

**THE REFORM OF PRESIDENTIAL-ELECTION RULES IN LATIN AMERICA:
PLURALITY, RUNOFF, AND RANKED-CHOICE VOTING**

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Cynthia McClintock*
Dept. of Political Science
George Washington University
mcclin@gwu.edu

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In recent decades, there has been a major reform of presidential-election rules in Latin America and world-wide. The most common rule has shifted from plurality (first-past-the-post) to majority runoff (a requirement for a second round between the top two candidates if no candidate reaches a certain threshold of the vote—usually 50%). In the 1950s, plurality was used in more than 50 percent of presidential elections but, between 2000 and 2011, in less than 30 percent; by contrast, in the 1950s majority runoff was used in less than 10 percent but between 2000 and 2011 in about 60 percent.¹ The shift has continued. Among the countries classified as “electoral democracies” in 2016 that directly elected their presidents, 73 percent in Latin America, 88 percent in Sub-Saharan Africa, 86 percent in Europe, and 63 percent in the Asia-Pacific used majority runoff.² In Latin America, the only country that used runoff prior to 1978 was Costa Rica; by contrast, as of 2014 twelve of the eighteen countries holding competitive elections used runoff.

Even more recently, an additional electoral rule has gained considerable attention: ranked-choice voting (also called “instant runoff,” the “instantaneous vote,” and “the alternative vote”). With this rule, voters rank their top candidates. If no candidate wins more than 50 percent of first-choice votes, the candidate with the fewest first choices is eliminated and voters who chose this candidate have their ballots added to the totals of their second-ranked candidate; then, the ballots are re-tabulated. This process continues until a candidate reaches 50 percent. Ranked-choice voting has been adopted for presidential elections in Sri Lanka (and also in Ireland, where the position is ceremonial); nation-wide legislative elections in Australia, India, and Papua New Guinea; and many sub-national elections, including elections in cities in six U.S. states.

First, this paper examines the implications of the shift from plurality to runoff for the quality of democracy in Latin America between 1990 and 2018. It argues that the runoff reform succeeded: the rule lowered barriers to entry into electoral arena for new parties, but at the same time required majority support and impeded the election of a president at an ideological extreme. Especially given that a major challenge to many Latin American democracies during the 1980s-2000s was the incorporation of the previously excluded political left into the electoral arena, these effects of the reform were particularly advantageous.

Second, the paper asks whether or not the positive impact of the runoff reform in Latin America is holding true in Latin American presidential elections in 2018 and 2019. The paper suggests that, for the most part, the advantages of the reform are holding true. However, political polarization has increased and, as a result, the possibility that the “Condorcet winner” (the candidate who would defeat every other candidate in a pair-wise contest) has also increased.

Third, the paper asks if ranked-choice voting (RCV) would be superior to runoff. A key premise of RCV is that candidates will seek not only first-choice but also second-choice and third-choice votes and, thereby, reduce political polarization—arguably, a major advantage in the current era. However, RCV is rare and research on RCV is scant, and the statements in this paper are largely speculative.

I. THE POSITIVE EFFECTS OF RUNOFF REFORM FOR DEMOCRACY

First, this section describes the author's quantitative analysis of the effect of runoff versus plurality rules on democracy in Latin America during the third wave (1978-). Then, it seeks to explain the success of the runoff reform. Whereas the data for the test of runoff versus plurality rules begin in 1990 and end in 2018, most other data are available only for 1990-2012. Throughout, "Latin America" refers to the eighteen Spanish and Portuguese-speaking countries that were electoral democracies, with the exception of Bolivia, for the reason indicated below.

A. Quantitative Analysis of the Effect of Runoff versus Plurality on Levels of Democracy

In the elaboration of the dataset, I made decisions about classifications for plurality versus runoff, indicators for levels of democracy, and the start year for the analysis.

For most Latin American countries, the classification of runoff versus plurality is straightforward. Throughout the third wave, Honduras, Mexico, Panama, Paraguay and Venezuela used plurality. Either at the start of the third wave in the country or subsequently, Brazil, Chile, Colombia, the Dominican Republic, El Salvador, Guatemala, Peru, and Uruguay shifted to majority runoff (runoff with a threshold of 50% of the vote).

However, there are some anomalies. First, until 2009, Bolivia's rule was that if no candidate tallied 50%, the president was selected by the legislature from among the top two finishers (or, prior to 1990, the top three finishers); following conventional scholarly opinion (McClintock, 2018: 14-15), I omitted Bolivia from the study.

Second, how should runoffs with thresholds for victory below 50 percent be classified? The countries applying a reduced threshold are Argentina since its 1995 election (45 percent or 40 percent with a ten-point lead), Costa Rica (40 percent without a lead), Ecuador since its 2002 election (40 percent with a ten-point lead), and Nicaragua for its 1996 election (45 percent) and for its 2001, 2006, and 2011 elections (35 percent with a 5 percent lead or 40 percent). I classified thresholds for a first-round victory between 40 percent and 50 percent as runoff but thresholds below 40 percent as plurality. Why? Because a threshold below 40 percent is widely deemed so low as tantamount to plurality (McClintock, 2018: 15). The only country with such a threshold for more than one election was Nicaragua. The threshold was promoted in 2000 by former president Daniel Ortega, who at the time was seeking re-election but doubted that he could win more than 40 percent in a first round or a subsequent runoff.

