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Institutional Design against Electoral Participation: the case of Chile

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Abstract

This paper argues that right-wing parties have incentives to use institutions in order to limit political participation. Their strategic reasons are twofold, namely to reinforce stability and to bias the results against left-wing parties. We describe an explicit case of institutional engineering against participation. During General Pinochet's regime, Chilean institutions were designed by right-wing forces under monopoly power with the specific purpose of creating a protected and exclusionary democracy. Two institutions played a key role. First, registration rules increased the cost of voting; second, the electoral system diluted its benefits. The design was a success in electoral terms: turnout decreased by 30% in two decades, the post-authoritarian electorate stabilized at less than 40%, and currently young Chileans exhibit the lowest turnout rate in the world.

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1. Introduction

Institutions have major effects on turnout (Powell 1986, Jackman 1987, Jackman and Miller 1995, Pérez-Liñán 2001, Blais et al. 2004, Fornos et al. 2004, Endesby and Kriekhaus 2008, Dettrey et al. 2009). Constitutional arrangements affect participation by both creating incentives for parties' mobilization and influencing the cost of voting for citizens and its potential benefits, namely the degree to which voters think their vote will make a difference in policies. Conceding that high participation is positive for the representation and legitimacy of democracy (Pateman 1970, Dahl 1971), institutions can be strategically modified in order to increase the attendance at the ballots (Lipjhart 1997).

However, not all scholars agree with the assumed advantages of political participation, in general, and electoral participation, in particular. Since Wilson (1930), there have been warnings about its relation with the stability of a democracy. The main exponent of this tradition is Samuel Huntington. In several works, he argued that “rapid increases in mobilization and participation, the principal political aspects of modernization, undermine political institutions” (1965, p386), that “in the absence of strong and adaptable political institutions, such increase in participation means instability and violence” (Huntington 1968, p47) and that “the stability of democracy requires some degree of apathy” (Crozier et al. 1975).

In addition, high electoral participation has been typically perceived as not neutral. Broader turnout is the result of the incorporation of the lower classes in society, and thus it is associated with an increasing share of the vote for leftist parties (Pacek and Radcliff 1995, but see Lutz and Marsh 2007). Accordingly, leftist parties have an incentive to modify the institutional arrangements in order to increase electoral participation.

Low turnout is thus beneficial for two perennial concerns of the right-wing parties: democratic stability and a shrunken left-wing electorate. As a consequence, they have strong incentives to reform institutions in the opposite direction to that suggested by Lipjhart (1997) and Pacek and Radcliff (1995). This strategic movement towards restrictive institutions has not received any attention in the scholarly literature, however.

This paper presents a case where institutions were explicitly designed to limit political participation. Chile under the dictatorship of General Pinochet (1973–1990) is the archetype of institutional engineering under monopoly power, where the post-authoritarian transition to democracy was completely shaped by the institutions enacted by the dictatorship. Military advisors envisaged and enforced a “protected democracy” devoted to reducing party competition and protecting the legacy of the military dictatorship (Rahat and Sznajder 1998, Siavelis 2001, Pastor 2004, Zucco 2007). This Chilean protected democracy was primarily an attempt to put Huntington’s ideas into operation: political participation must be institutionally limited in order to provide stability to the new democratic regime. As we will see, the new arrangement succeeded in reducing political participation to a large extent.

The importance of the Chilean case on similar grounds was explained by Remmer (1980), who describe the first years of the Chilean dictatorship as a unique case of successful demobilization. Theorists used to conceive of mobilization as a one-way process, in the same sense that institutions have only been studied as mechanism to increase participation and not the other way round. Remmer (1980) shows that the Chilean case in the late 1970s challenged this presumed irreversibility. However, her paper made no assumptions about the long-run effectiveness of repressive demobilization, since the change of political conditions can generate dramatic shifts from political passivity.

We revisit the long-term consequences of the demobilization initiated under General Pinochet’s regime. A main argument of this paper is that Chilean institutional designers were able to preserve “depoliticization” after the military regime and, particularly, to enforce low participation in the long run.

The paper focuses on one dimension of political participation which is electoral turnout. While mobilization is a broad process through which subordinate groups increase their capacity to pursue collective goals and to be involved in mass politics (Deutsch 1961), electoral participation is the more direct measure of such involvement. We are aware that, in several contexts, political participation can be pursued in modes very different to voting turnout. However, we also observe that in highly institutionalized countries, as in the case of Chile, incorporation was mainly encapsulated into formal institutions such as

the concurrence to the polls. As we show in the paper, Chilean electoral participation is highly correlated with rates of unionization and other dimensions of mobilization (see footnote 1 below).

Figure 1 summarizes Chilean turnout in presidential and legislative elections during the past 100 years:

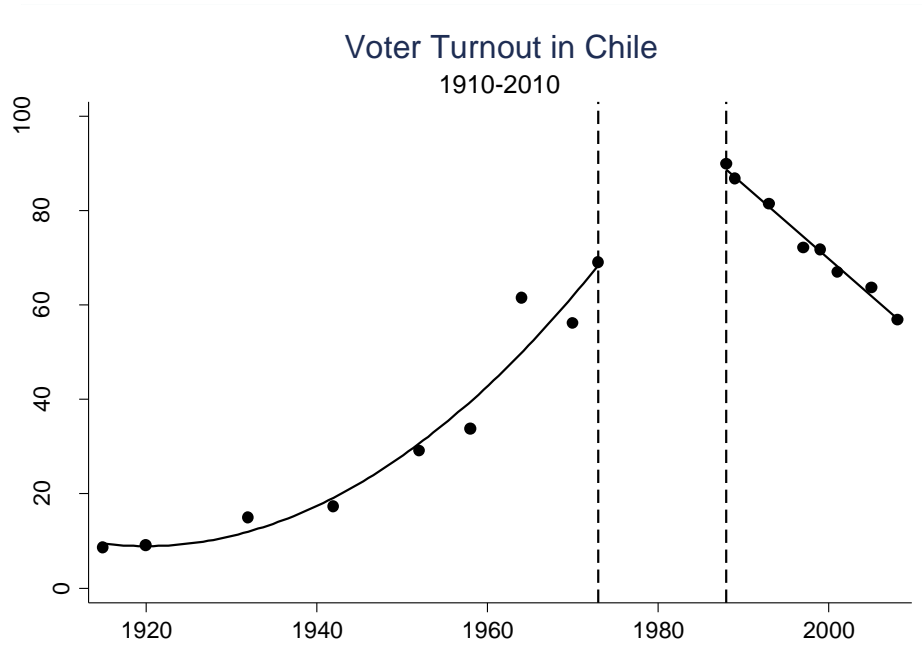


Figure 1. Voter Turnout in Chile (votes over voting age population in percents)
Sources: pre-1973, Navia (2004); post-1988, SERVEL (Chilean Electoral Service)

The evolution described in the figure is remarkably simple: steady increase before the dictatorship and steady decrease afterwards¹. There are several institutional aspects of this pattern that this paper addresses, summarized as follows:

Participation pre-1973. During the first part of the twentieth century, Chile was a stable but exclusionary democracy. The party system was strong and elections competitive, but turnout was one of the lowest in the region. A mass electorate only emerged in the 1960s as the result of several institutional reforms, mainly the introduction of secret and compulsory voting. This inclusionary democracy only lasted for one decade, however. It collapsed in 1973 when the elected president Allende was overturned by a coup d'état led by General Pinochet.

Institutional Design. Pinochet's dictatorship intended from its very origin to found a "protected" democracy. Military advisors blamed previous institutions for the crisis and envisaged a renewed institutional architecture to assure and protect democratic stability. In their opinion: (i) a fundamental cause of the breakdown was the incorporation of the masses in the electorate, (ii) universal suffrage has several shortcomings that must be tempered and (iii) low participation is a positive feature in a democracy.

Institutions. Chilean institutions were explicitly designed with the purpose of restricting political participation. The Constitution enacted by the military in 1980 limited the operation of the popular will in several areas: appointment of a large fraction of the parliament, high quorum requirements for reforms, and accountability of the executive power delegated to special non-elected institutions. Two institutions in particular played a major role in providing disincentives for electoral participation. First, the registration system imposed stringent rules and, consequently, high costs to voting. Second, the electoral system diluted the potential benefits of voting through a formula that reduced the decisive, representative and competitive nature of the elections.

Participation post 1988. Post-authoritarian democracy in Chile was completely determined by Pinochet's institutional framework. Since 1988, turnout has been falling at a steady rate and currently the accumulated decrease is more than 35%, the highest figure in the world for the last two decades. Participation among those who first registered during the current democracy, the post-authoritarian electorate, is lower than 40%. Additionally, the excluded sectors have been systematically the poorest ones. Hence Chile's protected democracy has become a stable but elitist democracy, as intended by the designers.

The paper provides a detailed account of these subjects in separate sections. Section 2 describes participation in Chile prior to 1973. The relation between participation and stability is discussed next. Section 4 describes the main motivations of the Chilean institutional designers during the military regime and section 5 gives an account of the main institutions designed to restrict turnout, namely the registration and electoral systems. Section 6 describes the decrease in turnout in the post-authoritarian period. Finally, in section 7, we conclude.

2. Participation in Chile before 1973

Although Chile was widely praised for its high democratic standards, the country was an oligarchic regime during the first half of the twentieth century. This apparent contradiction is explained through the bi-dimensional notion of democracy proposed by Dahl (1971): Chile was a case of simultaneous high contestation and low participation. Previous to 1973, the country had a strong and competitive party system together with a tradition of periodic and secret elections (Valenzuela 1978, Pollack and Grugel 1984). According to Polity2, an index primarily related to democratic contestation (Coppedge 2008), Chile ranked third in Latin America after Costa Rica and Uruguayⁱⁱ. However, electoral participation was restricted. In the period 1900-1960, only 10% of the entire population of Chile were voters (Vanhanen 1990), while the average for Latin America was 14.5% for the same years. Only Peru, Brazil, Ecuador, Bolivia and Haiti had lower turnout rates.

The asymmetry between contestation and participation in Chile was well known among political scientists. For Dahl (1971), Chile was the only polyarchy in Latin America in 1969, but it cannot be properly included in such list given its restrictions on participation. Therborn (1979) considers the long democratic record of Chile as a myth, given its lack of universal suffrage until 1970. Needler (1968) ranked the Latin American countries according to both “constitutionality”ⁱⁱⁱ and electoral participation in 1960. Out of twenty countries, Chile ranked first in constitutionality and fifteenth in participation. Hartlyn and Valenzuela (1994) indicate that in the 1930s “Chile is probably the country whose

electoral participation is the lowest in the period given the country's level of socio-economic development and the strength of the party system".

The mass electorate emerged in Chile only after 1960. While still ranked in the 1950s as one of the Latin American countries with the lowest proportion of voters, in the 1960s the country moved to the upper half of the list. Voters as a percentage of the population increased from 17% to 30% between the presidential elections of 1958 and 1964. According to Valenzuela (2004), between 1961 and 1971 the voting-age population increased 1.4 times while citizens registered for voting increased 2.4 times.

