

**A PERMANENT TENSION BETWEEN THE EXPERT KNOWLEDGE AND POPULAR  
DEMANDS: THE CASE OF RESTRICTING RE-ELECTIONS IN CHILE, FROM 1990-2016.**

(Draft Version)

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**Abstract**

This paper analyses the legislative initiatives to limit incumbency, through characterisation of all law bills proposed by the National Congress in Chile, for the period 1990 to 2016. This study seeks to respond to three fundamental questions: When were the draft bills written? Who wrote and supported the draft proposals? What did the draft laws propose?

This paper argues that there is a gap between the term limits literature and widespread demands for restricting re-elections. The method to examine the legislative initiatives is content analysis, and data come from thirty-nine draft bills proposed to the National Congress to limit the re-elections of public authorities in Chile, between 11<sup>th</sup> March 1990 and 31<sup>st</sup> December 2016. By using Chile as a case study, this paper shows that the regulation of incumbency has not been an attractive area to legislate in Chile. Also, there is a triple convergence between the two main political coalitions about limiting incumbency: There was a chance to include restrictions on re-election after 2005. There was a specific interest in proposing draft bills when legislators were part of the government in force, and evidence tells us that the motivation for limiting incumbency has been located in both political coalitions. Legislators are aware of the causes of incumbency, which aspects are in line with the literature. Finally, there are four expected effects of draft bills to restrict incumbency: renewal, trust, higher voter turnout and an enhancement of legislative performance.

**Keywords:** Chile, incumbency, re-election, content analysis, draft bills, elections, National Congress.

## 1. INTRODUCTION

For some time now, several Chilean politicians have put on the political agenda the idea that incumbency has negative implications for democracy. Legislators from all political sides have affirmed that: unlimited re-election in electoral competitions can put the democratic system at risk (Burgos *et al.* 2012); continued re-election of the same officials runs contrary to the right of citizens to be eligible for public office by popular election (Schaulsohn 1992); incumbency is associated with an unrepresentative system (Campos *et al.* 2014); limiting incumbency encourages democracy and facilitates the election of new leaders (Chahin *et al.* 2011); renewing officers by popular election is essential for democracy and can improve the health of the political system (Araya *et al.* 2012); indefinite re-election is a historical pattern in Chilean democracy (De Urresti *et al.* 2007).

In the same vein, some Chilean presidential candidates with differing political allegiances have proposed to restrict incumbency in their political manifestos since 2009 (Arrate 2009; Enríquez-Ominami 2009; Frei 2009; Matthei 2013; Enríquez-Ominami 2013; Kast 2017; Piñera 2017; Sánchez 2017). Despite incumbency being a fundamental feature of representative democracies and constitutional reforms having been undertaken to recover a sense of legitimacy in the democratic political system, political institutions and the political class remain under question in nearly all democracies. Chile is no an exception. Currently, however, there has been neither theoretical nor empirical research to date which has scrutinised incumbency effects on democracy, not just in Chile, but in other countries as well.

This study characterises all law bills proposed to the National Congress to limit the re-elections of public authorities in Chile, between 11<sup>th</sup> March 1990 and 31<sup>st</sup> December 2016. In line with this doctoral dissertation's aims, a simple method is used to analyse the content of draft laws related to incumbency.

This article also aims to respond to three fundamental questions:

- When were the draft bills written?
- Who wrote and supported the draft proposals?
- What did the draft laws propose?

Those research questions guide the analysis by creating five critical variables from the texts explored:

- 1) Characterisation of proponents and timing;
- 2) Visions of democracy of the proponents;
- 3) The causes of incumbency;
- 4) Proposals or measures to regulate re-elections;
- 5) Expected results of draft laws.

In the same way, this article aims to contribute evidence which will resolve omissions previously detected in the incumbency literature.

First, most studies on incumbency have focused their attention on majoritarian electoral systems. In contrast, this paper refers to the Chilean binomial system, which was proportionally reduced in size from 1989 to 2017. This electoral system had a fixed size of two elected legislatures, for both deputies and senators.

Second, most re-election studies have almost exclusively focused on the United States. There are exceptions, such as other developed countries (Somit<sup>1</sup> *et al.* 1994; Norris<sup>2</sup> *et al.* 1992) and Brazil (Samuels 2003), Colombia, Argentina and India, but the vast majority of incumbency theory is based on studies of the United States Congress. This article aims to remedy that oversight, and is based on a case-study of a developing country with a proportional electoral system and a presidential system of government. Evidence collected in this study will allow greater comparison of findings and the inclusion of more content relating to incumbency theory from a different institutional framework, one strongly influenced by Pinochet's authoritarian regime.

Third, incumbency has tended to be analysed as a political phenomenon in itself. Previous scholarly works on re-election have regarded incumbency as a relevant political aspect because it shows how, when and which political authorities are elected for public positions in representative democracies. Furthermore, incumbency literature has given insight into which institutional rules are produced and how, while identifying advantages for incumbents and disadvantages for challengers in political competitions.

Fourth, most studies on incumbency have used: electoral results, candidates' profiles and legislative performance (Ferejohn 1986; Green and Krasno 1988; Gelman and King 1990) and have deployed quantitative analysis techniques. They have certainly enabled a more indepth understanding of electoral systems. Nonetheless, other sources of information have been disregarded such as: political constitutions, laws, draft bills and political manifestos. Such materials provide rich data which may be used to test other kinds of research questions and hypotheses. Very few studies focus on legislative initiatives designed to restrict re-election for candidates to public elections, in incumbency analyses in re-democratised countries. For all these reasons, this study explores legislative initiatives to limit incumbency, through a characterisation of all law bills proposed by the National Congress in Chile, for the period 1990 to 2016.

The article has been structured in the following way. First, it presents the causes of incumbency identified by scholars and the effects of incumbency on elections. Second, it describes the type of content analysis conducted in the qualitative assessment of the draft bills. Third, it presents a characterisation of proponents, in terms of when a draft bill was proposed to limit re-elections and who proposed it. Fourth, it exposes the democracy's visions, as incorporated in law bills introduced by legislators. Fifth, it identifies the causes of incumbency, with regard to presentations by lawmakers in draft bills. Sixth, it identifies the restrictions which may be

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<sup>1</sup> It includes Israel, the United Kingdom, Canada, Germany, France, Denmark, and Japan.

<sup>2</sup> It includes England, Wales, and Scotland.

created by limiting deputy elections. Seventh, it explores the possible impact on legislators if re-election terms are limited. Finally, a brief conclusion is presented.

## **2. THEORIES OF INCUMBENCY**

Incumbency can be understood as a consequence of formal and informal institutions. In the first case, both the political constitution and various electoral laws condition how elections are conducted. Rules imposed by formal institutions to regulate elections include but are not limited to: the electoral formula, requirements to be a candidate, the number of candidates in ballots, processes of political funding, the threshold to maintain political parties, dates and the format of primaries. In the second case, incumbency might be seen as a dynamic generated from the connection between formal norms and the political party system. Specifically, incumbency has a relevant place in the selection of candidates for elections. Normally, if a potential candidate is incumbent, it is almost guaranteed that they already have a space in the ballot. For the purpose of this research, I define an incumbent as a legislator who is re-elected in the same territory, in the same position, and in consecutive elections.

This paper distinguishes between two perspectives in incumbency theory: the causes of incumbency and its effects on the political system, and how it might explain a lack of both of rotation of political elites and competition in elections. This differentiation between perspectives implies a series of focuses related to methodology rather than only focusing on the main findings of studies, which is a common strategy of investigators. In line with this, I am going to concentrate on: the research questions and hypotheses formulated, the type of election analysed, the definition and operationalisation of incumbency, the data and sample used, and the relevant findings, whenever possible.

### **2.1. Causes of incumbency**

The high rates of incumbency in American elections in the postwar era (King 1991; King and Gelman 1991; Jacobson 1987, 2004), along with the availability of official data and surveys (mainly from the University of Michigan), has concentrated the attention of quantitative scholars in the U.S. Investigators searching for an explanation have allowed incumbency studies to become one of the pillars of American academia (Ashworth and de Mesquita 2005). As a result, incumbency theory is profoundly based on U.S. elections; specifically, on single-member district contestations. That is, on majoritarian elections.

Abramowitz (1975) holds that "a congressman's reputation depends largely upon three factors which he has some control over: his personal image, the services he provides to constituents, and his issue positions" (1975: 679). Moreover, the author states that constant and higher rates of incumbency are related to a higher level of congressional institutionalisation, in both organisational and procedural terms (Abramowitz 1975). In this sense, incumbency would

have positive effects on the stability of the system. Based on a survey conducted on Oregon (U.S.) and data for the mid-term election in 1974, and applying descriptive statistics, correlational analysis and path analysis, the findings "indicate that an incumbent's reputation depends upon how constituents evaluate his personal qualities, constituency services, and issue positions" (Abramowitz 1975: 679). Likewise, the re-election effect would be generated by reputation, rather than name recognition in the election of incumbent candidates (Abramowitz 1975).

Ragsdale seeks to test whether "a positive evaluation of an incumbent or challenger prompts a slightly more negative perception of the other" (1981). The main outcomes are that evaluations of incumbents and challengers vary depending on the type of election. In the case of House elections, assessments of challengers affect their opinion of incumbents but not vice versa, while in the Senate elections, evaluations impact reciprocally (Ragsdale 1981).