How should the level of democracy be indicated? Of course, democracy is a disputed concept. But, in recent years, both Freedom House scores, measuring political rights and civil liberties (www.freedomhouse.org) and Varieties of Democracy (V-Dem) scores (www.v-dem.net) are widely considered the best measures available. As is conventional practice, I added Freedom House scores for political rights and civil

liberties, so that the best possible score was 2 and the worst possible score 14, and normalized scores, so that 100 was the best and 0 the worst. Of the five varieties of democracy in the V-Dem project, Liberal Democracy, emphasizing civil liberties and effective checks and balances, is the classic variety in my analysis.

The year 1990 was selected as the start year. Countries were only included after they were widely considered to be holding free and fair elections because election rules usually matter only in free and fair elections. Prior to 1990, five countries (El Salvador, Mexico, Panama, Paraguay, and Nicaragua) were still widely considered not to have transitioned to democracy, and the entry of a new country or set of countries shifts the average score nominally for runoff or plurality towards the traditional level of democracy of the country entering the dataset. (In other words, when Chile entered the dataset, the average score for runoff countries increased.)

Figure 1 graphs the trajectory of Freedom House scores under runoff versus plurality between 1990 and 2018 and Figure 2 graphs the trajectory of V-Dem scores. The trends for Freedom House and V-Dem scores are similar. Between 1990 and 1998, scores with runoff were slightly inferior to scores with plurality, but after 1998 scores improved with runoff and plummeted with plurality.

Figure 1 Presidential-election Rules and Freedom House Scores, 1990-2018

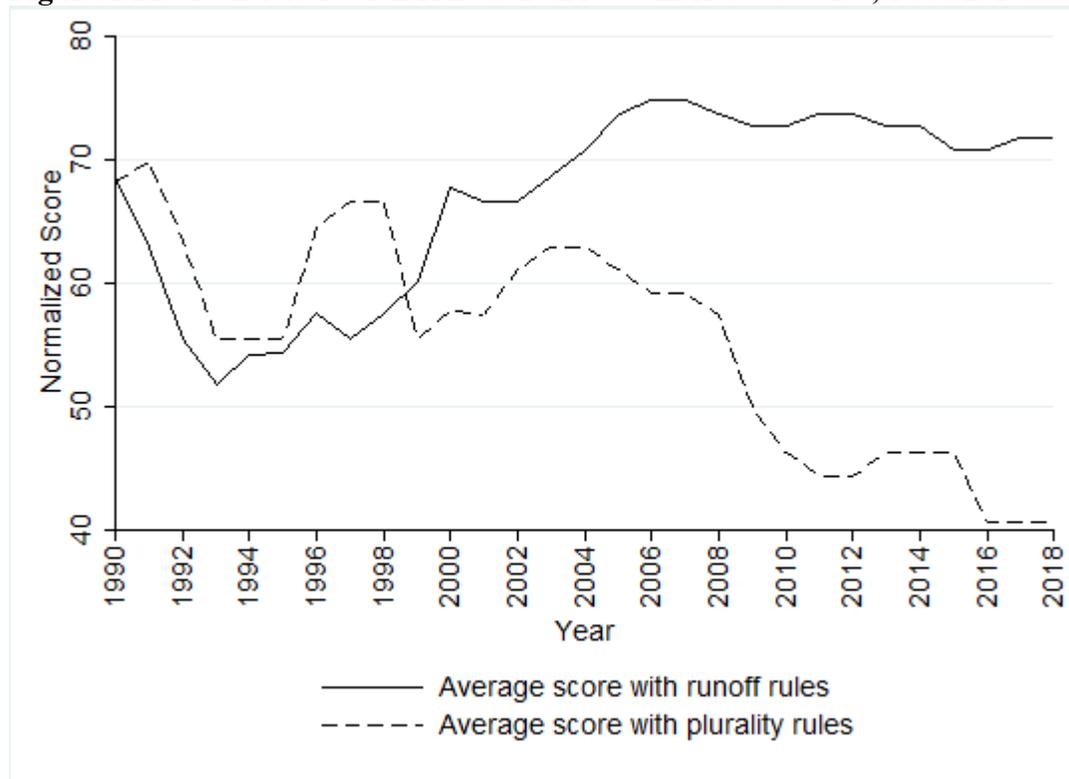
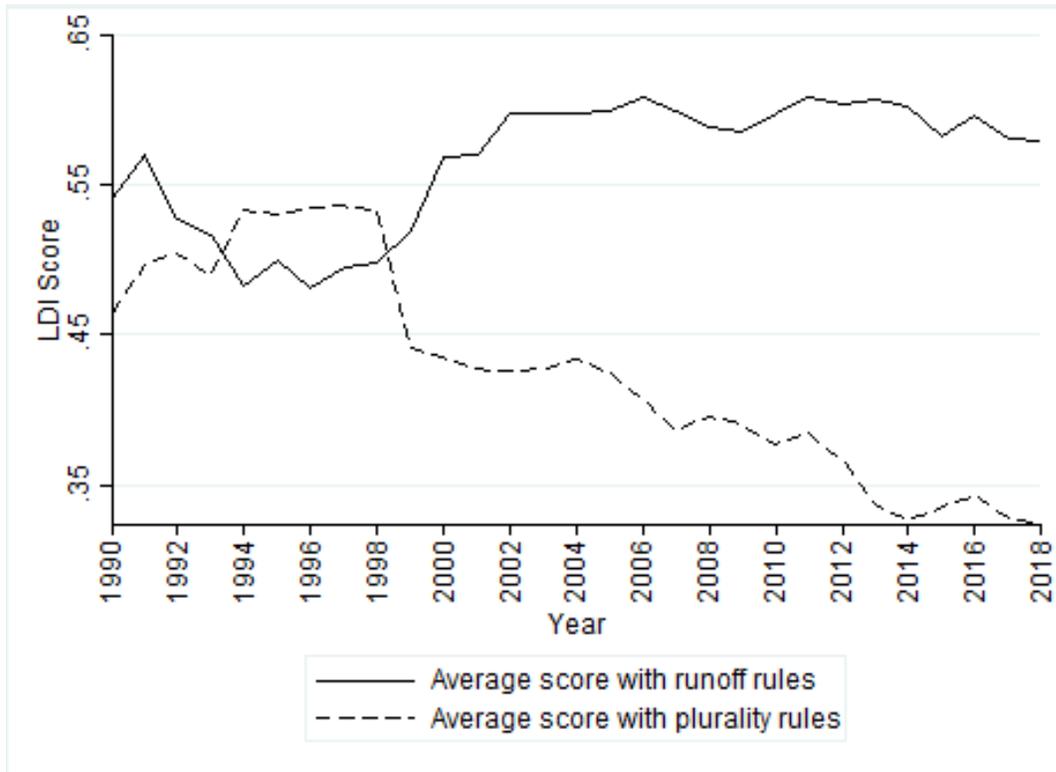


