

Electoral Rules and Lawmaking

The previous chapter examined how governments incentivize legislators to support their policies in inchoate party systems. Because individual legislators cannot be controlled through a party machine and a party-trained electorate, governments tend to use monetary payments to buy votes. In contrast, governments with institutionalized party systems can employ a variety of institutional tools to obtain party loyalty. Specifically, party leaders can exert influence on legislators' behaviors by two avenues: (1) the prospect of nomination; and (2) ideological screening (Londregan 2002). To understand how partisan resources can work as a substitute for outright bribery, this chapter focuses on candidate selection and ideological cohesion, seeking to understand the manner in which party leaders use the *carrot* of advancement and the *stick* of nonadvancement to impose a certain degree of "party unity" on their legislators (Carey and Shugart 1995; Mainwaring 1998; Morgenstern 2004).

I go on to examine the impact of selection rules on legislative behavior. The first section focuses on nomination rules and demonstrates that party leaders can use their control over ballot access to reward voting loyalty and punish legislative dissent. The evidence also indicates that lack of party unity may allow chief executives to form policy coalitions with dissenting opposition legislators, but may also deprive them of support from members of their own party. The aggregate, cross-national level of analysis lends external validity to these findings.

The formal model presented in Chapter 3 focused on individual legislators' voting decisions. To further explore the implications of *ideological screening* on statutory policy making, in the second section of this Chapter, I examine how candidate recruitment in Chile and Colombia

affects legislators' preferences at the individual level. The findings suggest that party leaders can effectively use candidate selection rules to recruit individuals with similar preferences. They also indicate that chief executives who receive the support of ideologically cohesive parties enjoy higher legislative passage rates than those who deal with unwieldily legislative coalitions. These individual-level results not only offer support to the arguments presented in this chapter, but also buttress the internal validity of the theoretical model.

8.1 BALLOT ACCESS AND LEGISLATIVE BEHAVIOR

Political scientists have argued that the design of electoral systems can encourage legislators to favor the interests of parochial constituencies rather than those of their party leadership (Carey and Shugart 1995; Ames 2001; Nielson 2003; Wallack et al. 2003; Hallerberg and Marier 2004; Shugart, Valdini, and Suominen 2005). According to this view, national electoral laws that promote intraparty competition encourage candidates to cultivate personal reputations in their districts, whereas laws that preclude intraparty competition strengthen the role of party labels in elections. Electoral systems encouraging intraparty competition are thus also likely to create weak party loyalty, because legislators will challenge party leaders in order to protect their personal reputation when constituency interests conflict with the party line (Mainwaring and Pérez-Liñán 1997; Ames 2001).

The conventional wisdom identifies three institutional factors that bolster the role of national party leaders and reduce the incentives for legislative dissent: (1) strong leadership control over party labels; (2) vote pooling, where votes are counted, aggregated, and translated into legislative seats at the party level and not at the faction or individual level; and (3) a ballot structure that allows voters to cast only one vote for a party list (Carey and Shugart 1995; Nielson 2003; Wallack et al. 2003). This view has emphasized the effect of macroinstitutional variables (electoral rules at the national level) on legislators' incentives. As Mejía-Acosta et al. (2009) note, however, other important causal forces are salient. For example, at the district level, leadership control over the party label along with the district magnitude tend to shape electoral incentives: In closed-list systems, greater district magnitude creates fewer incentives to cultivate a personal vote, but the opposite is true under open lists or

faction lists.¹ In the first case, large districts make it more difficult for voters to identify their legislators, and thus credit claiming can be more challenging. But, under open lists, large districts cast a greater number of candidates from the same party against each other, and thus place a stronger premium on personal reputations. Although the literature recognizes these multiple effects as part of the discussion of national systems (Carey and Shugart 1995; Crisp and Ingall 2002), legislators from disparate districts may face different incentives under the same national electoral rules.

At the party level, procedures for nominating candidates can vary across organizations. For instance, in some party organizations, the founder or top leader nominates all candidates and rank-orders the lists; other parties use a convention or a closed primary to settle the issue. In yet other parties, an open primary may define the ranking of the candidates (Alcántara 2004; Siavelis and Morgenstern 2008). As Siavelis and Morgenstern point out, open-list systems provide incentives for candidates to cultivate a personal vote. If district magnitude is small and parties wield significant control over nominations, however, much higher levels of party loyalty and less of a tie to constituents may result, with important consequences for legislative behavior (Siavelis and Morgenstern 2008). Conversely, closed lists may encourage dissent if competitive primaries require the organization of internal campaigns and promote the autonomous actions of legislators interested in building their own political machines.

8.1.1 Cross-National Analysis

How do these party-centered electoral rules affect statutory policy making? As these arguments demonstrate, the strength of party loyalties can be observed through several factors. Specifically, party unity is easier to achieve and maintain in countries where candidate selection and ballot access are in the hands of the party leadership. Chief executives who enjoy a majority of seats in the legislature may use these institutional tools to

¹ Following Mejía-Acosta et al. (2009), I use “closed lists” exclusively to refer to electoral systems where parties present a fixed ballot, votes are pooled across the whole party, and voters cast a single vote. If leaders do not control access to ballots, pooling takes place at the subparty level, and voters cast a single vote (e.g., Colombia before 2006), I refer to “faction lists” (even though lists are “closed” and the allocation of seats may follow a Hare procedure). The term “open lists” is reserved for systems in which parties present a single ballot that can be disturbed by voters, pooling takes place at the level of the party, and voters cast multiple votes (if voters cast a single vote, I refer to lists as “unblocked”).

suppress legislators' propensity to dissent and thus get their bills approved. Party-centered electoral rules, however, can generate an opposite effect on passage rates when the chief executive's party is in the minority. If a chief executive faces a unified opposition in the legislature, she may find it difficult to achieve additional support for her initiatives by targeting individual legislators (Linz 1994; Shugart 1998).

