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Visible Votes: Recorded Voting and Legislative Accountability in the Americas

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Abstract

Recorded votes are ubiquitous in the U.S. Congress, and they are a central element in legislative accountability, but they are rare in many legislatures. This paper presents data on the supply of recorded votes in 24 legislative chambers throughout the Americas and advances four central claims. First, the electoral incentives for legislative challengers to highlight the voting records of incumbents are greater under U.S. electoral rules than under the types of electoral rules prevalent in Latin America. Second, the frequency and political salience of voting records in the United States has been high throughout U.S. history. Third, until very recently the frequency and political salience of voting records has been close to zero throughout Latin America. Fourth, recent technological advances have reduced the cost of recording votes, allowing political pressures identified in the paper to generate increased frequency and political salience of recorded legislative votes in some, but not (yet) all, Latin American countries. We should expect this trend to continue.

Visible Votes:

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“Let us make public the names of those who voted in favor, so our children will know whom they should curse.”

Russian legislator, Yuli Rybakov, on a proposal to accept nuclear waste from other countries in exchange for cash (National Public Radio 2001).

Whatever else voters in the United States know or do not know, they can count on being alerted as to whom they should curse for any decision Congress makes. Interest groups publish widely cited ‘report cards’ based on legislative voting records, challengers comb through their incumbent opponents’ records, and incumbents whose voting records are out of sync with their districts’ interests pay an electoral price (Canes-Wrone, Brady, and Cogan 2002). It is sometimes held that elected representatives generally operate according to a calculus familiar to U.S. legislators. In her cross-national study of corruption, for example, Susan Rose-Ackerman offers as axiomatic that, “If politicians vote against the interests of their constituents, they can expect to suffer at the polls” (1999: 127). But is this true? In many legislatures, who voted for and against a given proposal is almost never revealed, and proposals to record votes at all are contentious.

The conditions that foster, or undermine, political accountability are increasingly central to students of comparative democracies (Adsera, Boix, and Payne 2002; Johnson and Crisp 2003; Stokes 2001). The broad question motivating this paper is: How can individual accountability operate in legislatures? Because voting is the common currency of decisionmaking in legislatures, I address the topic through a number of more specific questions: What information about votes is available? What conditions are necessary for voting records to be politically salient? What factors generate change in the revealed information about votes? What effect does public voting have on the relationship between individual representatives and their parties? To

forecast the general responses: First, the amount of information revealed about votes varies tremendously across legislatures. Vote records are potentially salient in all legislatures, but more in single-member district than multi-member district electoral systems. Lawmakers disagree on whether public voting is desirable, with those who control the agenda generally opposed. Pressures from opposition and dissident lawmakers, and pro-transparency groups, as well as technological advances all encourage publication of legislative voting records. Finally, there is a tension between public voting by individual legislators and discipline among political parties.

I bring to bear on these issues evidence from Latin American legislatures, as well as observations about the historical genesis of public voting, and its salience, in the United States. Why these cases? First, most democracies in the Americas are presidential systems, in which the separation of powers allows legislative performance to be evaluated independently from executive performance (Cox 1987; Diermeier and Feddersen 1998; Samuels 2004). If public voting is politically salient anywhere, it should be in the Americas. If it is not, then the prospects for public voting to serve as a mechanism of accountability in parliamentary democracies are particularly dim. The U.S. case is a benchmark because the institution of public voting there is most firmly established and widely recognized to be politically consequential. In Latin America, demands for individual-level legislative accountability have increased in recent years, and the availability of reliable electronic voting equipment has dramatically reduced the logistical barriers to public voting (Barczack 2001; Mayorga 2001; Rachadell 1991).¹

The paper proceeds as follows. First, I present a typology of legislative voting methods according to whether they can be monitored by observers inside the legislature, outside, both, or neither, and develop propositions regarding the politics of public voting based on these conditions. Next, I review the historical

¹ Declining costs of electronic voting technology encourage recorded voting more broadly, of course, than just in Latin America. The Transitional Administrative Law (interim constitution) ratified in March 2004 by Iraq's Governing Council, for example, includes a provision requiring that all votes taken in the Legislative Assembly should be recorded and made public (Art.33(a)).

trajectory public legislative voting, and its political salience, in the United States, and then turn attention to Latin America, surveying the extent of public voting, the nature of its supporters and opponents, and the effects these actors understand it to have on legislative representation. Finally, I review factors that encourage reliance on public voting as well as those that stand in the way, and evaluate the potential for individual accountability in legislative representation. The empirical basis for much of the paper is a series of interviews conducted by the author with fifty-six legislators, party leaders, and legislative staff, during 2000-2001, in Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Nicaragua, Peru, and Venezuela.²

Monitoring votes

Table 1 distinguishes voting procedures by the relative ability of actors inside and outside the chamber to monitor individual legislators' votes, and illustrates the three relevant configurations, along with examples of each type of procedure that are discussed below. Under secret voting, legislators cast anonymous ballots such that the position of each is unknown by any monitor. Under public voting, the position of each legislator (most commonly, "aye," "nay," "abstain," or "not voting") is generally published in some official journal of the legislature, and often available on a legislative website. Under both secret voting and public voting, the ability of actors internal and external to the legislature to monitor individual votes is symmetrical. Signal voting refers to procedures by which individual legislators' positions are visible to those physically present in the chamber, but no individual-level record is available to outside actors, introducing asymmetry in the capacity of internal and external actors to monitor individual votes. Most votes in most Latin American legislatures – and almost all votes in many – are signal votes. The mechanics generally involve handraising ("All in favor ...") or standing up to be counted.

[Table 1]

² Information on interview subjects is in the Appendix. Complete transcripts of interviews are available, in English or Spanish, from the author.

The rules of procedure in all Latin American legislatures include provisions for public voting. These votes are usually called *nominales*, or named votes, in which the roll is called and each legislator's position is recorded. Requirements for demanding a *nominal* range from request by a handful of legislators to petition by a majority of those present. Apart from these thresholds, traditional *nominal* procedures are inevitably time-consuming, and so procedurally costly. Electronic voting machines, in contrast, generate individual-level voting records automatically, so that when they are used the procedural costs of public voting plummet, regardless of whether or not electronic votes are formally deemed *nominales* (Congreso del Peru 1998).

Snyder and Ting (2003) present a formal model to explain why public voting in legislatures ought both to be preferable to individualistic legislators, and to provide policy outcomes that are socially preferable to citizens. The result depends, however, on legislators' voting behavior being observable both by constituents and by other some actor – say, a powerful interest group or a political party leader – whose preferences may be at odds with constituents. That is, the normative attractiveness of public voting depends on symmetrical monitoring by both sorts of actors, and the opportunity this provides for legislators to make binding electoral contracts with their constituents. This opportunity, in turn, rests on the idea that information about legislators' votes is provided to constituents.

That politicians are motivated to deliver information about legislative voting records to voters is obvious in the U.S. context, but less so for many legislatures elsewhere – particularly in the absence of two-party competition in single-member electoral districts. If voting procedures determine who has the *ability* to monitor legislators' actions, electoral rules and the nature of party competition shape the incentives for politicians to deliver this information.

To begin with, citizens cannot be expected to keep track of voting records on their own. Candidates in single-member district (SMD) elections dominated by two parties have strong incentives to provide voters with bad news about their opponents' record because any candidate is the sole residual claimant of whatever popular vote loss her opponent suffers as a result. In the context of U.S. elections, then, challenging candidates are key vehicles by which information on legislative voting records are delivered to voters in a legislator's district.

In multi-member district (MMD) electoral systems, which predominate in Latin America, the incentives for candidates to deliver news about their opponents' voting records are weaker. In closed list systems, such as Argentina, Costa Rica, Ecuador, El Salvador, or Nicaragua, ballots do not afford voters the opportunity to indicate a preference for individual legislators, so any punishment for bad voting behavior (or reward for good behavior) is spread across all of a party's candidates, and any benefit to the lists of other parties accruing from such punishment is spread across the other parties running lists. Within each of these lists, any gain in electoral support benefits the candidate highest in the list who would otherwise not be elected. The identity of this marginal candidate, however, is unlikely to be known with certainty before the election.