The main determinant for the increase in turnout was institutional change. The center-left parties launched a broad set of reforms from 1958 in order to improve democracy and incorporate the lower social groups, including the legalization of the Communist Party, the establishment of secret voting and the introduction of compulsory voting. Secret voting strongly reduced the control of voting by landowners (Baland and Robinson 2008), while compulsory voting made registration obligatory for a large fraction of citizens already enfranchised. As a matter of fact, the number of enfranchised non-registered citizens decreased from 54% in 1952, to 40% in 1961 and to 10% in 1962 when fines were finally imposed in order to assure compliance (Boron 1972). Accordingly, votes over population increased from 23.6% to 31.3% between 1961 and 1963 (Vanhanen 1990).

Electoral participation was part of a more general trend with political and social mobilization increasing in every other dimension. A real explosion of union membership took place during the Christian Democrat government headed by Eduardo Frei (1964-1970). Membership of professional unions increased at an annual rate of 15%; membership of industrial unions at an annual rate of 6.4%. It was in the agricultural sector where the growth of unionization was most spectacular: from about 1,000 members in 1964, to about 10,000 in 1966, and 100,000 in 1970 (Landsberger and McDaniel, 1976). Overall, union membership as a percentage of the labor force practically doubled between 1964 and 1970. Frei's government promoted this upward trend for the purpose of incorporating the lower ranks of society into political life.

3. Participation and Stability

The relation between participation and democratic stability has a respectable tradition in Political Science. In a famous piece, Almond and Verba (1963) state that high levels of political participation can polarize society and therefore threaten political stability. The main exponent of this tradition is Huntington, who in a series of works (Huntington 1965 and 1968, Crozier et al., 1975) warned about the consequences of participation in modern societies. Jackman (1987) provides a summary of those arguments.

The causal path from participation to instability has two stages. The first one is the process of “incorporation” (Collier and Collier 2002), coupled with the assumption that new entrants are different from the older ones. As the excluded were typically the poor, incorporation implies that the lower classes will have ex post a larger weight in the electorate. This assumption underlies a variety of models in political economics, where the median or decisive voter becomes poorer as participation increases (Meltzer and Richard 1981). Based on the same argument, higher participation will likely increase the vote share for the left-wing parties, whose platforms are linked with poor voters’ preferences. Przeworski (1975) criticizes this relation, arguing that voters may have well defined political identities before their actual electoral mobilization takes place. He concludes from this that political incorporation is not necessarily dangerous for political order.

Second, once poorer voters have been incorporated, the tension towards redistribution and expropriation increases. Here we can distinguish two alternative continuations. The first one, explained by Huntington, assumes that institutions are not working properly and thus new demands are not canalized by political rules but through social violence. Hence political institutionalization prevents instability. On these grounds, and quite noticeably, Huntington (1968, p80) considered Chile quite a stable country at the end of the 1960s given its high ratio of institutionalization over participation.

But instability can also emerge when preferences are institutionalized. In such case, the newly incorporated poor classes impose their preferences, probably supporting left-wing parties, and they initiate an intense program of redistribution and expropriation. This pattern is implicit in all the political economy models where the median voter is

decisive^{iv}. But if so, instability emerges because under extensive redistribution the rich classes prefer to subvert the system (Przeworski 2005, Benhabib and Przeworski 2006). Redistribution must simultaneously satisfy the poor and the wealthy, which is hard to accommodate in a poor country with broad participation.

All those arguments found echo in the Latin American experience. In his study of the Modernization Hypothesis in the region, Needler (1968) shows an inverse relation between mass participation and constitutional stability. The evidence shows that when participation increases, democracy deteriorates unless the economy develops at the same time; for Needler, the effects of participation are mediated by modernization. Also Colomer (2001) reports a positive correlation between enlargements of the electorate and high levels of political instability in Latin America.

For the Chilean case, Needler (1968) warned about the increasing participation in the 1960s: “the new political order could only persist if it were underpinned by the higher level of economic well-being that would be demanded by the newly participant groups”. Colomer (2001) relates the high political stability of Chile from the late nineteenth century to the mid-twentieth century to its low electoral participation. The best account on the subject is that of Remmer (1985, p79):

Chile developed a democratic form of rule long before many European and most LA countries and managed to maintain that rule over time, precisely because Chilean democracy was exclusionary. Competitive political processes were introduced in Chile in the wake of the civil war of 1891. (K) Significantly, constitutional rule persisted in Chile until the reforms of the 1964-1973 period affected a dramatic shift from exclusionary to inclusionary democracy.

Pollack and Grugel (1984, p133) argued in similar terms:

The political system was solid, stable, and reasonably legitimate, as long as the terms of participation were kept under control. As Frei's and Allende's experience would prove, the expansion of the political system can bring intolerable pressures to bear if and when the economic system is not

sufficiently industrialized and/or modern to absorb the increasing demands being made on it by the new social sectors

The fact is that Chilean inclusionary democracy lasted only one decade, and it collapsed in 1973. It is difficult to judge whether the breakdown of Chilean democracy was a crisis of overparticipation, and the analysis of the determinants of the coup d'état is beyond the scope of this paper (but see Valenzuela 1978 or Neff 1982). However, several scholars mention excessive participation as one of the main factors for destabilization, although this argument has also received some qualifications.

