

DEEPENING DEMOCRACY BY RENOVATING POLITICAL PRACTICES:

The Struggle for Electoral Reform in Colombia

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June, 2004

Forthcoming in Christopher Welna and Gustavo Gallón, eds., *Peace, Democracy, and Human Rights in Colombia*. Notre Dame: Notre Dame University Press, 2005

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Colombia is experiencing a profound social and political crisis. Guerrilla armies control vast rural territory, anti-guerrilla paramilitaries commit serious human rights violations with official complicity often alleged, and large numbers of Colombians have been displaced internally by the conflict. The corrupting influence of the drug trade permeates business and government. The country's crisis has garnered increasing international attention, including a large package of U.S. aid to Colombian security forces as part of the "war on drugs." While a few critics in the American media and Congress have decried a possible slide into "another Vietnam," supporters of the program counter, correctly, that Colombia (unlike South Vietnam in the 1960s) is a functioning electoral democracy.¹ In the midst of all of this, Colombian political leaders have sought to transform political practices by instituting fundamental changes in how the nation conducts its elections. A substantial portion of informed political opinion in Colombia—inside and outside government—came to recognize serious flaws in the extant electoral system. While these flaws are not themselves the cause of the larger crisis, reform has been motivated by a desire to bring about "a renovation of [Colombia's] political customs and the 'initial quota' for the construction of a plan for a durable peace."² In June, 2003, after repeated failures, congress finally passed a major electoral reform. Additionally, a referendum on political reform, promoted by President Alvaro Uribe, took place in October, 2003. The referendum contained a series of questions, including provisions on the electoral system that in some ways contradicted the reform passed by congress. All but one of the referendum questions were defeated due to low voter turnout. The rejected provisions did not affect the status of the reform passed by congress, and the approved question was not related to elections. Colombia has entered a phase in which it is making a transition to new political institutions. The passage of reform is an encouraging sign of the resilience of Colombian democracy, even while under siege.

The electoral system of Colombia up through 2002 was an unusual system in which most political parties presented multiple lists of candidates, but there was not pooling of the votes won by any of a party's various lists. Most Latin American and European countries use some form of party-list system, in which legislative seats are allocated in multi-seat districts according to votes cast for lists of candidates submitted by political parties. Typically each party may present only one list per district and parties receive seats proportionate to their votes. Yet in Colombia, each party presented numerous lists in each district and nearly every legislator would be the only candidate elected off his or her respective list. Each list stood alone in the allocation process, effectively placing every candidate in zero-sum competition with every other, and resulting in no necessary connection between a party's vote and seat shares.³ As we shall see, this electoral system undermined party unity and contributed governance problems. While the electoral system

¹ In recent years, Freedom House has placed Colombia in the "partly free" rather than "free" category; nonetheless, Freedom House still classifies Colombia as an "electoral democracy."

² "Exposición de motivos: Proyecto de Acto Legislativo para la Reforma de la Política Colombiana y la Profundización de la Democracia," *Gaceta del Congreso*, No. 215, Oct. 8, 1998, p. 7.

³ This is distinct from the Uruguayan electoral system, in which all of the votes for the lists of a given party (*lema*) are pooled, so that proportionality to parties is assured.

is only one factor affecting the political process, it is one of the most important factors, because it determines how the balance of legislative authority is divided amongst competing political forces. The reform passed by congress⁴ in 2003 requires that each party present a single list in each electoral district. Seats now will be allocated to parties in proportion to their votes. *The new system is thus a radical departure from the old one*; in fact, it is one of the most fundamental reforms of an electoral system carried out anywhere in the world in the last decade or so.⁵ Whereas the old system undermined the cohesiveness of political parties and provided no guarantee that parties' shares of legislative authority would reflect their collective voting strength, the new one redresses both of these shortcomings.

Our goal in this chapter is to explain the reform, and consider its prospects for improving the widely recognized flaws of Colombia's democracy. We propose a framework for understanding reform that focuses on both "inherent" and "contingent" factors. Inherent factors concern the flaws of the old system, while contingent factors consider actors' interests and calculations that go into the process of approving or rejecting change. We place special emphasis on the unusual outcome of the 2002 congressional and presidential elections, which, we argue, broke the longstanding logjam of the reform process by changing congressional party leaders' calculus of the costs and benefits of reform.

A FRAMEWORK FOR UNDERSTANDING REFORM

In explaining events such as electoral reform, but also social revolutions, accidents, onset of disease, and many others, causes may be broken down into *contingent* and *inherent* factors (Eckstein 1980). Explanations of an event based on contingencies focus their attention on "aberrant" factors that trigger an event; explanations based on inherencies focus on preexisting conditions. For example, a given airplane crash may be explained as a result of pilot error in manipulating controls (an aberrant or contingent factor) or a design flaw in the airplane's control system itself (a preexisting, and thus inherent, factor). Similarly, certain types of electoral systems inherently produce pressures for reform because they are associated with a style of politics that breeds scandal and a widespread perception that the system is "broken." Yet for reform actually to occur, there must be some triggering event—a contingency—that either leads politicians to vote to change the rules under which they are elected or that causes them to lose control over the selection of rules. Other contingencies may prevent reform from occurring even when inherent conditions suggest reform would be likely.

There are two distinct classes of contingencies (Reed and Thies 2001, Shugart and Wattenberg 2001). *Outcome-contingent* factors spur incumbents to vote for reform if they believe they will be better off under new rules; that is, if they prefer the anticipated outcome of the new rules. *Act-contingent* reasons, on the other hand, are present when politicians do not actually prefer the proposed new system, but expect to benefit from the act of voting for reform, for instance when public pressure for reform is so strong that politicians feel compelled to vote for it even if they sincerely prefer the existing system. The difficulty with a reform motivated primarily by act contingencies is that shifts in actors' short-term calculations of the consequences of their public statements and actions for or against the reform can undermine reform just as much as they can impel it towards passage.

⁴ Because it was an *Acto Legislativo*, which amends the constitution, it was not subject to presidential veto like an ordinary bill.

⁵ Several democracies carried out significant reforms of their electoral systems since the early 1990s, but only those of Italy, New Zealand, and perhaps Japan can be considered serious rivals to Colombia's for the title of "most fundamental." See Shugart and Wattenberg (2001).

In this chapter we situate the current Colombian electoral and party institutions within a comparative context, noting that Colombia's old system lay at the extreme "personalistic" end of a continuum between personalistic and "party-centered" elections. As a personalistic system, Colombia has been characterized by notoriously weak and disorganized parties, low issue content of legislative electoral campaigns, and high levels of intraparty competition, all of which are factors inherently associated with scandal and political ineffectiveness (Reed 1994).

After reviewing the inherent factors, we turn our attention to contingencies. We consider the motivations for members of congress to support reforms, as well as reasons why the reform failed in several previous attempts. Although there is a long history of political reform proposals in Colombia aimed in various ways at strengthening the capacity of political parties to engage in collective action (Sarabia 2003), the first official proposal to adopt a system in which each party would be required to present a single list was that of President Andrés Pastrana, elected in 1998. Because—as we shall argue in this chapter—the adoption of a party-list system is crucial to redressing Colombia's extreme political fragmentation, we pick up the story of reform with the Pastrana administration, and follow it through to its passage under Pastrana's successor, Alvaro Uribe, elected in 2002. Each of these presidents, despite difference on other issues (notably how to handle the wars) had made electoral reform a part of his campaign platform prior to election. They agreed broadly on both goals (reducing fragmentation) and tactics (threatening congress with a referendum and even the specter of dissolution if it did not go along).

We note that act-contingent motivations appeared powerful in 1998–2000, but waned thereafter. When public dissatisfaction with politicians is especially high, it is politically dangerous for any ambitious politician to be seen as anti-reform. However, outcome-contingent motivations presented significant obstacles to reform prior to 2002. Many politicians who might favor reform (even if only for act-contingent reasons) diverged in their preferences over specific provisions that might have harmed their political careers. The key to successful passage of the reform in 2003 lies in the results of the 2002 elections. The victory of an independent, Uribe, with enormous popularity reinvigorated the threat to congress of being sidelined by a president prepared to go over their heads (thereby reinforcing reform-enabling act-contingencies). In the congressional elections of 2002, the number of legislators elected under the "official" labels of the Liberal and Conservative parties was drastically reduced. This event altered the traditional party leaders' calculations of the advantages and disadvantages of reform (changing their outcome-contingent motivations). We develop this argument below, but first we need to set the stage by considering the inherent flaws of the old system, which are what put reform on the agenda in the first place.

INHERENT FACTORS: PROBLEMS AND INSTITUTIONAL SOLUTIONS

The Colombian electoral system in place before the reform of 2003 was an extreme example of a *personalistic* electoral system. That is, it emphasizes campaigning for office based on personal appeals by individual candidates far more than the collective appeal of a party program. Personalistic systems inherently produce highly particularistic campaigning—that is candidates promising relatively small and locally, even individually, targetable benefits to motivate voters—and reduce the capacity of a political system to address national policy challenges. These inherent flaws have been explicitly recognized by the promoters of reform. President Pastrana himself, in a national address on April 5, 2000, in which he unveiled his demand that congress permit a referendum on the reform proposal, said:

Our political system... is marked by a crisis of representation wherein citizens do not recognize their elected officials as the spokesmen of collective interests. Instead, these officials are generally identified as the purveyors of local favors and nothing else.⁶

We now review Colombian pre-reform institutions and the problems associated with them in detail.

Colombian pre-reform electoral institutions in comparative perspective

Electoral formulas may be arrayed on a continuum regarding the degree to which they encourage candidates for legislative office to cultivate either a *party reputation* or a *personal reputation*. A formula that emphasizes party reputation tends to be conducive to promoting a politics based upon strong parties representing the collective interests of groups of citizens. At least that is the case if parties themselves are vibrant internally, by which we mean the existence of democratic procedures for selecting leaders and candidates and for debating and developing party policy platforms. This is the ideal that Colombian reformers appear to have in mind. For instance, the official explanation of the goals of the reform includes:

stimulating political debate between the different movements and parties... centered around proposals clearly identified by the electorate...⁷

While all of the various proposals for reform have agreed on the need to enhance the value of party reputation in legislative campaigns, one of the sticking points was over just how far to push this value.

Electoral systems that generate an extreme incentive to cultivate a personal vote tend to be associated with weak parties to the extent that candidates win or lose elections almost entirely on their own entrepreneurial efforts, with the party reputation contributing little. Candidates engage in personal-vote seeking by all manner of activities, from petty things like attending important community and family functions for supporters and distributing bottles of *aguardiente*, to lobbying for exemptions from government regulations and taxes for campaign contributors, and using their ties to higher-ups in the party or administration to ensure that job-creating factories, mines, or government offices are established in their supporters' neighborhoods. Strong incentives to cultivate a personal vote explain the phenomenon of the what in the Colombian political lexicon has come to be called *microempresas*—legislative candidates setting up micro-businesses to finance their own campaigns and mobilize votes independent of the parties under whose labels they run. We now turn to a consideration of different types of electoral system, and why the specific features of electoral rules in Colombia have created a highly personalistic system.

Types of electoral systems and the Colombian case. Here we situate the pre-reform Colombian electoral system within a typology that has been identified in the literature on electoral systems, in order to understand the incentives of the old system and how the new system can be expected to alter those incentives. Colombia long employed a proportional representation (PR) formula, as do nearly all Latin American countries. A PR formula allocates seats to lists of candidates in such a way as to make the share of seats won by each list roughly proportional to the share of votes won (in any given multi-seat district). This contrasts with the most common alternative to PR, which is the family of plurality/majority systems—usually in single-seat districts, although there are also variants of plurality for multi-seat districts. There are

⁶ “Exposición de motivos.”

⁷ “Exposición de motivos.”

Table 1
Hypothetical seat allocation under simple quota and largest remainders

District magnitude, $M=9$
Total valid votes, $V=1,000$
Quota, $q=V/M=111$

List	Votes by list, v_i	Number of seats won by quota, s_q	Remainder, $r = v_i - s_q q$	Number of seats won
Party A	450	4	6	4
Party B	300	2	78 ^a	3
Party C	175	1	64	1
Party D	75	0	75 ^b	1
Total	1000	7	--	9

a. Largest remainder, wins first remaining seat

b. Second largest remainder, wins second remaining seat

several different formulas for achieving PR, but ironically, one of them actually contains an element of (multi-seat) plurality. This is the formula used in Colombia, and the electoral system in Colombia, while nominally a form of PR, actually functioned like a multi-seat plurality system, because of the tendency of parties to present numerous “personal” lists, rather than a single party list.

Colombia’s pre-reform electoral formula is known as the *simple quota and largest remainders* (SQLR).⁸ Under this formula, a given list of candidates wins one or more seats according to the number of quotas (*cocientes*) its vote total contains. The “simple” quota, SQ , is indeed simple to calculate: $SQ = V/M$, where V stands for the votes cast in a given district, and M stands for district magnitude (the number of seats to be allocated in that district). However, usually the various lists competing in the district do not combine for sufficient quotas to allocate all available seats. In that case, any seats remaining to be allocated after the distribution of quota seats are awarded to the lists with the largest remainders (*mayores residuos*); i.e., their original votes minus votes used up via quotas. This is the plurality element of the system, because the remainder seats are awarded, one per list, in descending order, starting with the list with the largest number of remaining votes and continuing until all seats are filled.