Open list systems, such as those in Peru, Chile, or Brazil, or a multiple list system like Colombia's, which provide voters the ability to cast votes for specific candidates, provide somewhat stronger incentives for the delivery of information about voting records. The incentives are still weaker than under SMD, however, because of the diffusion across multiple candidates of any gains to be had from exposing flaws in a given legislators' record. In the concrete sense, a candidate in a Peruvian district with eight incumbent legislators has multiple voting records to criticize cannot expect to monopolize whatever electoral support she dislodges from incumbents by blowing the whistle on their negligent voting behavior. Instead, this support may be spread across the other challengers for the eight seats at stake.

The bottom line here is that the incentives for candidates to make voting records central to campaigns are strongest under the electoral rules and party structure that characterize U.S. legislative elections. Citizens may come to monitor legislators' votes through other processes, and electoral incentives for candidates to publicize their opponents' voting records are not altogether absent in other electoral environments, but the structure of electoral competition in MMD systems generally provides weaker incentives than in SMD systems to make voting records central to political debate.

Three propositions follow from the discussion above. First, various sorts of political actors may be inclined to monitor legislative votes: constituents, political party leaders, and interest groups among

them. Among these actors, those inside the legislature (e.g. party leaders), or for whom monitoring votes is relatively cost-efficient (e.g. interest groups with policy concerns before the legislature), have little interest in formally recording votes relative to those outside the legislature, for whom monitoring costs are higher (e.g. constituents). Second, among legislators themselves, recorded voting should be favored by those inclined to resist pressure from inside actors, and opposed by those in a position to apply it. Finally, the electoral salience of voting records should be greater in SMD than in MMD systems.

The U.S. experience: Voting records as the currency of individual accountability

Both theory and experience point to the United States as a site where the connection between voting records and legislative accountability is unambiguous. In briefly reviewing the relationship between public voting and accountability, I want to highlight four points. First, abundant evidence suggests that public voting encourages legislators to be responsive to constituent interests. Second, this has been the case since the early days of the republic. Third, public voting imposes a strain on party discipline by exposing representatives to pressures from outside the legislature. Fourth, technological advances that reduce the procedural costs of recording votes increase their salience as tools for dissident and opposition legislators. These themes will be echoed in subsequent discussion of public voting in Latin America, although more faintly than in the US case, where the conditions for voting records to serve as tools of accountability are, and have long been, more propitious.

The first point is uncontroversial. The centrality of voting records to campaign strategies is apparent to any observer of US legislative politics. Incumbents try to avoid casting votes that potential challengers could trot out as evidence that constituent interests have been betrayed. The connection is also established in academic research, both qualitative and quantitative (Erickson 1971; Fenno 1978). In Mayhew's seminal account of the electoral connection, roll call voting records are an essential component of legislators' position-taking strategies (Mayhew 1974:69-73). In a recent analysis of recorded votes across four decades, from 1956-1996, Canes-Wrone, Brady, and Cogan (2002) demonstrate that U.S. House members whose floor votes

prioritize the demands of their parties over their constituents win lower shares of the popular vote and face higher probability of defeat than do members whose votes are more in line with the estimated preferences of voters in their districts. The results suggest that constituents are aware of their representatives' voting behavior and that electoral ambition induces responsiveness to constituent preferences.

Modern campaigns and communications media facilitate dissemination of information on voting, but also raise the question whether legislative politics in the United States has always been characterized by accountability of this sort. The historical record suggests that it has. Consider, for example, the controversy surrounding the Compensation Act of 1816, in which a Republican-controlled Congress voted to switch from per diem compensation to a considerably larger salary for its members. Federalist newspaper editor William Coleman decided to attack the bill in print on the grounds that his readers would blame the majority party, but would never bother to inquire how individual Federalist legislators voted. On the other side of the partisan divide, Thomas Jefferson shared the expectation that individuals' votes would not be monitored, predicting that "almost the entire mass [of Congressmen] will go out, not only those who supported the law or voted for it, or skulked from the vote, but those who voted against it or opposed it actively, if they took the money" (White 1951: 401).

Both Coleman and Jefferson proved mistaken, however, as Republican newspapers were quick to point out that a greater proportion of Federalist than Republican members voted for the pay raise, as well as publishing the names of the guilty parties (Skeen 1986: 258-259; Bianco, Spence and Wilkerson 1996:144-145). Public outrage fell more heavily on supporters of the Act than on opponents: nineteen percent of supporters were reelected against forty-six percent of its opponents (Skeen 1986: 266). Recent research, moreover, strongly suggests that the members of the 14th Congress themselves perceived better than Coleman or Jefferson the salience of their individual positions on the Act to voters in their districts, both before and after the vote. Legislators who had won their previous election by smaller margins were systematically less likely to support the Act, and those who supported it were subsequently much less likely to seek reelection (Bianco, Spence and Wilkerson 1996). The controversy surrounding votes on the Compensation Act included intense newspaper coverage, public meetings in various communities. According to Skeen (1986), the episode

undermined the idea of deference by citizens to representatives in the new republic, and established the norm of deference by legislators to public opinion instead.

If the practice of recording and making public individual votes is as old as the U.S. Congress, one critical 19th Century episode sheds light on how public voting affects relations between legislators, party leaders, and their constituents. At issue was the procedure for electing officers of the House of Representatives, including the Speaker, which prior to 1839 were conducted by secret ballot. During the 1830s, battles over patronage controlled by these offices incited moves by leaders of the Democratic majority to push for public voting in House officer elections.³ Fierce debates ensued between advocates of “the right of constituents to know all the public acts of their representative” and “the democratic principle of accountability to the constituent body” on the one hand, and on the other those who defended a legislator’s right to “express the convictions of his heart, separate from party ties and party allegiance,” fearing “that the power of party can condescend to the smallest, most unimportant, and contemptible matters” (Jenkins and Stewart 2003: 494, 495, 497).

The Democratic leaders prevailed in this initial battle, winning the ability to monitor their members’ votes and putting a stop to the subterfuge by majority party dissidents and cross-party coalitions that had characterized many House officer elections early in the century. Yet, the effect of public voting on party discipline, particularly for the highly salient votes to elect House Speakers, was “exactly the opposite in the long term ... [because] the daylight that shone on speakership elections highlighted regional animosities just as much as partisanship. It became more difficult to elect Speakers and organize the House than before the onset of *viva voce* voting.” (Jenkins and Stewart 2003:504-505). The *viva voce* episode illustrates that, in the U.S. context, the move away from unmonitored votes initially strengthened the influence of national party leaders

³ *Viva voce* should not be confused with the current practice of voice votes on routine matters in the U.S. House, which is a subset of what I call ‘signal voting,’ where legislators indicate their votes in some visible or audible way, but no individual-level record of votes is produced. Under the *viva voce* procedure, the House Clerk recorded each member’s vote, which was subsequently published in the official record (Jenkins 2003).

over rank-and-file legislators, but universal monitoring ultimately strengthened an even greater force, countervailing that of party – constituents, with their diverse regional demands.

Subsequent historical accounts demonstrate that organized interest groups systematically monitored voting records in the early 20th Century and that legislators feared the influence of these records on voters. In his account of the rise of Prohibition, Peter Odegard quotes correspondence between a state legislator and a local Anti-Saloon League’s chapter, which sums up the politician’s simple calculus: “While I am no more of a Christian than I was last year, while I drink as much as I did before, you have demonstrated to me that ... there are more Anti-Saloon votes in my district than there are saloon votes; therefore I will stand with you both with my influence and my vote if you will give me your support” (Odegard 1928: 90). The League, moreover, was not satisfied with fair-sounding pledges, and relied on methods of monitoring recorded votes that echo those of modern interest groups. “Elaborate indexes of politicians and their records were kept at Washington and in most of the states, and professions of sympathy were matched with deeds. The voters were constantly apprised of the doings of their representatives” (Odegard 1928: 91). The Farm Bureau, the American Legion, the American Medical Association, and the National Rifle Association engaged in similar activities during this same era (Kile 1948; Mayhew 1974: 66-67).

