Universidad de San Andrés

Departamento de Economía

Doctorado en Economía

Choosing in Politics: Three essays on political choice

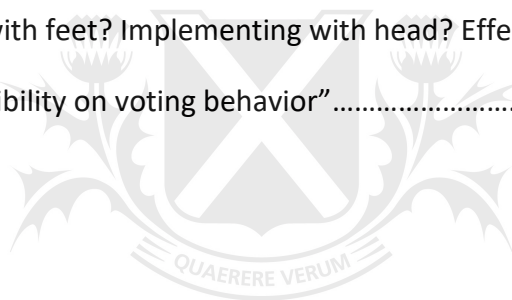**Autor: Gabriel Filc**

DNI: 23.672.773

Director/Mentor de Tesis: Mariano Tommasi

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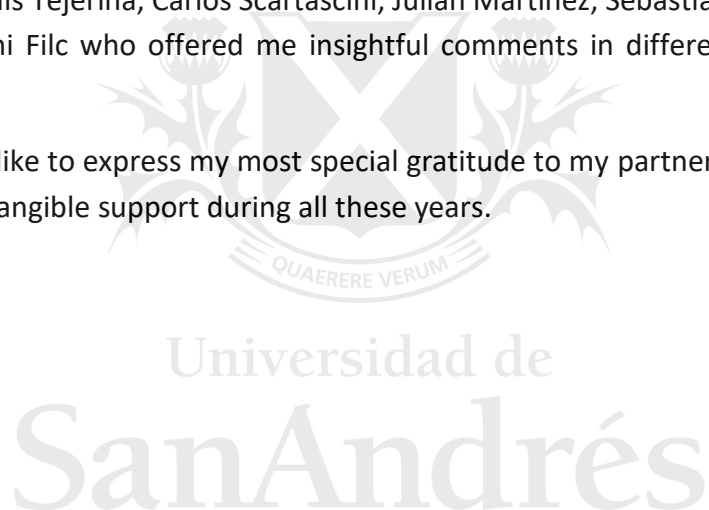
INTRODUCTION

In this thesis, I analyze different scenarios where political choices lead to political changes, using methods of economics linked to rational choice theory. The first two papers belong to the positive constitutional economics research program, as they are focused on the reform of constitutional rules. In "Making Choices to Last: Subnational Constitutionalism and Federal Constitutions Endurance" I develop a model to analyze the effect of the availability of a subnational constitutional space on national constitutional change. In the second one, "Utilizando Arenas para no empantanarse: Reformas constitucionales provinciales y concentración del poder en Argentina", I analyze what factors, associated with the configuration of the parties in different policy decision arenas, favor the concentration of power at the provincial level in Argentina. Lastly, in the third paper, I take advantage of a natural experiment scenario to analyze the effect of transport accessibility on voter's choices, through a difference in difference regression model.

The three of them provide contributions to the existing literature. Institutional factors have been widely used to explain constitutional reforms. However, the availability of an alternative constitutional space at a different government level, has not been thoroughly considered previously as an explanatory element. Regarding the second paper, I continue the research agenda proposed by Almaraz and Lucardi (2017) on provincial constitutional change, but I focus on the relevance of the different arenas involved in the reform process. Lastly, the effect of transport accessibility on voting choices has been rarely approached before. Moreover, the event I analyze presents some characteristics that allow to consider the effects of both improvements and deterioration in transport accessibility.

In **"Making Choices to Last: Subnational Constitutionalism and Federal Constitutions Endurance"** I propose to analyze the effect of the availability of a subnational constitutional space on national constitutional change. Empirical evidence shows that countries with subnational constitutions have longer lived national constitutions. I argue that agenda setters attempting to promote constitutional reforms in countries with a subnational constitutional space, will opt between supporting it at the national or subnational level. Thus, sub-national constitutions allow the political system to adapt to shocks while the national constitution remains stable. I construct a model in which the relative distance in preferences on the discussed issue between national and local median voters will determine the agenda setter's choice. Several examples of real-world reform dynamics suggest that the choice is, in certain cases, active.

In **"Utilizando Arenas para no empantanarse: Reformas constitucionales provinciales y concentración del poder en Argentina"** I analyze which factors, associated to the power of political parties in different decision arenas, favor concentration of power in Argentina's provinces. I argue that Legislatures' conformation not only affects the chance of approving constitutional reforms. It also influenced the reforms aimed at strengthening the position of the governors, particularly through changes in the rules of re-election, that took place in the provinces. The results suggest that, the more effective number of parties in the Legislature, the re-election rules are more rigid. However, in relation to the legislative powers of the governors, the results are not robust. Although a greater distribution of power among the parties that make up the arenas where the reform is approved is associated with lower powers of the governors, only in some configurations is it statistically significant.

In **"Voting with feet? Implementing with head? Effects of public transport accessibility on voting behavior"** I take advantage of the short time window between mandatory primaries and general elections in Buenos Aires City to study the effect of policy interventions that changed transport accessibility – both in a negative and positive way - between both ballots on the incumbent's party support. The results of the difference in differences analysis, both for voters registered nearby new subway stations as well as new BRT branch, suggest a positive but limited effect on governing party electoral support. On the other hand, the effect on the government party's votes was negative in the proximity of stations negatively affected by the network expansion. The presence of positive and negative results suggests that some voters value infrastructure not because it improves the city, but regarding on the usage they can extract from it.

Making Choices to Last: Subnational Constitutionalism and Federal Constitutions Endurance

Abstract: In this paper I propose to analyze the effect of the availability of a subnational constitutional space on national constitutional change. Empirical evidence shows that countries with subnational constitutions have longer lived national constitutions. I argue that agenda setters attempting to promote constitutional reforms in countries with a subnational constitutional space, will opt between supporting it at the national or subnational level. Thus, sub-national constitutions allow the political system to adapt to shocks while the national constitution remains stable. I construct a model in which the relative distance in preferences on the discussed issue between national and local pivotal voters will determine the agenda setter's choice. Several examples of real-world reform dynamics suggest that the choice is, in certain cases, active.
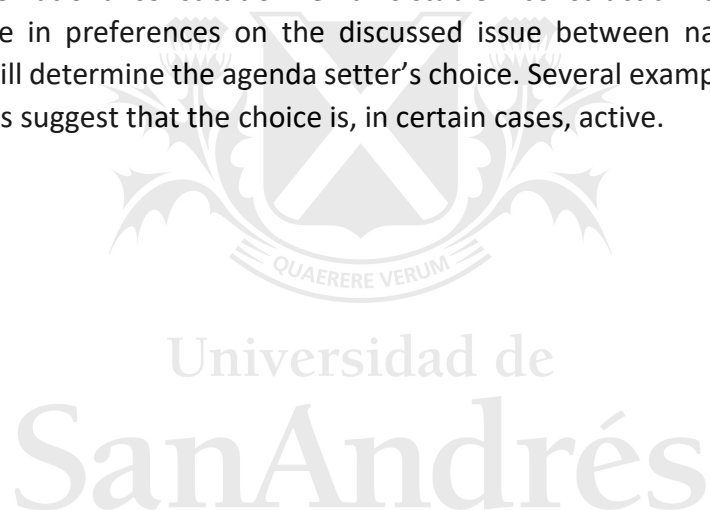
INTRODUCTION

Right after being elected as President of the USA, Donald Trump declared that the question of abortion legality would be delegated to the individual states. This statement gives a hint of the importance of understanding the implications of constitutional decisions at different levels of government when thinking about constitutional change. Constitutions are the foundation of the institutional framework of the state they represent be it at national or subnational level. Thus, reforming them has potential consequences on the whole structure. In order to keep providing a bedrock for the rules of government, the architecture of the state, and for the relationship between state and citizens, this basis should be able to adapt to different shocks. However, excessive volatility could endanger democratic self-government processes (see e.g. Holmes 1995; Eisgruber 2001; Issacharoff 2003). Moreover, constitutional stability might facilitate certain valuable forms of constitutional pre-commitment, particularly those having to do with minority rights and inclusion (see e.g. Elster 2003; Ferejohn and Sager 2003; Sager 2001). Expectedly, scholars have tried to identify those factors that affect the endurance of constitutions and among them, the presence of veto actors has a prominent role.

This paper is aimed to analyze an element closely related to the veto factor, but that has been somehow neglected by the literature, particularly in comparative analysis. The primary effect of a federal or a unitary system of government on constitutional stability is materialized through the number of veto players, since federalism increases them at different levels. However, there is another characteristic shared by most federal countries, and a few unitary ones: the possibility to perform constitutional reforms at the sub-national level.

In this paper I propose a model to analyze the behavior of reformers in the presence of both sub-national and national constitutions. The main idea backing the model is that sub-national constitutions increase the political system's degrees of freedom, allowing to adapt to shocks while the federal constitution remains stable.

Several events have the potential to trigger constitutional reform attempts, but the process will begin only if some conditions are met. The originating shock, whether it is social, economic, cultural, technological or institutional[1], shifts the relative status of different groups in the political unit changing the players' calculus of costs and benefits, and consequently fostering demands for new arrangements. In order for these shocks to generate a constitutional conflict, a political event should take place. One of the groups affected by the shock should perceive that the prevailing political rules

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[1] Several authors have proposed different shocks as possible drivers of constitutional change. Social and economic disturbances (Banting and Simeon 1985); changes in the environment within which the political system operates (including economics, technology, foreign relations, demographics, etc.), changes in the value system distributed across the population, unwanted or unexpected institutional effects and the cumulative effect of decisions made by the legislature, executive, and judiciary (Lutz 1994). Shifts in societal values and territorial cleavages or institutional malfunctioning (Petersohn 2013).

established by the Constitution, are unfairly biased against them (Banting and Simeon 1985) and be able to foster a reform process.

As a Constitution gets older, it not only increases the probability of facing a shock, but also the chance that one of these shocks will modify it (Roberts 2008). When comparing a Constitution's endurance between federal and unitary countries, the difference in longevity is notorious[2]. While the average for the first group is 49.5 for the latter is 23.5 years. When looking at the medians the differences persist: 29,7 and 16,3 respectively[3].

Even though federal Constitutions have a longer endurance, replacement is not the only way they can respond to shocks. Constitutions can experience different types of reforms. In this document, I will focus on formal changes to the constitutional text, as they can be identified in a more precise way for empirical analysis and the proposed model is better adapted for these cases. Thus, the effect of judiciary decisions is not considered. Even while limiting the scope to those changes that alter the constitutional document's text, we can find several categories. The slightest approach is the modification in the drafting of existing articles. The revision is the broadest and implies a substantial change that can be considered that the Constitution has been replaced by a new one. In the middle stands the amendment, "the alteration of an existing constitution by the addition or subtraction of material" (Benjamin 1916). The only type of reform that can be clearly singled out is when an article is redrafted, as the line that divides the revision from a series of amendments is blur.

Different categories of constitutional change imply that effects of external shocks might be diverse. Basically, adaptable Constitutions will be able to respond with marginal or minor changes, such as redrafting or particular amendments, while rigid ones will either endure the effect or be reformed. Although federal countries, on average, do not replace their constitutions as often as unitary countries, that behavior might vary when analyzing amendments. To evaluate these reforms, I follow Lutz (1994) and Lorenz (2005) restricting the sample to true constitutional systems. True constitutional systems are those where the country has been democratic the whole period between amendments or reforms, or if there has been an authoritarian interregnum the Constitution has not been amended nor replaced during this authoritarian stage. The average for unitary states is 4.5 years while for federal ones is 5.7 years, suggesting that federal countries are not only less prone to replace their constitutions but to reform them as well.

The relationship between federalism and constitutional reform is a product of the tension between two differing phenomena. On the one hand, a stimulus, as in federal countries there can be additional sources of pressure for change. These are primarily a consequence from heterogeneities in federal countries' societies and a greater quantity

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[2] The information used for constitutional endurance analysis comes from Elkins, Ginsburg and Melton (2014).
[3] When the null hypothesis that the difference in means between the two groups is equal to 0 against the alternative hypothesis that the group of countries with subnational constitutions have a larger mean, the p-value equals 0.013.

of political interactions to be normed. On the other hand, a deterrence for change as federal constitutions are usually harder to modify because of the additional number of actors. For these conflicting dynamics to be resolved within the institutional framework, alternatives to the reform of the national constitution must be available. The most studied alternative has been judiciary, as judges have played a key role allowing constitutional order adjustment in the US (Lutz 1994; Ginsburg and Versteeg 2014). These stimuli can be also channeled through a different mean, reforming sub-national constitutions.

While subnational Constitutions are found in most of the federations - Argentina, Australia, Austria, Brazil, Germany, Mexico, South Africa, Switzerland, the United States and Venezuela[4] not all federal countries allow subnational constitutionalism neither every country with a subnational constitutional space is formally federal. For example, Belgium and India show both a high reform rate and do not have subnational constitutions while Spain and Italy have them being unitary states. Thus, comparing results between federal vs unitary and subnational constitutions availability vs. non-availability will show differences regarding the duration of each period without amendments or reforms. When changing the criteria from federal countries to those where subnational constitutional reform is available, the mean is 3.7 years for those without subnational constitutions and 6.9 years for those that have them (2.8 and 4.3 for the medians)[5].

Even though it is difficult to conceptualize constitutional flexibility, there have been several attempts by institutionalist researchers to link rigidity levels to different procedural obstacles established in the Constitution[6]. Among them, it is possible to highlight the following: first, the vote threshold required for constitutional amendments in the Congress (Lijphart (1999), La Porta et al. (2004), Anckar and Karvonen (2002), Rasch and Congleton (2006), (Ginsburg and Melton (2015) Lorenz (2005)). Second, the number of steps – or steps – required for the approval of the reform – Congress; Executive; Referendum; Sub-National Legislatures (La Porta et al. (2004), Anckar and Karvonen (2002), Rasch and Congleton (2006) Lorenz (2005)); Length of the process: Confirmation by the Congress in two consecutive legislative terms (La Porta et al. (2004), Rasch and Congleton (2006)); Number of parliamentary sessions in which the constitution must be approved ((Ginsburg and Melton (2015)); Number of actors allowed to initiate the reform process (Ginsburg and Melton (2015)). Except for the last one, these items are procedural obstacles to constitutional change that will reduce constitutional amendment rates, irrespectively of the particular incentives to change the constitution generated by the shock. Basically, in a one-time interaction, the larger the number of actors involved in the decision-making process and the greater the number

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[4] Ethiopia, Malaysia, Russia and Sudan have subnational Constitutions are not considered in the sample as they are authoritarian regimes.

[5] When the null hypothesis that the difference in means between the two groups is equal to 0 against the alternative hypothesis that the group of countries with subnational constitutions have a larger mean, the p-value equals 0.02.

[6] It should be noted that Ginsburg and Melton (2014) find that the various metrics of amendment difficulty offered in the literature are poorly correlated, suggesting potential validity problems.

of procedural steps, both the cost of consensus-building and the risk that single political actors will veto a proposal will increase.

The effect of procedural obstacles on constitutional rigidity seems clear, even though it is not sufficient to fully explain constitutional changes. This relationship can be extended to the political organization of the countries as several of these institutional constraints are presumably tougher under federalism. Particularly, those related to the number of veto players, as subnational polities are represented at the national level. The notion that constitutional reform processes are harsher in federal countries, is confirmed when analyzing constitutional rigidity indexes. Lorenz's Index of Reform Difficulty considers the factors "Kind of majority vote"; "voting". The average for unitary countries is 2,3 while the average for federal countries is 3. Thus, federal countries as a whole show older constitutions and more demanding change mechanisms.

In countries where a constitutional space is available at the subnational level, Constitutions show both a higher endurance and a lower flexibility. Not only these Constitutions are seldom replaced, but its amendment rate is lower than in other countries. Consequently, Lorenz's Index of Reform Difficulty is higher for this group of countries, even being 8% higher than those with federal regimes. However, as in the Federal group, the countries with sub-national constitutions are not homogenous in terms of constitutional rigidity and endurance. Several authors have noted the existence of two groups of federal countries: the first one rarely promotes constitutional change and is clearly above the unitary average while the latter change their constitutions frequently thus being below the unitary average. A similar pattern is observed when analyzing the reformist behavior of those countries with subnational Constitutions, even though the group where the modifications of the constitution are common is smaller.

The presence of two different groups, in terms of constitution reform rate suggests that the availability of a subnational constitutional space cannot explain univocally the change dynamics[7]. However, it can contribute to enhance the understanding of these events linking traditional institutionalist approaches to alternative perspectives. For example, federal systems require constitutional veto players to interact constantly in other arenas rather than the constitutional one. Where these interactions lead to agreements, they can set a particular political environment which is more prone to constitutional reform (Lorenz 2004).

The "amendment culture", described as the set of attitudes about the desirability of amendment, independent of the substantive issue under consideration and the degree of pressure for change, is another alternative explanation to Constitutional reform. As culture should generate a path dependence, when developing this concept Ginsburg and Melton (2015) point out that variation within systems constitutes a challenge to this idea. They note that in the US, subnational constitutions are amended more frequently

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[7] While institutional obstacles affect the feasibility of altering the Constitution, they cannot explain the modifying events thoroughly. Some empirical studies even suggest that the effect of procedimental rules to constitutional amendments, has been overestimated (Rasch and Congleton 2006, Roberts 2008).

than the federal one. One of the consequences of the low amendment rate at the national level is the absence of positive rights in the US constitution.

Only recently, the role of the US states regarding positive rights has been thoroughly studied (Zackin 2013). What has been regarded as a characteristic of the US Constitutions, the absence of Governments mandates regarding vulnerable population, changes when considering an expanded constitutional space that includes State constitutions. The explanation for the much more reformist dynamic, at least at its origin, does not lie necessarily on different political cultures, but on the participation of political actors outside of the legislative arena. Constitutional conventions allowed activists and social movements to sidestep vetoes and obstacles of legislative constitutional reform processes (Zackin 2013). Even though it is possible that in the long run different "amendment cultures" arose at the sub-national level, the possibility for other actors to participate in a parallel Constitutional arena had to be present.

The importance of subnational constitutions is not limited to enabling positive rights. Their potential role in the protection of human rights has been also explored theoretically. This capacity is not intrinsic to subnational constitutions. They must exist in an environment where subnational units are politically relevant regarding their capacity to provide an alternative to the central state in terms of governance or allegiance (Gardner 2007). Despite the researches on US sub-constitutionalism and the role of subnational units regarding human rights, in my knowledge comparative constitutional reform analysis has not focused on a particular dimension of subnational constitutionalism: its effects on the National Constitution and more specifically on its reform dynamics[8].

The availability of subnational constitutions adds a dimension to the constitutional space. Thus, political actors whose objectives require modifying the constitution will be able to choose a different set of actions when establishing their strategies to attain those objectives. However, as the existence of two groups of countries suggest, other conditions should be present for the subnational space to effectively involve an alternative to the federal constitution. The effective space is determined both by prescription in the federal constitution and the actual use of the institutions and processes by the subunits (Burgess and Tarr 2012).

The constitutional game is part of a broader business. When national constitutional veto players interact in other arenas of the larger policy making process, interaction in the constitutional arena could be eased (Lorenz 2005). Based on this argument, it is possible to pose a scenario where the availability of subnational constitutional spaces could affect national reform dynamics. Basically, having a relevant subnational policy-making space will allow issues which in unitary countries are treated at the national level to be treated at the subnational level. Thus, constitutional veto players meet less often in give

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[8] Tarr (2011) Underscores the consequences of the use of subnational constitutional space but does not dwell on the effects on national constitution reform, aside from the imitation of subnational reforms at the federal level; Dinan (2008) shows the role of state constitutional processes for promoting political change.

and take situations that can help to build mutual cooperation. Moreover, as subnational arenas deal with policy issues covering a bounded scope, there are more monies of a "smaller" value in order to interact. Allowing political transaction of a lower level increments the number of possible transactions. Thus, at the subnational level a new array of situations arises in which constitutional veto players need other veto players' consent.

Repeated interaction at the subnational level eases the reform process and provides more monies to face it. Moreover, there other characteristics of subnational policy making processes that can facilitate constitutional reforms. In the first place, information at the subnational level is improved as the population is smaller and usually more homogeneous. Thus, policy makers are likely to be more knowledgeable regarding voters' preferences in their districts. When the constitutional reform process requires voters' approval (e.g. through a referendum), having a deeper understanding of their preferences should increase the chance of success.

Another factor to be considered is that veto players pertaining to the federal regime dynamics are not present at the subnational level. Thus, approving subnational constitutional reforms should be easier as several sectoral interests, linked to geographical units, will not be operative. The formal process of reform can be eased as well, as usually legislative bodies in subnational units are composed of one chamber as opposed to the two chambers scenario at the national legislature. In a certain way, constitutional reform processes in subnational states resemble the typical unitary in terms of number of veto players. Not surprisingly, subnational amendment processes are more flexible than the national ones (Dinan 2010).

This hypothesis requires that countries where a subnational constitutional space is accessible, belonging to the group of low constitutional change, exhibit a higher reform rate at the subnational level. Unfortunately, subnational constitution reform surveys are rare, so it is not possible to conduct a thorough review. In the time-period when the US federal constitution was amended 26 times, the states' constitutions were revised, on average, nearly three times and amended, on average, more than 130 times. In Argentina, the differences in constitutional reform activity between national and subnational levels is not as striking, it is relevant. In the period since the reinstatement of democracy beginning in 1983, one Constitutional revision took place at the national level, while, on average, 1.6 were implemented at the subnational level.

