

**Level C: Argumentative strategy.** The strategy was institutional and structural. The Chamber declared noncompliance with its own ruling, bound another branch to act, and designed a substitute mechanism to guarantee continuity. This corrective intervention produced tangible effects: on February 2, 2025, the list of candidates selected by lottery was published, and on February 12 the INE received the candidate lists, thereby formalizing the transition to the strictly electoral phase.

***SUP-JIN-194/2025 (August 20, 2025): validation and closure***

At the close of the process, on August 20, 2025, the High Chamber confirmed the vote aggregation, the allocation of offices, and the declaration of validity of the election of Supreme Court justices, dismissing allegations of irregularities related to the use of "voting guides" (*acordeones*). The position is once more one pushing for the continuity and validation of the process (Level A); the prioritized interest is the substantive validity of the election in the face of alleged irregularities (Level B); and the argumentative strategy shifts to techniques of evidentiary assessment and electoral-legality review (Level C). Across these four milestones, the High Chamber's line is strikingly consistent: a progression from affirming continuity, to guaranteeing it *erga omnes*, to actively substituting for a paralyzed body, and finally to validating the completed election.

### 10.3 The District Courts: resistance through amparo suspensions

At the opposing pole, two District Courts granted provisional suspensions in amparo proceedings that ordered key institutional actions of the process to be halted. The First District Court in the State of Michoacán, in the interlocutory proceeding of Amparo 1074/2024, granted a wide-ranging suspension binding all responsible authorities:

> Consequently, pursuant to Article 138, section I, of the Amparo Law… it is appropriate to grant the complaining association, for the benefit of the judges it represents, the provisional suspension of the general norms, acts, and omissions that are challenged, with an express mandate binding on all authorities identified as responsible, for the purpose of carrying out the

> actions necessary to "prevent the effects and consequences" of the challenged general norms… Among such actions… is the obligation to suspend, within the scope of their respective competences, any process or procedure contemplated in the decree… that is currently underway and that has as its purpose: the removal or dismissal of judges belonging to the complaining association; requiring them to participate in the extraordinary electoral process of 2025 and the ordinary process of 2027 as a condition for maintaining their appointments; affecting their remuneration by reducing it… Likewise… (i) the Senate of the Congress of the Union and its Board of Directors shall order, within the scope of their competence, the suspension of the extraordinary electoral process of 2025 and the ordinary electoral process of 2027 with respect to the categories of District Judge and Circuit Magistrate. (First District Court in the State of Michoacán, 2024)

The Sixth District Court for Administrative Matters in the State of Jalisco, in the interlocutory proceeding of Amparo 1285/2024-V, granted a similarly detailed suspension specifying the acts each authority was to refrain from performing:

> The requested provisional suspension is GRANTED for the following purposes: (1) the Senate shall refrain from issuing the call to integrate the lists of candidates for the extraordinary election of 2025… (2) The National Electoral Institute shall refrain from issuing the agreements for the organization, development, counting, oversight, and auditing of the extraordinary electoral process of 2025. (2.1) The National Electoral Institute shall suspend the application of the agreements… published in the Official Gazette of the Federation on September 27, 2024… (3) The Congress of the

> Union, through both Chambers, shall refrain from adjusting federal laws aimed at implementing the reform. (4) The Federal Judiciary Council shall refrain from making budgetary adjustments that negatively affect the… remuneration of public servants of the Federal Judiciary… (4.1) The Federal Judiciary Council shall refrain from sending to the Senate the lists referred to in the second transitory article… (Sixth District Court for Administrative Matters in the State of Jalisco, 2024)

**Level A: Position regarding the reform.** Both courts adopted a stance that effectively opposed the implementation of the reform: through provisional suspensions they ordered the halt of the candidate calls, the INE's electoral preparations, and the administrative and budgetary adjustments within the Judiciary.

**Level B: Prioritized constitutional interest.** Judicial independence, security of tenure, the protection of remuneration, and the legal certainty of sitting judges—that is, the preservation of the pre-existing constitutional structure of the Judiciary.

**Level C: Argumentative strategy.** The suspensions were justified as precautionary measures to safeguard those protected interests; their practical effect, however, was to interrupt the implementation of the constitutional reform and the electoral process derived from it. The resulting position is a political-institutional posture of resistance, prioritizing existing judicial guarantees over the immediate execution of the newly enacted mandate.