Table 1 shows the application of the SQLR formula to four hypothetical parties, as identified in the first column. In the second column are the votes for each party, out of a total of 1000. With nine seats being allocated, the quota (rounded down) is 111 votes. Party A has the votes for four seats by quota, Party B for three, and Party C for one and Party D does not win a quota seat. The fourth column shows each party’s remaining votes after the subtraction of the votes “spent” to win the seats by quota. For instance, Party A has spent 444 votes in winning its four seats thus far, leaving it with a remainder of six votes. We can see that only seven of the nine seats have been allocated so far. The remaining two seats will be allocated to the two lists

⁸ In this discussion of the functioning of the former system, we will generally use the present tense for ease of exposition, notwithstanding that the system has been abolished.

with the most remaining votes, in descending order. The first remaining seat goes to Party B, with its remainder of 78 votes, and the second remainder seat goes to Party D, with its remainder of 75 votes. Finally, the last column shows the final allocation of seats to parties, summing the quota seats and remainder seats. The result is approximately proportional, but with only 44.4% of the seats, Party A is slightly underrepresented, while Party D, with 7.5% of the votes but 11.1% of the seats, is considerably overrepresented. While this is only one hypothetical example, SQLR often favors smaller lists just as demonstrated in the table, and as we shall see below, this tendency—*permissiveness* to small lists—is very significant in the Colombian case.

The permissiveness of SQLR means that if, for whatever reason, a party opts not to emphasize a unified party label and instead runs multiple lists, it can actually *gain additional seats by having several small lists instead of one large one*. This will be shown with an actual example from Colombia below. When there are many small lists running, it is likely that no lists win sufficient votes to elect more than one candidate, and in this case the system is actually what is called *single nontransferable vote* (SNTV), which is a multi-seat plurality formula. Under SNTV, the winners are simply the M candidates with the highest vote totals, which is exactly how SQLR treats lists in the remainder allocation stage. In other words, Colombia's electoral system functions as the personalistic SNTV instead of the more party-centered list PR because parties run multiple lists and few lists win enough votes to elect more than one candidate. Proportional representation assumes that each list represents a distinct party, so that when votes are allocated among lists, they are also being allocated among parties. In Colombia, on the other hand, the major parties have not presented *party* lists per se, but rather multiple *personal* lists. Under a personal-list system, each list is identified on the ballot not only by the name of a party or movement, but also the name—and, since 1990, the photo—of the candidate who heads the list. Thus the head of each list has the incentive and opportunity to cultivate his own personal vote, and not to emphasize the attributes of his party, because voters are voting not for party lists, but for personal lists. The most fundamental aspect of the 2003 reform act is that it changes the system to a more conventional party-list form of PR.

Because the tendency of SQLR to favor small lists rewards a party for having multiple lists, all the various proposals for reform called for abolishing this formula in favor of an alternative known as d'Hondt divisors or the *cifra repartidora*, which we explain below. First, however, we demonstrate how it is that SQLR can devolve into SNTV, using an actual Colombian example. Table 2 shows the actual votes and seats won by the various lists that competed for seats in the House of Representatives in the department of Huila in 1990. The Liberals ran three lists, the Conservatives two, and a third party one. The quota for winning a seat was 36,501 votes (obtained by dividing the total number of valid votes by the magnitude, which was 5). The first step is to assign seats to any lists that have obtained a quota of votes. The only such list was that of Cabrera, a Conservative. After any quota seats have been assigned, the votes spent on the quotas are subtracted from each list's votes. In Cabrera's case, that leaves him with a remainder of 2,011 votes. For each other list, its remainder is equivalent to its original vote total, because none has spent a quota's worth of votes. Then any remaining seats are allocated, one per list, to the lists with the largest remainders, in descending order. Because one seat was allocated by quota, four seats remain, and they go to each of the three Liberal lists and a second Conservative list.

Now suppose, as is also shown in Table 2, that the Liberal and Conservative parties each had run a single list. In this case, the Liberals win two seats by quota, and the Conservatives one. The Liberal vote total is now reduced by the subtraction of two quotas' worth of votes,

Table 2
An example of how the Colombian electoral system works:
Actual and hypothetical results from the district of Huila in 1990

District magnitude, $M=5$
 Total valid votes, $V=182,507$
 Quota, $q=V/M=36,501$

Actual allocation, multiple personal lists				Hypothetical allocation, single party lists				
Party and name of candidate at head of each list	Votes by list, v_i	Number of seats won by quota, s_q	Remainder, $r = v_i - s_q q$ (order of allocation of remainder seats)	Number of seats won by list	Votes by list, v_i	Number of seats won by quota, s_q	Remainder, $r = v_i - s_q q$ (order of allocation of remainder seats)	Number of seats won by list
Liberal					91778	2	18776	2
Cuenca	34840	--	34840 (1)	1				
Triana	33996	--	33996 (2)	1				
Mosquera	22942	--	22942 (4)	1				
Conservative					65257	1	28756 (1)	2
Cabrera	38512	1	2011	1				
Caicedo	26745	--	26745 (3)	1				
MNC	20239	--	20239	0	20239	0	20239 (2)	1
Others	5233	--	--	0	5233	--	--	

leaving it with a remainder of 18,776. Two seats remain to go to the lists with the largest remainders; because both the Conservatives and the third-party MNC have remainders larger than 18,776, each gets a remainder seat and the Liberals do not. Thus, with the same vote totals, the Liberals win only two seats when running a single list, whereas they won three seats by dividing their vote among three separate lists.⁹ Table 2 represents only one example in one district, but its outcome is typical of Colombian elections under the personal-list/SNTV system. It shows that by treating the system as if it were SNTV (i.e. running multiple lists) instead of party-list PR the largest party was able to win one more seat than if it had run a single list. This practice of multiple lists in Colombia has come to be called *operación avispa*, conjuring up an image of a swarm of “wasps” in the form of separate lists that target blocs of voters throughout the district.

The new electoral system enacted by congress, as well as that proposed in Uribe’s (defeated) referendum of 2003, both call for the abolition of SQLR and its replacement by the d’Hondt formula. The bill passed by congress did not require a popular vote for it to take effect, and thus the d’Hondt formula was implemented for the subnational assembly elections that took place the same weekend as the referendum. The new law will be used in congressional elections

⁹ The result would be the same if we assumed the Conservatives had continued to run two lists, as in the actual case, while the Liberals had run one.

Table 3
An example of allocation by d'Hondt (*cifra repartidora*)

District magnitude, $M=5$
Total valid votes, $V=182,507$

Party	Votes	Quotient resulting from successive divisors		
		2	3	4
Liberal	91778 (1)	45880 (3)	30592.7 (5)	22944.5
Conservative	65257 (2)	32628.5 (4)	21752.3	
MNC	20239			
Others	5233			

Numbers in parentheses indicate seats, in order allocated

for the first time in March, 2006. Under d'Hondt successive whole numbers (1, 2, 3, 4, ...) are used as a series of divisors. Seats are allocated to the resulting quotients, in descending order. *A critical benefit of d'Hondt is that no party can ever obtain more seats by splitting into multiple lists than it could by running a single list.* Of common proportional electoral systems, d'Hondt is the only one with this feature. Consider the example in Table 3, which replicates the votes distribution in Huila in 1990 from Table 2. The Liberals would have won three seats and the Conservatives two. This happens to be the same outcome as under the actual (SQLR) allocation, but here it is obtained by *presenting a unified front to the electorate*, while under the quota-and-remainders system, the party could obtain three seats only by splitting into three *avispas* that seek votes independently. This is a very important point, because d'Hondt is sometimes criticized for supposedly favoring large parties. Yet this is so only when compared to SQLR applied to *unified* parties, but not when compared to the de-facto SNTV system Colombia currently has.¹⁰ In fact, d'Hondt allocation is unlikely to be any more favorable to the largest party than the former system. Indeed, because smaller political forces are likely to cohere more given the incentives of d'Hondt, the proposed system is likely actually to be less favorable to the largest parties than the former system. An outcome like that of the 1994 senate election, in which the Liberals won 56% of the seats on about 53% of the votes while various nontraditional forces won only 15% of the seats on around 20% of the vote, is virtually inconceivable under d'Hondt.

The reason a party does not gain from splitting into multiple lists under d'Hondt can be seen by the relative cost of each seat won by each party under d'Hondt, versus the same relationship under the SQLR system with multiple personal lists. In the d'Hondt example shown in Table 3, each seat won by the Liberals was obtained at a cost of 30,592.7 votes (91,778 votes for the party divided by the three seats it won). Each seat won by the Conservatives cost 32,628.5 votes. Not only is the number of votes needed to win each seat the same within any given party, but also the ratio of dearest to cheapest seat in the district (i.e. both parties) is only 1.07:1. Contrast this to the example of actual allocation shown in Table 2: The Liberals' cheapest seat—the last one allocated in the district—cost the party only about two thirds as many votes as its

¹⁰ Or as Cox (1991) put it, SNTV and d'Hondt are «equivalent» in terms of their expected seat bonus to the largest party.

dearest seat, and the ratio of most costly seat (won by Cabrera) to cheapest (won by Mosquera) was more than 1.5:1.

Under SQLR, then, a party can win additional seats by splitting into lists that seek to win via remainders instead of more costly quotas. Under d'Hondt, each seat costs a party the same amount, and running more than one list would reduce all its quotients when its votes are divided by the successive divisors, thereby threatening it with a reduced seat allocation. That d'Hondt never permits a party to gain additional representation by splitting into multiple lists means that just adopting d'Hondt (without any other changes, including the legal limit of one list per party) would encourage a substantial increase in the importance of parties over individual politicians in Colombian political competition. We now turn to the problems engendered by the personalism of the former system in the broader political process.

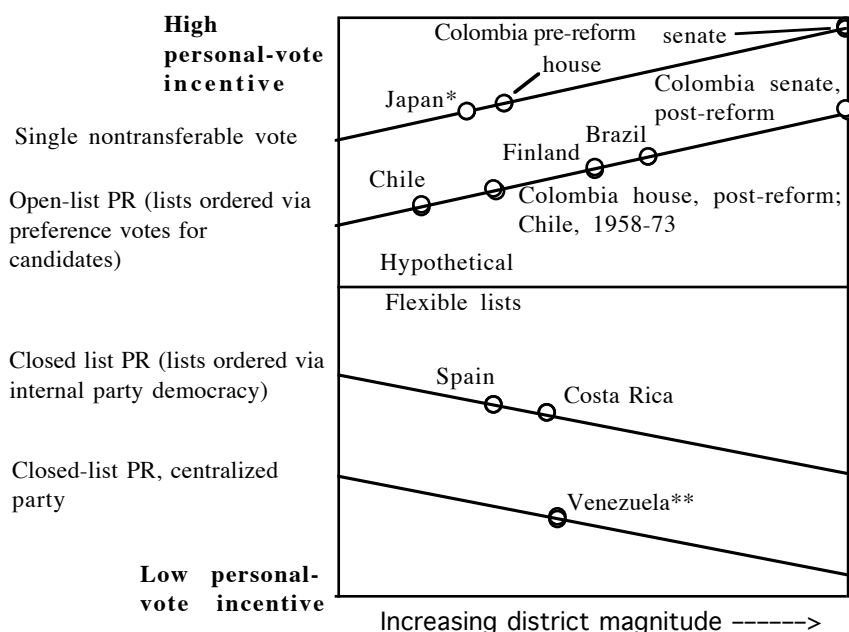
Forms of PR, SNTV, and degrees of personalism. As noted above, a PR system allocates votes to lists of candidates, using a formula such as SQLR or d'Hondt. In typical PR systems each party presents a single list of candidates, such that allocation to lists is the same thing as allocation to parties. In Colombia, however, the multiple lists rendered the system effectively SNTV, which is not a PR system at all, but rather a multiseat plurality system. If voters were presented with a single list of candidates in each party—as encouraged by d'Hondt allocation and actually required by the law passed in 2003—the value of party labels stands to be enhanced. Under SNTV, on the other hand, the value of personal reputation is more important to candidates than the reputation of their parties because the electoral prospects of each candidate, heading his or her own personal list, depends on votes cast for him or her personally.

We consider now a series of factors that affect the degree of personalism of an electoral system. There are several features of an electoral system that determine its tendency to promote personal or party reputation-seeking (Carey and Shugart 1995). On each of them, Colombia's pre-reform institutions are located well to the personalistic end of the continuum. First is who controls *ballot access and structure*. Personalism is highest if politicians gain access to the ballot on their own accord, and do not require party approval to be a candidate. Party centralization is greatest if access to the ballot is centralized in the party leadership, and greater still if the ballot structure permits leaders to rank candidates on the ballot. Second is *pooling* of votes. Personalism is highest when votes for one candidate or sub-party list among several running for a given party are not pooled, such that a vote for any one candidate or list is a vote exclusively for that candidate or list. Party centralization is increased if votes for any candidate or list are first pooled within the district at the party level, such that a vote for any candidate or list of the party is first counted as if it were a vote for the party as a whole.¹¹ A third feature is the *type of vote* cast by voters. Personalism is highest when voters cast sub-party votes for specific candidates or factions, while party centralization is enhanced if voters cast only party votes.

A final feature is the *district magnitude*, which means the number of legislators elected from a district. As Carey and Shugart (1995) observed, the effect of magnitude is more complex. Its effect depends on whether there is intraparty competition or not. If there is intraparty competition (as captured by the *vote* variable), then personalism increases with magnitude. If there is no intraparty competition, then party centralization increases with magnitude. Under rules in which voters cast subparty votes, rising magnitude increases the number of copartisans with whom each individual candidate is competing. Thus the share of his party's vote that a candidate needs to win—we can call this the intraparty constituency—decreases as magnitude

¹¹ Pooling necessarily exists if parties employ a ballot structure in which they control the order of election from a party list. However, pooling can also exist if they do not employ such a ballot, as in "open" lists.

