

## **Chile's 2015 Electoral Reform. Changing the rules of the game.**

### Abstract

In 2015, a center-left government in Chile introduced an electoral reform that replaced the binomial electoral system governing parliamentary elections since 1989 with a more proportional system. This article provides an account of the reform process, describes the new electoral law, and discusses the explaining factors of the reform. We argue, first, that it was possible due to the incentives provided by the government to secure the support of an ample majority of parliamentarians, and the emergency of a new and favourable political scenario, where the support of the main opposition parties of the Right was not necessary. Secondly, we maintain that the reform sought mainly to resolve problems affecting the parties of the governing coalition which related to the bargaining costs of forming coalition lists for parliamentary elections. As a complementary objective, it promoted a general interest by establishing rules that allow a “fairer” system of representation and improve competitive conditions.

This Country Note examines the origins of the 2015 electoral reform. Since 1989, Chile had had a binomial system by which the country was divided into 60 districts for the election of deputies (the lower chamber of Congress) and 19 senatorial districts for the election of senators. In each district, each party or pact between parties (which had to be national) could present up to two candidates. The determination of which candidate was elected as legislator was made according to the D'Hondt formula (and open lists). The new system changed the method of election substantially. First, it increased the number of deputies to 155 and of senators to 50. In the new system, the 155 deputies are

spread between 28 districts that distribute between three and eight seats each. The Senate, for its part, is made up of 15 districts that elect between two and five seats each. The new system keeps the D'Hondt formula for determining those elected.

Why did the ruling coalition (New Majority, NM) decide to reform the electoral system in this way rather than keep the binomial arrangement with which it had secured a proportion of seats far in excess of its votes in 2013 (55.6% vs. 50.6%)? How was it possible to achieve this result after 26 failed attempts to eliminate the binomial system, one of the authoritarian enclaves inherited from the Pinochet dictatorship (Garretón, 1991)? This work seeks answers to these questions.

We argue the following. First, the main factor behind the reform was the need to resolve electoral-political problems that the binomial system created for the NM, a coalition made up of seven parties<sup>1</sup>. These problems related mainly to bargaining costs associated with the number of candidates that each party would have in the coalition list. In that system, the lists or electoral pacts (the ruling coalition, for example) could present a maximum of 120 candidates nationally (two in each of the 60 districts). Consequently, the main parties of the coalition (i.e. PDC, PS and PPD) were unable to compete in every district, but had to submit to arduous negotiations in order to settle on each pair of candidates. Now, with the increased district size (averaging 5.5) and with the possibility that each ticket could have  $M+1$  candidates, the maximum number of candidates for each list or pact would be 183. The increase would mean that each party could present more of its own candidates and thus not “leave itself out” in some districts. Moreover, for the coalition's smaller parties, spaces would open to allow them to compete in more electoral districts, helping them to gain national scope. This is not to argue, however, that all the parties of the coalition and the new parties that join it in the future would increase their

representation substantially. What the reform does is open space to allow all of them to be included in the lists.

Factors speaking to the general interest, like reducing barriers of access to representation or reducing malapportionment were relevant also, but played a secondary role. None the less, the first was a central factor in the support of small parties and independent parliamentarians for the reform.

Second, the political scenario was very favourable for the reform. Seat distribution in Congress allowed the approval of the reform, without the vote of the main right-wing opposition parties, National Renewal (RN) and the Independent Democratic Union (UDI). Key was the government strategy for securing the votes, by convincing parliamentarians that the reform would not threaten substantially their chances for reelection.

The article first examines the reform process, its context, and the main issues under discussion. Second, it describes the main features of the new electoral system. Third, it discusses the objectives of the reform's promoters. Lastly, we present some conclusions.

## **THE REFORM PROCESS. How the reform was achieved.**

### **The Political and Parliamentary Scenario in 2014.**

Successive governments of the Concertation of Parties for Democracy (CPPD) between 1990 and 2010 had aspired to replace the binomial system with a more proportional formula, but every reform attempt had failed (Gamboa 2009). This was because the CPPD's proposals never gained the support of the Alliance for Chile, the opposition coalition comprising the two right-wing parties, UDI and RN. Their support

was essential given that on its own the CPPD was unable to obtain the quorum mandated by the Constitution to change the norms in question (see below). In addition, while there was consensus within the CPPD on the need for electoral reform, agreement on the specific formula to replace the binomial system was another matter.

Electoral reform was never a priority for the Alliance administration (2010-2014). Nevertheless, two important things happened during its period in office. The first was that a constitutional reform was approved (Law 20,725 of 2014) that introduced two major changes: first, it eliminated a constitutional provision establishing that the Chamber of Deputies (CD) must be composed of 120 members, allowing an increase in the number of deputies to be elected. Second, it increased the quorum required in the CD to change substantive aspects of the electoral law from 4/7 to 3/5 of the parliamentarians in office (the quorum in the Senate had already been 3/5 since the constitutional reform of 2005). The second important development was that RN and the PDC agreed on a reform of the electoral system. They proposed to increase the number of deputies from 120 to 134, while reducing the number of electoral districts for deputies to 31 (average  $M=4.3$ ), and increasing the number of senators from 38 to 44, to be elected from 15 districts with an average  $M$  of 3.1. This agreement did not prosper, but its relevance was that it was the first time a party of the right had shown interest in adopting a more proportional formula.