My hypothesis is that political actors willing to promote constitutional reforms in federal countries, will opt between supporting it at the national or subnational level. The decision will depend on the expected utility of either choice. As it has been stated previously, the process is more challenging at the federal level, implying that approving the desired reform is less probable. Benefits are expected to differ as well if the reform is carried out at a different level. Changing the constitution in a narrower political unit usually implies a smaller benefit for the agenda setter. This occurs every time they have preferences that exceed their local polity. As constitutions establish rules for the State's involvement in social relations, this scenario is highly feasible. For example, in the

prelude to American Civil War, northern abolitionists supported banning slavery in all the US, not just in their home territories.

Constitutional reform in the subunits may have consequences on the national constitution reform rate through different channels. Firstly, some changes can involve the whole of the sub polities but being resolved at the subunit level. Secondly, changes supported by a majority of citizens, geographically circumscribed, can be solved through local reforms without resorting to a national one. Lastly, political conflicts constrained to a regional unit level can be alleviated without disrupting national politics (Filippov et al. 2004). It should be noted that the fact that the subnational space is available in the first place, may be related to a preexisting equilibrium between the federation and the subnational units. Furthermore, making use of this space may reinforce this equilibrium as the political culture adapts to it. Even these factors are relevant to understand the use of the subnational constitutional space they will not be addressed in the model for the sake of simplicity.

Even though subnational constitutionalism in general, and particularly its interaction with national constitutionalism have not been widely studied, it is becoming a more relevant subject. Particularly, as the configuration of subnational constitutionalism as an alternative space to the national constitution is growing in relevance. In the US, several issues are oscillating between local and national arenas according to political actors' strategies, including abortion, weapons rights and same-sex marriage as examples. As it will be developed later, not only the United States is witnessing these debates, in Mexico the right of the federal government to rule on issues like abortion is being challenged by the subnational states. The explanation I propose does not solve the limitations of traditional institutionalist analysis on constitutional reform, as different behavior can be observed within the countries that have a subnational constitutional space. However, it contributes to the analysis by focusing on the role of alternative constitutional spaces on national constitutions dynamics by modelling agenda setters' response to the framework set by institutional alternatives and voters' preferences.

The next section presents a model aimed at developing the game played by agenda setters when deciding whether to reform at national or local (district) level. In the real scenario the agenda setter's utility depends on a complex interaction of costs and payments. The obstacles for reforming at the national level generated by additional veto players can be settled, but at a higher cost. For example, by employing a national campaign or lowering potential gains by building a coalition. In this simplified model, the advantage of going national will be related to externalities, while the costs will be related to the increased uncertainty of the result at the national level and agenda setter's preferences that are closer to those of the local pivotal voter than to the national pivotal voter. In Section 3 I look for empirical cases to check the models' results. Finally, in Section 4 I present the conclusions.

MODEL

In countries where a subnational constitutional space is available, political actors have two choices when trying to implement a constitutional reform. In order to understand the effect of these decisions on national constitutional stability and endurance I adopt a median voter model where an agenda setter decides to propose a reform either at the national or at the local level. Even though constitutional reforms might affect several policy fields, the model will be limited to only one policy dimension – negative rights, positive rights, separation of powers, etc.-. The rule governing the policy can be thought as being implemented at different intensity.

It should be noted that when discussing constitutional reform, particularly in a federal system, the individual whose vote can transform a losing situation into a winning one, it is not precisely a median voter but some kind of pivotal voter. In a federal regime, there are cases where the pivotal voter must be a pivotal voter in his subnational unit and that subnational unit must be pivotal in the federation[9]. As in this case the policy discussion is unidimensional, the pivot can be identified in terms of a location on a left-right line with single peaked preferences and it behaves similarly to a median voter.

Although not all countries require citizen's ballots to implement constitutional reforms and these processes are often initiated by unilateral action within the government, citizens' backing might still be relevant. Even successful constitutional amendments generally fail to achieve meaningful constitutional change without sustained popular support (Strauss 1996). An agenda setter as a driving force behind constitutional change recognizes both the possibility of a 'top-down' process where the sources of change are incumbent elites themselves, and a 'bottom-up', in which constitutional change arises from mobilization of 'outsider' groups. Another main characteristic of the model is the position of the agenda setter who is placed at an extreme. This choice might seem unrealistic, however there are views on constitutional change that suggest elites – agenda setters - are the most committed and have the most powerful interests in certain constitutional options. This forceful interest will be reflected on stronger effect of externalities over agenda setters when compared to other individuals. It should be noted that reforming at the national level has an additional advantage related to the rigidity it endows the new norm, however this dimension is not included in the model.

Modeling the agenda setter´s choice involves two key aspects: the additional benefits of widening the reform´s geographical scope and the extra costs of having the reform approved at the national level. The latter will be addressed in the model through uncertainty and relative positions of median voters. Even though uncertainty in agenda-setting environments may come from different sources[10] (Moser 2009), in this case it is related to the uncertainty about the preference of voters. Basically, it is expected that

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[9] See Dougherty and Heckelman (2006) for an example of this situation.

[10] Uncertainty about the alternatives to be voted on; uncertainty about the preferences of voters; uncertainty about how long voting will take place (Moser 2009).

the agenda setter will have a more precise knowledge about its district preferences. Additional benefits derive from the idea that several of these policies are related to issues that imply externalities so the utility gain for the agenda setter is higher when the reform takes place at the national level.

The model draws upon previous work from Cremer and Palfrey (Cremer and Palfrey 1996, Cremer and Palfrey 2002 and Cremer and Palfrey 2006). These models exhibit several of the characteristics that outline the present exercise. The relevance on the uncertainty of the outcome (Cremer and Palfrey 1996), local agenda setters exploiting the existence of both federal and local norms (Cremer and Palfrey 2002) and the relevance of externalities when analyzing policy decisions in a federal context have all been included in previous works modeling federalism issues. However, I apply them to a different political problem: the choice by an agenda setter who can play either at the local or national arena, to foster a constitutional reform either at the local or national level.

In this model, a federation is composed by n districts of equal size where N is an odd integer. In each district d, there are N_d voters, where $N_d \geq 3$ is an odd integer. A shock (cultural, political, etc.) takes place putting a certain policy, under debate. This policy must be related to positive or negative rights, for example, voting rights, family planning and reproductive rights, separation of powers, etc. An exogenous change in the social, economic, cultural or institutional environment allows the *status quo* regarding that policy to be challenged. This *status quo* is the same across the federation. I will assume that the constitutional rule that regulates the policy in a certain district will be modified later. This means that if the *status quo* is challenged through a federal constitutional reform, this will be the binding rule and the same is valid for the local constitution. I am not addressing the constitutional competition that may arise when two constitutional spaces are available. In practice, this would mean a role for the judiciary which exceeds the scope of this paper.

While the status quo is identical in all districts, the shock does not necessarily affect each district and each individual in the same manner. For some individuals, it will modify their preferences regarding the policy. These preferences are complete, transitive and single peaked along a single issue on which that policy is to be chosen and the issue space is represented by R, the set of real numbers. Each district where a poll regarding the policy takes place, decides on a level of that policy. I denote by $x_d \in R$ the level chosen in district d.

The individuals have primarily a preference on a policy level in their own district but they are also subject to externalities in the form of spillover effects from policy levels in other districts. That is, the utility of a voter i in district d depends not only on x_d but also on the levels in the other districts which can be the product of national or local rules.

Each individual has an ideal policy point t_{id} which maximizes her/his utility function, its type. If policy level x is adopted the utility of an individual of type t_{id} is:

$$U_{id}(x,t) = -|t_{id} - x_d - \beta X_{-d}| \tag{1}$$

Where,

x_d: is the amount of policy

t_{id}: is the ideal point of voter (*i,d*) if x_d=0

$X_{-d} = x_d(N-1).$

β: spillover coefficient that measures the degree of substitutability.

There is a spillover effect between the policy in one´s own district and the policy in the other districts, and the coefficient β measures the degree of substitutability (β =0 corresponds to no externality). Therefore, every voter´s ideal point is decreasing in the public good levels of all other districts. This behavior implies considering that the policies that can be reformed are similar to public goods so there is a limit in the amount of the positive externality that the voter would like the other districts to produce. Regarding moral issues, the policy magnitude desired by an individual in its own district varies according the level adopted by the federation, but it is not necessarily intuitive. However, it is possible to conceive a scenario in which if the policy level regarding a certain issue is under a voter's ideal point, he is willing to accept a higher level than his ideal at his own district to safeguard it from possible future changes.

I assume that all districts are the same size, so that their externality effects are symmetric. If t_{id}<0 then the voter (*i,d*) considers *x* a harming policy. I denote the median ideal policy in district *d* by m_d: it is equal to the median of the t_{id} of the voters (*i,d*) in district *d*.

It should be noted that voters are not the only players in this game. Local agenda setters' preferences regarding the policy differ in two dimensions from those of voters. In the first place, their interest in the adoption of the policy is stronger. In the model this will imply they would like the policy implemented as deeply as possible. Secondly, local agenda setters are potentially players at the national level. Thus, their preference to implement the reform across the whole federation will be more marked and the effect of externalities will stronger than on voters. In order to capture both characteristics, the utility functions of those players that can propose the reform are assumed to be strictly increasing.

Agenda setter utility:

$$U_{as}(x) = x_d + \gamma X_{-d} \tag{2}$$

Where,

x_d : is the amount of policy

γ: measures the strength of the externality over agenda setter and $\gamma > \beta$

$$X_{-d} = x_d(N-1).$$

Policies in the agenda setter's district and at the federal level are determined as the outcome of the following three stage game:

Stage 1 (level of reform decision stage). The agenda setter decides whether to propose the reform at the local or federal level.

Stage 2 (agenda setter stage). The agenda setter proposes a policy $X_d \geq SQ_d$ (local level reform) or a policy $X_f \geq SQ_f$ (federal level reform).

Stage 3 (voting stage). If the agenda setter chose to propose the reform at a local level, each voter in the agenda setter's district casts a vote either for or against X_d. If a majority of voters in district d vote for X_d, then it becomes the local policy in district d. Otherwise, SQ_d remains as the policy of district d. If the agenda setter chose to propose the reform at federal level, each voter in the federation casts a vote either for or against X_f. If a majority of voters in the whole federation vote for X_f, then it becomes the local policy in all districts. Otherwise, the policy of the federation is SQ_f. In either case, the agenda setter's utility is a result of both the final policy situation in her/his district and the externalities generated through other districts.

The equilibrium solutions for the three stages are the following:

Equilibrium solution in the third stage: voting

In the last stage, each voter must choose between voting for X_d and voting for SQ_d, if the agenda setter decides to propose the reform at the local level or between X_f if she chooses to introduce it at the federal level. For any such (X_d, SQ_d) or (X_f, SQ_f) pairs, every voter has a dominant strategy to vote for his or her most preferred policy. If the reform proposal is performed at the local level, the reform will pass if the median local voter m_d prefers X_d over SQ_d. If the proposal is at the national level it will be approved if the median federal voter m_f prefers X_f over SQ_f.

Equilibrium solution in the second stage: agenda setting

In the second (local) stage of the game, the agenda setter in district d, will propose the largest possible local reform, X_d, subject to the constraint that X_d is preferred to SQ_d by a majority of the voters in the district[11]. If the second stage is played at the federal level, then the agenda setter, depending on his/her knowledge of voter's preferences, has two options. The first one, if he has information on m_f, is to propose either the largest

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[11] I will also use the notation X_d for the function that links SQ to the best outcome that the agenda setter can obtain.

possible federal reform, X_f, subject to the constraint that X_f is preferred to SQ_f by a majority of the voters in the federation. The second one, if he ignores m_f – but knows its relative position regarding SQ_f and m_d, is to propose X_d – the reform level he would have offered at her home district – but at the federal level.

As shown in Romer and Rosenthal (1979), there are two cases to consider, depending on SQ and m (which could be m_d or m_f).

Case 1. $m \leq SQ$. In this case, the agenda setter cannot make an offer that may both increase her utility and be chosen by the median voter over the SQ. Consequently, the outcome will be SQ.

Case 2. $SQ < m$. The agenda setter chooses the X_d or X_f which are the greatest x such that a majority of the voters in district d (weakly), or across the federation, prefer x to SQ (we assume that if a voter is indifferent between the status quo and the proposal of the agenda setter, he or she votes for the proposal of the agenda setter).

Equilibrium in the first stage: level at which the game is played

In the first stage, the agenda setter will decide if he proposes the reform at a federal or local level. The former will take place if $U(x_d) < E\big[U(Y_f)\big]$ the latter will happen if $U(x_d) \geq E\big[U(Y_f)\big]$.

The local condition of the agenda setter not only implies that he may propose the reform at his home district. The information he has on voters in his constituency should be more accurate. To reflect this condition, I assume that his knowledge of the voters' preferences in his district is at least as precise as for the federation level.

Thus, in this stage, while the agenda setter knows the voter's preferences in his district, there are different situations in terms of the uncertainty that he has about voter´s preferences at the federal level. I consider two scenarios: in the first one, full information scenario, the agenda setter also knows the realization at the federal level; in the second one, incomplete information scenario, she only knows the relative positions of means and variances at local (agenda setter's district) and federal level but she ignores the mean or realization at the federal level, i.e. she ignores the precise difference between median voters.

In the full information scenario, if $m_f \geq m_d$ the agenda setter will opt to propose the reform at the federal level as she will improve its utility both from the policy outcome at his district as well as from the externalities he benefits from the rest of the federation. If $m_f < m_d$ his decision will depend on the extend that externalities make up for the lower policy level that will be approved at the agenda setter's district. In turn, this will be contingent on the size of externalities and the difference between the median voters at local and federal level. Basically, if:

$$x_f + \gamma X_{-f} \geq x_d + \gamma SQ_{-d} \tag{3}$$

the agenda setter will submit the reform proposal at the federal level. The following equation replaces the policy levels by the ones that the agenda setter would offer in the second stage:

$$\frac{2.m_f - SQ - \beta.SQ.N + \beta.SQ}{1 + \beta.N - \beta} + \gamma(N-1).(\frac{2.m_f - SQ - \beta.SQ.N + \beta.SQ}{1 + \beta.N - \beta}) \geq 2.m_d - SQ - \frac{2.\beta.SQ}{N-1} \tag{4}$$

In the incomplete information scenario, the agenda setter compares its utility when offering x_d in his-her home district to the one obtained when offering the same reform at the federation level. Once again, the decision will depend on the difference between median voters and status quos. If the status quos are to the right of both median voters, the agenda setter is unable to make a reform proposal that once approved increases her utility.

If the agenda setter is able to make a reform proposal, she will propose x_d both in the case of a federal or local reform as she ignores m_f. As the federal and local status quo are the same, the reform that would be approved locally would also pass at the federal level provided that $m_f \geq m_d$. However, the agenda setter ignores the value of m_f, she only knows whether the mean of the distribution is to the right or left of his district's preferences mean. Therefore, the agenda setter's choice will depend on the probability that $m_d <= m_f$. That is, the probability that the median voter in the agenda setter's district will prefer less or equal level of policy than the federal median voter[12] which equals to:

$$\pi(m_d \leq m_f) = 1 - \Phi(-\frac{\left(1-\frac{1}{T}\right)\mu_d - \frac{1}{T}\sum_{i \neq d}\mu_i}{\sqrt{(1-\frac{1}{T})^2\sigma_d + \frac{1}{T^2}\sum_{i \neq d}\sigma_i + \left\{2\left(1-\frac{1}{T}\right).\frac{1}{T}\sum_{i \neq d}\sigma_{id} + \frac{2}{T^2}\sum_{i,k \neq d}\sigma_{ik}\right\}}}) \tag{5}$$

Where,
T: number of districts
μ_d: mean of preference distribution at agenda setter's district
μ_i: mean of preference distribution at non agenda setter's district
σ_d: variance of preference distribution at agenda setter's district
σ_i: variance of preference distribution at non agenda setter's district
σ_{id}: covariance of preference distribution between agenda setter's district and the other districts
σ_{ik}: covariance of preference distribution between non-agenda setter's district

Consequently, the agenda setter will submit the reform proposal at the federal level if:

$$\pi(m_d \leq m_f).(x_d + \gamma X_{-d}) \geq x_d + \gamma SQ_{-d} \tag{6}$$

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[12] As the preferences distribution is normal, the mean voter coincides with the median voter.

COMPARATIVE STATICS

As the parameters' values for singular cases are ignored, it is not possible to reach a solution reflecting the situation of particular countries, a comparative statics exercise allows to analyze how the different variables affect agenda setter's decision. This exercise helps understand in which cases the presence of a subnational space gives the agenda setter a viable alternative vs the federal reform. To perform this analysis for the full information scenario the parameters of the Agenda Setter's utility functions underlying Equation 3 are allowed to vary while utilities remain equal.

As one would expect $\frac{\partial U_{as}}{\partial m_f} > 0$, a larger m_f will allow the Agenda Setter to offer a larger reform at the federal level increasing her utility. A larger median voter preference at the federation level will increase Agenda setter's utility to promote a reform at the federal level, as she will be able to propose a greater reform. The effect will increase every time the Agenda Setter's externalities are larger and the number of subnational unit increases. On the contrary, the effect will decrease every time voter's externalities increase as the federal median voter will accept a lower level of reform.

The effect of a local median voter's preferences growth is constant and positive: $\frac{\partial U_{as}}{\partial m_d} > 0$. Similar to the previous case, a larger m_d will allow the Agenda Setter to offer a larger reform at the local level increasing her utility.

A change on the SQ will have effects both on the utility of a federal reform as well as on the utility of a local reform. In the case of the federal reform $\frac{\partial U_{as}}{\partial SQ} < 0$. In the case of the local reform $\frac{\partial U_{as}}{\partial SQ} < 0$ only when if agenda setter's externalities are at least as twice as large than voters' externalities. Thus, if that condition does not stand, an increase in the Status quo, will make the local reform more convenient for the Agenda Setter as the federal median voter will accept a smaller reform.

An increment on the voter's externalities will have a negative effect for the agenda setter's utility both in the case of a federal or a local reform as $\frac{\partial U_{as}}{\partial \beta} < 0$ for both cases. However, the effect is larger when reforming at the local level if the number of subnational units is large and the agenda setter's externalities are not much greater than the voter's externalities. This is explained by the fact that given a certain β the level of policy that the agenda setter can propose at the federal level will be reduced with a larger number of subnational units but a large enough γ may compensate this in terms of its utility.

In the case of the number of subnational units (*N*), when reforming at the federal level $\frac{\partial U_{as}}{\partial N} < 0$ unless voter's externalities are near zero. The behavior is similar to the one observed with the voter's externalities. More subnational units imply that the median

voter accepts a lower level of reform, even though this effect is partially compensated by the agenda setter's externalities. In the case of local reform $\frac{\partial U_{as}}{\partial N} > 0$ when the agenda setter's externalities are twice as large as the voter's externalities. Consequently, except for the cases when β is close to zero, an increase of the number of subnational units will make the local reform more desirable for the agenda setter.

The effect on equilibrium of an increased strength of externalities on the agenda setter is intuitive. $\frac{\partial U_{as}}{\partial \gamma} > 0$ both for the local and federal reforms. However, as the externalities are related to the status quo in the local reform case and the reform level must be larger than the status quo for all districts in the federal reform case, the effect is larger when reforming at the federal level.

In the incomplete information scenario, the dominant strategy depends also on the probability that the agenda setter's preference is closer to the federal median voter's than to the local median voter's preference. When performing a comparative statics analysis in order assess the behavior of this probability regarding the relevant variables (as shown in Equation 4) the following results are obtained[13].

As expected, a movement to the right of the local median voter (its preferences closer to those of the agenda setter) increases the probability that the mean value of the local median voter is higher than the mean value of the federal median voter. Thus, it increases the agenda setter's expected utility of a local constitutional reform versus a federal reform.

$$\frac{\partial}{\partial m_d} = \frac{1 - \frac{1}{t}}{\sqrt{\sigma_d(1-\frac{1}{t})^2 + \frac{2\sum_{i\neq d}\sigma_{id}(1-\frac{1}{t})}{t} + \frac{\sum_{i\neq d}\sigma_i}{t^2} + \frac{2\sum_{i,k\neq d}\sigma_{ik}}{t^2}}} \tag{7}$$

An increase of median federal voter's preference regarding the amount of policy decreases the probability that the mean value of the federal voter is lower than the mean value of the local median voter. This result is also evident and has a parallel in equation (6) from the first scenario.

$$\frac{\partial}{\partial m_f} = -\frac{1}{t\sqrt{\sigma_d(1-\frac{1}{t})^2 + \frac{2\sum_{i\neq d}\sigma_{id}(1-\frac{1}{t})}{t} + \frac{\sum_{i\neq d}\sigma_i}{t^2} + \frac{2\sum_{i,k\neq d}\sigma_{ik}}{t^2}}} \tag{8}$$

The effect of the median voter's preference variance will depend on the relative position of his distribution mean related to the other districts median voter's preference mean.