## 10.4 The Supreme Court of Justice of the Nation: from critical to stabilizing

***Action of Unconstitutionality 71/2023 (June 22, 2023): invalidating "Plan B"***

The Supreme Court's earliest intervention preceded the constitutional reform. Resolving Action of Unconstitutionality 71/2023 and consolidated cases on June 22, 2023, it invalidated the "Plan B" decree on the ground of substantial irregularities in the legislative procedure:

> The Chamber of Deputies failed to properly justify the waivers of procedural formalities approved in the sessions of December 6 and 15, 2022…, did not publish or distribute the bill with the required advance notice and, moreover, replaced the version published in the Parliamentary Gazette with another version once its discussion had already begun…, and did not grant a reasonable period to discuss and vote on the bill. (Supreme Court of Justice of the Nation, 2023)

Anchoring the defect in the principle of democratic deliberation under Article 72 of the Constitution, the Court concluded that the violations had invalidating potential with respect to the entirety of the decree. Although grounded on legislative-procedure violations, the ruling's effects went well beyond the strictly legal sphere: by declaring the total invalidity of the decree, the Court blocked the statutory route and thereby reshaped the trajectory of the reform, opening the way for a constitutional strategy. In this sense it constitutes an early instance of the Court assuming a political-institutional role through the exercise of constitutional review.

***Action of Unconstitutionality 164/2024 (November 5, 2024): the reform survives by one vote***

On November 5, 2024, the Court confronted the constitutional reform itself. Departing from its long-standing precedent that actions of unconstitutionality are inadmissible against constitutional amendments, the Plenary reasoned that certain constitutional provisions could be treated as "federal electoral laws" for the purpose of review:

> Upon further reflection, it is considered that, in accordance with the jurisprudential development of this High Court's criteria, certain provisions of the Federal Constitution may be classified as "federal electoral laws" for the purposes of allowing actions of unconstitutionality to be brought against them. (Supreme Court of Justice of the Nation, November 5, 2024)

On the merits, a majority found the central claims well founded, holding that the regime applicable to sitting Circuit Magistrates and District Judges was invalid for contravening the guarantees of tenure and non-reduction of salary as essential elements of judicial independence:

> This Court observes that the claims of invalidity related to the separation of powers, judicial independence, and access to justice, which are core elements of the democratic regime, are well grounded… the regime applicable to Circuit Magistrates and District Judges who were in office at the time the challenged Decree entered into force is invalid, as it contravenes the guarantees of tenure and non-reduction of salary as essential elements of judicial independence and the principle of separation of powers. (Supreme Court of Justice of the Nation, November 5, 2024)

The Court further held that the candidate-selection and voting-list systems were incompatible with the representative and democratic republic because the sheer number of candidates would make an informed vote practically impossible. Decisively, however, a majority of seven justices voted to declare the reform invalid, one vote short of the eight required to strike down a constitutional provision. The case was therefore dismissed. The Court neither declared the reform unconstitutional nor affirmed its validity, an outcome that reflected both its willingness to intervene and the institutional constraint that prevented invalidation.

***Cases 3/2024 and consolidated cases (February 13, 2025): mediating the conflict***

On February 13, 2025, exercising the power under Article 11, Section XVII, of the Organic Law of the Federal Judiciary, the Plenary finally addressed the clash between the High Chamber and the amparo courts. It held that the High Chamber's rulings were opinions lacking the capacity to invalidate amparo suspensions, while simultaneously ordering the District Courts to review their own suspensions ex officio:

> The rulings SUP-AG-209/2024, SUP-AG-632/2024 and consolidated cases, and SUP-JDC-8/2025 and consolidated cases of the High Chamber of the Electoral Tribunal of the Federal Judiciary are opinions that do not have the capacity to invalidate suspension orders issued in amparo proceedings… [the Court ordered] district judges who have issued suspensions against the implementation of the Judicial Reform to review ex officio their suspension orders. (Supreme Court, 2025)

The Court reasoned that, after its own ruling of November 5, 2024, any doubt about the electoral character of the judicial-election components had been dissipated, and, therefore, the District Courts lost the discretion to entertain amparo proceedings suspending those components. Yet it was equally emphatic in that the High Chamber could not simply disregard the suspensions, framing the episode as a breakdown of the rule of law on both sides:

> We reiterate that it is not that the suspensions were necessarily well granted or that they are correct in their legal reasoning. Correct or not, they had to be obeyed. The system itself provides the institutional design to challenge them if the responsible authorities had wished to do so… (Supreme Court, 2025)
>
> The most insidious threat to the constitutional order is not its frontal rejection, but its gradual deterioration by those who have the duty to safeguard it. We resolve this case with full awareness that every time an authority places itself above the law, no matter how noble its intentions, it contributes to the demolition of the system that we are all obligated to preserve. (Supreme Court, 2025)

At the same time, the Court declined to invalidate the acts already undertaken by the Senate, the INE, and other authorities, reasoning that the legal uncertainty generated by the High Chamber's rulings partly explained the institutional breakdown and that the ruling could not result in nullifying the reform's implementation.

**Level A: Position regarding the reform.** A modulation of the institutional conflict: the Court limited the binding scope of the TEPJF rulings and reaffirmed the jurisdiction of amparo courts, yet neither ordered the paralysis of the process nor

declared the reform invalid, instead routing the dispute back through the amparo system. The discursive effect leans critical toward the Tribunal's expansive strategy, but the operative effect preserves the process.

**Level B: Prioritized constitutional interest.** The coherence of the constitutional review system, the preservation of the jurisdiction of amparo courts, and the institutional balance among jurisdictions within the Federal Judiciary. In sum, the architecture of constitutional review itself.

**Level C: Argumentative strategy.** Institutional and jurisdictional. Rather than rule on the substance of the reform or on continuity, the Court recharacterized the TEPJF rulings as opinions and ordered *ex officio* review of the suspensions. This was probably a technique of institutional harmonization designed to avoid a direct confrontation between jurisdictions and to rebalance the system. The resulting role is that of moderator and rebalancing actor.

***Files 1452/2025 and 1453/2025 (August 2025): institutional validation***

Pursuant to the Second Transitory Article of the reform, the Court was required to resolve, by August 28, 2025, the challenges concerning the count, validity, and certificates of the High Chamber election. In File 1453/2025 the Presidency declined jurisdiction over the election of the Regional Chambers' electoral justices and referred those matters to the High Chamber; in File 1452/2025, resolved on August 19, 2025, the Plenary confirmed the INE's declaration of validity and declared the election final. At this closing stage the Court adopted a position of institutional validation (Level A); the prioritized interest became constitutional stability and democratic certainty, with the Court acting as the closing authority of the system

(Level B); and the argumentative strategy was one of electoral-legality review and definitive procedural closure, in which confrontation disappears and is replaced by stabilization (Level C).

### 10.5 Comparative synthesis: three institutional positions

Read together, the milestone rulings reveal that the three sets of jurisdictional bodies assumed clearly identifiable and divergent institutional positions in response to the same constitutional conflict. Table 5 summarizes the three-level coding of the principal rulings, and Table 6 distils the resulting institutional roles. Figure 7 then locates the three actors along a spectrum running from resistance to the reform to its active guarantee.

**Table 5**

*Three-level coding of the milestone rulings*

| Ruling (date) | Body | Level A: position | Level B: interest | Level C: strategy |
|---|---|---|---|---|
| AU 71/2023 (Jun 22, 2023) | SCJN | Invalidates statutory route | Democratic deliberation (Art. 72) | Legislative-procedure review; reshapes reform path |
| SUP-AG-209/2024 (Oct 24, 2024) | TEPJF | Supports continuity | Constitutional supremacy in electoral matters | Systematic interpretation; non-confrontational |
| AU 164/2024 (Nov 5, 2024) | SCJN | Critical; reform survives by one vote | Judicial independence; separation of powers | Precedent shift; merits review (dismissed 7–4) |
| SUP-AG-632/2024 | TEPJF | Guarantees continuity (erga omnes) | Supremacy; integrity of reformed order | Systematic interpretation; defense of order |