According to Landsberger and McDaniel (1976), Chile from the 1960s until 1973 was a case of "hypermobilization". For them, the expansion of political rights and mobilization of the unprivileged class presented serious practical problems to a government devoted to social change. The same hypothesis was explored by Whiting (1984), who states that the breakdown can be found primarily in the patterns of political mobilization prior to the election of Allende, although the consequences were not in the electoral arena^v but in social disruption. Remmer (1980) argues that political mobilization in the period 1964-1970 generated the reaction or countermobilization of the middle and upper-class in the period 1970-1973. Faúndez (1997) asserts that the main cause of the collapse was the accumulation of unsolved structural problems of the Chilean economy, but "the broadening of the channels of political participation at a time when the political system was confronting such major economic problems naturally has a polarizing effect on the political system" (p312).

Valenzuela (1978) challenges the previous theories of mobilization, arguing that the weakness of the political centre and the presidential character of Chilean institutions were the main determinants of the crisis. His major criticism is that mobilization was endogenous, namely not spontaneous but growing from the government and political parties. Institutions obligate the parties to increase their electoral basis in order to have a sufficient majority to implement the reforms, and thus increasing participation was a consequence of deeper factors. He did not discuss, however, the unintended consequences of the process (Whiting 1984).

At least, overparticipation contributed, among other factors, to the breakdown of Chilean democracy in 1973. As the next section describes, Pinochet's advisors shared the same diagnosis. But they went one step further: political participation presents a structural threat for democratic regimes and, consequently, must be restricted.

4. The Designers

Chilean democracy collapsed on 11 September 1973; the same day, a military junta headed by General Augusto Pinochet seized power. Although he promised a provisional government as a response to an emergency crisis, Pinochet's regime was from its very origins a foundational dictatorship that lasted seventeen years. The "Declaration of Principles of the Chilean Government" (1974) explained that the main objective of the government was "to establish a new institutional framework" for the country. Only two days after the coup, on 13 September, the military junta decided to initiate the preparation of a new Constitution (Cristi 2000). In 1974, the appointed "Ortuzar Commission" began the study of such constitutional reforms. In 1978, the commission sent a proposal to the also appointed Council of State, and the Council submitted the final draft to the military junta. The Constitution was approved in 1980 through a national plebiscite controlled by the government and without electoral officers.

The designers were led by Jaime Guzman, a professor of Constitutional Law at the Pontifical Catholic University of Chile, who in the next years would be the main civil intellectual associated with Pinochet's regime^{vi}. Guzman was the jurist who exerted the major influence in the elaboration of the Chilean Constitution of 1980 and his writings provide valuable information about the motivations of the original design.

The junta's goal was a reaction against mobilization (Remmer 1980). On institutional grounds, participation rights and their regulation were among the main concerns in the elaboration of the Constitution of 1980, and the outcome was a serious backlash on those dimensions (Soto Barrientos 2008). According to Pastor (2004), the institutional framework reflects and responds to an interpretation of Chilean political history between 1960 and 1973 that was widely shared among Pinochet's legal advisors. In that

interpretation, overparticipation was seen as a major determinant of the democratic collapse, as Guzman's writing reveals:

Chile had democracy for about a century given that only those that supported the system and received benefit [from it] voted in elections. The progressive increase of the electorate during the last decades incorporated a mass of citizens into the decision making process. For those citizens the system was distant and unfair, and thus they could be easily pushed to extreme and demagogical positions. (In this context and fostered by electoral reforms), the Marxist share of votes increased to one third of the electorate in 1958. From then on, democracy turned unstable. (Guzman 1979b, p372)

In the same document, Guzman (1979b) phrases his opinion about elections: "a democracy can only be stable when popular elections determine different political options and types of government, but without deciding the essential aspects for people's life". In order to assure democratic stability "it is necessary that political choices decided by elections are not substantially different" (p376). From there, he concludes that abstention and low electoral participation are positive symptoms of a democracy:

In modern democracies, electoral abstention does not reflect a distance between the citizens and the system. On the contrary: citizens know that whatever electoral result emerges, democratic society and their forms of life would be preserved. For this reason only the minority of those who are really motivated by politics vote in the elections. The stability of a democracy can be measured by the calm of the citizens about election results. (Guzman 1979b, p376).

The concerns for stability were reinforced by other negative presumptions, namely the belief that high turnout benefits leftist parties (Pacek and Radcliff 1995). According to Navia (2004), this view played an important role in the discussion about the registration rule imposed in 1986. Soto Barrientos (2006) indicates that the designers were strongly influenced by Chilean conservative thought, which historically had seen participation and popular vote as suspicious. According to this view, the popular sectors do not have

aligned preferences with the leftist parties but, on the contrary, leftist charismatic leaders usually take advantage of the ignorant and uneducated people for their own purposes.

It is particularly illustrative that Guzman described the new institutional framework in the same document where he criticized universal suffrage. In the first part of his essay “Universal Suffrage and New Institutional Framework” (Guzman 1979b), Guzman enumerates several shortcomings of universal suffrage. From there, he concludes about the necessity to “protect” democracy from participation. The second part of the article describes the institutions devoted to such protection. As suffrage is incomplete, it cannot be the only source of representation; a fraction of the Senate must be appointed. As suffrage can only be used to decide about legitimate options, several political matters “like the subsidiary principle of the state with respect to the market” should be protected by the Constitution. Finally, suffrage is only harmless in a protected institutional environment where the President is accountable to some autonomous non-elected bodies, other than the Parliament.

Guzman (1979b, p331) also explains his notion of representation, which departs markedly from the liberal conception of the term (Dahl 1971): “Political participation has been misunderstood. The contradiction is to believe that rulers follow the mandate of the people, while instead they mandate and rule the people. Rulers must not follow the popular will, but govern in concordance to their own consciences and directed by the Common Good, even though that is against the voters’ opinion”.