Figure 7.1. Incentive to cultivate a personal vote under varying electoral systems with multi-seat districts



Notes:

Country labels refer to average district of current electoral system, as of mid-2004, unless otherwise noted.

* Refers to system in use before electoral reform, implemented in 1996.

** Excluding single-seat districts implemented for about half of all seats in 1993.

increases. When the intraparty constituency is small, campaign strategies directed at wooing a core constituency of personal supporters become both attractive and necessary to fend off multiple copartisan challengers. On the other hand, under systems in which voters vote only for a party, increasing magnitude implies a decreasing effect of any one candidate's efforts on his own electoral prospects. With closed lists, the party's pre-election ranking trumps ties to voters in determining which candidates are elected.

Figure 1 shows a rough approximation of degrees of personalism of various allocation formulas for multi-seat districts, taking into account all these variables. The position of any given formula along the vertical axis is impressionistically estimated based on the ordinal scale presented in Carey and Shugart (1995), which combined each formula's scores on *ballot*, *pool*, and *vote*. The horizontal axis represents increasing magnitude, ranging from low (at least 2) to high (around 100). The higher a given country is located on the vertical dimension, the higher the incentive to cultivate a personal vote. The effect of increasing magnitude on the personal-vote

incentive—rising in systems that entail intraparty competition, but declining in those that do not—is also depicted in the figure.¹²

We now consider how each of these variables applies to Colombia. The Figure also shows how other countries in Latin America and elsewhere compare on the variables being considered. Crucial to making Colombia's (pre-reform) formula SNTV is the *ballot* variable. Parties exercise no effective control over nominations, resulting in a great proliferation of lists bearing the party label, especially in the traditional parties. While a law on parties passed in 1994 formally requires that candidates obtain an endorsement (*aval*) from the “legal representative” of the party, in practice, the major parties impose few limits on the *avales* they grant. What this promiscuity in candidate endorsements reveals is that the parties themselves are poorly institutionalized, being primarily assemblages of personalistic politicians. Parties, in general, can be viewed as organizations whose stakeholders—rank-and-file politicians—decide how much authority to delegate to leaders (Cox and McCubbins 1993). In Colombia, politicians have chosen not to institutionalize a rationalization of the endorsement mechanism, presumably out of fear that it could thwart their ambitions to run for office under the name of an established party.¹³

With multiple lists instead of single lists endorsed by each party, the voter must vote for one list among several, thus implying a subparty vote. No votes are pooled (or transferred) across lists. The more lists there are, the smaller the share of the party vote won by each list, and therefore the less likely any of those lists is to elect more than one candidate. Then all seats are filled by the remainders procedure, rendering the system essentially SNTV, as shown in the previous section.

Magnitude in Colombia varies considerably from district to district, with the average in the House of Representatives being only around five, while some are larger (up to eighteen). The 100-seat single national district for the senate, on the other hand, places an extremely high value on personal reputation under the SNTV system, as depicted by its placement in the far upper right of Figure 1.

The consideration of these variables allows us to see what various reforms would mean for the level of personalism. An important point is to recognize that *all of the various proposals debated after 1998 would enhance the value of party reputation*. This is a very important point, given a major tug-of-war between congress and the executive over provisions of the reform bill in 2003, as we review below. During the many rounds of debate on electoral reform, some commentators actually feared there could be too great a reduction in personalism. For instance, a former director of the Conservative party worried that the single-list system would generate *camarillas* (Escobar 1998: 78), i.e., vertical networks within parties that compete not for votes, but for centrally controlled nominations and list ranks. The “*tiranía del bolígrafo*,” wherein party

¹² For two empirical studies that find evidence for this differential effect of magnitude on the incentive to cultivate a personal vote, see Crisp, et al (2004) and Shugart, et al (N.d.). The Crisp, et al, study includes data from Colombia.

¹³ Another factor is that there is a proliferation of “movements” using the name of a major party, but modified in some way. For instance, Movimiento Nacional Conservador or Liberales Unidos. These are often headed by a national leader as a means of promoting candidates in his home department. Again, if politicians were interested in rationalizing this process, they presumably could, by passing and overseeing the enforcement of a law regulating the process. By not doing so, national and regional leaders have the ability to have a label personally identified with them, while retaining identification with the larger Liberal or Conservative label.

leaders gain too much power through their authority to draw up lists,¹⁴ is often decried. In fact, if all Colombia did was move to single lists, the resulting system would be closed-list PR and Colombia would simply be exchanging an extremely personalistic system for an extremely centralized one. In Figure 1, Colombia's senate, if elected via closed-list PR, would move from the far upper-right corner to the far lower-right, granting national party leaders potentially more centralized control over members than was ever the case in Venezuela, where excessive centralization of parties was blamed in part for the country's crises in the 1980s and 1990s (Coppedge 1994, Crisp 2000, Martz 1992). Accordingly, most versions of the reform bill have called for internal democratic practices within parties, which would reduce centralization (see Figure 1). A problem, however, is ensuring that internal democracy is institutionalized and subject to effective judicial enforcement.

As a response to fears of centralization or ineffective party democratization within a single list, many versions of the reform bill called for preference votes. Under a preference-vote system, voters are able to vote for one (or sometimes more than one) candidate within the list of their choice. Seats are still allocated first to parties according to the votes received by party lists, but the allocation of each party's seats among its candidates proceeds partly or entirely according to preference votes cast for candidates personally. As noted in Figure 1, there are many examples of list systems in Latin America, both with and without a preference vote. All of them imply a greater emphasis on party reputation than the SNTV system. Much of the debate in Colombia, as we shall see, has revolved around whether to have a preference vote, and if so, how to use preference votes to allocate seats within lists. The final version that passed congress in June, 2003, actually gives parties the option of employing the preference vote or not. Thus, to take the example of the senate, with its single nationwide district, some parties could be presenting closed lists (i.e. no preference vote) and hence be located near the bottom right of Figure 1 in the incentives of their candidates to cultivate a personal reputation. Other parties could present open lists, in which preference votes determine the order of election. The candidates for these parties would still have a very high incentive to cultivate a personal vote; however, even these parties would be capable of emphasizing their party reputation more so than was the case under SNTV, owing to the pooling of all their candidates' votes under the party list.

Figure 1 also shows a horizontal line, labeled "hypothetical flexible lists," reflecting the ideal of an electoral formula that splits the difference between open and closed lists. Such lists would be "flexible" in that a party-provided list (as in a closed list) prevails except in the case of candidates who draw sufficient preference votes to guarantee their election regardless of their rank on the list. We mention this possibility because this concept was envisioned in some earlier proposals in Colombia. However, in the end the reform that passed gives each party the option of presenting an open *or* a closed lists instead of attempting to combine elements of open *and* closed lists for all parties.

Electoral personalism and legislative particularism

A personalistic electoral system has consequences for the character of campaigns, the structure of the legislature, and the entire policy-making process. In turn, these entrenched patterns of personalistic politics are the greatest obstacles to reforms that would change the character of the political system, because current politicians benefit from the current rules. The much-decried clientelism and factionalism of Colombian political parties (Archer 1990, Leal and

¹⁴ The term comes from the Spanish word for ballpoint pen, and is thus a reference to the "tyranny" of control being placed in the hands of whoever has the authority to determine the composition of party lists.

Dávila 1990) is intimately tied to the incentives of SNTV. With the major parties being essentially collections of personal-vote-seeking politicians, candidates who launch their lists invest in their so-called *microempresas*, which function as machines to ensure their personal vote (as noted by Pizarro 1997, 2002). In turn, the multiple endorsements and personal vote for their legislators allows the parties to engage (albeit loosely) in collective action (Gutierrez and Dávila 2000), protecting their historically important party labels and maximizing their seats. However, it is important to recognize that this collective action is within the confines of an extremely personalistic electoral system, and rarely extends to collective pursuit of a national policy reputation for the party, as would be the case with stronger parties operating within less personalistic electoral rules. We elaborate on these points in this section.

Clientelism as a means to organize the vote. Under SNTV, parties risk committing strategic “errors,” in the sense of failing to coordinate their votes effectively across an optimal number of candidates or lists. Indeed, Payne (1968), Latorre (1974), and Hartlyn (1988) all state, in effect, that the error rate is high because, a party that presents multiple lists is more likely to displace to other parties seats it could have won. On the other hand, Cox and Shugart (1995) report that the error rate decreased between 1974 and 1990. This suggests that the major parties have adapted to the incentives of the electoral system and have an ability to estimate vote totals and distribute votes across their various lists. Table 4 suggests that the Liberals and Conservatives have not suffered from running multiple lists—at least before the unusual 2002 elections (which we discuss separately below). It compares the vote and seat percentages for the Liberals, Conservatives, and independents in each of the four Senate and House elections from 1990 to 1998, and provides an “advantage ratio,” A , computed by dividing the seat percentage by the vote percentage. $A=1.00$ indicates full proportionality for the party in question. For the 100-seat senate,¹⁵ implemented in 1991, the Liberals’ A remained above 1.00 in each election through 1998, although barely in 1998. In the House, on the other hand, A increased in 1998. In fact, the Liberals’ seat share in the House remained stable in spite of a fall in its vote share of over three percentage points, to less than a majority of votes. It is clear that the party has been capable of using multiple lists efficiently, which implies that its apparatus can mobilize and distribute votes among its many lists. In fact, it was actually slightly underrepresented in 1990, the last election under the departmental districts. This is surprising, because the largest party is normally more overrepresented under small district magnitudes, such as before 1991, than in large district magnitudes, such as the 100-seat Senate district starting in 1991.¹⁶ Evidently the Liberals were advantaged by their ability after 1991 to collect votes for their lists across departmental boundaries,¹⁷ coupled with their ability to distribute their voters across their many lists—we return to this theme below. However, in 2002, the party split and lost its majority status in both houses. We discuss this election separately below, as understanding its unique result is crucial to understanding the passage of political reform.

Table 4 shows that the Conservatives also have generally had advantage ratios over 1.00 in the 1990–98 period. However, the “independent” category shows a consistent and severe punishment by the electoral system, with values of A below 0.90 in all cases aside from the first

¹⁵ We ignore here the special seats set aside in each house for ethnic minorities.

¹⁶ This result in 1990 was not an isolated occurrence. In no election from 1978 to 1990 did the Liberals enjoy an advantage ratio (A) greater than 1.00. The values for each senate election from 1974 to 1990 are: 1.06, 1.00, 0.98, 1.00, 0.99. For the House, on the other hand, the increase in A starting in 1991 is expected, given reduced district magnitudes compared to 1990 and before.

¹⁷ See Nielson and Shugart (1999) and Taylor (1997) for further discussion of this point.

Table 4
Votes-to-seats conversions for traditional and nontraditional political forces in Colombia, 1990–1998

Year	Party*	Senate			House of Representatives		
		% votes	% seats	A [#]	% votes	% seats	A
1990	Liberal	58.6	57.9	0.99	59.2	59.8	1.01
	Conservative	33.2	34.2	1.03	33.3	32.7	0.98
	independent	8.2	7.9	0.96	7.5	7.5	1.00
1991	Liberal	51.5	56.0	1.09	50.6	54.0	1.07
	Conservative	26.3	24.0	0.91	25.6	26.1	1.02
	independent	21.9	20.0	0.91	23.7	19.9	0.84
1994	Liberal	52.8	56.0	1.06	52.8	54.7	1.04
	Conservative	27.6	29.0	1.05	26.4	30.4	1.15
	independent	20.0	15.0	0.75	20.8	14.9	0.72
1998	Liberal	47.3	48.0	1.01	49.4	54.0	1.09
	Conservative	22.5	25.0	1.11	23.6	23.6	1.00
	independent	30.3	27.0	0.89	27.1	22.4	0.83

* The categories “Liberal” and “Conservative” include various dissident movements within those larger political forces (for instance the National Salvation Movement led by a dissident Conservative).

Advantage ratio, $A = (\% \text{ seats}) / (\% \text{ votes})$.

Source: Adapted from Gutierrez S., 1998.

nationwide senate election. Of course, part of the failure of the nontraditional parties and movements to win closer to proportional representation—and the corresponding bonus for the traditional parties—stems from the fact that the independents are not a single unified force. On the other hand, as we have stressed, neither are the Liberals and Conservatives unified forces, but rather collections of lists, each standing alone in the seat-allocation process. What the data show is that Liberals and Conservatives have been vastly more successful than the independents at turning the votes received by their respective collections of lists into proportional (or better) seat shares. Partly that is a product of the lack of a common programmatic purpose among the diverse “independent” category, but again, the two traditional parties are likewise hardly noted for programmatic unity. Critically, the impressive ability of the Liberal and Conservatives to translate votes into better-than-proportional representation is a product of the vastly superior access of these parties to the resources—including ‘pork’ and patronage—needed to mobilize votes and allocate them efficiently across multiple lists. And, of course, the traditional parties’ longstanding roots in Colombian political history give them a tremendous advantage in managing the distribution of votes across lists. We would add that the clientelism of Colombian politics and the apparent chaos of the process, much noted in the literature, are in fact signs of strategic coordination within a personalistic electoral system. The greater-than-proportional translation of the traditional parties’ votes into seats, shown in Table 4, demonstrates their considerable success at managing the former electoral system. Politicians’ success with the system was, of course, a key obstacle to reforming it. In fact, we argue that the dramatic downturn in the traditional parties’ electoral fortunes in the 2002 congressional election was a key factor underlying the ultimate passage of electoral reform in congress.