An important jump in the salience of recorded votes in the United States came in 1973 with the adoption of electronic voting technology in the House. Sponsors of the Legislative Reorganization Act of 1970 reduced the requirements for members to demand that a vote be recorded on the grounds that this would improve accountability of members to their constituents. Shortly thereafter, to accommodate the increased demand for recorded votes within time constraints, the House installed electronic voting machines. These changes produced a gigantic increase in the number of recorded votes in the House, particularly on amendments to bills, and a concurrent increase in the relative importance of voting records to legislators’ relations with their constituents. One additional property of the shift to electronic voting in the United States is worth noting. Minority party members – those most likely to be dissatisfied with overall legislative outcomes – were inclined to push amendments that, when subject to recorded votes, would be politically uncomfortable for the governing majority (Smith 1989: 29-34).

To sum up, recorded voting has been integrally connected to legislative accountability throughout the history of the U.S. Congress. Since at least the early 19th Century, members expected voting records to be available and salient to constituents, and relevant to their own electoral success. Party leaders, too, have a keen interest in monitoring votes but, except under exceptional procedural circumstances (e.g. secret voting in House officer elections), leaders face minimal obstacles to monitoring votes, so asymmetries in monitoring costs generally favor party leaders over other competitors for legislators' loyalties. Interest groups have long treated voting records as the currency of legislators' performance. Finally, the reduced procedural costs to publicizing votes that accompanied electronic voting in the House increased their importance and amplified their relevance as a tool of the legislative opposition.

The supply of recorded votes in Latin America

In contrast to the United States, Latin America legislatures generally record very few votes. Beyond this straightforward observation, I want to highlight three key points in this section. First, the supply of visible votes in the Americas directly reflects the technological and procedural obstacles to recording and publishing votes. Second, declining technological barriers have prompted procedural reforms in some cases that facilitate the recording and publication of votes, which in turn increases their supply. Third, this has not been so in all cases, however; some legislatures in which the technology is available still do not record (or else record but do not publish), meaning votes remain invisible.

Rules of procedure in Latin American legislatures often require recorded votes (usually called *nominales*) under specific circumstances – for example on votes to override presidential vetos in Uruguay, on the vote to select a president in the absence of a popular-vote majority in Bolivia, and on constitutional amendments in various systems – but these circumstances tend to be unusual. In every Latin American legislature, members may also request recorded votes. The procedural barriers to such requests vary from requiring a majority vote in Costa Rica and Bolivia, to a one-third threshold in Peru, to petition by ten legislators in Ecuador or six in Guatemala.

Table 2 shows the incidence of recorded votes across 24 legislative chambers in the Americas (plus the joint sessions of the Uruguayan Congress). The cases are grouped according to the procedural barriers to recording – whether an electronic voting system is used, and the threshold for requiring a recorded vote. These two elements are connected, both logically and empirically. Modern electronic voting systems automatically and instantly generate individual-level records of votes, reducing the cost of recording, in terms of legislative staff labor and session time, to near zero. Where the cost of recording votes is negligible, in turn, there is less reason to maintain rules that discourage recording. Of eleven chambers with electronic voting systems, the rules of four establish electronic voting as the default procedure for floor votes and another five set request thresholds at 10% of members or less. Of twelve chambers without electronic systems, only the U.S. Senate records as standard operating procedure, two more set low barriers, and seven set a majority request threshold to record. The mean number of recorded votes per year is derived from collection of data from parliamentary websites in those cases where complete transcripts of all legislative sessions (or, more rarely, the votes themselves) are systematically posted, and from field research or consultation with legislative staff or academic experts in each country otherwise.

[Table 2]

Average number of votes per year is a fairly raw statistic, to be consumed with some caution. The averages are derived from across 33 years for Costa Rica, ten for the United States, seven for Guatemala, four-year legislative periods for Colombia and Ecuador, and a mere nine months in Nicaragua's dawning electronic era. Although most of the figures are based on comprehensive archival searches, some of the vote totals reported are estimates based on incomplete data (see, for example, notes *c*, *g*, and *h* to Table 2). Specialists in the legislative politics of each country might also reasonably argue that legislative floor votes can have distinctive meanings in different settings. Where most legislative work takes place in committees, for example, floor votes may be less frequent and less central to the policymaking process than when more of the action is on the floor. Even acknowledging such qualifications, however, these votes are critical to legislative decision making in every chamber. Floor votes are where statutes, budgets, treaties, veto overrides, and

constitutional amendments are ultimately approved or rejected, and the availability of vote records indicates how much hard information citizens have about the most consequential actions of their representatives.

The connection between the procedural obstacles to recording votes and the amount of such information available is not surprising, but it is striking nonetheless. Those chambers where electronic voting is standard operating procedure average 459 recorded votes per year; the U.S. Senate (s.o.p., manual) averages 350; chambers with electronic systems but where recorded votes must be requested by some subset of legislators average 154 votes; and those where voting is manual and recorded votes must be requested average about 2.

The experiences of individual countries that have adopted electronic voting suggest that once systems are in place, demands grow to alter rules of procedure to facilitate recorded voting, and where these demands are successful, the numbers of recorded votes skyrocket. The bottom line here is that what time-series information is available supports the clear pattern in the cross-national data: electronic voting and minimizing procedural barriers to recorded voting boost the amount of information available to those outside the legislature about legislative decision making.

Even taking technological and procedural barriers into account, the Latin American legislatures generally record fewer votes than the U.S. Congress. After all, the U.S. Senate has no electronic voting, and House rules impose a significant request threshold, yet both record hundreds of votes per year. One obvious explanation is a lack of staff resources in Latin American legislatures without electronic systems. Legislatures in the region are chronically and notoriously under-funded, whereas recording votes by hand is labor-intensive and time consuming.

Procedural costs cannot be the whole story, however. Even where electronic systems are in place in Latin American legislatures, their use is not a given. Electronic systems are in place in the Costa Rican, Panamanian, and Venezuelan assemblies, but they are never used, while the electronic systems in the Argentine and Colombian lower chambers are very rarely employed. In other cases, the systems are used regularly, but voting records are not systematically published. The Nicaraguan Assembly, for example,

records all votes, but does not publish the records.⁴ The Argentine Chamber's website puts up the aggregate (yes, no, abstain, absent) results for votes taken electronically, but includes the lists of individual deputies' voting decisions only sporadically. The Mexican Senate's website, curiously, publishes its recorded votes the evening of that session, but then removes the records when the votes from the next session are put online. The Mexican Chamber's website has changed its policies for making recorded voting data available various times over the past three years, but appears to have settled recently on putting up complete records of electronic votes.

Public access to information about electronically recorded votes may be partly attributable to technical capacity. Maintaining comprehensive websites taxes the resources of many assemblies. On the other hand, party leaders and the members of dominant coalitions sometimes prefer not to make voting records public even when they are kept, and not to use electronic voting systems even when they are in place. For now, it is worth noting that, although the point of departure is different, the relationship between electronic systems and recorded voting in Latin America runs in the same direction as that in the United States. In the United States recorded voting is common even in the absence of electronic voting, and becomes more prolific with the adoption of electronic systems. In Latin America, recorded voting is negligible in the absence of electronic voting. It is increasingly common – but not a given – where electronic systems reduce procedural costs.

