



The Argentine Elections: Systems and Candidates

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Constitutional and Legal Framework

Argentina will hold presidential and congressional elections on October 28. On the same date, local elections will take place in 8 provinces; 16 other local races were held earlier in the year. Given the uniqueness of Argentina's electoral system, it is worth reviewing how the elections are structured as well as examining some of the key individual races.

Argentina is a federal state, composed of 23 provinces. The federal district, the city of Buenos Aires, has the status of a province and elects its own executive and legislature and is represented in the national Congress like all other provinces. For that reason, all generic references to "provinces" or "electoral districts" should be understood to include the city of Buenos Aires as one of the 24 electoral districts.

Electoral Systems Applied

Argentina has been, and continues to be, a laboratory for electoral systems. The national government, as well as several of the provinces, has used most systems known in constitutional comparative law, including at least one created domestically. In fact, on October 28, three different procedures will be followed for the election of the president, vice president, and members of Congress.

The Senate

Each province is represented by three senators in the national Congress. The number was raised from two to three by a constitutional amendment approved in 1994, with the aim of allowing the third senator to represent the most important minority party or alliance in each district. A complex procedure was introduced to ensure such a result: all three senators representing the same district are elected at the same time; the party that gets

the most votes obtains two senate seats; and the third seat is assigned to the party with the second-largest number of votes.

Senators are elected for six years and the composition of the Senate is renewed by thirds every two years. In order to make this provision compatible with the electoral system described in the preceding paragraph, the 24 districts are divided into three groups of 8 districts each. Every second year, 8 districts hold elections for senators. This year, for example, the city of Buenos Aires and the provinces of Chaco, Entre Ríos, Neuquén, Río Negro, Salta, Santiago del Estero, and Tierra del Fuego will elect three senators each. In the rest of the provinces, citizens will not vote for senators this year.

The need to ensure minority representation has led to the application of the following system: each party or alliance registers only two candidates; the party or alliance that obtains the most votes elects both candidates; and the third senator is the candidate registered in the first position on the ballot of the ticket that has the second-largest number of votes.

This system is further complicated by a law that seeks to ensure women a minimum of one-third of the legislative seats. Pursuant to this law, one of the two candidates that make up each senatorial ticket must be female. Thus, even if female candidates occupy the second place in all tickets, the second candidate of the ticket receiving the most votes will be one of the three senators elected.

The Chamber of Deputies

This body is formed by 258 members, elected for four-year terms. The chamber is renewed by halves every two years. Seats are distributed among the provinces in accordance with their respective populations, but a

minimum of five deputies is assigned to provinces that otherwise would not be entitled to elect that number of members. Each party and alliance registers a list of candidates equal to the number of deputies to be elected that particular year by each district. In order to comply with the “one-third female” law, each group of three candidates must include at least one woman. The proportional representation system created by the Belgian mathematician D’Hont is applied to distribute seats in each district among different parties and alliances. Candidates are elected in the order shown in the electoral list.

The President and Vice President

The president and the vice president are elected together by the citizens of the whole nation, taken as a single district. A two-ballot procedure is followed, inspired by the French *ballotage* system but with important differences introduced in view of results in previous Argentine political history. To be elected on the first ballot, the winning ticket must obtain 45 percent of the votes, or 40 percent of the votes and an advantage over the second-place ticket of at least 10 percent. In any other case, the two tickets receiving the most votes compete in a runoff election.

Electoral Calendar

Argentina would benefit from a rule similar to that of the United States, whereby an objective procedure is applied to determine the date of the elections. In Argentina, the date is fixed by an executive order issued by the president, while provincial elections are set independently by their own authorities. In some cases, provincial constitutions require that elections be held on dates that do not coincide with the time chosen by the national government. Whenever the local government has the power to choose a date, it will do so keeping in mind its own political interest. Incumbents may find it convenient to hold provincial elections on the same date as national elections in order to take advantage of presidential coattails. Others choose to set a different date in order to base their campaign on more favorable local issues or the attraction of local candidates.

This year, 14 gubernatorial races have already taken place, with incumbents or their chosen successors for the most part successful. Only 4 races were lost by the party in government. In the 8 provinces that have yet to vote, provincial and national elections will be held on the same date.

Key Districts for Presidential Elections

An indirect electoral system, inspired by the U.S. Constitution, was in effect between 1853 and 1994. As in its model, the distribution of electors among provinces enhanced the relative weight of the smaller districts. The direct system applied today, on the other hand, allows the population of the larger districts to determine the outcome of the election.

In order of descending importance, the five largest districts are the city of Buenos Aires and the provinces of Buenos Aires, Santa Fé, Córdoba, and Mendoza. Of these five major districts, the provinces of Buenos Aires and Mendoza are still to be decided, together with the national elections. The opposition won in the city of Buenos Aires and in Santa Fé, while the government won in Córdoba.