While most academic works on Colombia¹⁸ suggest that the existence of *microempresas* working for specific candidates indicates the lack of any coordinating mechanism for the party as a whole, in many ways these machines are similar to the personal support networks (*koenkai*) by which Japanese MPs under SNTV ensured that blocs of voters voted for them rather than for copartisans (Baerwald 1986, Hrebennar 1986, Curtis 1988). Colombian politicians long engaged in similar efforts to cultivate personal support networks, including fostering "captive electorates" (Hartlyn 1988: 162).

Organizing the electorate on a clientelistic basis is a means of minimizing parties' strategic errors, as it permits votes to be channeled to specific candidates in exchange for locally or individually targeted benefits (McCubbins and Rosenbluth, 1993). For instance, Osterling (1989: 164) notes that, given the large territorial extent of most Colombian districts, "each political party has tacitly subdivided large districts into various subdistricts each in a list headed by a different boss." Different lists are also often associated with different organized interest groups that deliver votes to the party.

The existence of specific regional and occupational support groups for specific candidates does not guarantee an efficient division of the vote, but may contribute to it, and is crucial to developing each candidate's unique personal following. Moreover, the tendency for major-party politicians to secure votes by offering bureaucratic and budgetary concessions to supporters (Martínez 1998: 53) is consistent with the incentives within an extreme personalistic system to use "pork barrel politics" to divide the vote (McCubbins and Rosenbluth 1993) and reduce the potential "chaos" of zero-sum intraparty competition.

Intraparty competition, not only in Colombia, but elsewhere, has an inherent tendency to reduce the incentives of legislative candidates to campaign on party programs and issue stances. The reasons are straightforward. When candidates of the same party must campaign against each other at the same time as they compete against candidates of other parties, and when they cannot share votes with copartisans, identification with the party label and any programmatic content that it might convey is an insufficient cue to attract votes. Thus members have little incentive to emphasize a party platform, because cultivating the *voto de opinión* (opinion vote, as it is called in Colombia) on the basis of a party program would not distinguish one candidate from others of the same party. Thus party institutions—and associated policy platforms—tend to remain underdeveloped. As Santana (1998: 17) says, "each candidate is responsible for his program, finances, and electoral strategy"; correspondingly (with slight exaggeration), "in a strict sense, parties do not exist."

An electoral system that promotes candidates' dependence on their personal electoral machines also tends to promote very expensive campaigns, which in turn tends to enhance the access to the policy-making process of wealthy groups with specific interests. Politicians need resources to differentiate themselves from copartisans. Ensuring the loyalty of blocs of voters requires the expenditure of funds on their behalf. Business groups with a stake in policy outcomes expend resources to ensure that one member of a given party is elected over others, resulting in "a subordination of politics to major economic interests" (Santana 1998: 18).¹⁹ And

¹⁸ For instance Payne (1968), Latorre (1974), Hartlyn (1988), and Osterling (1989).

¹⁹ Naturally, elections fought purely between cohesive parties may also be expensive and subject to capture by large economic interests as parties seek to differentiate themselves from one another. The Venezuelan case is instructive in this sense (Crisp 2000, Shugart 2001). The key distinction is that party-based elections *may* be conducted to a very large degree on programs and the ongoing reputation of the party as a provider of national policy, while personalistic campaigns almost never are.

of course, in Colombia, another wealthy group that can be courted for financial backing is the illicit drug industry.

Particularism and executive–legislative relations. Legislators’ lack of interest in broad national policy has consequences also for the structure of congress and for executive–legislative relations. If legislators gain their seats not by courting on “opinion vote” but by exchanging clientelistic favors as a means to divide the vote with copartisans, then they will invest in creating a system of patronage rather than in a legislature that is active in policy-making. They will exchange their own votes with the executive for concessions that aid their reelection or the election of proteges. Executive dominance over the national policy agenda in Colombia has been permitted as long as congressmembers are left to pursue their own particularistic/clientelistic goals (Archer and Shugart 1997, Ingall and Crisp 2001).

The relative absence of congressional interest in policy has been recognized for some time by Colombian political leaders. In fact, it was one key factors motivating many of the institutional reforms adopted as part of a new constitution in 1991. Reforms such as reducing the scope of executive emergency powers, restricting congressional delegation of decree authority to the executive, and instituting the possibility of congressional censure of cabinet ministers were among a package of changes meant to empower congress to tackle national policy matters and rely less on the executive to do so (Nielson and Shugart 1999, Sarabia 2003). However, absent a shift in the electoral incentives of legislators, these reforms have not lived up to their potential. Legislators still lack the electoral incentive to become active participants in national policy-making and their tendency to focus on patronage has continued to undermine significant policy reforms sought by recent presidents—and demanded by external lenders—including such matters as restraining fiscal transfers to the regions, where politicians court their personal followings.

Shortcomings of the 1991 Constitutional Reform

In 1991 Colombia adopted a new constitution intended to broaden citizen participation. While the constitutional reform process was an important step in the maturation of Colombian democracy, a serious shortcoming was that there were few changes affecting electoral incentives, and the most important one was in some respects counterproductive. No reforms touched upon the system of intraparty competition, while the creation of a single nationwide district for the senate has proved a disappointment. In this section, we discuss the 1991 reforms—mainly the adoption of a single nationwide senate district—for the Colombian party system and the subsequent process of electoral reform.

The effects of the single senate district. While the initial opportunity for nationwide campaigning afforded by the new national senate district produced some senate lists that won several seats each and had voter support dispersed across the country (Nielson and Shugart 1999), the incentives generated by the seat-allocation rules are so strong that fragmentation and regionalization subsequently reasserted themselves. In fact, from 1994 through 2002 most senators once again obtained the bulk of their support from one region of the country. Moreover, the number of competing lists within each major and some minor parties and movements proliferated (Botero 1998, Crisp and Ingall 2002, Rodriguez Raga 2002). This tendency towards regionally concentrated votes despite a national district in the Senate is perfectly consistent with the electoral formula. Because it is possible, under quota-and-remainders, to win a seat with very small vote shares, and because the multiple-list system permits entry by individual candidates, each heading his or her own list to capitalize on a personal vote, it is easy to win a seat based on regionally concentrated support. This national district combined with the incentive to present personal lists is the very epitome of the *operaciones avispas*.

It would be a mistake to say that the increased internal party fragmentation and the continued regionalization of lists' support bases means that the reforms of 1991 made no difference. Notably, the number of senators in the majority Liberal party who needed votes from outside their home department about doubled from 1991 to 1994 (Taylor 1997) even as the average geographic concentration of support increased (Botero 1998: 319).²⁰ Thus the nature of senate constituencies has changed from exclusively intra-departmental prior to 1991 to potentially cross-departmental afterwards. Even more importantly, the existence of the national district has led to a large increase in the number of senators who are elected on a label other than Liberal or Conservative. These senators usually have a more programmatic (i.e. less clientelistic) constituency. The peak of nontraditional senators under the old rules was nine in 1990. It spiked to twenty in the first nationwide election in 1991, then declined to fifteen in 1994 before increasing again to twenty seven in 1998 (Gutierrez S. 1998; see also Table 4). Nontraditional senators—those generally more programmatic in their approach and opposed to the clientelism of the traditional parties—might be expected to be natural supporters of further electoral reform. However, because many senate seats can be won with very small vote shares, the new senate district actually ensured that there would be many senators with a vested interest in the status quo—nontraditional and traditional alike. Any reform that would raise the votes needed to win a seat—such as d'Hondt, even alone but especially along with a formal votes threshold—would cost many senators their seats if they did not join forces with larger parties or movements.

The twin effects of SNTV and large magnitude. The experience of the Colombian senate election process after 1991 shows us that *operaciones avispas* and individual independent senators are two sides of the same SNTV coin. The party-splitting of the *avispas* allows the large parties to “game” the system and win greater-than-proportional representation for themselves. At the same time the system's permissiveness means that some very small parties also obtain greater-than-proportional representation. This result is typical of SNTV, which even in Japan, simultaneously promoted a large long-ruling majority party with “super-proportional” representation of small parties (Taagepera and Shugart 1989, Cox 1997).²¹ We now explain these phenomena in more detail, because understanding them is important for both an understanding of the difficulties of reforming the system, as well as for interpreting what features of the Colombian electoral process are likely to be changed by the new system that finally is set to be implemented for the 2006 congressional elections.

The reason for the so-called super-proportionality of SNTV is that, when a large party is running multiple candidates or lists in a district, and there is no vote pooling (the very definition of SNTV), it has a risk of losing seats to other parties that it could have won for itself. It could have won these seats if it had been able either to pool all its votes (as with a party-list) or to manage the distribution of its votes more efficiently across its candidates (or personal lists). The need to be efficient in managing the distribution of a large party's votes is a key reason why SNTV is so favorable to clientelism, because clientelism ensures loyalty of blocs of voters to specific candidates. This difficulty for large parties to manage the votes-to-seats conversion—clientelism is not perfectly efficient, even in Colombia!—favors small parties.

²⁰ In the case of the Conservative party, data comparing 1994 to 1991 show that the percentage of that party's senators who could have been elected with only those votes won in their home department actually increased.

²¹ Colombia's case, where senate $M=100$, is even more striking than that of Japan, with its low M , because low M is conducive to the overrepresentation of the largest party under any common electoral rule.

Also favoring small parties is the absence of a threshold of votes required to win a seat. A threshold would be inconsistent with the rules of SNTV, because SNTV states simply that the M candidates with the M highest vote totals are winners.²² It is an electoral rule that awards seats to candidates based only on their ranking in votes relative to all other candidates. It does not reward parties for having a certain share of the vote, as do list PR systems (open or closed), which often have thresholds.

An example will demonstrate what we are arguing about permissiveness for very small parties—both the potential mistakes large parties can make in managing their votes, and the absence of a threshold. In Colombia's 2002 senate election, the last list to obtain a seat had only 0.451% of the total valid votes. There is probably no other electoral system in the world that would give a seat to a list with such a small share of the votes. The largest party in 2002 was the Liberal party, with just over 27% of the votes cast. It won 28 seats. However, each of the first five candidates to miss winning a seat was also a Liberal, and none of these missed a seat by more than 0.025% of the votes cast (just over 1,500 votes). In other words, if the Liberal party had had only a slightly more efficient distribution of the votes amongst its lists, it could have won as many as 33 seats, instead of 28. With just a very small number of additional votes, these five Liberals might have supplanted the candidates of some minor parties or movements, including the Partido Nacional Cristiano and the Movimiento Progresismo, each of which ran a single list that barely won enough votes for one seat. This is the sense in which the SNTV system is so permissive of small parties as to be super-proportional: A large party that is factionalized may displace seats it could have won to a minor party that is more unified.

Thus SNTV is favorable to very small parties, but it also tends to be favorable to the largest parties, paradoxically.²³ Strategies like *operación avispa* and the use of clientelism normally allow the large parties to target their appeals rather efficiently, and thus gain an advantage in seat allocation. A governing party is all the more favored, because it can use government resources to woo voters to particular candidates. We saw this effect with the advantage ratios for the large parties (Table 4).

The 2002 election offers a valuable case study in the effects of SNTV. Table 5 shows the votes-to-seats conversion for several political parties and movements in 2002. In this election the Liberal party was disadvantaged for the first time in post-1991 senate elections. Some very small parties in 2002 are over-represented—such as Renovación Acción Laboral Moral (RALM) and especially Nuevo Liberalismo—while other, larger, parties are under-represented, such as Equipo Colombia and Colombia Siempre, as well as the Liberal party. The reason for this erratic treatment of parties is that an SNTV system like that of Colombia *does not reward parties for their overall popularity*. Rather, it rewards them for having candidates (lists in Colombia) that are able to efficiently convert their individual popularity into seats. With no votes pooled from list to list, there is no incentive of a party to maximize votes, because doing so does not necessarily maximize seats. Rather, the way to maximize seats is to coordinate the distribution of voters among a party's distinct personal lists.

Thus the results in Table 5 reveal starkly how *the Colombian electoral system treats parties erratically*. In a 100-seat district, such as Colombia's senate, we would expect all parties

²² We could modify that definition a bit to fit Colombian reality, to say that it is the $M-q$ candidates, where q is the number of seats won by quotas, and hence removed from the remainders/SNTV pool. However, in recent elections, q has been no higher than 2 or 3 out of 100 senate seats, and usually zero in each house district.

²³ See also Cox (1996).

Table 5. Votes-to-seats conversions for political forces in Colombia, 2002

Party*	Senate		House of Representatives	
	% votes	A [#]	% votes	A
Liberal	30.3	0.90	31.3	1.06
Conservative	10.0	1.26	10.9	1.18
Mov. Nacional	4.8	1.22	1.1	0.55
Equipo Colombia	3.3	0.88	2.3	1.07
MIPOLE	3.0	1.29	0.5	2.38
Colombia Siempre	2.9	0.66	1.3	1.41
Cambio Radical	2.6	0.76	3.8	1.13
Navarro Wolff	2.4	0.80	--	--
Mov. Popular Unido	2.0	1.02	1.5	0.80
RALM	1.7	1.41	1.1	1.09
Frente Social y Político	1.5	0.68	0.8	1.47
Nuevo Liberalismo	1.0	1.89	--	--
all others combined	34.5	1.05	49.5	0.40

Source: Consejo Nacional Electoral de Colombia.

to obtain similar advantage ratios, because the very large magnitude normally would produce very high proportionality. However, reading down the column for Senate advantage ratios, in which the parties are listed in descending order by the share of votes obtained, we find no pattern.