| Ruling (date) | Body | Level A: position | Level B: interest | Level C: strategy |
|---|---|---|---|---|
| et al. (Nov 18, 2024) | | | | |
| Amparo 1074/2024 & 1285/2024-V (late 2024) | District Courts | Resistance (suspension) | Tenure, salary, judicial independence | Precautionary protection of acquired guarantees |
| SUP-JDC-8/2025 & Incident 22/2025 (Jan–Feb 2025) | TEPJF | Strongest endorsement; substitution | Effectiveness of mandate; process continuity | Structural/institutional; substitute mechanism |
| Cases 3/2024 et al. (Feb 13, 2025) | SCJN | Modulation / mediation | Coherence of review system; jurisdictional balance | Institutional harmonization; ex officio review |
| File 1452/2025 (Aug 19, 2025) | SCJN | Institutional validation | Constitutional stability; certainty | Legality review; definitive closure |
| SUP-JIN-194/2025 (Aug 20, 2025) | TEPJF | Validation of results | Substantive validity of the election | Evidentiary assessment; legality review |

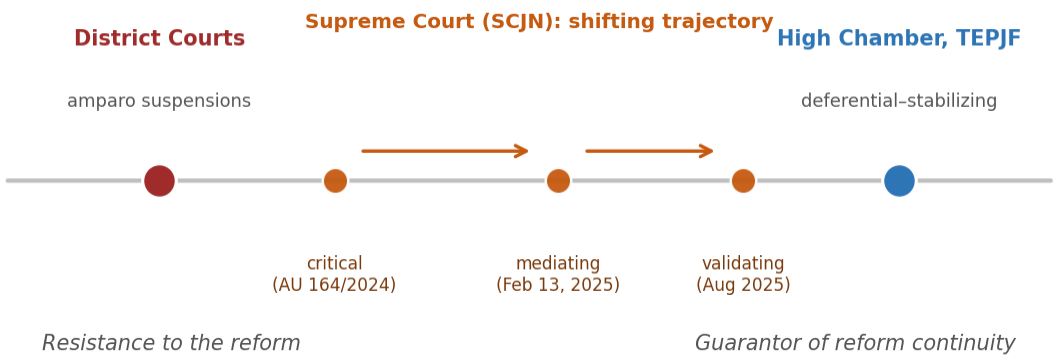
**Table 6**

*Differentiated institutional positions of the three jurisdictional bodies*

| Jurisdictional body | Position regarding the reform | Prioritized constitutional interest | Institutional political role |
|---|---|---|---|
| District Courts (amparo) | Resistance: suspensions halting the process | Judicial independence; tenure and salary of sitting judges | Resistance to the reformed mandate |
| High Chamber, TEPJF | Consistent support for continuity and effectiveness of the mandate | Constitutional supremacy; continuity of the process; certainty; political-electoral rights | Guarantor of the reform: deferential-stabilizing |
| Supreme Court (SCJN) | Shifting: critical → mediating → validating | Initially judicial independence; later coherence of the review system and constitutional stability | From critical actor to rebalancing and closing authority |

**Figure 7**

*Spectrum of institutional positions on the judicial reform*



The comparison yields the central qualitative finding of the dissertation. The District Courts occupied the pole of resistance, deploying amparo suspensions to protect the acquired guarantees of sitting judges and, in effect, to halt the process. The Supreme Court followed a shifting trajectory. It was initially critical, coming within a single vote of invalidating the reform, then mediated the inter-jurisdictional conflict late in February 2025, and ultimately validated the completed election and declared it final. The High Chamber of the TEPJF, by contrast, maintained a strikingly consistent position across every milestone, privileging the continuity of the electoral process and the supremacy of the reformed constitutional mandate, and moving from doctrinal affirmation to an *erga omnes* guarantee and, ultimately, to institutional substitution when the process was threatened with paralysis.

This consistency is the qualitative counterpart to the 64.94% deference index reported in Section 9: the aggregate pattern of confirmation and the argumentative line identified here point to the same institutional orientation. Crucially, the divergence among the three bodies shows that, in a context of acute polarization, jurisdictional bodies did not act as neutral appliers of rules, but as institutional actors whose decisions shaped the preservation or transformation of constitutional power. The stabilizing role assumed by the High Chamber should not be understood as partisan capture, but rather as a manifestation of constitutional adjudication under conditions of polarization, in which the judicial review of political power produces political effects even when exercised through strictly legal methods. The integration of these qualitative positions with the quantitative pattern, and their interpretation considering the broader context of polarization, is taken up in Section 11.