In 2014, the scene changed. The electoral reform had been a campaign promise of Michelle Bachelet, who had referred to “changing the present binomial electoral system for one of proportional representation” as a priority (Bachelet 2014, 34). As leader of the NM, Bachelet received 62.7% of the votes in the runoff, providing solid backing for its reform agenda. The result of the 2013 parliamentary elections predicted that the reform could pass without Alliance support: from March 2014, the NM would have 67 deputies

(out of 120) in the CD and 21 senators (out of 38, see Table 1). Assuming that the NM supported the reform, the government needed the votes of only five deputies and two senators to put an end to the binomial system. These votes were accessible given a few defections on the right (mainly the new small party, Amplitud) and the possible support of some independent legislators.

**Table 1. Composition of the CD and the Senate, 2014-2018.**

	<b>CD</b>	<b>Senate</b>
<b>NM</b>	67	21
<b>Alliance</b>	46	14
<b>Amplitud</b>	3	1
<b>Liberal Party</b>	1	0
<b>Independents</b>	3	2
<b>Total</b>	<b>120</b>	<b>38</b>

Source: Prepared by the authors with data from [www.camara.cl](http://www.camara.cl) and [www.senado.cl](http://www.senado.cl)

### **The Reform Bill and the Logic of the Redistricting.**

The NM set to work on the reform bill before the new government took office. PPD deputy Pepe Auth, PDC lawyer Patricio Zapata, and the future minister of the interior, Rodrigo Peñailillo and some of his advisors, played significant roles in this process (Interview Zapata, 2015). The government tabled its bill in Congress in April 2014. Its core elements appear in Table 2. We will analyze them in the remainder of this article, but for the moment, we will dwell on just two.

**Table 2. Electoral Reform Compared. Chamber of Deputies and Senate**

<b>Topic</b>	<b>Binomial</b>	<b>Reform Bill</b>	<b>New System</b>
<b>Seats</b>			
CD	120	155	155
Senate	38	50	50
<b>Districts</b>			
CD	60	28	28
Senate	19	15	15
<b>Magnitude</b>	CD: 2, all districts  Senate: 2, all districts.	CD: Variable between 3 and 8. Average 5.5. Update distribution by district every 12 years.  Senate: Variable between 2 and 7. Average 3.3 No update.	CD: Variable between 3 and 8. Update every 10 years.  Senate: Variable between 2 and 5. Average 3,3. No update.
<b>Allocation Formula</b>	D'Hondt	D'Hondt	D'Hondt
<b>Apparentments</b>	National apparentments allowed.	Apparentments and sub-apparentments allowed at the national level	Only national apparentments allowed
<b>Gender quotas</b>	No	- Temporary until 2029. - 40% of candidates of each party must be of same sex. - Additional reimbursement of expenses for women elected (up to 2029).	Idem
<b>Candidates by list</b>	M	Mx2	M+1

Source: prepared by the authors.

The first concerns the main arguments advanced by the government to justify the reform, namely how it contributes to strengthening the democratic system. Specifically, it argued that the reform aimed at several interconnected objectives:

a) To reduce the inequality of the vote (malapportionment). In the case of the binomial system, this was very high for the Chamber of Deputies, exceeding 17.8% when calculated using the Loosmore and Handby index. With the proposed redistricting, it dropped to 10.6%. In the Senate, on the other hand, the records show no significant changes. Moreover, by providing that the electoral authority would recalibrate the M of each district every 10 years, the new rules would prevent population changes from altering the distribution between voters and seats.

b) To increase the competitiveness of the system. The binomial system (in which each party or list could present only two candidates per district) obliged parties that were part of a coalition like the CPPD to forgo presenting candidates in some districts in order to make space for other parties. Moreover, under this system the incumbents had a broad advantage and therefore little chance of being defeated. Thus, the results were to some degree determined by the parties themselves, restricting the role of the voters. With the new rules (i.e a larger average M, and the Mx2 rule) competition would increase, as would the role of the voters.

c) To improve the representativeness of the system. The binomial system did not clearly reflect majorities and minorities. There was often sense of a “draw,” given that in many districts in races both for the CD and the Senate, the two largest coalitions won one seat each. Moreover, little space remained for candidates not belonging to either of these coalitions. Indeed, from 1989 to 2013, 97.2% of elected deputies and 99.2% of elected senators were from CPPD/NM and Alliance lists. All this would change with the new system, which would introduce more competition and uncertainty and open the possibility for other groups to reach Congress. The proposed quota system law pointed in the same

direction; in Bachelet's words it aimed to "change the current unequal gender representation in the National Congress" (Bachelet 2014a).