Demand for recorded votes

The general discussion of monitoring, above, suggested that recorded voting should be opposed by actors with natural advantages in monitoring signal votes, and supported by those who are either disadvantaged in monitoring or inclined to resist coercion from those who enjoy natural monitoring advantages. The central point of this section is that extensive interview data confirms these intuitions. Of those political actors

⁴ The recorded votes collected for this project were obtained by special request from assembly staff. There is no rule against their disseminating this information, but neither is it readily available to journalists, politicians, activists, scholars, or citizens.

motivated to monitor votes, those for whom the opportunity costs to monitoring are low to begin with tend to oppose recording and publishing votes – which is effectively the use of institutional resources to reduce the monitoring costs other actors confront, thus eliminating monitoring asymmetries. Actors for whom costs of monitoring are high favor public voting. Members of the majority bloc – if there is one – tend to oppose public voting, or at least to be indifferent, whereas opposition legislators and dissidents within majority coalitions support it.

The political actors with the greatest monitoring advantages are legislative party leaders – particularly those from majority parties or coalitions, which control legislative agendas – and possibly presidents. Interest groups with substantial resources, including lobbyists or staff poised to oversee legislative activity, may also be able to monitor signal votes on the assembly floor. Actors motivated to monitor, but with disadvantages in doing so, include NGOs and watchdog organizations with constrained resources, journalists, and academics. The actors most resistant to coercion from legislative leaders (and possibly presidents) are opposition legislators and dissidents within majority parties and coalitions. Interviews and documentary evidence confirm that the politics of recording votes and making records transparent conforms to these expectations.

Legislative leaders

In enforcing party discipline, legislative party leaders have an inherent interest in monitoring votes.⁵ However, they are best off if they can monitor effectively without formally recording, insofar as the absence of an official record that can be examined by outside actors shields their rank-and-file legislators from competing pressures. Party leaders' interest in recording, then, is contingent on their inability to keep track of how their groups vote by other means (Cardenas interview). Most legislators interviewed suggested that formally recording votes is not necessary for leaders to monitor their troops under signal voting procedures. Party leaders pointed to the ergonomics of how seating and voting in their chambers operate. Carlos Vallejo Lopez,

⁵ Legislative parties in Latin America are referred to variously as *bloques*, *fracciones*, *bancadas*, *grupos*, or *partidos*. For simplicity, I refer to such units generically as party groups.

former President of the Ecuadorian Congress, for example, noted that, “Because the party group is almost all in a line – they are physically together, one can observe how the bloc moves. Ten deputies raise their hands, five deputies, whatever.” Legislators from that and other chambers – party leaders and backbenchers, governing coalition and opposition – made similar points about party leaders’ ability to monitor voting (Lucero, Sibaja, Vargas Pagan interviews).

It may be that such low-tech monitoring is more feasible in smaller than in larger legislatures. Most Latin American legislative chambers have fewer than 150 members. The lower houses of Argentina, Brazil, and Mexico, on the other hand, have 250 to over 500 members, and all three have electronic voting systems installed. Chamber membership is positively correlated (.49) with use of electronic voting, but the correlation between membership and frequency of recorded votes is much smaller (.15), and not significant. Party leaders in all chambers where interviews were conducted emphasized that discipline is expected in voting, so recording individual legislators’ votes would be redundant (R. Alvarenga, Duch interviews). Gonzalo Sanchez de Lozada, former President of Bolivia summed it up: “Here it’s not like the United States where you say ‘I voted this way or that’ ... Here, people presuppose and expect legislators to be loyal to their party.”

All the party leaders interviewed for this project found informal methods of monitoring votes to be sufficient for their needs. Much more consistent support for recorded voting came from legislators further removed from positions of control over the agenda. Many of these also suggested that party leaders are actively hostile, rather than indifferent, toward recorded voting.

Opposition legislators

Legislators from opposition parties, as well as occasional dissident legislators from within governing parties or coalitions, were dependable supporters of the idea of recorded voting whether or not recorded voting was the standard procedure in their chamber. Their motivations fall into four categories: to obstruct the legislative process, to prevent the manipulation of voting results, to hold the majority’s feet to the fire on votes that are expected to be unpopular, or to publicize dissidence within the majority party or coalition.

The first motivation, obstruction, is relevant only in chambers that lack electronic voting systems. Where recording a vote literally means that the roll must be called – and in some cases, where legislators are allowed to explain their position, however briefly – the effect can be to grind progress on the legislative agenda to a halt (Cardenas interview).

The second motivation is simply that recorded votes prevent outright manipulation of voting results by those who control legislative procedures. One Ecuadorian legislator, who asked for anonymity with regard to this one comment, said:

The truth is the following: the President of the Congress often manipulates the votes. So, when you don't have a *nominativa* ... if the Secretary says there are 64 votes out of the 110 delegates who are present in the hall, the article is passed. [My party] usually has two of its assistants in the Congress at the front, on both sides of the plenary hall ... It's a warning for the Secretary, because on more than one occasion we've demonstrated with the accounting that we have brought with us that they are giving a result that's incorrect. (See also Lucero interview.)

Salvadoran Deputy Aristide Alvarenga (PDC) also complained of manipulation of vote outcomes under the handraising method of voting, but described a conscious decision to tolerate such abuse during the tumultuous 1980s:

[Electronic voting] has already been considered [in El Salvador]. This was many years ago, around 1985. A committee studied the possibility, and at that time USAID offered to pay for it, but at that time issues were so complicated – we were in the war, at times it was necessary to contrive votes, to find a way, in order to move forward, and it was said that [electronic voting] was not appropriate at the time and we should wait a while.

By Alvarenga's estimation, sufficient time has now passed that the Salvadoran Assembly should adopt electronic voting, but to this point it has not. It is worth noting that Alvarenga's PDC was a majority party during the period when he found 'contriving votes' acceptable practice, but is much smaller, and outside government, currently.

Legislators interviewed in every chamber that lacked electronic voting asserted that outcomes were altered when signal votes, which generally involve standing, handraising, or banging on the table (*el pupitrizo*), were used, and generally expected that electronic voting would remedy the problem

(interviews with Landazuri and Lucero in Ecuador; Sanchez Bezrain in Bolivia; Navarro in Colombia; Guido in Costa Rica). Nicaraguan Deputy Maria Lourdes Bolanos (FSLN) confirmed the improvement under electronic voting on the basis of recent experience:

I think the change is transcendental. Members of the Salvadoran opposition have told me they want to acquire an electronic system because they regard transparency as very weak in El Salvador, to the point where the Junta Directiva manipulates votes. They always overcount, they're never satisfied. In contrast, we are satisfied with the votes. We believe there is transparency, we believe there's efficiency. That's important. With manual voting, for all the time it would cost us, now we have agility. It's not just about transparency, but agility.

Procedural concerns with obstruction and accurate vote counting aside, the most common motivation behind demands for recorded voting among opposition legislators is transparency. The practice forces those who control the legislative agenda to go on the public record with specific votes to which citizens might object, and therefore which might benefit the opposition. Statements along these lines from opposition legislators were abundant (Bedregal and Sibaja interviews, for example). Former Bolivian Deputy Alfonso Ferrufino's (MBL) describes the reason majority coalition legislators resist electronic voting as "the intention and the will of the representative *not* to be transparent in his job – to say one thing in public and do another inside the Congress." A staff member for an opposition deputy in Venezuela's National Assembly portrayed the governing party's resistance to electronic recorded voting as less subtle, claiming that state of the art voting equipment installed with support from a foreign aid program was vandalized by members of the majority party to avoid having to take responsibility for their votes (Anonymous 2002). In Panama, an opposition-led proposal to force the chamber leadership to use the existing electronic voting system was justified on the grounds that majority-party legislators ducked responsibility for votes in favor of unpopular tax legislation and motions to grant immunity from prosecution to government officials charged with wrongdoing (*La Prensa Web* 2004).