Results in the House are even more erratic, because of the use of smaller districts, which tend to reward regionally concentrated parties more than those with dispersed support, even in a PR system. When the system is SNTV, the relationship between votes and seats in a system of regional districts is even more unpredictable. Due to SNTV and the smaller districts, the Liberal party was able to retain its advantage in votes-to-seats conversion in the House in 2002.

Party sizes under SNTV and the punishment of mid-sized parties. Yet another notable feature of Colombia's electoral and party system is the large gap between the sizes of the largest and smallest parties. Most PR systems have smaller gaps between party sizes, and hence are more competitive. In Colombia in 2002, the sizes of the largest parties in the senate voting were: 30.0 – 10.0 – 6.4 – 4.8 – 3.3.

Note the very large gap between the first two parties. Yet nearly thirty percent of the votes was cast collectively for a set of parties (or “movements”) that each won just one seat. This shows how favorable the Colombian SNTV system is to very small parties. As noted above, the factionalization of large parties—*operación avispa*—and the presence of numerous very small parties are two sides of the same SNTV coin. Just as large parties act as an umbrella for many personalist campaigns of individual candidates, small parties tend to offer just one list in order to tightly identify their party with their leader. That is, *small parties and large parties alike tend to be made more personalistic by SNTV*, precisely because it is an electoral system that counts only personal votes, and not party votes.

Table 6 demonstrates this tendency of SNTV to personalize both large and small parties, using data from Colombia's 2002 senate election. The Liberal party's elected senators average a mere 2.2% of their party's combined votes. For the Conservative party, the figure is 6.6%. Parties other than the Liberals and Conservatives have senators with intraparty shares of almost

Table 6. Internal party fragmentation in Colombian senate election, 2002

Party	Average senator's vote as percent of his/her party's vote
Liberal	2.2
Conservative	6.6
Movimiento Nacional	14.3
Equipo Colombia	26.8
MIPOL	24.3
Colombia Siempre	41.2
Cambio Radical	26.7
MPU	38.3
RALM	49.6
All	43.6
All except Liberal And Conservative	71.8
All parties that won just one seat	93.9

70% on average. Those parties or movements that won one seat each have an average share of 93.9%, indicating that these parties came very close to having all of their votes concentrated on a single candidate. This concentration of votes implies that the small parties is highly dependent on the vote-pulling ability of a single leader.

The bifurcation of the Colombian party system into internally fragmented large parties and numerous very small parties is not a mere quirk of the 2002 election. In fact, it is typical of SNTV. In the four Colombian elections from 1978 to 1990, the average sizes²⁴ of four largest parties in Colombia were:

54.6 – 37.0 – 3.3 – 1.3.

There is a very large gap between the top two parties and a far larger one between the second and third largest. Similarly, in Japan under SNTV, the averages for the four largest parties from 1976 through 1986 were:

45.9 – 19.3 – 10.1 – 9.5.

While these two party systems differ in important ways (especially in the size of the second party), we find that under both of these SNTV systems there is one dominant party, a second party well behind, and then a large gap between the second and third largest party.

The political forces that are hurt by SNTV are mid-sized parties that get squeezed. In fact, they are hurt so much that typically cohesive mid-sized parties that might offer a viable alternative governing program may not even exist, thus presenting the paradox that the sort of parties that would potentially present policy alternatives are not present to fight for electoral reform. The experience of the M-19, an electoral movement founded by demobilized guerrillas of the same name, is instructive. In 1990, its leader, Antonio Navarro Wolff, won 12.6% of the vote for president. The M-19 then won 26.8% of the vote for the assembly that wrote the 1991 constitution and Navarro became one of the three co-presidents of the Constituent Assembly. The M-19 appeared on the verge of establishing itself as a major alternative electoral force. However, it subsequently behaved like the traditional parties, presenting twelve lists for the 1994 senate election, in which it saw its votes plummet to less than four percent. Even this share should have netted it three or four seats, but with its votes dispersed across several lists, it won none.

²⁴ Measured by percentage of votes in the House.

The M-19 came out of the armed struggle with significant internal divisions that underlay the decision to opt for a multiple-list strategy in 1994. First of all, the organization had always had a somewhat loose organizational structure, in part as a reaction to the orthodoxy of other leftist groups. Second, it had lost many of its most prominent high-ranking leaders during the armed struggle, leaving many middle-ranking leaders jockeying for position within the movement (López 1994: 300). Recall that under the current electoral system, a party that presents a single list is of necessity presenting a *closed* list under the name and photo of the candidate who heads the list. Other leaders were unwilling to see the M-19 transformed into the personal electoral vehicle of Navarro, whose control over the list in 1991 appears to have generated an internal rebellion that the multiple-list strategy might have been an attempt to placate.²⁵ Of course, absent the clientelistic resources of the traditional parties, the M-19 could not distribute its votes in a way to maximize its seats the way the traditional parties can. So using multiple lists only exacerbated the divisions that already existed and left it with no seats until it regrouped in 1998. After the electoral reform was passed in 2003, Navarro joined with other leftist leaders on a new unified list known as the Polo Democrático Independiente, which represents the very sort of programmatic alternative that was so disfavored by SNTV, but is encouraged to organize under d'Hondt party-list PR. In fact, Navarro himself was one of several Colombian commentators and leaders to have gone on record admitting that the failure to implement fundamental electoral reform undercut many of the provisions of the 1991 constitution that were intended to promote greater accountability of congress.²⁶

We have now reviewed the inherent conditions of SNTV that produce fragmentation and personalization of the legislative electoral process, and the consequences these effects have for the functioning of the political system. We have noted that the 1991 constitutional reforms did not address the fundamental flaws of the seat-allocation process, and that the adoption of a 100-seat senate district actually increased fragmentation and personalization, given SNTV. We now turn to the contingent factors that, through several rounds of reform efforts, blocked passage of reform, and discuss the 2002 election as a critical factor in turning contingent factors from unfavorable for reform to favorable.

CONTINGENT FACTORS: POLITICAL CALCULATIONS FOR AND AGAINST REFORM

The shortcomings of the previous system and their recognition in Colombian leadership circles explain why electoral reform was placed upon the Colombian political agenda. However, if inherent factors were sufficient to explain reform, then a change in an electoral system would occur “automatically” when some threshold level of the pathologies of the current system was met. Obviously that is not the case; in fact, such an explanation would strip all the politics out of what clearly, in Colombia, was a highly charged political conflict over reform.

One of the fundamental challenges of reform is that, even when it is widely recognized that a system is inherently flawed, the self-interest of those members who must vote for any change often becomes an obstacle. What would motivate them to change rules that have enabled them to win? The answer may come in the distributive consequences of a reform. That is, some parties or political forces may gain (or lose) more than others in reform. These perceptions of the prospects of reform for specific political careers lie in the category of outcome-contingent

²⁵ Navarro had nominated many non-M-19 candidates to broaden the movement's appeal.

²⁶ Bibiana Mercado, “Renovación o más de lo mismo,” *El Tiempo*, April 8, 2000 (quoting Navarro). A similar view was expressed by Santana (1998:15).

motivations. On the other hand, members may vote for a reform that they sincerely oppose on the grounds that they fear political retribution for blocking something that is popular (which may cost them reelection), or because they fear worse consequences if the reform effort shifts to an arena they cannot control (such as a referendum or constituent assembly). These motivations are act-contingent. In this section, we turn our attention to the contingencies that have affected the fate of the reform, concentrating first on the Pastrana presidency, when reform failed despite seemingly favorable conditions at the outset, and then turning our attention to the Uribe administration, when reform passed.

Act-Contingent Factors during the Pastrana administration

Both the president and members of congress have been motivated by act-contingent factors. The president has tended to push for reform when he would benefit politically from doing so. Congress has supported it when the president has mobilized public support and made an anti-reform stance politically perilous for legislators. However, prior to 2003, these favorable contingencies always waned before reform could be enacted.

A campaign deal on reform. In the final days of a close presidential runoff race in June 1998, Conservative presidential candidate Andrés Pastrana promised to pursue electoral reform in exchange for a public endorsement from “independent” political figures (Sarabia 2003: 125–9). Of the latter, few were as visible as Ingrid Betancourt, a member of Congress who had gained notoriety as a crusader against corruption, and whose senate list had obtained the highest vote total in March, 1998. Political reform was an important issue for Betancourt's Oxígeno Verde party, in part because of the difficulty of nontraditional movements like her own in translating their growing voter support into more senate seats (as we saw in Table 4).

Assessing the situation, with our core supporters and other independent forces, we conclude that we have been ... victims of this perverse system ...²⁷

In other words, at this stage in the process, Betancourt's motivation was outcome-contingent, in that she expected to be better off under reformed rules. For Pastrana, on the other hand, the act of promising reform brought its own reward. On May 6th 1998, Betancourt endorsed Pastrana after they jointly signed a “Pact to transform political practices,” in which Pastrana promised to hold an “anti-corruption referendum” upon taking office. This referendum would ask for popular consent on reforms, including mandating single party lists.

Upon assuming office, the Pastrana administration was seen by some independents as backpedaling on its campaign promises. He quickly left aside his initial promise to hold an early referendum. Instead, the government held extensive consultations with traditional congressional leaders, which led to the “Casa Medina Agreement”, by which Liberals and Conservatives agreed to support an electoral reform bill that would be introduced for discussion in Congress, instead of being presented to the public via referendum.

Pastrana's decision to switch to a congressionally approved reform instead of the referendum was seen by many independents as evidence of the insincerity of his devotion to real political change. Under this view, his campaign promise to hold the referendum was entirely act-contingent, an electoral ploy needed to gain the crucial independent vote in the hotly contested election of 1998. However, once in office, Pastrana gave in to the political reality that promoting a reform favored principally by the small number of nontraditional political forces was going to complicate his ability to work with congress on his policy priorities. Pastrana's own

²⁷ Personal interview with Eduardo Chavez, program director of Oxígeno Verde, Feb. 8, 2001.

Conservative party was a minority in Congress, making it potentially very difficult for him to obtain congressional approval of his agenda. (He urgently needed to pass legislation, among other things, on economic adjustment measures and the peace process). In the first days of his term, Pastrana managed to build a pro-government bipartisan coalition in Congress, baptized as the “Gran Alianza por el Cambio”. This coalition incorporated some of the more traditional forces—the very politicians who would be least inclined to back political reform.

In pursuing the reform, Pastrana linked it with the far more controversial issue of the peace process with the FARC guerrillas. In the first half of 1999, as peace talks at San Vicente del Caguán were gaining momentum, an article was added to the political reform bill granting the government wide discretionary powers to conduct peace negotiations. At this point, a *quid pro quo* emerged among the main actors of political reform. Pastrana would gain powers in dealing with the guerrillas and clientelist politicians would be assured that the political reform would be less radical than the original referendum-based proposal. An official with Betancourt’s party summed up what happened:

Political reform, as initially planned, lost its teeth. In the end, we were faced with a monster. It was such an innocuous reform that the political barons were very happy. It was not going to be an anti-clientelist or anti-corruption bill so we had to take the lead to defeat it.²⁸

The peace process was Pastrana’s main priority, and he was willing to sacrifice electoral reform to pursue it.

Pastrana “goes public.” In 2000, Pastrana suddenly and dramatically revived the issue of electoral reform by delivering an address to the nation in which he called upon the people to pressure congress to pass a measure that would convoke a referendum not only on his reform proposals but on dissolving congress itself and holding early elections. In this gambit, Pastrana appears to have been motivated less by his preference for a new electoral system than by the political “points” he could score by promoting a “cleansing” of Congress in the wake of a parliamentary corruption scandal revealed by the press early in 2000.²⁹ Moreover, he could presume that angry voters would particularly punish traditional politicians, especially those from the “official” Liberal Party. The role of voter anger was clearly on the minds of some members of Congress. For instance, Conservative Senator Roberto Camacho said “to go against public opinion is to commit suicide,” given polls that showed that eighty percent of citizens would support Pastrana’s referendum.³⁰

However, Pastrana’s “going public” strategy backfired when Liberals, headed by Horacio Serpa, counterattacked by calling for early presidential elections to be held jointly with the new congressional elections.³¹ Moreover, early in 2000, the Liberal congressional caucus withheld approval of a crucial economic adjustment package that had been promised to the International Monetary Fund by the Pastrana administration a few months earlier. As noted by the newsweekly *Semana*:

²⁸ Personal Interview with Eduardo Chavez, Programmatic Director of Verde Oxígeno, Feb. 8, 2001.

²⁹ A variety of sources interviewed in Bogotá agreed with this interpretation, including Rodrigo Losada Lora (Universidad Javeriana), Miguel Angel Herrera (Universidad Nacional), Elizabeth Ungar (Universidad de los Andes), and Eduardo Chavez (Verde Oxígeno).

³⁰ Alexander Terreros B., “Empezó la lucha de poderes,” *El Tiempo*, Apr. 9, 2000.

³¹ “Empezó la campaña presidencial,” *El Espectador*, May 15, 2000.