For Jacobson (2004), the sources of incumbency are: the institutional features of the legislature, party de-alignment, constituency service, and the discouragement of strong challengers in elections. Reinforcing the institutional explanation, Norris holds that "incentives to develop an incumbency advantage may be determined by many formal rules" (2004: 230).

## **2.2. Incumbency effects**

Erikson gauges "the effect of incumbency on the vote division in elections for the United States House of Representatives" (1971: 395). To test that, the author employs the indicator of the magnitude of incumbency advantage, which is a subtraction of the votes received in the first successful re-election and the first as no-incumbent. Erikson uses official electoral data from northern constituencies of the U.S., from 1952 to 1960. The author's findings indicate that in the second consecutive election, incumbents become stronger in proportion to their margin of victory, if they obtain at least sixty percent of the votes. Also, Erikson highlights that despite that there being only a small vote advantage in incumbency, that margin is enough that, incumbents can maintain their careers at the National Congress and restrict the rotation of political elites. Thus, the principal explanation held by Erikson is "that most districts are safe for one party and that the rare challenger who is able to defeat an incumbent tends to be a strong enough candidate to win re-election on his own" (1971: 405).

Kostroski (1973) seeks to test whether there is an inverse relationship between partisan competitions and the probability of getting a re-election for senators. By using data compiled by the American Congress for Senate elections between 1948 and 1970, and applying multiple regression techniques, the primary results are two. First, an incumbent senator wins either in competitive or non-competitive state election. Second, there is an inverse association between incumbency success and party competition. As a reflection, Kostroski (1973) suggests that the levels of party alignment were improving as shortcuts of information for voters became available immediately after World War II. As a result, people could find shortcuts to information about the incumbents who were nominated for a role in Congress.

Mayhew analyses the seat swing in the House of Representatives in the U.S. (1974), studying the shift of representatives in safe and unsafe districts in the United States house elections. Mayhew<sup>3</sup> holds that "the House seat swing is a phenomenon of fast declining amplitude and therefore of fast declining significance" (1974: 296-297). In this sense, the author detects that "seats won in the marginal range<sup>4</sup> has been slowly declining for over a century" (Mayhew 1974: 306), which means that level of competition diminished in the house contestations, presumably explained by higher and broader rates of incumbency. His findings indicate that "if fewer House members are winning elections narrowly, and if the proportion of 'open seats' per election is not rising, it ought to follow that congressional seat swings are declining in amplitude" (Mayhew 1974: 313). The predominant cause illustrated by Mayhew is a decline in partisan linkages as an explanation of higher rates of incumbents running in safe districts (1974). However, the central reflection made by Mayhew is a warning related to the capacity of presidents to govern in a scenario of weakening political parties, which might not detect, channel and meet citizen demands.

Cover develops two hypotheses to explain incumbency<sup>5</sup> advantage. The first is related to the capacity of decision over redistricting and thus generating safe seats by (incumbent) legislators. The second refers to shifts in patterns of partisan voting (1977). Based on surveys from the University of Michigan (1958-74) and other compilations of electoral data, and using descriptive statistics, there are two main results. First, the partisan de-alignment has favoured incumbent candidates. Second, perquisites have a positive influence on the election of incumbents.

Nelson (1979) is another scholar who affirms that incumbency is a sign of institutionalisation of the House of Representatives, as raised by Abramowitz (1975). The researcher is interested in examining the influence of incumbency on the relationship between: party identification, candidate familiarity, and presidential performance, and voting behaviour in congressional elections between 1964 and 1974 (Nelson 1979). The definition of incumbency is implicit, and

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<sup>3</sup> The researcher defines incumbents "as a congressman who held a seat at the time he was running in a November election, even if he had first taken the seat in a recent by-election" (Mayhew 1974: 303).

<sup>4</sup> Marginality is the subtraction in terms of voting percentage between the major-party vote and the second party. Thus, the marginal range defined by Mayhew is among 40 and 59.9 percent (1974), where the winning candidate should get between 70 and 79.9 percent of votes.

<sup>5</sup> Cover does not define incumbency in his text. However, implicitly, it is possible to extract the following definition: "all members of the Second Congress who sought re-election for the next Congress were successful" (1977: 524).

it might be seen in "all House members who sought re-election were re-elected" (Nelson 1979: 665). Based on official elections data and employing descriptive statistics, the main results indicate that saliency of incumbency increased as the strength of partisanship decreased, while congressional candidates may base their decision to run for a seat in the House of Representatives considering the evaluation towards the president.

Bauer and Hibbing (1989) criticise Jacobson's claim related to there being no vanishing margins of victory in electoral contestations, claiming that it is imprecise, and that such interpretation can lead to erroneous conclusions. Using the same data and statistical techniques of Jacobson (1987), the authors determine that "there has been no meaningful increase in the chances of big winners subsequently losing, and in recent elections, the chances of a scandal-free, un-redistricted, previously safe incumbent losing are practically nil" (Bauer and Hibbing 1989: 262). As Mayhew noted, Bauer and Hibbing (1989) also comment that the level of competition in legislative elections has decreased. As a consequence, electoral accountability could be affected.

In 1990, Gelman and King sharply criticised the ideas of many other authors (Erikson 1971; Payne 1980; Alford and Gibbing 1981; Collie 1981; Garand and Gross 1984; Alford and Brady 1988) that have proposed measures of incumbency advantage. Gelman and King assert that "every previous measure based on aggregate data in this literature [incumbency advantage] is plagued by selection bias, inconsistencies, and inefficiencies" (1990: 1142). The authors developed a theoretical model of incumbency advantage, in which they "define the aggregate incumbency advantage for an entire legislature as the average of the incumbency advantages for all districts in a general election" (Gelman and King 1990: 1143). In this way, the investigators proposed the following formula<sup>6</sup> of incumbency advantage:  $\Psi = \omega^{(1)} - \omega^{(0)}$ . To test their new indicator, the authors compare  $\Psi$  with the sophomore surge and retirement slump. Gelman and King evidenced that "biases of two percentage points on the scale of Democratic votes represent statistical biases of at least one-fifth of the true incumbency advantage; this bias can even change the sign of the estimated incumbency effect" (1990: 1149).

In 1991, King and Gelman affirm that "many scholars have studied the electoral advantages of incumbency, [but] few have analysed its systemic consequences" (111). To overcome such scarcity, the investigators analyse "the influence of incumbency advantage in the post-war U.S. House on two features of the underlying electoral system: electoral responsiveness and partisan bias"<sup>7</sup> (King and Gelman 1991: 111). Using official electoral data for House elections

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<sup>6</sup> The constitutive terms of the incumbency advantage formula of Gelman and King are the following (1990:1143):

$\omega^{(1)}$  = proportion of the vote received by the incumbent legislator in his or her district, if he or she runs against major party opposition (thus,  $\omega^{(1)}$  is unobserved in an open seat election), and

$\omega^{(0)}$  = proportion of the vote received by the incumbent party in that district, if the incumbent legislator does not run and all major parties compete for this open seat; ( $\omega^{(0)}$  is unobserved if the incumbent runs for re-election).

This formula does not include uncontested districts and third political parties.

<sup>7</sup> Responsiveness refers to "the change in the percentage of legislative seats for a single percentage point change in votes, [while that] partisan bias is the difference between the expected proportion of seats won by the Democrats minus the expected proportion of seats won by the Republicans winning the same proportion of average district votes" (King and Gelman 1991:117). The incumbency advantage indicator is based on Gelman and King (1990), and it is defined "as the average gain in the proportion of the district vote that the incumbent party receives if its incumbent candidate runs for re-election" (112).

from 1946 to 1986 and a logit model, the authors' main findings indicate that incumbency advantage explains electoral responsiveness and partisan bias. In turn, the authors emphasise that the incumbency effect is more striking for partisan bias than responsiveness. They hold that incumbency gives the entire political system clout and that such influence has been absent from empirical analysis, in which the political system or democracy is the dependent variable.

Abramowitz (1991) also keenly studies the effect of incumbency in declining competition in House elections in the U.S. He highlights that the increasing margins by which incumbents win, might have an adverse impact on electoral accountability (Abramowitz 1991). This researcher suggests that the decline of competition in House elections is due to high cost of electoral campaigns for challengers, and not to the constituency service that incumbents deploy in their districts (Abramowitz 1991). The dependent variable used is the margin of victory or defeat of incumbents; the formula for which is a subtraction between the incumbent's percentage of the total and the challenger's percentage of the total (Abramowitz 1991: 38). The independent variables<sup>8</sup> are related to the personal attributes of electoral competitors for the House. Using electoral data compilations from the American political system and ordinary least squares regression analysis, the author's main findings indicate that "the most important determinant of the level of competition in a House of election is the challenger's campaign spending" (Abramowitz 1991: 53). Abramowitz explains this phenomenon as an inverse relationship between "the increasing cost of House campaigns and the decreasing ability of House challengers to raise campaign funds (1991: 53). Abramowitz emphasises in his reflections that "electoral accountability requires effective competition" (1991: 53) in democracy. If incumbents remain almost immovable in their seats, the possible consequences for the political system might be political stagnation and lack of adaptability to new trends and shifts in society.