The overall picture is that of a designer notoriously suspicious about participation and universal suffrage. Similar remarks were made systematically in the discussion of the Constitution, not only by Guzman but also by the other conservative jurists who were members of the different Commissions^{vii}. In particular, universal suffrage was seriously contended in the Ortuzar Commission and many advisors suggested restrictions to the suffrage, including the minority vote against it cast by two members of the State Council (see Navia 2004). Guzman, on the contrary, was opposed to those restrictions because they were impractical and he proposed limiting participation in alternative forms.

An illustrative discussion is related to the implementation of compulsory voting. As we already mentioned, compulsion had been the main mechanism to increase turnout in the

1960s in Chile and during the 1970s was in use in almost all Latin American countries. Accordingly, it was the natural way to assure electoral participation. However, Guzman was strongly opposed to compulsory voting, arguing that voting is not a duty: “One may not want to vote because he does not have a precise conception about what to do, and in that case, it is better if he abstains. This way, we avoid absurd decisions, even decisions harmful for the common interest” (session 73, 27 September 1974, Ortúzar Commission). But the rest of the Commission “C Ortúzar, Ovalle, Silva Bascuñan and Evans” “C defended compulsory voting as a mechanism to create a robust and participatory democracy. Guzman had to concede against a majority. But in the next session, three days later, Guzman proposed to separate the paragraphs about suffrage and registration. Suffrage would be compulsory, but nothing was said about registration. This maneuvering opened a subtle door against the obligation to vote. When registration was actually implemented, in 1986, it was not decreed as compulsory and consequently citizens could still abstain from voting, as intended by Guzman.

5. The institutions

In the late 1980s Chile undertook a “pacted democratic transition” (Posner 1999), where the groups that opposed Pinochet were forced to accept the new institutional framework. Although the opposition was able to change minor parts of the original design, the distinguishing feature of the Chilean democratic transition is that it was totally driven by the institutions elaborated under the previous regime (Rahat and Sznajder 1998, Siavelis 2001, Pastor 2004). As Zucco (2007) summarizes, “Chilean political institutions are one of the best real world examples of deliberate and controlled institutional design”.

Institutions have significant effects on turnout in both advanced democracies (Powell 1986, Jackman 1987, Jackman and Miller 1995, Blais et al. 2004, Endesby and Kriekhaus 2008, Dettey et al. 2009) and Latin American countries (Pérez-Liñán 2001, Fornos et al. 2004). Several authors agree that the institutional arrangements of post-authoritarian Chile have had detrimental effects on political participation (see Posner

1999, Valenzuela 2004, Navia 2004). In fact, the overall set up is an ensemble of institutions each of which has negative effects on turnout. When we consider, for instance, the five institutions that, according to Jackman (1987) and Jackman and Miller (1995), have major effects on turnout, Chile has the worst combination of them: small size of districts and disproportionality in the electoral system, no decisiveness of the parties in the decision making process, bicameralism and non-compulsory registration.

Three institutional frames affect participation simultaneously. First, the Chilean Constitution of 1980 was aimed to constrain popular sovereignty in several dimensions (see Posner 1999, Siavelis 2001, Pastor 2004, Zucco 2007). One third of the Senate was appointed by the previous government, which implied that right-wing parties had an artificial majority in the Parliament at the beginning of the new democratic period. The President has no authority to remove military officers and at the same time he is supervised by non-elected institutions such as the National Security Council or the Constitutional Court. The appointment of the Senators and the impossibility of removing military officers by the executive remained until 2005, more than a decade after the end of the dictatorship. Additionally, the Constitution is not neutral in the sense that it protects the notion of family and the economic doctrine imposed by the military regime. Given the high quorums required to pass reforms, to decide such fundamental conceptions through the vote is virtually impossible. Finally, direct democracy mechanisms are not considered constitutionally except at a local level (Soto Barrientos 2008). In summary, the Constitution explicitly restrains the decisiveness of the electoral process and, consequently, has negative effects on turnout.

Second, Organic Law 18,556 of 1 October 1986 regulates the registration system, which imposes a severe cost on the voting process and thus negatively affects the concurrence to the ballots. Third, another Organic Law, Law 18,700 of 6 May 1988, typified the electoral system. The Chilean formula to translate votes to seats is also very singular, having detrimental effects on the competence, decisiveness and representativeness of the elections, which in turn decreases turnout. As these institutions have direct consequences for electoral participation, we will discuss both of them in detail.

5.1 Registration Rules

Registration rules have a direct effect on turnout. High registration costs decrease turnout (Lipjhart 1997), as the rational theory of voting suggests. Automatic registration has a positive and large effect on turnout, according to Powell (1986), and the same is true for compulsory voting (Jackman 1987, Jackman and Miller 1995). In Latin America, compulsory voting consistently raises voter turnout (Pérez Liñan 2001, Fornos et al. 2004). Scholars point to the Chilean registration rule as one of the main causes of low turnout during the post-authoritarian period (Navia 2004, Valenzuela 2004).

In Chile, voting is compulsory for registered citizens, but registration is voluntary^{viii}. This unusual combination is unique in the world^{ix}: most countries have either automatic registration with voluntary voting (for example, Germany), both voluntary registration and voluntary voting (the US), or automatic registration and compulsory voting (Belgium). As we have already mentioned, the Constitution of 1980 approved compulsory voting, but the separation of this duty from registration “C as suggested by Guzman “C in practice allowed voluntary voting.

Citizens can register to vote in special offices called “Junta Inscriptora” or Registration Offices. Registration is free, and according to the law (Article 35 of Law 18,856), it can be done only during the first seven working days per month. In election years, Registration Offices close 120 days before the election, and during the 90 days before the closure, registration can be done every working day. Finally, any registered voter may be designated an “election official”, which implies that he or she have to spend the election day at the voting place counting the ballots.