The second element is the logic of the proposed redistricting. The government was clear from the beginning that those voting on the reform would be incumbent legislators, and for this reason, the formula governing new districts and their sizes must not threaten their chances of re-election. The government calculated that three central considerations would reduce the incumbents' uncertainty:

a) Redistricting was based on the existing districts and for this reason the new districts did not affect the established territorial limits. For one thing, the proposal either preserved the existing districts or fused some of them together. For another, to make the proposal more attractive for parliamentarians (especially in the CD), the M of all the new districts was increased by at least 1 (compared with the M they had under the binomial system). Thus, for example, in the districts that are preserved (which are four), the M increased from 2 to 3, while the fused districts (which are 24), have an M that is at least 1 more than the M they would have had by simple fusion. A similar logic was followed in the Senate, except for the remotest regions, which kept to M=2. Overall, even though the proposal is not an improvement for those parliamentarians, it did not prejudice their chances of re-election.

b) The executive made it clear that the redistricting did not threaten the re-election of the great majority of parliamentarians. Table 3, which is based on simulating how many parliamentarians (per party) would be elected if they received the same number of votes as in the 2013 election in their new district, shows extremely high percentages of (eventual) re-election. In the case of the NM, the reform predicts the re-election of 91% of its deputies. The highest value was for the PDC, which would retain 95.2% of its seats,



and the lowest for the PRSD and the PC, with 83.3%. In the case of the Alliance, which did not support the reform, the rate of retention would be 87.7%.

**Table 3. Number and percentage of deputies who would retain their seats under the new electoral system**

	<b>Present deputies</b>	<b>Deputies who retain their seats</b>	<b>Retention %</b>	<b>New deputies</b>	<b>Total</b>
PDC	21	20	95.2	8	28
PPD	15	13	86.6	5	18
PS	15	15	100	5	20
PRSD	6	5	83.3	3	8
PC	6	5	83.3	4	9
Independents	4	3	75	1	3
NEW MAJORITY	67	61	91	25	86
UDI	29	25	86.2	14	39
RN	19	17	89.4	6	23
Independents	1	0	0	1	1
ALLIANCE	49	43	87.7	21	64
OTHERS	4	4	100	1	5
TOTAL	120	107	89.1	47	155

Source: prepared by the authors with data from [www.servei.cl](http://www.servei.cl) and Law 20,840.

c) Last but not least, there was an important effort to avoid the fusion of districts placing deputies of the same party in competition with one another. Of the 24 new districts built out of the fusion of existing districts, in only 10 was there a “clash” of deputies from the same party (see Table 4). In eight of these cases, the clash resulted from the fusion of districts within the same region, other than the metropolitan region. This was difficult to avoid given the decision to construct districts by fusing existing ones, together with constitutional requirements that districts must be within the same region. The Metropolitan Region, for its part, went from 16 districts (under the binomial

system) to seven, so there was a greater chance of clashes between deputies of the same party. In this sense, it is well known that the districts were drawn on political criteria: of the seven new districts, in only two were there clashes.

**Table 4. Old districts, representatives, and new districts**

New District	Previous Districts	Region						
			Deputy 1	Deputy 2	Deputy 3	Deputy 4	Deputy 5	M
1	1	XV	PS					3
2	2	I	PC					3
3	3, 4	II	PRSD	PRSD				5
4	5, 6	III	PC	PDC	ILC	PRSD		5
5	7, 8, 9	IV	PDC	PS	PS	PPD	PC	7
6	10, 11, 12	V	PPD	PS	PS			8
7	13, 14, 15	V	PPD	PDC	PDC			8
8	16, 20	RM	PPD	PDC				8
9	17, 18, 19	RM	PPD	PC	PPD			7
10	21, 22, 25	RM	PS	PPD	PDC			8
11	23, 24	RM	PDC					6
12	26, 29	RM	PC	PS				7
13	27, 28	RM	PC	PPD	PS			5
14	30, 31	RM	PS	PS				6
15	32, 33	VI	PDC	PS	PPD			5
16	34, 35	VI	PDC					4
17	36, 37, 38	VII	PDC	PDC	ILC			7
18	39, 40	VII	PPD	PPD				4
19	41, 42	VIII	PDC	PRSD	PPD			5
20	43, 44, 45	VIII	PDC	PS	PPD	PDC		8
21	46, 47	VIII	PRSD	PS	ILC			5
22	48, 49	IX	PDC	PDC				4
23	50, 51, 52	IX	PDC	PPD	PRSD			7
24	53, 54	XIV	PPD	PDC				5
25	55, 56	X	PS	PDC				4
26	57, 58	X	PDC	PS				5
27	59	XI	ILC					3
28	60	XII	PDC					3

Source: prepared by the authors with data from [www.servel.cl](http://www.servel.cl). This table shows the

districts in which there is a clash between deputies of the same party. Deputies are listed going

from the most voted to the least voted, and the M of the new district is indicated. \*ILC= Independent of the NM.

In this way, apart from providing parliamentarians with “guarantees of re-election,” the new design sought to “minimize” competition between deputies of the same party. In this context, except for a few exceptions that we will discuss later, legislators reacted positively to the proposed redistricting. This was precisely due to the efforts expended in reducing the levels of uncertainty incumbents might feel when confronted by the reform bill.

### **Main Issues in the Legislative Debate.**

The government developed an effective strategy to advance the reform. It aimed first to reach an agreement in the CD and from there to move the debate to the Senate. In this, it was successful. The CD approved the bill in August 2014 thanks to the votes of the NM, some independent parliamentarians, and Amplitud, a party consisting of former RN members. RN and UDI remained somewhat distant from the discussion since its votes would not be necessary for the reform to pass. Its members opposed the bill using two arguments: firstly, an increase in the number of parliamentary seats was unnecessary and would increase government expenditure, and, secondly, the drawing of the new districts was “customized” for the NM (El Mercurio, January 14, 2015).

