CENTRO DE INVESTIGACIÓN Y DOCENCIA ECONÓMICAS

Making Constitutions: Presidents, Parties, and Institutional Choice in Latin America

Coding rules

Gabriel Negretto

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A. 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 actual values of this variable in the database range from 1 to 5.

In order to compare the effect of different reform coalitions on constitutional choice, the ordinal scale used to measure the size of the reform coalition has also been dissagregated into three dummy variables, which indicate whether the number of parties making up the coalition is one (**DOMINANT**), two (**TWOPARTY**), or more than two (**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.

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, institutional legacies are divided into k-1 dummy variables.

A6. DIFUSSION: Imitation of foreign institutions. This variable traces the effect of the number of countries adopting a particular institution on the probability that another country within the same geographical area will adopt the same institution. The values of this variable are the percentage of neighboring countries in a particular sub-region (Southern, Andean, and Central or North) that had the rules whose diffusion we want to test during the year before a constitution was replaced or amended. These rules are, 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.

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

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

A9. GROWTH: Growth rate. This variable measures the average rate of GDP per capita growth during the last five years before a constitutional change takes place.

B. Dependent variables

B1. ELECTORAL FORMULA FOR PRESIDENT (ELECRULE1): Threshold of votes required to win a presidential election. This is an ordinal variable that ranges from 1 to 3, where plurality is coded as 1, qualified plurality as 2, and majority rule as 3.

Alternative measurement

An alternative formulation includes electoral cycles. In this version of the dependent variable (**ELECRULE2)**, plurality for electing the president along with concurrent legislative elections is coded as 1, qualified plurality and plurality with non-concurrent congressional elections as 2, and majority rule as 3.

B2. PRESIDENTIAL REELECTION RULE (REELECT): Degree of restriction on presidential reelection. This is an ordinal variable that ranges from 1 to 5, where 1 means no reelection; 2, reelection after two terms; 3, reelection after one term; 4, one consecutive reelection; and 5, unlimited reelection.

Alternative measurement

An alternative formulation of this variable includes both the rule of presidential reelection and the length of the presidential term. In this case, the dependent variable (**PRESDUR)** consists of an ordinal scale ranging from 0 (presidential term of 4 years or less with no reelection) to 2 (presidential term of 6 or more years plus one or indefinite reelection), using 1 as a residual score for intermediate combinations.

B3. LEGISLATIVE POWERS OF PRESIDENTS (LEG1): Concentration of policy-making power in the executive. This variable consists of an index derived from categorical principal component analysis whose values range continuously from 1 (lowest possible level of power) to 100 (maximum possible level of power). The policy-making powers included in the analysis are the following:

- *Veto override*: ordinal variable measuring 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*: ordinal variable measuring the number of chambers intervening and the voting procedure in a veto override. It ranges from 0 to 3. Its codification is: 0=No veto; 1= Veto, one chamber; 2=Veto, two chambers voting together; 3=Veto, two chambers voting separately.
- *Partial observations*: ordinal variable reflecting the existence of partial observations and the override threshold. It is 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.
- *Line item*: dummy variable measuring whether the president can promulgate the non-observed parts of a bill. It is coded as 1 if the president can promulgate the non-observed parts of a bill, and 0 otherwise.
- *Budget veto*: dummy variable identifying whether the president can veto the budget bill. It is coded as 1 if there is budget veto and 0 if there is not.

- *Sessions*: dummy variable measuring whether the president can convene Congress for extraordinary sessions. It is coded as 1 when the power exists, and 0 otherwise.
- *Reserved areas*: dummy variable measuring whether the president has exclusive initiative on important financial or economic legislation. It is coded as 1 when the president has the power, and 0 when he has not.
- *Urgency bills*: ordinal variable measuring the existence of urgency bills and the reversionary outcome in case of congressional inaction. Its values range from 0 to 2, where 0 means no urgency bills; 1, power to submit urgency bills; and 2, when in addition to the power to submit urgency bills, the executive proposal becomes law if Congress does not act on it in a constitutionally-defined period.
- *Residual decree*: dummy variable identifying whether the 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.
- *CDA content*: ordinal variable intended to capture the existence of explicit constitutional decree authority and restrictions on its content. It ranges from 0 to 2, where 0 means no explicit decree authority; 1, decree authority restricted to certain areas; and 2, decree authority without substantive restrictions on content.
- *CDA outcome*: ordinal variable identifying the existence of explicit constitutional decree authority and the reversionary outcome in case of congressional inaction. 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*: ordinal variable reflecting the existence and degree of presidential authority to submit a bill to approval by popular vote. It takes values from 0 to 2, where 0 means no presidential authority to submit a bill to referendum or authority subject to congressional authorization; 1, unilateral authority to call a referendum but outcome non binding; and 2, unilateral authority and outcome binding.
- *Budget spending*: dummy variable identifying whether Congress can increase spending. It is coded as 1 if Congress cannot increase spending and 0, otherwise.
- *Budget outcome*: dummy variable measuring whether the presidential proposal is the reversionary outcome in the absence of congressional approval**.** It is coded as 1 if the executive's proposal becomes the reversionary outcome, and 0 otherwise.

