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JOHN: To begin, the following questions relate to the parliamentary factions. How is it decided what the parliamentary faction's position will be when it votes in the plenary session?

ARMANDO PINEDA: The faction knows the agenda; the position which will be adopted on a specific point is decided in a meeting of the faction and this is the faction's position. I know that there are times -although I ignore the basis of how they really decide- when it's left to the discretion of some delegates to make their own decision. But generally they go to the plenary with a formal or official position of the faction.

JOHN: In general, do they vote together? In other words, do the delegates of any given faction all vote "yes" or all vote "no"?

ARMANDO PINEDA: It is generally done this way; that all vote "yes" or all vote "no". There are some exceptions, as I said, like when they're given the freedom to vote according to their own individual considerations. Also, sometimes one, two, or more delegates don't follow the faction's position. Sometimes that happens, but it's very rare.

JOHN: What happens to a delegate who votes against his/her faction? Are there sanctions?

ARMANDO PINEDA: Internally within each faction there should be; however, I've never known of any drastic sanction. I've never known of such a case. At the beginning of this legislature, there was a delegate in one of the factions who even gave declarations saying that he was going to vote as he individually considered and then he voted differently. Nevertheless, he continues in that faction and hasn't been sanctioned.

JOHN: But there's an aperture to votings of consciousness in some projects?

ARMANDO PINEDA: In some, but very few. That's what the head of the faction says, that the delegates are free to vote according to his/her conscience, but this is very rare. There's generally a position and all the delegates vote in that position.

JOHN: Is it frequent for there to be a substitute on behalf of the delegates or.....

ARMANDO PINEDA: Well, generally when the plenary begins, which normally isn't at the hour stipulated for it to start...there's always a delay, but generally all the delegates arrive and, what's more, if not a delegate, then some substitute. Generally 54 delegates are there, well there could be around 82, but generally the plenary is complete. Well, the votings, they're according to the faction's position.

JOHN: Are there cases where entire factions don't vote as a way to demonstrate opposition, or something like that?

ARMANDO PINEDA: Yes, indeed. Many times entire factions don't vote for a project. What's more, sometimes as a sign of protest they retire from the plenary while a point is being discussed or they all abandon the session. Some entire factions have done it, it's not frequent but yes, sometimes it's done.

JOHN: What's the difference between not voting or voting "no", or withdrawing? Do they represent different levels of opposition?

ARMANDO PINEDA: Yes, perhaps it's nothing but to be noticed and it's more than anything to bring attention to public opinion because here, according to our regulation, it's simply "yes" or "no". There aren't minority pronouncements like those that exist in other places; or minority votes; things like those don't exist here. "Yes" or "no", it's approved or it's not approved and you can't abstain. There's abstention, yes abstention can occur, but since here our system's by handraising, there has to be some delegate who's prepared, according to the regulations, to manifest that their vote is negative or an abstention. However, as far as the results go, the repercussion is the same, be it negative or an abstention.

JOHN: Yes, because in the Salvadoran system I find that really, it's more or less the same to not vote or to vote "no", because the level to approve any project is an absolute number, not a number proportional to the votes.

ARMANDO PINEDA: That's right, yes. There's no difference.

JOHN: Are there coalitions or party alliances among the areas in the Assembly? In other words, are there areas where delegates from the different factions vote together?

ARMANDO PINEDA: Yes, indeed. But they're momentary alliances. They're for certain projects... in this yes...in that no, there can't be an alliance. That happens and there've been times where ARENA - that is the right wing party- and the FMLN - which is left wing- they make an alliance and vote against another party's proposal. In other words, in practice, any party makes alliances with one and other factions.

JOHN: What are these alliances based on? Common ideology, electoral interests, support for the executive, control of the agenda, etc.?

ARMANDO PINEDA: It depends on the topic. It can be any one of those situations that are at stake. It can be support to the executive, it can be ideological; in short, depending on the topic that's being dealt with, that's how alliances come about. That's why I say, they're not permanent alliances, but rather, it depends on the topic whether there can be an alliance and its purpose can be any of those that you've mentioned.

JOHN: So, the executive doesn't always have, for example, a coalition of parties?

ARMANDO PINEDA: No, not as such. But rather they're sporadic, momentary and contingent. There are parties that due to their ideology, let's say ARENA which is right-wing, and the PCN which is pro-right, well they generally coincide much more among themselves than with the other parties.

JOHN: In their majority, during the plenary, votes are made by handraising?

ARMANDO PINEDA: We have two ways, one which is established in the Constitution and in the regulations, that is nominal and public. You understand, in other words, a vocal vote. That's for certain cases that are very precisely indicated. However, the regulation says there may be a proposal in any case for voting to be nominal or public. But in general, voting is done by handraising, which isn't regulated in the Constitution nor in the regulation. It's a custom that we have, handraising, because there's no place in our regulation that establishes how votes are to be taken. In order to vote, the majority of the delegates is sufficient and the voting will be taken by the majority of votes of the delegates present. But it doesn't stipulate the manner of how the vote will be taken.