The way things are going, there will be not a single bill approved in Congress. The Minister of Finance himself is aware of this situation, and on his own accord, has taken to promoting contacts with members of Congress with the objective of insulating the economy and stopping it from being overwhelmed by the political crisis.³²

Facing this stalemate and a concomitant devaluation of the peso, Pastrana on May 26 decided to withdraw his call for early congressional elections. While he reiterated the necessity of political reform, he noted squarely that the passage of measures required for IMF assistance—including tax reform and rationalization of the fiscal situation of subnational governments—would be a priority.³³

The threat from “below.” The referendum proposed by Pastrana—which would have required the prior consent of Congress—was not the only referendum idea circulating at the time. There was also a citizen’s movement collecting signatures to bypass congress, which Pastrana had always counted on as his “ace in the hole” to push congress to support his plan. The prospect of a referendum was summed up well at Pastrana’s inauguration in 1998 when Fabio Valencia, then president of the Senate, said, “O cambiamos o nos cambian” (“either we change or they change us”).

The 1991 constitution created mechanisms of citizen initiative, which were codified in Law 134 of 1994, stipulating that ten percent of registered voters could petition to hold a referendum on a bill that congress had turned down. There is disagreement as to whether this procedure can be used for a constitutional amendment, although the government claimed it could be.³⁴ Manuel José Cepeda—who was later appointed to the Constitutional Court—was among those who agreed with the government, and he organized a citizen’s movement, Frente Ciudadano por el Referendo, which took to the streets to gather signatures.

However, when Pastrana announced on May 26 that he would no longer insist on the dissolution of congress as part of his referendum, he pulled the rug out from under the initiative process. A few days after Pastrana’s announcement, the planned *Firmatón* events at which the Frente Ciudadano hoped to collect three million signatures netted only around 200,000.³⁵ While signature-gatherers pressed on, they had little chance of success absent presidential support, as noted by *Semana*:

The task will not be easy. One thing is to have the government as an ally, and another very different thing is to be left practically alone in the fight.³⁶

Just as the threat of a referendum taking matters out of their hands helped push congress to take the issue of political reform seriously, the waning of the threat in the absence of government support reduced one of the more powerful act-contingent motivations legislators faced.

Posturing? An act-contingent explanation is largely about posturing for short-term political advantage. It assumes that actors do not really support reform for its own sake, but fear the consequences of blocking it. Sometimes the fear of standing in the way leads to the passage of major electoral reforms even when those who have to pass them clearly would have preferred

³² *Semana* 940, May 8–15, 2000, p. 36.

³³ “Presidente Pastrana no insistirá en revocatoria,” *El Tiempo*, May 27, 2000.

³⁴ “¿Con el pueblo y sin Congreso? Sí o No,” *El Espectador*, May 15, 2000; “El referendo, historia de un enredo jurídico,” *El Tiempo*, May 20, 2000.

³⁵ “Referendo en la tierra del olvido,” *El Tiempo*, July 16, 2000.

³⁶ *Semana* 943, May 29–June 5, 2000, p. 22.

a way to avoid the matter. Examples may be found in recent electoral-reform histories in Japan (Reed and Thies 2001), New Zealand, and Venezuela (Shugart and Wattenberg 2001). At other times, the benefit derived from the act of voting for reform is not great enough to overcome actors' sincere reticence to reform.

Outcome-Contingent Factors in the Pastrana administration

From the start of the Pastrana administration in 1998, there have been several unsuccessful attempts to reform the electoral system. Key political figures have proclaimed the necessity of reforming various rules of the political process, including the electoral system—all the while expressing reservations regarding specifics provisions. Furthermore, several, including members of the traditional and 'independent' sectors, played critical roles in aborting government-initiated reform efforts between 1998 and 2001. As we noted in the previous section, there were powerful act-contingent reasons for politicians to appear supportive of reform. Nonetheless, politicians are also unlikely to accept any changes that may harm their chances for re-election. That is, politicians, in deciding whether to vote for or against a specific package, assess the likely consequences of specific provisions for their own electoral careers. Such motivations are in the realm of outcome-contingent factors. We review here two provisions of the reform that were most controversial, the threshold and the preference vote.

The threshold and concerns of the independents. Shortly after the 1998 reform bill was presented to congress, Ingrid Betancourt voiced concerns that the provisions for a threshold would strengthen bipartism, suffocating the many small and 'independent' forces that, as we saw in Table 4, had gained representation in congress since 1991 (Betancourt 1999). As the 1998 *acto legislativo* made its way through congress, several independents criticized the 3% threshold proposed for senate elections. The main concern was that the threshold placed a burden on smaller, independent parties—who were unlikely to clear the threshold. As one senator told us:

Single party lists and the threshold probably represent a danger for minorities, but that is a risk that must be taken. 'Independents' in the current congress are like individual atoms affiliated with churches, entertainment, sports and other movements. One must understand that [some] 'Independents' are electoral entrepreneurs (*microempresarios*) just like the Liberals and the Conservatives and, of course, they don't want to be erased from the map.³⁷

This latter point is reminiscent of our argument above about how *operación avispa* and the fragmentation of the nontraditional movements represent two sides of the same SNTV coin. We would expect that, in the longer run, a threshold would have positive effects on the representation of nontraditional forces, inasmuch as it would encourage them to pool their strength. As we saw in Table 4, independent forces have frequently received a significantly lower share of seats than of votes. The reason for this is that they are fragmented amongst many lists that lack electoral coordination. The threshold would be a powerful incentive favoring coordination. However, a threshold also represents a real and immediate threat to many current electoral careers. Personalities unable to subsume their identities within larger parties or coalitions could be swept aside.³⁸ Thus one of the most important goals of reform—reducing fragmentation—also proved to be one of the major obstacles to reform during the 1998–2002 period.

³⁷ Personal Interview with Rafael Orduz, Senator (ASI-MCI). February 8, 2001.

³⁸ Personal Interview with Olga Lucia Arjona, Aide to Juan Martin Caicedo. Feb. 6, 2001.

Fears of party centralization and the debate over the preference vote. Many Liberal and Conservative *microempresarios* had vested interests in stalling electoral reform, because single party lists invoked images of an earlier era when political bosses had strict control over nominations (*boligrafo*). The bill that was defeated in 1999 had called for a preference vote, in the form of a flexible list, which, as we noted earlier, is a hybrid of the closed and open-list concepts. That is, voters could cast preference votes for candidates within a list (as in an open list), but there would still be a party-provided list rank (as in a closed list). Candidates who obtained some stipulated quota of preference votes would be assured of election regardless of how high or low the party had ranked them, while votes cast for the list would be counted as the voters' acceptance of the party-provided rank for the seats not filled by preference votes.³⁹ Although flexible-list systems can function more like either open or closed lists depending on the precise rules for allocating seats among candidates based on preference votes vs. list rank, the proposal was clearly an attempt to split the difference between open and closed-list principles.

This proposal had raised the ire of traditional politicians because they felt that any provision for party-ranked ballots would increase the authority of party leaders. On the other hand, independents were not enamored of the preference vote even in this limited form, because it still implied that old-line clientelist politicians could assure their seat regardless of how they were ranked on the list (assuming they still obtained nomination). When Pastrana sought to implement electoral reform via a referendum in 2000, his proposal dropped the provision for a preference vote, thus implying a closed list. It is noteworthy that he proposed a flexible list when he sought to pass a bill through congress, where many traditional politicians were sure to insist on rules that would permit the continued cultivation of their personal votes. Once he shifted the arena to the public in an attempt to bypass congress, he promoted a more radical change, abolishing intraparty competition in general elections altogether.

Once the arena shifted back to congress again after the withdrawal of the referendum plan, the government bill again contained a preference vote, but this time it was in the form of an open list, in which the preference votes are the sole determinant of the order of election from the list. A brief history of the debate in 2000-01 reveals the continuing intense debate over the preference vote. In 2000, each house passed different versions of the list provision. The Senate version called for voters to have the option of casting a preference vote (implying an open list),⁴⁰ while the House passed a provision for a closed list but with mandatory primary elections (*consultas internas*) to determine candidates on each party's list. The House-Senate conference committee (*comisión de conciliación*) reported out, and plenaries of each house approved, a bill retaining the preference vote, but appearing to leave open whether it would be a flexible or fully open list.⁴¹

While *microempresarios* prefer a fully open list, many independents object to it on the grounds that it continues to reward individualistic politicians and does not represent a break with

³⁹ Flexible lists are common in Europe (e.g. Austria, Belgium, Czech Republic).

⁴⁰ On this point about how to count votes not indicating a candidate preference, the version passed in 2000 by the senate said: "Los votos por el partido político que no hayan sido atribuidos por el elector a ningún candidato en particular se contabilizarán por la lista presentada por el partido." By contrast, the version that both houses had passed in 1998 said: "Los votos por el partido político que no hayan sido atribuidos por el elector a ningún candidato en particular se contabilizarán *en el orden establecido en la lista presentada por el partido*" (emphasis added). The wording from 1998 thus appears to require a flexible list, rather than an open list.

⁴¹ The version that emerged from the conference committee in 2000 said simply (and unclearly) "...se empleará el sistema de la cifra repartidora y el voto preferente."

current practice—exactly why the *microempresarios* can accept it. As Navarro Wolff commented in the bill passed by the plenary sessions at the end of 2000, the proposal “does not change clientelism, does not ameliorate vote-buying, and favors the two parties, Liberals and Conservatives.”⁴² Navarro Wolff also claimed that most legislators from the traditional parties will not accept the single-list provision unless accompanied by a full preference vote—anything less would mark too abrupt a change with current practice.⁴³ In 2001, a proposed modification co-sponsored by several independent senators called for a reinstatement of closed lists with mandatory primaries. The question of the preference vote was never resolved and was one of the causes of the bill’s defeat in May, 2001. As we shall see next, it very nearly led to defeat again in 2003, before a last-minute compromise attempted to split the difference—not, this time with a flexible list, but by allowing each party to decide whether to submit an open or closed list.

The 2002 election and passage of political reform

The 2002 congressional and presidential elections were a critical watershed in the politics of political reform in Colombia. The most obvious event of this election year was the defection of Alvaro Uribe, a former Liberal governor of Antioquia, from the party. Rather than submit himself to the Liberal presidential primary (*consulta interna*) of September, 2001, Uribe announced he would bypass the nomination process and run as an independent in the general election the following May. Uribe’s image as a leader who would be tough on the guerrillas and official corruption created a dilemma for candidates registering their lists for the congressional elections that would occur in March. In an election in which Uribe’s campaign was threatening to swamp the traditional parties, being identified with the name Liberal or Conservative could be a liability. On the other hand, it could be risky to commit to Uribe’s *Primero Colombia* movement, in the event Uribe faltered. Thus a remarkably large number of candidates with regional or national personal appeal registered lists under new names rather than Liberal or Conservative. The result was that candidates endorsed by the two traditional parties collectively polled barely 40% of the vote—by far their worst showing ever in a congressional election.

The 2002 congressional election turned out to be a classic example of what Shugart and Carey (1992) identified as a “counter-honeymoon” election. The traditional honeymoon after the election of a president is the period in which his support surges, and elections held during such periods often produce an increase in the congressional representation of the president’s party. On the other hand, in a counter-honeymoon election, a “minor party can seek to demonstrate its value as a coalition partner for the upcoming presidential election” (Shugart and Carey 1992: 257). In this election there were numerous such minor parties (or “movements”) presenting themselves with new names as potential coalition partners for Uribe in the upcoming presidential election and in the congress to support his administration, should he win.

The 2002 congressional election was critical to the subsequent reform process, for it represents the first time in decades that a real cleavage opened up in a congressional election over identification with a reformist platform. In Table 7, the 2002 election is compared to the previous six congressional elections that likewise took place in a presidential election year.⁴⁴ The table gives the presidential and senatorial⁴⁵ vote shares for the Liberal and Conservative parties

⁴²Personal interview with Antonio Navarro Wolf, Representative (Via Alterna), Feb. 7, 2001.

⁴³ Ibid.

⁴⁴ The only congressional election thus omitted is that of 1991, which was an interim election to establish the new congress mandated by the constitution promulgated that year.

⁴⁵ Results would be almost identical if we used House vote totals instead.

Table 7. Comparison of Presidential and Senate Election Results for Two Leading Candidates and Their Parties

	<u>Liberal</u>	<u>Conservative</u>
1978		
Senate	55.2	40.0
President	49.5	46.6
S/P*	1.12	0.86
1982		
Senate	56.3	40.3
President	41.0	46.8
S/P	1.37	0.86
1986		
Senate	49.3	37.0
President	58.2	35.8
S/P	0.85	1.03
1990		
Senate	58.5	31.2
President	48.2	12.3
S/P	1.21	2.54
1994		
Senate	50.7	18.8
President	45.2	44.9
(runoff)	50.4	49.1
S/P	1.12	0.38
1998		
Senate	47.3	22.5
President	34.6	34.3
(runoff)	46.5	50.4
S/P	1.37	0.65
Averages (and standard deviation) for 1978–1998		
Senate	52.9 (4.4)	31.6 (9.2)
President	46.1 (8.0)	36.8 (13.2)
2002	<u>Liberal</u>	<u>Uribista**</u>
Senate	30.6	13.7
President	31.8	53.0
S/P	0.96	0.26

Bold indicates party or bloc winning presidency.