Figure 8.1 presents the comparative performance of all democratic chief executives using the box score measure.² The data are presented using a boxplot to facilitate these comparisons.³ The observations are classified according to the majority or minority status of the government and the type of electoral rules. Specifically, I used the data collected by Johnson and Wallack (2009) to assess the amount of party control over candidates' access to a competitive position on the ballot. If individual candidates face few or no legal impediments to appear on the ballot, I stipulate that they possess *unrestricted access* to a party label. These situations occur under single-member districts if parties allow independent candidates and/or use primaries to select candidates. In contrast, candidates face restrictions if: (1) parties control access to the ballot, even if they do not control the order in which candidates will receive seats. These situations arise under open lists where intraparty preference votes significantly influence candidate selection, and under single-member districts where parties control access to the list. (2) Parties control access to ballots as well as the order in which individuals fill the seats won by the party. These situations include closed-list multimember districts and open-list multimember districts with little or no de facto change in list order (Wallack, et al. 2003; Johnson and Wallack 2009).

Note that under majority governments, the observations do not exhibit as much variance as they do for minority ones. Moreover, under both parliamentarism and presidentialism, the box scores of majority governments tend to surpass the sample average of 75 percent, irrespective of the electoral rules. In contrast, a considerable difference emerges between the performance of minority chief executives facing legislators with unrestricted ballot access and those operating under party-centered electoral rules. Under minority governments, box scores are higher when parties have little control over individual candidates' access to a competitive

² See Chapter 4 for a discussion of how the measure is constructed and Chapter 5 for a description of the sample.

³ Each box extends from approximate first to third quartiles, and observations more than 1.5 interquartile range beyond the first or third quartile are plotted individually.

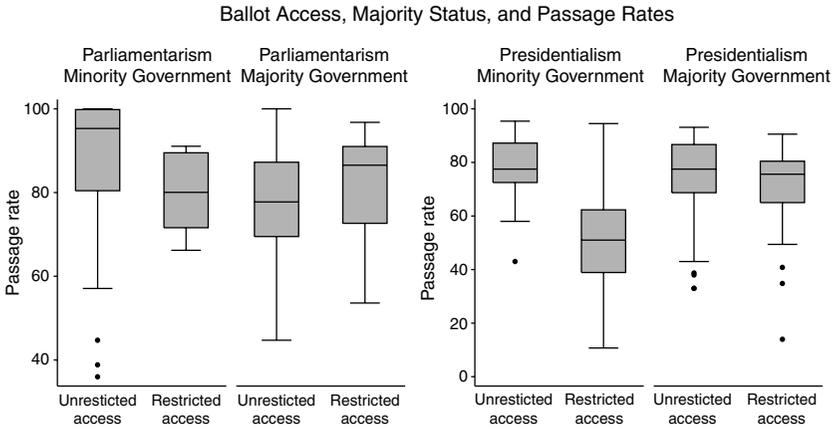


Figure 8.1. Electoral rules and passage rates.

Notes: Variation in chief executives' box scores under different constitutional structures, government status, and ballot access rules. The box score measure is calculated as the percentage of executive initiatives that are approved by the legislature over a period of time. The data are displayed using a boxplot. Each box extends from approximately the first to third quartiles. Observations more than the 1.5 interquartile range beyond the first or third quartile are plotted individually. The data reveal that box scores are higher under minority governments when parties have little control over individual candidates' access to a competitive position on the ballot. Information about the composition of the sample and the sources from which the data were obtained are listed in Appendix B. I used the data collected by Johnson and Wallack (2009) to assess the amount of party control over candidates' access to a competitive position on the ballot (see main text). Data on constitutional structures reported in Przeworski et al. (2000) and Cheibub et al. (2010). Data on government status reported in Cheibub et al. (2004).

position on the ballot. In fact, minority governments with restricted ballot access fare quite badly. The notion that party-centered electoral rules negatively affect passage rates when the chief executive's party is in the minority is thus supported by the evidence.

As previously shown, however, chief executives' box scores differ in parliamentary and presidential systems. The evidence from Chapter 5 indicates that chief executives under parliamentarism exhibit higher legislative passage rates than their presidential counterparts. It also suggests that, on average, chief executives possess higher box scores when cabinet posts are controlled by a single party rather than by a coalition of parties. These findings are buttressed by the multivariate analysis presented in the same chapter. The results indicate that, *ceteris paribus*: (1) a strong

relationship exists between a chief executive's passage rate and his or her country's constitutional structure; (2) passage rates are lower when a multiparty coalition rather than a single-party government is in power; (3) chief executives' box scores are higher under electoral systems in which legislators represent a "national" rather than a "local" constituency. To properly evaluate how party-centered electoral rules affect chief executives' lawmaking abilities, it is thus necessary to account for these possible confounding effects.

Figure 8.2 presents the estimated effects of seat shares on box scores in a multivariate context. To generate these results, I used the following approach. First, as in Chapter 5, I performed a logit transformation of my dependent variable, the proportion of bills initiated by chief executives and approved by the legislature of their respective countries. Next, I regressed these box scores on several explanatory variables using ordinary least squares (OLS). These explanatory variables include the government's seat share and its coalition status, as well as the country's constitutional structure and its electoral institutions (see Appendix C for more details).

The dashed line in Figure 8.2 indicates the conditional effect of seat shares when individual candidates face few or no impediments to appear on the ballot. The solid line in Figure 8.2 illustrates the marginal effect of restricted ballot access across the observed range of government seat shares. The dotted lines represent 95 percent confidence intervals around these estimates.

Ballot access produces no discernible effect on a chief executive's legislative passage rates when the government controls a majority of seats in the legislature.⁴ The effect of party-centered electoral rules, however, is both clear and pronounced when the chief executive's party is in the minority: (1) when individual candidates instead of parties control access over the ballot, chief executives' passage rates depend little on government's seat shares; (2) in contrast, when ballot access is more restrictive, legislators are more beholden to their parties, with resulting difficulty for chief executives in the legislative arena.

The results presented in Figure 8.2 lend credence to the notion that party leaders can use institutional carrots and sticks to reward voting loyalty and punish dissent. As an additional check, I conduct another test to ensure that the findings are not an artifact of parliamentary democracies

⁴ It should be noted, though, that box scores are much higher when the government controls more than 90 percent of the seats in the legislature and candidates face significant impediments to appear on the ballot.

