This watermark does not appear in the registered version - http://www.clicktoconvert.com

HUMBERTO MORALES
ADVISOR TO THE LEGISLATIVE ASSEMBLY
SAN JOSE, COSTA RICA
MAY 22, 2000

JOHN: I will begin by explaining a little about what I'm researching. My research has to do with the levels and sources of partisan and provisional unity in several parliaments. In particular, with regard to the legislative votings. I'm gathering data from Assemblies, mainly in Latin America but also in Europe and Asia, for the purpose of carrying out a comparative analysis. In many of the Assemblies that I'm working with there's an electronic registry of votings, but in Costa Rica it interests me to obtain data on nominal votings, if there's a sufficient amount, because there are registries for these.

Nominal votings are quite rare, no?

MORALES: In general, over the last number of years, nominal voting hasn't been used. Nominal voting is used when a bill (*proyecto*) has an extraordinary importance. It was used a lot during the years 1953 through 1970.

JOHN: During a period of one year, how many nominal votings are taken?

MORALES: Two or three times per year. It has to be a very exceptional bill (*proyecto*) in order for the legislators (*diputados)* to leave evidence in the records (*constancia en el acta*) of their nominal vote. Here nominal voting is when the legislator (*diputado)* expresses with a "yes" or a "no" if he's in favor or if he's against. This vote can also be justified for ten minutes.

JOHN: During the period you mentioned above, why were there more nominal votings?

MORALES: It was a time of very important bills (*proyectos*). For example, the banana contract of 1954; the customs tariff of 1954, certain constitutional reforms, expressly the reform of Article 132 of the Constitution, dealing with presidential re-election, which at the present time is sought to be deliberated, that was voted on nominally in the year 1969. Tributary packages are very important but for example, in the last Assembly very important laws were passed, such as the Law of Teachers' Pensions which merited a nominal voting; however, this didn't occur because there were pacts for it to be approved on the same day and nominal voting is a very long process because it's necessary to ask each legislator (*diputado)* , one by one, how he votes.

During the past two years there hasn't been any nominal voting in the Assembly.

JOHN: Would it be possible to locate data on the votings? Can it be done only by reading the files?
MORALES: It's necessary to read the files. First, because for a voting to take place in the nominal form, the Assembly has to decide how it will be handled. If the Assembly doesn't decide, there will not be a nominal voting.

This watermark does not appear in the registered version - http://www.clicktoconvert.com

JOHN: Among the factions (*fracciones*), how's it decided whether the voting will be disciplined or open?

MORALES: Well, in the factions there are matters that they call the faction line *(línea de fracción*), the party line (*línea de partido*), where all the legislators (*diputados)* of the faction are obligated to vote according to that line. Then there are other bills (*proyectos*) that are left open or free (*a la libre*). To be open or free means that there is no faction line and that the faction legislators *(diputados)* can vote for the bills (*proyectos*) that belong to other legislators (*diputados)* or the government. This is called free voting (*votación en libertad*). When there's a faction line they all have the obligation of voting for the faction line.

JOHN: Is it usually voted this way?

MORALES: Normally they fall from the basket (*salen del can asto*). It's very difficult, it has to be something very essential, very much of the party. For example, in the statutes of the Liberation Party (*Partido Liberación*) faction - the little that I know - establishes that party lines are those bills (*proyecto s*) which fall within the social democrat ideology. The legislators *(diputados)* are obligated to vote on this type of bills (*proyectos*). Eighteen legislators *(diputados)* decide the faction line, which is a very qualified majority. Two-thirds of each faction. For example, they decide in a meeting of the faction; they look at this bill (*proyecto*), they decide it's part of the party line and any person who abandons the line is brought before the ethics tribunal.

JOHN: How does the faction leader know whether they've voted with the faction or not, without carrying out a nominal voting, ?

MORALES: It's public. They stand up and say "yes" or "no". Legislator by legislator *(Diputado por diputado)* is called upon and each says "yes" or "no". They can say, I vote "yes" because of such and such a reason or I vote "no" because of such a thing. When it's not nominal, the form of voting is by standing up, and then everyone can see who votes "yes" or who votes "no". There are also secret votings, which are carried out by using black and white balls. This form of voting is only used for certain very qualified cases that are in the regulations or in the Constitution. For example, secret voting is mainly used for accusations; they're not voted on by standing up nor nominally, but by using black and white balls that are deposited in an urn.

JOHN: But normally the persons who know how the legislators (*diputados)* voted are the leadership, the other legislators (*diputados)* , those who are present. Are there journalists?

MORALES: Ah yes, because the sessions are public.

JOHN: And do they take notes on how the legislators (*diputados)* vote individually?

MORALES: When the voting's nominal, yes. When it isn't nominal, they don't take down the names but rather the number. So many vote in favor, so many against.

This watermark does not appear in the registered version - http://www.clicktoconvert.com

JOHN: And the number of *Liberacionistas* in favor or against?

MORALES: No. What they can see is the number of legislators (*diputados)* of any given party.