Ashworth and de Mesquita (2005) hold that constituency service and redistricting are insufficient explanations of incumbency advantage in the U.S. elections. Based on rational choice perspective, the authors propose that "electoral selection is one of the factors contributing to the incumbency advantage" (Ashworth and de Mesquita 2005:4). Using econometrics tools and simulations, the authors' main findings show that the use and management of more accurate information by a section of the electorate should lead to a considerably greater incumbency advantage. In turn, as districts become more competitive, the incumbency advantage increases in open seat contestations (Ashworth and de Mesquita 2005). Seniority has an essential place in the precedent model. In this sense, as an individual legislative experience arises, a continuous learning process for legislators should lead to a more significant incumbency advantage.

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<sup>8</sup> These are the independent variables used: the partisanship of the district; the incumbent's personal popularity; the incumbent's seniority; whether the incumbent is a first-term; the type of committee the incumbent serves on; the incumbent's rate of defection from his party's position on roll-call votes; the incumbent's campaign spending; the incumbent's campaign spending squared; the challenger's campaign spending; the challenger's campaign spending squared; the challenger's elected office-holding experience; and the incumbent's party affiliation.



Following a search for an explanation of the decline in competition in U.S. House elections, Abramowitz *et al.* (2006) gauge three hypotheses to elucidate such political phenomenon: redistricting, the partisan polarisation, and incumbency. The "dependent variable is winning candidate's percentage of major party vote" (Abramowitz *et al.* 2006: 85) in each district. The independent variables are related to: partisanship and presidential votes at the House election level<sup>9</sup>; personal attributes of incumbents<sup>10</sup>; campaign spending of political parties at the House election level<sup>11</sup> (Abramowitz *et al.* 2006). The researchers use official data and other compilations of electoral features, along with descriptive statistical, correlational, regression and path analysis. The investigators' central finding was "that declining competition in U.S. House elections is explained by a shift in the partisan composition of House districts and a decline in the ability of challengers to compete financially with incumbents" (Abramowitz *et al.* 2006: 86). Also, the results suggest that partisan polarisation and incumbency might interact among themselves, provoking more intransigence between the two major the U.S. political parties at the legislature. In this sense, even though the stability of positions has been identified as positive in the past, it seems that such constant stability over time might generate disincentives in legislators to propose new policies or adapt to new issues.

Going beyond the typical analysis of the effect of incumbency advantage on the U.S. House elections, Palmer and Simon (2001) postulate that "incumbency fosters a general lack of competitiveness in both primary and general elections in the United States, serving as a political glass ceiling" (60) for female legislative representation. The authors state that incumbency advantage is, in real terms, a male incumbency advantage. The investigators propose four hypotheses that seek to test: the slow rise of women following the three steps<sup>12</sup> to gaining a seat at the American Congress, the dissuasive effect of running against an incumbent, and the gender effects on defeating an incumbent and in defending a seat. The variables utilised by authors are related to the three steps<sup>13</sup> involved in obtaining a legislative seat and the incumbency features<sup>14</sup> of districts. Palmer and Simon (2001) use data from different sources of electoral features from 1978 to 1998, along with descriptive statistics. The authors' principal results indicate that despite an overall increase in the number of women in primaries and general elections, there is a partisan gap in representation, with a clear leaning towards the Democrats. Moreover, the increment of women in legislative positions would respond to a strategic decision, depending on unstable contexts, such redistricting, crisis and adverse or unanticipated events involving incumbent contenders.

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<sup>9</sup> The percentage of the major party vote won by the Democratic and Republican candidates in every House election between 1946 and 2004; the percentage of the major party vote won by the Democratic and Republican presidential candidates in every House district in the current or most recent presidential election in every election between 1956 and 2004 except for the 1962 midterm election; the party affiliation of the incumbent Representative in each district.

<sup>10</sup> Whether the incumbent was running for re-election, and the previous political experience of the challenger.

<sup>11</sup> The total campaign spending by the Democratic and Republican candidates in every House contest between 1972 and 2002.

<sup>12</sup> The steps are the winning party nomination, the winning primary, and the winning general election (Palmer and Simon 2008).

<sup>13</sup> The number of female candidates running for the Democratic and Republican nominations, the total number of candidates seeking each party's nomination, whether a woman won the Democratic or Republican nomination, and the outcome of the general election.

<sup>14</sup> The party and gender of the incumbent, whether the incumbent was seeking re-election, and the incumbent's share of the two-party vote in the prior election.

Following evidence presented by Palmer and Simon (2001), Schwindt-Bayer (2005) develops a cross-national study to examine whether incumbency affects female representation negatively within legislatures. This work is one of the few studies that do not focus on the U.S. elections, and that takes countries as the unit of analysis to analyse incumbency's effect on the political system. The dependent variable is the percentage of women in the lower chamber in a bicameral system or the only chamber in a unicameral system. As independent factors<sup>15</sup>, incumbency is measured through two indicators whose natures differ in terms of measurement type. The first is the retention rate of incumbency and is operationalised as the percentage of legislators who return to the succeeding legislature. The second indicator of incumbency is the presence or absence of term limits for the National Congress (Schwindt-Bayer 2005: 235). The author collects data from other studies for a sample of thirty-three countries, both from Europe and Latin America. The statistical technique used is a pooled time-series and application of the OLS. The main finding is "that incumbency is a key obstacle to women's election across all kinds of political systems" (Schwindt-Bayer 2005: 240). Likewise, term limits resulted in increments in women representation.

### **2.3. Term limits<sup>16</sup>**

The discussion of term limits became relevant in the early 1990s in the United States (Matland and Studlar 2004), where a citizen movement was formed to defend the idea of limiting re-election to Congress. Despite the level of organisation, "the term limits debate has been highly speculative" (Carey 1998: 184). Also, this dispute usually re-emerges when constitutional changes are being debated in a country (Carey 1998), as is currently the case in Chile.

From the U.S. experience of the debate to restrict re-election, arguments can be seen both for and against regulating this constitutional norm. On the supporters' side, we can identify a series of arguments, such as that the low turnover of legislators leading to isolation and distancing from the citizenship (Matland and Studlar 2004). In the same way, this measure would bring about a fundamental change to Congress as the political and central institution of a representative democracy (Threatt 1998), regardless of the country's form of government. Likewise, proponents of term limits emphasise that the rule that allows indefinite re-election leads legislators to lose sight of national interests by only focusing on the demands of their electors (Threatt 1998). The arguments have also centred on the fact that congressional rotation would make them pay more attention to the needs of their representatives, thus reducing arrogance and a sense of privilege among legislators. It would also enhance the figure of the citizen-legislator and reduce the chances of corruption (Carey 1998). The proponents of term limits long for the "amateur legislator" and instilling the idea that congress-people are not

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<sup>15</sup> The remaining of independent variables are: the type of electoral system, the district magnitude, gender quotas at the level of national law (dummy) and the level of political parties, the percentage of women in the paid labour force, the GDP, and geographical regions (Schwindt-Bayer 2005: 235-236).

<sup>16</sup> The discussion of this point is centred on the term limits for legislators, given the nature of this study. Therefore, the debate regarding the term limits for other public positions of national relevance, such as the President and mayors, are not included within the scope of this doctoral dissertation.

selfish individuals who try to fulfil their interests but instead act virtuously (Carey 1998; Grant 1999).

The arguments against term limits can be grouped into four types: experience, freedom of choice, accountability and careerism. Regarding the first element, a Congress plagued by newcomers could not counteract the force of the executive power; it lacks people with experience in legislative work and holds the idea that the amateur legislator is a fiction (Matland and Studlar 2004; Carey 1998). Concerning the democratic value of freedom, term limits violate freedom of choice (Grant 1999) because they reduce competing alternatives. Term limits also foster the logic of a loss of legislators' accountability to their constituents (Carey 1998). Fourth, the approval of term limits would favour the rotation of the political class because careerism would continue in another public position and could produce party fragmentation as term limits could affect the cohesiveness of political parties. It has also been identified as a logic of shaping the interests of those who return to the Congress, as well as of those who are entering, when setting a new rule of re-election. This causes a delay in the implementation of new regulations due to the accommodations and adjustments that must be made to reconcile interests within the parties (Cain and Levin 1999).

### 3. METHODOLOGY

This article undertakes a semantical content analysis to the draft laws that have sought to limit re-election in Chile, from 1990 to 2016. Given that we are focused on categorising the legislative initiatives to restrict incumbency through identifying the frequency of themes appeared in draft bills, the process of analysis was the following:

1. **Identification of dimensions:** Ten draft bills were selected randomly to detect the potential topics that could address the draft bills. After reading them, five dimensions emerged, which were codified regarding the previous literature review about the incumbency theory.
2. **Covering of dimensions:** After reading and coding the emerging dimensions, it proceeded to detect those dimensions in the remaining twenty-nine draft bills.
3. **Classification of draft bills:** Once the five dimensions were identified in the thirty-nine draft laws, this third step focused on classifying the draft bills taking into consideration the independent variables comprised in Section 3.3.
4. **Bivariate statistical analysis:** This basic descriptive statistical analysis refers to examining two variables simultaneously to explore potential associations between the independent variables identified in Section 3.3. (Babbie 2007). This analysis comprises Table 1 to Table 5.

5. **Semantical content analysis:** Considering the five dimensions that emerged in step one, such dimensions were analysed for their meanings and who supported these draft laws (Krippendorff 2004). With this procedure, it was possible to characterise all draft bills proposed to restrict the re-elections of public authorities, from 11<sup>th</sup> March 1990 to 31<sup>st</sup> December 2016, to the Chilean National Congress.