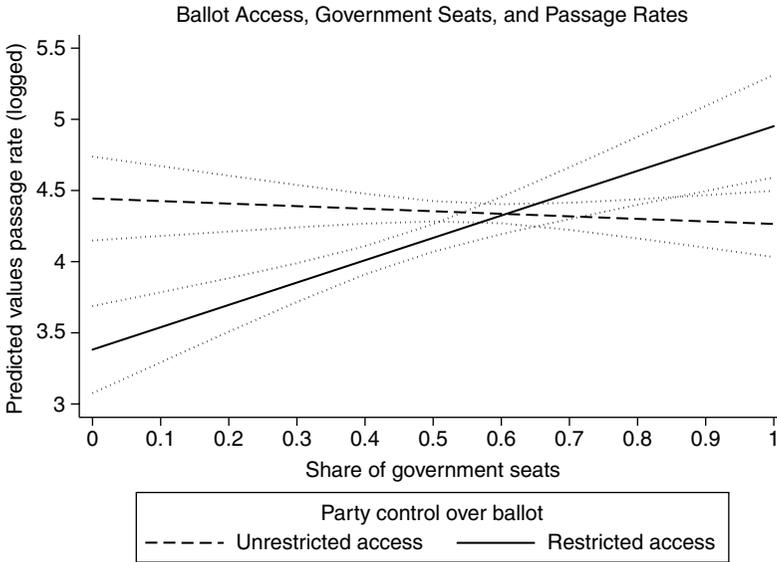


Figure 8.2. Party control over ballot.

Notes: This graph presents the estimated effects of seat shares on box scores in a multivariate context. The y-axis shows a chief executive’s predicted legislative passage rate, and the x-axis represents the share of seats held by her party in the legislature. The dashed line indicates the conditional effect of seat shares when individual candidates face few or no impediments to appear on the ballot. The solid line illustrates the marginal effect of restricted ballot access across the observed range of government seat shares. The dotted lines represent 95 percent confidence intervals around these estimates. The data indicate that ballot access produces no discernible effect on a chief executive’s legislative passage rates when the government controls a majority of seats in the legislature. The effect of party-centered electoral rules, however, is both clear and pronounced when the chief executive’s party is in the minority: (1) when individual candidates instead of parties control access over the ballot, chief executives’ passage rates depend little on government’s seat shares; (2) in contrast, when ballot access is more restrictive, legislators are more beholden to their parties, with resulting difficulty for chief executives in the legislative arena. To generate these results, I regressed the logit transformation of the box scores on several explanatory variables using ordinary least squares (see Appendix C for more details). Data on constitutional structures reported in Przeworski et al. (2000) and Cheibub et al. (2010). Data on government status reported in Cheibub et al. (2004). Data on ballot access reported in Johnson and Wallack (2009).

possessing more unified parties. According to the conventional wisdom, under parliamentarism, the authority of the executive to offer legislative proposals as matters of confidence explains why parties are more unified in parliamentary than in presidential systems (Huber 1996; Diermeier and

Feddersen 1998; Carey 2007).⁵ Figure 8.3 presents the effects of party-centered electoral rules, interacted with constitutional structure, on chief executives' legislative passage rates.⁶

The findings suggest that the impact of ballot access on chief executives' box scores is negligible under parliamentarism when the government is in the minority.⁷ The passage rates of majority governments under parliamentarism, however, are considerably higher when individual candidates have restricted access to party labels. On average, prime ministers who are backed by a parliamentary majority under unrestricted ballot access rules, tend to obtain passage for 75 percent of their bills. In contrast, when parties possess control over candidates' access to the ballot, the average box score of a majoritarian prime minister increases to 82 percent. This difference is not only statistically significant but also substantively important. Recall that the average legislative passage rate for presidents is 65 percent. Therefore, even if they are ruled by majority governments, parliamentary democracies resemble presidential ones when parties lack control over candidates' access to the ballot.

Turning to presidentialism, the impact of ballot access is more pronounced when the president is in the minority. In this case, though, chief executives appear to enjoy higher passage rates when candidates have unrestricted access to the ballot. The average box score for minority presidents with unrestricted ballot access is 78 percent, compared to only 50 percent when party-centered electoral rules exist. Thus, minority presidents seem to have less difficulty in mustering additional support for their initiatives when partisan control over ballot access is weak. When partisan control is high, in contrast, minority presidents are substantially hindered. Finally, under the scenario of the government controlling a majority of seats, ballot access produces an insignificant effect on presidents' legislative passage rates.

⁵ In its barest form, as Kam (2009) notes, the argument is that the confidence convention suppresses dissent because government backbenchers do not want to bring down their government and deprive themselves of the privileges of power. Yet, as he also points out, the confidence convention is a heavy-handed instrument, ill-suited for securing members loyalty on an on going basis (and of no use whatsoever to leaders of opposition parties). For another critical assessment of the view that the confidence provision elicits party *discipline*, see chapter 5 in Cheibub (2007).

⁶ The models used to generate these results are presented in Appendix C.

⁷ A simple comparison of means shows that the average passage rate is almost the same regardless of the electoral rules.

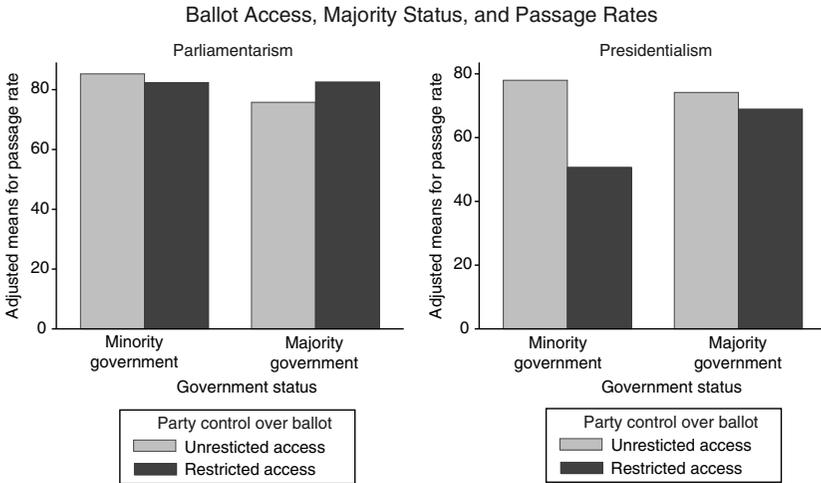


Figure 8.3. Majority status and passage rate.