Alternative measurement

In order to differentiate the selection of veto and agenda powers, a separate index including only agenda-setting powers (**AGENDA**) was used as a dependent variable using categorical principal component analysis. In addition, a qualitative index based on the interaction between veto and agenda powers (**LEG3**) was used to check the robustness of results. This index interacts (after eliminating zero values in each dimension) the additive scores of the veto and agenda powers of presidents.

B4. NONLEGISLATIVE POWERS OF PRESIDENTS (**NONLEG**)**:** Concentration of executive power in areas different from policy making, such as government and appointment powers, emergency powers, and interbranch conflict powers. As with the case of legislative powers, this variable is based on an index derived from categorical principal

component analysis, and ranges from 1 (lowest possible power) to 100 (maximum possible power). The following non-legislative powers of presidents were included in the analysis:

- *Political decentralization*: ordinal variable measuring 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 but regional executives appointed by president; 2=no sub-national elections.
- *Appointment court*: ordinal variable measuring 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 institutions; 2, president nominates and Congress ratifies by qualified majority; 3, president nominates and Congress ratifies by simple majority; and 4, president appoints or constitution does not establish procedure.
- *Appointment attorney general's office*: ordinal variable measuring the influence of the 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 qualified majority=2; president nominates and Congress ratifies by simple majority=3; president appoints or constitution does not establish procedure=4.
- *Appointment comptroller*: ordinal variable measuring the influence of the president on the appointment of the comptroller general. It is based on a scale with values ranging from 0 to 4, where 0 represents no participation; 1, that president nominates with other institutions; 2, that president nominates and Congress ratifies by qualified majority; 3, that president nominates and Congress ratifies by simple

majority; and, 4, that President appoints or constitution does not establish procedure.

- *Interpellate*: ordinal variable identifying whether 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; and 2, that there is no interpellation.
- *Censure*: ordinal variable measuring 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.
- *Censure dissolution*: ordinal variable measuring whether censure is restricted by threat of dissolution of Congress. It is coded as 0, when censure is unrestricted by dissolution; 1, when censure is restricted by dissolution; and 2, when there is no censure.
- *Censure initiation*: ordinal variable measuring whether censure initiation requires less or more than a majority of votes in Congress. Its values are: 0, initiation by less than a majority; 1, initiation by simple majority; 2, initiation by qualified majority; and 3, no censure.
- *Censure vote*: ordinal variable measuring 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*: ordinal variable indicating whether one or two chambers intervene in the censure. Its values are: 0, when only one chamber intervenes, 1, when two chambers intervene, and, 2, when there is no censure.
- *Impeachment bodies*: ordinal variable determining 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.
- *Qualified majority accusation*: ordinal variable indicating whether accusation for impeachment requires qualified majority vote. It ranges from 0 to 2, where 0 is accusation by simple majority; 1, accusation by qualified majority; and 2, no impeachment.
- *Qualified majority punishment*: ordinal variable determining whether final vote for impeachment 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*: ordinal variable indicating 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.
- *President´s incapacity*: dummy variable determining 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*: dummy variable indicating whether Congress must declare or ratify the declaration of emergency. In this variable, 1 indicates that President

declares and notifies Congress about the emergency, and 0 that Congress must declare or ratify it.

- *Emergency content*: dummy variable indicating whether there are explicit limits on the rights that can be suspended in emergencies. A value of 1 means that there are no limits or generic limits, and a value of 0 that there are only a limited number of rights that can be suspended during an emergency.
- *Emergency temporal*: ordinal variable indicating 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.

Alternative measurement

In order to check the robustness of results, an alternative qualitative index (**NONLEGADD**) was used. This index is based on the addition of scores across all the variables included in the nonlegislative powers dimension.