Members of majority parties or coalitions were inclined to dismiss the importance of electronic voting on the grounds that recorded votes (*nominales*) can be requested in any instances where there is either doubt about the outcome, or where enough legislators want to insist on a public record (Acosta, Carvajal, Lucero

interviews). Yet opposition legislators objected that those who control the flow of legislative traffic fail to handle such requests evenhandedly (Devia, Garcia, Holguin interviews). According to Colombian Senator Rafael Orduz:

Orduz: Sometimes, if a group of senators opposes a project and is in the minority, but it's in our interest that how everyone voted is known, we can demand a recorded vote, if we are recognized to speak.

Author: How many do you need to make the demand?

Orduz: One – and it has to be approved by the chamber.

Author: By majority?

Orduz: Of course, and this too can be voted by *pupitrazo*!

Finally, a close cousin to the demands from opposition legislators for recorded votes are demands from dissident legislators within the majority party or coalition, who would use recorded votes either to apply pressure to shift the party's official line, or to build personal support on the basis of a publicized split from the party. Alexis Sibaja, leader of Costa Rica's PLN, cited the famous case of former PLN Deputy Rodrigo Carazo leaving the party in a blaze of glory by breaching discipline in a rare *nominal* over whether to allow mineral exploration by the transnational ALCOA. Carazo survived his legislative last stand and was later elected president under the banner of the Unity party, which he founded (Sibaja interview).

A similar story was unfolding during and after the field research conducted for this project in Nicaragua, where a group of FSLN deputies objected to a deal cut between their leaders and those of president's Liberal Party on a package of constitutional and electoral system reforms. The FSLN dissidents took advantage of the recently adopted electronic voting system to publicize their rebellion, drawing the ire of loyalists, such as Deputy Maria Lourdes Bolanos: "[The voting records] have been used to make public the divisions within coalitions. Not for transparency, but to the advantage of those four deputies who are against the pact. That's what it has come to." However, Deputy Monica Baltodano, one of the dissidents, explained that going public in this way had costs:

We broke discipline. So [the party leadership] ruled that whoever did not accept party decisions could not aspire to electoral posts. Everyone knew I wanted to run for mayor of Managua, and this way I couldn't be nominated. It's almost certain that they won't permit me to run for reelection as a deputy either.

As anticipated, Baltodano was subsequently barred from nomination for reelection as deputy, citing as the reason her vote in the Assembly against the electoral reform law. Whether she is able to translate her voting independence as a deputy into sufficient public support to sustain a political career outside the party remains to be seen.

Outside actors

Other sources of demand for recorded voting are outside the state. By and large, the public clamor for voting records is modest in the countries where records are not regularly kept. Legislators in Bolivia and Colombia – even those who strongly favored recorded voting themselves – described a general lack of public attention to individual legislators’ voting behavior (Carvajal, Cardenas, Holguin interviews). Nevertheless, there are pockets of interest. Organized interest groups -- unions, business organizations, and farmers’ groups – sometimes monitor legislative voting even in systems where no records are kept, and lobby legislators and party leaders to support their demands (Navarro and Sanchez de Lozada interviews).

More general demand for recorded votes come from academics and, in the cases of Argentina and Colombia, from watchdog NGOs. During the past two Colombian elections, *Congreso Visible/Candidatos Visibles*, based at the Universidad de los Andes in Bogota, has solicited background information and policy position statements from all legislative candidates and published all responses on their website, supplementing this material between elections with information on partisanship and committee assignments, policy proposals, the status of legislation, and public statements by legislators. *CV/CV* also collects the few votes recorded at the individual level in the Colombian Congress, and has been aggressive in lobbying for the adoption of recorded public voting as a matter of standard procedure (Ungar 2002).

In Argentina, the *Asociación de Derechos Civiles* has pursued a judicial strategy, filing suit in Buenos Aires municipal court demanding full public disclosure of all municipal council votes while simultaneously lobbying at the national level for recorded voting by publicizing controversial legislation on which the public records produced by Congress do not make it possible to determine how individual legislators voted (*Asociación de Derechos Civiles* 2004; *Clarín* 2004). In Panama, the local branch of Transparency International supports opposition-led efforts within the Legislative Assembly to require that the electronic voting system be used (*La Prensa Web* 2004). In Mexico, as well, persistent pressure from academics at the Instituto Tecnológico Autónomo de México (ITAM) during the late 1990s and early years of this decade appears to have hastened the systematic dissemination of voting records via the Congress’s website (Weldon 2002).

Presidents

Presidential commitment to recorded voting is a product of the specific political conditions at hand and the goals of a particular president. The rare circumstances that land the issue at the top of a presidential agenda, however, may be sufficient to establish recorded voting as standard practice.

Presidents may demand recorded voting for a couple of reasons – either out of a desire to be able to monitor more accurately the voting behavior of their ostensible allies in the legislature, or out of a genuine desire to increase transparency in the policymaking process. As with party leaders, interview subjects dismissed the need for executives to rely on recorded voting to monitor their legislative allies, on the grounds that informal networks within legislatures themselves were sufficient for these purposes (Guerra, Holguin interviews).

The second potential presidential motivation to press for recorded votes is generic presidential interest in modernization and efficiency, coupled with willingness to push such demands on a reluctant legislature. An ironic example is the case of Alberto Fujimori, whose administration is not generally associated with transparency. Yet Fujimori's campaign to modernize the state included an initiative to computerize the Peruvian Congress, which in turn included the installation of electronic voting machines (Cevasco Piedra 2001). Although Fujimori's legislative allies initially refused to use the equipment, the legislative opposition eventually succeeded, through the aggressive use of obstructionist tactics, in forcing the adoption of electronic voting as standard operating procedure (Author cite 2003). Thus, Fujimori's modernizing drive appears, unintentionally, to have produced the regular practice of recorded voting in Peru.

More recently, less inadvertently, and also less successfully, Colombian President Alvaro Uribe's first act as president was to introduce a broad package of political reforms, the first element of which was a requirement that all votes taken in the Colombian Congress be recorded and made public (*El Tiempo* 2002a). The priority Uribe gave to this procedural detail is remarkable given that he assumed the Colombian

presidency in the midst of a civil war.⁶ His stated rationale was that lack of confidence in government institutions account for the crisis of the Colombian state, the remedy to which is transparency to produce greater accountability among elected officials.⁷ Facing congressional resistance to his proposal in 2002, Uribe put his reform package directly to voters in a 15-point referendum the next year. The public voting provision received 94% support among votes cast, but only 24.7% of eligible voters participated. In Colombia, referenda require 25% participation to be valid, so Uribe's proposal failed and most votes in Colombia remain invisible to those outside the Congress.

Effects of recorded voting

Having described who cares about the move to recorded voting, and why, it is incumbent now to examine whether the motivations and concerns of these actors are justified. What impact does recorded voting have on legislative representation? The most obvious effect is an increase in transparency and greater opportunities for actors outside the legislature to exert pressure on elected representatives. The discussion of monitoring, above, also suggests that publicizing votes should weaken party leaders' influence over legislators. This section presents evidence confirming both of these propositions.

Transparency

When asked the open-ended question, "What effects, if any, does recorded voting have on legislative representation?" most legislators mentioned an increase in transparency.⁸ The term, however, is sufficiently

⁶ Uribe's inauguration ceremony itself was subject to a mortar attack.

⁷ It is worth noting that Colombia's previous president, Andres Pastrana, in the name of transparency, had also tried to pass a package of reforms that included the requirement of public voting. The proposal died in the face of legislative opposition.

⁸ In legislatures that do not regularly record votes, I asked, "What effects, if any, do you expect recorded voting would have on legislative representation?"

general (and such talk is sufficiently cheap) that it is worth spelling out more explicitly what it entails. In its crudest sense, the transparency afforded by recorded voting is a check against the ability of legislators to lie outright about the policies they have supported or opposed inside the chamber. None of my interview subjects confessed to having perjured themselves in this manner, but claims that their colleagues had were common.⁹

Colombian Senator Rafael Orduz was willing to name names:

I'll give you an example, having to do with a particular part of a recent tax reform. In public – I'm talking about on television – the President of the Liberal Party, Luis Guillermo Veles, said he was against it. In the vote, inside the Senate, he voted in favor. There was no TV and no recorded vote, but nobody has called him on it in public. So publicly, he continues to position himself as if he had opposed the article I'm talking about.