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[13] I will not analyze the effect of a change in the covariance as the result on the probability will depend as well on whether the change in the means is positive or negative.

This happens because if $\mu_d > \dfrac{\sum_{i \neq d} \mu_i}{t} \dfrac{1}{\left(1-\frac{1}{t}\right)}$ equation 9 is negative. In that case, the median voter in the agenda setter's district is situated to the right of the remaining districts' median voter so an increment in the variance reduces the probability that the local median voter is effectively in that relative position. Thus, it increments the agenda setter's expected utility of a federal reform. An equivalent situation is observed in relation to a change in the average variance of the remaining districts (Equation 10). In this case, a growth of the variance when the median voter in the agenda setter's district is situated to the right of the remaining districts' median voter will once again increment the agenda setter's expected utility of a federal reform.

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$$\frac{\partial}{\partial \sigma_d} = - \frac{\left(1-\frac{1}{t}\right)^2 \left(\mu_d - \frac{\sum_{i \neq d}\mu_i}{t} - \frac{\mu_d}{t}\right)}{2\left(\frac{2\sum_{i \neq d}\sigma_{id}\left(1-\frac{1}{t}\right)}{t} + \frac{\sum_{i \neq d}\sigma_i}{t^2} + \left(1-\frac{1}{t}\right)^2 \sigma_d + \frac{2\sum_{i,k \neq d}\sigma_{ik}}{t^2}\right)^{3/2}} \tag{9}$$

Average federal variance

$$\frac{\partial}{\partial \sigma_d} = - \frac{\mu_d - \frac{\sum_{i \neq d}\mu_i}{t} - \frac{\mu_d}{t}}{2t^2\left(\sigma_d\left(1-\frac{1}{t}\right)^2 + \frac{2\sum_{i \neq d}\sigma_{id}\left(1-\frac{1}{t}\right)}{t} + \frac{\sum_{i \neq d}\sigma_i}{t^2} + \frac{2\sum_{i,k \neq d}\sigma_{ik}}{t^2}\right)^{3/2}} \tag{10}$$

THE CONSTITUTIONAL REFORM PROCESS IN PRACTICE

Comparative statics results show several implications derived from the model regarding agenda setter's utility. These can be divided into two groups. The first one consists of those implications that are common to full information and incomplete information scenarios. The second one is composed by implications from either the case where the agenda setter knows the median's voter preference realization or the case where the agenda setter ignores it.

One of the first group's implications is that when the local (agenda setter's district) median voter prefers "more" policy – i.e. its preferences are closer to the status quo in relation to the agenda setter's and the federal median voter's preferences – the agenda setter's expected utility of reforming the constitution at the local level increases as she will be able to make an offer closer to its ideal point.

What should we look for when searching for this phenomenon empirically? The first case that suits this predicted behavior is when the local Agenda Setter prefers to present a reform differing from the national status quo or in a different direction from the trend followed by the reforms at the federal level. Ideally, in order to be able to link the modeled situation to an empirical event, both data on the reform process' result at the different government levels and some kind of preferences survey are needed. Wherever the preferences' data were not available, even though the result of the reform process can be considered as the reformist political unit revealed preferences, we cannot draw conclusions regarding the preferences at the non-reformist level (local or federal). However, the main point of this tour through empirical examples is to show that agenda setters are actually confronted to a situation where they choose between reforming at the federal or local levels and the variables included in the model are relevant while not exhaustive.

The first example is the reform and counter reform process related to abortion in Mexico[14]. The Legislative Assembly of the Federal District modified the criminal and the health law decriminalizing abortion during the first 12 weeks of gestation[15]. In 2008, the Supreme Court of Justice declared this regulation as constitutional, potentially allowing its implementation by other states. Its ruling changed the status quo determining that the right to life is not an absolute right thus it cannot overcome other rights such as the right of women over their own body.

However, attitudes regarding abortion were not homogeneous neither within Mexican society nor among different Mexican states. When questioned whether abortion should

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[14] See Lerner, Guillaume and Melgar (2016) for a detailed description of the process.

[15] They did not eliminate the typification of abortion as a crime, they resignified the term so that only abortion is understood after the first twelve weeks of pregnancy; before, we would only talk about "pregnancy (legal) interruption".

be prosecuted or punished[16] answers vary according the region. Those who answer affirmatively range from 40% of population in Northwestern states to 22% in Central Western and Central Northern states. These differences in preference regarding the policy reflected on the local agenda setter's political actions unleashing a wave of reforms to state constitutions to protect life since its conception, which prevents a woman from interrupting her pregnancy without committing a homicide. Congresses in 17 States had reformed their constitutions to establish the right to life "from the moment of conception".

This case shows a behavior that suits the one predicted by the model. The Supreme Court ruling plays the role of a cultural shock/change in federal and local status quos. Both local agenda setters and local median voters' preferences in many districts lied afar from this potential new status quo. In several cases, apparently where the opposition to abortion legalization was more potent, local agenda setters fostered local constitutional reforms to ensure abortion penalization. It is difficult to determine if the reason to reform locally obeys only to the proximity of the agenda setters to the local median voters when compared to the federal median voter or other factors such as low externalities and a costlier reform process at the national level also play a part. What seems evident is that having the chance to reform at the state level permits to solve conflicts without resorting to a federal constitution reform.

There are several cases in other countries where this behavior is also observed. Among them, in the United States, state constitutional provisions opened the path to same-sex marriage legalization in Massachusetts and Connecticut, while in California a constitutional amendment prohibited issuance of same-sex marriage licenses. In Australia, which does not have a national bill of rights, the Australian Capital Territory adopted one in 2004 and the state of Victoria in 2007 (Dinan 2008).

When the federal median voter prefers a lower policy level the results are equivalent. In this case, regarding the English Language Amendment (ELA), while data on preferences at the state level is not available, a first attempt to reform the Constitution at the federal level failed being followed by several reforms of individual states' constitutions helps revealing the median local and federal voters' preferences. Thus, this example may be characterized as a situation where, even though the agenda setters' externalities are large enough to attempt a federal reform, the relative position of the median federal voter makes it fail causing local reforms[17].

English Language Amendment proposal was introduced in Congress in 1981. Its objective was to make English the official language of the United States, extremely limiting the uses of other languages by federal, state, and local governments. The previous status quo can be considered shared by different government levels as neither the national constitution nor most of the states constitutions specified an official

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[16] Encuesta Nacional sobre Creencias y Prácticas Religiosas en México ENCREER/RIFREM 2016 INFORME DE RESULTADOS

[17] It should be considered that in the United States, the National Constitution is more rigid than the State´s Constitutions. This dimension plays a role in the agenda setter´s decision and is not included in the model.

language. The measure has never come to a Congressional vote as those who feared that it could be used to discriminate non-native speakers prevailed.

However, since that moment, several states have adopted Official English legislation through constitutional amendments by voters' initiative. Alabama (1990), Arizona (2006), California (1986), Colorado (1988), Florida (1988) and Oklahoma (2010). Moreover, the only state that previously stated in its Constitution that English was the official language was Nebraska in 1923. Thus, it is possible to assume that the event that questioned the status quo, the increased number of Spanish speakers (Leibowicz 1985), gave the opportunity for agenda setters to change the constitution. Considering that the successful attempts took place at the subnational level in a minority of states[18] it can be guessed that the median voters in those states were more disposed to the new policy than the median federal voter.

The third case is characterized by the fact that the local median voter prefers a lower policy level in relationship to the change proposed by the agenda setter. When this happens, local median voter's preferences are closer to the status quo and farther from the agenda setter's preferences. Conversely, the agenda setter is relatively closer to the federal median voter. Under this configuration, the agenda setter will have less incentives to propose the reform at her local district.

In this example, the absence of polls to compare preferences at national and district level is redressed by choosing an event where a local agenda setter focuses its efforts to implement a reform at the federal level. It should be noted that her motivation to do so derives both from the fact that the chances to approve the desired reform are lower at the local level and the externalities related to this issue.

The 24th amendment to the US Constitution was ratified on 1964. This reform was aimed to prohibit poll taxing in federal elections. Its ratification implied the final reversion of a process that started after the civil war in the southern states. Since the 1870s several states[19] approved poll taxes to marginalize poor people in general, and black poor people in particular, from the political process. Even though some of these states repealed this rule before the national constitution amendment, Alabama, Arkansas, Mississippi, Texas and Virginia still retained it. While at the time of its ratification this controversy was part of the civil rights debate, as it had originally emerged from the New Deal, the poll tax was a class issue first and foremost.

Different local actors promoted a repeal of these laws in the federal arena. Some of them, such as the Southern Conference for Human Welfare based in Alabama did so to elude the barriers to reform set in their own districts. Attempts to do it through a Supreme Court decision for a violation to the 15th amendment failed but eventually the Constitutional Amendment was approved. In this case, with a voting restriction, the local

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[18] Other states introduced English as the official language through statutes, however the reformist states are less than half of total states.

[19] Georgia, Virginia, Florida, Mississippi, Tennessee, Arkansas, South Carolina, Louisiana, North Carolina, Alabama and Texas

median voter probably did not represent the local median citizen positioning him farther away from the agenda setter. Thus, reformers chances to act locally were constrained and the federal amendment was the more viable choice. Notwithstanding, as the Amendment's leading sponsor came from a state where the poll tax had been repealed, the role played by externalities should not be discarded.

The effect of a federal median voter preferring a higher policy level are equivalent to those of the local median voter favoring less. Basically, the agenda setter's expected utility of a federal reform increases as he can offer a policy degree closer to her ideal point as the federal median voter is farther away from the status quo. To analyze this case empirically I will make use of the gradual nature of some of United States constitutional amendments, for example the prohibition of alcoholic beverages (Amendment 18th) [20], the prohibition from denying the right to vote on base to sex (Amendment 19th) and the lowering of voting age (Amendment 26th)[21]. All these amendments were proposed after several sub-national polities had implemented similar reforms. Thus, it is possible to argue that every time a local level reform is approved it signals a change in the federal median voter's preferences in the same direction. At a certain point, the uncertainties over this preference will be greatly reduced and the expected utility of reforming at the federal level will be higher. It should be noted that at the time of the federal amendment proposal local and national status quo differ.

The process ending with the 18th amendment ratification shows the change in opinion regarding women's suffrage in the United States. Women were allowed to vote in several states since the late 19th century: Colorado (1893); Utah (1896); Idaho (1896); Washington (1910); California (1911); Oregon (1912); Kansas (1912); Arizona (1912); Alaska (1913); Montana (1914); Nevada (1914); New York (1917); Michigan (1918); South Dakota (1918); Oklahoma (1918) and Minnesota (1919)[22][23]. This gradual reduction of women disenfranchisement suggests that not only local median voters changed their preferences, but that the federal median voter also moved toward a favorable position concerning women's suffrage. In fact, the agenda setters resorted to the states to build a path of incremental amendment as a strategy to obtain the amendment to the national constitution[24]. This approach had already been used to approve the popular election of Senators (17th amendment) and shows that not only had matter the relative position of the median voters but also the agenda setter's externalities. Without the latter, agenda setters from the reformist states wouldn't have fought for the federal constitutional amendment.

The relative position of the federal and local median voters is one of the main factors explaining the agenda setter's decision to favor a local or federal constitutional reform in the proposed model. The second one is the intensity of the externalities: the greater

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[20] Moore and Gerstein (1981)

[21] Tarr (2011) highlights the fact that existing sub-national constitutions serve as models for constitution-makers in other constituent units.

[22] Wyoming allowed women suffrage in 1869 before becoming state.

[23] Frost-Knappman and Cullen-DuPont (1992)

[24] Kobach (1994)

effect of reforms in districts different from his own, the higher expected utility of reforming the federal constitution for the agenda setter. Evidently, externalities are not observed but can be conjectured from the strategies implemented by the actors.

The first example refers to a situation where the agenda setter's externalities are low. In this scenario, the additional costs and uncertainty related to a national level reform dispose the agenda setter towards a local reform. In the proposed model the uncertainty is associated to a median voter's preferences closer to the agenda setter's. Particularly, if the agenda setter is associated to the party holding power it is possible to infer that, on average, the median voter will be closer to the agenda setter than to the status quo. Basically, it can be considered that the election for local authorities has helped to reveal preferences.

In 1983 Argentina, a federal country, returned to a democratic regime. At that time reelections were not allowed for the executive branch in provinces nor at the national level. Eight years later, 13% of the provinces allowed indefinite reelection for the governors, while 30% allowed reelection for a second period. These changes were the result of a series of provincial constitutional reforms fostered by the incumbent governors. In these cases, the agenda setters were obviously the governors and their initiatives were promoted only locally. As the extension of the reelection to the national government – or other provinces – did not have positive externalities for them, they did not advocate for a national constitutional amendment.

Another case that helps to illustrate this situation is the introduction of direct democracy procedures in Austrian subnational constitutions[25]. According to Karlhofer (2015) two factors fostered this process: the increased autonomy of sub-national entities and the civil society demands for more involvement in the political process. Both in this case and that of Argentina, the restricted externalities are related to the fact that the issue under discussion was bounded in a certain way that a national level reform was not necessary. However, if the tensions (political participation and will to power) had not been resolved they could have had an impact on political stability, and hence in the constitutions at the national level. Moreover, in Germany, subnational constitutions also include provisions on direct democracy and social rights that are not addressed in the German Basic Law (Lorenz and Reutter 2012).

Higher externalities make the local reform less rewarding for agenda setters. Once again, it is difficult to identify the effect of policy reform in districts different to their own on agenda setter's utility levels. However, it is possible to assume that cases where the agenda setter seeks to modify the federal constitution after being able to implement the same reform at the local level, are motivated by high externalities. As it has been shown in relation to median voter's preferences, these cases are not rare. For example, the end of women disenfranchisement in the United States was a gradual process where individual states changed its charters before reforming the national constitution.

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[25] It should be noted that the Federal Constitution authorizes the Länder to allow municipalities to make use of direct democracy, such as initiatives and referenda, to the municipal level, but it has had a deeper development at the subnational level.

However, local agenda setters did not reconcile with a scenario where women's right to vote was not recognized in the whole country. Thus, their struggle for a national constitutional reform reveals the presence of substantial externalities.

I have presented several examples where the actual configuration of preferences and externalities associated to the political actors as well as the result of the reform process match the behavior described in the model. However, I cannot dismiss the possibility that some cases behave in a different way and the fact that some issues are necessarily treated at the national level and others at the local level. Notwithstanding, the main objective of this scrutiny on the empirical cases is to show that the variables included in the model are relevant, that the choice between reforming at the national of local level takes place and that it can help to understand the dynamics of constitutional reform in federal countries.

CONCLUSION

Sub-national constitutions are gaining importance both as an institutional device and as an object of study. In several federal or quasi-federal countries, they have a role including issues to the constitutional corpus that are left aside by the national constitutions. In this paper I propose to analyze its effect on national constitutional change as federal constitutions are considerably longer lived than those from unitary countries. Previous studies on constitutional reform highlighted several institutional factors, but the availability of an alternative constitutional space at a different government level has not been thoroughly considered.

I argue that agenda setters attempting to promote constitutional reforms in countries with a subnational constitutional space, will opt between supporting it at the national or subnational level. Thus, sub-national constitutions allow the political system to adapt to shocks while the national constitution remains stable. Differences in chances of approval between the two alternatives allow for the construction of a model in which the relative distance in preferences on the discussed issue between national and local median voters will determine the agenda setter's choice. Several examples of real world reform dynamics suggest that the choice is, in certain cases, active.

It should be noted that not every country with subnational constitutions has older national constitutions than those lacking them. The presence of two different groups, within countries where a subnational constitutional space is available suggests that this variable cannot explain categorically the change dynamics. However, it can contribute to enhance the understanding of these events linking traditional institutionalist approaches to alternative perspectives.

APPENDIX

- $X_d \sim N(\mu_d, \sigma_d)$

- $(X_1, \dots, X_T) \sim N(\bar{\mu}, \bar{\sigma})$

- $P\left(X_d \geq \frac{\sum_i X_i}{T}\right) = \left(1 - \frac{1}{T}\right).X_d - \frac{1}{T}.\sum_{i \neq d} X_i$

The median is:

- $\bar{\mu} = \left(1 - \frac{1}{T}\right)\mu_d - \frac{1}{T}\sum_{i \neq d}\mu_i$

- $Var\left(\sum_{i=1}^{T} a_i\, x_i\right) = \sum_{i=1}^{T} a_i^2\, Var(x_i) + 2.\sum_{i,j}^{a_i a_j} cov(x_i x_j)$

The variance is:

- $\bar{\sigma} = (1 - \frac{1}{T})^2\sigma_d + \frac{1}{T^2}\sum_{i \neq d}\sigma_i + \left\{2\left(1 - \frac{1}{T}\right).\frac{1}{T}\sum_{i \neq d}\sigma_{id} + \frac{2}{T^2}\sum_{i,k \neq d}\sigma_{ik}\right\}$

Thus, standardizing:

- $P(N(\bar{\mu}, \bar{\sigma}) \geq 0)$

- $P\left(\frac{N(\bar{\mu},\bar{\sigma}) - \bar{\mu}}{\sqrt{\bar{\sigma}}} \geq \frac{-\bar{\mu}}{\sqrt{\bar{\sigma}}}\right) = 1 - \Phi(-\frac{\bar{\mu}}{\sqrt{\bar{\sigma}}})$

- $= 1 - \Phi\left(-\dfrac{\left(1 - \frac{1}{T}\right)\mu_d - \frac{1}{T}\sum_{i \neq d}\mu_i}{\sqrt{(1 - \frac{1}{T})^2\sigma_d + \frac{1}{T^2}\sum_{i \neq d}\sigma_i + \left\{2\left(1 - \frac{1}{T}\right).\frac{1}{T}\sum_{i \neq d}\sigma_{id} + \frac{2}{T^2}\sum_{i,k \neq d}\sigma_{ik}\right\}}}\right)$

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Utilizando Arenas para no empantanarse: Reformas constitucionales provinciales y concentración del poder en Argentina.

Abstract: En este documento analizo qué factores, asociados al poder de los partidos en distintas arenas de decisión, favorecen la concentración de poder en los gobiernos provinciales en la Argentina. Considero que la conformación de las Legislaturas no solo afecta la posibilidad o no de reformas constitucionales, sino que han tenido un efecto en las reformas observadas tendientes a fortalecer la posición de los gobernadores, particularmente a partir de cambios en las reglas de reelección, en las provincias. Los resultados sugieren que, a mayor número efectivo de partidos en la Legislatura, las reglas de reelección son más rígidas. Sin embargo, en relación con los poderes legislativos de los gobernadores, los resultados no son robustos. Aun cuando una mayor distribución del poder entre los partidos que conforman las arenas donde se aprueba la reforma se asocia a menores poderes de los gobernadores, solo en algunas configuraciones es estadísticamente significativo.

INTRODUCCIÓN

Las constituciones son la base del marco institucional de los estados, tanto a nivel nacional como subnacional. Por lo tanto, reformarlas tiene consecuencias potenciales en toda la estructura normativa. Con el fin de seguir proporcionando una base para las reglas de gobierno, la arquitectura del estado y la relación entre el estado y los ciudadanos, esta base debe poder responder a diferentes shocks sociales, económicos, culturales o políticos, en algunos casos adaptándose a ellos y en otros limitando su efecto. Particularmente, los cambios en la relación de poder entre distintos actores requieren, para ser ratificados como un nuevo equilibrio institucional, un proceso de reforma constitucional que los valide.

Dada la existencia de esta dicotomía del rol de la Constitución como obstáculo, pero también aval de los cambios en la distribución del poder, el estudio de los procesos de su reforma permite comprender cómo se generan procesos de concentración o distribución del poder político. En relación con la Constitución como potencial obstáculo, es clave el rol que esta otorga a dos arenas de decisión política, la Legislatura y la Convención Constituyente, para definir el éxito y la forma particular en que deviene la reforma. En este documento me propongo analizar qué factores, asociados al poder de los partidos en estas arenas de decisión, favorecen la concentración de poder al nivel provincial en la Argentina.

Este interrogante adquiere relevancia debido al rol clave que las provincias y su poder ejecutivo, representado en los gobernadores, han tenido en la política argentina. Esta relevancia ha motivado que la institucionalidad subnacional haya sido estudiada previamente identificando factores que la explican: la influencia de los gobernadores sobre los distintos actores del sistema político provincial (Jones 2001 y De Luca et al. 2002) y la capacidad de los gobernadores para influir en la escena nacional por medio de apoyo electoral en las elecciones y votos en el Congreso para la aprobación de leyes (Gibson 2005, Benton 2002, Spiller y Tommasi 2003,) en un contexto de des-nacionalización del sistema de partidos (Leiras 2006) destacan entre ellos. La preponderancia de los gobernadores en las provincias fue incrementándose desde el inicio de la democracia hasta llegar a una situación en la cual son quienes concentran gran parte del poder político. Esta concentración del poder se canalizó, en parte, por medio de cambios en las Constituciones provinciales (Ardanaz et al. 2014). La problemática de los determinantes de las reformas constitucionales que afectan el poder de los gobernadores, particularmente la reglamentación de su reelección también ha sido analizada previamente (Lucardi (s/d) y Almaraz y Lucardi (2017)). Sin embargo, en este trabajo propongo analizar otras facetas de este fenómeno. Particularmente, considerar el efecto que tienen distintas arenas donde se definen los procesos de reforma - legislaturas provinciales y convenciones constituyentes - tanto en las potestades de reelección de los gobernadores como en sus poderes legislativos.

