



**Options for reforming Chile's electoral system**  
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**I. Principles of Electoral System Choice**

**The choice of electoral system is one of the most important institutional decisions for any democracy.** In almost all cases the choice of a particular electoral system has a profound effect on the future political life of the country concerned. Electoral systems, once chosen, often remain fairly constant as political interests solidify around and respond to the incentives presented by them. The choices that are made may have consequences that were unforeseen as well as predicted effects. In short, **electoral systems are today viewed as one of the most influential of all political institutions, and of crucial importance to broader issues of governance.**

**Electoral system choice is a fundamentally political process, rather than a question to which independent technical experts can produce a single 'correct answer'.** The consideration of political advantage is almost always a factor in the choice of electoral systems. Calculations of short-term political interest can often obscure the longer-term consequences of a particular electoral system.

**The choice of electoral system can have a significant impact on the wider political and institutional framework: it is important not to see electoral systems in isolation.** Their design and effects are heavily contingent upon other structures within and outside the constitution. Successful electoral system design comes from looking at the framework of political institutions as a whole: changing one part of this framework is likely to cause adjustments in the way other institutions within it work.

**In presidential and semi-presidential democracies, the electoral systems for the presidency and the legislature need to be**

**considered together**, although the different roles of the president and the legislature bring different factors into play in making the two choices of system. The synchronization or otherwise of the elections and the provisions which may encourage or discourage fragmentation of parties and the relationship between parties and elected members should be considered at the same time.

## **II. Many Options, Key Principles**

One of the clearest conclusions drawn from IDEA's study of electoral systems is simply the range and utility of the options available. There is a huge range of worldwide comparative experience. Here is a summary of those principles that are more relevant in the case of Chile.

### ***Remember It's Part of an Overall Institutional Framework***

It cannot be said too often that the electoral system is linked to the constitutional and political framework, and will work in different ways in different institutional settings. It is wise to make the choice of a pattern of institutions, and not choose an electoral system in a vacuum.

### ***Keep It Simple and Clear***

Effective and sustainable electoral system designs are more likely to be easily understood by the voter and the politician. Too much complexity can lead to misunderstandings, unintended consequences, and voter mistrust of the results. But it is equally dangerous to underestimate the voters' ability to comprehend and successfully use a wide variety of different electoral systems. Voters often have, and wish to express, relatively sophisticated orderings of political preferences and choices.

### ***Try to Maximize Voter Influence...***

Voters should feel that elections provide them with a measure of influence over governments and government policy. Choice can be maximized in a number of different ways. Voters may be able to choose between parties, between candidates of different parties, and between candidates of the same party. They may also be able to vote under different systems when it comes to presidential, upper house, lower house, regional and local government elections. They should also feel confident that their vote has a genuine impact on the formation of the government, not just on the composition of the legislature.

### ***Balance That Against Encouraging Coherent Political Parties***

The desire to maximize voter influence should be balanced against the need to encourage coherent and viable political parties. Maximum voter choice on the ballot paper may produce such a fragmented legislature that no one ends up with the result they were hoping for. Broadly-based, coherent political parties are among the most important factors in promoting effective and sustainable democracy.

### ***Don't be Afraid to Innovate***

Many of the successful electoral systems used in the world today themselves represent innovative approaches to specific problems, and have been proved to work well. There is much to learn from the experience of others—both neighbouring countries and seemingly quite different cases.

### ***Err on the Side of Inclusion***

Wherever possible, whether in divided or relatively homogeneous societies, the electoral system should err on the side of including all significant interests in the legislature. Regardless of whether minorities are based on ideological, ethnic, racial, linguistic, regional or religious identities, the exclusion of significant shades of opinion from legislatures, particularly in the developing world, has often been catastrophically counterproductive.

### ***Process is a Key Factor in Choice***

The way in which a particular electoral system is chosen is also extremely important in ensuring its overall legitimacy. A process in which most or all groups are included, including the electorate at large, is likely to result in significantly broader acceptance of the end result than a decision perceived as being motivated by partisan self-interest alone. Although partisan considerations are unavoidable when discussing the choice of electoral systems, broad cross-party and public support for any institution is crucial to its being accepted and respected.