Notes: This graph presents the effects of party-centered electoral rules, interacted with constitutional structure, on chief executives’ legislative passage rates. The findings suggest that the impact of ballot access on chief executives’ box scores is negligible under parliamentarism when the government is in the minority. The passage rates of majority governments under parliamentarism, however, are higher when candidates have restricted access to party labels. Turning to presidentialism, minority presidents seem to have less difficulty in mustering additional support for their initiatives when partisan control over ballot access is weak. When partisan control is high, in contrast, minority presidents are substantially hindered. Under the scenario of the government controlling a majority of seats, ballot access produces an insignificant effect on presidents’ legislative passage rates. The models used to generate these results are presented in Appendix C. Data on constitutional structures reported in Przeworski et al. (2000) and Cheibub et al. (2010). Data on government status reported in Cheibub et al. (2004). Data on ballot access reported in Johnson and Wallack (2009).

Overall, the cross-national analysis underscores the importance of electoral rules and the relationship between ballot access and chief executives’ legislative passage rates. These findings have important implications for the study of statutory policy making. Namely, party leaders can effectively use candidate selection and ballot access to impose a certain degree of “party unity” on their legislators. Moreover, majority governments in parliamentary democracies can use these institutional tools to pass their bills.

The results also indicate that minority presidents face greater difficulty in obtaining support for their legislative initiatives when partisan control over ballot access is restrictive. Another important implication of these

findings is that “strong” political parties are a hardly the *sine qua non* of successful governance. Instead, strong parties are like a double-edged sword: They can be helpful in passing legislation when the government is in the majority, but not when the government is in the minority. Hence, a common assertion in the literature stating that new democracies, particularly new presidential democracies, need strong political parties to improve their performance seems to be unwarranted.

8.2 IDEOLOGICAL COHESIVENESS AND LEGISLATIVE BEHAVIOR

As the preceding section demonstrates, party leaders use their control of candidate nominations to reduce the incentives for legislative dissent. Nonetheless, as discussed at the onset of this chapter, voting unity within legislative parties may also be driven by ideological cohesiveness. A group of legislators is *cohesive* when they vote together as a result of common beliefs or ideological affinity (Özbudum 1970; Morgenstern 2004; Carey 2007; Kam 2009). Parties may thus be able to head off dissent before it becomes a problem. In particular, leaders can use the party’s candidate selection rules to recruit individuals who share their preferences and to weed out uncongenial candidates before they get to the legislature (Londregan 2000; Siavelis and Morgenstern 2008; Kam 2009). As Siavelis and Morgenstern (2008) note, legislative parties comprised of like-minded individuals are likely to be more united, thereby enabling chief executives to anticipate more accurately their legislative support and boost their passage rates.

To test this hypothesis, I turn my attention to the political systems of Chile and Colombia, two Latin American countries with very different candidate selection processes. In Chile, candidate selection procedures lead to political parties with high levels of ideological cohesion. Colombian legislators, on the other hand, typically rely on their own personal traits to further their careers; therefore, they often see themselves as legislative free agents rather than members of an ideologically cohesive party (Moreno and Escobar-Lemmon 2008; Navia 2008; Siavelis and Morgenstern 2008). Comparing the dynamics of these two countries makes it possible to examine the relationship between ideological cohesiveness and statutory policy making.

8.2.1 Measuring Ideological Affinity

Successfully evaluating the effects of ideological screening on legislative behavior depends heavily on one’s ability to measure legislators’

preferences. Recovering politicians' ideological positions from recorded votes (i.e., roll-call data) is a frequently used practice not only in the study of the U.S. Congress, but also in comparative politics (e.g., Voeten 2000; Figueiredo and Limongi 2000; Londregan 2000; Ames 2001; Hix 2001; Carey 2002; Desposato 2003; Morgenstern 2004; Rosenthal and Voeten 2004; Jones and Hwang 2005; Poole 2005; McCarty, Poole, and Rosenthal 2006; Alemán and Saiegh 2007). Despite its merits, the use of roll-call data is not without problems. For example, if agenda manipulation and strategic voting exist, then votes may fail to accurately reveal legislators' preferences (Ames 2002; Cox and McCubbins 2005). Other scholars argue that using actions (votes) to impute policy positions can be problematic (Krehbiel 2000). These skeptics do not doubt the role of ideology in influencing legislative behavior, but are concerned over how these ideological predispositions can be measured (Jackson and Kingdon 1992).

These criticisms have led researchers to consider alternative indicators of legislators' preferences. One particularly useful instrument for measuring legislators' ideological positions are interviews with political elites (Katz and Wessels 1999; Norris 2001; Wessels 2004; Morgenstern 2004; Rosas 2005; Zoco 2006; Alcántara 2008). In previous work, I analyzed data from nine Latin American countries included in the Universidad de Salamanca's Parliamentary Elites of Latin America (PELA) survey (Saiegh 2009b).⁸ Specifically, I examined the responses to questions where legislators were presented with the task of locating themselves and other relevant political actors on a ten-point left/right ideological scale.⁹

The data generated by the survey responses can be reliably used to locate legislators' ideological positions in a low-dimensional space in a manner analogous to roll-call-based methods.¹⁰ This approach, however,

⁸ The PELA project included four waves of surveys in the lower chambers of eighteen Latin American countries since 1994. For a more detailed description of the project, see García and Mateos (2001) and Alcántara (2008), or go to <http://americo.usal.es/oir/elites/>

⁹ The typical format of these questions is: "When we talk about politics, the expressions left and right are usually used. Where would you place < yourself > on a scale where 1 is left and 10 is right?" The questions containing political *stimuli*, such as the country's main political parties or its leading politicians, were phrased in the same way.

