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Curious Accord Reignites Debate on Chile’s Binomial Election Rules

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Just when it looked like Chile’s weary President Sebastián Piñera might finally enjoy something of a summer respite, an intracoalition blowout regarding the country’s controversial binomial electoral law has put him back in the political hot seat.

The southern summer began on a positive note for the struggling president. In late December, disgruntled student leaders decided to give themselves—and the fatigued Piñera administration—a much needed break, calling for a temporary halt to what had been eight relentless months of street demonstrations (NotiSur, Jan. 13, 2012). The conservative president barely had time to catch his breath, however, when a surprising accord announced by the center-right Renovación Nacional (RN) and the opposition Partido Demócrata Cristiano (DC) forced an entirely new kind of political crisis onto his plate.

Piñera, a former RN head, leads the two-party Alianza coalition, which also includes the far-right Unión Demócrata Independiente (UDI). Chile’s main opposition coalition, the Concertación, is made up of the Partido Socialista (PS), Partido por la Democracia (PPD), Partido Radical Social Demócrata (PRSD), and the more centrist DC.

The RN-DC agreement, delivered in the form of a Jan. 18 proposal, the Nuevo Régimen Político para Chile, calls for an extreme makeover of Chile’s political system, suggesting among other things that future presidents share leadership duties with a prime minister. The proposal also addresses Chile’s peculiar binomial system for electing parliamentary representatives, saying it should be modified to be more "proportional." The current system, according to the proposal, has created a "representation crisis."

"Democracy always needs to be perfected and deepened," the proposal reads. "It follows logically that our political regime is in need of a change. Nearly a quarter century has gone by since democracy returned, and there is an indispensible need to evaluate and come up with clear proposals."

Stacking the deck

Designed during the dictatorship of Gen. Augusto Pinochet (1973-1990), the binomial system dictates that opposing coalitions present two candidates each for every congressional district. The top vote-getter automatically wins a seat. If the second-place finisher hails from the same political grouping, he or she wins the district’s second seat only if the vote total of both coalition candidates doubles that of their two opponents. Otherwise, the second seat goes to the top vote-getter from the opposing coalition—even if that candidate finished third in actual number of votes.

Backers of the system say it ensures political balance and thus stability. Critics say it distorts the real desires of voters. In Chile’s first post-Pinochet congressional elections, for example, the Concertación ran two candidates for the western Santiago district: Andrés Zaldívar and Ricardo
Lagos. The right—under the banner Democracia y Progreso—ran Jaime Guzmán and Miguel Otero. Zaldívar and Lagos finished first and second, respectively, both with more than 30% of the vote. They fell just short, however, of doubling the total number of votes earned by Guzmán and Otero, meaning the second seat went to Guzmán, who won just 17% of the vote, rather than to the more popular Lagos. Guzmán, the intellectual founder of the UDI party and one of the Pinochet collaborators responsible for designing the binomial system, was assassinated two years later. Lagos went on to be president (2000-2006).

Since Chile’s return to democracy, a total of 86 congressional representatives—19 senators and 67 deputies—have similarly benefited from the binomial system, according to research by the Chilean daily El Mercurio. Of those, 62 hailed from the conservative Alianza coalition, also known as the Coalición por el Cambio. One was an independent—ex-deputy Eduardo Díaz del Río—and 23 were from the Concertación. Currently, 13 members of Congress are binomial beneficiaries, including three senators: Jovino Novoa (UDI), Carlos Kuschel (RN), and Fulvio Rossi (PS).

As the numbers demonstrate, the system has historically been of greater benefit to the political right. The Concertación administrations that governed Chile for two decades prior to President Piñera’s 2010 election tried repeatedly to negotiate changes to the election rules. Their efforts, however, were thwarted by stiff opposition on the right, which for obvious reasons was keen to maintain the status quo.

"As president of Chile, we negotiated [the binomial system] with the UDI for six months. And after six months, their answer was ‘no,’" ex-President Lagos reminded reporters following a Dec. 27, 2011, meeting with Piñera. "I told the president that this system is a cancer."

"The votes are there"

From the perspective of its many critics, the binomial rule is a veritable catch-22. To do away with it, the left would need a larger majority in Congress. But as long as the system remains in place, the Concertación is unlikely to ever attain that majority. The left, in other words, has its hands tied on the issue—unless it can draw at least some support from within the conservative Alianza coalition.