The bill approved in the CD retained the core elements of the original bill, in particular the redistricting proposal and the seats to be elected by district. However, three critical points needed addressing before the reform could advance.

Within the NM, the first and most important point of contention was whether to allow the formation of sub-apparentments within each list.<sup>2</sup> The PPD and PS supported this idea, which was included in the bill, but the PDC categorically rejected it (interview Zapata, 2015). Despite being the largest party of the coalition, the PDC suspected that with this formula the leftist parties (PS, PPD and PC) would form a sub-apparentment against it (which would command more votes than the PDC) thus affecting the number of seats it could obtain. The PDC's argument is explained in Table 5, which shows the distribution of seats in a “no sub-apparentment” scenario, and in another with two sub-apparentments (one of the PDC and the other of the NM's left-wing parties). The simulation supposes that the apparentment gains five seats. In the “no sub-apparentment” scenario, the PDC (Party 1) gains two seats. In the “with sub-apparentment” scenario, it gains only one.

**Table 5. Operation with apparentments and sub-apparentments**

Scenario A- No sub-apparentment			Scenario B- With sub-apparentments		
	% of total votes of the list	Seats to be elected		% of total votes of the list	Seats to be elected
Party 1	32	2	Sub-app. A: Party 1	32	1
Party 2	16.5	1	Sub-app. B: Parties 2,3,4 and 5	68	4 (1 each party)
Party 3	11.5	-			
Party 4	18	1			
Party 5	22	1			

Source: Prepared by the authors

The government understood that for the PDC this was a “casus belli” and had to agree to its petition if it wanted to count on the PDC's vote. In the event, the issue of the sub-apparentments was kept out of the discussion (La Tercera, August 29, 2014).

The second issue concerned the number of candidates that each list could present. The original proposal of Mx2 (intended to solve the problem of the distribution of candidates among the NM parties) was strongly criticized and finally replaced by M+1, after independent deputies and the government reached an agreement (interview Zapata, 2015). According to the independent deputies, the Mx2 rule would lead to the presentation of too many candidates, and favor the best-resourced parties at the expense of independents. This would be a particularly critical factor in the largest districts. For example, in an M=8 district, each list could compete with 16 candidates. In effect, the independent candidate—who is a list to himself— would be competing against at least 32 candidates. In this context, the independents would “disappear from view” in campaigns, greatly reducing their electability—considering, moreover, that the votes of the candidates of each list are added together to determine the winners (Cámara de Diputados 2014, 159). In this situation, the government felt obliged to give way and agreed to the M+1 rule. This was certainly not an ideal situation from the point of view of the NM parties, who were looking for more space in the lists to resolve their bargaining problems. However, M+1 was not a bad solution either, as it notably improved their situation when compared to the binomial set-up (see below).

Finally, even though the original bill did not contemplate a change in the requirements for forming parties (and thereby for competing in elections), the CD introduced two changes. The first was to allow the formation of parties in a single region. The other was to reduce the percentage of signatures needed to form a party, from 0.5% to 0.25%, according to electoral participation in the immediately preceding election of deputies. These changes, which lowered the entrance barriers to electoral competition, were the outcome of negotiations between the government, Amplitud and independent

parliamentarians, whose support was essential to pass the reform (El Mercurio, July 1, 2014). Thus, the risk of a greater fragmentation of the system was a price the government and NM had to pay to end the binomial era.

With the bill approved in the CD, the debate moved to the Senate. The government was open to certain changes, but under no circumstances would it accept changes to the redistricting approved in the CD (interview Zapata, 2015). Thus, the senators introduced only one substantial change. The bill originally proposed that the Metropolitan Region (which has 39.6% of the voters) would elect seven senators, while the Antofagasta region (Region II, with 3.3% of voters) and the Los Ríos region (Region XIV, with 2.2%) would each elect two. The NM senators from Antofagasta, possibly nervous about their chances of re-election and arguing that regional representation should be strengthened, demanded that the M of their region should be increased by 1. So as not to place the reform at risk, while avoiding increasing the number of senators beyond 50, the government agreed to the request, removing two senators from the Metropolitan Region and adding one each to Antofagasta and Los Ríos. The government thereby secured the final approval of the bill (January 2015).

Having lost the vote, RN and UDI played their last card, appealing to the Constitutional Court to declare some aspects of the reform unconstitutional. Among other arguments, they maintained that the redistricting approved did not respect equality of the vote, in that there were some districts with significant differences in the number of seats up for election, despite having similar populations (Tribunal Constitucional 2015). Nevertheless, the Court confirmed the constitutionality of the bill. The reform was promulgated in April 2015 (law 20.840).