*S/P is the ratio of senate percentage of votes to presidential percentage of votes (in first round, in case of two-round election)

**Excludes Conservatives (10.0% of the senate vote), although the party withdrew its presidential candidate and endorsed Uribe. Includes Cambio Radical, Colombia Siempre, Convergencia Popular Cívica, Popular Unido, Renovación Acción Laboral Moral, Voluntad Popular, Integración Popular. No lists under the Liberal label are included, even though some of these could be classified as *uribista*.

in each year from 1978 to 1998. For the (formerly) dominant Liberal party, their senatorial votes consistently exceed their presidential votes, as indicated by an “S/P” ratio greater than 1.00. The only exception is 1986, when a “New Liberal” splinter ran under its own label, but it was subsequently reincorporated into the Liberal mainstream.⁴⁶ Over the 1978-1998 period, the Liberal party averaged around 53% of the senate vote, but only 46% of the presidential vote. The Conservatives, on the other hand, tended to perform better in presidential elections than in senatorial, even in years they lost.⁴⁷ What this shows us is that in Colombia the congressional elections were hardly responsive to the national trends that animate presidential vote shares. The congressional vote of the Liberal party was far more stable than its presidential vote, meaning that even in years that would prove to be bad years for the party at the executive level, the party’s dominance of congress was usually safe. This result is consistent with the nature of the SNTV system as shielding members from national policy and partisan swings, because votes under SNTV depend more on personal connections between voters and politicians than they do on party labels or national issues. This relative absence of any sort of national “pull” on the congressional vote is one of the reasons members of congress were able to duck responsibility for so long on a national cause such as political reform.

However, in 2002, the unique nature of that election—with a presidential campaign outside the traditional Liberal party already surging in the polls—allowed national forces to be felt in the congressional campaign. The Liberals’ congressional vote plummeted to 30.6%, which was almost identical to—rather than the previous average of 6.8 percentage points better than—what the party would get in the presidential election two months later. Arriving at a congressional vote total for parties and movements supporting Uribe is not straightforward, but the parties listed in the notes to Table 7 include those whose leaders were most associated with Uribe; they combined for just under fourteen percent of the votes and seventeen senators (and a similar percentage of deputies). Thus, upon winning a majority of the presidential vote in May, 2002, and taking office in August, Uribe would find himself with a substantial, though minority, bloc of supportive legislators elected in his counter-honeymoon. After the election the Liberal party fractured further, with twelve of its twenty-eight senators and eighteen of its forty-seven deputies defecting from the *oficialista* Liberals to Uribe’s coalition.⁴⁸ These novel phenomena—a cleavage over national issues affecting the congressional elections and a bandwagon of support behind an independent president—would have profound implications for how the political reform debate would transpire. As we shall see next, these events changed the calculus of both act- and outcome-contingent motivations for members of congress.

A renewed referendum proposal and act-contingencies. Those members of congress who campaigned as “uribistas” had taken a pledge, prior to the election, to support the president (Sarabia 2003: 49). Combined with the immense popularity of the new president, this public commitment of support generated a classic act-contingent scenario. These legislators would be judged by their electorates largely by their level of support for the new president. One of Uribe’s

⁴⁶ And its leader, Luis Carlos Galán, became the presumptive front-runner for the Liberal presidential nomination of 1990 till he was assassinated in August, 1989.

⁴⁷ A glaring exception is 1990, when the party split. The Conservative dissident ran under the label of the National Salvation Movement and polled 23.9% of the vote. Because this label did not appear in the congressional elections two months before, we could sum the two Conservatives’ presidential votes, resulting in 36.2%, or about five percentage points better than the party polled in the congressional election of that year.

⁴⁸ We derive these numbers from Congreso Visible, an organization that monitors the behavior of Colombian congress members (<http://cvisible.uniandes.edu.co/quienes/prensa.asp?parr=5>).

first acts in office was to follow through on a campaign promise to promote a “referendum against corruption.” The exact contours of the referendum proposal changed many times between Uribe’s inauguration and the final version that was rejected (on account of low voter turnout) by the Colombian electorate in October, 2003. However, some provisions concerning the electoral system remained largely unchanged through several rounds—notably the shift of electoral formula to d’Hondt and the imposition of a threshold, both measures aimed at limiting fragmentation.

In addition to matters of the electoral system, Uribe’s proposed referendum covered numerous other issues, including freezes on public expenditures and new regulations for congress’s own administrative arm and for public pensions—all measures that go to the heart of various privileges long enjoyed by members of congress who seek to use public resources for electoral (or personal) gain. Most alarmingly for non-uribista legislators, Uribe also initially proposed that the referendum contain a provision dissolving the current congress and electing a new one under the changed rules. Thus Uribe was willing to risk a constitutional crisis to carry out what he saw as his “anti-corruption” mandate.

As was the case with Pastrana, Uribe was expected to assist a signature drive to force a citizen’s initiative on the ballot to carry out his reforms, including the dissolution of congress. Given Uribe’s popularity, the threat carried real weight, and prompted congress to negotiate on a bill to convene a referendum in order to ward off a possibly more radical initiative. As uribista Senator Rafael Pardo put it:

Congress all along faced the specter of the President initiating a signature-collection campaign for a citizen's referendum, with the rallying cry of new congressional elections, if they did not approve the referendum bill. This motivated Congress, although with some difficulty, to enact the referendum bill. The referendum was approved without enthusiasm by many sectors.⁴⁹

By November, 2002—only about three months after his inauguration—Uribe secured passage of a bill containing 17 articles to be put to popular vote.⁵⁰ In the process, however, Uribe dropped the proposed dissolution of congress, as well as a proposal for unicameralism. This decision to bargain with congress rather than promote a more radical reform—reminiscent of an earlier decision by Pastrana—was roundly criticized by some sectors, including the left-wing Polo Democrático and the prominent opinion magazine, *Semana*, which editorialized that:

the government surrendered to petty politics and gave up its intention of dissolving Congress and replacing it with a unicameral body, in exchange for some fiscal policy measures that could have been implemented and enacted by other means (*Semana*, on-line edition 1107, July 18, 2003).

Thus the referendum bill was not as radical as Uribe initially demanded, but it still would be sweeping, contemplating a reduction in the size of each house of congress, as well as d’Hondt, the threshold, and the fiscal and administrative measures referred to above. The proposal restricted parties from endorsing more candidates than there are seats in the electoral district, but was silent on the number of lists. Thus, legally, under the proposal Uribe sought to have the electorate approve, a party in a senate election could have presented 100 single-person lists or

⁴⁹ Personal interview with Senator Rafael Pardo, August 25, 2003.

⁵⁰ Some articles were subsequently removed from the referendum by the Constitutional Court in the summer of 2003, but these did not include provisions regarding the electoral system.

one list of 100 candidates, or anything in between those extremes. This would have made for a rather chaotic electoral process, to say the least, with different parties possibly employing different strategies. However, as we noted above, the presence of d'Hondt and the 2% threshold would have removed the seat bonus that a party could obtain by splitting. Nonetheless, given how internally divided many Colombian parties are—and the fact that individual lists would have remained closed (i.e. no preference vote)—it is likely that some parties would have presented more than a single list in many districts, and taken their chances on the seat allocation process.

The referendum proposal contained no provision for a preference vote. As a result, the restriction on the number of candidates and the electoral incentives of d'Hondt would have threatened to generate conflicts within parties—especially the highly fragmented traditional parties—over which candidates to endorse, and at what rank on the list. With a limited number of closed lists in a party, whoever could control the party's process of list formation would determine the congressional composition of the party. Furthermore, given the inevitable conflicts within a party over list formation, the absence of a single-list requirement could mean dissidents would continue to launch separate lists if dissatisfied with their rank on the “official” list. Of course, with d'Hondt, such dissident lists would have markedly less success in translating their votes into seats, and could cost the party as a whole some seats. Nonetheless, the threat of defection could greatly complicate the management of intra-party conflict, and some dissidents could be motivated to run separately under the party label. So here enter a set of outcome-contingent motivations that set congress to work on its own political reform. With the pending referendum and the new status quo it would create if it passed, as well as the changed circumstances for the traditional parties in the wake of the 2002 election, leaders of the traditional parties began to rethink their preferences over electoral systems.

Outcome-contingent motivations and the final passage of reform in congress. The political reform bill that ultimately passed in June, 2003, mandates several changes to the electoral system that had been debated over the previous years. Most importantly, it coincides with the referendum bill's provisions on the d'Hondt formula and thresholds. However, it goes farther on other aspects of political reform. It explicitly mandates that each party or movement present only a single list of candidates.⁵¹ It also explicitly allows parties to present either open or closed lists. The provisions on a single list and an optional open list can be seen as ways to minimize the possibility—still contemplated in the president's then-pending referendum—that dissidents would launch their own lists. Now they cannot do so and still use the name of the party, and they also may be more motivated to stay in the party if the party's list will be open, rather than closed, because voters rather than party leaders are determining the order of lists.

The bill that passed in June, 2003, was an initiative of the traditional parties in congress.⁵² The low credibility of congress, and the widespread view that it was incapable of reforming itself, led many critics to condemn the reform. It was seen as a threat to the integrity of the referendum—as if the latter must be a more “serious” reform because it was promoted by the president and not by congress. In fact, some critics blamed Fernando Londoño, the Minister of the Interior, and the president himself “for all this history of misunderstandings between the

⁵¹ It also states that the list may contain no more candidates than there are seats in the district. A version passed by the Senate in the first round simply limited the number of lists per party.

⁵² It actually combined provisions from one bill promoted by several *oficialista* Liberals and another promoted by various Conservatives.

presidential referendum and the [congressional] political reform.”⁵³ One of the strongest polemics against the reform bill again came from *Semana*:

The constitutional amendment enacted by an alliance between the conservative and liberal parties against uribistas and independents does not solve the problem of candidate-based politics. Although the reform reduces the number of parties and lists, the preference vote leaves party atomization untouched. The new political reform will not eliminate *microempresas electorales*, vote trading, legislative indiscipline, or the exchange of support for jobs (*Semana*, Edición 1103, June 21, 2003).

In their own defense, promoters of the reform in congress argued that their bill actually would go farther and was essential to codify the goals of the referendum itself—specifically the creation of stronger political parties capable of collective action in congress. For example, Senator Carlos Holguin Sardi, director of the Conservative party, said:

President Uribe made the referendum proposal a reality, and Congress understood that the referendum needed a complement. The referendum can be considered as only a partial political reform because it refers mainly to the composition and operation of the legislative bodies. Congress realized that there was the need for a complementary bill, fundamentally addressing the electoral and party systems, in order to achieve an integral political reform.⁵⁴

Attempting to look beyond either the disappointment of observers like *Semana*'s editorial writers or the political interests of the Conservative party leaders, we tend to agree that the congressionally approved bill is in critical respects a more fundamental reform than the one Uribe was promoting via referendum. The single-list mandate and the open-list option promise a major rationalization of the Colombian congressional electoral and party systems. Yet stating that it brings about a rationalization is not an explanation as to why it occurred. For that, we need to look a bit more deeply at the debate and the interests of the major players in congress.

As was the case under Pastrana, congress divided—internally and with respect to the executive—over open vs. closed lists. The traditional parties tended to favor an open list, due to the investment of their members in cultivating a personal vote under SNTV. Uribistas, including the president himself tended to favor a closed list and a limitation on the number of lists, but not necessarily a single list. Many of them vehemently opposed open lists, claiming that a preference vote would just perpetuate the worst of the status quo. However, Uribe's own coalition splintered,⁵⁵ with many having their own personal vote to protect. These divisions permitted the traditional parties to prevail on the (optional) preference vote. The depth of division over this matter is best captured by one remarkable statement Minister Londoño made before the First Committee of the House.⁵⁶ After branding the bill “regressive, contradictory, and unmanageable,” he launched the following tirade:

⁵³ "El pega primero," *Semana*, No. 1103, June 21, 2003.

⁵⁴ Personal interview with Senator Holguin Sardi, Aug. 26, 2003.

⁵⁵ Congreso Visible, «Congreso tomó Distacia.» *El Tiempo*, June 23, 2003.

⁵⁶ The First Committee is that to which constitutional amendment proposals are referred.

This is a spectacle. Anyone who reads the Colombian Constitution after all this is finished, will wonder what it was that legislators were smoking when they approved this bill.⁵⁷

We suspect there was a mix of motives in the administration's opposition to the bill. On the one hand, they appear to have been sincerely opposed to the open list. On the other hand, Uribe probably saw the reform as a threat to the passage of his referendum—stealing the thunder, so to speak. Voters might be less likely to approve a referendum promoted in part as rationalizing the electoral process if congress had already approved a political reform of its own, and one that, in some respects actually went farther. If the referendum were to lose some of its appeal due to the political reform, Uribe could also find various fiscal and administrative provisions contained in his referendum defeated. Given how much of his own prestige he staked on the referendum, anything that might threaten its passage could threaten the political power of the president himself. In the end, the bill passed, but with a compromise that had first appeared in the House version passed in May allowing parties the option to present an open or closed list.

To summarize what transpired in the congress in 2002-2003, we would note that the election of Uribe and the president's insistence on a referendum provided congress with a powerful act-contingent motivation to pursue political reform. They feared being swept aside in a process of political reform that a popular independent president was going to pursue with or without them. Unlike previous congressional elections, in which the presidential campaign had little effect on congressional elections, the 2002 election dramatically reshaped the party system. Whatever their sincere preferences on electoral reform, uribistas had staked their careers on Uribe's success, and would have to deliver for him. Subsequently, the passage of the bill in congress to adopt a single (optionally open) list resulted from a shift in the preferences of the traditional parties, as well as some defections from Uribe's coalition.

The 2002 congressional election had dramatically altered the traditional party leaders' preferences. The prospect of pooling their party's votes looked more attractive when the survival of the party was clearly at stake—a condition that had not yet confronted them under Pastrana. In other words, outcome-contingent motivations finally led traditional party leaders to believe that a party-list PR system was in their interests, as long as they could seek preference votes within their party's list. Thus, while various political forces disagreed right up to the end over precise provisions of the reform and may have come to that conclusion through different mixes of act- and outcome-contingent reasons, most considered themselves better off with an alternative to the existing system.