Los procesos de reforma constitucional exhiben particularidades que los diferencian de los cambios de otras normativas. Dada la centralidad que adquieren en el andamiaje institucional, las Constituciones deben alcanzar un equilibrio entre la capacidad de adaptarse a diferentes shocks y el evitar una volatilidad excesiva (ver, por ejemplo, Holmes 1995; Eisgruber 2001; Issacharoff 2003). Varios eventos tienen el potencial de desencadenar intentos de reforma constitucional, pero el proceso comenzará solo si el posible nuevo equilibrio institucional se sustenta en un cambio en la relación de poder de los actores relevantes o en su cálculo de costos y beneficios de modo que se fomente la demanda de nuevos acuerdos. Esos acuerdos se tienen que plasmar, salvo excepciones, tanto en la Legislatura como en la Convención Constituyente. Por lo tanto, el resultado de las propuestas de reforma dependerá, entre otros aspectos, de una serie de obstáculos de procedimiento que implicaran la posibilidad de veto por parte de diversos actores en estos cuerpos colegiados. Básicamente, en una interacción única, cuanto mayor sea el número de actores involucrados en el proceso de toma de decisiones y mayor el número de pasos procesales, tanto el costo de la creación de consenso como el riesgo de que actores políticos individuales veten una propuesta se incrementa[26]. Las características del entorno político, como el sistema de partidos, han sido reconocidas como un estímulo para los cambios constitucionales.

Determinadas condiciones asociadas a la cantidad y comportamiento de los actores de veto favorecen u obstaculizan la posibilidad de reforma, pero, a su vez, existen características que promueven o dificultan un tipo de reforma particular. Específicamente, estudiando la concentración de poder en los poderes ejecutivos de América Latina Negretto (2012) observa ciertas condiciones que propician reformas constitucionales tendientes a ese resultado. En los casos en que quienes controlan el poder ejecutivo e impulsan una reforma constitucional se enfrentan a una situación en la cual el apoyo de otros partidos es necesario para su aprobación, el resultado tiende a ser más favorable a una distribución mayor del poder que si el cambio puede ser implementado de forma unilateral. Consecuentemente, a mayor cantidad de posibles actores de veto, menor es la concentración de poder resultante.

Las unidades políticas subnacionales se enfrentan a dilemas similares con relación a la adaptabilidad constitucional a intentos de ciertos actores por incrementar la concentración de poder en el Ejecutivo. Por ello, no resulta sorprendente que las provincias argentinas exhiban patrones similares a los descriptos por Negretto. Lucardi

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[26] Entre ellos, cabe destacar lo siguiente: primero, el umbral de voto requerido para las enmiendas constitucionales en el Congreso (Lijphart (1999), La Porta y otros (2004), Anckar y Karvonen (2002), Rasch y Congleton (2006)), (Ginsburg y Melton (2014) Lorenz (2005)). Segundo, el número de pasos (o actores) necesarios para la aprobación de la reforma: Congreso, Ejecutivo, Referéndum, Legislaturas Subnacionales (La Porta y otros (2004), Anckar y Karvonen (2002), Rasch y Congleton (2006) Lorenz (2005)): Duración del proceso: Confirmación por el Congreso en dos términos legislativos consecutivos (La Porta y otros (2004), Rasch y Congleton (2006)); Número de sesiones parlamentarias en las que se debe aprobar la constitución ((Ginsburg y Melton (2014)); Número de actores autorizados para iniciar el proceso de reforma (Ginsburg y Melton (2014)).

(s/d) y Almaraz y Lucardi (2017) analizan el efecto de ciertas variables institucionales sobre la capacidad de los gobernadores de modificar los límites constitucionales a la reelección. Específicamente, encuentran una relación positiva tanto entre la cantidad de partidos necesarios para aprobar o vetar la reforma y modificaciones constitucionales respecto de la reelección como entre las perspectivas electorales de la oposición y las modificaciones constitucionales respecto de la reelección. Para ello consideran dos etapas del proceso de reforma constitucional, en primer lugar, cómo afecta la composición de las legislaturas a la ocurrencia de una reforma y en segundo, cómo afecta la composición de las convenciones constituyentes a un resultado de reforma particular.

Las reformas constitucionales tendientes a concentrar el poder en el gobernador potencian aquellos factores que lo convertían en un actor relevante. En primer lugar, reducen la competencia política lo que socava la *accountability* (Wibbels 2005). En segundo lugar, gobernadores con mayor concentración de poder tienen mayor capacidad de movilizar recursos electorales para influir en la arena nacional, de esta forma se convierten en aliados de mayor valor para los presidentes (Giraudy 2010). Por último, el éxito de distintos gobernadores de distritos de menor tamaño en la arena nacional (Menem, Rodríguez Saá y Kirchner) se vincula a su capacidad de mantener el cargo de gobernador por diversos períodos en un sistema político que magnificaba su influencia y los promovía a la escena nacional (Gibson et al. 2010).

Este documento continúa la agenda de investigación planteada por Negretto (2012) y Almaraz y Lucardi (2017). Sin embargo, en relación con el fenómeno a explicar, el análisis no se centra exclusivamente en la reelección, sino que hace foco en la concentración del poder en el Ejecutivo por lo que se estudia el cambio constitucional respecto de los poderes legislativos del gobernador además de los límites a la reelección. Con respecto a los factores que explican estos cambios, propongo considerar la Legislatura como una potencial arena de discusión de la concentración de poder del gobernador. Es decir, no aparece solo como el espacio en el cual se define la posibilidad o no de la reforma, sino aquel en que se determina el resultado particular del proceso en términos de distribución del poder.

Los resultados del proceso de toma de decisiones políticas, en este caso la reforma constitucional, dependen no solo de los incentivos y capacidades de los actores, sino también del espacio en el cual se genera la interacción. Considerando que las convenciones constituyentes y las legislaturas conforman dos tipos de arena diferentes, esa disimilitud puede tener un rol relevante en el efecto de la configuración política de cada una de ellas sobre la reforma constitucional. Uno de los aspectos respecto de los cuales varían estas dos arenas es su grado de institucionalización y en aquellas más institucionalizadas la cooperación entre distintos actores es más probable. Si bien las reglas de operación de las convenciones son claras, su funcionamiento acotado en el tiempo las hace comparativamente menos institucionalizadas que las legislaturas. A su

vez, si bien la discusión sobre la reforma constitucional excede tanto el espacio de la legislatura como el de la convención, la legislatura también es arena de muchas otras decisiones de política pública por lo que conforma un espacio en el cual los intercambios son más factibles.

Los distintos modelos econométricos evaluados sugieren que existe un efecto de la composición de las arenas donde se decide la reforma sobre la flexibilidad de las reglas de reelección adoptadas. La composición influye sobre el resultado tanto en términos de cantidad de actores de veto como de peso del partido gobernante y se verifica en la Legislatura y en la Convención Constituyente: a mayor número efectivo de partidos las reglas de reelección son más rígidas. Sin embargo, evidencia anecdótica y las características institucionales de las dos arenas, sugieren que el efecto de la composición de la Convención no es autónomo del efecto de la Legislatura. Asimismo, se verifica la significatividad del tamaño del empleo público como variable explicativa: a mayor cantidad de empleados públicos provinciales por habitante, la regla de reelección es más laxa. En relación con la otra dimensión de concentración del poder analizada, los poderes legislativos del gobernador, no se identifica un efecto estadísticamente significativo de las composiciones de las arenas, pero el signo es el esperado y no se puede descartar la existencia de una relación.

El documento está estructurado de la siguiente manera. En la primera sección se desarrolla una descripción sobre dimensiones cuantitativas y cualitativas de las reformas constitucionales provinciales en la Argentina haciendo énfasis en el período iniciado en 1983 con la reinstauración democrática. La segunda sección se plantea el modelo a evaluar que vincula la composición de las arenas con las reformas. En la tercera sección se presentan y analizan los resultados. Por último, en la cuarta sección se desarrollan las conclusiones.

REFORMAS CONSTITUCIONALES Y EVOLUCIÓN DEL PODER DE LOS EJECUTIVOS PROVINCIALES

Esta sección proporciona un relevamiento histórico de las reformas constitucionales provinciales repasando algunos aspectos cuantitativos y cualitativos de estos cambios. El primero de ellos se basa en el relevamiento de la cantidad de reformas de las constituciones provinciales, su ubicación en el tiempo y la duración de su vigencia. El objetivo es comprender que las Constituciones no son instituciones inalterables y sus modificaciones se vinculan tanto a preferencias estratégicas de los actores políticos como a cambios objetivos en la sociedad y/o sistema político que regulan.

El aspecto cualitativo está dado por el contenido del cambio. En este sentido, se analizan diversas dimensiones que hacen a la concentración o distribución del poder. En primer lugar, aspectos relacionados a la permanencia en los cargos. En segundo lugar, aspectos vinculados a las potestades de los cargos. Todas estas dimensiones se componen de características que pueden variar en grado. En esta sección se especificará solamente la dirección del cambio mientras que los índices construidos para el análisis econométrico consideran distintos niveles del cambio de las variables.

En este caso se propone pensar a los procesos de reforma como un fenómeno más integral, producto en parte del déficit de reformas observado durante los años sesenta y setenta, en los que se prioriza el fortalecimiento del gobernador. Analizando la dinámica de las reformas históricas en las provincias es esperable que luego de la recuperación democrática tengan lugar cambios constitucionales. Dado que, como destaca el trabajo de Lucardi (s/d) casi todas ellas introdujeron la reelección, resulta relevante ampliar la pregunta a qué se reformo aparte de la reelección que haya afectado la concentración del poder en el Ejecutivo.

Existe bibliografía sobre reformas constitucionales en la Argentina: Corbacho (1997); Montbrun (1997); (Fidyka 2006) con énfasis en participación ciudadana y democracia semi-directa en las constituciones provinciales; Sosa (2010) centrado en mecanismos de toma de decisión en las provincias; Almaraz (2010) que hace hincapié, al igual que Lucardi (s/d) en reformas vinculadas a reelección de gobernadores; Bercoff y Nougués (2005) Constituciones y gasto público; Ricci (2009) centrado en reformas que afectan al Poder Judicial y Chiachera Castro y Calderón (2013) vinculado a decretos de necesidad y urgencia.

Análisis cuantitativo de las reformas

Si bien existieron previamente textos proto-constitucionales en algunas provincias – incluso en algunos casos en los cuales se constituían en países independientes -, es con la sanción de la Constitución Nacional en 1853 cuando se tornó necesario adaptar la arquitectura institucional de las provincias a las disposiciones de aquella. El artículo 5 de la Carta Magna disponía que cada provincia debía dictar una Constitución bajo el sistema representativo republicano de acuerdo con los principios, declaraciones y garantías de

la Constitución Nacional. Consecuentemente, el Congreso Nacional dictó una ley el 29 de noviembre de 1854 disponiendo que se cumpliese dicho artículo en un plazo menor al año.

Mostrando una continuidad con el fenómeno que dio origen a la mayoría de las constituciones provinciales, las modificaciones a la Constitución Nacional han sido uno de los factores que ha explicado la dinámica de la evolución de las Constituciones subnacionales. En efecto, en el Gráfico 1, que muestra la evolución de las reformas[27] en el tiempo, se puede observar que el pico de la actividad reformista se ha dado en las décadas del cuarenta y del cincuenta. Estas modificaciones son un reflejo de la sanción de la Constitución de 1949 y su posterior derogación en el año 1955.

La primera década del Siglo XX también registra numerosos cambios en las constituciones provinciales. Si bien estos eventos ameritan un estudio más profundo para establecer sus causas, debe destacarse que diez años después la cantidad de reformas se reduce notablemente. Este fenómeno no coincide con un cambio en la Constitución Nacional pero sí con una reforma institucional clave: la sanción de la Ley Saenz Peña. En efecto, esta norma permitió terminar con el conflicto político planteado por la no participación de la Unión Cívica Radical en las elecciones, el cual coincidió con la etapa en la cual las reformas constitucionales provinciales habían sido más frecuentes.

Así como se observa una etapa de numerosos cambios durante los años cuarentas y cincuentas, el frenesí reformador se aquieta notablemente a partir de los sesentas. Más precisamente, no existen cambios en la segunda mitad de esa década y recién se observan nuevas reformas 20 años más tarde. Cabe destacar que estos años se han caracterizado por niveles muy elevados de inestabilidad institucional, aún para los estándares argentinos. Más aún, este período se caracterizó por una radicalización del debate político y una agudización del problema de la violencia política y durante la segunda mitad de los años sesenta se inicia un período dictatorial. En este contexto el régimen constitucional se vio interrumpido en los hechos constantemente aun cuando no fue modificado en forma legal. Si bien las reformas constitucionales y la inestabilidad política son fenómenos que claramente se retroalimentan, la ausencia de reformas en los períodos en que el conflicto político se resuelve con mayor violencia sugieren la existencia de un papel de las reformas como "válvula de escape" de las tensiones políticas. Esto es solamente una hipótesis, pero ameritaría un análisis más profundo ya que sugiere la importancia de observar el fenómeno de los cambios institucionales de las constituciones bajo un prisma más complaciente que el aplicado usualmente.

La última década del Siglo XX permite comprobar nuevamente el vínculo existente entre las reformas a nivel nacional y nivel sub-nacional. En este caso, las reformas de fines de los ochenta encaradas por las provincias, una vez restaurado el régimen democrático, sentaron el terreno en el cuál se gestó la reforma a nivel nacional, particularmente en lo referido a la reelección para el Poder Ejecutivo. Posteriormente, esta reforma impulsó una serie de modificaciones extendidas en las provincias que se refleja en el pico alcanzado durante los noventas.

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[27] Se consideran tanto reformas como enmiendas

Gráfico 1: Cantidad de reformas de las constituciones provinciales en la Argentina por década (1850-2010)
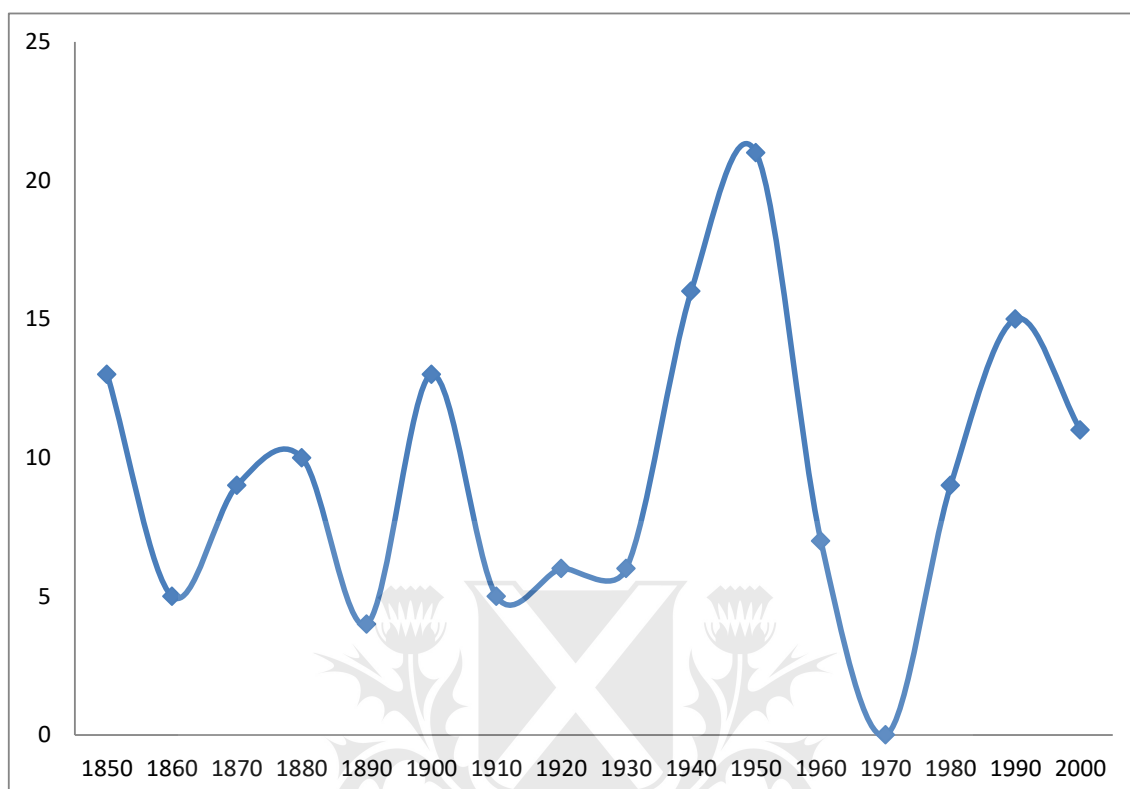
Fuente: Elaboración propia

El Cuadro 1 permite comparar las diferencias en la actividad reformadora entre las distintas provincias. Para ello, se opta por establecer distintos cortes temporales además de la actividad registrada desde la creación de cada provincia. Por un lado, se elige el año de la creación de la provincia, por el otro lado, se realiza un análisis desde el año 1983 porque inaugura el mayor período de vigencia del estado de derecho del último siglo. Es este período el que posteriormente constituirá el lapso analizado en el análisis econométrico en la Sección 3.

Un segundo aspecto interesante de la dinámica es la posibilidad de vislumbrar algún tipo de aprendizaje por parte decisores. En este sentido, se observa para las provincias creadas en el Siglo XIX, que a medida que pasa más tiempo respecto del momento fundacional, la actividad reformadora se ha atenuado. Sin embargo, si observamos lo ocurrido durante el período 1960 – 2010, podemos ver que los cambios en las provincias creadas en la década del cincuenta, no fueron mayores al resto, lo que sugiere la existencia de algún fenómeno de "contagio".

Otra variable que puede explicar la cantidad de reformas observadas, es el tamaño de la población de la provincia. En este caso, se observa una relación a partir del año 1983 pero no antes. Las provincias más pobladas (Buenos Aires, Córdoba, Santa Fe y Mendoza) han estado claramente por debajo del promedio en lo referido a cambios constitucionales. Dado que las reformas en la última etapa de la historia del país

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estuvieron muy relacionadas a la posibilidad de la reelección, una explicación posible consiste en que la posibilidad de fortalecer actores provinciales en aquellos distritos de mayor peso haya sido dificultada desde el nivel nacional.

La vida promedio de las constituciones provinciales muestra resultados similares a los observados por Elkins, Ginsburg y Melton (2009) para las constituciones nacionales. El promedio para la totalidad de distritos es de 18,5 años, lo que implica una duración cercana a la observada para los países (19,5 años). Sin embargo, este valor es claramente superior al registrado para la Argentina que entre 1853 y la actualidad ha registrado solamente cuatro reformas constitucionales. Aun las provincias con menos cambios han tenido una vida constitucional menos estable que la nacional. Esto puede explicarse por el hecho de que, en países federales, la actividad reformadora se centre en los estados subnacionales tornando más estable la Constitución Nacional (Filc s/d).

Cuadro 1: Duración de las Constituciones Provinciales

	Año de sanción de la primera Constitución	Constituciones desde la creación de la provincia hasta 1983	Constituciones desde 1983 hasta 2010	Duración promedio
Buenos Aires	1854	7	2	19.5
Catamarca	1855	5	2	25.8
Córdoba	1855	8	3	15.5
Corrientes	1856	6	2	22.0
Chaco	1958	1	2	26.0
Chubut	1957	1	3	17.7
Entre Ríos	1860	7	2	18.8
Formosa	1957	1	3	17.7
Jujuy	1855	7	2	19.4
La Pampa	1960	1	3	16.7
La Rioja	1855	5	4	19.4
Mendoza	1854	11	1	14.2
Misiones	1958	2	2	17.3
Neuquén	1957	1	3	17.7
Rio Negro	1957	1	2	26.5
Salta	1855	8	4	14.1
San Juan	1856	7	3	17.1
Santa Cruz	1957	1	3	17.7
San Luis	1855	8	3	15.5
Santa Fe	1856	11	1	14.0
Santiago del Estero	1856	11	3	11.8
Tucumán	1856	5	3	22.0

Fuente: Elaboración propia

Análisis cualitativo de las reformas

En este apartado se analizan los cambios de aquellas reglas que tienen una incidencia importante en la distribución de poderes. Estas modificaciones constitucionales muestran puntos de encuentro y divergencias en las distintas provincias. Esta situación genera un escenario en el cual, más de 30 años después de la reinstauración de la democracia, el poder de los gobernadores ha aumentado en todas las provincias, aun cuando la forma en que lo ha hecho no sea homogénea.