## **THE RESULT: THE NEW ELECTORAL SYSTEM**

Having traced the reform's path through the Congress and discussed its main features, we will now summarize its specific elements:

a) The number of parliamentarians to be elected was increased from 120 to 155 in the CD and from 38 to 50 in the Senate.

b) 28 new districts were drawn for the election of the CD, which replace the 60 existing ones. In the binomial system, each district elected two deputies. In the new system, a district magnitude is established that varies between 3 and 8 (see Table 6). This distribution of the district M (not of the total number of seats to be elected) is to be reviewed every 10 years by the electoral authority, which may reassign the M of each district according to its proportion of the population. In no case may districts have less than three or more than eight deputies.

c) For the election of the Senate, the number of senatorial districts is reduced from 19 to 15, also with a variable M, but in this case between 2 and 5. This change leaves the binomial system essentially unchanged for five districts (Table 7).

d) Unlike the binomial system, each list may include as many candidates as there are seats up for election, plus one. This is known as the "M+1" rule. As before, the lists are open.

e) Apparentments (electoral pacts between parties) at national level are allowed, but not sub-apparentments.

f) For the first time in Chile, gender quotas apply to party lists: Neither male nor female candidates can exceed 60% of the total number of candidates presented by a party. In addition, the amount of the state reimbursement for each vote received for women candidates is increased. Finally, political parties will receive a bonus of about US\$20,000



for each woman elected, whether as deputies or senators. These rules are applicable only for the 2017, 2021, 2025 and 2029 elections.

g) The requirements for creating parties change. Until 2014, the number of signatures parties had to collect was equivalent to 0.5% of the voters in the last election of deputies in eight of the 15 regions, or in three geographically contiguous regions. Only by meeting this condition could they present candidates in the respective region. The reform allows the establishment of parties in a single region and with only 0.25% of the signatures, but they can only present candidates in the regions in which they are registered.

**Table 6. Districts and Seats: Chamber of Deputies**

<b>New District</b>	<b>Previous Districts</b>	<b>Estimated Population 2012</b>	<b>Total seats</b>	<b>% district population</b>	<b>% district seat</b>	<b>Sub and over representation</b>
<b>1</b>	1	213595	3	1.3	1.9	0.6
<b>2</b>	2	298257	3	1.8	1.9	0.1
<b>3</b>	3, 4	542504	5	3.3	3.2	-0.1
<b>4</b>	5, 6	290581	5	1.8	3.2	1.4
<b>5</b>	7, 8, 9	704908	7	4.3	4.5	0.2
<b>6</b>	10, 11, 12	888146	8	5.4	5.2	-0.2
<b>7</b>	13, 14, 15	835401	8	5.0	5.2	0.2
<b>8</b>	16, 20	1363135	8	8.2	5.2	-3
<b>9</b>	17, 18, 19	903007	7	5.4	4.5	-0.9
<b>10</b>	21, 22, 25	960974	8	5.8	5.2	-0.6
<b>11</b>	23, 24	795088	6	4.8	3.9	-0.9
<b>12</b>	26, 29	1167049	7	7.0	4.5	-2.5
<b>13</b>	27, 28	619892	5	3.7	3.2	-0.5
<b>14</b>	30, 31	874707	6	5.3	3.9	-1.4
<b>15</b>	32, 33	512162	5	3.1	3.2	0.1
<b>16</b>	34, 35	360348	4	2.2	2.6	0.4
<b>17</b>	36, 37, 38	641300	7	3.9	4.5	0.6
<b>18</b>	39, 40	322318	4	1.9	2.6	0.7
<b>19</b>	41, 42	510013	5	3.1	3.2	0.1
<b>20</b>	43, 44, 45	919070	8	5.5	5.2	-0.3
<b>21</b>	46, 47	536116	5	3.2	3.2	0
<b>22</b>	48, 49	284005	4	1.7	2.6	0.9
<b>23</b>	50, 51, 52	623328	7	3.8	4.5	0.7
<b>24</b>	53, 54	363887	5	2.2	3.2	1
<b>25</b>	55, 56	322716	4	1.9	2.6	0.7
<b>26</b>	57, 58	462453	5	2.8	3.2	0.4
<b>27</b>	59	98413	3	0.6	1.9	1.3
<b>28</b>	60	159102	3	1.0	1.9	0.9
<b>Total</b>		<b>16572475</b>	<b>155</b>	<b>100</b>	<b>100</b>	

Source: prepared by the authors from official data from the 2012 census and Law

Nº 20,840.

**Table 7. Senatorial Districts and Seats**

<b>New districts from north to south</b>	<b>Previous districts</b>	<b>Estimated Population 2012</b>	<b>Total seats</b>	<b>% senatorial district population</b>	<b>% senatorial district seat</b>	<b>Sub and over representation</b>
<b>XV</b>	1	213595	2	1.3	4.0	2.7
<b>I</b>	1	298257	2	1.8	4.0	2.2
<b>II</b>	2	542504	3	3.3	6.0	2.7
<b>III</b>	3	290581	2	1.8	4.0	2.2
<b>IV</b>	4	704908	3	4.3	6.0	1.7
<b>V</b>	5, 6	1723547	5	10.4	10.0	-0.4
<b>RM</b>	7, 8	6683852	5	40.3	10.0	-30.3
<b>VI</b>	9	872510	3	5.3	6.0	0.7
<b>VII</b>	10,11	963618	5	5.8	10.0	4.2
<b>VIII</b>	12,13	1965199	5	11.9	10.0	-1.9
<b>IX</b>	14,15	907333	5	5.5	10.0	4.5
<b>XIV</b>	16	363887	3	2.2	6.0	3.8
<b>X</b>	17	785169	3	4.7	6.0	1.3
<b>XI</b>	18	98413	2	0.6	4.0	3.4
<b>XII</b>	19	159102	2	1.0	4.0	3.0
<b>Total</b>		<b>16572475</b>	<b>50</b>	<b>100</b>	<b>100</b>	

Source: prepared by the authors from official data from the 2012 census and Law N° 20,840.