## 11. The political role of electoral justice in a polarized context

### 11.1 Quantitative and qualitative evidence: deference vs intervention

The basic assumption of this research is that final decisions on electoral matters play an important role in the quality of democracy and, more specifically, in the stability or transformation of the electoral and constitutional order. When such decisions are taken in contexts of high political polarization, courts become more visible to political stakeholders, and the impact of their rulings is amplified by public opinion. The preceding two sections provide complementary evidence about how the High Chamber, and the other jurisdictional bodies drawn into the conflict, behaved under precisely these conditions. This section integrates that evidence, reading the aggregate decisional patterns of Section 9 together with the argumentative analysis of Section 10 and against the polarization context documented in Section 6.

The two components converge, as the quantitative analysis established a deference index of 64.94% across all phases of the process, which means that roughly two-thirds of the High Chamber's rulings confirmed or did not alter the resolutions of the authorities responsible for organizing the judicial election, while corrective intervention was ordered in fewer than twelve per cent of cases. The qualitative analysis, in turn, identified the reasoning through which that pattern was constructed: a consistent argumentative line privileging constitutional supremacy, the continuity of the electoral process, and legal certainty, escalating in intensity from the affirmation of continuity in SUP-AG-209/2024 to the *erga omnes* guarantee of SUP-AG-632/2024 and, ultimately, to the institutional substitution effected in Incident 22/2025. Methodological triangulation thus operates as intended: the frequencies

show the shape of the institutional behavior, and the discourse analysis shows its justificatory structure, each compensating for the limitations of the other.

While the methodology has been thoroughly laid out, it is worth explaining briefly how the rulings are used as evidence. Consistent with the directed qualitative content analysis set out in Section 8.4, the excerpts reproduced in Section 10 are treated as language data. In other words, they are the empirical material to be systematically coded and interpreted, rather than the legal authority invoked for the propositions of law they contain. In this "language as data" approach, the analytical interest lies not in whether a ruling correctly states Mexican electoral law, but in what its language reveals about the institutional position adopted: the outcome it endorses (Level A), the constitutional interests it foregrounds (Level B), and the argumentative strategy it deploys (Level C). Treating judicial opinions as systematically codable data has an established methodological basis in socio-legal research (Hall & Wright, 2008; Krippendorff, 2018), and it is what allows the consistent confirmation of resolutions and the recurrent invocation of constitutional supremacy to be read as evidence of an institutional role rather than as isolated legal conclusions.

## 11.2 The High Chamber as a stabilizing institutional actor

Taken together, the evidence supports the central hypothesis of this dissertation: in a context of high political polarization, the High Chamber of the TEPJF assumed a politically identifiable institutional role oriented towards stabilization, prioritizing the continuity of the electoral process and the supremacy of the reformed constitutional mandate. This conclusion rests not on the attribution of motives to individual electoral judges but, again, on the aggregate, observable conduct of the jurisdictional body

and on the reasons it put forward in its unanimous or majority rulings. Across every milestone, the Tribunal put together a legal grounding aimed at preventing the paralysis of the extraordinary electoral process, even when doing so generated high jurisdictional tension with other courts.

The institutional position is captured concisely in the Tribunal's own formulation that it was "constitutionally unfeasible to halt the implementation of the electoral procedures entrusted to the INE" so long as a constitutional norm imposed that mandate (Electoral Tribunal of the Federal Judiciary, 2024). Read as language data rather than as a contested proposition of law, the recurrence of this formula across rulings and its escalation into a general prohibition on paralysis binding all state authorities, evidences a stable institutional orientation. Within the framework developed in Section 9, this places the High Chamber squarely within the deferential–stabilizing model of judicial behavior in contexts of profound constitutional reform, as distinct from an obstructionist model of structural invalidation or a merely corrective model of moderate technical intervention.

This stabilizing role should not be understood as the partisan capture of the electoral judiciary. It is, rather, an inherent manifestation of constitutional adjudication in contexts of polarization. As the theory of constitutional justice maintains, and specifically, as the Kelsenian conception of the constitutional court as guardian of the constitution implies, the judicial review of political power inevitably produces political effects, even when it is exercised through strictly legal methods (Section 3.3). The High Chamber's decisional consistency constitutes the empirical core that confirms the hypothesis: the descriptive analysis showed that the majority of its relevant rulings confirmed acts of the INE, reversed acts seeking to paralyze

the process, and validated technical guidelines, parity criteria, and electoral counts; the discursive analysis showed that it recurrently prioritized constitutional supremacy, continuity, legal certainty, and the protection of political-electoral rights, through the argumentative strategies of systematic constitutional interpretation and defense of the constitutional order. In performing this function, the Tribunal acted as a stabilizer of the electoral and political system rather than as an agent of its disruption.