Bajo el modelo de gobierno de separación de poderes, se distribuyen las potestades y áreas de responsabilidad entre distintos cuerpos del Estado que tienen independencia entre sí. En el caso de la Argentina, así como en la mayoría de los países, esta división se realiza entre la legislatura, el poder ejecutivo y el poder judicial. La distribución de potestades y responsabilidades entre los poderes configura a su vez un sistema de *checks and balances*.

El sistema de *checks and balances* tiene por objetivo alcanzar la coordinación entre los poderes a la vez que impedir que alguno de ellos adquiera una preponderancia por sobre los demás. Para ello, determinadas potestades otorgadas a los poderes implican la posibilidad de establecer límites y exigir responsabilidades a la acción de los otros. En el caso de las provincias argentinas, la configuración de la división de potestades y responsabilidades y por ende el sistema de *checks and balances* se materializa primordialmente en las constituciones.

Respecto al Poder Legislativo, han tenido lugar reformas aisladas[28]. Dos provincias han cambiado la cantidad de cámaras que integran la Legislatura. En el caso de San Luis se ha pasado de un sistema unicameral a un sistema bicameral. Por contraposición, la provincia de Tucumán ha eliminado la Cámara de Senadores transformándose en un caso de legislativo unicameral. Estos cambios tuvieron lugar durante la primera ola de reformas, previa a la modificación de la Constitución Nacional en el año 1994 y parecen haber sido impulsados a partir de fenómenos políticos internos no asociándose a ningún evento a nivel nacional.

En relación a la dimensión temporal, las reformas se concentraron en la década de los ochentas. Un posible motivo para ello es el hecho de que se expliquen por la necesidad de adecuar la cantidad de legisladores a cambios demográficos luego de un largo paréntesis del régimen democrático. Esto podría explicar las modificaciones en la cantidad de diputados y senadores. Con respecto a la cantidad de cámaras, los cambios en los primeros años de recuperación de la democracia pueden deberse a la identificación de problemas en la dinámica institucional. Cabe destacar que estos

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[28] No se consideran cambios al sistema electoral, debido a que parte de esas reformas se materializan por medio de reformas a leyes y no a la Constitución.

cambios son costosos desde el punto de vista de las dificultades en la negociación por lo que no es llamativo que no hayan sido replicados en otras provincias.

Los cambios que afectaron directamente el rol de los gobernadores en el proceso de decisiones políticas fueron las que primaron en el proceso de reformas que se inició con la restauración de la democracia en 1983. Las modificaciones tuvieron lugar en las dimensiones vinculadas a la duración en el cargo y las atribuciones. Pero, en este caso, las reformas fueron más extendidas, al haber sido la reelección del gobernador la principal modificación buscada en la gran mayoría de los casos.

Aun cuando se ha buscado extender el tiempo de los *incumbents* al frente del ejecutivo, los cambios no se han reflejado en una extensión de la duración de cada mandato. En ninguno de los casos se ha observado un intento por incrementar los cuatro años que transcurren entre una elección y la siguiente. Esto ha sido así aun cuando las primeras reformas tuvieron lugar cuando la duración del mandato presidencial era de dos años más extenso que el de los gobernadores. Debe destacarse que en algunos casos las reformas han implicado incluso la reelección ilimitada. Son seis las provincias (Catamarca, Santa Cruz, La Pampa, Formosa, San Luis y La Rioja) que han optado por esta configuración, aunque actualmente San Luis y La Rioja limitan la posibilidad de reelección a un solo período.

El mecanismo adoptado para alterar la rotación de los políticos a cargo del ejecutivo fue el levantamiento de la prohibición de la reelección en períodos consecutivos del gobernador. Si bien los gobernadores pueden ser derrotados en su intento por ser reelectos, la evidencia muestra que las probabilidades de ganar son mayores (Mayhew 2008). Por lo tanto, la posibilidad de reelección es una medida que fortalece la posición del Poder Ejecutivo al limitar la rotación y alternancia en el cargo. Negretto (2012) señala que la posibilidad de reelección en períodos consecutivos fortalece también los poderes partidarios (*partisan powers*) de los gobernadores, en el sentido que incrementa su capacidad de negociación con los legisladores.

La otra dimensión analizada que afecta la concentración del poder son los poderes legislativos de los gobernadores. Los poderes legislativos del gobernador más asociados a un sistema en el que el poder no se encuentra concentrado en el poder ejecutivo son los poderes reactivos: básicamente la capacidad de vetar leyes aprobadas por la Legislatura. Sin embargo, en el período analizado, además de verificarse algunos casos en los que se modificó los mecanismos de veto, se incorporaron potestades que ampliaron la autoridad de los gobernadores de promover reformas legislativas. Básicamente, las reformas constitucionales abrieron tres canales a través de los cuales los ejecutivos provinciales incrementaron su capacidad de iniciar cambios en las leyes: tratamiento de urgencia; decretos de necesidad y urgencia y mecanismos de participación ciudadana.

El primer tipo de reformas, la posibilidad por parte de los gobernadores de presentar proyectos de ley en las Legislaturas que deben ser tratados en un tiempo límite, tuvo lugar en seis provincias: Córdoba, Salta, San Juan, San Luis, Chubut y Chaco. Al igual que los tratamientos de urgencia, la posibilidad de promulgar decretos de contenido legislativo – limitados a situaciones de necesidad y urgencia – tienen como objetivo facilitar la adaptación de las políticas públicas ante situaciones extraordinarias. Las provincias que han introducido esta potestad en sus Constituciones han sido las siguientes: Salta, San Juan, La Rioja, Río Negro, Tucumán, Chubut, Chaco y Santiago del Estero. Cabe destacar que en otras provincias los gobernadores han emitido decretos posteriormente a las reformas constitucionales aún sin estar explicitados en las mismas: Córdoba, Jujuy, Buenos Aires y Entre Ríos (Chiachiera Castro y Calderón 2013).

Las reformas ocurridas a partir de la reinstauración democrática introducen un nuevo componente que afecta las potestades tanto del Poder Legislativo como del Poder Ejecutivo: los mecanismos de democracia semi-directa. Tanto la iniciativa como la consulta popular[29] implican la introducción de nuevos actores en los procesos de formulación de leyes. La democracia directa y semi-directa genera nuevos incentivos y oportunidades para reflejar las preferencias de los votantes a la vez que proporciona un canal para la accountability vertical (Schmitter 2000).

Aun cuando los mecanismos de democracia semi-directa no necesariamente refuerzan a los gobernadores, debe tenerse en cuenta que en la práctica la participación política de la ciudadanía mediante estos procedimientos puede ser utilizada por el Poder Ejecutivo para fortalecerse. Esto ocurre particularmente con el referéndum o consulta popular el cual, al ser producto de una iniciativa del gobierno, retiene mayormente el control del proceso de decisión política en manos del Ejecutivo o Legislativo. Particularmente, de acuerdo a Weyland (2003), estos mecanismos son propios del neo-populismo, entendido como una estrategia política a través de la cual un líder personalista ejerce el poder basado en un apoyo no mediado y no institucionalizado de seguidores que mayormente no están organizados. Sin embargo, cabe destacar que la evidencia empírica (Breuer 2009) muestra que esto ocurre especialmente en casos de un sistema partidario fragmentado y gobierno dividido. Es decir, se ha usado para romper situaciones de bloqueo al Ejecutivo por parte del Legislativo. Por ello, para evaluar el efecto en la concentración del poder, se van a considerar solamente los casos en que la Constitución habilita al gobernador a convocar referéndums sin necesidad de una aprobación por parte de la Legislatura.

Las reformas que se observan implican mayormente la introducción de mecanismos de referéndum e iniciativa popular. Solamente las provincias de Formosa y Santa Cruz se

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[29] Cabe destacar que interesan aquellos casos en los cuales el referéndum puede ser convocado por el Gobernador sin aprobación del llamado por parte de la Legislatura.

han limitado a establecer el mecanismo de referéndum (sin la necesidad de ratificación del llamado por parte de la Legislatura) mientras que las de Salta y San Luis incorporaron solamente la iniciativa popular. La mayoría de las provincias – Córdoba, Jujuy, La Rioja, Río Negro, Chubut, Corrientes, Buenos Aires, Entre Ríos y Santiago del Estero – han contemplado ambos mecanismos en sus reformas.

Por último, se han registrado también cambios en los poderes reactivos: veto y promulgación parcial de leyes vetadas. Específicamente, se han extendido los cambios que permitieron a los gobernadores promulgar leyes vetadas parcialmente. Esto ha ocurrido en ocho provincias: Córdoba, San Juan, La Rioja, San Luis, Chubut, Formosa, Corrientes, Chaco, Entre Ríos, Santa Cruz y Santiago del Estero

ANÁLISIS ECONOMÉTRICO

El período democrático iniciado en 1983 ha evidenciado una concentración en el poder que las constituciones provinciales otorgan a los gobernadores, principalmente sustentado en el debilitamiento de las restricciones impuestas a la reelección. Almaraz y Lucardi (2017) muestran que ese cambio es facilitado por ciertos factores institucionales: el tipo de mayoría que tiene el partido gobernante, atomización de la oposición y expectativa del principal partido opositor de acceder al gobierno. A continuación, se desarrollan una serie de análisis econométricos orientados a profundizar este análisis sobre la relación entre los intereses y poder partidario y el resultado de la reforma en torno a tres interrogantes. En primer lugar, lugar, si algunos de los factores institucionales destacados por Almaraz y Lucardi (2017) permiten también explicar las diferencias de grado en las normativas de reelección en las provincias argentinas. En segundo lugar, el rol que juega una particular configuración de la Legislatura, no solo en términos de permitir o no avanzar con un proceso de reforma, sino también en la configuración final de ese proceso. Por último, siguiendo el análisis propuesto por Negretto (2012) para países de América Latina, se analizará el efecto de estos factores institucionales sobre reformas que afectan no a la normativa de reelección sino a los poderes legislativos de los gobernadores.

La muestra analizada abarca casos de reforma constitucional provincial del período 1983-2012[30]. Este es un período de gobiernos y convenciones elegidos democráticamente[31]. La línea de base con relación a la permisividad de la reelección es homogénea para todas las provincias reflejando una situación en la cual la reelección no estaba permitida. Dado que, en diversos casos, esto es consecuencia de la anulación durante regímenes no democráticos de normas que sí permitían algún tipo de reelección, esta situación permite abordar el análisis asumiendo que no existe un sesgo por causalidad simultánea en esa dimensión. En otra circunstancia, podría considerarse la posibilidad que sistemas donde se permita la reelección de la autoridad ejecutiva propician una distribución de fuerzas en la legislatura que favorecen las reformas constitucionales. Las variables dependientes consideradas son: Regla de reelección (Legislatura y Convención Constituyente); Poderes legislativos (Legislatura y Convención

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[30] Se elige este período porque el último intento de reforma ocurrió en el año 2011 en la provincia de San Juan. En el período analizado se registra una mayor cantidad de reformas que pasaron por una etapa de discusión en la arena legislativa respecto de aquellos que fueron debatidos en una Convención Constituyente debido a que en algunos casos la aprobación en la Legislatura dio lugar a un llamado a referéndum.

[31] En los casos en que la convención es convocada por una intervención federal se considera solo la instancia de la reforma (Convención Constituyente) en la cual existe representación de representantes de más de un partido electos democráticamente. Dado que para el caso de la Convención Constituyente de la provincia de Formosa de 1989 no se ha conseguido información sobre su conformación, se toman los datos de la conformación de la Legislatura.

Constituyente). Se deben considerar los valores alcanzados por estas variables discriminando entre Legislatura y Convención Constituyente debido a que no todos los casos analizados implicaron la participación de ambos cuerpos colegiados. El Cuadro 2 presenta la estadística descriptiva de las variables dependientes analizadas y en el Anexo se presentan las codificaciones de las variables.

Cuadro 2: Estadística descriptiva

Variable	Tipo	Mínimo	Máximo	Media	Desvío Estándar
Regla de reelección	Ordinal	1.0	5.0	3.2	1.1
Poderes legislativos	Continua	0.0	82.2	40.6	30.44

El primer modelo vincula el efecto de la conformación de la Convención Constituyente con las reglas de reelección definidas en las reformas constitucionales. Considero que el índice que las captura varía de una categoría mínima que adopta un valor igual a 1 cuando todo tipo de reelección está proscripta hasta un valor igual a 5 cuando se permite la reelección en mandatos consecutivos de forma ilimitada. Adopta un valor de 2 cuando permite la reelección después de transcurrido un mandato, 3 cuando permite una reelección en mandatos consecutivos y 4 cuando permite una reelección en mandatos consecutivos y autoriza otro ciclo si se deja transcurrir un mandato luego de los dos primeros.

Para la estimación de las categorías ordinales, dado que no se cumplen las condiciones de una regresión de MCO (Mckelvey y Zavoina 1975) debido a que la relación no es lineal, se opta por un modelo *logit* ordenado que incorpora el efecto de los pisos y techos (Hanushek y Jackson 1977)[32]. En el modelo *logit* ordenado, la variable ordinal dependiente es considerada como las realizaciones discretas de *y** que es una variable aleatoria continua, latente (no observable). Las categorías son pensadas como intervalos contiguos en una escala continua. La variable no observable *y** satisfaría un modelo de regresión lineal de la siguiente forma: $y^* = \beta x + \varepsilon$, donde *X* es un vector de variables explicativas, β es un vector de coeficientes de regresión y ε es el término de error. La variable categórica y, que sí es observable, se supone que se vincula a *y** de la siguiente forma: $y_i = j$ si $\tau_{j-1} \le y_i^* \le \tau_j$, $j = 1, 2, \dots, J$ donde los τ son puntos de cortes desconocidos en la distribución de *y** con $\tau_0 = -\infty$ y $\tau_j = \infty$ (Winship y Mare 1984).

La primera variable explicativa refleja tanto el número de partidos con capacidad de incidencia en la arena de discusión de la reforma como su peso relativo. En relación con esta dimensión, se espera que los partidos de la coalición gobernante apoyen normas

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[32] Esto implica asumir que los β son iguales para todas las fronteras entre las categorías (Williams 2006).

de reelección permisivas (Frye 1997, Negretto 2012 y Almaraz y Lucardi 2017). La variable elegida para reflejar esta situación es Número de Partidos Efectivos calculada de la siguiente forma: $ENP = \left(\sum_{i=1}^{n} p_i^2\right)^{-1}$ donde p_i es la proporción de representantes del i-ésimo partido en la Convención Constituyente (Laakso and Taagepera 1979). Alternativamente, esta dimensión se evalúa con la variable Dominante que consiste en una variable *dummy* que adopta el valor 1 cuando un partido tiene control de la Convención Constituyente por contar con la mitad más uno de los convencionales. La segunda variable, Coalición alternativa, toma el valor 1 cuando el partido mayoritario tiene más de una opción de alianzas para llegar al 51% de los votos necesarios para aprobar las reformas a la constitución.

La tercera variable explicativa refleja la edad del partido que controla la gobernación al momento de impulsarse la reforma. Esta variable tiene por objeto analizar si el nivel de institucionalización del partido gobernante tiene un efecto en el resultado del intento de reforma ya que se espera que partidos poco institucionalizado estén más encolumnados en torno al gobernador (Kouba 2016). La cuarta variable también tiene por objeto evaluar peculiaridades del sistema político argentino. En este caso se opta por incorporar una variable que distingue si el partido gobernante es Partido Justicialista, es una *dummy* que adopta el valor 1 si el partido gobernante es el Partido Justicialista. Esta variable intenta capturar el mayor efecto que tienen las políticas de patronazgo cuando son implementadas por el Partido Justicialista (Calvo y Murillo 2004). Teniendo en cuenta esta situación, es esperable que este partido esté más encolumnado en torno a reformas que permitan mantener el vínculo patrón-cliente sin arriesgar a romperlo.

Para evaluar el efecto de una forma particular de esta posible relación patronal entre votantes y gobernador, se incorpora también una variable que refleja el peso del empleo público en la economía. La variable utilizada es Personal por mil habitantes y se espera que a mayor proporción de empleados públicos provinciales la predisposición a adoptar reglas de reelección más flexibles se incremente. El uso del empleo público como herramienta de control político en las provincias argentinas ha sido documentada previamente (ver por ej. Gervasoni 2010, Behrend 2011 y Brusco et al. 2006). También se incluye una variable que refleja la coparticipación per cápita que da una idea de los recursos con los que cuenta el gobierno provincial sin asumir directamente el costo de la recaudación. Mayores ingresos se asocian con mayores incentivos a mantener el control del ejecutivo provincial (Gervasoni 2010 y Tommasi, Saiegh y Sanguinetti 2001). Por último, para controlar por posibles factores culturales que predispongan más a ciertas provincias que otras a adoptar reglas de reelección laxas se incorpora una variable que refleja la proporción de extranjeros relevada en el censo del año 1914.

El Cuadro 3 presenta los resultados de las regresiones. Los resultados están en línea con los hallazgos de Almaraz y Lucardi (2017) con la diferencia de que en este caso la variable dependiente no es binaria. En todas los modelos propuestos la variable "Número

efectivo de partidos" es significativa y tiene el signo esperado. Es decir que a menor número de partidos es mayor la flexibilidad en la normativa de reelección. La segunda variable que es significativa es aquella vinculada al grado de institucionalización del partido ("edad del partido") cuyo efecto sugiere que a mayor edad mayor flexibilidad en la normativa de reelección. También es significativa la *dummy* que refleja si el partido en el poder es el Partido Justicialista. En este caso, el signo también es el esperado asociando gobernadores justicialistas a una mayor flexibilidad en la normativa de reelección. Por último, la variable de control "personal por mil habitantes" es significativa y tiene el signo esperado, a mayor nivel de empleados públicos provinciales per cápita mayor flexibilidad en la normativa de reelección[33].

Cuadro 3: Resultados regresiones reglas reelección modelo *logit* ordenado: Arena Convención Constituyente

	Reelección						
Número efectivo de partidos (Convención)	-0.8690 *** (0.3008)	-0.8140 ** (0.38)	-0.5481 * (0.3239)	-1.0334 ** (0.3349)	-0.7709 *** (0.3183)	-0.6973 * (0.4016)	-0.5866 * (0.3517)
Edad Partido		0.0236 ** (0.0098)				0.0226 ** (0.0095)	-0.0311 *** (0.0097)
Gobernador PJ		1.7790 *** (0.7164)				1.7938 ** (0.7196)	1.9733 *** (0.6666)
Partido Dominante							
Coalición alternativa			-0.9360 (0.6131888)				
Proporción de extranjeros				1.2063 (1.2398)			
Coparticipación per cápita (log)					0.38125 (0.44505)	0.3799 (0.5158)	
Personal por mil habitantes							0.0294 ** (0.0124)
Obs	29	29	29	29	29	29	29
R2	0.1	0.23	0.13	0.1	0.12	0.23	0.31

Nota: Errores robustos entre paréntesis. * significativo al 10%; ** significativo al 5%; *** significativo al 1%.

Las regresiones presentadas anteriormente sugieren que el nivel de flexibilidad en las reglas de reelección estipulado en las reformas constitucionales está asociado con el poder relativo del partido gobernante en relación con el poder y número de los actores de veto en la Convención Constituyente. Sin embargo, esta no es la única arena donde se discute la reforma constitucional. El proceso tiene una etapa anterior que, en casi todos los casos, transcurre en la legislatura. De acuerdo con la normativa sobre reforma constitucional, en la legislatura se aprueba la necesidad de la reforma y adicionalmente, puede acotarse el alcance de ésta en relación con los temas tratados. Sin embargo, no se define cuál será el resultado específico del cambio constitucional. Más allá de estas disposiciones formales, el funcionamiento de estas distintas arenas puede generar que ciertas características de la reforma, en particular el grado de flexibilidad de la

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[33] La información disponible sobre empleo público provincial refleja la situación existente desde el año 1986. Para los dos casos de reforma anteriores se utiliza el valor del primer año disponible.

reelección, sea determinado en parte por un determinado equilibrio de poder en la legislatura.

Las arenas de política son espacios institucionalizados, en tanto exhiben estructuras relativamente estables y procedimientos que reglan el acceso y participación, donde operan los distintos tipos de actores políticos (Timmermans 2011). Es en estos ámbitos donde se intenta promover cambios en las perspectivas públicas sobre los problemas políticos y sus posibles soluciones (Baumgartner y Jones 1993) promoviendo políticas o intentando vetarlas. Pero la relación entre una determinado asunto político y una arena particular no es unívoca, una misma problemática puede ser discutida en distintas arenas en las cuales puede variar la capacidad de influencia de actores con preferencias heterogéneas (Weaver y Rockman 1993).