Chilean registration rules impose particularly a high cost on voting. Particularly:

The anomalous mixture between voluntary registration and compulsory voting increases the cost of registration for new entrants. According to the rational theory of voting (Ricker and Odershook 1968), voters compute the cost and benefits of voting. As Toro (2007) correctly summarizes “with a registration system that implies voting forever, the individual should compute the present value of all the future cost, which is clearly a disincentive [and reduces the] chances [he will]

participate”. Surveys indicate that one out of five non registered citizens declare that they not to do it due to the fact that they must vote forever once registered.

Registration is particularly costly in terms of time and transportation. Registration Offices are few and in different locations from other bureaucratic offices such as municipal offices or local courts. Furthermore, the process must be repeated each time an individual moves to a different electoral district^x. Moreover, in a year without elections, Registration Offices are only open on 63 working days per year, and 104 in an election year (Navia 2004).

Registration Offices close 120 days before the day of the election. This rule creates the anomaly that voter registration ends before candidate registration. The perverse effects of this constraint are significant: political campaigns, a main source of mobilization, have no effect over the decision to vote. Citizens cannot respond to the charisma of the candidates or the competitiveness of the electoral race.

These stringent rules are singular to the Chilean case. Valenzuela (2004) indicates that registration in Chile is perhaps the more tortuous system of any of the advanced democracies in the world.

5.2 The Electoral System

Electoral systems also have large consequences for incentives to vote. The standard result is that turnout tends to be higher in proportional systems, since such systems are perceived as more fair, increase the number of parties and generate more competitive elections (Blais 1998). Several studies provide strong support for this hypothesis (Powell 1986, Jackman 1987, Endesby and Kriekhaus 2008), although some parts of the argument are not unambiguous. For instance, there are conflicting results about the role of the number of parties: more parties increase participation since voters are closely

represented, but at the same time reduce the decisiveness of the election and thus the incentives for vote (Blais 1998).

The Chilean electoral system is a proportional system with the lowest district magnitude M , with $M=2$. For that reason, it has been called “the binominal system”. In each of the 60 districts, two Deputies are chosen; in each of 36 circumscriptions, two Senators are chosen. As the majority system, it creates a tendency towards two-party systems^{xi}. Contrary to majoritarian rules, however, the binominal system does not benefit the major party but the second one^{xii}. The binominal electoral system was designed to favor the right-wing parties who supported Pinochet in the 1988 referendum, and after the defeat were sure to be the second force in the next democratic election (see Rahat and Sznajder 1998, Navia 2002 and Pastor 2004).

As mentioned above, the designation of 9 out of 47 Senators dramatically reduced the influence of the electoral process until 2005. Two-thirds of the Senators were required to pass constitutional reforms, and thus the non-right forces needed 32 out of the 38 elected Senators, more than 84% of them. Accordingly, reforms need to be coordinated with the right-wing forces, which have invariably been reluctant to change Pinochet’s Constitution.

The binominal system restricts the representative, decisive and competitive nature of the electoral process, thus providing weak incentives for participation (Posner 1999, Valenzuela 2004). The main effects on turnout are the following:

Number of parties. The binominal system reduces the number of competitive parties to two. The voting share need for third parties is high enough to assure that only the two major ones will gain seats in the Congress. In Chile, electoral competition is not between parties but coalitions. Yet in practice those coalitions behave as parties: they vote in alignment in the legislature (Carey 1998) and present one candidate for the presidency each. The number of parties has mixed effects on turnout: it reduces the number of possible options (negative effect) but increases the decisiveness of the election (positive effects). We studied both effects separately.

Decisiveness. Contrary to a majoritarian system, the binominal system favours the second force, which is typically the opposition to the executive. So contrary to a majoritarian system, the formula generates a bias towards the opposition and against the government, namely a bias towards the status quo. The key point is that the opposition received an additional number of seats that allow them to be a veto player in the congress^{xiii}. In the four legislative elections for Deputies between 1993 and 2005, the right-wing parties got 39% of the votes but 44% of the seats. This overrepresentation, although small, allows them to block any law that requires quorums of three-fifths (60%) or four-sevenths (57%).

Reduced number of options. Even when coalitions are composed of several parties, the coalitions must present only two candidates in each district. As the main coalition (Concertacion) has four parties, parties can have candidates, on average, in only half of the districts. Hence many citizens cannot vote for their preferred party (Valenzuela 2004). Additionally, parties outside of the two large coalitions are excluded from the system. This is the case of the left-wing parties^{xiv}. In the first election in 1989, the parties to the left of the Concertacion presented seventeen Deputy candidates and four Senator candidates which, on average, got 18% and 22% of the votes, respectively. Yet only two Deputies were elected (1.7% of the seats) and no Senator. In the next four elections, left-wing parties got on average 8% of the votes but won no seats, being called the “extra-parliamentary” left. This pattern is related to what Jackman (1986) calls “disproportionality”, having negative effects on the concurrence to the ballots.

Competition. Electoral systems provide not only incentives to vote but also incentives to the parties to mobilize voters. Majoritarian systems decrease turnout since with “single member districts, some areas may be written [off] as hopeless” (Powell 1986). A similar effect occurs with the binominal system because it generates very low competition among the main coalitions/parties:

Hopeless districts. Given $M=2$, a party requires at least 66% of the votes in order to double the second one. So competitive districts are the ones where the ratio between coalitions is close to two. To make this assertion operative, we define a

district as competitive if the main party has votes in a range of 10% around 66%. For the Deputy elections from 1993 to 2005, on average only 15 out of 60 districts were competitive. Thus three-quarters of districts were “hopeless” and there was no incentive for parties to mobilize nor for the voters to concur to the ballots. In this regard, when both parties are close to 50% of the votes, as in the Chilean case, the binominal system is much more harmful for participation than a majoritarian system.