### 11.3 Differentiated positions and intra-judicial polarization

The second proposition advanced in this study, namely, that the various jurisdictional bodies drawn into the conflict assumed differentiated political positions, is likewise confirmed, and it qualifies any simple account of “the judiciary” as a unitary actor. The comparative synthesis in Section 10.5 shows three distinct institutional postures in response to a single constitutional conflict. The District Courts assumed a position of resistance, deploying amparo suspensions to halt the process and prioritizing judicial independence and the acquired guarantees of sitting judges. The Supreme Court traced a shifting trajectory. It was initially critical, coming within a single vote of invalidating the reform in Action of Unconstitutionality 164/2024, then mediating the inter-jurisdictional conflict in February 2025, and finally validating the completed election and declaring it final. The High Chamber, by contrast, maintained its deferential-stabilizing line throughout.

This divergence is best characterized as a form of intra-judicial polarization. The political fragmentation of the broader environment was reproduced within the judiciary itself, as different bodies aligned their reasoning with competing

constitutional priorities. The episode demonstrates that, in contexts of intense constitutional polarization, jurisdictional bodies do not operate merely as neutral appliers of legal rules, but as institutional actors whose decisions directly influence the configuration, preservation, or transformation of political and constitutional power. It also illustrates, in a single case, the coexistence of two phenomena that are often treated separately: the judicialization of politics, namely, the channeling of an essentially political dispute over the composition of the Judiciary into jurisdictional fora, and the politicization of the judiciary, that is, the alignment of judicial reasoning with opposing positions in that dispute (Mora-Sifuentes, 2025).

While the focus of this dissertation is not on the outcomes, it is important to note that this constitutional polarization did not culminate in institutional rupture, but rather in a redefinition of the balance among jurisdictional bodies. The Supreme Court's ruling of February 13, 2025, illustrates this point. Rather than fully endorsing either side, it recharacterized the High Chamber's rulings as opinions, reaffirmed the jurisdiction of the amparo courts, and ordered an *ex officio* review of the suspensions, thereby rebalancing the system without halting the reform. The Court's own warning, that "the most insidious threat to the constitutional order is not its frontal rejection, but its gradual deterioration by those who have the duty to safeguard it" (Supreme Court, 2025), reveals, as language data, an institutional self-understanding oriented toward procedural legality and systemic coherence. The episode confirms that constitutional jurisdiction is neither detached from politics nor a mere instrument of it. Rather, it operates at the boundary between the two, and its authority rests on its capacity to resolve structural conflicts through legal reasoning and binding rulings.

### 11.4 Implications for electoral integrity and the quality of democracy

The stabilizing role assumed by the High Chamber has direct implications for electoral integrity, understood as the extent to which elections conform to internationally accepted standards and global norms governing the proper conduct of elections (Norris, 2017). Electoral integrity is not limited to the act of voting. It requires a comprehensive assessment of the electoral cycle, including pre-election conditions, the conduct of the election, and post-election processes (van Ham & Lindberg, 2015). From this electoral-cycle perspective, the High Chamber's insistence on the continuity and finality of each stage of the process may be understood as an effort to preserve the integrity of the cycle against attempts to interrupt it. That interpretation is reinforced by the Tribunal's repeated appeal to the principles of legality, certainty, finality, and legal security that structure electoral processes.

At the same time, the case exposes a central tension in the literature on the political role of courts. Perceptions of electoral integrity significantly influence public trust in democratic institutions, and the decisions of electoral courts can therefore either reinforce or erode confidence in the process (Birch & van Ham, 2017). A jurisdictional body that guarantees the continuity of a contested electoral process may strengthen certainty and facilitate the orderly installation of authorities. Yet, in a polarized environment, those same decisions are liable to be read as partisan or politically motivated, particularly when the process under protection is itself the object of intense constitutional dispute. This is the delicate balance between activism

and self-restraint that electoral justice must navigate. Judicial interventions are most defensible when they are grounded in legal principles and oriented toward electoral integrity, and most vulnerable to criticism when they appear to displace decisions that properly belong to other institutional actors. However, electoral justice does not have a choice, and it intervenes when political actors file their claims.