¹⁰ I estimated the respondents' location in a low-dimensional ideological space using Aldrich-McKelvey's (1977) scaling procedure to correct for interpersonal incomparability, or *differential item functioning* (DIF). The use of DIF to refer to interpersonal incomparability originated in the educational testing literature: a test question is said to have DIF if equally able individuals have unequal probabilities of answering the question correctly (cf. King et al. 2004). Using the raw data provided by the PELA responses can thus be problematic due to DIF. Fortunately, as King et al. (2004) note, the

has an important advantage. Unlike roll-call votes, legislators' responses to surveys are unrelated to their voting behavior. Therefore, this instrument is not contaminated by the effects of legislative or party institutions, including party discipline, agenda setting, log rolls, and the like (Kam 2001; Morgenstern 2004).

Another issue in measuring spatial preferences using roll-call data pertains to the ability to compare the preferences of decision makers across the different branches of government (the presidency, the legislature, the courts). Addressing various propositions regarding executive-legislative relations, such as the ones advanced in this book, requires that different political actors be placed in a common spatial map. The problem of estimating a common map for a legislature and an executive, however, can be quite challenging (Poole 2005). As Bailey notes, "... no matter how well preferences are estimated within an institution, they are not comparable across institutions without clear points of reference ..." (Bailey 2007: 434).¹¹ Thus, an additional advantage of measuring spatial preferences using elite data is in its ability to make such comparisons. The representation of each country's ideological configuration obtained using the PELA surveys contains two main elements: the location of key political actors (such as the country's main political parties or its leading politicians), and the locations of the legislators. Therefore, as long as the incumbent president is included among these actors, this information can be used to estimate his or her preferences and legislators' ideal points in a common ideological space.

Aldrich-McKelvey (1977) scaling procedure is one of the most satisfactory approaches to correcting for DIF. The basic Aldrich-McKelvey model assumes that the actual positions of the political stimuli (i.e., key political actors) are the same for all respondents; as such, they can be used as anchors to adjust both actor and legislator ideological positions. Since these actual positions are unobserved, one must assume that legislators have unbiased perceptions of each actor's positions, but that the reported positions are linearly distorted in an unknown, yet estimable, manner. For a more detailed description of their methodology, see Aldrich and McKelvey (1977); see also Poole (1998) and King et al. (2004)

¹¹ In spite of some important difficulties, previous research demonstrates that it is technically possible to make such comparisons. Still, the corresponding prerequisite, namely a common policy space for all actors analyzed, can only be estimated if the appropriate ancillary information, such as interest groups' ratings of legislators, is available. For example, Poole and Rosenthal (1997) use interest groups and some common roll calls to combine the two chambers in the U.S. congress. In a similar fashion, Bailey (2007) employs the positions taken by U.S. presidents and members of congress on Supreme Court cases to "bridge" across institutions. Unfortunately, these additional informational requirements are unlikely to be met in most cases outside the United States, rendering these technical innovations generally unusable for comparative research.

8.2.2 Screening and Ideological Cohesiveness: Chile and Colombia

In their cross-national analysis of candidate selection and recruitment in Latin America, Siavelis and Morgenstern (2008) identify four categories of legislators: *party loyalists*, *constituent servants*, *entrepreneurs*, and *group delegates*. These legislators are primarily responsive to party elites, constituents, the legislators themselves, or particular corporate groups, respectively. According to Navia (2008), Chilean legislators fit the profile of the party loyalist most closely. In contrast, as Moreno and Escobar-Lemmon (2008) note, legislators in Colombia are, first and foremost, entrepreneurs. Most importantly, these different types of legislators should exhibit varying degrees of ideological cohesion. In particular, party loyalists in Chile should display higher levels of ideological cohesion, whereas the ideological cohesiveness of Colombian entrepreneurs should be distinctively lower.

8.2.2.1 Chile

Legislative elections in Chile are conducted using an open-list proportional representation, commonly referred to as the binomial system.¹² Deputies are elected for renewable four-year terms. Two legislators are elected in each of the sixty Chamber of Deputies districts using the d'Hont seat-allocation method. Seat allocation goes first to parties, then parties allocate seats to candidates according to their individual vote share (Navia 2008). As Navia (2008) notes, this system, which was adopted under Pinochet, helped consolidate an electoral duopoly in legislative elections. Because the threshold to secure the first seat is rather high (about one-third of the vote), Chilean parties have an incentive to form electoral coalitions to pool their votes and obtain half of the seats in every district. Hence, it is impossible to understand Chile's party loyalists without considering the role of coalition politics.

Since Chile's return to democracy in 1990, two legislative coalitions have captured virtually all seats in the chamber of deputies. The *Concertación*, comprised of the Socialist Party (PS), the Party for Democracy (PPD), the Christian Democrats (DC), and the smaller Radical Social-Democratic Party (PRSD), held the majority in the lower chamber of congress and the presidency between 1990 and 2010. The opposition, made up of the Independent Democratic Union (UDI), the National

¹² The following description of Chile's candidate selection procedures is based on Navia (2008).

Renewal Party (RN), and the smaller Centrist Union (UCC), also coalesced into a formal alliance, known as the *Alianza por Chile*.¹³ Over the past twenty years, the two coalitions have generally split the two seats in most districts, irrespective of their electoral support. In fact, as Navia (2008) points out, the more competitive the election, the more likely it is that the seats are split between the coalitions. As a consequence, strong institutional incentives arise for candidates to be party loyalists. Because party leaders negotiate within their coalitions for the slate of candidates, aspirants must curry favor to secure their party's endorsement. The combination of the electoral rules and the centralized characteristics of Chile's partisan organizations also offer party leaders an incentive to intervene in selection, both to secure good deals from the coalition and to ensure the election of their preferred candidates (Navia 2008). Thus, in some important ways, the Chilean political system allows party leaders to use candidate selection procedures to recruit like-minded politicians.