Figure 2 Presidential-election Rules and V-Dem Liberal Democracy Index (LDI) Scores, 1990-2018



To assess whether it was presidential-election rules or other factors that affected levels of democracy, I conducted regression analysis. A runoff rule was coded as 1 and a plurality rule as 0. Control variables included: GDP per capita (in constant 2010 U.S. dollars); the annual percentage change in GDP growth, the Gini coefficient of inequality; education (percentage for completion of primary school); the age of the democratic regime; and the effective number of political parties (ENPP) calculated through the index developed by Murkku Laakso and Rein Taagepera. In addition, because the relationship between ENPP and levels of democracy was non-linear (McClintock, 2018: 33), I introduced a quadratic (squared) term of ENPP. To account for potential unobserved heterogeneity, I used a random effects linear model. (However, the results from an Ordinary Least Squares model were similar.)

In the regression analysis, presidential-election rule was statistically significant. Runoff was significant to superior Freedom House and V-Dem scores at the .05 level. Among the control variables, only the Gini coefficient was significant at the .05 level or better; surprisingly, more severe inequality was positively related to V-Dem scores at the .01 level.

B. Why Was Runoff Superior? Lowering Barriers of Entry to the Electoral Arena

Runoff opens a presidential election to new parties. In Latin American presidential elections between 1978 and 2012, a “new party” became a “significant contender” considerably more often under runoff than plurality (McClintock, 2018: 61-64). Concomitantly, the number of political parties has been found to be larger under runoff than under plurality in virtually all studies. In my dataset, the average number of parties in elections during 1990-2016 was 2.90 under plurality versus 4.50 under runoff.

The reasons for the lower barriers to entry are various. A new party is not a “spoiler” party; rather, in the first round, voters can vote sincerely (for the candidate in the entire field whom they prefer), rather than strategically (for the candidate that they think has a good chance to win whom they prefer). Further, if there is a long-standing party with a political base of 35 percent or 40 percent and a new party wants to have any chance to win, usually it must ally with another party; but, alliances are problematic and dilute a new party’s brand. Further, a new party has a second opportunity in the runoff—if it is the runner-up, to win, but otherwise to have its voice heard, usually through its power of endorsement.

But, are lower barriers to entry actually advantageous? To date, many scholars have said “No.” Fear about the larger number of parties under runoff is the primary reason for scholars’ skepticism about the rule. Stated Matthew S. Shugart and John Carey, for example: “We find the plurality rule appealing because it is more likely than majority runoff to give voters an efficient choice between the candidates of two broad coalitions.”³ Similar views have been expressed by John Carey, Juan Linz, Scott Mainwaring, Aníbal Pérez-Liñán, Matthew S. Shugart, and Arturo Valenzuela.⁴

However, in my dataset, there was no statistically significant relationship between the number of parties and Freedom House or V-Dem scores. Indeed, a larger number of parties was correlated with superior Freedom House and V-Dem scores. How could this be?

First, when the number of parties was small in Latin America, it was often because long-standing parties remained dominant. Unfortunately, many of these parties were either never very democratic or were gradually becoming undemocratic. In Latin America as in other regions where authoritarian regimes were common in the past, some long-standing parties harbored significant “authoritarian legacies.”⁵ Some long-standing parties were “cartel” parties; intertwined with the state, they gained power over electoral laws and machinery and, when there were two long-standing parties, colluded to ensure that at least one of them won.⁶ Parties were not bridges between state and society but castles with vast moats that protected their lords from the masses. Successful cartel parties included the Partido Justicialista (Peronist Party) in Argentina, the Institutional Revolutionary Party (PRI) in Mexico, the National Republican Association (ANR or Colorado Party) in Paraguay, and all the duopolies that endured at the start of the third wave: the Conservative and Liberal Parties in Colombia; the Liberal and National Parties in Honduras; the Colorado and National Party (the Blancos) in Uruguay; and Democratic Action (AD) and the Committee for Independent Electoral Political Organization (COPEI) in Venezuela.⁷

A second reason for the absence of a correlation between the number of parties and levels of democracy was that the number of parties was larger than expected under plurality. Plurality is expected to lead to two major parties, but, as mentioned above, the average number in my dataset was almost 3.0. Between the first third-wave election and 2016 in all countries that either had or have plurality, the number exceeded 3.0 in at least one election. And, of course, with 3.0 parties, the prospects for the election of a president with only about 40 percent of the vote increase, and there is scholarly consensus that such a weak mandate is dangerous. During 1990-2016 in Latin America, elections were won with 41 percent or less in the Dominican Republic in 1990, Honduras in 2013, Mexico in 2006 and 2012, Nicaragua in 2006, Panama in 1994, Paraguay in 1993 and 2008, Uruguay in 1989 and 1994, and Venezuela in 1993.

