

Will Mexican Judicial Elections Create a New Mandatory Paid Holiday in Mexico?

By: Francisco J. Peña-Valdés

Recent judicial reforms in Mexico calling for the popular election of judges, magistrates, and justices of the Federal Judiciary, which could be replicated at the state level, represents an unprecedented event in Mexico's legal history. Such reforms have raised new concerns within the labor community, particularly regarding whether Sunday, June 1, 2025 will be considered a mandatory paid holiday, similar to the paid day off granted during ordinary elections for the Mexican federal house of representatives, senate, and the presidency. This scenario has opened up a debate regarding whether the electoral process should be classified as "ordinary" or "extraordinary," and whether labor laws should be adjusted to account for the various legal implications on employees and employers.

This article will not address political or partisan topics; rather, it will focus on analyzing the applicable regulations and official resolutions issued by the National Electoral Institute (INE), which is the agency responsible for overseeing these elections. This analysis will allow readers to determine whether the elections are ordinary or extraordinary, helping affected employers make an informed judgment on how to proceed.

Article 96, first paragraph, of the Political Constitution of the United Mexican States (CPEUM) establishes that judges, magistrates, and justices will be elected freely, directly, and by secret vote from the citizenry on the day of the corresponding federal ordinary elections. It is important to note that June 1, 2025 is not scheduled to be an ordinary federal election, as the next such elections are slated to take place in 2027.

Article 22 of the General Law on Electoral Institutions and Procedures (LGIPE) stipulates that ordinary elections are held on the first Sunday of June in the corresponding year to elect the federal house of representatives, senators, and the President of the Mexican Republic. Additionally, the Article 22 states that the date of ordinary federal elections will be considered a non-working holiday nationwide.

On the other hand, Article 23 of the LGIPE specifies that extraordinary elections are convened in exceptional cases, such as the annulment of an election or the disqualification of winning candidates, to fill vacancies outside the regular electoral calendar.

In the labor law area, Article 74, Section IX, of the Federal Labor Law (LFT) designates mandatory holidays to include those determined by federal and local electoral laws for ordinary elections, in order to conduct the electoral process and allow employees to exercise their voting rights. However, the LFT is silent on the matter of extraordinary elections.

At the end of 2024, the INE officially recognized the extraordinary nature of this election through its website by publishing General Council Agreement INE/CG2358/2024, ***titled "General Council Agreement of the National Electoral Institute approving the Comprehensive Plan and Calendar for the Extraordinary Electoral Process to elect various Federal Judiciary positions for 2024-2025, along with the monitoring methodology proposed by the General Board."*** Additionally, the General Council established the Temporary Commission for the Extraordinary Electoral Process to coordinate and supervise these elections. This official classification of the election as extraordinary sets a legal precedent, reinforcing its distinction from ordinary elections. As a result, since these elections are extraordinary, employees will not have June 1, 2025, as a mandatory paid holiday unless an amendment to the law is enacted or a decree is issued to grant it the status given to ordinary elections.

It is important to note that although this election will take place on the first Sunday of June 2025, coinciding with the usual date for ordinary elections, currently it will not be classified as such by the competent legal authority. Nevertheless, it is advisable to act prudently and in accordance with the occasion, to allow employees to exercise their right to vote, even if no changes are made to Mexican labor law.