

## Mexico Girds for Legal Battle As Election Yields a Near Tie

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MEXICO CITY, July 3 -- Felipe Calderón, a free-trade booster who wants to increase Mexico's presence in the global economy, held an ultra-thin lead of one percentage point over populist Andrés Manuel López Obrador in preliminary presidential election tallies released Monday.

Teams of lawyers are girding for a massive challenge of the results, threatening a crisis reminiscent of the disputed 2000 U.S. presidential election. Legal experts and campaign strategists here say the winner of Sunday's ballot might not be officially declared for up to two months.

A preliminary, uncertified count by Mexico's electoral authority shows Calderón with 36.38 percent of the vote and López Obrador with 35.34 percent. But the electoral authority, which will begin its official count on Wednesday, will eventually cede control of the contest to a special elections court.

The elections court, known as the Federal Judicial Electoral Tribunal, has until Sept. 6 to certify a winner and has powers equivalent to those of the U.S. Supreme Court as the final arbiter of election disputes.

"This is going to take a long, long time," Manuel Camacho Solís, a top adviser to López Obrador, said in an interview late Monday. "Our perception is that there have been very important irregularities."

It was unclear how long it would take the electoral authority to complete its official count. But campaign strategists for López Obrador have already compiled an extensive list of alleged election law violations and irregularities that will most likely form the foundation of their legal challenge. The centerpiece is their contention that 3 million ballots are missing and have not been counted. They contend that the Calderón campaign offered access to social programs to win votes -- a practice that two independent studies prior to the election said was employed by all three major parties. And they also allege that votes for López Obrador were shaved off the rolls in his home state of Tabasco.

Camacho Solís said the López Obrador campaign has considered mobilizing peaceful demonstrations to protest the results but has not yet done so. The streets were mostly calm Monday here in the capital.

Arturo Sarukhan, a top adviser to Calderón, said his campaign's legal team would push for a quick declaration of a winner, arguing that the preliminary count shows Calderón ahead and that a group of European observers found no evidence of widespread fraud.

"We will seek closure Wednesday," Sarukhan said in an interview. "The streets should not be used to accomplish what the ballot boxes couldn't."

But the high level of rancor since polls closed Sunday afternoon make it "probable" that challenges will delay an official result for months, according to Robert Pastor, director of the Center for North American Studies at American University in Washington.

"The test of the success of Mexico's democratic transition is going to come in the next few months," said Pastor, who monitored balloting Sunday in Mexico City.

Comparisons to Florida during the 2000 presidential election quagmire were rampant.

"This is going to be like the hanging chads," said Armand Peschard-Sverdrup, a Mexico expert at the Center for Strategic and International Studies, who observed votes being counted at Mexico's electoral commission headquarters. "It will be disputed to the last ballot."

But there are some important differences between Mexico and the United States that could give this dispute a different look than the one between Bush and Gore. Pastor, who has written extensively about election systems, says that Mexico's electoral structure is more advanced in many ways than the U.S. system and that its sophistication could bring a sense of order to the dispute.

He cited Mexico's decision to create an independent electoral commission, which the United States does not have, its separate and specialized election court and its long transition period -- the results are not certified until two months after the election and Mexican presidents do not take office until five months after the balloting. "It gives them breathing room," Pastor said.

López Obrador's campaign aides and supporters have long been distrustful of Mexico's electoral authority, known as the Federal Electoral Institute, or IFE. They have said IFE is biased, although many outside observers have praised it as one of the best-run and most independent election commissions in the world.

John Ackerman, a law professor at the National Autonomous University of Mexico, said López Obrador's party had little or no input in naming IFE's council members, and officials with the election authority maintain that the organization is nonpartisan and unbiased.

Because of their suspicions about IFE, López Obrador's team is most likely to make its strongest push before the electoral court, Ackerman said. The electoral court has been aggressive about overturning suspicious election results and is likely to give a full hearing to López Obrador's allegations.

"If you look at their decisions, they frequently throw out the results of a bunch of voting booths," Ackerman said. "They're very proactive."

In the late 1990s, Ackerman said, the court overturned the results of the governor's race in the state of Tabasco and ordered a new election, which was won by Roberto Madrazo. Madrazo was also a candidate in this week's presidential election, collecting 21.55 percent of the vote.

More than 39 million Mexicans voted Sunday, a record, according to IFE statistics. Extensive measures were taken to prevent fraud, including fingerprinting. In some areas, face-recognition technology was used.

As expected, López Obrador dominated in Mexico City and the surrounding state of Mexico, where IFE says he garnered more than 5 million votes, compared with about 3 million for Calderón. But Calderón received three times as many votes as López Obrador in Nuevo Leon, where his pro-business platform generated much enthusiasm, and in Guanajuato, President Vicente Fox's home state.

In López Obrador's home state of Tabasco, he outpolled Calderón by nearly 8-to-1. But López Obrador campaign aides believe their victory in Tabasco should have been even more lopsided. They allege that some voting precincts showed many more votes for senator than for president, leading them to believe that López Obrador votes were removed.

Mexicans vote on paper, marking a large "X" next to their choices. The results are tabulated at voting centers and transmitted to IFE, which then totals the tally sheets.

"We can use the bully pulpit and the legitimacy of high turnout, transparency and a credible electoral authority" to counter López Obrador's allegations about vote-shaving, said Sarukhan, the Calderón adviser.

López Obrador, who represents the Democratic Revolutionary Party, or PRD, and Calderón, of Fox's National Action Party, or PAN, each claimed victory on national television shortly before midnight Sunday. On Monday, they intensified their claims. The scenario is further complicated because Madrazo, of the Institutional Revolutionary Party, or PRI, has refused to concede.

López Obrador's Web site featured a short animated film clip of him climbing onto a podium reminiscent of those used for Olympic medal ceremonies and being draped with Mexico's presidential sash. The narrator says: "Smile. Mexico won. López Obrador is now our president."

Calderón said in an interview Monday with Televisa, Mexico's largest television network, that throughout election night the publicly announced results matched his private totals, and "the result is that I won the election." Calderón's Web site carried a banner headline: "Felipe Calderón, president of Mexico."