This is particularly relevant to the Mexican case. Whereas the popular election of judges has historically been confined to a small number of jurisdictions, Mexico extended it, through constitutional reform, to the entire Federal Judiciary, including the Supreme Court and the Electoral Tribunal (Section 7), expanding the range of judicial decisions made around elections, which are, by nature, political events. This circumstance makes the case selection appropriate for the purposes of this research, as the body charged with guaranteeing the integrity of the judicial election was itself subject to election under the same reform, which made its institutional positioning especially consequential for the quality of democracy. The findings suggest that, under such conditions, the defense of the Constitution may require decisions that directly affect the configuration of political power, and that judicial legitimacy comes to depend not only on decisional coherence but also on institutional effectiveness, that is, on a court's capacity not only to reason consistently, but also to ensure that the constitutional order it interprets remains operative, regardless any kind of pressure by political actors.

In sum, the political role that electoral justice played during Mexico's first judicial election was neither incidental nor partisan, but structural. Faced with a polarized conflict over the composition of the Judiciary, the High Chamber acted as a stabilizing constitutional actor, the District Courts as agents of resistance, and the

Supreme Court as a rebalancing and, ultimately, validating authority. The case therefore offers a paradigmatic illustration of how, in polarized constitutional democracies, the political and jurisdictional dimensions of electoral justice are inseparable. The broader implications of that argument are drawn together in the conclusions that follow.

## 12. Conclusions

Mexico's first judicial election constituted not only a structural redesign of the Federal Judiciary, but also a paradigmatic episode of political and constitutional polarization. The implementation of a new model for the popular election of adjudicative authorities generated a complex institutional conflict in which different jurisdictional bodies adopted divergent positions regarding the reformed constitutional mandate. Within this scenario, the Electoral Tribunal of the Federal Judiciary—as the specialized constitutional body and highest jurisdictional authority in electoral matters—assumed an institutional political role whose consistency was empirically verified through the mixed-methods analysis developed in this dissertation. This concluding section tests the research hypotheses against the findings presented in the previous sections, states the theoretical contribution of the study, and acknowledges its limitations while identifying avenues for future research.

### 12.1 Revisiting the hypothesis

The central hypothesis of this dissertation held that, in a context of high political polarization, the High Chamber of the TEPJF assumed a politically identifiable, deferential–stabilizing institutional role, prioritizing the continuity of the electoral process and the supremacy of the reformed constitutional mandate. The evidence confirms this hypothesis. The descriptive frequency analysis revealed that a majority of the Tribunal's relevant rulings confirmed acts issued by the INE, reversed acts seeking to paralyze the process, and validated technical guidelines, parity criteria, and electoral counts, yielding a deference index of 64.94% that remained high and consistent across all phases of the process. The qualitative analysis showed that

this aggregate pattern was sustained by a coherent argumentative line that recurrently prioritized constitutional supremacy, the continuity of the electoral process, legal certainty and security, and the protection of political-electoral rights, through the strategies of systematic constitutional interpretation and defense of the constitutional order. This decisional consistency constitutes the empirical core confirming the hypothesis.

The two comparative sub-hypotheses are likewise confirmed. The District Courts assumed a position of resistance, ordering the suspension of the electoral process through amparo proceedings and prioritizing judicial independence and the preservation of the pre-existing constitutional structure of the Judiciary. The Supreme Court of Justice of the Nation initially adopted a critical position, coming within a single vote of invalidating the constitutional amendment, but ultimately, as a whole, privileged institutional stability and constitutional closure by validating the electoral process and preserving the continuity of the current constitutional order. Read together, these findings confirm that, in contexts of intense constitutional polarization, jurisdictional bodies do not operate merely as neutral appliers of legal rules, but as institutional actors whose decisions directly influence the configuration, preservation, or transformation of political and constitutional power.