Orduz's point was that a recorded vote on the tax measure in question would have offered a deterrent against the obfuscation of which he accuses Senator Veles, or else have provided incontrovertible evidence with which any of Veles's opponents (presumably including Orduz) could expose his duplicity.

Most of the legislators interviewed mentioned transparency at a more general level, along the lines that voting records are a basic mechanism for transmitting information about legislative decision-making and that this information is a public good. Without reciting each such statement, Ecuadorian Alexandra Vela (DP) provides the general flavor:

The mechanism for rendering accounts doesn't function if there's no way to verify the votes. Why? Because from this election we have the obligation to present a legislative program. So, we notarize, we go to the notary and we publicly say this is the program. But citizens request accounts from their delegates as to whether this is the program that was presented and you don't know how each one voted. So, the process of rendering accounts demands that there be voting of this kind. Also, for knowledge and for learning, as a pedagogical matter for citizens who don't understand and can't see how the mechanisms of a democracy function. It's important for them to see it.

Some of the general claims about transparency point to education and information (Ferrufino interview). Others suggest that the threat of sanction from voters deters legislators from shirking against constituents' interests in their voting behavior, which in turn suggests the stronger claim that recorded voting can change

⁹ I am still not sure how I managed to overselect to such an extreme on honest politicians.

actual policy outcomes (Blanco Oropieza interview). Testing such a claim systematically is difficult, of course, because in any given case the outcome realized must be considered against the counterfactual – the outcome that *would have been* realized in the absence/presence of recorded voting.

The Peruvian interviews produced a plausible claim, raised independently in multiple interviews, that recorded voting changed at least one important policy outcome (Masias, Pease, de Althaus, Ortiz de Zevallos interviews). At issue was a proposed change in the electoral system for the 2001 election. Incumbent legislators had been elected from a single, national district. The proposed reform would divide Peru into multiple electoral districts (*circunscripciones*) defined by departmental boundaries. Despite popular support for the idea, many legislators were skeptical about altering the rules under which they had, by definition, been successful. Congressman Henry Pease (UPP) provided the most compelling account recorded voting's effect on the outcome:

[This reform] obviously was not good for small parties, or for those that knew that, after the way they had governed, they were going to be small parties. There was a lot of tension when this issue was put to debate, with strong public opinion in favor, and a bunch of legislators demanded, based on an article of the rules, that the vote should be secret. I wasn't in Congress at the moment because I was sick in the medical clinic, so I saw on television the impact, above all, of public opinion. I was in the clinic at least from 6:00 or 7:00pm on, in a room watching the TV, and the nurses were coming in – not to look after me, but to watch the TV and express their indignation at what was happening, because as soon as they saw that it was going to be a secret vote they said 'It's going to lose' and in fact, they didn't get enough votes to get rid of the national district. This led to a mobilization and to demands of all sorts and criticisms of all sorts and allowed us to force, a month later, another proposal, and vote on it ... and finally, even though it was a much more radical bill, it was accepted because of public pressure.

Pease's comments suggest a critical issue with respect to the prospects for recorded votes to act as mechanisms for legislative accountability in the manner that they do in the United States. This is whether voting records find their way into the mainstream of political discourse. To put the matter more bluntly, even if votes are visible, does anyone look? The Peruvian fieldwork for this project was conducted in May 2001 – a period of intense politicization in that country, after the fall of the Fujimori regime, and in between the two rounds of the election that produced the presidency of Alejandro Toledo. Congress, which had produced the interim President Valentín Paniagua, and which was

conducting investigations into the spectacular corruption charges against members of the Fujimori administration, was in the national spotlight. In this context, the Peruvian media reported intensively on congressional voting records. Newspaper articles reproduced roll calls (Diez Canseco 2001; *La Gaceta* 2001), and television talk shows focused on motivations (de Althaus interview).

Comprehensive information on voting records in Peru, moreover, was – and remains – easily accessible on the internet (Cevasco Piedra 2000). In short, recorded voting in Peru appeared to have, in very short order, established itself at the core of political discourse.

One should be cautious, however, about generalizing too quickly from the experience of Peru in 2001, which was extraordinary on a number of counts. The early experience of Nicaragua with recorded voting stands in contrast to Peru. Field research in Nicaragua was conducted in August 2000, and electronic voting had been adopted as standard operating procedure only eight months earlier, in January. Deputy Carlos Hurtado (AC) described the status of the voting records this way:

Hurtado: Despite the fact that votes are recorded, they aren't widely known among the people, except when a particular issue becomes decisive at election time.

Author: Is this a process that is beginning?

Hurtado: Yes, it's happening. It requires that the electorate, the political analysts, have the record. It's not so simple to create this record because it requires a certain infrastructure, a certain culture, a certain systematization. There's no independent center that keeps a record of the votes. In the United States, there is – there are lots that keep complete records of the details. That's more sophisticated. I think eventually we'll get there, but certainly as of now it's not so easy. At least it's known when a certain deputy takes a certain position.

Individual votes are, indeed, known *within* the Nicaraguan Assembly because its electronic voting system includes a large screen indicating each deputy's position on each motion, yet they are not widely known beyond the Assembly hall because the records are not published, nor is it easy for would-be observers from outside the Assembly to obtain them.¹⁰ Deputy Jorge Samper (MRS)

¹⁰ After some months' delay and elaborate petitions via a friend who served as a technical consultant to the Assembly, who in turn put in a special request to a friend on the Assembly staff, I secured electronic records of a sample of votes from the year 2000.

pointed toward the status of legislative staff – and specifically of civil service protection of government employees – in explaining the obstructed flow of information about what goes on inside the legislature to sources on the outside. According to Samper, in Nicaragua, legislative employees, lacking civil service protection, are reluctant to release voting records out of fear that any discomfort those published records generate among powerful politicians could cost the staff their jobs:

Right now some [legislative staff] still resist publishing things without someone giving them orders to do it. Sometimes they're a bit afraid... It's important that there be career officials who will be the institutional memory who attest to what's done and that it be published – that there be a guarantee, a nonpartisan guarantee, independent of who's in the government or who has the majority in the parliament, in order to provide real, effective, and concrete information, without of any sort of fears.

Beyond the accounts of legislators themselves, it is difficult to estimate the effect on transparency of recording and publishing legislative votes. The Corruption Perceptions Index (CPI), calculated by Transparency International for most countries in the world, measures perceptions of corruption generally. The CPI is not legislature-specific, but it is a widely recognized measure of political transparency and allows cross-national comparison. Figure 1 plots the logarithm of the average number of votes recorded and made public per year, by country, against the 2004 CPI.¹¹ I use the log values of votes per year on the logic that there are diminishing returns to the information conveyed through visible votes. In terms of transparency, that is, the difference between publishing zero votes and publishing 100 should be more consequential than that between publishing 1,000 and 1,100 (or 1,000 and 2,000, for that matter). There is a moderate (.46, sig.07) positive correlation between the log of public votes per year and the CPI.

[Figure 1 here]

To sum up, whether because legislative transparency reduces corruption, or because some combination of factors that produces legislative transparency also contributes to cleaner government in general (or, more

¹¹ The average numbers of votes are from Table 2. For bicameral systems, I use the mean of lower and upper chamber votes. Countries that make no votes public take values of zero.

likely, some combination of these effects), perceptions of corruption tend to be lower in countries where legislative votes are visible.¹² Moreover, the experiences of specific countries demonstrate that individual legislators' voting records can attain political salience in Latin America, and can do so relatively quickly, as in Peru. The broader pattern is confirmed as well by Brazil and Chile, with longer experiences with recording votes. On the other hand, it is not automatic that 'If you record it, they will come.' MMD elections in Latin America moderate incentives to monitor individual voting behavior, and resistance to recorded voting from powerful legislative actors also discourages forces otherwise inclined to publicize voting records.