### 3.1. Qualitative Strategy

The qualitative strategy is a case-study of legislative initiatives to limit re-elections in Chile, from 1990 to 2016. To transcribe from a qualitative source (draft bills) to a quantitative dataset, it develops a content analysis. The software used was Excel.

### 3.2. Datasets

Thirty-nine draft bills to restrict re-elections were processed by the Chilean National Congress, from 1990 to 2016. These draft laws are treated as units of analysis in this dissertation. These legislative initiatives seek to regulate the terms for positions of president, senator, deputy, mayor, local and regional councillor. Access to data is public and was possible through the publication of draft proposals on the Chamber of Deputies website, the Senate website and the National Congress Library website. Once all legislative initiatives related to our topic were identified and collected, the selection, coding and construction of variables was undertaken.

### 3.3. Dependent Variables

The selection of variables or dimensions of analysis was intentional. Unlike the quantitative method, the qualitative approach does not seek to explain causality among variables, but attempts to explore possible unknown patterns or discontinuities. Content analysis is used: “to reflect attitudes, interests, and values (cultural patterns) of population groups; [and] to reveal the focus of attention” of political elites in different times and situations (Berelson 1952, cited by Krippendorff 2004: 46). In agreement with the literature review, five dimensions emerge as aspects to be considered in the analysis:

1. **Characterisation of proponents:** This dimension aims to identify the sponsors of draft bills to limit re-election for public positions in Chile. According to Chilean law, both the legislative and executive powers can formulate draft laws. In this sense, the classification proposed here regards: the presidential period in which draft bills were introduced; the topic of legislation that draft proposals seek to regulate; the political coalition and political party of proponents; and the legislative period in which legislators developed their projects.
2. **Visions of democracy:** This dimension refers to how lawmakers define and associate incumbency effects on democracy. Such relationships materialise in features such as:

alternations in power and renewal of political elites; the right to participate in politics; the electoral system; and transparency, corruption and clientelism.

3. **The advantages and disadvantages of the causes of incumbency:** This dimension describes how Chilean legislators recognise the advantage of constituency service and how this advantage is structured in the Chilean law. The identification the advantages and disadvantages stem from both King (1991) as Jacobson (2004).
4. **Measures to regulate re-elections:** This dimension seeks to identify whether draft bills proposed are the same regarding the restrictions suggested, or whether there are differences among them. Modifications of deputies' incumbency were organised by taking into account the following features: number of re-election periods allowed; number of total terms permitted; whether a re-election proposal is applied immediately or discontinuously; whether the application of limitations begins in the current period or the next election for deputies; whether the measure applies to the same territory in which a deputy is currently a representative or applies to other territories and other kinds of elections (senators, mayors, local councillors, or regional councillors).
5. **Expected consequences of draft laws proposed:** This dimension refers to the expected consequences that legislators seek with the eventual implementation of through implementing draft laws on restricting incumbency for deputies. Expected consequences were identified from the specific objectives written by lawmakers and also from declared desires in every draft act, which are implicit in the texts.

### 3.4. Independent variables

In order to make replicable this content analysis in other future studies, the coding process involved the following steps:

- i. Identify and download draft bills from the search either the Chamber of Deputies: ([https://www.camara.cl/pley/pley\\_buscador.aspx](https://www.camara.cl/pley/pley_buscador.aspx)) or the Senate: (<http://www.senado.cl/appsenado/templates/tramitacion/index.php>).

In the search were written key words such as: 're-election', 'incumbency', 'president', 'senators', 'deputies', 'mayors' and 'local councillors'.

- ii. Classify draft laws on Excel according to observed variables, such as:
  - a. Date of entry: This variable refers to the date on which a draft bill was introduced at the National Congress.
  - b. Year: This variable refers to the year in which a draft bill was introduced at the National Congress.

- c. Author(s): The Chilean political constitution states that both the President and the National Congress can introduce a draft bill to the legislature.
- d. Number of proponents: This variable refers to the number of senators or deputies that sign or support a draft bill. In the case of the executive branch, the number is one.
- e. Presidential period: This paper covers a period of twenty-six years, from 1990 to 2016. In this period, there have been six presidential periods. The first period was headed by Patricio Aylwin, from 11<sup>th</sup> March 1990 to 11<sup>th</sup> March 1994. The second period was led by Eduardo Frei Ruiz-Tagle, from 11<sup>th</sup> March 1994 to 11<sup>th</sup> March 2000. The third period was headed by Ricardo Lagos, from 11<sup>th</sup> March 2000 to 11<sup>th</sup> March 2006. The fourth period was headed by Michelle Bachelet, from 11<sup>th</sup> March 2006 to 11<sup>th</sup> March 2010. The fifth period was conducted by Sebastián Piñera, from 11<sup>th</sup> March 2010 to 11<sup>th</sup> March 2014. The sixth period is headed by Michelle Bachelet, from 11<sup>th</sup> March 2014 to 31<sup>st</sup> December 2016.
- f. Year of the presidential election: The years are 1993, 1999, 2005, 2009, 2013.
- g. Year of legislative election: The years are 1993, 1997, 2001, 2005, 2009.
- h. Year of local election: The years are 1992, 1996, 2000, 2004, 2008, 2012.
- i. Type of initiative: A draft law originating at the National Congress is called a 'motion,' while that one formulated in the executive branch is named a 'message.' Motions cannot be signed by more than five senators, or ten in the case of deputies.
- j. Chamber of origin: Chile has a bicameral system, in which there is a Senate (higher chamber) and a chamber of deputies (lower chamber).
- k. Government/Opposition: This variable refers to whether a draft bill emerged from the National Congress is supported by partisan or opposite legislators to the government in force.
- l. Political coalition: From the return of democracy, two political coalitions have dominated the Chilean political arena.
- m. Political party: From the return of democracy, two political coalitions have dominated the Chilean political arena at the National Congress. Those are the centre-left coalition, the Concertación, while that the centre-right alliance is the Alianza.
- n. Title of draft bill: It is the name assigned to one draft bill.
- o. Type of amendment: A draft bill introduced can be either a constitutional reform or an organic constitutional law. The Chilean political constitution regulates the term limit of the President (article 25), senators and deputies (article 51), the regional governor (article 111), regional councillors (article 113), local councillors (119). The organic constitutional law of municipalities (number 18,695) regulates the term limit for mayors (article 57).
- p. Area: This variable refers to the topic of the draft bill. Four areas were identified: re-election, replacement, political spending, and causes for cessation and resignation.
- q. Sub-Area: This variable identifies which type of position a draft bill proposes to regulate. The detected positions are: the President, legislators (senators and deputies), the regional governor, regional councillors, mayors, and local councillors.

- iii. Read all draft laws without any keywords being tagged or dimensions emerging from the literature.
- iv. Re-read draft bills for tagging keywords and the five dimensions.
- v. Transfer keywords and information about the five dimensions to an Excel worksheet.

### **3.5. Method: Content Analysis**

The method used to examine legislative initiatives to limit re-election was content analysis. Weber points out that: "content analysis is a research method that uses a set of procedures to make valid inferences from [the] text. These inferences are about the sender(s) of the message, the message itself, or the audience of the message" (1990: 9). In turn, Krippendorff holds that: "content analysis is a research technique for making replicable and valid inferences from texts to the contexts of their use" (2004: 18).

There are two groups in which content analysis can be classified: pragmatism and semantism (Krippendorff 2004). For this study, we are interested in the semantism content analysis, making emphasis in the subtype called 'assertions analysis'. For Janis, "assertions analysis provides the frequency with which certain objects are characterised in a particular way, that is, roughly speaking, thematic analysis" (cited by Krippendorff 2004: 44-45). In this sense, content analysis seeks to categorise legislative initiatives to limit re-election, taking into account fundamental aspects of democracy and incumbency theories.

## **4. RESULTS**

### **4.1. Characterisation of the timing and proponents of draft bills to limit re-elections**

Regulating incumbency has not previously been a topic of interest for legislators in Chile (Burgos *et al.* 2012). Table 1 shows that legislative initiatives to reduce incumbency for elections of public authorities have represented 0.36 percent of the total draft bills presented at the National Congress between 1990 and 2016. Also, during the first fifteen years (1990-2005) after the return of democracy in 1990, there were years in which incumbency was absent entirely from the legislative agenda.

**Table 1: Comparison between the number of total draft bills and the draft bills on limiting re-elections in each year, Chile, 1990-2016**

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Limit re-election	0	0	1	1	0	0	0	0	1	0
Total draft bills	229	335	314	271	303	287	189	153	144	181
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Limit re-election	0	2	1	0	0	1	7	1	0	2
Total draft bills	166	201	308	264	322	365	656	880	643	481
Year	2010	2011	2012	2013	2014	2015	2016	Total	%	
Limit re-election	3	2	5	6	4	2	0	<b>39</b>	<b>0.36</b>	
Total draft bills	579	728	631	461	534	639	563	<b>10,827</b>	<b>100</b>	

Source: Own elaboration based on Cámara de Diputados (2006-2017).