## 12.2 Theoretical contribution

The study demonstrates that the TEPJF assumed a stabilizing institutional political role. This role should not be understood as the partisan capture of the judiciary, but rather as an inherent manifestation of constitutional adjudication under conditions of polarization. As the theory of constitutional justice suggests, judicial review of

political power inevitably produces political effects, even when it is exercised through strictly legal methods. This proposition connects the present findings to the foundational Kelsen-Schmitt debate over the guardian of the Constitution discussed in Section 3. The Mexican case shows that a constitutional court need not choose only between abstention and partisan intervention. A third possibility, namely the stabilizing exercise of constitutional review, allows a tribunal to give effect to a contested constitutional mandate while preserving the operability of the institutional order.

On this basis, the dissertation contributes three elements to the theory of judicial politics in contexts of polarization. First, it demonstrates that the politicization of justice and the judicialization of politics may coexist within a single episode, and that their interaction is most visible precisely when the object of dispute is the composition of the judiciary itself. Second, it confirms that constitutional tribunals can perform stabilizing functions by redefining the balance among jurisdictional bodies without producing institutional rupture. Third, it highlights that judicial legitimacy depends not only on decisional coherence but also on institutional effectiveness, that is, on a court's capacity not only to reason consistently, but also to ensure that the constitutional order it interprets remains operative. The case further illustrates that, in contemporary democratic systems, the defense of the Constitution may require the adoption of decisions that directly affect the configuration of political power.

Taken as a whole, the experience analyzed confirms that constitutional jurisdiction is neither detached from politics nor merely an instrument of it. Rather, it operates at the boundary between the two spheres, and its authority rests on its capacity to resolve structural conflicts through legal reasoning and binding rulings.

In this sense, Mexico's first judicial election constitutes a paradigmatic case for comparative studies on the political role of constitutional adjudicators in processes of democratic transformation. It also provides a methodological demonstration of how an institutional, mixed-methods design can reconstruct that role without recourse to the motivations of individual judges.

## 12.3 Limitations and future research

Several limitations qualify these conclusions and, in doing so, mark out an agenda for further inquiry. As stated before, this research focuses only on a subsection of rulings related to the Mexican judicial election. The quantitative component took into consideration rulings involving acts attributable to the INE and the Senate, as the principal authorities responsible for organizing and advancing the judicial election. Other decisions concerning the Evaluation Committees of the three branches, the INE's technical auditing and electoral-litigation units, and motions seeking the recusal of specific electoral justices were deliberately excluded for reasons of thematic delimitation. Although relevant, these constitute natural opportunities for future research, as does the broader universe of approximately seven thousand decisions related to the judicial election from which the analytical subset was drawn.

The qualitative analysis and selected rulings were also restricted to paradigmatic ones selected for their legal relevance and institutional impact. The qualitative inferences therefore rest on a purposively selected corpus rather than on a representative sample and may be subject to a selection bias. However, it was controlled by analyzing the subject matter of cases that were not dismissed. These

were deliberate trade-offs in favor of analytical depth, which the mixed-methods design was intended to mitigate.

A second limitation has to do with the jurisdiction analyzed and the focus on a specific period. This dissertation examined the federal process during the extraordinary judicial election of 2024–2025 and left out the nineteen federal entities that harmonized their local constitutions with the federal reform that created a parallel body of state-level electoral litigation that lies beyond the present scope. Comparative analysis of how local electoral tribunals positioned themselves in relation to the same reform and the relation of their reasoning to the TEPJF's High Chamber criteria would test whether the deferential–stabilizing pattern identified at the federal level holds across subnational jurisdictions. Similarly, because the study captured the implementation phase, the longer-term effects of the reform on electoral integrity and the quality of democracy, including the conduct of the ordinary judicial election originally scheduled for 2027, remain open empirical questions.

Finally, the institutional approach adopted here, while well suited to reconstructing aggregate decisional behavior, does not purport to explain the internal dynamics of judicial deliberation. Future work combining the institutional perspective with access to deliberative records, or with comparative cases from other polarized democracies that have judicialized the composition of their courts, could further specify the conditions under which constitutional tribunals adopt stabilizing, obstructionist, or corrective roles. Such inquiry would build directly on the central finding of this dissertation: that, confronted with a polarized conflict over the composition of the Judiciary, electoral justice in Mexico performed a political role that

was neither incidental nor partisan, but structural acting, through the High Chamber, as a stabilizing constitutional actor at the boundary between law and politics.

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