Still, of course, concern about a proliferation of parties under runoff is not unwarranted. Almost by definition, when the number of parties is large, executives are less likely to have majorities in the legislature. And parties are more likely to be personalistic vehicles.

Another concern is that, in a field of many presidential candidates, the two who reach the runoff may not include the “Condorcet winner”--the candidate who, if he or she exists, defeats all other candidates in pair-wise contests (Shugart and Taagepera, 1994: 329; Wright and Riker, 1989: 167-171). For example, in a field of three candidates, two might reach the runoff with 40% each; but, in pair-wise contests, both these candidates might have been defeated by the third-place candidate with 20%, who was everyone’s second choice. Put more simply, as under plurality, the two candidates who reach the runoff may win due to their strong political bases. And, the vote at the most popular space in the political spectrum may be split among several candidates.

C. Why Was Runoff Superior? Presidential Legitimacy

The concept of legitimacy is complex and it is difficult to measure; but, a classic definition is “the consent of the people; ...legitimate government rests on the consent of the governed.”⁸ This definition suggests what presidential legitimacy is not: it is not a president elected by a minority of voters and opposed by the majority.

The key catalyst for the adoption of runoff was concern about presidents’ legitimacy under plurality. While the causes of military coups in Argentina in 1963, Brazil in 1955, Chile in 1973, Ecuador in 1968, and Peru in 1962 were manifold, the coups occurred after elections in which the incoming president had won only 25 percent, 36 percent, 37 percent, 33 percent, and 28 percent respectively; the concept of a lack of legitimacy was frequently invoked to help explain the coups (McClintock, 2018: 40-44). In 2006-2007 surveys that I carried out with legislators in Latin America (primarily Chile, Mexico, and Peru), 84 percent of the 133 legislators who preferred runoff cited greater legitimacy for the president as their reason (McClintock, 2018: 209-211). Legitimacy was the most commonly cited reason for legislators in all countries.

Following Rafael Martínez,⁹ I contend that Latin American presidents who were believed unlikely to have won a majority of the vote, or believed virtually certain not to have won a majority, suffered a legitimacy deficit. For the twenty-four elections under plurality between 1978 and 2012, I determined that a “reversal” of the first-round result (victory for the first-round runner-up) would have been likely or virtually certain in seven (29 percent). Even when the result of a runoff would have been merely uncertain—as after Mexico’s 2006 election in which Felipe Calderón narrowly defeated Andrés Manuel López Obrador (AMLO) or Paraguay’s 2008 election in which Fernando Lugo defeated the Colorado Party candidate, or indeed when the result of a runoff would have been likely to give victory to the first-round winner, as after Venezuela’s 1993 election when Rafael Caldera prevailed with 30.5 percent—legitimacy deficits were evident.

Sometimes, these legitimacy deficits were overcome, but often they were not. After Mexico’s 2006 election, protests were intense; after Paraguay’s 1993 election, Juan Carlos Wasmosy was almost overthrown; after Paraguay’s 2008 election, Fernando Lugo was impeached; after Venezuela’s 1993 election, Caldera struggled. The Dominican Republic’s 1986 and 1990 elections were won by Joaquín Balaguer with 42 percent and 35.5 percent respectively and Nicaragua’s 2006 election was won by Daniel Ortega with 38 percent; having prevailed through unscrupulous exploitation of divisions in the opposition, both presidents became ever more disrespectful of democratic norms.

Plurality advocates worry about elections won in reversals. With good reason, they fear that the president is unlikely to have a legislative majority. Still, the problem of a legislative minority is often not as severe as the problem of a legitimacy deficit. A considerable number of first-round winners who lost runoffs were likely to have provoked widespread dismay. These presidents would have been Carlos Menem in 2003 in Argentina (who lost to Néstor Kirchner); Daniel Scioli in 2015 in Argentina (who lost to Mauricio Macri); Óscar Iván Zuluaga in 2014 in Colombia (who lost to Juan Manuel Santos); Álvaro Noboa in 2006 in Ecuador (who lost to Rafael Correa); Ollanta Humala in 2006 in Peru (who lost to Alan García), and Keiko Fujimori in 2016 in Peru (who lost to Pedro Pablo Kuczynski).

Further, amid the considerable political polarization in Latin America, presidents who prevailed in runoffs but whose parties were perceived to be leftist or populist gained legitimacy advantages through majorities in runoffs (McClintock, 2018). These presidents included Ricardo Lagos in 1999-2000 and Michelle Bachelet in 2005-2006 in Chile; Leonel Fernández in 1996 in the Dominican Republic; Jaime Roldós in 1978-1979 and Rodrigo Borja in 1998 in Ecuador; Salvador Sánchez Cerén in 2014 in El Salvador; Vinicio Cerezo in 1985 and Álvaro Colom in 2007 in Guatemala; Ollanta Humala in 2011 in Peru; and José Mujica in 2009 in Uruguay.

It is likely that there are degrees of deficits of presidential legitimacy. By definition, a president who wins in a runoff was not the first choice of most voters. Plurality advocates’ concern that, in a runoff, a runner-up may win merely because he or she is not the widely disliked first-round winner is correct. Still, a president elected by a minority of voters and opposed by the majority violates democratic principles.