En términos generales, puede afirmarse que de acuerdo con la normativa las legislaturas son la arena clave para determinar la posibilidad y los aspectos que pueden ser abarcados en la reforma constitucional mientras que las convenciones son las arenas donde se define qué reforma en concreto se adopta. Sin embargo, ciertas características de estas arenas hacen relevante analizar la posibilidad de que sea en las primeras en las que también se define las modificaciones concretas que se harán, particularmente en relación con la concentración de poder en el Ejecutivo. Dos de las dimensiones en las cuales pueden variar las arenas son su grado de institucionalización y autonomía. La primera es relevante porque un mayor grado de institucionalización en las arenas, particularmente en los cuerpos deliberativos, hace más factibles la cooperación entre los actores (Spiller y Tommasi 2003). Si bien las convenciones tienen normas claras de funcionamiento que son respetadas, su existencia se limita a períodos particulares en el tiempo, por lo tanto, legislaturas con un funcionamiento constante pueden ser consideradas más institucionalizadas y por lo tanto ser un espacio más adecuado para una negociación de los términos de la reforma. En relación con la autonomía, si bien en la normativa hay una clara separación de funciones y competencias (Timmermans 2011) entre las legislaturas y convenciones, como se desarrollará posteriormente, en la práctica no es así. Cabe también destacar, que esa superposición no se da solo entre estas dos arenas, sino que hay otras más informales en las que también se toman decisiones que influyen sobre las reformas de las constituciones provinciales.

Salvo casos particulares es esperable que la Convención Constituyente tenga una conformación similar a la de la Legislatura con relación a la fuerza relativa de los partidos que la componen. Por lo tanto, la identificación de efectos diferenciados de las características de la legislatura respecto de la convención es compleja. Por lo tanto, a continuación, se desarrolla evidencia anecdótica de casos de reforma que sustentan la hipótesis de que sea en la arena de la Legislatura donde se define no solo la posibilidad de reformar la constitución sino la configuración que adoptarán las reglas reformadas.

En el caso de Chubut, la reforma fue producto del llamado "Pacto de Rawson" entre el gobernador y el principal líder de la oposición en el cual se contemplaba la posibilidad de la reelección. Este pacto se ratificó en la legislatura donde ambos partidos contaban con los 2/3 de bancas necesarias. Posteriormente, por las particularidades del sistema electoral de la provincia, el oficialismo obtuvo la mayoría absoluta de los convencionales constituyentes. A pesar de tener la posibilidad de imponer su mayoría por sobre el acuerdo alcanzado, el radicalismo respeto el pacto de forma tal de permitir la reelección por un solo período (Micozzi 2001).

En el caso de la reforma constitucional en La Pampa, también existió el antecedente de un pacto previo. En este caso, si bien no era con el principal partido opositor, el acuerdo alcanzado por el justicialismo en el poder con Convocatoria Independiente permitía conformar una coalición reformadora con más de los 2/3 de las bancas en la Legislatura. También en este caso el oficialismo obtuvo más del 50% de los convencionales, lo que potencialmente les permitía definir las normas a sancionar en la reforma. Sin embargo, también en este caso se respetó lo acordado por la coalición reformadora establecida en la legislatura (Micozzi 2001).

Por último, el caso de la reforma de Tucumán, donde no se relajan las reglas de reelección del gobernador, exhibe una situación en la cual el partido que obtiene la mayoría de los convencionales sí hace valer su control sobre la votación para imponer su voluntad. Sin embargo, en este caso el partido que controla la convención, Fuerza Republicana, no formaba parte de la coalición reformista en la Legislatura (PJ y UCR). Por lo tanto, en este caso se puede pensar a la Convención como una arena con un grado de autonomía mayor respecto de la Legislatura de lo que se observa en los casos de La Pampa y Chubut.

Las variables elegidas para evaluar el efecto de la cantidad de partido y su poder relativo en la legislatura sobre las reglas de reelección son equivalentes a las presentadas en el Cuadro 3, pero adaptadas a la situación registrada en la Legislatura al momento de aprobarse la ley que habilita la reforma. Esto implica también considerar que el partido dominante es aquel que cuenta 2/3 de los escaños. En el Cuadro 4 se presenta la estadística descriptiva y en el

Cuadro 5 se presentan los resultados. Los efectos son similares a aquellos detectados en el caso de la Convención Constituyente. El número efectivo de partidos es estadísticamente significativo en todos los modelos evaluados con el signo esperado: a mayor cantidad de partidos las reglas de reelección son más rígidas. La variable que refleja si el gobernador reformista es del PJ es significativa cuando no se incluyen otras variables explicativas con el signo esperado: un gobernador de este signo se asocia a reglas de reelección más laxas. Por último, debe mencionarse que la variable de control personal per cápita es significativa y el signo que adopta el coeficiente es el contrario al esperado. Si se considera que la aprobación en la Legislatura es un paso anterior en el

proceso de reforma y que su nivel de autonomía es mayor, los resultados sugieren que esta arena es relevante en la determinación de las modificaciones a las reglas de reelección.

Cuadro 4: Estadística Descriptiva, Arena Legislatura

Variable	Tipo	Mínimo	Máximo	Media	Desvío Estándar
Regla de reelección	Ordinal	1	5	3.11	1.15
Poderes legislativos	Continua	0	88.1	42.27	29.1

Cuadro 5: Resultados regresiones reglas reelección modelo *logit* ordenado: Arena Legislatura

	Reelección						
Número efectivo de partidos (Legislatura)	-1.1600 *** (0.4043)	-1.03346 ** (0.4122)	-1.03001 * (0.5637)	-1.2108 *** (0.4057)	-1.29613 *** (0.4777)	-0.9471 ** (0.4134)	-1.149 *** (0.3648)
Edad Partido		-0.00052 (0.4292)				0.0001 (0.0072)	0.0044 (0.0083)
Gobernador PJ		0.570045 (0.0074)				0.5016 (0.4281)	0.5297 (0.4781)
Partido Dominante							
Coalición alternativa			-0.22552 (0.5476)				
Proporción de extranjeros				1.581549 (1.1899)			
Coparticipación per cápita (log)					0.112003 (0.0957)	0.4741 (0.3567)	
Personal por mil habitantes							0.0334 *** (0.0103)
Obs	34	34	34		34	34	34
R2	0.11	0.13	0.11		0.14	0.15	0.25

Nota: Errores robustos entre paréntesis. * significativo al 10%; ** significativo al 5%; *** significativo al 1%.

En el caso de las Legislaturas, a diferencia de la disponibilidad de información para el análisis del rol de las Convenciones, se cuenta con datos sobre su conformación para todos los años desde 1983. Para estimar los efectos sobre las normas de reelección se opta por un modelo de efectos fijos. Esta decisión se debe, principalmente, a que es razonable suponer que existe una serie de variables, no observables y constantes en el tiempo, vinculadas a factores culturales que pueden afectar a las variables explicativa y dependiente. Ante esta situación el modelo de efectos fijos tiene la ventaja de reducir la posibilidad de un sesgo por variable omitida. Dado que la variable dependiente es ordinal y no continua, el modelo elegido es el *logit* ordenado de efectos fijos. En este modelo se relaciona la variable latente y_{it}^* para la provincia *i* en el momento *t* a una serie lineal de características observables x_{it} y características no observables α_i:

$y_{it}^* = x_{it}'\beta + \alpha_i + \varepsilon_{it}, \quad i = 1,2,\dots,N \quad t = 1,2,\dots,T$. La relación de esta variable latente con la variable ordinal observable es: $y_{it} = j$ si $\tau_{j-1} \leq y_{it}^* \leq \tau_j, j = 1,2,\dots,J$ donde los τ son puntos de cortes desconocidos en la distribución de y^* con $\tau_0 = -\infty$ y $\tau_j = \infty$[34].

Las variables explicativas son las mismas que en el caso que se analiza el modelo de corte transversal con la excepción de la variable "Cantidad de extranjeros" que no es incluida porque se mantiene constante en el tiempo para cada provincia[35]. El Cuadro 6 presenta los resultados[36]. En este caso se observa que la variable número efectivo de partidos es estadísticamente significativa con el signo esperado. Mientras que las variables Edad Partido Gobernante, la *dummy* que identifica si el gobernador pertenece al PJ dejan de ser significativas y el tamaño del sector público dejan de ser significativas[37], la posibilidad de formar una coalición alternativa es significativa con el signo esperado: cuando el partido gobernante tiene más de una opción para formar la coalición reformadora las reglas de reelección son más laxas.

Cuadro 6: Resultado regresiones reglas reelección modelo efectos fijos (estimador bucologit): Arena Legislatura

		Reelección			
	Acumulada				
Número efectivo de partidos (Legislatura)	-1.3262 (0.7694)	-1.5305 * (0.9621)	-2.1459 ** (0.9525)	-1.5954 * (0.9887)	-1.5244 * (0.9311)
Edad Partido		-0.03137 (0.0293)		-0.0291 (0.0302)	-0.0301 (0.0265)
Gobernador PJ		-0.5241 (1.6221)		-0.4815 (1.5542)	-0.4979 (1.4802)
Coalición alternativa			1.2325 * (0.6813)		
Coparticipación per cápita (log)					0.7364 (1.3483)
Personal por mil habitantes				-0.0131 (0.0443)	
Obs	725	697		697	697
R2	0.025	0.06		0.07	0.07

[34] Para la estimación en STATA se utiliza el estimador Blow Up and Cluster (bucologit). Ver Baetschmann et al. (2011).

[35] La variable dependiente, en este caso toma valores distintos a 0 solamente en los años en los que la reforma es aprobada en la Legislatura.

[36] En estos modelos la variable dependiente "Reglas de reelección" adquiere valor igual a cero en todos los años en que no se registró una reforma.

[37] Una posible causa de la no significatividad de la variable Personal por mil habitantes en el modelo de efectos fijos es que presenta poca variabilidad al interior de las provincias.

Nota: Errores robustos entre paréntesis. * significativo al 10%; ** significativo al 5%; *** significativo al 1%.

La segunda dimensión de la concentración de poder en el ejecutivo provincial que propongo analizar son los poderes legislativos. Para operacionalizar esta variable, se construye un índice compuesto por los siguientes indicadores ordinales[38]: Promulgación parcial de las leyes (capacidad del gobernador de rechazar parcialmente las enmiendas introducidas por la Legislatura a los proyectos de ley promovidos por el Ejecutivo); decretos (capacidad del gobernador para emitir decretos con contenido legislativo en situaciones de emergencia); resultado de los decretos (status del decreto de acuerdo a la Constitución y potestad de la Legislatura para revocarlo); referéndum; urgencia (la posibilidad por parte del gobernador de promover un tratamiento legislativo de urgencia para un proyecto de ley). El índice no se construye mediante la suma de los distintos indicadores sino un análisis de componente principal (*principal component analysis*) en correlaciones policóricas (Kolenikov y Ángeles, 2004). Este índice PCA[39] es la variable dependiente en una regresión con las mismas variables explicativas utilizadas en las regresiones anteriores: número efectivo de partidos, partido dominante, edad partido gobernante; gobernador PJ; coparticipación per cápita; coalición alternativa; proporción de extranjeros y gasto en personal per cápita[40].

El Cuadro 7 muestra los resultados de las regresiones donde las variables explicativas reflejan la configuración de la Convención Constituyente mientras que el Cuadro 8 hace lo propio con la Legislatura. En el primer caso se observa que, si bien en algunos de los modelos planteados la variable Número efectivo de partidos es significativa, el resultado es menos robusto que en el caso de las reglas de reelección. Sin embargo, el signo refleja en todos los casos la relación esperada, a mayor número de partidos menor valor del índice de poderes legislativos del gobernador. La única otra variable que es significativa es aquella que captura el peso del empleo público, pero exhibe el signo contrario al esperado. En el caso de la Legislatura los resultados son similares pero la evidencia de una relación entre el Número efectivo de partidos y los poderes legislativos del gobernador es aún menos clara y la variable Personal por mil habitantes no es estadísticamente significativa.

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[38] Aquellos indicadores sugeridos en Negretto (2012) que no presentan variación en el período analizado para las provincias argentinas no fueron incluidos.

[39] El resultado del análisis de componente principal se presenta en el apéndice.

[40] En el Anexo se presentan las codificaciones, ponderación y valores alcanzados del índice de Poderes Legislativos.

Cuadro 7: Resultados regresiones poderes legislativos modelo MCO: Arena Convención Constituyente

	Poderes legislativos						
Número efectivo de partidos (Convención)	-15.7 *	-15.85	-20.03	-16.04 ***	-21.621 ***	-21.737 **	-11.1
	(9.53)	(10.18)	(10.17)	(10.11)	(8.042)	(9.535)	(9.95)
Edad Partido		0.15			0.0628	0.2206	
		(0.18)			(0.1197)	(0.169)	
Gobernador PJ		2.34		-1.59	2.6112	1.64	
		(11)		(10.1)	(9.193)	(11.02)	
Coalición alternativa			11.78				
			(12.89)				
Proporción de extranjeros							-39.49
							(28.37)
Coparticipación per cápita (log)						-18.64	
						(13.28)	
Personal por mil habitantes					-0.648 **		
					(0.2589)		
	29	29	29	29	29	29	29
	0.10	0.11	0.12	0.1	0.27	0.19	0.12

Nota: Errores robustos entre paréntesis. * significativo al 10%; ** significativo al 5%; *** significativo al 1%.

Cuadro 8: Resultados regresiones poderes legislativos modelo MCO: Arena Legislatura

	Poderes legislativos						
Número efectivo de partidos (Legislatura)	-14.33	-17.53 *	-16.45	-14.63	-18.72 *	-18.42 *	-11.38
	(10.56)	(10.78)	(12.11)	(10.78)	(9.53)	(10.15)	(9.84)
Edad Partido		-0.29			-0.359 *	-0.294	
		(0.19)			(0.168)	(0.198)	
Gobernador PJ		-3.39		-1.97	-1.74	-2.64	
		(10.76)		(10.37)	(10.49)	(11.62)	
Coalición alternativa			3.44				
			(12.30)				
Proporción de extranjeros							-36.22
							(22.58)
Coparticipación per cápita (log)						-4.43	
						(12.17)	
Gasto en personal per cápita					-0.438		
					(0.267)		
	34	34	34	34	34	34	29
	0.06	0.11	0.06	0.06	0.19	0.11	0.12

Nota: Errores robustos entre paréntesis. * significativo al 10%; ** significativo al 5%; *** significativo al 1%.

Los resultados de las regresiones sugieren una relación más clara entre las variables explicativas consideradas, particularmente el Número efectivo de partidos, y las reglas de reelección en contraposición a la hallada respecto de los poderes legislativos. Evidentemente, esto sugiere que en la negociación para formar una coalición reformadora las reglas que regulan la reelección tienen una relevancia mayor, lo cual se sustenta en la evidencia anecdótica sobre estas negociaciones. La menor relevancia que otorgan los gobernadores a incrementar sus poderes legislativos puede obedecer a

distintos factores. En primer lugar, los poderes con los que cuenta el gobernador en relación con las carreras políticas de los legisladores provinciales pueden tornar, en la práctica, irrelevante la necesidad de incrementar sus poderes legislativos, más aún en los casos en que tiene control de la Legislatura. En segundo lugar, la principal motivación para este tipo de poderes estriba en la capacidad de actuar ante situaciones de emergencia económica y social. La batería de políticas que se pueden implementar a nivel subnacional ante este tipo de shocks es considerablemente menor que las que se pueden impulsar a nivel nacional. Esta diferencia puede motivar también que en la práctica sea menos relevante para los gobernadores ampliar estos poderes. Por último, el espacio constitucional para ampliar estos poderes puede estar limitado por restricciones existentes a nivel nacional dificultando su modificación en reformas constitucionales provinciales.

CONCLUSIONES

En este documento se desarrolló una mirada alternativa a los procesos de reforma constitucional en las provincias argentinas. Desde la recuperación de la democracia en el año 1983, las provincias argentinas han experimentado un proceso de concentración del poder en la figura de los gobernadores que consolidaron así su rol clave tanto en el sistema político subnacional como en el nacional. Este proceso se sustento en gran parte en una serie de reformas constitucionales que relajaron las reglas de reelección y, en algunos casos, incrementaron los poderes legislativos de los gobernadores. Este estudio continuó una agenda de investigación preexistente para las provincias argentinas (Lucardi s/d Almaraz (2010) y Almaraz y Lucardi (2017)) que estudia los factores que propiciaron estos cambios en las constituciones.

Las reformas, especialmente aquellas vinculadas a la posibilidad de la reelección tuvieron lugar principalmente en 1986 y en 1994. El principal canal por medio del cual se vio incrementado el poder de los gobernadores ha sido la relajación de las normas que regulaban la reelección. Todas las reformas aprobadas eliminaron la restricción a una reelección consecutiva y en algunos casos se eliminó por completo cualquier impedimento para volver a elegir al gobernador vigente. Adicionalmente, las reformas constitucionales han tendido a fortalecer los poderes del gobernador a través de una profundización de sus poderes legislativos tanto reactivos como proactivos. Entre los primeros destaca la potestad de promulgar leyes vetadas parcialmente mientras que entre los segundos la atribución de promulgar decretos y convocar a referéndums.

Estas reformas fueron – en su mayoría - discutidas en dos arenas formales: la Convención Constituyente y la Legislatura. Los análisis anteriores han hecho foco principalmente en la relación entre la conformación de la Convención Constituyente y el resultado de la reforma. Este trabajo presentó una perspectiva complementaria a la literatura existente

al evaluar el efecto del poder de los partidos en la Legislatura no solo como un determinante de la viabilidad de la reforma constitucional sino de las atribuciones que ésta otorga al gobernador.

La motivación para centrar el análisis en la Legislatura se basa en lo que la evidencia anecdótica y las reglas de funcionamiento permiten inferir sobre ciertas características de esta arena. Dos dimensiones en las cuales pueden diferir las arenas políticas presentan variaciones entre la Legislatura y la Convención Constituyente: la autonomía y el nivel de institucionalización. De acuerdo con la evidencia anecdótica, las Convenciones Constituyentes tienen un grado menor de autonomía debido a que, en gran parte de los casos, son conformadas luego de haberse alcanzado un pacto que configura la reforma. Esto no ocurre con las Legislaturas que condicionan, por su conformación, al pacto. Esta evidencia se refuerza por el hecho de que en los casos en que las reformas se gestan a partir de un pacto reformista, aun cuando el partido gobernante obtiene el control de la Asamblea Constituyente el acuerdo con los partidos que apoyaron la reforma en la Legislatura no se rompe. En términos de institucionalización, si bien la reglamentación de las Convenciones Constituyentes es respetada, el hecho de que funcionen esporádicamente hace que no sean una arena de negociación política tan aceitada como las Legislaturas.

Los resultados sugieren que la configuración de las Legislaturas tiene un efecto sobre la rigidez de las reglas de reelección. A mayor número efectivo de partidos, las reglas de reelección son más rígidas. Esto implica que cuanto mayor peso tienen los actores de veto en la Legislatura, la posibilidad de concentrar poder en el gobernador disminuye. El modelos de corte transversal sugiere que el peso del empleo público provincial tiene también un efecto sobre el resultado: a mayor empleo público las reglas de reelección son más laxas. Sin embargo, este efecto no se verifica en los modelos de panel de efectos fijos.

La segunda dimensión del poder de los gobernadores analizada son sus poderes legislativos. Los resultados del efecto del número efectivo de partidos en la legislatura sobre el índice que refleja el poder legislativo de los gobernadores no son robustos. Si bien el signo es el esperado, es decir que mayor distribución del poder entre los partidos que conforman las arenas donde se aprueba la reforma se asocia a menor valor del índice, solo en algunas configuraciones es estadísticamente significativo.

El trabajo contribuye a una discusión vigente y que incluye casos específicos que ayudan a delimitar el papel de la Legislatura en las reformas constitucionales provinciales. El análisis permite convalidar algunas investigaciones previas a nivel nacional, pero también especificar el rol de las distintas arenas de representación política en el grado de concentración de poder que generan las reformas constitucionales.

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ANEXO

Cuadro 9: Codificación variable dependiente: Reglas de Reelección

Restricciones a la reelección del gobernador	
Codificación	Descripción
1	No se permite la reelección
2	Reelección luego de un período
3	Una reelección inmediata
4	Una reelección inmediata y posibilidad de nuevo ciclo dejando pasar un período
5	Reelección ilimitada

Cuadro 10: Codificación Componentes que Constituyen el Índice "Poderes Legislativos"

Indicador	Tipo	Codificación
Decreto	Dummy	1 si la Constitución otorga al gobernador la potestad de promulgar un decreto en situación de necesidad y urgencia; 0 si no la tiene
Promulgación parcial	Dummy	1 si el gobernador tiene la potestad de promulgar un proyecto de ley parcialmente; 0 si no la tiene
Resultado decreto	Ordinal	0 si el gobernador no tiene potestad de promulgar Decretos de Necesidad y Urgencia; 1 si el Decreto prescribe si la Legislatura no lo convalida; 2 si el Decreto queda firme si la Legislatura no lo rechaza
Tratamiento de urgencia	Ordinal	0 si el gobernador no tiene la potestad de enviar proyectos de tratamiento urgente; 1 si tiene la potestad; 2 si tiene la potestad y el proyecto se transforma en ley si la Legislatura no la aprueba en un período determinado
Referéndum	Ordinal	0 si el Gobernador no tiene autoridad para convocar un referéndum o si necesita la autorización de la Legislatura para hacerlo; 1 si posee la autoridad unilateral para convocarlo pero el resultado no es vinculante; 2 si el resultado es vinculante

Cuadro 11: Ponderación de los componentes del índice "Poderes Legislativos"

Indicador	Ponderación
Decreto	0.270
Promulgación parcial	0.214
Resultado Decreto	0.277
Tratamiento de urgencia	0.159
Referéndum	0.079

Cuadro 12: Índice Poderes Legislativos

Provincia	Índice de poderes legislativos
Córdoba 1986	19.89
Córdoba 2001	25.39
Catamarca	3.97
Jujuy	3.97
Salta	76.13
San Juan	78.53
La Rioja	80.1
San Luis	37.34
Misiones	42.84
Río Negro	54.71
Tucumán	54.71
Chubut	82.19
Formosa	25.39
Corrientes	25.39
Buenos Aires	3.97
Chaco	80.1
Entre Ríos	25.39
Neuquén	48.81
Neuquén	3.97
Santa Cruz	25.39
Santa Cruz	46.81
Santiago del Estero	88.01
Santiago del Estero	66.59

Voting with feet? Implementing with head?[*] Effects of public transport accessibility on voting behavior

Abstract: In this paper I take advantage of the short time window between mandatory primaries and general elections in Buenos Aires City to study the effect of policy interventions that changed transport accessibility – both in a negative and positive way - between both ballots on the incumbent's party support. The results of the difference in differences analysis, both for voters registered nearby new subway stations as well as new BRT branch, suggest a positive but limited effect on governing party electoral support. On the other hand, the effect on the government party's votes was negative in the proximity of stations negatively affected by the network expansion. The presence of positive and negative results suggests that some voters value infrastructure not because it improves the city as a whole but regarding on the usage they can extract from it.