### ***Build Legitimacy and Acceptance Among All Key Actors***

All groupings which wish to play a part in the democratic process should feel that the electoral system to be used is fair and gives them the same chance of electoral success as anyone else. Those who 'lose' the election should not feel a need to translate their disappointment into a rejection of the system itself or use the electoral system as an excuse to destabilize the path of democratic consolidation.

### ***Long-Term Stability and Short-Term Advantage Are Not Always Compatible***

When political actors negotiate over a new electoral system they often push proposals which they believe will advantage their party in the coming elections. However, this can often be an unwise strategy, as one party's short-term success or dominance may lead to long-term political breakdown and social unrest. Similarly, electoral systems need to be responsive enough to react effectively to changing political circumstances and the growth of new political movements. Even in established democracies, support for the major parties is rarely stable, while politics in new democracies is almost always highly dynamic and a party which benefits from the electoral arrangements at one election may not necessarily benefit at the next.

### ***Don't Assume that Defects can Easily be Fixed Later***

All electoral systems create winners and losers, and therefore vested interests. When a system is already in place, these are part of the political environment. It may be unwise to assume that it will be easy to gain

acceptance later to fix problems which arise. If a review of the system is intended, it may be sensible for it to be incorporated into the legal instruments containing the system change.

### ***Assess the Likely Impact of Any New System on Societal Conflict***

Electoral systems can be seen not only as mechanisms for choosing legislatures and presidents but also as a tool of conflict management within a society. Some systems, in some circumstances, will encourage parties to make inclusive appeals for support outside their own core support base. The use of inappropriate electoral systems serves to exacerbate negative tendencies which already exist, for example, by encouraging parties to see elections as 'zero-sum' contests and thus to act in a hostile and exclusionary manner to anyone outside their home group. When designing any political institution, the bottom line is that, even if it does not help to reduce tensions within society, it should, at the very least, not make matters worse.

### ***Try and Imagine Unusual or Unlikely Contingencies***

Electoral system designers would do well to pose themselves some unusual questions to avoid embarrassment in the long run. Is it possible that the system proposed is not detailed or clear enough to be able to determine what the result is? Is it possible that one party could win all the seats? What if you have to award more seats than you have places in the legislature? What do you do if candidates tie? Might the system mean that, in some districts, it is better for a party supporter not to vote for their preferred party or candidate?

There are many possible directions for electoral system change. The New International IDEA Handbook on Electoral System Design discusses the technicalities, advantages and disadvantages of different options and looks at the process of political change. The Handbook is already available in English and will shortly be published in Spanish.

## **III. Chile's electoral system: choices for reform**

Chile's 'binomial' electoral system is an important component of the constitutional deals that were made which enabled the transition from the Pinochet era to happen. Its two member district structure within an open list proportional representation system is unique in the world. It shows in practice a feature which its designers undoubtedly intended: big movements of votes are necessary to make any significant change in the makeup of the Congress. A swing of almost 5% between the leading coalitions between 2001 and 2005 meant that in effect three seats changed hands. For the leading coalition to gain a working majority of 60%, which is required under the constitution to pass changes to constitutional organic laws, it would require a swing of about a further 3% under

the current system. The system strongly encourages the establishment of the two major coalitions, builds in Congressional stability towards the point of frozen immobility, and thereby protects the position of the less popular coalition.

The electoral system debate in Chile offers an excellent example to show that the same votes cast under different electoral systems can produce very different political results. In addition, it shows how the electoral system affects the party system: each election is fought between two major coalitions, instead of the three major streams of Chilean politics before 1970. The other part of this relationship is that the party system influences the electoral system. Will the existence now of two major coalitions mean that both will seek to retain a broadly two party system, and both will want to discourage the formation of other parties?