Table 2 shows the distribution of incumbency draft bills formulated per presidential period in Chile, from 1990-2016. Proposals to regulate re-election for candidates to public positions have concentrated on restricting tenure for legislators (senators and deputies: 56 percent) and local authorities (mayors and local councillors: 31 percent). In fact, the draft bills to regulate the legislative branch and the local authorities' terms have formed 87 percent of draft bills sent to the National Congress in the last twenty-six years of democracy. Moreover, of the total draft bills presented, 82 percent of them were introduced from 2006. One explanation could be that a massive constitutional reform was approved in 2005 but no amendments were made to the electoral system. There was however, an opportunity to incorporate regulations on incumbency after 2005, which coincides with the beginning of the fourth presidential period in 2006.

**Table 2: Initiative to limit re-election for authorities per presidential period, Chile, 1990-2016**

Topic of Legislation	Aylwin 1990– 1994		Frei R-T 1994– 2000		Lagos 2000– 2006		Bachelet 2006– 2010		Piñera 2010– 2014		Bachelet 2014– 2018		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Legislators	2	100	1	100	2	5	4	40	9	56	4	67	22	<b>56</b>
Local Authorities	--	0	--	0	2	5	4	40	6	38	--	0	12	<b>31</b>
President	--	0	--	0	--	0	2	20	1	6	1	17	4	<b>10</b>
All candidates	--	0	--	0	--	0	--	0	--	0	1	17	1	<b>3</b>
<b>Total</b>	<b>2</b>	<b>100</b>	<b>1</b>	<b>100</b>	<b>4</b>	<b>100</b>	<b>10</b>	<b>100</b>	<b>16</b>	<b>100</b>	<b>6</b>	<b>100</b>	<b>39</b>	<b>100</b>

Source: Own elaboration based on draft bills on limiting incumbency in Chilean Chamber of Deputies, Senate, and Sebastián Piñera's government (1990-2016).

Another explanation is related to democratic consolidation. Incumbency was not seen as an issue by the political elite until well into the period of democratic consolidation. This aspect implied that possible modifications to the electoral system, a system inherited from the Pinochet period, might produce problems for the political elite. Also, amendments might have had effects on the stability and credibility of the government and the political system in itself, aspects that the centre-left coalition would not want to face or treat. A third explanation might be that after 2006 some legislators began to visualise that a slow circulation of political elites, expressed in public positions being occupied by legislative incumbents for several periods, could be detrimental to democracy and that it would be in their interest to replace the old



leadership. The legislative election of 2005 produced a very low turnover rate in comparison to previous elections. This situation could have sounded an alarm regarding the need to encourage legislative replacement by banning indefinite re-elections, for newcomers in particular.

As Table 1 shows, of the total number of draft bills formulated to limit re-election (39), 23 sought to regulate the election of candidates to the National Congress (legislators+all candidates). Likewise, in the last three presidential periods 82 percent of draft laws (32) proposed have focused on the regulation of incumbency in public authorities. Half of the 32 draft bills were presented during the only centre-right government of the period, headed by Piñera. In the case of Bachelet, both periods added 16 proposals to restrict incumbency<sup>17</sup>.

Table 3 shows which political coalitions drafted bills to regulate term limits by presidential term. Three features emerge from the presentation of bills by political coalitions. First, both political alliances, either in the government or the opposition, have presented draft bills to regulate re-elections. Second, it may seem that there would be a particular motivation in introducing draft bills when legislators are part of the government in force. In fact, in the four periods comprising Lagos, Bachelet (2006-2010), Piñera, and Bachelet (2014-2016), members of the governmental coalition wrote more bills (51 percent) than the opposition (36 percent). As a direct consequence, the centre-left coalition has presented 51 percent of draft laws. This political alliance has therefore formed the government in five out of the six periods analysed here. The centre-right coalition has drafted bills in 36 percent of cases, and the remaining 13 percent corresponds to mixed proposals. Third, there is an upwards trend in drafting laws in a unified way, which started with Piñera's government. This feature means that both majoritarian political coalitions started to work together to regulate incumbency and this might be a signal of political convergence on this topic. Finally, those aspects provide evidence that both political coalitions have shown interest in restricting incumbency in Chile, and that the interest has not been homogeneous between presidential periods. It should be noted that there has not been a single draft bill approved from 1990 to present day on this theme.

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<sup>17</sup> Unlike the Piñera's period, the second period of Bachelet only covers three years (2014, 2015, 2016), leaving almost fifteen months to be included (from 01<sup>st</sup> January 2017 to 10<sup>th</sup> March 2018).

**Table 3: Initiatives to limit re-election in Chile per presidential period and political coalitions (Government or Opposition) supporting draft bills, 1990-2016**

President	Political Coalition	Draft Bill	%
<b>Aylwin</b> 1990 – 1994	Government	1	2.6
	Mixed	0	--
	Opposition	1	2.6
<b>Frei R-T</b> 1994 – 2000	Government	0	--
	Mixed	0	--
	Opposition	1	2.6
<b>Lagos</b> 2000– 2006	Government	3	7.7
	Mixed	0	--
	Opposition	1	2.6
<b>Bachelet</b> 2006 – 2010	Government	7	17.9
	Mixed	0	--
	Opposition	3	7.7
<b>Piñera</b> 2010 - 2014	Government	7	17.9
	Mixed	2	5.1
	Opposition	7	17.9
<b>Bachelet</b> 2014 – 2018	Government	2	5.1
	Mixed	3	7.7
	Opposition	1	2.6
<b>Total</b>	Government	<b>20</b>	<b>51</b>
	Mixed	<b>5</b>	<b>13</b>
	Opposition	<b>14</b>	<b>36</b>
<b>Total</b>		<b>39</b>	<b>100</b>

Source: Own elaboration based on draft bills on limiting incumbency in Chilean Chamber of Deputies, Senate, and Sebastián Piñera' government (1990-2016).

Table 4 shows the political coalitions that have supported draft bills to restrict deputy incumbency by legislative tenure since 1990. This table aims to question whether there is a greater tendency to present draft laws to limit deputies' incumbency, taking into account the political ideologies to which legislators adhere. The political coalition of the centre-left, Concertación, has formulated almost half of the draft bills (46 percent) to regulate deputy incumbency. In turn, the political coalition of the centre-right, Alianza, has written 36 percent of the bills proposing restrictions on legislators' incumbency. In the same way, the remaining 18 percent of initiatives were developed by both coalitions working together. Thus, evidence tells us that interest in regulating deputies' incumbency has been located in both political coalitions; no one political coalition has the monopoly on this topic.

**Table 4: Political coalitions that have supported draft bills to restrict deputy incumbency by legislative tenure since 1990**

Political Coalition	First Term		Second Term		Third Term		Fourth Term		Total	
	#	%	#	%	#	%	#	%	#	%
<b>Concertación</b>	2	22	7	64	--	0	1	100	<b>10</b>	<b>46</b>
<b>Alianza</b>	6	67	2	18	--	0	--	0	<b>8</b>	<b>36</b>
<b>Mixed</b>	1	11	2	18	1	100	--	0	<b>4</b>	<b>18</b>
<b>Total</b>	<b>9</b>	<b>100</b>	<b>11</b>	<b>100</b>	<b>1</b>	<b>100</b>	<b>1</b>	<b>100</b>	<b>22</b>	<b>100</b>

Source: Own elaboration based on draft bills on limiting incumbency in Chilean Chamber of Deputies, Senate, and Sebastián Piñera's government (1990-2016).

Based on Table 4, one might intuitively tend to think that newcomers could have more incentives to address incumbency than deputies with more periods in office. Newcomers might seek to displace existing deputies to increase their influence on legislative processes and public policy formulation. Altogether, nine out of ten draft bills to regulate deputies' incumbency were presented by newcomers and second-termers. The half of all draft bills (11) were formulated by legislators in their second term. Nearly 41 percent (9) of bills were written by newcomers. Only 9 percent of initiatives were prepared by third and fourth-termers. The Alliance's legislators concentrate their efforts to limit re-election when they are in their first terms (75 percent). In turn, Concertación's lawmakers put their effort into regulating incumbency when they are in their second legislative period. It should be noted that legislators do not present draft bills on limiting re-election when they are in their fifth, sixth or seventh periods. This shows that incentives for formulating draft laws on this topic decrease with the passage of time.

## 4.2. Visions of democracy

The fundamental premise of legislators proposing draft bills to limit re-election is that incumbency affects democracy negatively (Burgos *et al.* 2012; Piñera 2013; Guillier *et al.* 2015). There is a significant convergence among legislators over the effects of incumbency upon the democratic system, independent of their political party allegiance or political coalitions. I understand 'convergence' in three ways. First, is the need to regulate incumbency. Second, are the proponents that work together to present a draft bill to limit incumbency, which come from different political coalitions. Third, are the shared arguments which will sustain a draft bill. As noted previously, the need to regulate incumbency comes from the two majoritarian political coalitions in Chile, showing that there is no monopoly on this topic in only one political alliance. However, as was also explained, the effort to try to regulate the re-election of public authorities has not been uniform over time.

The second form of convergence relates to the proponents from different political coalitions that have worked together to write draft bills. This situation has happened on five occasions (see Table 3 and 4), two of them during Piñera's government, while the remaining three occurred during Bachelet's second presidential term. During Pinera's presidential term, both draft bills came from the Chamber of Deputies and both were proposed in the same year, 2012. The political allegiances of the proponents were almost identical in the case of both proposals.