INTRODUCTION

After many years holding the presidency in Chile, the *Concertación* alliance, suffered a serious defeat in the 2008 municipal elections. Based on popularity polls, both political analysts and researchers argue that one of its main causes was the failed implementation of *Transantiago*, a major program to reform the public transport system and infrastructure in Santiago de Chile[41]. This explanation seemed plausible as the idea that access to services, goods or transfers provided by the State is considered by voters when choosing among candidates. But what do we really know about the effect of public infrastructure, particularly transport infrastructure, on electoral outcomes?

The underlying motives behind voters' reasons for backing a candidate can differ vastly. Hence, they have been the object of analysis, study and debate both in academic and lay circles. Explored explanations cover a myriad of factors: genetics[42]; belonging to a social group; political identification; reactions to shocks unrelated to the political arena, such as shark attacks[43]; sports results or natural disasters[44]. Among major perspectives, rational choice theory analyzes voting as the consequence of a rational decision based on incentives and available information[45]. In this sense, access to public or merit goods stands out as a key incentive. The prevailing notion is that incumbents can decide on funding allocation in a way that increases their likelihood to retain office. However, determining this relationship poses several identification challenges. In this paper, I take advantage of characteristics of Argentina's electoral system to offer evidence on one part of the incumbent voter relationship: how voters respond to focalized public transfers. Particularly, the effect of developing public transport infrastructure on the incumbent's votes.

Explaining incumbent's support-based measures that took place during the ending term, leads to the question: Why would rational and forward-looking voters support a candidate based on his past actions? In this sense, Rogoff and Sibert (1988) propose that pre-election spending may operate as a sign of the incumbent's ability to provide public goods. Consequently, those holding executive positions and seeking re-election have an incentive to increase spending on public goods that are valued by voters. However, the strategy is not without risk. Public investments are only potentially effective in gaining votes if they meet the requirements of saliency and clear attribution of responsibility

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[41] Morales Quiroga (2009).

[42] For example, Hatemi et al. (2009); Oxley et al. (2008).

[43] Achen and Bartels (2004)

[44] Cole et al. (2008)

[45] The three main theories are the Sociological Model; The Psychosocial Model and the Rational Choice Model. The former, is based on the seminal work of Lazarsfeld, Berelson and Gaudet, *The People's Choice: How the voter makes up his mind in a presidential campaign*, focusing the analysis on the effects of social factors. The second, based on *The American Voter* (Campbell, Converse, Miller and Stokes, 1960), considers that the main motivation of the vote lies in the political identification with political parties. Finally, the theory of Rational Choice, developed from the foundational work of Downs (1957) - An Economic Theory of Democracy - is oriented to the analysis of the rational action of the different actors based on incentives and available information.

(Bickers et al. 2007). On the one hand, saliency calls for relevance and policy visibility[46]. On the other, clear attribution of responsibility calls for unambiguous political jurisdictions. In brief, voters need to observe a policy, accurately guess who is responsible for it and consider it sufficiently relevant to let it influence their vote decision. If some of these requirements are not met, good policies may not yield electoral returns. Increased issue salience and visibility attracts politicians because of electoral credit taking opportunities.

Improvements in public urban transport are relevant to voters because they may improve cities' welfare. As it enhances accessibility - understood as a conjunction of time, comfort and costs in the process of getting to diverse destinations through transport - the effect over people's well-being is accomplished through several channels. The availability of good, reliable and affordable bus and rail services determines accessibility and connectivity within a city, and it has an impact on travel time, income, spending and health. Reducing travel time not only allows people to increment their leisure options, but it is also positively correlated to the size of the labor market (Prud'homme et al. 2004)[47] affecting potential income. Furthermore, as it promotes connections to different points of the city, it may facilitate access to education improving future income. Expanding the public transport network reduces the share of transport on total household's spending. Moreover, it may generate positive externalities on health related to the use of road space - which has impact on the number of accidents - and CO_2 emissions (Cervero 2011).

Even though public transport enhancements may be relevant, the degree of its effect depends on the previous situation. Since the recovery from the 2001 economic crisis, two processes related to transport unfolded in Buenos Aires City. On the one hand, the use of private modes of transport has drastically increased as more people could buy cars and motorbikes[48]. Therefore, traffic congestion problems worsened. On the other hand, driven by the employment boost, demand for public transport rose as well. In this scenario public transport, the most popular mean for motorized trips in the metropolitan area, faced a challenge.

The Buenos Aires City public transport system is formed by a well-developed network that includes metropolitan rail, underground metro and public buses. However, the metro showed several flaws. By 2012 the six lines that formed the network connected 68 stations. According to CAF (2011), compared with other Latin American cities, Buenos Aires had a less developed underground metro system. Furthermore, due to deferred maintenance and lack of investments, urban rail services were deteriorating. Buenos Aires' bus system, while much more extended than the underground network, has also

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[46] See for example Corduneanu et al. (2012) and Besley and Burgess (2004).

[47] Particularly, regarding transport accessibility in peri-urban metropolitan Buenos Aires, Peralta Quirós et al. (2015) find that people without access to cars have less access to employment while analysis by Prud'homme et al. (2004) suggest that an increase in average public transport speed of 20 percent would produce a 17 percent increase in the effective size of the labor market.

[48] The number of new motor vehicles registered in Argentina increased by more than 100 percent over the period 1997-2013. This increase is associated with the rise of the middle class (Ferreira et al 2012).

considerable weaknesses. Even though its frequency is adequate, the service is prone to accidents and generates high levels of noise and air pollution while its quality, has also declined in the beginning of the 2010's (CAF 2011). Thus, the transport network, while well developed, was unable to meet the increased demands (Muzzini et al 2017). Considering this background, it is reasonable to expect that improvements in transport infrastructure are valued by the city's voters.

While transport infrastructure policies clearly meet the relevance condition, usually their management is inter-jurisdictional; therefore, the requirement of attribution is not necessarily met. But subway transport, in Buenos Aires has been under the orbit of the municipal government since 2012. Moreover, controversy arose around certain aspects of its transference from the national government. Arguments regarding tickets cost and security responsibilities made the relocation process quite visible to voters. On the other hand, authority over the bus system is less clear as different lines are under different jurisdictions. Nevertheless, road infrastructure maintenance, determining bus stops location and the works related to the Bus Rapid Transport (BRT) system – which will be explained later - are a City Government obligation. Furthermore, the BRT has been one of the policies which the PRO party used to characterize their government and got ample visibility.

Even when a policy meeting the requirements of visibility and relevance is observed, analyzing its effects on votes stands several challenges. Basically, correct identification is difficult because of endogeneity problems. Not only the diversity of motives behind vote decisions can generate omitted-variable bias, but simultaneous causality can also be a source for endogeneity.

In 2013, the Buenos Aires City government opened four subway stations. Even though it may not have followed a strategic behavior, the inauguration took place a couple of months before national elections. Although, the construction had been finished for more than a year before the opening, a delay was caused by the conflict between the national and local government. Thus, voting in the elections may capture the effect of the change in access to public transport. Despite the fact that inaugurations of public facilities before an election are pretty usual episodes, this event occurred after the open and mandatory primaries. Therefore, its timing allows to deal with the omitted-variable problem performing a difference in differences analysis.

Unfortunately for the incumbent, transport accessibility is a multidimensional phenomenon and does not only depend on network extension. While people living near the new stations will improve their access to other city areas, those living adjacent to the previously existing ones may suffer a different effect. If the number of subway cars remain the same, more passengers in the new terminus stations results in a loss of comfort or an increase in travel time for other commuters, which was what happened. The figures for the months after the inauguration show that passenger numbers decreased in the previously existing stations in both lines that extended their routes.

This negative effect on subway accessibility allows to improve the analysis. Differences in differences analysis can be conducted, this time with a treatment group composed by voting units lying close to the old stations. Moreover, as the negative effect grows the further away from the new stations, it is possible to consider the intensity of treatment when analyzing the effect over the incumbent's vote.

Subway network expansion was not the only event that affected transport accessibility between the primaries and the 2013 national elections. During these months, the CABA government inaugurated the third Metrobus branch. Metrobus is the CABA version of a BRT. This initiative was not aimed at improving transport accessibility by expanding the bus network, but to decrease travel time and increase comfort. The first experience (Juan B. Justo branch) had been successful in doing so and gained support from the neighbors (CEPAL 2013).

Results suggest that improving transport accessibility has an impact on voting. When explaining the incumbent's party vote, being part of the positively treated groups is a statistically significant variable, despite a limited effect. Using different identification strategies, this result confirms what has been recorded by previous studies. However, I find that there is also an unintended consequence of the subway expansion, albeit limited as well. Voters who have suffered a deterioration on their transport accessibility are less prone to vote for the governing party. These outcomes suggest that the impact of strategic allocation of public infrastructure and services should be evaluated integrally.

The paper is organized as follows: in Section 2, I present related literature. In Section 3, I illustrate the natural experiment and descriptive statistics. In Section 4 I report the results. In section 5 I discuss potential concerns regarding the analysis. Section 6 contains the conclusions.

EFFECTS OF PUBLIC INFRASTRUCTURE ON VOTING: RELATED LITERATURE

Research aiming to establish the effect of transport infrastructure on incumbent voting is scarce. Studying elections' results through econometric analysis poses several challenges. Moreover, some of the methodological solutions used for linking vote to current spending are not available when analyzing capital spending[49]. However, there have been some attempts to overcome these difficulties using difference in differences in some cases which can be considered as natural experiments.

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[49] Different studies use discontinuous regressions to analyze the impact of current spending programs. Litschig and Morrison (2012) use this technique to analyze the effect of transfer programs on re-election of local authorities in Brazil. The same methodology is applied by Manacorda et al. (2009) to estimate the impact of a conditional cash transfer program on political support in Uruguay and by Pop Eleches and Pop Eleches (2012) to evaluate the voting effects of a portable computer distribution program in Romania.

Voigtländer and Voth (2014) take advantage of a referendum that took place at the beginning of the Nazi regime in Germany, months after the 1933 elections. The government started to build motorways between both ballots. The difference in differences analysis shows that the regime's support grew more in the localities neighboring new motorways that also had good radio broadcasting. In this case, the mechanism by which investment impacts on vote is not limited to transport accessibility improvement, public employment matters as well.

As far as I know, the only attempt to analyze subway infrastructure expansion as a driver for voting is De la Calle and Orriols (2010). These authors study the process by which the conservative Popular Party managed to prevail in Madrid's working-class neighborhoods. They compare results between different elections - the ballots take place every two years -, before and after the inauguration of subway stations. In order to control for other variables that could also have affected the outcome, they include unemployment, income, house prices and immigration population as regressors. Their results suggest positive relationship between the number of stations built in a certain neighborhood and incumbents' vote share.

My research, while following the line established previously, provides specific contributions to the existing literature. Firstly, as the public works took place in middle class neighborhoods, it is unlikely that the workers who built the stations live near them. Thus, it is improbable to capture any income effect correlated to transport accessibility. Secondly, the short period between open primaries and national elections limits both the chance of omitted variable bias as well as attrition bias. Lastly, the inclusion of a "negative treatment group" is an original approach regarding infrastructure impact on voting.

DATA AND NATURAL EXPERIMENT

Data

Analyzing empirically the effect of government's allocation of public spending on the support for the incumbent requires meeting certain conditions: the goods or services provision should be relevant to voters; the government takes credit for it and there is data availability, both regarding its use as well as electoral results to implement a quantitative approach. Considering that the subway expansion has a potential undesired consequence, checking the conditions not only requires addressing the location of new stations, but also to determine its side effect on prior users.

Six different lines - A, B, C, D, E and H- compose CABA's subway network. These lines connect 86 stations through 54 kilometers. The service is provided by a private company, Metrovías, since 1994. However, CABA's government performs line extension planning and execution[50]. Two stations were added to lines A and B, during July and August 2013[51]. It should be noted that line B carried 77 million passengers during that year,

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[50] Through SBASE

[51] Juan Manuel de Rosas (B); Echeverría (B); San Pedrito (A); San José de Flores (A).

while line A carried 36 million passengers. In the month of December after its inauguration, 585,120 persons entered the subway station in the two stations inaugurated in line B and 411,933 in those in line A. These figures suggest that the condition of relevance and visibility of the public works are fulfilled in relation to its potential effect on the vote.

While the new metro stations lie in middle class neighborhoods, Metrobus BRT south branch spans through a poorer area. The works were inaugurated in August 2013, right after its completion (a difference from the case of the subway), allowing 18 bus lines to improve their service[52]. Figure 1 shows the existing subway stations, highlighting those that went into operation in the period from the PASO to the national elections, and the BRT South Branch. Additionally, the location of the polling places is displayed.

Figure 1: New stations, BRT south branch and polling places
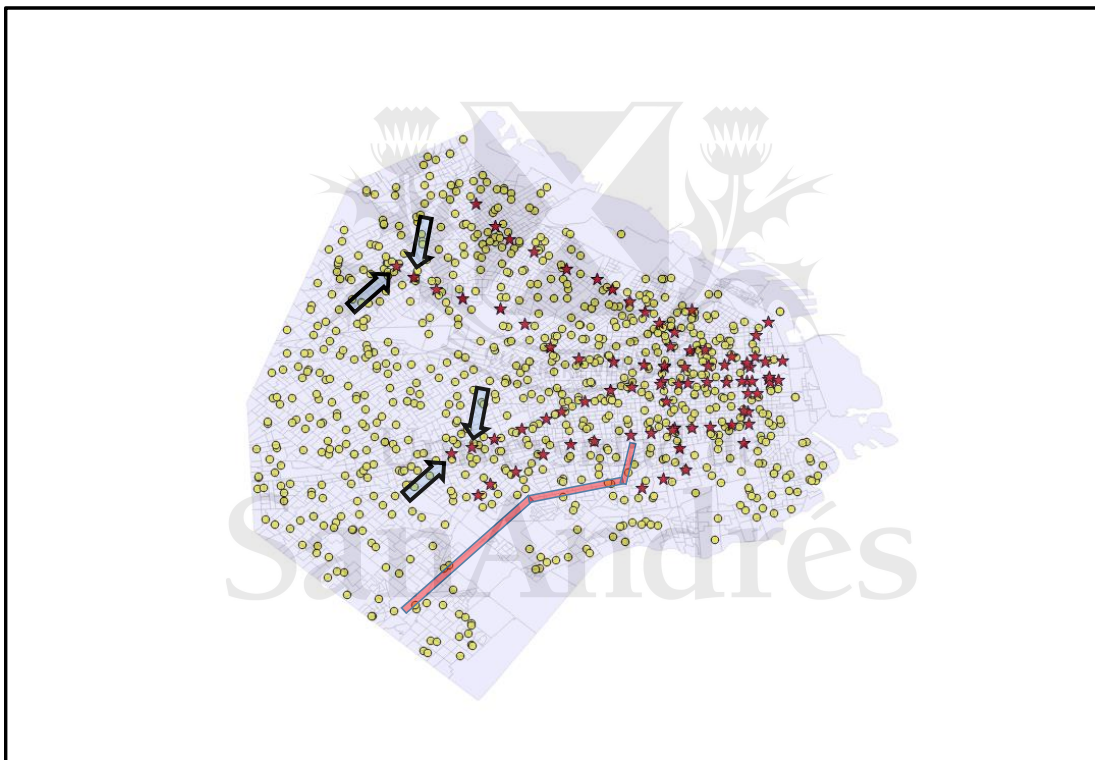
Data from SBASE allows to understand the effect of the subway expansions in terms of its use. As it was previously stated, increasing the number of passengers in one end of the route may have effects on the accessibility for potential passengers in the middle. Based on comfort, time or safety factors, people getting in previously existing stations can decide to use another transport. Even though there is no data on how comfort, safety or travel time changed for passengers in each station, it is possible to analyze the evolution of the quantity of passengers.

Provided that a negative effect in terms of accessibility occurs, the number of passengers on some stations should decrease. Table 1 and Table 2 show the average

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[52] Bus lines: 4, 6, 26, 36, 46, 47, 76, 91, 97, 101, 114, 115, 117, 141, 143, 150, 188, 128.

change in monthly passengers for stations lying between the new ones and Pueyrredón Av – Jujuy Av axis[53]. Table 1 compares the evolution between Line A stations and equivalent stations – in terms of distance to the Pueyrredón Av – Jujuy Av axis – from Line D and E. After the extension of the line, the number of passengers decreases in the observed Line A stations. Except for the case of Carabobo, that as it stops being the terminus station it loses many passengers, the greatest effect is concentrated in the five stations closest to the axis. This effect is more evident when compared to what happened in the stations of the other lines that, except for the case of JM Moreno, increase the average number of passengers in the same period. Table 2 replicates the information for Line B. The results are similar, suggesting that there is a negative impact on the accessibility of users living around stations that were in operation prior to service expansion.

Table 1: Average monthly passenger variation between June-July-August and September-October-November-December

Distance from Pueyrredon Av/Jujuy Av (stations)	A Line		D Line		E Line	
	Station	Passenger Variation	Station	Passenger Variation	Station	Passenger Variation
0	Pza Miserere	-31,096	Pueyrredon	496	Jujuy	10,882
1	Loria	-6,806	Agüero	5,191	Gral Urquiza	6,824
2	Castro Barros	-1,553	Bulnes	2,299	Boedo	1,661
3	Rio de Janeiro	481	Scalabrini Ortiz	2,121	Av. La Plata	6,428
4	Acoyte	-11,441	Plaza Italia	4,841	JM Moreno	30,253
5	Primera Junta	-3,827	Palermo	8,370	Emilio Mitre	10,032
6	Puan	3,681	Ministro Carranza	1,462	Medalla Milagrosa	1,033
7	Carabobo	-201,282	Olleros	328	Varela	9,775

Source: Own elaboration based on information from the *SBASE*

Table 2: Average monthly passenger variation between June-July-August and September-October-November-December

Distance from Pueyrredon Av/Jujuy Av (in stations)	B Line		D Line		E Line	
	Station	Passenger Variation	Station	Passenger Variation	Station	Passenger Variation
0	Pueyrredon	-19,740	Pueyrredon	496	Jujuy	10,882
1	Carlos Gardel	-53,191	Agüero	5,191	Gral Urquiza	6,824
2	Medrano	-3,811	Bulnes	2,299	Boedo	1,661
3	Angel Gallardo	297	Scalabrini Ortiz	2,121	Av. La Plata	6,428
4	Malabia	-18,120	Plaza Italia	4,841	JM Moreno	30,253
5	Dorrego	-12,304	Palermo	8,370	Emilio Mitre	10,032
6	F. Lacroze	-8,967	Ministro Carranza	1,462	Medalla Milagrosa	1,033
7	Tronador	-1,356	Olleros	328	Varela	9,775
8	De los Incas	-263,958	José Hernández	4,050	Virreyes	22,893

Source: Own elaboration based on information from SBASE

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[53] Those are the stations chosen to show the negative effect because, according to ENMODO (2009), survey the stations located on this axis are the last ones where more people get in the car than out.

All the above stations (Table 1 Table 2) are placed mainly in residential areas; however, as Figure 1 shows, the number of polling places that surround them varies. Moreover, the number of voting booths in each place is not homogenous. Thus, the number of voters living in a certain radius from the station will differ for each one, but citizens registered to vote in a particular polling booth in the primaries, will remain the same in the general election.

The Argentine electoral system consists of two main stages. The first one, primary elections that are open, simultaneous and mandatory. This instance takes place on the second Sunday of the month of August of the odd years. One or more lists of pre-candidates of the same party or alliances compete to form the candidacy with which that particular political group will be presented in the national elections. Since the sum of the votes of that party or alliance must exceed the threshold of 1.5% of the valid votes of the district, not all the participating groups are represented in the national elections.