Both the *Partido Justicialista* (PJ), or *Peronista*, and the *Unión Cívica Radical* (UCR)—the two parties that monopolized presidential elections during the second half of the twentieth century—are deeply divided.

The PJ has been paralyzed by its inability to field a single slate of candidates and instead will be represented by two factions. One is led by President Néstor Kirchner, who is currently supporting the Cristina Kirchner–Julio Cobos ticket, formally registered by the *Frente Para la Victoria*. The other is backing the Alberto Rodríguez Saá–Héctor Maya ticket, registered by the *Frente Justicia, Unión y Libertad* (FREJULI).

The UCR is divided into four distinguishable groups. The party’s national authorities, led by former president Raúl Alfonsín, back the Roberto Lavagna–Gerardo Morales ticket. A group led by several radical governors, on the other hand, has formed what is called the *Concertación* and is allied to the *Frente Para la Victoria* under the Cristina Kirchner–Julio Cobos ticket. Cobos is the governor of Mendoza, the fifth-largest district in Argentina. Former radical leaders Elisa Carrió and Ricardo López Murphy left the UCR many years ago and head separate tickets.

The resulting main alliances are as follows:

- *Frente Para la Victoria–Concertación*: This alliance supports First Lady and Senator Cristina Kirchner as candidate for president and Governor Julio Cobos as candidate for vice president, whose ticket is favored in the polls to win.
- *Coalición Cívica*: An alliance formed by the *Alianza para una República de Iguales* (ARI),

Partido Socialista, Unión Por Todos, and individual politicians drawn from different parties backs the ticket of former radical deputy Elisa Carrió, better known by her nickname, “Lilita,” and the president of the Socialist Party, Rubén Giustiniani. Basically center-left, this coalition emphasizes the need to fight corruption and reconstruct republican institutions.

- *Una Nación Avanzada–Unión Cívica Radical*: This alliance supports the ticket formed by former minister of the economy Roberto Lavagna, a Peronist, and radical Senator Gerardo Morales. Also center-left, its main appeal is Lavagna’s role in pulling the economy out of the 2001–2002 crisis.
- *Frente Justicia, Unión y Libertad*: Governor Alberto Rodríguez Saá of San Luis and former senator Héctor Maya are the candidates of this all-Peronist movement. Ideologically as broad as Peronism has always been, it attempts to attract *Justicialistas* disappointed by the Kirchners and resentful of their attempts to replace Peronism by a left-leaning coalition.
- *Recrear para el Crecimiento–Propuesta Republicana (Recrear-PRO)*: This ticket is made up of former minister of defense and of the economy Ricardo López Murphy and deputy Esteban Bullrich. Center-right, this coalition emphasizes the need to strengthen both the market economy and republican institutions.

Perspectives

The number of opposition candidates almost guarantees that none of them will reach the 30 percent threshold in the first round on October 28. In that case, the Kirchner-Cobos ticket would need only 40 percent of the votes to be elected. In fact, the strategy of the opposition consists of drawing enough votes from the *Frente Para la Victoria* to impede it from reaching 40 percent. Should this tactic prove successful, the opposition will try to unify their constituencies behind the runner-up for the second ballot. Polls consistently forecast more than 40 percent of the votes for the *Frente Para la Victoria*. Opposition leaders, however, claim that polls are biased in favor of the government or flawed for a variety of reasons.

Cristina Kirchner’s victory, whether it takes place in one or two ballots, would lead to the unprecedented circumstance of a woman succeeding her husband as head of state. María Estela Martínez de Perón, after being elected vice president on the ticket with her

husband, Juan Domingo Perón, replaced him as president after his death, serving from July 1974 to March 1976. We may witness the first case of a president, who has maintained high approval ratings and has no legal impediment to seeking reelection, deciding to step aside to allow his wife to run for the presidency.

The Carrió-Giustiniani ticket appears to be in second place according to most polls. Should this turn out to be true, in the case of a second ballot, Argentina would experience a situation that perhaps has no parallel in world history: a presidential election restricted to two female candidates.

In the most probable scenario, the PJ-PFV alliance will continue to control both houses of Congress. The harvest of votes by the presidential ticket would have to be very poor to put its control of Congress in jeopardy.

Much imagination is necessary in order to speculate on the executive-legislative relationship in the case an opposition candidate wins the presidency. The most likely situation would be a president resigned to face an opposition Congress for the first two years of his or her term. Should a Peronist like Lavagna or Rodríguez Saá be elected, however, one could find an important number of *Justicialistas* who support Kirchner today switching sides tomorrow.

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