

CENTRO DE INVESTIGACIÓN Y DOCENCIA ECONÓMICAS

DIVISION OF POLITICAL STUDIES

# Making Constitutions: Presidents, Parties and institutional choice in Latin America

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Coding rules

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## **Independent variables**

**A1. MNP:** Size of the reform coalition. This discrete numerical variable indicates the minimum number of parties necessary to form a coalition able to pass constitutional changes according to the decision rule. The values of this variable ranges from 1 to 5. Different sizes of reform coalition are expressed by the variables *Two party* and *Multiparty*.

**A2.PARTDEC:** Party decentralization. This dummy variable is coded as 1 when members of the constituent body were elected in open lists, flexible lists, or multiple closed lists, and 0 if they were elected in single closed lists. This variable was interacted with MNP ( $MNP*PARTDEC$ ) as an explanatory variable for legislative powers of presidents

**A3. PARTAGE:** Party age. This discrete variable measures the age in years of the largest party in the constituent body from its foundation to the time when a constitution is being replaced or amended. Its values range from 1 to 161.

**A4.PARTIDEOL:** Party ideology. It measures the relative policy position of the largest party in the constituent body. The variable ranges from 0, when the party has a centrist policy position, to 2, when it has a clear left or right position. Parties that combine positions on either side of the ideological spectrum receive an intermediate score of 1.

**A5. LEGACY:** Legacy of previous institutions. This variable is the lagged score of the dependent variable at the time of constitutional choice. When the dependent variable is ordinal, the institutional legacies are divided into k-1 dummy variable. Regarding electoral formulas for President, *LEGACY1* signals institutional legacy of plurality and *LEGACY2*, evaluates the one of qualified plurality formulas. In the case of presidential reelection,

*LEGACY1* refers to the proscription of reelection; *LEGACY2*, to reelection after two terms and *LEGACY3*, to reelection after one term.

**A6. DIFUSSION:** it traces the effect of the number of countries with a particular institution in the probability of another country, within the same geographical area, to adopt it. The values of this variable are the percentage of neighboring countries in the same sub-region (Southern, Andean, and Central or North) which had, on the one hand, more-than-plurality formulas of presidential election and permissive rules of presidential reelection and, on the other, scores of legislative and non-legislative presidential powers above the mean of the whole region during the year before a constitution was replaced or amended.

**A7. ETHFRAG:** ethnic fragmentation. This continuous variable measures the level of ethnic fragmentation in the country at the time of selecting institutions.

**A8. INFLATION:** average rate of inflation during the last five years before a constitutional change. To avoid the undue influence of extreme values, a natural logarithm was applied to this variable.

**A9. GROWTH:** average GDP per capita rate during the last five years before a constitutional change.

### **Dependent variables**

**B1. ELECTORAL FORMULAS:** this ordinal variable reflects the threshold of votes required to win presidential elections. It ranges from 1 to 3, where plurality is coded as 1, qualified plurality as 2, and majority rule as 3. The combination of electoral formula for

electing the president with the cycle of congressional election was also considered as a dependent variable.

**B2. PRESIDENTIAL REELECTION:** this ordinal variable measures the restrictions on presidential reelection. This variable is a scale of five categories, in which 1 means no reelection; 2, reelection after two terms; 3, reelection after one term; 4, one consecutive reelection; and 5, unlimited reelection.

**B3. LEGISLATIVE POWERS OF PRESIDENTS:** the variable is an index based on categorical principal component analysis and ranges from 1 to 100. The variables included in the analysis are the following:

- *Veto override:* this ordinal variable reflects the veto override threshold. It takes values from 0 to 3, where 0 means no veto; 1, veto subject to majority override; 2, veto subject to qualified majority override; and 3, no override.
- *Veto chambers:* this ordinal variable signifies the number of chambers intervening in veto override and voting procedure. It ranges from 0 to 1. Its codification is: 0=No veto; Veto, 1=one chamber; 2=Veto, two chambers voting together; 3=Veto, two chambers voting separately.
- *Partial Observations:* this component of the legislative powers reflects the existence of partial observations and the override threshold. This variable is based on an ordinal scale coded as follows: No partial observations=0; Partial observations subject to simple majority override =1; Partial observations subject to qualified majority override =2; No override =3.

- *Partial Promulgation*: this dummy variable captures whether the president can promulgate the non-observed parts of a bill. It is coded as 1 in the existence of partial promulgation and 0 in the absence.
- *Budget Veto*: the variable identifies whether the president can veto the budget bill. It acquires 2 values: 1 if there is budget veto and 0 if there is not.
- *Sessions*: this dummy variable captures whether the president can convene Congress for extraordinary sessions. Its values reflect if the power exist, 1, and if not, 0.
- *Reserved Areas*: it represents whether president has exclusive initiative on important financial or economic legislation. This dummy variable is coded as 1 when the president has the power and 0 when he has not.
- *Urgency Bills*: this ordinal variable refers to the existence of urgency bills and reversionary outcomes. Its values range from 0 to 2, where 0 means no urgency bills; 1, power to submit urgency bills; and 2, power to submit urgency bills and proposal becomes law if Congress does not approve in a constitutionally defined period.
- *Residual Decree*: his dummy variable identifies whether president has a residual authority to issue decrees of legislative content in emergency situations. It is coded as 1 when the president has the power and as 0 when he has not.
- *Decree Content*: this component captures the constitutional decree authority and the restrictions on the content of legislation. It is based on a scale ranging from 0 to 2, where 0 means no explicit decree authority; 1, decree authority restricted to certain areas; and 2, no substantive restrictions on decree authority.

