

Item Vetoes and Attempts to Override Them in Multiparty Legislatures

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Abstract: This paper analyzes the dynamics of vetoes and veto overrides in the context of a multiparty legislature using an original dataset from the period 1983–2007 in Argentina. We argue that the President can use an “item” or “partial” veto to selectively delete articles, while keeping enough distributive goods in the bill to break up the coalition responsible for its passage, thereby eliminating support for an override. Our research reveals that total vetoes – which affect all legislators equally – are more likely to be overridden than partial vetoes. Contradicting the received wisdom that in multiparty legislatures override attempts are more likely under a divided government, we find that override attempts are more likely in plurality governments. We use case analyses to illustrate the main arguments developed in this paper.

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can provide little guidance. Among the comparativists, Shugart and Carey (1992), Carey and Shugart (1998), and Mainwaring and Shugart (1997) have pointed out the relevance of the veto prerogative, especially the leverage it gives presidents. In the 1990s, Carey and Shugart generally determined the research agenda on aspects of the institutional life of new democracies, but studies of separation-of-powers systems did not address vetoes.

The most extensive analysis of the veto prerogative in different settings may be that of Alemán and Schwartz (2006), which made a comparative analysis of veto prerogatives. In their words, presidential veto powers are “richer, more varied, and more regionally distinctive than hitherto appreciated”. They classified the patterns observed in 18 Latin American countries into four game forms and noted important details. Several of their game forms represent systems with presidential line-item or item-reduction vetoes that expand presidential prerogatives by allowing the President to revise congressional drafts. This is the case in 15 Latin American countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.⁶ Tsebelis and Alemán (2005) claimed that item vetoes and the possibility of making amendatory observations allow presidents to choose the final form of any bill, a considerable enhancement of executive power.

Recent work by Indridason (2011), who also emphasized the line-item veto, united important issues in legislative politics in order to assess common expectations about vetoes. He advanced a model of veto bargaining over public-goods- and pork-barrel-spending that includes incentives that can be used for credit claiming. Indridason’s theoretical findings – (a) item vetoes reduce pork-barrel spending and (b) gains made by reducing pork can be offset by greater incentives to attach riders to legislative proposals – provide theoretical guidance but also call for empirical testing.

A related literature has focused on the incidence of vetoes in specific Latin American countries: Uruguay (Buquet, Chasquetti, and Moraes 1998; Magar and Moraes 2003, 2011), Argentina (Figuerola Schibber 2005; Magar 2001; Mustapic and Ferretti 1995), Chile (Magar 2001; Sandoval 2012), and Brazil (Hidalgo 2010). These valuable works show how the veto prerogative is used in different institutional settings, and the conditions that favor vetoes. On average, Presidents make four vetoes per year in Chile, approximately four-and-a-half in Uruguay, thirteen in Brazil, and fourteen in Argentina. All these studies focus on the partisan affinities of the President and

6 A fundamental difference among these 15 countries is that while in Argentina, Brazil, Ecuador, and Uruguay presidential revisions of bills using the item veto need not undergo a send-back vote in Congress, in the other countries it is required.

- Groseclose, Tim, and Nolan McCarty (2001), The Politics of Blame: Bargaining before an Audience, in: *American Journal of Political Science*, 45, 1, 100–119.
- Hidalgo, C. (2010), *Vetos y Gobierno Dividido en Brasil*, trabajo presentado en curso ICP0103, Santiago: Instituto de Ciencia Política. Pontificia Universidad Católica de Chile.
- Indridason, Indridi (2011), Executive Veto Power and Credit Claiming: Comparing the Effects of the Line-item Veto and the Package Veto, in: *Public Choice*, 146, 3–4, 375–394, <doi: 10.1007/s11127-010-9595-8>.
- Jones, M. P., and Wonjae Hwang (2005), Party Government in Presidential Democracies: Extending Cartel Theory Beyond the U.S. Congress, in: *American Journal of Political Science*, 49, 2, 267–282.
- Jones, M. P., Sebastián Saiegh, Pablo Spiller, and Mariano Tommasi (2002), Amateur Legislators-Professional Politicians: The Consequences of Party-Centered Electoral Rules in a Federal System, in: *American Journal of Political Science*, 46, 3, 656–669.
- Magar, E. (2001), *Bully Pulpits: Posturing, Bargaining, and Polarization in the Legislative Process of the Americas*, PhD Dissertation, UCSD, San Diego.
- Magar, E., and Juan Andrés Moraes (2011), Factions with clout: Presidential cabinet coalition and policy in the Uruguayan parliament, in: *Party Politics*, 18, 3, 427–451, online: <<http://ppq.sagepub.com/content/early/2011/05/18/1354068810377460>> (2 March 2013).
- Magar, E., and Juan Andrés Moraes (2003), *Proactive Presidents versus Reactive Assemblies? Parties, Factions and elections in Executive-Legislative relations*, unpublished paper, ITAM.
- Mainwaring, S., and Matthew Soberg Shugart (eds) (1997), *Presidentialism and Democracy in Latin America*, Cambridge: Cambridge University Press.
- Matthews, S. A. (1989), Veto Threats: Rethoric in a Bargaining Game, in: *Quarterly Journal of Economics*, 104, 2, 347–369.
- Mayhew, D. R. (1991), *Divided We Govern: Party Control, Lawmaking, and Investigations 1946–1990*, New Haven: Yale University Press.
- McCarty, Nolan (1997), Presidential Reputation and the Veto, in: *Economics and Politics*, 9, 1, 1–26.
- McCarty, Nolan M., and Keith T. Poole (1995), Veto Power and Legislation: an Empirical Analysis of Executive-legislative Bargaining from 1961–1986, in: *Journal of Law, Economics, and Organization*, 11, 2, 282–312.
- Molinelli, N. Guillermo (1986), *Relaciones Presidente – Congreso: El ejercicio del Veto y la Insistencia en Argentina, 1862–1985*, Tesis de Doctorado Facultad de Derecho y Ciencias Sociales, Universidad de Buenos Aires, Registrado como obra inédita en el Registro Nacional de la Propiedad Intelectual.