Four out of the five political parties coincided,<sup>18</sup> the Socialist Party being included in one draft bill and the Regionalist Party of Independents was incorporated in another. However, the two draft laws differed on the sub-area that they sought to modify. The first one attempted to limit the re-election of deputies (Burgos *et al.* 2012), while the second one aimed to restrict the re-election of mayors, local councillors and regional councillors (Araya *et al.* 2012).

In the second presidential period of Bachelet (2014-2016), two draft bills came from the Senate (2014 and 2015) and one from the Chamber of Deputies in 2014. In the case of draft laws from the Senate, the membership of political parties<sup>19</sup> was the same but the number of proponents varied. In the case of draft bills from the Lower Chamber, of the total number of proponents (10), there are two independent deputies (Roberto Poblete and Alejandra Sepúlveda) and one from the Liberal Party (Vlado Mirosevic), while there are seven deputies with political party membership<sup>20</sup>.

The sub-area that the draft bills seek to modify was different in all three proposals. The first one attempted to reduce political campaign spending, above all for incumbent candidates (Bianchi *et al.* 2014). The second draft law sought to limit re-election for legislators (Campos *et al.* 2014). The third draft bill had a broad scope because it addresses restrictions on re-election for legislators, expanding causes for cessation and resignations in legislative seats, and eliminating criminal jurisdiction (Guillier *et al.* 2015).

The last convergence is associated with the shared arguments for sustaining draft bills on the part of legislators. This convergence emerges in four topics: alternation in power and renewal of political elites; the right to participate in politics; electoral system; transparency, corruption and clientelism.

#### **4.2.1. Alternation in power and renewal of political elites**

Legislators relate incumbency to democracy from an electoral perspective. Lawmakers state that democracy is associated with: alternations in power, participation, equality, pluralism, an electoral system, corruption, and the professionalisation of politics. For instance, Errázuriz (1998) holds that re-election affects alternation and renewal at the National Congress "[because] it is very difficult, for a simple citizen, to dethrone a parliamentarian in office" (1998: 1). In turn, Ominami (2001) emphasises the inverse relationship between higher incumbency rates and the challenge of renewing ideas and leaders in politics. Moreover, Farías *et al.* highlight that alternation in power is crucial for democratic systems, to the extent that it: "contributes to generating new spaces, new faces and innovations that lead democracy towards destinies in which necessary transformations happen" (2006: 54). Likewise, Campos *et al.* state

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<sup>18</sup> The political parties are: Christian Democracy, National Renewal, Party for Democracy, and the UDI.

<sup>19</sup> The political parties are: National Renewal, Party for Democracy, and the Socialist Party. Also, there are senators without membership in political parties (Alejandro Guillier and Carlos Bianchi).

<sup>20</sup> The political parties are: Party for Democracy (five members), Radical Party (one member), and Socialist Party (one member).

that: "the rotation is of great necessity for the political renewal and the deepening of the democratic system, [since] allows alternation and the shift of faces and ideas" (2012: 1).

To sum up this point, in the legislators' vision, a shift in power implies a renewal of political leadership, ideas, styles and proposals in order to face emerging societal challenges. This alternation would trigger an improving and deepening of democracy, bringing greater levels of legitimacy to the democratic system.

#### **4.2.2. The right to participate in politics**

Another aspect mentioned by legislators is that democracy implies participation, and incumbency impacts negatively on the interest in electoral processes and on the right to be elected. Rather than highlighting the effect of incumbency on voter turnout<sup>21</sup>, legislators emphasise the negative impact of incumbency on the right to be a public authority through popular elections (Navarro 2013, 2015; Guillier *et al.* 2015). With regard to the first draft bill proposed, Schaulsohn (1992) warns that a high rate of incumbency implies less democracy because it affects the political right to be elected, by altering the equality principle of being elected. Highlighting the indirect effects of restricting re-election, Aguiló and Montes argue that: "limiting the permanence of parliamentarians in their positions, indirectly it will be promoting a greater participation of citizens in the political activity" (2001: 2).

Aedo *et al.* (2006a; 2006b) and Chahuán (2010a, 2010b) indicate two direct effects of the possibility of re-election. The first one refers to the exercise of political leadership, while the second addresses the discussion of equal opportunity to be involved in public life and the performance of those in public office. Alternatively, with regard to political participation, González (2006a, 2006b) associates high levels of incumbency to problems in ascending the political ladder, for members of political parties. In this sense, incumbency might dissuade potentially competent members from joining political parties.

To summarise, for legislators, greater re-election rates indicate that a reduced group of people have access to public positions, reducing such offices to political monopolies. This situation is a distortion of one of the dimensions of citizenship. The citizenship concept used by Bellamy (2008) has three components: political community (nationality), rights (constitutional guarantees), and political participation. In the case of political participation, this element contains two rights: the right to vote, and the right to be a public authority. Following this line of argument, the latter right would be negatively affected by higher incumbency rates, provoking unequal access to political positions.

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<sup>21</sup> Burgos *et al.* (2012)

#### **4.2.3. The binomial electoral system**

Consistent with legislators, unequal access to other public positions is boosted by the binomial electoral system. For lawmakers, the electoral system for deputies and senators makes renewal and replacement difficult, due to its fixed magnitude of two (Aguiló and Montes 2001). Furthermore, the binomial system reduces diversity, promotes personal ambitions and reduces incentives to debate ideas (Farías *et al.* 2006). Moreover, this system contributes to perpetuating incumbency because there is weak competition among candidates and few political alternatives, producing an electoral system which becomes increasingly unfair and distant from citizens (Chahin *et al.* 2011; Campos *et al.* 2014). Likewise, Navarro (2015) holds that the legislative electoral system causes an over-representation of minority sectors within society, which, along with the private funding of politics, has contributed to undermining institutional legitimacy in Chile.

To sum up, changes to the electoral system would threaten the popular will (Navarro 2013c; 2015). Legislators defend the idea that the National Congress should reflect diversity and pluralism, and this implies greater uncertainty, more contestation and more chances for opposing forces to win seats or the Presidency.

#### **4.2.4. Transparency, corruption and clientelism**

This last convergence addresses the sub-area that legislators seek to reform: transparency, corruption and clientelism. The first two draft bills that were proposed on this topic refer to local authorities, either mayors, local councillors or regional councillors (Ríos 2005; Farías *et al.* 2006a). For instance, Ríos (2005) argues that indefinite re-election affects the management of local governments, in terms of both transparency and control of administrative resources. In turn, Farías *et al.* (2006a) emphasise that to limit re-elections is symbolic of transparency, which allows greater legitimacy in the democratic system. In the case of legislators' sub-areas, Burgos *et al.* (2012) and Campos *et al.* (2012) agree that incumbency facilitates corruption by favouring clientele bonds and *caudillismo*. Following the same argument, Navarro (2013a; 2013b; 2013e) develops the idea that there is a trait within Chilean political culture that encourages corruption. This feature is a kind of authoritarianism that would facilitate clientele behaviours and *caudillismo*. Without referencing an authoritarian characteristic, Araya *et al.* (2012) and Piñera (2013) indicate that incumbency is related to clientelism. Other lawmakers maintain that higher levels of incumbency might result in parliament lacking accountability and representativeness (Aedo *et al.* 2006a; 2006b; Chahuán 2010a, 2010b).

To sum up, legislators identify incumbency as an element that might severely undermine democracy both in local governments and the legislature. In the case of local governments, these adverse effects would be created by margins of discretion in administration, and with regard to legislators and the people in the territories they represent, adverse effects would be created by the development of clientele ties.

### **4.3. The advantages and disadvantages of the causes of incumbency**

Jacobson (2004) identifies as causes of incumbency: the institutional features of the legislature, party de-alignment, constituency service, and the discouragement of strong challengers in elections. In turn, Norris asserts that “incentives to develop an incumbency advantage may be determined by many formal rules” (2004: 230). Accordingly, this subsection aims to describe how Chilean legislators recognise the advantage of constituency service and how this advantage is structured in the Chilean law. For those reasons, party de-alignment and the discouragement of strong challengers in elections are not treated in this study.

#### **4.3.1. Constituency service under the lens of Chilean legislators**

King identifies the perquisites of the legislative function, such as: “franking privilege, money for travel to the constituency, staff support and other benefits that enable members of congress to provide many services to, and answer many specific requests individual constituents” (1991: 119). To estimate incumbency advantage, measured by the expected proportion voting for the incumbent, King operationalises constituency service through the legislative operating budget that: “each legislator has at his or her disposal” (1991: 120). The most relevant finding indicates: “that constituency service has a systematic effect on incumbency advantage” (King 1991: 127-128).

The causes of incumbency are understood as advantages and disadvantages identified by legislators in their draft bills to limit re-elections. Legislators recognise six elements that facilitate their re-election. The two most cited are the visibility in public acts (Errázuriz 1998; Aguiló and Montes 2001; Aedo *et al.* 2006a; Farías *et al.* 2006a, 2006b; Chahuán 2010a, 2010b; Campos *et al.* 2012; and Guillier *et al.* 2015) and the availability of administrative, organisational and economic resources (Aedo *et al.* 2006a, 2006b; Farías *et al.* 2006a, 2006b; Chahuán 2010a, 2010b; Araya *et al.* 2012; Campos *et al.* 2012; and Kast 2014). Access to media was the second most mentioned cause of re-election (Errázuriz 1998; Aguiló and Montes 2001; Aedo *et al.* 2006a; Farías *et al.* 2006b; Chahuán 2010a, 2010b; and Campos *et al.* 2012). Name recognition was also identified as a cause of incumbency (Ominami 2001; Araya *et al.* 2012; Piñera 2013; Bianchi *et al.* 2014; Kast 2014; and Guillier *et al.* 2015). The last two causes with less mention were the networks (Aedo *et al.* 2006a, 2006b; Chahuán 2010a, 2010b; and Kast 2014) and professionalisation of the parliamentary function (Aguiló and Montes 2001; Araya *et al.* 2012; Piñera 2013; Kast 2014, and Guillier *et al.* 2015).