Legitimacy deficits are likely to be exacerbated when pre-election opinion polls are inaccurate—which they often are. Plurality demands strategic voting, but, when polls are inaccurate, strategic votes are difficult to impossible. I found that, in Latin America between 2000 and 2012, only 34 percent of pre-election polls were correct within 5.0 points of the actual result at approximately one month before the election and only 48 percent were correct within 10.0 points at approximately three months (McClintock, 2018: 226-246). By contrast, for elections in France, Spain, Portugal, the United Kingdom, and the United States between 2000 and 2012, 71 percent of the polls were correct within 5.0 points at approximately one month and 88 percent were correct within 10.0 points at approximately three months (McClintock, 2018: 226-246).

D. Why Was Runoff Superior? Ideological Moderation

Following Josep Colomer,¹⁰ I found that runoff reduces the possibility that a president will be at an ideological extreme. By definition, a candidate cannot appeal only to the 30% or 40% of voters who are his or her “base” but outside mainstream opinion in the country.

In many Latin American countries during the third wave, it was necessary that a long-standing authoritarian right accommodate a left with various degrees of Marxist pasts. During the Cold War, Marxist parties had grown in many countries; but, for the most part, there was a “veto against the left” (Reid: 2007: 280). Still, despite military coups and repression, at the start of the third wave Marxist parties endured. After the collapse of the Soviet Union in the early 1990s, Marxist ideology was in retreat, but the debt crisis continued and in most Latin American countries economic growth was low and inequality severe. For some voters who wanted change, Marxist political perspectives were compelling.

Although “left” and “right” are complex, contested concepts, classifications for left and right are common. Like many scholars, for an indicator of left-right assessments of political leaders’ ideologies, I use the evaluations by Latin American countries’ legislators in the surveys of the Proyecto Elites Parlamentarias Iberoamericanas Parliamentary Elites of Latin American Project (PELA) at <http://americo.usal.es.oir> (*series temporales* and *eliteca*), directed by Manuel Alcántara at the Universidad de Salamanca. Although the PELA surveys are not unflawed, they have been used by numerous scholars and “represent a quantum leap in our knowledge.”¹¹

PELA data provide robust evidence of the link between runoff and ideological moderation. Between 2000 and 2012, a president or top presidential candidate [tallying within 5.0 points of the winner in plurality elections or 5.0 points of the winner in a runoff election] was classified at the extreme left in four of the six plurality countries but only one of the eleven runoff countries; presidents at the moderate left were rare in the plurality countries but common in runoff countries. Similarly, a president classified at the extreme right was elected in 50 percent of the plurality countries but only 27 percent of the runoff countries. (For further information, including information about the

specification of these ideological points on the PELA scale, see McClintock, 2018: 44-47).

Often, runoff pulled presidential candidates towards the center. Usually, moderation did not spurt briefly between the first round and the runoff but evolved over the span of several elections as a candidate became fully aware that, if he or she were to win, an appeal to the center would be necessary. In runoff countries, some of the presidents and presidential candidates classified at the moderate left by PELA were classified at the extreme left in previous elections, or would have been likely to have been classified at the extreme left if they had been included in the survey. Among the presidents shifting towards the center over the course of one or more elections were: Brazil's Luiz Inácio (Lula) da Silva; Guatemala's Álvaro Colom; Peru's Ollanta Humala; and Uruguay's Tabaré Vázquez. Also, although El Salvador's Mauricio Funes was placed at the extreme left in PELA surveys, the more conventional view was that, in 2009, El Salvador's major political party the Frente Farabundo Martí de Liberación Nacional (Farabundo Martí National Liberation Front, FMLN) was not itself moderating significantly but yet nominated a moderate, Funes, who won. In addition, during periods prior to consistent PELA surveys, Ecuador's Jaime Roldós moved towards the mainstream in 1978-1979 and the Dominican Republic's Leonel Fernández shifted the Partido de la Liberación Dominicana (Party of Dominican Liberation, PLD) towards the mainstream in the 1990s.

Caveats are in order. The “center” is not synonymous with “good.” An ideological shift can be problematic. A candidate is likely to be perceived as opportunistic by party militants—and, in fact, probably is in part opportunistic. A shift can be so precipitous and drastic that it dismays voters; this was the case for Ecuador's Lucio Gutiérrez, elected in 2002 and ousted in 2005.

E. Why Was Runoff Superior? Virtuous and Vicious Circles

In Latin American countries under runoff, a virtuous circle emerged among the lower barriers to entry, the requirement for majority support, and ideological moderation. As mentioned, during the Cold War, Marxist parties built considerable support in many countries, but were usually excluded; during the third wave, a key challenge was the incorporation of leftist political leaders into the democratic political arena. When barriers to entry were lower, leftist leaders did not have as hard a time entering the political arena and gained respect for the democratic process. For their part, entrenched parties knew that any new party would have to win 50 percent and, by definition, could not be “extreme;” they were less likely to resort to ugly tactics against a leftist or other new party—again, increasing respect for the democratic process.

By contrast, a vicious circle emerged in most plurality countries. Especially in Honduras, Paraguay, and Venezuela, plurality was one factor blocking the emergence of new parties (McClintock, 2018: 65-105). If there had been a runoff rule in Paraguay, the Colorado Party was likely to have lost both the 1993 and 2003 elections. In Mexico in 2006 and Venezuela in 1993, leftist leaders believed that they lost due to plurality and fraud (McClintock, 2018: 65-105). These perceptions of exclusion abetted polarization.

Angry leftist leaders were subsequently more likely to play to their electoral bases; concomitantly, long-standing parties were more fearful and yet more inclined to abuse their political advantages.

The more effective incorporation of the left in runoff countries was evident in the trends in levels of democracy. Between 2000 and 2012, a candidate at some point on the left in PELA surveys was elected in eight of eleven runoff countries (all but Colombia, Costa Rica, and the Dominican Republic); levels of democracy did not decline during the president's term in any of the eight.