As previously noted, the implications of *screening* for ideological cohesiveness are clear. Legislative parties full of like-minded individuals should behave in a more unified fashion. In addition, as Morgenstern (2004) points out, the effects of ideological agreement on party unity are often magnified when parties stand firmly in opposition to other parties (i.e., more polarized groups should be more unified than centrists). Centrists, by definition, are pulled in multiple directions and thus may exhibit less well-defined platforms. Ideological cohesiveness, in contrast, usually rises as parties move toward well-defined, noncentrist, positions (Palfrey and Poole 1987; Morgenstern 2004).

The current ideological location of Chilean parties was molded by their reaction to the military government of General Augusto Pinochet. The traditionally centrist DC entered into an alliance with most parties on the left and shared an opposition to Pinochet's regime. Interestingly, these groups had been previously at odds; leftist leaders belonged to parties that, in the early 1970s, endorsed Marxist ideals and supported deposed president Salvador Allende, who was opposed by the DC (Cohen 1994). By the late 1980s, however, programmatic differences between the center and the left were subordinated to achieve a common front in a yes/no referendum on regime change called by the military regime (Siavelis 1997). After Pinochet's defeat in the plebiscite, these parties renewed agreements to support a single presidential candidate and establish a multiparty

¹³ The opposition coalition was named *Unión por el Progreso* and *Democracia y Progreso* in prior years. The junior partner, the UCC, joined the alliance in 1993.

coalition government. The two main parties that supported a continuation of the Pinochet regime (RN and UDI) also entered into a formal electoral coalition and fielded a common presidential candidate.¹⁴ In addition to partisan positions over the military regime, broader policy goals also factored into the selection of political partners: Both Chilean coalitions, the *Concertación* and the *Alianza*, consist of parties with contiguous ideological positions (connected coalitions).

Figure 8.4 displays the ideological position of Chilean legislators. These measures were estimated using the responses to the PELA interviews conducted in 2002. Legislators' preferences were normalized such that those with more "leftist" views have negative scores and those with more "rightist" positions have positive scores. The data indicate that legislators in Chile are ideologically cohesive. The distribution of preferences for each coalition is unimodal, with peaks to the center-left for the *Concertación* and to the center-right for the *Alianza*.

The pattern in Figure 8.4 further reveals that the center of the distribution is relatively empty and that ideal points of legislators from different coalitions have little overlap. In other words, the ideological makeup of the Chilean legislature consists of two noncentrist coalitions with very cohesive memberships. Therefore, candidate selection rules in Chile do allow party leaders to successfully recruit individuals who share their ideological preferences.

8.2.2.2 Colombia

For most of Colombia's modern history, legislators were elected in proportional-representation districts congruent with departmental boundaries. Deputies were elected using closed-lists and the largest-remainder Hare method (also known as the simple quota).¹⁵ Colombian law, however, placed no restrictions on the number of lists submitted by the parties. This allowed them to present multiple lists, and because votes were not pooled to the party, the system can actually be characterized as a personal-list proportional representation, or more accurately a single nontransferable vote (SNTV) system (Cox and Shugart 1995;

¹⁴ The only relevant national party excluded from either coalition was the Communist party.

¹⁵ The description of Colombia's candidate selection procedures is based on Moreno and Escobar-Lemmon (2008). Under the largest-remainder method, the number of votes for each party is divided by a quota representing the number of votes required for a seat. The quota, according to the Hare formula, is given by the number of valid votes cast in the election, divided by the total number of seats to be filled.

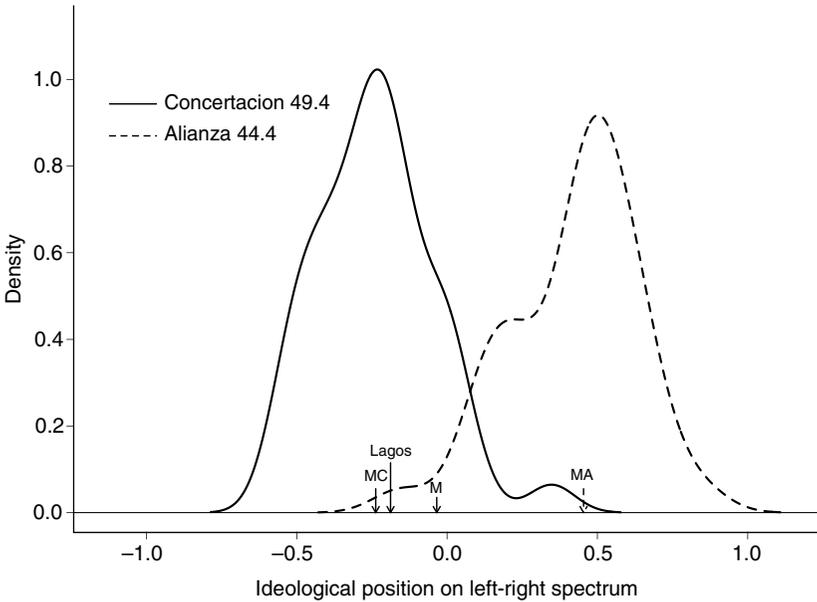


Figure 8.4. Chilean legislators (2002).

Notes: This graph displays the ideological position of Chilean legislators. The y-axis represents the quantity of legislators in a given ideological location and the x-axis shows legislators' ideological positions in the left-right spectrum. The data indicate that legislators in Chile are ideologically cohesive. The distribution of preferences for each coalition is unimodal, with peaks to the center-left for the *Concertación* and to the center-right for the *Alianza*. The evidence also suggests that President Lagos faced a predictable legislature, and that his ideological preferences were close to the location of the median legislator. The measures were estimated using the responses to the PELA interviews conducted in 2002. Legislators' preferences were normalized such that those with more "leftist" views have negative scores, and those with more "rightist" positions have positive scores. The numbers next to the labels of the *Concertación* and the *Alianza* indicate the percentage of legislators from each coalition who participated in the PELA survey. The graph also shows the estimated ideological position of president Lagos, as well as the relative locations of the legislator with the *median* position in: (1) the legislature (M); (2) the *Concertación* (MC); and (3) the *Alianza* (MA).