JOHN: But normally, are the factions perfectly united?

MORALES: Only in very qualified matters are there things that separate them. Let's say a bill (*proyecto*) that doesn't pass if it doesn't obtain the votes of a party. But these are fewer in number. Here, the bills (*proyectos*) generally pass with the votes of the two parties or of the parties that there are. Except in very qualified cases, for example, a bill (*proyecto*) such as that of tributary simplification. That bill (*proyecto*) doesn't have the opposition legislators' votes, but rather only those of the government. Why? Because it's a hidden tributary package and nobody will vote a tributary package.

JOHN: What happens if a legislator *(diputado)* regularly votes against his faction?

MORALES: He can be brought before the party's discipline tribunal.

JOHN: Has it happened a lot?

MORALES: Yes, sure. The legislator may be brought before the discipline tribunal and a sanction can be placed on him. He can be expelled from the faction. Yes, many have been brought before the tribune but they haven't expelled anyone. More than anything there's a moral sanction, because even when the ethics tribunal can expell the legislator, he doesn't have an obligation to leave the Congress. It's a problem for the faction because it would have one legislator (*diputado)* less. Regardless of the fact that the legislator (*diputado)* was brought before an ethics tribunal, he doesn't lose his credential. He continues to be a legislator.

JOHN: How do you think the prohibition of re-election of legislators *(diputados)* affects the level of legislating in the factions?

MORALES: Well, in reality re-election has been an idea that's very much embraced by the legislators (*diputados*) and in fact, it seems that the re-election of legislators (diputados) will pass this year. Yes, I believe that it'll happen. There are two reforms that will be passed, which are the re-election of legislators (*diputados*) and an increase in the number of legislators (*diputados*) by twenty, but those legislators will be national legislators (*diputados*).

JOHN: In the Philippines there's the exact same reform.

MORALES: National legislators (*diputados*) who are elected from a national list, not for provinces. The purpose of this is to improve the quality of the legislators because the best are placed on the national list, while on the province lists the one who wins the district elections (*distritales*) is the one

This watermark does not appear in the registered version - http://www.clicktoconvert.com

who gets in. So, the idea is to have 65 legislators who are directly or popularly elected and twenty national legislators (*diputados*).

JOHN: To be elected directly means in a uninominal district (*circunscripción uninominal*)?

MORALES: In electoral districts (*circunscripción electorales*).

JOHN: Is it going to change?

MORALES: Right now there are two types of election. Beginning with the previous election, there are legislators who are directly elected inside the parties; it's not a change at the constitutional level. The parties have devised the direct election and others the election where one has go and compete with other candidates.

I'll explain it to you as follows: The internal election of legislators in the parties is governed by the statutes of each party. So, each party chooses the way it will elect its candidates for legislators. This is the election that's direct. The election of legislators *(diputados)* at the national level is different because it's held every four years, at the same time as the election for the President of the Republic, and it's by ballot. It's by a closed list, it's blocked. It's the list of candidates within the party. For example, here there are legislators who were elected directly. The problem with the legislators who are elected directly is that they don't owe the election to the party, but rather they owe it to themselves. This causes the faction problems when the legislator says, "look, why do I have to vote this way if I won the *diputación* myself?" These legislators are very difficult to manage. On the other hand, the legislators who owe their *diputación* to the party, have to subject themselves to the party. There are legislators here who's campaign has cost them a lot of money- for example, the case of..... Soto- 60 million pesos. Soto comes when the spirit moves him, or he doesn't show up, or he sends everyone to hell. And it's the same in the cases of *"El Chino"* Ajoy, who was a national deputy; Carlos Salas of San Ramón; Eliseo Vargas.

JOHN: And how do you think the legislative representation will change if the reforms are made that you've discussed?

MORALES: Well, I believe that there could be a turn-a-round in the minority parties in the next assembly. However, I think that the majority parties, especially the Liberation Party *(Partido Liberac ión*), that people vote a lot for the party. So I don't believe that there'll be a big change. I think that as far as the minority parties go, possibly there may be an increase by one or two; as far as the rest is concerned, I don't think so. In the Liberation Party people vote for the party more than for the party's candidate. In the other majority party, the Social Christian Unity Party (*PUSC - Partido Unidad Socialcristiano*), yes, it is more personafied (*personalista*). It's a more vertical party, there they vote for leadership, for who has the party's leadership.

JOHN: How will the districts (*circunscripciones*) be drawn up on the map?

This watermark does not appear in the registered version - http://www.clicktoconvert.com

MORAL: Each party has a different way of establishing the districts (*circunscripciones*). They join cantons together according to each canton's voting and the number of followers that the party has in each canton; that's how the parties establish the groups. In each party it's different, because, let's say, in the Liberation Party the most voted cantons in Alajuela are, for example, Grecia, San Ramón, San Carlos.

JOHN: But will they change the general elections to make districts (*circunscripciones*)?

MORALES: No, I don't believe so. Internally yes, and possibly the electoral code.

JOHN: Well, these are all of my questions.