Frozen districts. Additionally, the variation in the number of seats across time illustrates the lack of competition in the Chilean electoral system. While Deputies show some changes across different elections, the Senate has been completely frozen since 1993, with no additional seat won by any coalition since then. The coefficient of variation (CV), namely the average divided by the standard deviation, in the number of Senate seats from 1989 to 2010 is 3.9%. This figure is low when compared with other bi-party systems: in the same period, CV=10.0% for the US Senate and CV=13.5% for the Spanish Parliament.

The flaws of the electoral system have been the subject of heated debate during the post-authoritarian era and several Commissions have been appointed to study alternative procedures. However, right-wing parties have used the veto power provided by the same electoral system to block any attempt at reform. In their opinion, and in accordance with the arguments provided in this paper, the electoral system is providing “stability” to Chilean democracy^{xv}.

6. Participation in Chile after 1989

In 1988, and according to the transition plan envisaged by Guzman, the dictatorship called a referendum about General Pinochet’s continuation in office. Chilean citizens, after fifteen years without regular elections, rushed en masse to the Registration Offices in order to vote in the referendum. Registration and turnout hit historical rates. Surprisingly, the military lost. The dictatorship led by General Pinochet ended two years later, in 1990.

Since the first presidential election of the post-authoritarian period, in 1989, turnout has been steadily decreasing. Table 1 reproduces the registration rate and turnout for all presidential elections until the latest one in 2009. In addition, we display the registration for two specific electorates: those who were aged 18 or above in 1988 (Pre-1988), and the post-authoritarian electorate of all those born after 1970 (Post-1988).

TABLE 1
Turnout and Registration in Chilean Presidential Elections

Year	Registration	Turnout	Pre-1988	Post-1988
1989	91	87	-	-
1993	89	80	95	66
1999	80	71	94	44
2005	72	62	94	37
2009	66	58	93	38

Notes: Registration data from the Chilean Electoral Office or SERVEL. Turnout data is from Ministry of Interior. All figures are percentages.

Table 1. Turnout and Registration in Presidential Elections.

Table 1 shows an accumulated drop in turnout close to 30% in 20 years, the largest systematic fall in electoral participation around the world for the last two decades^{xvi}. The elected president in 2009 obtained fewer votes than the one elected in 1989, even though the potential electorate increased by more than 4 million citizens.

We also notice that the anomalous registration rule has had striking effects on the age structure of Chile's current electorate. Citizens who vote in 1988 have been duly voting ever since, in conformity to the compulsory voting rule (Pre-1988). The new electorate, however, have increasingly been reluctant to register during the post-authoritarian period (Post-1988). It is important to notice that the registration rate of new voters stabilized in the 2000s close to 38%. This is the equilibrium registration rate of those who did not vote against Pinochet, or the long-run equilibrium rate of Chilean turnout, once generational replacement ends. If so, Chilean turnout will be the lowest in Latin America, a trend already observable for the younger cohorts. While turnout of those aged 38 and over in Chile is the fourth highest in Latin America, the turnout of their fellow citizens in the younger 18-29 cohort is the lowest one by far. According to the 2008 survey by LAPOP

of seventeen Latin American countries, participation by young adults (18–30) averages 58%; in Chile, turnout in this age segment is merely 22%.

The post-authoritarian electorate is not only shrunken but also class biased, a fact suggested by Posner (1999) and discussed empirically by Toro (2007) and Corvalan and Cox (2011). Both income and schooling, after controlling for other relevant variables, are robust explanatory variables for registration and turnout of the young generation. Inequality in voting is dramatic: wealthy constituencies in Santiago, the capital city, have registration rates of young people about ten times those of the poorer ones. Moreover, that effect has been increasing over time (Corvalan and Cox 2011). This fact is fully consistent with the purposes of the institutional design. While the growth of the electorate in the 1960s was mainly driven by the poor, they were also the first ones to abandon the limited representation mechanisms of the protected democracy.

In summary, the decrease in Chilean turnout in the last twenty years has been significant. According to several authors, institutional arrangements in post-authoritarian Chile have had detrimental effects on political participation (see Posner 1999, Navia 2004, Valenzuela 2004, Corvalan and Cox 2011). We confirm the key role of institutions over turnout by discussing some alternative hypotheses.

First, the “founding election” hypothesis can explain part of the initial backlash but hardly a twenty-year decrease in Chilean participation. According to O’Donnell and Schmitter (1986), the first democratic or “founding election” is a “moment of great drama” with everyone willing to participate, but voter turnout subsequently decreases as the initial enthusiasm wears off. However, the Chilean case is outstanding even when compared with other Latin American countries undergoing transitions in the 1980s and 1990s, all of which exhibited a minor decrease in turnout for the first four elections after the restoration of democracy (Kostadinova and Power 2007). And even when the magnitude of the Chilean drop in participation resembles patterns observed in European post-communist countries (see Kostadinova 2003), in most of these countries the decrease turned out to be less pronounced after the first decade of transition, and nowadays has stabilized^{xvii}.

Second, Chile's socio-economic and political context is favourable to electoral participation in all aspects other than the institutional one: the Chilean democracy ranks high for its stability and robustness; it has a strong democratic legacy; elections are concurrent, relatively infrequent and are held during holidays. Third, transformation of the cohort into more individualistic generations implies lower turnout among the younger citizens, a pattern repeated worldwide and discussed in detail by Carlin (2006) for the Chilean case. But as mentioned above, Chile has the lowest turnout rate for younger cohorts across the world. So if young people are intrinsically different, we still need to explain why specifically in Chile those differences are much greater than in every other place.