This was not the case for plurality countries. After the elections of Daniel Ortega in Nicaragua in 2006 and Hugo Chávez in Venezuela in 1998, levels of democracy in Nicaragua and Venezuela plummeted. Amid intensely nervous elites, President Manuel Zelaya was overthrown in Honduras and President Fernando Lugo was impeached in Paraguay; levels of democracy fell in both countries. After the very close 2006 election result in Mexico, protested for months by Andrés Manuel López Obrador (AMLO), the level of democracy also declined.

The only plurality country that sustained high levels of democracy between 2000 and 2016 was Panama. Panama was an exception that to a certain extent proved the rule. The average number of parties in Panama was the largest among the six plurality countries; its political arena was relatively open to newcomers. Perhaps because of this relative openness as well as Panama's stellar economic growth and the leftist historical credentials of its long-standing Democratic Revolutionary Party (the PRD), no new leftist party was trying to emerge.

II. ARE THE TRENDS FOR RUNOFF FROM 1978-2017 HOLDING IN 2018-2019?

In 2018-2019, elections were held in several runoff countries (Brazil, Colombia, and El Salvador) and in several plurality countries (Mexico, Panama, and Paraguay). Overall, the trend was towards the candidate, whether to the right or the left, who most effectively channeled voters' anger against official corruption.

Within the context of anger against traditional politicians, however, the effect of the runoff reform remained. Legitimacy deficits are likely to prove significant in both Panama and Paraguay; and, a legitimacy deficit was only narrowly avoided in Mexico.

However, political polarization has increased in many Latin American countries, just as it has world-wide; concomitantly, in two of the three runoff countries---Brazil and Colombia---it appears very likely that the Condorcet winner did not reach the runoff. By comparison, for forty-two elections under runoff between 1978 and 2012, for only three was it very likely that the Condorcet winner did not reach the runoff and for only two more was it possible (McClintock, 2018: 43 and 198-199).

In the plurality elections in Mexico, Panama, and Paraguay, new parties did not make significant headway. [Following Mainwaring (2016: 11, 63-64), if a “new” party is led by the president or major leader of an “old” party, it is not deemed “new.”] The two leading parties in the presidential elections in all three countries were long-standing: AMLO’s coalition and the PAN’s coalition in Mexico (albeit slightly different coalitions than in the past), the PRD and Democratic Change in Panama, and the Colorado Party and Authentic Radical Liberal Party (PLRA) in Paraguay. During Panama’s third wave, the PRD has been Panama’s strongest party, having won its 1994 and 2004 elections as well as the 2019 election. The Colorado Party governed Paraguay without interruption from 1947 to 2008 and, after the tumultuous election of Lugo in 2008, returned to power in 2013.

By comparison, in El Salvador’s 2019 election, Nayib Bukele, leading a new coalition, GANA (Grand Alliance for National Unity) and New Ideas,¹² won a remarkable 53% in the first round. A popular former mayor of San Salvador and the long-standing frontrunner, Bukele ran on an anti-corruption platform. El Salvador had been the only runoff country in which the two leading parties in the most recent legislative election, the rightist ARENA and leftist FMLN, were the same as in the first third-wave election in the country (McClintock, 2018: 63).

In Panama’s 2019 election, a legitimacy deficit is likely. The winner, the PRD’s Laurentino Cortizo won only 33%—only two percentage points more than the runner-up, Democratic Change’s Rómulo Roux. Legitimacy was further impaired by the inaccuracy of Panama’s pre-election polls, which very probably hurt the showing of the surprise third-place finisher, Ricardo Lombana, a newcomer and independent with an anti-corruption platform who fared much better than expected, tallying 19%, approximately double the percentage that had been forecast. Of course, Panama’s strategic voters would not have thought Lombana had a chance.

In 1994 and 2014, Panamanian elections were won with less than 40% and Panama’s level of democracy did not plummet. Overall, as mentioned above, plurality has not been as deleterious in Panama as elsewhere because, amid stellar economic growth, no new leftist party emerged and because, in any case, its electoral arena was more open. However, its Freedom House did decline one point in 2013 and its V-Dem Liberal Democracy score has also been gradually declining.

A legitimacy deficit was also evident in Paraguay’s 2018 election. The Colorado Party’s Mario Abdo Benítez won 48.96% to 45.08% for Efraín Alegre, the candidate of a PLR-left alliance. Although Benítez’s tally neared 50%, it was not the landslide victory by more than twenty percentage points that had been predicted (*Latin America Weekly Report*, April 20, 2018, p. 8). It is very likely that, if the tightness of the race had been forecast, turnout would have been higher. Also, strategic voters would not have opted for one of the also-run candidates; the third-place candidate with 3.41% was Juan Baustista Ybáñez of the Paraguay Green Party. A former Colorado with an anti-corruption, pro-agriculture platform, Baustista Ybáñez might in fact have been running primarily as a “spoiler” candidate against Alegre. The election was followed by major protests by

Alegre and, as after Paraguay's 1993 and 2008 elections, the legitimacy deficit appeared likely to take a toll.

In Mexico's 2018 election, AMLO won a majority--53%---of the vote and did not suffer a legitimacy deficit. However, until the final weeks of the campaign, he had been forecast to tally only about 45%, and in this case, as a candidate perceived as a populist or leftist by both the major traditional parties, he would have suffered a legitimacy deficit. Unfortunately, PELA surveys are conducted much more rarely than in the past, and data for AMLO's ideological placement are not available.

As mentioned above, the 2018 Brazilian and Colombian elections raise important questions about electoral rules and legitimacy deficits. In both elections, the two candidates who reached the runoff—Jair Bolsonaro and Fernando Haddad in Brazil and Iván Duque and Gustavo Petro in Colombia—were from points at the far right and far left of the ideological spectrum, respectively. In both countries, the rightist candidate won by more than ten percentage points and a legitimacy deficit would not be conventionally expected.