JOHN: The majority of the delegates who are present?

ARMANDO PINEDA: No, pardon me, the majority of the elected delegates.

JOHN: But there isn't any stipulation in the regulation of how many delegates would have to request a nominal voting?

ARMANDO PINEDA: It can be one delegate and the plenary approves or disapproves it, but the plenary has to vote whether the election will be nominal and public. A delegate proposes it, but it must be approved by the majority, the same as any project.

JOHN: Are there other times when a qualified minority can insist on a nominal vote? Is there some method to more or less stop the process?

ARMANDO PINEDA: Here a delegate can request it, but the majority has to approve it.

JOHN: For that reason nominal votes are so rare.

ARMANDO PINEDA: Yes, except for the cases which are already established in the Constitution. The elections of the Magistrates of the Supreme Court of Justice (*Corte Suprema de Justicia*), the different Magistrates of the Accounts Court of the Republic (*Corte de Cuentas de la República*), the members of the National Adjudicature Council (*Consejo Nacional para la Adjudicatura*), the Fiscal General of the Republic (*Fiscal General de la República*), the Attorney General of the Republic (*Procurador General de la República*), the Human Rights Ombudsman (*Procurador para la Defensa de los Derechos Humanos*); all those are officials which are the Assembly's decision and all are decided by means of nominal and public voting.

JOHN: Yesterday I looked in the archives, at the official newspaper, and it seems to me that almost all of those I saw were of consensual vote.

ARMANDO PINEDA: Yes, that's normal. Because generally in the Commissions there will be cases where the majority isn't obtained, but I could say that 70% of all that's approved is by consensus. Sometimes they aren't very extraordinary things. In laws that are a bit complicated, or which have some sort of repercussion, or that's of interest to the executive, the left-wing doesn't pull much weight, but generally 70% are voted unanimously.

JOHN: Some years ago electronic voting machines were installed in the Nicaraguan Assembly. Do you think that it would be worth the cost to install the machines in the Salvadoran Assembly?

ARMANDO PINEDA: Yes, I believe that it would be worth the cost since this type of voting is more reliable, because right now our system is by handraising and we, the advisers, are really the ones who count the votes. Sometimes it happens that, at some moment a delegate can lift his/her hand, then later lowers it and if we count the hands...mostly this happens when the votings are difficult and the difference is one or two votes to pass it by majority. Then, generally the party that doesn't agree that such and such be approved, says, "I don't believe that those people voted that way, let's vote again". So, with an electronic system you see everything on a screen and it's just more reliable. I know that in many places they have these systems but they don't function yet because the regulation doesn't permit them. I believe that's the case of Nicaragua, the system's there but they haven't been able to put it into operation because their regulation still doesn't allow for it. I think that it's the same in Guatemala, they have an electronic system but it still isn't in operation. I don't know the reasons but I believe that yes, it would be convenient. It's much more reliable.

JOHN: One of the debates of the official newspapers of the countries which have adopted these systems, let's say Peru...there was a big debate after the machines were installed because they began to use them. There was a debate on how it was going to change the legislative process, the reliability and security of the votings. The oppostion were the ones who insisted on using the machines, even though the majority didn't want to do it. But what the opposition leaders did was to say that all the delegates were going to have to defend or criticize the citizens in the next election. This meant entering into the electoral debate, but this was what the opposition said. I don't know whether there will be a more individual than partisan level of trust if they use them in El Salvador or not.

ARMANDO PINEDA: Yes, on one hand it could happen, that's to say, sometimes. What would be documented with much more accuracy, is who is voting and who's not. Because a lot of times it's thought that if a certain party has a specified number of votes, that all are voting and sometimes someone might not be present. When we count we generally assume that in a party that has thirty delegates, that the thirty are present and there are thirty voting, but it could happen that someone isn't there. This is never done in bad faith, we assume as a fact that they are all present and that all are voting. But it could happen that for some reason the delegate has gotten up and at that moment he/she isn't present. Really it's happened many times, where the

opposition party says, “look, the delegate wasn’t present; one’s missing, so and so isn’t here. However, perhaps he/she isn’t present, but there’s a substitute. An electronic system is much more reliable with this sort of problem, because it’s really present.

JOHN: Still, the transparency of a process.

ARMANDO PINEDA: Definitively, because sometimes there’s some doubt as to whether he/she really was there or not and if the votes were made or not. I believe that an electronic system would be much better for transparency and credibility.

JOHN: THE CASSETTE’S FINISHED.