Moreno and Escobar-Lemmon 2008).¹⁶ Reforms enacted in 2003 introduced important changes to the electoral system and limited the number

¹⁶ In single nontransferable vote (SNTV) system, each voter casts a single vote for one of the candidates competing in a multiseat race with multiple candidates. The k highest vote getters are elected, where k is the number of seats to be filled per district (Shepsle and Bonchek 1997).

of lists per party. Nonetheless, for nearly forty years, the electoral rules prior to the electoral reform largely shaped the selection of Colombian legislators. Therefore, understanding Colombia's *entrepreneurs* would be impossible without considering the role of personal list proportional representation.

Since the 1840s, two traditional political parties, the Liberals and Conservatives, have dominated Colombian politics. In 1958, after ten years of political violence and four years of a military government, the two parties agreed to alternate power during the four presidential terms between 1958 and 1974; this was known as the *Frente Nacional*. The pact also ensured legislative parity of representation for Liberals and Conservatives (Cárdenas et al. 2008; Moreno and Escobar-Lemmon 2008).

Parity in legislative bodies reduced interparty conflict. However, because partisans competed with one another for a limited number of seats, it actually increased intraparty competition. In order to resolve these internal conflicts and to avoid difficult choices at the nomination stage, Colombian party leaders adopted the practice of submitting multiple lists of candidates for the same race. As Moreno and Escobar-Lemmon (2008) note, this strategy, known as *operación avispa*, promoted *entrepreneurial* behavior among candidates for national legislative bodies.

Under the Hare quota, the formula of largest remainders provided no advantage to lists with either a large or a small proportion of the votes. It thus generated incentives for parties to present multiple lists under the same party label.¹⁷ In fact, parties that submitted multiple lists won a disproportional number of seats, especially in contrast to single-party lists. On the other hand, because a candidate's success was not tied to partisan efforts and intraparty competition was high, partisan affiliation became irrelevant. As such, parties increased the number of lists over time, maximizing their seat share while enhancing the proliferation of so-called electoral microenterprises (*microempresas electorales*) (Moreno and Escobar-Lemmon 2008).

Given the combination of incentives created by the electoral system and the absence of formalized rules regarding nominations, ballot access procedures in Colombia were mostly guided by self-selection. This weakened

¹⁷ As Levin and Nalebuff (1995) note, a distinctive feature of the Hare quota is that in a multiwinner election, a united minority can elect candidates in proportion to the size of the minority. For example, in a district with six seats to be filled, any candidate who can obtain 17 percent of the vote will win. Beyond that, however, a candidate ranked second or third by a majority may or may not defeat a candidate with a small but loyal minority base (Levin and Nalebuff 1995).

national-party leaders and resulted in legislative parties with low degrees of ideological cohesiveness. Moreover, as candidates seek to capture “moderate” voters, they usually present themselves as “centrists.” Given that centrists often possess ill-defined platforms, these electoral strategies further reinforced the lack of ideological cohesiveness of Colombian parties. Figure 8.5 displays the ideological locations of Colombian legislators based on their partisanship.

Legislators’ preferences were estimated using the responses to the PELA interviews conducted in 2002. As before, their ideological positions were normalized such that those on the left of the political spectrum have negative scores and those on the right have positive ones. The ideological heterogeneity of Colombian parties is readily apparent in Figure 8.5. Moreover, a substantial overlap can be discerned in the ideal points of legislators belonging to the two factions of the Liberal party (PLO and PLU) and the Conservative party (PC). Another noteworthy pattern emerging from Figure 8.5 is that Colombian legislators tend to locate themselves at the center of the political spectrum. Most importantly, the evidence presented in Figure 8.5 supports the notion that electoral systems encouraging intraparty competition are likely to create parties with low ideological cohesiveness.

8.2.3 Ideological Cohesiveness and Passage Rates

Having demonstrated the link between candidate selection and legislators’ preferences, I now examine how ideological cohesiveness affects chief executives’ statutory performance. The analysis focuses on the two distinct contexts discussed above: (1) high cohesiveness (Chile), and (2) low cohesiveness (Colombia).

In Chile, the legislature is primarily made up of *party loyalists*, and levels of voting unity among parties are very high (Carey 2002; Morgenstern 2004; Alemán and Saiegh 2007; Toro 2007). Because Chilean legislators’ partisanship is highly correlated with their ideological positions, presidents can anticipate quite accurately their legislative support. In contrast, Colombian presidents face a more unpredictable legislature. The previous analysis reveals a poor correlation between legislators’ partisan identities and their ideological positions. Therefore, *ceteris paribus*, the legislative passage rates of Colombian presidents should be much lower than those of their Chilean counterparts. The passage rates of executive-initiated bills in Chile and Colombia lend support to these propositions. Of the 1,113 bills proposed by Chilean presidents

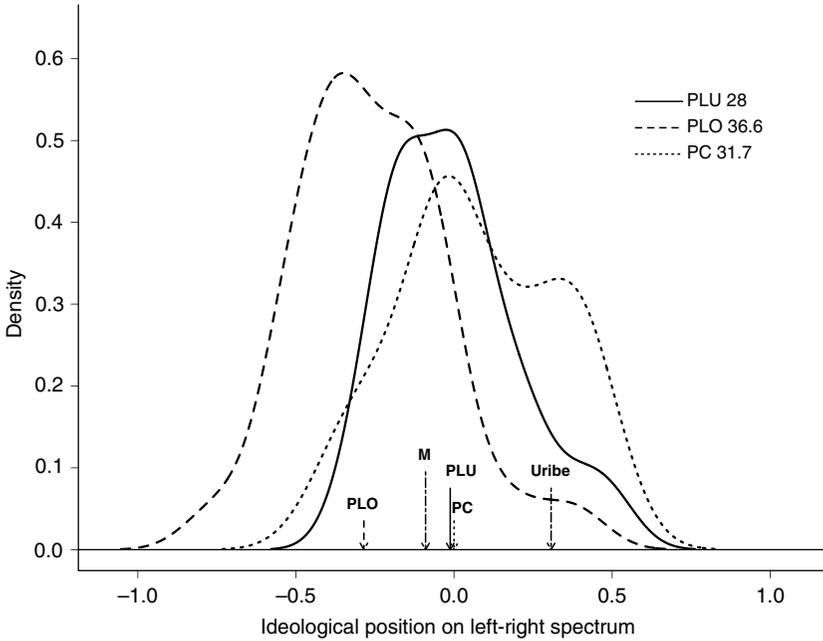


Figure 8.5. Colombian legislators (2002).