Yet, in both countries, the third-place finisher was the likely Condorcet winner. In Brazil, Ciro Gomes, a former governor, legislator, and minister (during the governments of Itamar Franco and Lula) from the Democratic Labor Party (PDT), won 12%. Bolsonaro and Haddad were placed at the right and left respectively, but Gomes at the center-left (“Good-Bye Outsiders,” Bloomberg.com 5/14/18). In Colombia, Sergio Fajardo, a former mayor, governor, and vice-presidential candidate for Antanas Mockus, of a coalition that included the Alternative Democratic Pole, won 24%. While Duque was placed at the right and Petro at the left, Fajardo was placed at the “center-left” (LAWR May 31, 2018, p. 1). (I have seen polls with very persuasive evidence that Gomes and Fajardo were the Condorcet winners but don't have time to find the citations right now.)

III. IS RANKED-CHOICE VOTING SUPERIOR TO RUNOFF?

Currently, the electoral rule that is most frequently recommended in the United States is “ranked-choice voting” (RCV, also called the “instant runoff,” the “alternative vote,” and the “instantaneous vote”).¹³ With this rule, voters rank the candidates on their ballot in the order of their preference; usually, voters rank only their top three or four choices. If no candidate wins more than 50% of the first-choice votes, the candidate with the fewest first choices is eliminated. Voters who chose this candidate have their ballots added to the totals of their second-ranked candidate and the ballots are re-tabulated. If there is still no candidate with more than 50%, this process continues.

RCV has been adopted for presidential elections in Ireland (where the presidency is largely ceremonial) and in Sri Lanka; for some national legislative elections in Australia and Papua New Guinea; and many sub-national elections. In the United States, as of 2018 it had been adopted for elections for the U.S. Senate and House of Representatives in Maine and for mayoralty elections in cities in California (including Oakland and San Francisco), Colorado, Florida, Maine, Maryland, Massachusetts,

Minnesota (including Minneapolis and St. Paul), Mississippi, New Mexico, Oregon, Utah, and Washington. RCV is also used by various non-governmental organizations, including the U.S. Academy of Motion Picture Arts and Sciences for its Oscar awards.

Although research on RCV is scant, it is evident that ranked-choice voting has advantages similar to runoff: it upholds the principle of majority support but accommodates voter choice. A new party is not a “spoiler;” citizens can vote more sincerely. And ranked-choice voting has advantages over runoff. First, administrative costs are reduced. Second, although in Latin America runoff did not lead to a decline in voter turnout (McClintock, 2018: 21), fears of “voter fatigue” in two elections are common. Third, candidates are pursuing second-preference and third-preference votes and, in U.S. cities under ranked-choice voting, negative campaigning declined (John and Douglas, 2017; Robb, 2011). There is scholarly debate about the conditions under which RCV promotes centripetal forces and moderation, but overall, like runoff, RCV appears to have positive effects (Fraenkel and Grofman, 2007; Horowitz, 2004, Reilly, 2018).

The primary concern about ranked-choice voting is complexity. Indeed, more than five years after the implementation of ranked-choice voting in San Francisco, the city’s mayor said he was “confused by the system.”¹⁴ The complexity is the likely reason that ranked-choice voting has not been overwhelmingly popular in cities that have used it (Nielsen, 2017). In a 2014 survey in cities in California, 57% of respondents favored it (John and Douglas, 2017: 26).

There are several sources of complexity. First, rounds of ballot-counting and re-orderings of candidates can be numerous and confusing. Second, rather than simply identifying their preferred candidate, voters must rank multiple candidates. As a result, the ballot can be perplexing; decision-making can be difficult; and, some voters may rank only one or two candidates (Burnett and Kogan, 2015). Ballots with only one or two rankings can be “exhausted”--in other words, all of the voters’ choices have been eliminated and their ballots are discarded--before a candidate receives a majority; accordingly, the victorious candidate may have won not a majority of the votes but a majority of the votes that were not discarded. This problem is common (Neely and McDaniel, 2015) and is feared to possibly lead to legitimacy deficits.

Even among well-educated voters in the United States, ranked-choice voting can be daunting. In Pierce County in Washington in 2008, almost 50% of voters failed to cast a complete ballot and more than 10% listed the same candidate in more than one rank (Burnett and Kogan, 2015: 46).

Accordingly, at this time, RCV is not favored by most Latin American analysts. In the author’s survey of Latin American legislators, most legislators feared that it would be rejected by voters (McClintock, 2008: 10). Said one expert in Mexico: “People don’t know about it and don’t understand it.”¹⁵

As RCV has been applied to date, it does not change the fact that a Condorcet winner can lose the election. For example, in the Brazil and Colombia 2018 elections

described above, if voters ranked three candidates, Gomes and Fajardo respectively would still have been in last place and their votes simply distributed between the two finalists, as was essentially the case under runoff.

To overcome this problem and encourage moderation more vigorously, the Coombs rule is likely to be more effective (Grofman and Feld, 2004). Under the Coombs rule, voters rank candidates, but, if no candidate wins 50%, the candidate with the most last-place votes (rather than the least first-place votes) is eliminated. Returning to our Brazil and Colombia 2018 elections, under the Coombs rule Gomes and Fajardo were likely to have been elected.

However, it is not clear that voters would be satisfied with the election of “everyone’s second choice” rather than the candidate about whom they feel passionate.