To sum up, all these resources allow occupants to secure a higher profile among electors. They make it possible for incumbents to conduct a permanent political campaign for four years; in the case of deputies, these are advantages that part-time challengers cannot have.

#### 4.3.2. Constituency service in Chilean law

The modification of salary and parliamentary allowances has been a focus of discussion during the most recent congressional period (El Mostrador 2017b; Guzmán and Albert 2017; CNN Chile 2017) and the current presidential campaign in Chile (Sánchez 2017). On one side, the youngest deputies from the new third political force – Jackson, Boric and Mirosevic; *el Frente Amplio*, from the Communist party – Cariola and Vallejo; and from the centre-right party Amplitud, Pérez, have proposed decreasing the salary and legislative allowance of legislators. On the other side, legislators (Van Rysselberghe and Melero) from the far-right wing party, the UDI, have expressed the idea that: "the salary of parliamentarians is really an urban myth" (CNN Chile 2017). Chilean legislators have the highest salaries in South America (Núñez 2016) and duplicate the average of parliamentary salaries in countries belonging to the OECD (El Mostrador 2017b). For this reason and considering that constituency service is the most mentioned cause of incumbency by legislators in the draft bills to restrict term limits, this subsection briefly describes the structure of constituency service applicable to senators and deputies in Chile.

The salary and parliamentary allowances of Chilean legislators are enshrined in the Political Constitution and other laws. Related to the parliamentary salary, the Political Constitution states that: "the deputies and senators shall receive, as solo income, a fee equivalent to the salary of a Minister of State, including all of the allowances that correspond to these" (Chilean Political Constitution 2017: article 62). According to the 2017 public sector budget law, and discounting health and pension taxes (20 percent of the total), the monthly salary of deputies is £7002. As mentioned before, the parliamentary salary of deputies is considerable higher than those in other South American countries and OECD's members (Núñez 2016; El Mostrador 2017b). According to current senator Pérez, the current salary of deputies is equal to forty times the minimum wage in Chile (El Mostrador 2017b), or 2.1 times the household income (2015) of the richest decile in Chile (Ministry of Social Development 2016).

In relation to parliamentary allowances, the National Congress approved an amendment to its organic constitutional law (LOC-NC 2016), which introduced the Resolution Council of Parliamentary Allowances and the Committee of the Parliamentary Audit in 2010. The council has the primary function of: "determining the amount, destiny, re-adjustability and criteria of use of public funds to finance the parliamentary function" (LOC-NC 2016; article 66). In turn, the same law defines the parliamentary function as:

... all the activities carried out by senators and deputies to comply with the functions and powers conferred on them by the Constitution and the laws. This includes the function of popular representation and the diverse political responsibilities carried out by those and the parliamentary committees (LOC-NC 2016; article 66).

According to the Resolution Council (2016), the National Congress undertook such reforms to bring about more transparency, control and accountability, to deliver a more satisfactory response to the community. In line with this, there are four allowances granted for the



exercising of the parliamentary function. The first is 'Support Staff', and its aim is: "to fund all spending related to the hiring of personnel that collaborates directly with the Senator or Deputy in the fulfilment of their functions and the exercise of their attributions" (Resolution Council 2016:6). The second one is 'External Advising', and its objective is: "to finance the hiring of personnel of specialised external advising in the diverse areas of the parliamentary function" (Resolution Council 2016:6). The third one is 'Operational Costs', and its aim is: "to pay the spending in that incurs to cost goods and services associated in a direct way to the performance of the parliamentary function" (Resolution Council 2016:6). The fourth is the funding of national air tickets, to facilitate the displacement necessary to fulfil the parliamentary function (Resolution Council 2016: 6). Table 5 identifies the structure of parliamentary allowance for Senators and Deputies. Data correspond to a monthly budget.

**Table 5: Structure of monthly parliamentary allowance for legislators, Chile**

Item	Sub-Item	Total <sup>22</sup>	%
Support Staff	Secretaria Professional	£7,068	37
External Advising	Natural persons Legal persons	£2,714	14
Operational Costs	Parliamentary Offices Telephony Transport Correspondence (post) Office supplies Diffusion District activities Minor services	£6,716	35
National Air Tickets		£2,692	14
<b>Total</b>		<b>£19,190</b>	<b>100</b>

Note: The monthly amount of national air tickets is an average estimate of the two most distant electoral districts, both in the extreme north as in the extreme south of Chile (Electoral district 1 is extreme north, and electoral district 60 is extreme south).  
Source: Own elaboration based on Resolution Council (2016).

The structure of the parliamentary allowances gives senators and deputies a complete and detailed range of items to spend on their functions. More than half of spending (51 percent) is devoted to supporting the legislative service with regard to maintaining a cabinet. This aspect was revealed by legislators (Aguiló and Montes 2001; Araya *et al.* 2012; Piñera 2013; Kast 2014, and Guillier *et al.* 2015), who were examining the professionalisation of the legislative activity, as a cause of the incumbency highlighted in the preceding subsection.

According to Table 5, more than a third of the total allowances are directed to the funding of operational costs. From an exploratory perspective, there are a series of logical relations between the causes of incumbency identified in the previous point by legislators and the sub-items allowed financing. For instance: between visibility in public acts and district activities; among name recognition, access to media and diffusion and correspondence; between administrative, organisational and economic resources, and parliamentary offices; among telephony and transport with networks. In the case of national air tickets, the law states that

<sup>22</sup> The monetary conversion from Chilean pesos to pounds was done using <http://www.xe.com/>, accessed on 14<sup>th</sup> December 2017.

annually four monthly return tickets and twelve additional return tickets can be funded for deputies to move between the National Congress, their electoral districts and the remaining national territory (Resolution Council 2016). There are eight electoral districts<sup>23</sup> for which, by their distance from the National Congress, the deputies have one additional return ticket per month.

Finally, although at first glance these associations seem logical, it is necessary to test empirically to detect potential influences on incumbent re-elections.

#### **4.4. Draft bills which suggest restrictions on deputy elections<sup>24</sup>**

This subsection identifies whether draft bills proposed are the same regarding restrictions suggested, or whether there are differences among them. Each bill was read and reread to detect the amendments recommended in each of them. Once recognised, all constitutional modifications on deputies' incumbency were organised, taking into account the following features:

- i. the number of re-election periods allowed;
- ii. the number of total terms permitted;
- iii. whether a draft bill is applied immediately or in the next period discontinuously;
- iv. whether the application of limitations begins in the current period or the next election for deputies;
- v. whether the measure applies only to the same territory in which a deputy is currently a representative or also applies to other areas and other kinds of elections (senators, mayors, local councillors, or regional councillors).

Table 6 shows the number of permitted re-election periods that have been proposed at the National Congress, controlling for the political coalitions that supported them. Twenty-one draft laws contain restrictions to limit deputy incumbency, in which nearly 60 percent permit two periods of re-election, and one third only aim to permit one term of eligibility for re-election. Only one draft act allows a third re-election, and another holds that deputies who replace other deputies cannot be candidates for the electoral district in which they are replacements. Centre-right-wing legislators are inclined to permit two periods of re-election for deputies, while centre-left lawmakers do not present a clear trend in this respect because they distribute their draft acts equally between one period and two terms. In the case of draft bills submitted by both political coalitions, there is a slight inclination to permit two terms. However, it is not possible to definitively affirm a particular trend because the overall number of draft laws formulated, is marginal.

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<sup>23</sup> These electoral districts are "1, 2, 45, 46, 57, 58, 59, 60" (Resolution Council 2016: 22).

<sup>24</sup> In this subsection, the presented information corresponds to draft bills to restrict re-elections in deputies. This decision is based on the idea of matching the qualitative and quantitative analyses in this doctoral research.

**Table 6: Number of re-election periods proposed at the National Congress, per political coalition**

Re-election periods allowed	Alianza		Concertación		Mixed		Total	
	#	%	#	%	#	%	#	%
<b>0</b>	1	14	--	0	--	0	<b>1</b>	<b>5</b>
<b>1</b>	1	14	5	45	1	33	<b>7</b>	<b>33</b>
<b>2</b>	5	71	5	45	2	67	<b>12</b>	<b>57</b>
<b>3</b>	--	0	1	9	--	0	<b>1</b>	<b>5</b>
<b>Total</b>	<b>7</b>	<b>100</b>	<b>11</b>	<b>100</b>	<b>3</b>	<b>100</b>	<b>21</b>	<b>100</b>

Source: Own elaboration based on draft bills on limiting incumbency in Chilean Chamber of Deputies, Senate, and Sebastián Piñera' government (1990-2016).