I shall not attempt to summarize the rich debate that has been taking place in Chile for fifteen years on the issue of the electoral system. In order to give an indication of the kind of effects that might follow a change in the electoral system, IDEA has made some simulations of the last two elections in Chile using different electoral systems. It should be emphasised that the results of these simulations should **not** be treated as exact projections of actual election results, because the behaviour of both political parties and voters are to some extent linked to the electoral system. They **do** however illustrate the likely direction and scale of changes to election results, and may also indicate when small changes in support for electoral participants are likely to produce major impacts on results and when not.

In addition, while these simulations can show the different links between votes cast and seats gained, they cannot directly show the effect of changes in the political party system, although they can give clues about it.

One option would change the current binomial system – which is in essence a form of open list proportional representation with two member districts – to a **revised binomial system by** amending the level of support required by a party or coalition to win two seats. IDEA has simulated three versions of this, two in which the party or coalition finishing first requires respectively 1.75 and 1.5 times the vote of that finishing second to gain the second seat, and one in which the party or coalition finishing first requires 55% of the valid vote to gain the second seat, irrespective of how the other votes are distributed.

In both 2001 and 2005, a revision to the binomial system would have tended to provide some advantage for the largest coalition. For the difference to be significant, an option using a figure of around 55% or a factor of around 1.5 would appear to be necessary, with the bonus effect being more striking when the difference between the leading parties/coalitions is bigger (as in 2005). In either case, the justification for the precise figure used would probably be the effect that is desired rather than any theoretical basis.

A second option is to move to using a **first past the post system** with single member districts. This is the system used by the USA, Canada and the UK. It would be likely to have given the Concertación a working majority in 2001 and a landslide of over 80% of the seats in 2005. **This system would maintain the imperative towards two coalitions – and indeed sometimes lead to something approaching a one coalition Congress.** In both 2001 and 2005, the regionalising effect of this type of system would have eliminated Alliance representation from the north of Chile. Since votes are cast for individual candidates under the current system, international evidence suggests that there would be no significant change to the closeness of the relationship between voters and their elected members. The issue raised by this proposal is that, since the vote for the two major coalitions is fairly evenly spread in most of Chile, landslides for one side leaving little opposition are easy to contemplate.

A third option would be to keep the **open list proportional representation principle**, but move to bigger districts. Brazil and Finland use versions of this system. Two versions of this have been simulated: the first with districts electing four members each, the second with districts electing six or eight members but treating smaller provinces as individual districts. In line with the Constitution, independent candidates as well as political parties would need to be able to participate.

Under these systems, the large parties/coalitions would both have elected significant numbers of members from each part of the country. **It is unlikely that any party or coalition would have gained a 60% majority in Congress, even in 2005.** With four member districts, 20% of the vote in any district would have won a party a seat: even less would be required in the six or eight member districts. **These systems could provide some impetus for the existing alliances to move towards dividing into smaller, more cohesive parties** because there is less electoral penalty, and then negotiate government coalitions after rather than before polling.

**These systems would probably maintain gradual change,** although not on as immobile a basis as the current one. In 2001 and 2005, it is unlikely that they would have made much difference to the balance between the major coalitions. **The Communists and allies would have been likely to gain representation** on the basis of their 7.5% vote in 2005 – although on their 5% vote in 2001, they would probably only have gained representation with the larger districts of six or eight members, and not with four member districts.

A fourth option would be to use a **mixed system**, electing for example half the seats in single member districts, and the other half from nationwide party or coalition lists. A mixed system can be a **parallel system** – allocating list seats proportionally to the votes received by parties or coalitions. Japan and Lithuania use versions of this system. Alternatively, it can be a **mixed member proportional (MMP) system**, where the list seats are allocated to make the overall result – including the results from the single member district elections – proportional. Germany, Mexico and New Zealand use versions of this system.