7. Conclusions

This paper argues that institutions can be used to deter political participation. Strategic reasons to constrain electoral participation are twofold: to create stability and to bias the results towards right-wing parties. Both are appealing motives for a conservative government. We illustrate a case of institutional design against participation using the recent political history of Chile. Institutions in Chile were designed by right-wing forces under monopoly power with the aim of creating a protected democracy with limited participation. The result was a complete success in electoral terms: turnout decreased 30% in two decades, in the post-authoritarian era the electorate stabilized with participation at less than 40% and young Chileans exhibit the lowest turnout rate in the world.

While the Chilean Constitution was designed with the explicit intention of restricting the popular will, two institutions played a major role in constraining electoral participation: registration rules and the electoral system. Both mechanisms affect different stages of the voting process, with registration rules increasing the cost of voting and the electoral formula diluting its effects. The Chilean case is a one of simultaneous attempts to increase the costs and reduce the benefits of voting by institutional engineering.

This paper illustrates how institutions contribute to depoliticization, but it is hard to claim that stability can permanently be institutionalized through this channel. In the case of Chile, the first real alternation of the transition in 2010, with the return of the right-wing parties to the government, generated an unexpected reemergence of social conflict in the country. Riots and demonstrations have been frequent in Chile for the last two years, and a marked discomfort with the political class characterizes citizens' opinions nowadays. Chilean institutions are at the core of the criticisms, and people demand a new transition to more participative institutions. Although growing fast, the country has remained highly unequal, and distributional conflicts seem to be more destabilizing in the absence of participatory institutions. Presumably, Chileans tolerated a limited democracy during the transition period, but "protected democracy" is unsustainable in the long run; political institutions need to absorb conflicts and process them according to rules in order to assure stability. In any case, current events are too recent to attempt any sort of judgment.

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Notes

i

[®] To provide evidence that Chilean electoral participation has been closely related to other dimensions of mobilization, we note that union rates follow a similar pattern to that depicted in Figure 1. The rate of unionization increased from 14% in 1960 to about 30% in the early '70s. During the '80s, under the military, the rate was stable around 10%. In 1991, the first year of democracy, there was a peak of 15% which then stabilized at 11% during the 2000s (Posner, 2008).

ii

[®] Polity2 is an index of democracy in the range from -10 (full autocracy) to 10 (full democracy). For the twenty independent Latin American countries, the mean Polity2 was -1.4 in the period 1900-1970; in Chile, the mean over the same period was 2.5.

iii

[®] The author defines a constitutional year as one in at least six months of which the country was ruled by a government chosen in free elections and in which that government respected constitutional procedures. Then he adds the constitutional years between 1935 and 1964 and ranks the countries accordingly.

iv

[®] In the median voter theorem, perfect competition among parties is an assumption.

v

[®] In electoral terms, the voting share of the left was quite similar through the presidential elections of 1958, 1964 and 1970. This is consistent with the results in Przeworski 1975.

vi

[®] Guzman was the legal advisor or *konjurist* of Pinochet's regime. According to Cristi (2000), the main source of inspiration in Guzman's justification of the dictatorship was the work of Carl Schmitt, who was himself Hitler's *konjurist*.

vii

[®] See Constitutional Commission, 1984.

viii

[®] Compulsion does not operate, notwithstanding. Fines are low, infrequent and even not imposed. Three quarters of the non-voting registered citizens went to the Electoral Office to "excuse" themselves in the aftermath of the 2001 election, giving as some of the legal reasons for not voting either the loss of their identification papers, or being at least 200 km away from their respective polling point on the day of the election (Carlin 2006). Chile has been classified as a country with high compliance with compulsory voting (see, for instance, IDEA website).

ix

▣ Mexico has a similar system, but compulsory voting is not enforced in practice.

x

▣ In practice, a significant number of Chilean citizens are voting for candidates from another district. Navia (2004) reports that in twelve municipalities registered citizens are more numerous than the total voting-age population.

xi

▣ For this reason it has been defined as a “majoritarian” system by some authors.

xii

▣ This advantage of the second party is guaranteed if the difference between the two parties is not high. The system also gives a premium to the first party, as Zucco (2007) notes, but its distinctive feature is to favor the second.

xiii

▣ For this reason, the fact that the first political force also received a premium (due to the underrepresentation of small parties), as noted by Zucco (2007), does not reverse the overrepresentation of the second force.

xiv

▣ As many authors recognize, the binominal system has the explicit purpose of excluding the left. The designers knew in 1988 that the left-wing was split between two groups, and that the less moderate (associated with the Communist Party) would run alone for the next election.

xv

▣ Stability has been the main reason given by the right-wing parties in opposing any electoral reform. See, for instance, the recent declarations of the two presidents of the main conservative parties on 6 August 2011: <http://www.lanacion.cl/noticias/site/artic/20110816/pags/20110816171723.html>

xvi

▣ In two other countries turnout decreased steadily across four presidential elections: Costa Rica 1990~2005 and Poland 1993~2005. Regarding the similarities, Poland is also a post-authoritarian democracy and Costa Rica also created a bi-party system from a national agreement between the elites. But contrary to Chile, in both countries turnout increased in the fifth and latest election.

xvii

▣ Comparing the last two parliamentary elections for the fifteen countries considered in Kostadinova 2003, we notice that the average decrease in turnout was one percent, with eight out of fifteen countries exhibiting increasing participation (our own calculations).