

## CLASSIFICATION OF THE PRESIDENTIAL-ELECTION RULES OF LATIN AMERICAN COUNTRIES

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Scholars concur that rules in which a runoff is mandated if no candidate wins 50% plus one vote should be classified as runoff and rules in which there is no runoff provision should be classified as plurality.

There is also scholarly agreement about classification of certain anomalies. In Argentina until 1994, an electoral college was stipulated, but scholars concur that in practice elections operated under plurality (Payne, Zovatto G., and Mateo Díaz, 2007: 19-25; Negretto, 2004: 110-112). And, until 2009, Bolivia's rule was anomalous: if no candidate tallied 50%, the president was selected by the legislature from among the top three finishers (as of 1990, after citizens' dismay at the previous selection of the third-place finisher, the top two finishers). René Mayorga (1997: 79) highlighted the vast difference in the impact of Bolivia's rule and conventional plurality or runoff: "Bolivian parties strive to maximize their vote shares, but they do not expect popular balloting to be the last stage of the arbitration. Rather, they focus on post-electoral bargaining and it is this that will determine who actually ends up in the congressional majority and with executive power." Daniel Chasqueti (2001), Josep Colomer (1994: 39), Mark Jones (1999: 173), Charles Kenney (1998: 2), and other scholars concur that Bolivia should be omitted from cross-national studies of plurality and runoff.

However, there is no consensus about the classification of rules where the threshold for victory without a runoff is below 50%. Until the mid-1990s, Costa Rica was the only nation with a threshold lower than 50% and it was usually classified as plurality (Jones, 1995: 204; Mainwaring and Shugart, 1997a: 409; Shugart and Carey, 1992: 209). However, in 1994 Argentina adopted 45% or 40% with a ten-point lead; in 1998, Ecuador adopted 40% with a ten-point lead; in 2009, Bolivia adopted 40% with a ten-point lead; and for its 1996 election Nicaragua had 45%. Further, in 2000 Nicaragua adopted a threshold of 35% with a 5% margin or 40%. Accordingly, most scholars opted for a separate classification for these reduced thresholds but used different labels, including "runoff with reduced threshold" (Payne, Zovatto G., and Mateo Díaz, 2007: 24-27); "threshold two-round system" (Martínez, 2004: 541); and "plurality runoff" (Kenney, 1998: 24).

I have classified countries where the threshold for first-round victory is between 40% and 50% as “qualified runoff” and countries where the threshold is below 40% as “qualified plurality.” This is because 40% is the figure below which a president is considered to be vulnerable to charges that he or she was not the choice of a majority and not legitimate even among most plurality advocates (Diamond, 2006; Shugart and Carey, 1992: 217).<sup>1</sup> As Jones (1995: 217) elaborates: “The choice of 40% as the threshold for below which a mandate is deemed to be precariously low and above which it is considered acceptable is somewhat arbitrary. However, ...it does represent a rough dividing line.”

The only country that used qualified plurality for more than one election was Nicaragua. Nicaragua’s threshold was introduced in 2000 as a component of a pact between two Nicaraguan caudillos (see Chapter 4). At the time, a former president, Daniel Ortega, was seeking re-election but doubted that he could win more than 40% in a first round or win a subsequent runoff. Ortega “coveted” plurality (Dye with Spence and Vickers, 2000: 18).

The new qualified plurality rule was widely criticized as permitting the election of a candidate, like Ortega, who was unlikely to achieve a majority (Aizenman, 2006: A20; DeShazo, 2006: 1-3; Lacey, 2006: A5; Ortega, 2007: 19). Elaborated Kenneth Morris (2010: 187): “Another change, important to Ortega, was lowering the threshold...to 35 percent. Ortega realized that he was not likely to attract over 45 percent of the vote in a general election, or over 50 percent of a runoff election...so he needed the threshold lowered to a percentage that he could foreseeably attain.” Added Nidya Sarria (2007): “Ortega came up with the devious scheme to devote his efforts to lowering the minimum percentage of votes required to win an election. He created a new paradigm that would reflect his normal harvest of ballots.”

Table 1 shows the classification of Latin American countries according to their presidential-election rule as of 2013. Eight nations--Brazil, Chile, Colombia, the Dominican Republic, El Salvador, Guatemala, Peru, and Uruguay--used majority runoff while five--Honduras, Mexico, Panama, Paraguay, and Venezuela--used plurality. Three--Argentina, Costa Rica, and Ecuador--used qualified runoff. Nicaragua used qualified plurality.

**Table 1 Runoff and Plurality Rules in Latin America as of 2013**

COUNTRY	MINIMUM THRESHOLD	YEAR ADOPTED
MAJORITY RUNOFF		
Brazil	50%	1988
Chile	50%	1980
Colombia	50%	1991
Dominican Republic	50%	1995
El Salvador	50%	1983
Guatemala	50%	1985

Sources: Payne, Zovatto G., and Mateo Díaz (2007: 23-25);  
[www.pdba.georgetown.edu/Constitutions.constudies.html](http://www.pdba.georgetown.edu/Constitutions.constudies.html).

\*Majority runoff was adopted in 1979 but, for the 1980 election, qualified plurality was used. See Chapter 6.

\*\* Prior to the adoption of qualified runoff in 1998 (not used until 2002), Ecuador adopted majority runoff in 1978.

\*\*\*Prior to the adoption of qualified plurality in 2000, Nicaragua adopted plurality in 1987 and qualified runoff (with a 45% threshold) in 1995. In 2014, thresholds were eliminated and plurality again became the rule.

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<sup>1</sup>Also, amid Mexico's disputed 2006 election, political analysts also emphasized 40 percent as an important threshold for legitimacy. These analysts included Manuel Camacho Solís (at the time advisor to Andrés Manuel López Obrador), speaking at the Inter-American Dialogue, July 26, 2006, Washington, D.C., and, in author's interviews, Professor Ilán Bitzberg (El Colegio de México), June 29, 2006 in Mexico City and Professor Eric Magar (Instituto Tecnológico Autónomo de México, ITAM), June 30, 2006, in Mexico City.