- *Decree Outcome*: this ordinal variable identifies the constitutional decree authority of the president and reversionary outcome. It is coded as follows: no explicit decree authority = 0; decree lapses in the absence of congressional approval =1; decree stands in the absence of congressional approval = 2.
- *Referendum*: this ordinal variable reflects the presidential authority to submit a bill to referendum. It takes values from 0 to 3, where 0 means no presidential authority to submit a bill to referendum; 1, presidential authority subject to congressional authorization; 2, unilateral authority to call a referendum but outcome non binding; and 3, unilateral authority and outcome binding.
- *Budget Spending*: this dummy variable identifies whether Congress can increase spending. It is code as 1 if Congress cannot increase spending and 0, otherwise.
- *Budget Outcome*: this dummy variable reflects whether the presidential proposal is the reversionary outcome in the absence of approval. In this case, it is coded as 1 if proposal becomes the reversionary outcome and 0 otherwise.

**B4. NON LEGISLATIVE POWERS OF PRESIDENTS:** as with legislative powers, this variable is an index based on categorical principal component analysis, which ranges from 1 to 100. It includes government, emergency and interbranch conflict powers. The following variables were included in its analysis:

- *Appointment Sub-national*: this ordinal variable signals the sub-national executive authorities appointed by the president. It is coded as follows: 0= city mayors and regional executives popularly elected; 1=city mayors popularly elected; regional executives appointed by president; no sub-national elections =2.

- *Appointment Court*: this ordinal variable captures the influence of president on the appointment of constitutional court magistrates. Its values range from 0 to 4, where 0 means no participation; 1, president nominates with other institution; 2, president nominates and Congress ratifies by simple majority; 3, president nominates and Congress ratifies by qualified majority; and 4, president appoints or constitution does not establish procedure.
- *Appointment Attorney General's Office*: this ordinal variable measures the influence of president on the appointment of the attorney general. It is coded as follows: No participation=0; president nominates with other institutions=1; president nominates and Congress ratifies by simple majority=2; president nominates and Congress ratifies by qualified majority=3; president appoints or constitution does not establish procedure=4.
- *Appointment Comptroller*: this variable reflects the influence of president on the appointment of the comptroller general. It is based on a scale with values from 0 to 4, where 0 represents no participation; 1 that president nominates with other institutions; 2 indicates that president nominates and Congress ratifies by simple majority; 3, that President nominates and Congress ratifies by qualified majority; and, finally, 4 means that President appoints or constitution does not establish procedure.
- *Interpellate*: this ordinal variable indicates if Congress has the authority to interpellate cabinet ministers. It acquires values from 0 to 2, where 0 means that Congress has the authority to interpellate cabinet ministers; 1, that Executive

decides whether the minister attends personally=1; and 2, that there is no interpellation.

- *Censure*: this variable indicates the authority of Congress to censure cabinet ministers. It is based on a scale from 0 to 2 and is coded as follows: 0= binding censure; 1=nonbinding censure; 2= no censure.
- *Dissolution*: this ordinal variable signals whether censure is restricted by the dissolution of Congress. It is coded as 0, when censure is unrestricted by dissolution, 1, if censure restricted by dissolution, and 2, when there is no censure.
- *Censure initiation*: this ordinal variable shows whether censure initiation requires less or more than a majority. Its values are: 0, initiation by less than a majority; 1, initiation by simple majority; 2, initiation by qualified majority; and 3, no initiation.
- *Censure Vote*: this component reflects whether censure vote requires simple or qualified majority. It is based on a scale ranging from 0 to 2, where 0 means censure by simple majority; 1, censure by qualified majority; and 2, no censure.
- *Censure Chambers*: this variable indicates whether one or two chambers intervene on the censure. Its values are: 0, one chamber, 1, two chambers, and, 2, if there is no censure.
- *Impeachment Bodies*: this ordinal component signals whether impeachment requires the involvement of one or two bodies and is coded as follows: 0= impeachment, one body; 1= impeachment, two bodies; 2= no impeachment.
- *Impeachment Accusation*: in this case, the ordinal variable indicates whether accusation requires qualified majority. It ranges from 0 to 2, where 0 is identified as



accusation by simple majority; 1, as accusation by qualified majority; and 2, as no impeachment.

- *Impeachment Vote*: this component shows whether final vote requires qualified majority. Its values range from 0 to 2, where 0 means decision by simple majority; 1, decision by qualified majority; and 2, no impeachment.
- *Impeachment Reasons*: this ordinal variable indicates whether impeachment can proceed for political reasons. It is coded as follows: 0= impeachment for political reasons; 1= impeachment for legal crimes only; 2= no impeachment
- *Incapacity*: this dummy variable captures whether Congress can dismiss the president for mental or physical incapacity. It is coded as 1 if Congress cannot dismiss the president for incapacity and as 0 if it can.
- *Emergency Declaration*: this dummy variable reflects whether Congress must declare or ratify the declaration of emergency. Here, 1 indicates that President declares and notifies Congress about the emergency and 0 signals that Congress must declare or ratify it.
- *Emergency Content*: in this case, this dummy variable shows whether there are explicit limits on the rights that can be suspended in emergencies. 1 means that there are no limits or generic limits and 0 that there is only a limited number of rights can be suspended during the emergency.
- *Emergency Temporal*: this ordinal variable indicates whether the termination of the emergency is subject to an explicit temporal limit. It is coded as follows: 0=absolute temporal limit; 1=Congress can postpone the emergency; 2= no temporal limit or president can extend it unilaterally.