PROSPECTS FOR THE NEW SYSTEM

At this point, we have reviewed the inherent flaws of the former system and the political contingencies that led to its replacement. Finally, it is time to assess the likely effects of the new system. We will consider the likely effects of the electoral system on both interparty and intraparty competition.

Interparty competition: The number of parties. Colombia has long been regarded as a two-party system, with the Liberals and Conservatives dominating all others. However, in some respects this has been a misleading characterization of the congressional party system for many

⁵⁷ «Nueva derrota del Gobierno: Cámara aprueba reforma política en penúltimo debate.» *El Tiempo*, June 3, 2003.

years. As noted earlier, the average sizes of Colombia's four largest parties over the 1978–1998 period were:

54.6 – 37.0 – 3.3 – 1.3.

Thus, while there were two major parties, one party—the largest was always the Liberals—was actually dominant over all others. As we noted, this kind of dominance is inherent in SNTV. So is the atomized opposition, reflected in the large gap between the second party and the rest of the field.

How many parties are we likely to see in Colombia under the new system? The new Colombian electoral system is a list-PR system, and when compared to the former SNTV system, it is likely to promote a reduction in the number of parties, but not lead to a return to either a two-party system or a dominant-party system. Let us consider the likely effects of the new system on party-system fragmentation, which we will measure according to the “effective” number of parties, a measure that indicates roughly how fragmented a party system is.⁵⁸

Given the 2% threshold in the Senate and the modest district magnitudes in the House, and based on the experience of established PR electoral systems with similar magnitudes and thresholds,⁵⁹ a reasonable expectation would be an effective number of parties of around 4.1 (calculated by vote shares) and 3.5–4.0 (by seat shares). This would imply two large parties, each with around 30–35% of the vote, and then several parties with vote shares in the teens or less. It is worth noting how drastically this forecast contrasts with the immediate pre-reform fragmentation of Colombia's party system. In the 2002 senate election, the effective number of vote-winning parties was 8.9—extremely high by world standards. Fragmentation in terms of seats was even greater, at 9.3.⁶⁰

Will we really see so much consolidation that the effective number of parties will drop from over eight to four or less? There is no guarantee, for even though the 2% threshold in the senate is high relative to the old system (where there was none, and lists with as little less than 0.5% of the national votes have won seats), obviously many very small parties could clear 2%. Additionally, some existing regional parties and movements may survive if their votes surpass 2% nationally and their regional concentration is sufficient to earn them seats in one or more House districts as well. Nonetheless, it is likely that the effective number of parties will be reduced substantially from what it was after the 2002 election. Even if the two largest parties prove to be somewhat smaller than our estimate, fragmentation will be reduced as small independent forces aggregate into mid-sized parties and scions of the traditional parties return to the larger parties that they split from. No longer will Colombia witness the twin effects of SNTV referred to above: one dominant party, and numerous very small parties.

We can get a preview of the effects of the new system by looking at the 2003 departmental assembly elections. Weighting the departments by their size,⁶¹ the average effective number of parties (N) was 4.3, calculated on seat shares. This is not much higher than our

⁵⁸ The “effective” number of parties (N) indicates the number of hypothetical same-sized parties that would render a party system just as fractionalized as are the actual parties of different sizes. It is calculated as: $N = 1/[\sum(p_i^2)]$; where p_i is the vote (or seat) share of party i , and \sum (Greek sigma) indicates that we sum over all the parties. In other words, N is a weighted index, in which each party is weighted by its own size.

⁵⁹ We draw our expectations from the cross-national data analyzed by Taagepera and Shugart (1989).

⁶⁰ It is rare for N , calculated on seats, to be larger than N , calculated on votes. That it was so in 2002 only underscores the erratic manner in which Colombia's SNTV electoral system treated parties—exaggerating, rather reducing, the extreme political fragmentation.

⁶¹ Using votes cast in the 2002 House elections as the basis for the weighting.

estimate, and is about half the 2002 congressional result. When measured by votes, N in 2003 was quite high (6.3), but still much lower than the 2002 result and probably higher than we can expect in 2006 and beyond, for two reasons. First, the average district magnitude of the assemblies (12.5) is much higher than for the House (4.9). Even though the Senate ($M=100$) could support many more parties, note that our forecasts of the post-reform N were in fact based on the Senate.

The second reason that N was higher than expected in the assembly elections of 2003 was a decision by the National Electoral Council that permitted any party or movement already enjoying legal recognition to present lists for the assembly elections. This one-time exemption allowed many lists to be registered that will not be eligible in 2006, according to the law. Even if these many micro-parties were not barred, the sharp reduction in N from votes to seats (6.3 to 4.3) brought on by d'Hondt and the threshold would probably put them out of business after a few elections, anyway.⁶² Thus, while no theoretical forecast can ever be guaranteed accurate, our estimate of the number of parties effectively being 3.5–4.1 may prove to be not too far off. Exactly which parties will result is, of course, even harder to forecast than their effective number. The traditional parties could regroup, but be joined by one or more programmatic alternatives (such as the already-formed leftist Polo Democrático), or the traditional parties could be pulled apart with various factions joining new programmatic parties.⁶³ However it turns out, the transition to a new party system is likely to see some volatility in the short run as politicians test their strength and seek alliances under the new, dramatically different, institutions.

Intraparty competition: *Microempresas* continuing? We now consider how the new electoral system will shape intraparty fragmentation. In doing so, we shall assume that all parties present open lists; those that present closed lists obviously will not experience intraparty competition. However, we expect that most lists will be open—certainly those of the traditional parties, but also of many of the nontraditional forces, who will have to balance their previous principled opposition to preference voting with their own need to maintain unity amongst previously disparate movements. As a harbinger of this trend, we would point to the October, 2003, departmental and local elections, in which more than 95% of the lists registered were open.⁶⁴

Opponents of the open list fear that the preference vote simply perpetuates the *microempresas* of the old system. However, this view overlooks how the new phenomenon of party vote-pooling will make parties far less concerned with management of their votes distribution among candidates.⁶⁵ If parties do not have to manage the vote distribution problem of SNTV—the inherent risk of committing errors of allocation and displacing seats to other parties—then large parties will become less a collection of narrow (clientelistic) interests than before. A vote for any candidate of the party will be beneficial to the party as a whole, unlike under SNTV.

Smaller parties, on the other hand, will appear to be more fragmented on the intraparty dimension than they were under SNTV, but this would be misleading. Under the list system they

⁶² Recall that N (seats) was higher in 2002 than N (votes)—in other words, the old electoral system increased fragmentation in the translation of votes into seats in that election. The 2003 assembly results show the expected reductive effect that most electoral systems used around the world bring about—reducing N from votes to seats.

⁶³ Much may depend on whether President Uribe is eligible for reelection in 2006. As of mid 2004, a proposed constitutional amendment permitting immediate presidential reelection was being debated. A reelection campaign would increase pressure on politicians to join a pro- or anti-incumbent bloc.

⁶⁴ “¿Qué es voto preferente,” *El Tiempo*, September 18, 2003.

⁶⁵ Shugart (2003) made this point in an editorial in the Colombian newsweekly *Cambio*.

can present many candidates because they no longer need to concern themselves with concentrating their votes on one candidate to ensure winning even one seat. Moreover, various small parties will have merged to form larger parties in order to clear the threshold, as we saw shortly after the passage of the reform with the formation of Polo Democrático Independiente.

Using data from a larger project on preference voting in open-list PR systems, we find that the degree to which a given party's vote is fragmented amongst its candidates tends to cluster within a fairly predictable range, unlike under SNTV.⁶⁶ The average share of their party's votes won by elected legislators ranges from about 13–25% for a moderately large party (one winning around a third of the seats) in districts of the magnitude range found in most Colombian House districts (i.e. four to eighteen⁶⁷). For medium-to-small parties that present open lists, this suggests an increase in the range of interests they can represent compared to SNTV, under which numerous small parties each tended to concentrate its vote on one candidate. At the same time it suggests a significant decrease in internal fragmentation in the larger parties, given that the Liberals' winning legislators in 2002 averaged only five to seven percent of their party's votes in almost all but the very smallest districts in 2002.

A caution is in order for the Senate, however. The expected internal fragmentation of votes in a 100-seat district is unlikely to be reduced much for the larger parties compared to SNTV, and, of course, it will rise dramatically for the smaller parties that formerly presented just one or a few lists. The new systems permits parties to present a single list with up to 100 candidates, which implies a staggering degree of intraparty competition, and bewilderingly long ballots. Rarely have open lists been attempted in such a large district.⁶⁸ Whether open lists will prove workable in the Senate is debatable without some further reform, such as regionalizing the lists to make them more manageable.⁶⁹ Nonetheless, even with the considerable fragmentation inside parties that we can expect in the Senate, we must not lose sight of the very important change brought about by the new rules: Parties need not concern themselves with the how their votes are distributed across their candidates, thanks to vote pooling.

Summary of expected effects. We have now reviewed the likely effects of Colombia's new electoral system. The introduction of vote-pooling will reduce the reliance on personal votes compared to the existing SNTV system. It will bring about a rationalization of the party system, both in a reduction of the total number of different party labels contesting elections and winning seats, and in terms of the parties' internal coordination among their candidates. Both effects were already visible in the 2003 departmental and municipal elections. An odd aspect of the new system is the possibility of some parties presenting closed lists while others present open lists.

⁶⁶ The data are drawn from open-list PR systems in Brazil, Finland, Luxembourg, Poland, and Switzerland. Data and further details are available from the senior author.

⁶⁷ Over half the districts, containing over four fifths of the total seats in the House, have magnitudes in this range. Most of the rest are two-seat districts.

⁶⁸ Among the rare examples is Peru, which had a single national senate district of M=60 and open lists in 1985 and 1990, and a unicameral assembly of M=120 in 1995 and 2000. For 2001, the single chamber was districted, thereby greatly reducing magnitude and hence intra-party fragmentation.

⁶⁹ This could be done without sacrificing either the national allocation of seats to parties or the ability of party leaders to run nationwide. For instance, there could be about ten regional nominating districts, with each party presenting a ten-candidate list in each. Parties could be permitted to nominate up to five candidates who would run in every district, with the remainder required to be district residents. One seats were assigned to parties nationally, seats could be assigned within parties to nominating districts based on the contribution of that district to the party's vote total, and to candidates based on their preference votes. Various formulas could be designed to accomplish the goal of balancing national and regional representation, and while the formula would be necessarily complex, for the voter it would be simpler than confronting lists with 100 candidates each.

Different list types within one electoral system are not unprecedented. The Danish electoral system allows parties several options for how to count preference votes, although it does not permit a fully closed list (Elklit 2004). In the Colombian case, what are the implications of allowing parties to present either of two divergent list types? For those presenting open lists, the incentive to cultivate a personal vote, while lower than under the former system, will rise with magnitude (as depicted in Figure 1). For parties presenting closed lists, that incentive will decline with magnitude. Thus both houses, but especially the high-magnitude senate, may contain both very centralized and somewhat decentralized parties, and that combination may complicate intra-legislative bargaining. This is not necessarily unmanageable, but it is a potentially difficult aspect of the new electoral system that may have to be revisited in the future—for instance, by requiring all parties to present open lists, or allowing flexible, but not closed, lists. On the positive side, having parties with different types of lists could be said to maximize the voters' choice—creating, in a sense, a market for different levels of intraparty competition.

CONCLUSION

Colombia's subsequent congressional elections will be played out under a dramatically changed and improved electoral system, which debuted in 2003 for subnational assembly elections. The former system was extremely permissive of small political forces, best illustrated by the fact that some senators could be elected with less than half a percent of the national votes. In the traditional parties, this permissiveness took the form of individual candidates with small personal-vote shares, cultivated largely by the provision of government benefits targeted to regions ('pork') or individuals (clientelism), and in fierce competition with numerous copartisans. In the nontraditional parties and movements, this permissiveness meant many very small parties could gain representation, but few could move beyond identification with the personality of their leader. For a small party lacking government connections and attempting to cultivate "opinion" votes, to present multiple candidate lists would be to divide their votes and risk winning no seats. The new electoral system, by mandating a single list for each party and by pooling votes at the party level (nationally in the senate, and in each district in the house) greatly enhances the ability of parties to act collectively. It does so by doing two important things that the former system did not: (1) Ensuring that seat allocations will reflect the distribution of votes by party; and (2) Ensuring that a vote for any candidate of a party (in the case of parties presenting open lists) will aid the seat-winning potential of the party as a whole.

Of course, electoral reform is no panacea. Colombian democracy is troubled by many factors other than its electoral system. Nonetheless, the electoral system is one of the most important features in defining how a democracy functions. The former system undermined political parties, and thus reduced legislators' interest in, and capacity for, national policy-making. By increasing the role of political parties, Colombia has the chance to develop a more policy-oriented national electoral process. Not a guarantee, but the best chance in the past generation or more. In turn, the anticipated greater coherence of political parties should ease the passage of national policy reforms, including those that may one day be negotiated with demobilizing armed opponents, and it will facilitate the integration of former armed movements into party politics. The rest of Colombia's political progress is now up to its leaders and voters, but at least the electoral system has been removed as an obstacle.

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Acknowledgements

We are grateful to Monica Pachón Buitrago for research assistance, and to the many Colombians who kindly consented to be interviewed on the record for this project (and who are acknowledged individually in footnotes). We accept full responsibility for our interpretations of their remarks.

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