Table 7 shows whether restrictions apply for consecutive or discontinuous elections, by controlling for political coalitions that support them. This point is crucial because it allows us to understand which concept of incumbency legislators had in mind. Eight out of ten draft bills indicate that consecutive elections must be restricted, while only one draft act seeks to establish a total prohibition on re-election, either consecutively or discontinuously. From the 81 percent of draft acts that seek restriction to only two consecutive terms, it is possible to say that there is a convergence among the Alianza and the Concertación in that two successive periods of re-election for deputies are seen as sufficient. This latter means that legislators, from both majoritarian political coalitions in Chile, estimate that twelve years at the National Congress is an adequate period of legislative office. In the case of draft bills presented by both political coalitions, all of them establish that two consecutive periods of re-election are sufficient.

This discovery is consistent with the previous finding because it is possible to affirm that legislators are available to regulate incumbency in the case of only two successive terms being permitted for re-election. It should be noted that the Concertación, on two occasions, did not specify the number of re-elections permitted in the draft bills. This latter aspect can be addressed during the debating and voting process for law, and not mentioning it might correspond to a strategy of negotiation on the part of both chambers.

**Table 7: Restrictions for consecutive or discontinuous elections, controlling for political coalitions**

	Alianza		Concertación		Mixed		Total	
	#	%	#	%	#	%	#	%
<b>Consecutive</b>	6	86	8	73	3	100	<b>17</b>	<b>81</b>
<b>No mention</b>	--	0	2	18	--	0	<b>2</b>	<b>10</b>
<b>Consecutive &amp; discontinuous</b>	--	0	1	9	--	0	<b>1</b>	<b>5</b>
<b>Replacement</b>	1	14	--	0	--	0	<b>1</b>	<b>5</b>
<b>Total</b>	<b>7</b>	<b>100</b>	<b>11</b>	<b>100</b>	<b>3</b>	<b>100</b>	<b>21</b>	<b>100</b>

Source: Own elaboration based on draft bills on limiting incumbency in Chilean Chamber of Deputies, Senate, and Sebastián Piñera' government (1990-2016).

Table 8 shows whether restrictions begin to be applied from the period in which the draft bills have been proposed, or in the next election. This aspect is not marginal, given that the first draft act that included the moment from which the respective draft law would be applied was proposed in 2006. At that time, there were already legislators in their fifth period, meaning that this law would render legislators in their second period equal to others in their third, fourth or fifth terms. 29 percent of draft bills establish that restrictions apply from a legislator's current

term, while nearly 20 percent of draft acts hold that limitations must be implemented from the next election. In the centre-right conglomerate, 60 percent of bills specify that the law must start from the current term, while 40 percent hold that implementation must begin from the next election. In the case of the Concertación, three out of four draft laws stipulate that the law must be implemented from the same period, whereas one quarter hold that the law must apply from the next election. It should be noted that more than half the draft legislation does not mention the period in which the law must be put into practice. Concertación contributes with 64 percent, while Alianza just on two occasions does not mention the date from which the law must be applied.

**Table 8: Electoral period in which restrictions will apply**

	Alianza		Concertación		Mixed		Total	
	#	%	#	%	#	%	#	%
<b>Current (1st period)</b>	3	43	3	27	--	0	6	29
<b>Next election</b>	2	29	1	9	1	33	4	19
<b>No mention</b>	2	29	7	64	2	67	11	52
<b>Total</b>	7	100	11	100	3	100	21	100

Source: Own elaboration based on draft bills on limiting incumbency in Chilean Chamber of Deputies, Senate, and Sebastián Piñera' government (1990-2016).

## 4.5. Expected effects

This subsection aims to examine the expected effects that legislators seek through the approval of draft laws on restricting incumbency for public authorities. Expected effects were identified from the lawmakers' specific objectives and also from the declared intentions of every draft act, which can be implied or explicitly stated in the text. In general terms, four important objectives are pursued in the draft bills: renewal, trust, greater political participation, and improvement to legislative performance.

### 4.5.1. Renewal

Legislators' most anticipated effect of draft laws that seek to restrict incumbency is the renewal of the political elite. Some emphasise renewal as a signal of greater pluralism for citizens, with regard to having more available political alternatives (Ominami 2001; Bianchi *et al.* 2014), while others highlight the change of habits, practice and mentality of the political elite (Guillier *et al.* 2015) and the shift of political figures (Navarro 2013c; 2015). However, Piñera (2013) and Guillier *et al.* (2015) argue that the replacement should not be complete, but that there should be a balance between new and experienced legislators. As noted previously, the causal mechanism to produce a renewal is an alternation in power, and for that reason, the rotation should be induced by new legislation.

To sum up, the impact that legislators seek to generate with restricting incumbency is the renewal of the political elite. This is so that new ideas and innovations, new styles of making

politics, and adaptability to new societal challenges can be taken forward in the democratic system.

#### **4.5.2. Trust**

The seeking and recovering of trust are carried out by two means: improving confidence in regime institutions or enhancing trust in politicians. Institutions as political actors are relevant parts of a democratic system. Their actions within, or omission from, dimensions of political life can have a severe impact on citizen perceptions and other areas of a democratic regime. Pursuing this line of thinking, legislators identify incumbency as detrimental to trust in politicians and public institutions (Campos *et al.* 2014). Some legislators envisage that a restriction on re-election could have positive effects on recovering citizen trust in political institutions (Kast 2014; Navarro 2015).

The causal mechanism is that the same faces in political positions, election after election, engender distrust in citizens. The professionalisation of politics would not be viewed positively by the people. Likewise, greater levels of incumbency might generate distance between the democratic system and the people because professional politicians are seen as privileged actors, possessing few qualities that merit them holding their positions (Bianchi *et al.* 2014). In that case, restrictions imposed on incumbents would work as a catalyst to address citizens' frustrations and anger with the political system, given that a greater circulation of political authorities would be assured.

#### **4.5.3. Political participation**

To a lesser extent, higher levels of political participation are sought by legislators through draft bills on incumbency (Aguiló and Montes 2001; Guillier *et al.* 2015). The implicit assumption is that high re-election rates affect voter turnout negatively: people feel that their votes are not valid because the same people retain their positions. There is little incentive to vote for the same representatives, election after election. Unlike other expected effects, the causal mechanism is somewhat blurred with regard to how a restriction on term limits can trigger a higher voter turnout.

#### **4.5.4. Improvement of legislative performance**

Improving the performance of legislators is the last expected effect that is developed in the draft bills. Schaulsohn (1992) and Cantuarias (1993) highlight that reducing electioneering through implementing re-election restrictions brings about better performance by legislators (Schaulsohn 1992). For Schaulsohn (2012), a greater focus on legislative work rather than fulfilling aspirations to be re-elected would lead legislators to enhance their congressional performance. Likewise, Cantuarias (1993) indicates that a limitation on incumbency would

produce greater efficacy in terms of how quickly draft bills were approved, and that senators could act with complete autonomy and independence when performing their legislative function.

In turn, Campos *et al.* (2014) argue that advantages of limiting re-election refer to working conditions that are given to develop the legislative function. First, there is sufficient delimited time to undertake legislative labour. Second, in that period it is possible to carry out reforms. Third, with enough time to implement changes, policies and laws that improve the quality of life, institutions and society are more likely to be passed.

## 5. CONCLUSIONS

The purpose of this study was to characterise all draft bills proposed at the National Congress to limit re-elections in Chile, between 1990 and 2016. To make this possible, three research questions were formulated to guide the analysis, and five dimensions were operationalised to support answering the primary research question of this doctoral dissertation: 'Does incumbency affect democracy?'

The first two research questions: 'When were the draft bills written?' and 'Who wrote and supported the draft proposals?' were answered through the first dimension, which is a characterisation of proponents and timing. The most relevant finding is that the regulation of incumbency has not been an attractive area to legislate in Chile. It seems that there was a chance to include restrictions on re-election after 2005, which in turn, coincided with the beginning of the centre-left political coalition's fourth presidential period in 2006. Likewise, there was a specific interest in proposing draft bills when legislators were part of the government in force. Moreover, evidence tells us that the motivation for limiting incumbency has been located in both political coalitions; hence, there is no monopoly detectable in any one political alliance.

The third research question: 'What did the draft laws propose?', was answered by applying the remaining four dimensions. In the dimension of 'visions of democracy', it observes a convergence on legislators in three aspects. First, the need to regulate incumbency. Second, the need for the two majority political coalitions to work together to propose draft bills to restrict incumbency. Third, the shared arguments used to justify the limitation of indefinite re-election. The striking point in this last convergence is the key areas on which legislators agree regarding limiting incumbency: alternation in power and renewal of political elites; the right to participate in politics; the electoral system; transparency, corruption, and clientelism.

Following the next dimension – the causes of incumbency – six sources were identified by lawmakers: visibility in public acts; the availability of administrative, organisational and economic resources; access to media; name recognition; networks; the professionalisation of the parliamentary function.

Related to the dimension of proposals or measures to regulate re-elections, legislators act to control incumbency for two successive terms only. That is to say, a legislator could occupy a seat in the same electoral district for three consecutive terms in the Lower Chamber. Moreover, the proposed restrictions on term limits are continuous. For instance, if a person is elected and re-elected successively and decides not to stand for a third consecutive period, they could still be a candidate, being elected and re-elected again because the banning does not apply for a discontinuous period.

In the last dimension – the expected effects of draft laws – four objectives were detected in the draft bills: renewal of political elites; trust in political institutions and politicians; higher voter turnout; enhancement of legislative performance.

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