Partisan versus individualized legislative representation

Much of the discussion so far has suggested that recorded voting can undermine discipline in legislative parties and coalitions. Discipline implies the ability on the part of party leaders to compel legislators to vote contrary to their immediate preferences, or contrary to preferences induced through their electoral connection with constituents. Recording votes and making them public increases the costs to legislators of voting that is disciplined in this sense. The fact that party leaders, in interviews, supported recorded voting less than other legislators is consistent with this interpretation.

This analysis cannot test the hypothesis that recorded voting weakens discipline, for the obvious reason that no data exist and no levels of party voting unity can be measured when voting records do not exist, but the interviews support this proposition. Deputy Monica Baltodano, the FSLN dissident sanctioned for voting against the party, described strong public support for independence from absolute party discipline: "There is a great tolerance [of indiscipline] among citizens and Nicaraguan society, which can be demonstrated in polls and studies. But within the political institutions, there's great intolerance, above all within the party." A

¹² I found no relationship between public votes and "confidence in Congress," as measured by the *Latinobarometro* during the late 1990s through early 2000s. To the extent that the crafting of legislation resembles sausage-making, per Bismarck's famous observation, visibility may enhance accountability and deter corruption without necessarily increasing public affection for Congress.

vignette provided by Peruvian Congressman Carlos Blanco Oropeza (C90-NM), illustrates the expected effect among party leaders of recorded voting on discipline in more colorful terms:

I'll never forget when, in 1998, I was Vice President of the Congress, and we hosted some German legislators, and naturally one of the things we did was to visit the facilities of the Congress. I accompanied them to the chamber, the place where we meet, and right there is the screen for the public votes, and I'll never forget the German legislator – who was a leader of his party – and he said to me, 'Is the vote public?' So I explained, and he said, 'You guys are crazy. How can you control the members of your party? Everyone has to vote how the party votes.'

Blanco's German colleague was referring to the practice of signal voting in the Bundesrat, a practice with which Blanco himself was familiar because the Peruvian Congress had relied almost exclusively on signal voting until modernization, including the installation of electronic voting equipment, in the mid-1990s ushered in recorded voting. Blanco confirmed that recorded voting increased the willingness of individual legislators to resist leadership directives (Blanco Oropeza interview).

Whether the potential for recorded voting to undermine party discipline is realized depends on whether citizens come to regard voting records as salient in evaluating legislator performance, whether they are willing to reward independence from parties in the pursuit of some other conception of constituent interests, and whether these forces supercede whatever other tools party leaders retain to enforce discipline. Interview subjects contended that voting records encourage responsiveness to citizens in legislators' immediate electoral constituencies, even at the cost of loyalty to the national party, either because voters are prepared to weigh regional interests against those of the national party (Aristide Alvarenga interview), or sectoral interests (Masias interview).

The priority of individual over partisan accountability to the electorate was a theme repeated in interviews in one country after another, even where recorded voting has made no progress toward adoption. In Venezuela, for example, the same anti-party chorus was echoed by both opponents and supporters of President Hugo Chavez. Former Constituent Assembly Deputy Ricardo Combellas described the philosophy behind the new constitution adopted in 1999 held that, "We wanted to eliminate partyarchy – to eliminate it constitutionally, but in terms of norms, for the representative to

respond more directly to the wants and needs of his constituents. Responsibility in parliament is personal – the Constitution says so – not to respond to a party but to one’s constituents;” while William Tarek Saab (MVR), a leading member of President Hugo Chavez’s party in both the Constituent Assembly and the current legislature concurred: “I think that here you have to listen to the voice of the people. One of the requirements for this is the vote of conscience. You only pay attention to your conscience.” To this point, of course, whether votes in the Venezuelan National Assembly are regularly being cast according to the demands of conscience – perhaps even independently from party lines – must remain a matter of faith, due to the failure of the Assembly’s leadership to use the electronic voting system that is in place.

Conclusion

Voting records are so essential to how legislative accountability is conceived in the United States, and have been for so long, that it is easy to forget that there is nothing automatic about their relevance, or even their existence and availability. A substantial body of research on the U.S. Congress supports the proposition that legislators who vote contrary to their constituents suffer electoral consequences, but there is no systematic evidence for a similar brand of accountability in other contexts. Beyond the United States, essential components of the legislative voting—accountability relationship are often missing. This essay outlines the conditions necessary for the relationship to obtain, examines the extent to which those conditions apply in Latin America, and reviews recent changes in these conditions.

In the first place, legislative voting can only be an element of accountability if votes are publicly known. They can only be known, in turn, if they are recorded and the records are available. In the Latin American context, systematic voting records never exist in the absence of electronic voting. Given this empirical fact, the big news is that reliable electronic voting equipment is more easily accessible than ever before. The technical obstacles to keeping and maintaining legislative voting records are rapidly diminishing. This, in turn, makes it increasingly difficult for legislative leaders to resist demands to record and publicize legislative votes.

Diminishing technological barriers do not, however, mean recorded and public voting will be welcomed into Latin American legislatures as standard operating procedure. Recorded voting is a controversial reform, resisted by powerful legislative actors. Its principal advocates are opposition legislators, dissidents within governing coalitions, and NGOs for whom government transparency is a priority. Its main opponents are the leaders of governing parties. In short, those inclined to oppose recorded voting hold most of the cards that determine who sets rules of legislative procedure. On the other hand, the gradual spread of electronic voting in many Latin American legislatures over the past decade or so indicate that the barriers are not insurmountable. Procedural rights granted to legislative minorities may provide some leverage for those demanding the regular use of recorded voting, as was the case in Peru. The Colombian case suggests that supporters of recorded voting might occasionally find allies with clout in the executive, and in Argentina transparency advocates are looking to the courts.

Perhaps most important to the overall trend is that recorded voting as standard practice appears to be subject to a sort of ratchet effect. Once the practice is adopted, it is difficult to backslide. Whereas opponents may be able to keep recorded voting off the reform agenda quietly for extended periods of time, once it is established, a move to eliminate recorded voting would be difficult to defend publicly. According to Peruvian Congressman Blanco Oropesa: “Once it’s done, you’re not going to change it. It’s not going to change because even if the general public doesn’t pay much attention, the journalists do. The journalists and the other politicians, too, because they are the ones who get accustomed to using this information.” Political commentator Jaime de Althaus, also from Peru, summed up the matter even more categorically: “[Recorded public voting] has had its own inertia ... It’s an almost inevitable consequence that runs according to its own logic.”

We should not expect legislative voting records to assume in other political contexts the central role they play in U.S. legislative politics. In particular, MMD elections should dilute the incentives for individual politicians to use incumbents’ voting records as ammunition in electoral battles. Nevertheless, many actors *are* motivated to promote voting records, technological advances are on their side, and backsliding on this matter is improbable. Recorded voting, therefore, should become more common and voting records should

grow increasingly salient to Latin American political debate, and increasingly central to the accountability relationships between legislators and voters.

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Table 1. Monitoring of legislative votes.

		<i>INTERNAL (e.g. party leaders)</i>	
		No	Yes
<i>EXTERNAL (e.g. citizens)</i>	No	Secret voting <ul style="list-style-type: none"> • USHR officer elections, pre-1839 • Peru, at request of 1/3 of legislators, or Panama at request of 1/2. • Italian final passage votes, pre-1988 	Signal voting <ul style="list-style-type: none"> • Latin America standard operating procedure in lieu of electronic voting • U.S. House voice votes.
	Yes	N.A.	Public voting <ul style="list-style-type: none"> • U.S. Congress roll call and teller votes • Latin America <i>nominales</i> • Latin America with electronic voting when records are made available

Table 2. Effects of procedure on the availability of public voting records.