## **WHY THIS REFORM? INTERESTS BEFORE VALUES**

Now that we have analyzed the reform process and described its final content, we shall discuss the real objectives its backers hoped to achieve.

First, the evidence indicate that the main factor behind this reform was the NM's need to resolve a substantial problem related to the negotiations of coalition lists. In the meetings of experts, some of which leaked to the press (Revista Qué Pasa, April 30, 2014), a central talking point was how to guarantee the survival of the center-left coalition. In the opinion of participants, this depended on raising the average M and an

increase in the number of candidates that each coalition could present. In this way, the new system would guarantee that the parties in the pact could compete with at least one candidate in the majority of districts, thus reducing internal party tensions and quarrels within the coalition over the selection process.

Being a coalition of many parties (the NM includes seven, while the CPPD had four) and with only 120 seats in the CD and 38 in the Senate for distribution, negotiations had become particularly arduous. Moreover, parties had to drop out in some districts, thereby losing their ties with the electorate and leaving some potentially good candidates out of the race. Thus, for example, in 2013 the PDC competed with candidates in districts representing 64.5% of the population, decreasing to 40.7% in the case of the PS, 39.7% for the PPD, 17% for the PRSD and 15.5% for the PC. The percentages were higher in the Alliance due to the binomial system in which an RN candidate and another from the UDI generally competed. Thus, RN competed in districts equivalent to 84% of the population, rising to 95% in the case of the UDI. Table 8 shows the number of candidates with which each party competed in elections for deputies from 2001-2013.

**Table 8. CPPD–NM candidates presented and elected, 2001-2013. Chamber of Deputies**

Party/ Year	2001		2005		2009		2013	
	P	E	P	E	P	E	P	E
PDC	54	24	60	21	39	19	38	22
PPD	24	21	27	22	27	18	25	15
PS	21	11	24	15	24	11	24	15
PRSD	14	6	9	7	14	5	12	6
PC	-	-	-	-	9	3	8	6

P= Presented. E= Elected. Source: Prepared by the authors with data from

[www.servei.cl](http://www.servei.cl).

The number of seats now up for election and the average  $M$  per district (except for five senatorial districts) is much higher, and the lists can include a number of candidates equal to  $M+1$ . Up until 2013, the lists could present a maximum of 120 candidates (in the CD), but with the reform the number rises to 183, an increase of 52.5%. In most districts, parties would no longer need to drop out, lessening the tension of intra-coalition negotiations. The same at intra-party level.

We would add another consideration, hardly a minor one: as new groupings within the center-left emerge (as has been the case in recent years), more space is available for them to join the coalition, and thereby it avoids wasted votes. To use a colloquialism of Chilean politics, with the new reform “everyone is inside.”

Having said this, were other factors, such as those linked to general interests, also relevant? Let us look first at the issue of proportionality. Despite the public discourse and the probability that the increase in the average  $M$  per district would result in greater proportionality (Farrell 2001, 161; Lijphart 1994, 48), we do not believe that this was a major reason for the NM to seek reform of the rules. As Table 9 shows, from 2001 onwards (and before as well), in every year the CPPD had a higher proportion of seats than of votes, both in the CD and the Senate.<sup>3</sup> In the case of the Alliance, the disproportion was even greater, especially in the Senate. Those prejudiced under the binomial system were the parties that competed from outside the big coalitions (especially the PC until 2005). In fact, in terms of the proportionality of the representation of the two coalitions, the evidence shows that the binomial system did not prejudice the CPPD/NM. Furthermore, in 2013 the NM was over-represented by 8.2 points in the CD and 9.4 points in the Senate, surpassing even the right. With the reform, there would be no improvement on this.

**Table 9. Difference between the percentage of seats and votes (disproportionality) by coalition, 2001-2013**

	2001		2005		2009		2013		New System
	CD	S	CD	S	CD	S	CD	S	CD
CPPD/NM	3.8	2.3	2.4	5.7	3.2	0.4	8.2	9.4	-0.3
Alliance	3.2	8.6	6.3	-1.9	4.9	5.2	4.6	-3	0.5
Others	-7	-10.9	-8.7	3.8	-8.1	5.6	-12.8	-6.4	0.1

CD=Chamber of Deputies. S=Senate. Source: Prepared by the authors with data

from [www.servel.cl](http://www.servel.cl).

Thus the proportionality issues of the binomial system (derived from its M=2 feature) did not significantly affect the NM as a whole, or the Alliance. Rather, it always prejudiced third political groupings; so the evidence suggests that resolving this problem cannot have been the NM's chief goal. Even so, we cannot be completely sure that this idea was not present, especially in order to avoid the occurrence of a tremendously disproportionate result in the future. Moreover, the NM knew that the 2013 result would not necessarily occur again: in 2001, with the same percentage of votes, the NM obtained five less deputies. We conclude that this consideration was not a primary factor in the NM's campaign for reform, but indeed was a secondary factor.