While the constituent parties could have split up in the election for the list seats without likely electoral penalty, the mixed systems might produce less of a push towards division of the coalitions than would the list PR only system. Provided that the existing coalitions had held together to nominate one candidate only for each of the single member district seats, the largest coalition would have been likely to receive **a bonus of seats under a parallel system, more than enough to give a working majority for constitutional organic legislation in 2005, but not enough to do so in 2001.** By contrast, **under an MMP system such a majority would have been unlikely in either election.**

Overall, the simulations pose some important political questions. What level of support should be required by a third party or coalition to gain representation in Congress? The interests of established parties and of new parties clearly point in different directions.

**More fundamentally, what balance of support between the two major parties or coalitions should entitle the largest to make changes which are not agreed by universal or near-universal consensus?** The different thresholds which the Constitution lays down for constitutional organic laws, laws requiring qualified quorum, and ordinary laws make this a question to be answered in more than one part.

- **The existing binomial system makes any change difficult: pure list proportional systems and MMP may also tend in this direction.**
- **A mixed parallel system or a revised binomial system (depending on the exact revision adopted) could make thresholds for change somewhat easier to reach.**
- **A first past the post system could make large majorities even more likely, but with potential underrepresentation of the major opposition, some potential cost to regional representation and a virtually insuperable barrier for third parties.**

### *Gender issues in representation*

**Just 15% of those elected to Congress in 2005 were women** – which was itself an improvement on the 12.5% of 2001. This figure is below both the world average of 16.6% and the regional average of 20.2%. **This is broadly what would be expected under the current system in Chile**, in which an electoral system using small districts (two seats) is combined with the weakly enforced use of quotas by some political parties on a voluntary basis.

**A change in the electoral system will in itself certainly have some impact on this figure.** With a move to a revised binomial system, the impact is likely to be very limited, although it is possible that more gender balanced tickets will be presented by the parties/coalitions because there may be more possibilities for them to win both seats in an individual district.

**Change to a first past the post single member district system will almost certainly decrease the number of women elected: list proportional representation is likely to increase it, especially if an option which includes bigger electoral districts is chosen.** As might be expected, mixed systems are likely to produce results which are better than those under first past the post and less good than those under list PR. In particular, more women may be elected from the list seats under mixed systems.

More radical effects may be produced by quota legislation, although its form is important. In Peru, which uses list proportional representation, 30% of candidates on each list must be women, and 18.3% of those elected in 2001 were women. Quotas alone may have a real but limited effect. **When Argentina introduced legal quotas for the nomination of women, the proportion of women elected jumped from 7% to 28% in one election.**



Lists were not only required to contain 30% women, but in each successive group of three candidates on the list, at least one had to be a woman.

Both these examples use list proportional representation. **The form of quotas is linked to the electoral system. It is more difficult to design statutory quota systems when electoral districts are small,** and statutory quotas are thus more usually found in PR systems and in the PR components of mixed systems. With first past the post, statutory quotas are more difficult. The major available options are reserved seats for women, which can be perceived as of lower political value than other seats, or a requirement for a specified percentage of women among the candidates of a party or coalition viewed nationally, which may sit uncomfortably with district based nomination.

**Could quotas be combined with a revised binomial system? It would be possible for the electoral law to require any party or coalition nominating two candidates in a district to include one man and one woman.** This would be almost certain to increase the proportion of women elected – any district in which the same party/coalition won both seats would have 50/50 representation. It would however be hard to prevent those who wished to undermine such legislation from nominating a stronger and a weaker candidate, exactly as already happens to some extent as parties seek to wrest the choice of individual representatives back from the voters.

***To conclude,***

We have noted that the choice of electoral system is one of the most important institutional decisions for any democracy. It is an inherently political process of choosing between a wide range of options based on worldwide comparative experience.

It is therefore highly important that the process is guided by principles, as I have outlined. A principled approach will create a legitimate process, and a legitimate process can lead to a result that is legitimate and is perceived as legitimate.

Two key objectives of a political system are inclusiveness and governability. These objectives are often seen as contradictory, but a proper electoral reform process can actually contribute to achieving both a more inclusive political process and stable government.

The discussion here today comes at the beginning of such a process. IDEA takes great pleasure in contributing to this process and looks forward to continue working with the Electoral Reform Commission and with Congress in this very important process for your country.