Notes: This graph displays the ideological position of Colombian legislators. The y-axis represents the quantity of legislators in a given ideological location and the x-axis shows legislators’ ideological positions in the left-right spectrum. The data indicate that parties in Colombia exhibit low ideological cohesiveness. Legislators tend to locate themselves at the center of the political spectrum, and their ideal points have substantial overlap regardless of their partisan identities. The evidence also suggests that President Uribe faced a very unpredictable legislature, and that his ideological preferences were far from the location of the median legislator. The measures were estimated using the responses to the PELA interviews conducted in 2002. Legislators’ preferences were normalized such that those with more “leftist” views have negative scores, and those with more “rightist” positions have positive scores. The numbers next to the labels of the two factions of the Liberal party (PLO and PLU) and the Conservative party (PC) indicate the percentage of legislators from each party who participated in the PELA survey. The graph also shows the estimated ideological position of president Uribe, as well as the relative locations of the legislator with the *median* position in: (1) the legislature (M); (2) the “officialist” faction of the Liberal party (PLO); (3) the “Uribist” faction of the Liberal party (PLU); and (4) the Conservative party (PC).

between 1990 and 2005, 75 percent were approved by the chamber of deputies. In contrast, of the 494 bills presented by Colombian presidents between 1991 and 2003, only 51 percent were enacted by the house of representatives.

An examination of these two countries in greater depth confirms this view. At the time when the PELA survey was conducted in Chile, president Ricardo Lagos faced the most adverse Chamber of Deputies since the country's return to democracy. The ruling coalition and the opposition forces held the same number of seats in the lower house.¹⁸ Many perceived that the government would have to overcome serious obstacles in order to fulfill its legislative agenda (Toro 2007). Nonetheless, the passage rate of the bills introduced by President Lagos in 2002 was roughly 80 percent, which is comparable to those of his predecessors: Patricio Aylwin (75 percent) and Eduardo Frei Ruiz-Tagle (79 percent).

The three *Concertación* administrations negotiated their most important legislative initiatives with opposition party leaders before sending them to the legislature (Navia 2008). As Navia (2008) notes, because the Chilean legislature is comprised of *party loyalists*, presidents could be confident that these deals would be carried out. This account is certainly borne out by the evidence presented in Figure 8.4, where the locations of (1) the median legislator within each coalition, (2) the overall median legislator in the legislature, and (3) president Lagos are identified. It is clear that for Lagos, it was not excessively onerous to craft a cross-alliance majority in favor of change. Given the predictability of Chilean legislators' behavior, and the particular location of the median voter, he could easily avoid legislative gridlock by proposing centrist policies to the legislature (i.e., a policy located at point *M* in Figure 8.4).

Turning to the Colombian case, as Cárdenas et al. (2008) observe, the meager passage rates of executive-initiated bills in Colombia can be explained by the expansion in the number of candidates following the enactment of a new constitution in 1991. In particular, their analysis indicates that an increase in the number of lists competing in previous elections and a higher effective number of legislative parties lowers the probability of legislative passage by 4.5 and 16.1 percent, respectively (Cárdenas et al. 2008).

The representation of Colombian legislators' ideological positions are shown in Figure 8.5 and illustrate why the proliferation of the *microempresas electorales* made the legislative process so difficult. The scaled positions of (1) the median legislator within each party, (2) the overall

¹⁸ The *Concertación* suffered a loss of seats from 70 to 62 versus the 58 seats won by the *Alianza*. In addition, 4 legislators of the governing coalition were suspended due to judicial inquiries, which left the government with the support of only 58 legislators (Toro 2007).

median legislator in the legislature, and (3) the president of Colombia, Alvaro Uribe, are also identified in Figure 8.5. Notice that, unlike Chile, there is a considerable distance between the location of the median legislator and that of the president. As Pachón (2002) notes, Alvaro Uribe's candidacy in 2002 became the axis of a partisan realignment. The previously dominant Liberal Party (PL), of which Uribe was a member before contesting the presidential election as an independent, became fractured. The "officialist" leadership of the Liberals (PLO) openly opposed Uribe's government and his policies. However, he retained the support of a substantial minority within the party, including a majority of the elected Liberal congressmen (classified as "Uribist" Liberals [PLU] by the media). In addition, the Conservative Party (PC) turned into a close political ally of the president (Pachón 2002). Therefore, Figure 8.5 clearly captures the difficulties faced by Uribe in 2002, as an independent tasked with the responsibility of dealing with an unwieldily multiparty coalition in the house of representatives. Not only did Uribe face a very unpredictable legislature, but his ideological preferences were clearly to the "right" of the political spectrum, far from the location of the median legislator.

8.3 CONCLUDING REMARKS

Overall, the evidence presented in this chapter indicates that nomination rules and ideological cohesiveness possess important consequences for statutory policy making. My findings suggest that electoral ballot access is a significant factor shaping party unity. Lower degrees of party unity in the legislature act in two ways: by depriving the chief executive of support from members of her own party, and by allowing the formation of policy coalitions with dissenting opposition legislators.

The analysis in this chapter also underscores the importance of *ideological screening* for statutory policy making. As I argued throughout this book, an accurate prediction of the ideological location of legislators is critical for all chief executives. My spatial representation of Chilean and Colombian legislators in an underlying left-right continuum clearly illustrates the problem confronted by chief executives. By examining these figures, it is possible to appreciate chief executives' vantage point when seeking to predict legislators' voting behavior. In the case of Chile, president Lagos could successfully identify legislators' policy preferences using the partisan distribution of the legislature. However, president Uribe in Colombia was not as fortunate; legislators' partisan identities offered little help in identifying their ideological inclinations.