RCV has sparked more interest in the United States than in Latin America in part because, with only one election rather than two, RCV does not violate the provision in the U.S. constitution that the presidential election be held on “the day” (i.e., one day). However, especially in countries where opinion polls are inaccurate, the advantages of a two separate elections are considerable. Even under RCV, voters will make strategic considerations, and under runoff, voters have a second opportunity to prevent a candidate they despise from winning. In a second stage of the campaign, after endorsements or non-endorsements by eliminated candidates, they also gain additional information.

IV. CONCLUSION

Although of course no electoral rule is a panacea, runoff has been a successful reform in Latin America. The greater openness of the electoral arena facilitated the defeat of long-standing parties that had lost majority support but retained political bases. Presidents were enticed towards the political center and, with majorities of the vote, did not suffer legitimacy deficits.

Runoff does, however, enable a large number of parties and a large number can be problematic. One commonly proposed remedy for this problem--a reduced threshold for victory in the first round—appears likely to raise barriers to entry too high and risk legitimacy deficits. More promising remedies are scheduling the legislative vote after the first round, as in France, and thresholds for parties’ entry into the legislature (McClintock, 2018: 199-203).

As RCV has been applied to date, it does not appear to offer major advantages over runoff. It is likely, but not certain, that it has greater incentives for less negative and more cooperative campaigns. Its key advantage in the United States—no second election—can be a disadvantage when, in the context of inaccurate polls, a second electoral opportunity would be favorable. Modifications of RCV, including the Coombs rule, would boost Condorcet winners and should be considered.

¹Nils-Christian Bormann and Matt Golder, “Democratic Electoral Systems around the world, 1946-2011,” *Electoral Studies* 32 (March 2013): 360-369.

²Author’s calculation from www.electionguide.org and, if necessary, a country’s constitution. The “electoral democracy” and regional classifications follow Freedom House at www.freedomhouse.org. The figure for Latin America excludes several countries with a reduced threshold; the figure for Sub-Saharan Africa includes several countries in which runoff is combined with a territorial distribution requirement.

³Matthew S. Shugart and John Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (New York: Cambridge University Press, 1992), 213.

⁴John M. Carey, “Presidentialism and Representative Institutions,” in Jorge I. Domínguez and Michael Shifter, eds., *Constructing Democratic Governance in Latin America* (Baltimore, MD: Johns Hopkins University Press, 2003), 14-15; Aníbal Pérez-Liñán, “Evaluating Presidential Runoff Elections,” *Electoral Studies* 25 (March 2006), 129; Juan J. Linz, “Presidential or Parliamentary Democracy: Does It Make a Difference?” in Juan J. Linz and Arturo Valenzuela, eds., *The Failure of Presidential Democracy* (Baltimore, MD: Johns Hopkins University Press, 1994), 21-22; Scott P. Mainwaring and Matthew S. Shugart, “Juan Linz, Presidentialism, and Democracy: A Critical Appraisal,” *Comparative Politics* 29 (July 1997), 467-468; Arturo Valenzuela, “Latin America: Presidentialism in Crisis,” *Journal of Democracy* 8 (October 1993), 8.

⁵This concept was first developed in Allen Hicken and Erik Martínez Kuhonta, “Shadows from the Past: Party System Institutionalization in Asia,” *Comparative Political Studies* 44 (May 2011): 572-597.

⁶This concept was first developed in Richard S. Katz and Peter Mair, “The Cartel Party Thesis: A Restatement,” *Perspectives on Politics* 7 (December 2009): 753-756.

⁷McClintock (2018: 51-55). Among the scholars making the “cartel” classifications are: Michael Coppedge, Gary Hoskin, Mark P. Jones and Wonjae Hwang, Daniel Levine, Steven Levitsky, Juan Pablo Luna, and Michelle Taylor-Robinson.

⁸Marc Plattner, “From Liberalism to Liberal Democracy,” in Larry Diamond and Marc F. Plattner, eds., *Democracy: A Reader* (Baltimore, MD: Johns Hopkins University Press, 2009), 60.

⁹Josep M. Colomer, *Political Institutions: Democracy and Social Choice* (New York: Oxford University Press, 2001) and Rafael Martínez, “Conclusiones,” in Rafael Martínez, ed., *La Elección Presidencial Mdiante Doble Vuelta en Latinoamérica* (Barcelona: Institut de Ciències Polítiques I Socials, 2004), 539-562.

¹⁰Josep M. Colomer, *Political Institutions: Democracy and Social Choice* (New York: Oxford University Press, 2001) and Rafael Martínez, “Conclusiones,” in Rafael Martínez, ed., *La Elección Presidencial Mdiante Doble Vuelta en Latinoamérica* (Barcelona: Institut de Ciències Polítiques I Socials, 2004), 539-562.

¹¹Herbert Kitschelt, Kirk A. Hawkins, Juan Pablo Luna, Guillermo Rojas, and Elizabeth J. Zechmeister, *Latin American Party Systems* (New York: Cambridge University Press, 2010), 341.

¹² Bukele had hoped to run without an alliance with a traditional party but this goal was blocked by El Salvador’s electoral commission and Bukele made an alliance with GANA. See LAWR February 7, 2019, p. 1.

¹³See, for example, Dean (2016) and the editorials “A Weak Election Exposed” and “Election Upgrades,” in *The Washington Post*, April 7, 2012, p. A12 and November 13, 2014, p. A18 (among numerous similar editorials).

¹⁴Mayor Gavin Newsom, quoted in Heather Knight, “Ranked-choice voting sets stage for new tactics,” at <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/11/16/BAVLIGCDQK.DTL&type=printable>.

¹⁵Author’s interview, Professor Fabrice Lehoucq, CIDE, Mexico City, June 26, 2006.