Secondly, the introduction of gender quotas, regardless of how successful the mechanism turns out to be, is undoubtedly aimed at increasing the presence of women in the legislature (Jones et. al, 2012), which is very low despite an increase in recent years.<sup>4</sup> Since her first presidential term (2006-2010), the adoption of measures to reduce gender inequalities has been a constant feature of Bachelet's political discourse (PNUD 2014, 231), and there can be no doubt that her concern to increase the representation of women in the Congress was genuine. Even so, quota laws could have been adopted just as well under the binomial system. Although gender quotas worked well as a general interest

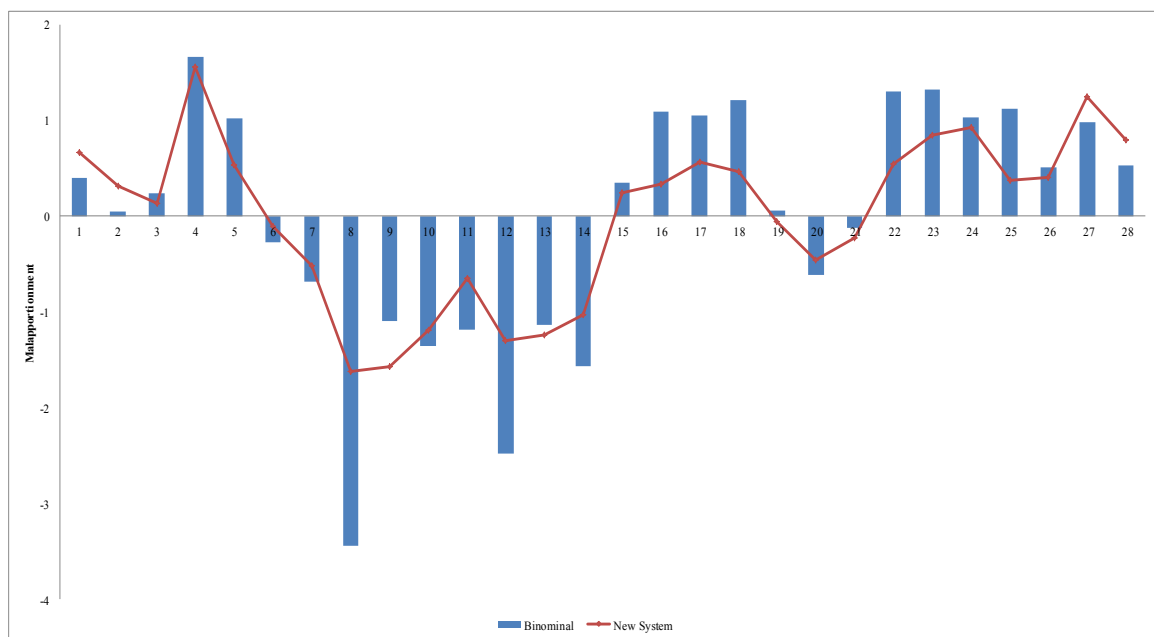
argument in promoting the reform, at a strategic level they did not have the same influence.

Lastly, one of the administration's arguments in defense of the reform was the need to address the problems of malapportionment. We do not believe that this was a main reason for the reform as it only partly solved the problem. In fact, in the case of the Chamber of Deputies the result was indeed very positive (see also Carey 2015). Even when the new districts were defined based on the pre-existing ones the reform reduced the malapportionment considerably: it fell from a ratio of 17.8% to 10.6% (calculated using the Loosemory and Handby index).

This met one of the stated objectives of the reform: increasing equality of the vote. Figure 3, which compares both systems, shows the improvement, particularly in the central zone of the country and specifically in the Metropolitan Region (new districts 8 to 14). The vertical axis shows the value corresponding to the difference between the percentage of the population of each district and the percentage of seats assigned to it. A positive difference indicates that the district in question is “over-represented”, that is, the number of seats it elects is above the relative weight of the population of that district. A negative difference indicates that the district is “under-represented.” The bars show the calculated values taking the 28 districts and 120 seats distributed in the binomial system. Although there were 60 districts in the binomial system, we perform the calculation on the 28 new districts in order to allow a comparison with the new electoral system. The line shows an identical calculation but for the new electoral system.

Naturally, the geographical distribution of malapportionment is similar in both systems given that the new design is based on the earlier one. Equally, we note a slight worsening of malapportionment in the remote zones of the country, which is explained by an increase in their over-representation (remember that all now elect at least one extra deputy).

**Figure 3. Malapportionment with the binomial system and the government proposal**



Source: Authors' calculations with data from [www.servei.cl](http://www.servei.cl) and the 2012 census.