Country	Chamber	Members	Request Threshold	Recorded votes/ year
<i>Standard operating procedure, Electric</i>				
Chile	House	120	Art.9	328
Chile	Senate	47	Art.157	45
Nicaragua	Unicameral	90	Rules do not yet reflect adoption of electronic voting (Arts.104-110)	924 ^a
Peru	Unicameral	120	Art.57	540
<i>Standard operating procedure, Manual</i>				
United States	Senate	100	Rule XII	350
<i>By request, Electric</i>				
Mexico	House	500	6 legislators (Art.148)	155
Mexico	Senate	128	6 senators (Art.148)	156 ^b
Brazil	House	513	6%, or party leaders representing 6% of members (Art.185)	>68 ^c
Argentina	House	257	10% of deputies present (Art.190)	17 ^d
United States	House	434	20% of quorum (Rule XX)	559
Brazil	Senate	81	Majority of those present (Art.294)	125 ^e
Venezuela	Unicameral	165	Majority of those present (Arts.120,125)	0 ^f
<i>By request, Manual</i>				
Guatemala	Unicameral	140	6 legislators (Art.95)	8.4
Ecuador	Unicameral	100	10% of legislators (Art.70)	4.5
Bolivia	House	130	Majority of those voting (Art.107)	0
Bolivia	Senate	27	Majority of those voting (Art.116)	0
Uruguay	House	99	1/3 of those present (Art.93)	<1.0 ^g
Argentina	Senate	72	Majority of those present (Art.205)	21 ^h
Colombia	House	161	Majority of those present (Art.146)	2.5
Colombia	Senate	102	Majority of those present (Art.146)	2.0
Costa Rica	Unicameral	56	Majority of those present (Art.101)	0.5
El Salvador	Unicameral	84	Majority of those present (Art.37)	0
Panama	Unicameral	71	Majority of those present (Art.196)	1.9 ⁱ
Uruguay	Senate	31	Rules allow, but do not specify procedure to request, recorded vote (Art.100)	<1.0 ^g
<i>Constitutional requirement, Manual</i>				
Uruguay	Joint session	130	Recorded vote required on motion to override presidential veto (Art.141)	6.3 ^g

^a An electronic voting system installed in 2000 was immediately put into regular use for all votes. The vote records, however, are not published.

^b The Mexican Senate website currently publishes all recorded votes, but leaves only those from the most recent session on the website, continually replacing records of previous votes. As a result, only a handful of votes are available at any given time, and any actor who seeks to monitor Senate voting must be vigilant and assiduous in harvesting votes as soon as they are ‘ripe.’

^c Actual number is somewhat higher. Figueiredo and Limongi’s (2000) data included 678 votes over a 10-year period, but excludes votes in which less than 10% of deputies voted on the losing side.

^d Source: Asociacion de Derechos Civiles, Buenos Aires.

^e Source: Scott Desposato.

^f Art.125 states that a single deputy may solicit a recorded vote, but does not stipulate a requirement for the approval of such a request. Art.120 states that Assembly decisions are to be made by vote of a majority of those present. The transcripts of floor debates available in the *Diarios de Debates* online report only aggregate vote totals, not individual-level voting records, even for votes said to be taken by the *nominal* method. Thus, no records are public.

^g Extensive search of *Diarios de Sesiones*, 1985-1994, turned up only a handful of recorded votes in either chamber, beyond 63 from joint sessions on votes to override presidential vetoes, per constitutional requirement. Method of archiving makes it difficult to determine whether any other recorded votes exist.

Sources: Scott Morgenstern; Daniel Buquet & Daniel Chasquetti.

^h The Asociacion de Derechos Civiles reports that the Argentine Chamber produced 17 recorded votes in 2003, and *Clarín* (2004) reports that the Chamber recorded votes in a total of 9 sessions. The same article reports that the Argentine Senate recorded votes in a total of 11 sessions. The estimate of 21 votes is based on an assumption that the Senate recorded votes with the same frequency per session, given that records were produced.

ⁱ Source: Harry Brown Araúz.

Appendix: Information on interview subjects

Name	Office	Party
Bolivia		
Bedregal, Guillermo	Deputy	MNR
Brockmann, Ericka	Senator: Party leader	MIR
Cárdenas, Víctor Hugo	Ex-Deputy, Ex-Vice President of the Republic	MRTA
Carvajal Donoso, Hugo	Cabinet minister; Ex-President of Chamber of Deputies	MIR
Ferrufino, Alfonso	Ex-Deputy	MBL
Sánchez de Lozada, Gonzalo	Party leader, Ex-President of the Republic	MNR
Sánchez Bezraín, Carlos	Deputy	MNR
Colombia		
Acosta, Amilkar	Senator	PL
Andrade, Hernán	Representative	PC
Devia, Javier	Representative	PC
García Valencia, Jesús Ignacio	Representative	PL
Gómez Gallo, Luis Humberto	Senator	PC
Guerra, Antonio	Senator	PL
Gutiérrez, Nancy Patricia	Representative	PL
Holguín Sardi, Carlos	Senator	PC
Navarro, Antonio	Senator	ADM-M19
Orduz, Rafael	Senator	MCA/ASI-A/MCI
Rivera Salazar, Rodrigo	Senator	PL
Costa Rica		
Castillo, Fernando	Auditor General of the Republic	
De La Cruz, Vladimir	Deputy; Party leader	PFDN
Gonzalez, Eladio	Deputy	
Guevara, Otto	Deputy	ML
Guido, Célimo	Deputy; Party leader	PFDN
Hernández, Oscar	Assembly staff	
Morales, Humberto	Assembly staff	
Sibaja, Alex	Deputy; Party leader	PLN
Vargas, Eliséo	Deputy; Party leader	PUSC
Vargas Pagán, Carlos	Deputy; Ex-President of the Assembly	PUSC
Ecuador		
Albornoz, Vicente	Deputy	PS
González, Carlos	Deputy	ID
Landazuri, Guillermo	Deputy	ID
Lucero, Wilfredo	Deputy; Party Leader	ID
Neira, Xavier	Deputy; Party leader	PSC
Pons, Juan José	Deputy	DP

Vajello Arcos, Andrés	ex-Deputy; Ex-President of Congress	ID
Vajello López, Carlos	Deputy; Ex-President of Congress	
Vela, Alexandra	Deputy	DP
<i>El Salvador</i>		
Alvarenga, Aristides	Deputy	PDC
Alvarenga, Rolando	Deputy; Party leader	ARENA
Duch, Juan	Deputy; Ex-President of Assembly	ARENA
Pineda, Armando	Assembly staff	
Zamora, Rubén	Ex-Deputy; Party leader	CD
<i>Nicaragua</i>		
Baltodano, Mónica	Deputy	FSLN
Bolaños, María Lourdes	Deputy	FSLN
Hurtado, Carlos	Deputy; Party leader	AC
Samper, Jorge	Deputy	MRS
Urbina Noguera, Luis	Deputy	PLC
<i>Peru</i>		
Blanco Oropeza, Carlos	Deputy; Ex-President of Congress	C90-NM
Cevasco Piedra, José	Assembly staff	
De Althaus, Jaime	Political talk show host (<i>La Hora N</i>)	
Masías, Manuel	Deputy	IND
Ortiz de Zevallos, Gabriel	Pollster (<i>Instituto de Apoyo</i>)	
Pease, Henry	Deputy; Party leader	UPP
<i>Venezuela</i>		
Combellas, Ricardo	Deputy (Constituent Assembly)	IND
Fernández, Julio César	Deputy (Interim Assembly)	IND
Murillo, Alexis	Assembly staff	
Tarek Saab, William	Deputy	MVR

Figure 1. Log of mean annual votes per year, by country, and 2004 Transparency International Corruption Perceptions Index.