Until last month, that possibility seemed remote at best. Why, after all, would the right support changes to a system that has proven so beneficial through the years? The recent student uprising has shifted opinions, however, even among some conservative politicians, who are beginning to draw links between the widespread social unrest and the country’s skewed congressional election system.

"It seems obvious that we have to reinforce our institutions given there’s a certain disregard for them on the social and political levels. There ought to be more widespread participation by people who are interested in politics," RN president Sen. Carlos Larraín told La Segunda.

Sen. Larraín is hardly a progressive. At one point last year, he referred to members of the education-reform movement as "useless subversives." He is also notoriously homophobic (NotiSur, Aug. 27, 2010). Yet, when it comes to the polemical binomial election rule, he has decided to shuffle left, indicating via last month’s RN-DC accord that his party is willing to break rank with the more conservative UDI and at least negotiate the matter.

"Here is a clear and powerful show of political willingness that demonstrates that the votes are there," ex-President Eduardo Frei (1994-2000), now a DC senator, said of the RN-DC proposal. "I
believe that today the solution is in the hands of the president, of the administration, which ought to present a bill and initiate a debate."

"It’s the first time that a party from the right has opened itself up to this possibility," Sen. Frei, Piñera’s opponent in the 2010 election, added. "For 20 years, we never had the majority in Congress to [modify the binominal system]….It’s a unique opportunity."

Shifting priorities

It is not, however, an opportunity President Piñera looks poised to seize. Piñera’s Interior Minister Rodrigo Hinzpeter, an RN stalwart, initially praised the RN-DC accord as contributing to a "public debate that benefits our society." But within hours—following a barrage of criticism from UDI leaders who accused their Alianza partner of undermining their coalition—the administration began changing its tune.

"In a democracy, all efforts at dialogue and conversation are appropriate," Hinzpeter told reporters later that evening. "But for right now, the government thinks it’s a priority...to discuss [electoral changes] within the Coalición por el Cambio first, to come to an agreement within the coalition, and later discuss it with other political groups and debate it in Congress."

Concertación leaders say that, in private, Piñera has expressed a real willingness to change the binominal system. The issue came up repeatedly during a series of tête-à-têtes he organized in late December and early January with his Concertación predecessors. The president’s overtures even earned him a pat on the back from Organization of America States (OAS) Secretary-General José Miguel Insulza.

"I congratulate the president for taking the bull by the horns," Insulza, who held several ministerial posts during the Concertación’s 20-year period of government control (1990-2010), told CNN Chile. "The truth is, neither the Concertación nor the Alianza can [change the binomial voting system] alone, because neither has the votes to do it."

But as the dust-up regarding the RN-DC accord demonstrated, Piñera cannot have things both ways. He cannot expect to reach across the political aisle and work shoulder to shoulder with Concertación leaders and at the same time maintain a viable partnership with the far-right UDI. The latter simply will not let him.

"The president isn’t a referee, but he is the leader of the coalition, and it’s on him to strengthen it right now," Sen. Víctor Pérez, the UDI’s secretary-general, told Radio Cooperativa shortly after news of the RN-DC agreement broke. "That’s why we’re waiting on the Ministerio del Interior to take measures allowing us to overcome this difficulty."

Piñera heeded the call by saying in a Jan. 30 interview with El Mercurio that "other priorities are more urgent than changing the binominal system." The president referred to the issue again the following day, telling reporters that his main priorities for 2012 will be education, health care, and crime. At the same time, however, he plans to "promote dialogue and the search for agreements so that, in a healthy and solid way, our country can perfect its electoral system."

For now at least, the president’s comments appear to have appeased the UDI leadership, which is willing to "perfect" the binominal system—provided efforts are not made to eliminate it. Piñera’s
verbal acrobatics, however, triggered a new round of attacks from the left, which insists he is being "held hostage" by the UDI.

"I think we Chileans have to make an effort to give the president a bit of time," PS president Osvaldo Andrade told reporters on Jan. 31. "It seems like he really needs a vacation. I’d suggest that we wait until he returns from his summer holidays. Maybe after he’s had a chance to relax he’ll be able to come up with a proposal that’s a little more concrete."

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