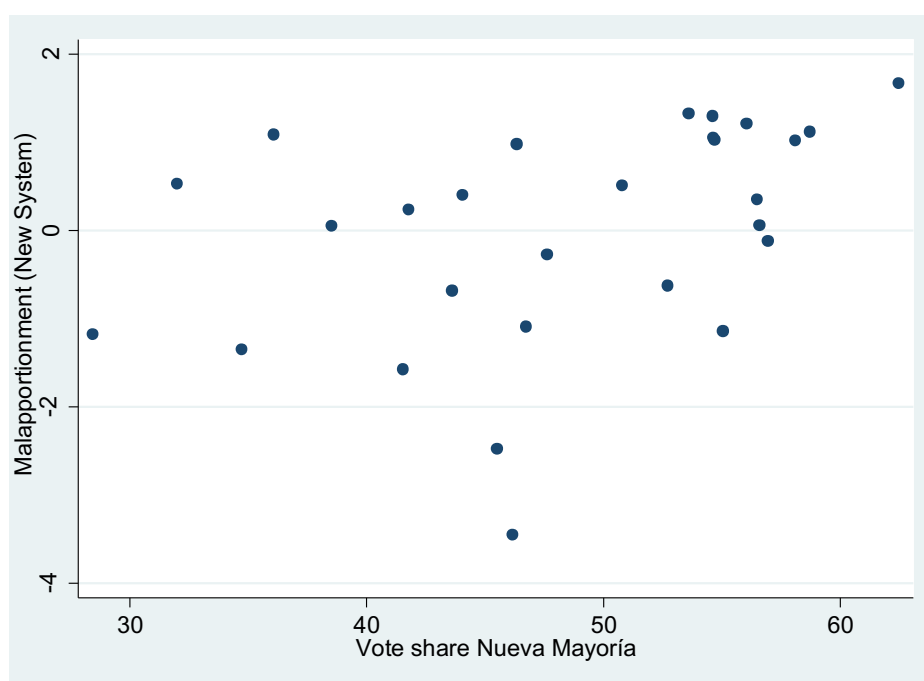
However, the result was not good in the Senate, in which the binomial was maintained for 5 out of 15 regions: under the binomial system, malapportionment had a value of 30.7%, whereas under the new system it increased to 32.6%.

Thus, even though the objective was met at one level, at another it clearly was not, suggesting that this could hardly have been a central goal of the reform.



On this point, an additional comment: the evidence does not support the opposition's allegation that the redistricting was "made to measure" for the NM. Figure 4 shows that the correlation between the levels of over-representation and under-representation per district, and the percentage of the NM's votes in the 2013 election of deputies is close to zero, and thus does not necessarily favor the NM ( $r=0.3$ ;  $p=0.1$ ).

**Figure 4. Correlation between the percentage of votes of the New Majority and malapportionment per district**



Source: Prepared by the authors from official results with data from [www.servel.cl](http://www.servel.cl).

## CONCLUSIONS

This article analyzed the Chilean electoral reform of 2015. In the first place, we showed that the NM's need to resolve problems caused by the binomial system was a major explanatory factor of the reform. In particular, we noted the difficulties the selection of candidates caused, given the number of the NM's component parties and how this was often the subject of arduous and exacting negotiations. The new system largely resolved these problems by having a higher average M and allowing for more candidates in each list than seats to elect. At the same time, it would help to lessen intra-party conflicts.

Secondly, factors speaking to the general interest were relevant also, but less importantly so. The reform favors competition and lowers the barriers of access to representation, which was a central factor in the support of small parties and independent parliamentarians for the reform. We have discounted proportionality as a primary objective as this was not a major problem for the NM under the binomial system. Nevertheless, we cannot rule out that this was a secondary objective of the reform. Equally, although the amount of malapportionment fell, this was only the case for the Chamber of Deputies.

Finally, this reform process also points to a basic truth. When incumbents vote on electoral reforms, proponents of the reform must have sufficient clarity about the distribution of incentives. In the first place, the incumbents must improve, or at least not worsen, their chances of re-election. Secondly, the drawing of the new districts must not be unduly "invasive," so that the incumbent can feel secure about re-election with the new formula. The Chilean experience shows just how important gaining the loyalty of incumbents is in carrying out electoral reforms.

This new electoral system will make its début in the 2017 legislative elections. Only then will we be able to analyze what the results reveal about the capacity of the traditional parties to retain their seats, party fragmentation, the impact of the quota law, the effect of the suppression of sub-apparentments, and so on. In practice, we will be able to see how close the reformers' expectations were to the actual electoral results.

## NOTES

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<sup>1</sup> The New Majority is, since 2013, the successor of the Concertation of Parties for Democracy, which four main parties were the Christian Democrat Party (PDC), the Socialist Party (PS), the Radical Social Democratic Party (PRSD) and the Party for Democracy (PPD). The NM includes the same parties plus the Communist Party (PC), and other two small leftist parties (MAS and Izquierda Ciudadana). The Concertation governed from 1990 to 2010.

<sup>2</sup> Apparentments refers to the mechanism by which two or more parties competing in an election agree to form a single list. By doing so, they seek to combine their votes and eventually win more seats. A sub-apparentment consists of the combination of the votes of two or more parties within an apparentment aimed at maximizing their chances of winning more seats within the apparentment. For details of their effects, see Lijphart (1994, 134-138).

<sup>3</sup> However, it is worth noting that within each apparentment there were significant cases of disproportionality. For example, in 2009, with 22.6% of the vote the UDI obtained 39 deputies (32.5%). Something similar occurred with the PDC in 1997 (23% of the votes and 30.8% of the seats).

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<sup>4</sup> In 2014, only 18.4% of the senators and 15.8% of deputies were women (PNUD 2014, 203).

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