Primary elections are compulsory for all registered citizens, regardless if they are affiliated to a political party. Every citizen older than 17, with a permanent address on a certain district is automatically registered to vote. Like the PASO, the National Elections are mandatory and except for reasons of *force majeure*, voting takes place at the same booth and polling place as in the primaries. Therefore, the composition of the polling places of each polling place remains practically unchanged between one event and the other. There is an exception in the case of voters who died or turned 18 in the 77-day span that separate these elections.

The conditions of data availability and relevance of the public policy intervention conditions are both met. Therefore, in order to implement the analysis, it must be assessed whether the intervention can be attributed to the governing party's candidates. According to theoretical models, the incumbent's ability to claim credit for goods or services received by voters is key to achieve an electoral effect. This concept is central, for example, in Mayhew's (1974) argument about legislators' incentives in the United States to allocate public funds to their districts. In this case, there are some limitations to establish the ability of candidates to be awarded the credit of subway stations.

The studied ballots do not involve the election of the Head of Government of the CABA, the political office with a more direct attribution on the works, but of national deputies and senators, the representatives of the Buenos Aires City district in the National Congress. However, given the political projection of the Head of Government, Mauricio Macri, as PRO's leader and virtual candidate in the forthcoming presidential elections of 2015 - which he won - it is reasonable to suppose that the support to its government was transferred to all elective positions in 2013. In fact, local elections coinciding with the national ones was a result of a PRO initiative. Journalistic interpretations linked this decision to the intention of the city to allow for certain public policies to gain visibility, including the extension of the subway. The explanation for this behavior was the importance of an election that was considered a plebiscite of Macri's government.

Accordingly, he was the main figure of the launch of the campaign even though he was not running for any position[54].

Analysis of the 2013 electoral process highlights that, in most districts including the CABA, political parties opted to focus on local issues during their campaigns[55]. This is particularly true for the PRO, which appears as a clear example of party that aims to transform the representative link. In this new dynamic, local politics is configured as the model of legitimate politics, and the "figure of the neighbor" acquires centrality in political discourse (Annunziata 2014). The PRO has emphasized its alleged ability to manage the state by efficiently providing services (Martinez and Sgammini 2015).

ELECTORAL DATA ANALYSIS

Empirical analysis is based on data from two sources: the electoral variables come from the Electoral Action Secretariat of the National Judiciary; the variables of geographical location of subway stations and educational establishments used as polling places come from the Government of the City of Buenos Aires. The incumbent's vote share is the ratio of votes obtained by the PRO against the total of positive votes, the latter meaning any vote using an official ballot which are not blank or void. As the 2013 elections were mid-term, I am using the votes for national representatives[56].

Different configurations of the treatment variable are constructed based on the Euclidean distances between the polling places and the subway stations. Thus, it is measured as a straight line between the two points of interest. I construct binary variables that indicate the presence or not of the treatment. For Metrobus, I use the distance between the South Branch and the polling places. Hence, while for the subway I consider treated those polling places lying inside a circle centered on the stations, for the Metrobus the treated places are located inside a rectangle whose center is on the route.

Data for two different moments is available for all variables, the first coincides with the primary elections (PASO) and the second with the national ones. This allows the construction of a panel where each polling place and polling booth are surveyed twice.

Table 3 shows data related to polling places and polling booths. As established in the Electoral Code, the number of polling booths and places remains constant. This implies that there will be no attrition, as the number of observations for each variable will not change after treatment. However, the number of people who actually voted in each polling place varied between the PASO and the National Elections, when voters' turnover decreased in the last ones. For the positive subway treatment - 1,000 meters - there are 39 polling places considered under treatment and 325 booths; for the negative subway treatment – 1,000 meters - there are 94 polling places considered under

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[54] http://www.lapoliticaonline.com/nota/67228/

[55] See for example, Zeifer et al (2015).

[56] Another option would have been to use local assembly votes. Unfortunately, the first election where mandatory primaries were implemented for local assembly ballots took place in 2015.

treatment and 900 booths and for the positive BRT treatment – 1,000 meters - there are 53 polling places considered under treatment and 485 booths.

Table 3: Voters, Polling Booths and Polling Places

	Primaries	General
Average Number of Tables per Polling Station	9.1	9.1
Average Number of Effective Voters per Polling Table	254.1	248.0
Average Number of Effective Voters per Polling Station	2,276.0	2,225.0
Number of Treated Polling Stations (improved subway)	39.0	39.0
Number of Control Polling Stations (improved subway)	621.0	621.0
Number of Treated Polling Tables (improved subway)	325.0	325.0
Number of Control Polling Tables (improved subway)	5,518.0	5,518.0
Number of Treated Polling Stations (deteriorated subway)	94.0	94.0
Number of Control Polling Stations (deteriorated subway)	621.0	621.0
Number of Treated Polling Tables (deteriorated subway)	900.0	900.0
Number of Control Polling Tables (deteriorated subway)	5,518.0	5,518.0
Number of Treated Polling Stations (improved BRT)	53.0	53.0
Number of Control Polling Stations (improved BRT)	621.0	621.0
Number of Treated Polling Tables (improved BRT)	485.0	485.0
Number of Control Polling Tables (improved BRT)	5,518.0	5,518.0

Source: Own elaboration based on information from the *Secretaría de Actuación Electoral*

Table 2 shows the distances from polling booths to subway stations before and after the expansion of the subway's infrastructure. Positive treatment reduces the distance to almost one third of its original situation. As I discuss in the following section, two conditions must be met in order for a polling place/booth to be considered treated: its distance from a subway station is reduced and the ex-post distance is 1,000 meters or less.

Table 4: Treated Polling Places and Average Distance to Subway Stations

	Average distance to Subway Station before treatment (meters)	Average distance to Subway Station after treatment (meters)
Polling Tables (improved subway)	1277	468
Polling Tables (deteriorated subway)	438	438

The incumbent's party increased its voting share between PASO and general elections. As shown in Table 5, this growth is reflected not only on the average but also on the maximums and minimums. Furthermore, this situation is replicated for the treated group under the three different types of treatment. It should be noted that the proportion of votes to the PRO in the groups where treatment is associated to an improvement of transport accessibility reaches higher than average levels for both the ex-post and ex-ante situations. Beyond this, in these cases, the treated group shows a greater boost in the incumbent's party lead.

Table 5: Percentage of votes for the governing party under the different treatment configurations for the PASO and the national elections

	Polling Station		Polling Table	
	Primaries	General Elections	Primaries	General Elections
Average PRO's vote share	27.8%	34.2%	28.0%	34.5%
Min	15.9%	20.7%	9.3%	9.5%
Max	49.7%	58.1%	57.3%	65.8%
Std Dev	4.5%	5.1%	5.8%	6.5%
Average PRO's vote share (improved subway)	28.2%	34.9%	27.6%	34.4%
Min	23.4%	29.6%	16.6%	25.2%
Max	34.2%	42.5%	39.9%	47.6%
Std Dev	3.0%	2.8%	4.3%	3.9%
Average PRO's vote share (deteriorated subway)	25.0%	30.9%	24.9%	30.9%
Min	20.3%	24.1%	10.7%	19.9%
Max	42.1%	49.6%	46.8%	57.0%
Std Dev	3.6%	3.9%	4.4%	4.6%
Average PRO's vote share (improved BRT)	28.3%	35.3%	28.6%	35.5%
Min	19.1%	24.0%	14.1%	22.6%
Max	33.5%	41.0%	53.9%	50.0%
Std Dev	2.7%	3.1%	4.5%	22.6%

NATURAL EXPERIMENT

A general election taking place just a few months after the primaries, and both ballots being mandatory, configures a natural experiment scenario. Thus, it is possible to use a difference in differences methodology to evaluate the effect of an event affecting a particular geographical area on the vote. Opportune timing by the government in its decision to inaugurate improvements to transport infrastructure, combined with

inattention towards its potential effects on the network, allow me to analyze different impacts on the incumbent's party (PRO) vote.

I analyze three types of treatment: positive subway treatment (improved subway accessibility), negative subway treatment (deteriorated subway accessibility) and positive BRT treatment (improved BRT accessibility). In the first case, a polling booth is considered treated if the following conditions are met: i) that the station closest to the polling booth at t = 1 is one of the four subway stations inaugurated between the PASO and the general elections; ii) that the Euclidean distance of the polling booth to the nearest station at t = 1 is equal to or less than 1000 meters. In the second case, a polling booth is considered treated if the following conditions are met: i) that the station closest to the polling booth at t = 1 is a prior existing station on lines A or B; ii) that the Euclidean distance of the polling booth to the nearest station at t = 1 is equal to or less than 1000 meters. In the second case, a polling booth is considered treated if the following conditions are met: i) that at t = 1 the polling booth is nearer to Metrobus South branch than to a subway station ii) that the Euclidean distance of the polling booth to the Metrobus South branch at t = 1 is equal to or less than 1000 meters. For each treatment group, there is a control group that includes all remaining booths/places excluding the ones that are subject to any of the three treatments[57]. In order to evaluate the effect of these policy interventions on voting, I constructed a variable (a_v) indicating whether the voters of a given polling booth or station were treated. I use information on electoral results at polling booth level and the distances that separate polling places from subway stations/ BRT South Branch to estimate three regressions of the following type:

$$Y_{vt} = \delta_v + \gamma d_t + \beta d_t a_v + \varepsilon_{vt}$$

Where,

Y_{vt} : PRO party's share of votes in polling place *v* at moment *t*

δ_v: set of dummy variables defining the polling place

d_t: Election fixed effects, dummy defining whether the observation corresponds to general elections (*t*=1)

a_v: *dummy* that indicates treatment

Ideally, observations should be at the individual voter level. As this is not possible, I work both at polling booth and polling place level. Unlike polling places, polling booths are

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[57] When excluding the negatively treated from the control group I considered the group limited to the Pueyrredon Av – Jujuy Av axis.

relatively homogenous in size as the number of booths per polling place is dissimilar. However, as there are only two groups, treated and untreated, analyzing the effect using both observation levels, will provide robustness to the outcomes.

I choose the proportion of PRO votes as the dependent variable to mitigate two potential problems. First, variations in voter's turnout. While both elections are mandatory, it cannot be ensured that it is the same number of voters who participate in each of the elections. Second, neither all polling places nor booths record the same number of voters. This latter issue justifies using observation both at the polling place and polling booth level.

Considering the moment when the subway or BRT service reaches the new stations as the moment when the positive treatment takes place may underestimate the infrastructure improvement effect. Part of the benefits could be anticipated by potential users once the works were announced or finished. In that case, there would be an effect on the incumbent's vote which could not be correctly identified as it would take place before the PASO elections. However, as the inauguration took place more than a year after the stations were built, it is plausible to assume that it is absent at the primaries.

The decision to establish the level of treatment at 1000 meters is based on the conclusions of transportation literature. Particularly, it stands on the analysis regarding the time that people are willing to dedicate to commute. These values are consistent with results of surveys of modes of transport in the metropolitan area of Buenos Aires.

Several studies link the value of property with proximity to subway stations using hedonic price models. Damnn et al. (1980) observe that the relationship exists in Washington DC within a radius of 800 meters from the stations; Cervero and Duncan (2004) establish the limit of the effect in 1600 meters, equivalent to the walkable distance in 20 minutes; Bowes (2000) studying the effects of transport in Atlanta real estate finds that these are more intense between 800 and 1600 meters.

According to the literature, the ranges that people are willing to walk to access the subway stations, concurs with studies carried out in Argentina. INTRUPUBA survey shows that in 2007, 114,811 trips per day took place on subway line A. Of these, 75.1% were intra-city, i.e. did not involve trips to the suburbs, and 60.5% did not combine with another transport mode. When looking at line B, the number of trips per day exceeded 210,000, of which 77.6% were intra-city and 61.3% did not combine with other modes. The ENMODO survey of 2009 shows that 89% of the trips are carried out in a single stage. It is possible to conclude that most of the users lived and worked at walking distance from the stations. Thus, most of the people benefiting from a new station in a residential area probably live near it and vote in its proximity.

According to the INTRUPUBA survey report, Line A users walked 6.08 blocks on average to access a station, while for line B the walking distance averaged 5.79 blocks. The ENMODO survey information allows estimating that approximately 85% of people taking subway walk less than six blocks to reach the station. Considering both the literature on the effect of new stations on real estate values and the transport surveys for Buenos

Aires city, setting the treatment in the radius of 1,000 meters is revealed as a plausible choice.

The conditions to be met for a place/booth being considered treated changes slightly both for deteriorated subway accessibility treatment and improved BRT accessibility treatment. Even though the BRT is faster than the standard bus, travel times are longer than subway. Hence, people probably are willing to walk less to reach the station as what is relevant is the total commuting time. The literature studying the effects of BRT on real state price, confirms this insight[58]. In order to present a homogenous approach, I will use the 1000 meters' distance. However, treatments at 500 meters will be included as well. Regarding the negative effects on the subway network I will use the 1,000 meters' radius.

As there may be idiosyncratic characteristics to the population assigned to a given polling place (cultural and socio-economic variables) that affect the proportion of votes of the ruling party, fixed effects are included per polling place and, alternatively, per polling booth.

Whether the identification strategy is valid depends on certain assumptions. First, that the voting trends would be the same in both city areas' in the absence of treatment. Thus, no unobservable variables that change during the analyzed period are interacting with the dependent variable. The short time window between primaries and general elections reduces the chance that other events confound the policy change effect. The probability that changes affecting voters of treated or untreated places in the two and a half months that separated primaries from the general elections is slight.

Another key assumption is the absence of reverse causality. There are two reasons to rule it out. First, although the inauguration takes place between the two ballots, the works began many years before. Therefore, there was no possibility of changing the location of the stations according to a certain electoral result. Secondly, to reinforce this idea, it must be considered that the plan for the expansion of underground transport follows predetermined corridors, established several years prior to the incumbent's government. Thus, it is plausible to consider that treatment is an exogenous variable.

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[58] Levinson et al. (2002) reported that the land-use benefits of BRT were as significant as LRT in Brisbane. The studies of the BRT system in Bogotá (Rodríguez and Targa 2004) also showed appreciable land value benefits. Rodriguez and Mojica (2008) found that for residences that already had benefited from the service in 2000, housing prices increased, on average, by 15–20%. In addition, Cervero and Kang (2011) found that in Seoul, within 300 m buffers of BRT stops, 10% of the residential house premiums resulted from BRT service. Pang and Jiao (2015) find an effect on the price of houses at 5' to 10' walking distance to BRT in Beijing.

RESULTS

The same public policy intervention, the inauguration of new subway stations – without incrementing the number of cars – generates a positive and a negative treatment according to the location of the voting places. Thus, when laying out the results, I will integrate these two treatments in a subsection. Subsequently, I will present BRT treatment results which reinforce the evidence regarding the effect of improving transport accessibility on electoral outcomes.

Positive treatment (Subway)

The models shown in Table 6 link the governing party's (PRO Union) electoral outcomes to the location where those outcomes took place. The effect of improving subway accessibility over the incumbent's party vote share at the polling booth level is positive and statistically significant (Column 1). As the dummy variable that captures the treatment only allows to distinguish between two groups – treated vs. non-treated - I perform a second regression where the dependent variable is the voting share at the polling place in order to further validate the previous result (Column 2). Although the coefficient is slightly smaller, the effect is still statistically significant. Finally, I analyze the effect not on PRO's share, but on its total votes at the polling booth level (Column 3). Once again, the coefficient is positive and statistically significant[59].

The results suggest that the extension of the subway has an effect over voting for the ruling party. This effect is consistently positive, although its magnitude is limited. In the treated polling booths, the incumbent's support grows almost half a percentage point more between the PASO and the general elections than in the control places. When the dependent variable is measured in votes, the average treatment effect is one vote per booth. While the PRO seems to have gained political returns in areas where the implementation of new stations improves accessibility to public transport, these small numbers makes the analysis of potential adverse effects[60] more relevant.

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[59] A different approach to test the results' robustness is to change the surface of the circle around the new station that defines treatment. When implementing these regressions, the "Improved transport accessibility" dummy loses significance.

[60] A possible explanation for the coefficient size would be that part of the effect reflects on voter turnout rather than on incumbents vote share. Several research analyzing the electoral impact of different shocks use this dependent variable (see for example Fowler (2013), Gerber et al. (2008) and Krasno and Green (2005)). When running the regressions with voter turnout as a share of total electors instead of incumbents' party vote share the results are statistically non-significant both for positive and negative treatments.

Table 6: The effects of improving subway accessibility on elections

	Incumbent's Party Vote Share (1)	Incumbent's Party Vote Share (2)	Incumbent's Party Votes (3)
Improved transport accessibility (subway)	0.0043 **	0.0034 *	1.04 **
	(0.0022)	(0.0020)	(0.46)
General Election Dummy	0.0637 ***	0.0634 ***	14.30 ***
Polling Station Fixed Effect	No	Yes	No
Polling Table Fixed Effect	Yes	No	Yes
Election Dummy	Yes	Yes	Yes
N of observations	11,668	1,322	11,668
R^2	0.94	0.99	0.94

Notes: Standard errors clustered at the polling station level are in parentheses. * Significant at the 10% level; ** Significant at the 5 % level; *** Significant at the 1% level.

Negative treatment (Subway)

Increasing the number of stations in subway routes adds new users to the usual commuters. However, in order for the greater volume of users to be able to access the service, it would have required a proportional increase in the number of available cars. If this situation had arisen, those who traveled by this means from pre-existing stations, would not have affected their accessibility to transport, neither in terms of travel time nor comfort. However, the evolution of passengers in each of the lines that were extended suggests that accessibility was affected.

The regression results exhibited in Table 7 aimed to analyze the effect of deteriorated accessibility on the incumbent's party electoral results. When restricting the treatment group up to the Pueyrredón Av – Jujuy Av axis, the effect over the vote share both at the polling booth and polling place level is, as expected, negative and statistically significant (Column 1 and Column2). Even though I primarily expect people living in that area to be negatively affected, I run the same regressions including in the control group those booths and polling places in the proximity to the whole A and B lines (Column 3 and Column 4). Both the effect and the significance are lower but the coefficients have the expected sign and are statistically significant. Finally, when I test the effect on the PRO Party's total votes at the polling booth level, the coefficient is once again negative and statistically significant.

Table 7: The effects of deteriorating subway accessibility on elections

	Incumbent's Party Vote Share (1)	Incumbent's Party Vote Share (2)	Incumbent's Party Vote Share (3)	Incumbent's Party Vote Share (4)	Incumbent's Party Votes
Deteriorated transport accessibility (subway)	-0.0036 ***	-0.0037 ***	-0.0029 **	-0.0025 *	-0.8187 ***
	(0.00127)	(0.00128)	(0.00124)	(0.00132)	(0.323)
General Election Dummy	0.0643 ***	0.0635 ***	0.0643 ***	0.0635 ***	14.4560 ***
Polling Station Fixed Effect	No	Yes	No	Yes	No
Polling Table Fixed Effect	Yes	No	Yes	No	Yes
Election Dummy	Yes	Yes	Yes	Yes	Yes
N of observations	12,836	1,430	12,836	1,430	12,836
R^2	0.93	0.99	0.93	0.99	0.92

Notes: Standard errors clustered at the polling station level are in parentheses. * Significant at the 10% level; ** Significant at the 5 % level; *** Significant at the 1% level.

Summing up, the improvement of subway accessibility has a positive, but minor effect on the incumbent's electoral support. However, it is possible to contextualize it. When looking at a similar event in Madrid, De la Calle and Orriols (2010) found a larger result (1.5 pp). However, as in Buenos Aires City, the effect can be considered low. Another relevant question is how its size changes when measured not in terms of voters of certain polling locations but in terms of new subway stations' users. Substracting from the average daily new subway station users those who start their trip after 1:00 pm (in order to consider only those whose origin trip starts from those stations as they probably live in the area), those who are under 18 years old (in order to consider only those able to vote), and the percentage that according the surveys use the subway but do not live in Buenos Aires City, I can estimate that there are approximately 17,500 users that also vote at nearby polling places. Thus, if the positive effect is measured in votes it is equivalent to 2% of the daily users who potentially vote in the area that surrounds the new stations. While it is quite larger than 0.45%, it is still a low figure.

The limited size of the effect is more relevant when considering that there is also a potential negative effect. Even though the negative impact on the incumbent's party votes caused by a deterioration in public transport accessibility is smaller at the polling booth level, the number of booths under this kind of treatments is higher than the positively treated ones. Thus, it may offset any beneficial effect on the governing party electoral support. However, while it is difficult for voters to anticipate the accessibility deterioration they can anticipate its improvement, therefore part of the positive effect might take place at the primaries.

Positive treatment (BRT)

The development of BRT's South Branch was the second public policy intervention oriented to improve transport accessibility that was implemented between primaries and general elections. Its effect over the incumbent's party is shown in Table 8. I use

two different criteria to define the treated area: the polling booths/places that lie up to 1000 meters from the route (Column 2 for Polling Place level and Column 4 for Booth Level) and those that lie up to 500 meters (Column 1 for Polling Place level and Column 3 for Booth Level). When the analysis is performed at the polling place level, the coefficients are positive and statistically significant. At the polling booth level, only the 1.000 meters' configuration is statistically significant. The effect's size is similar to the one observed when improving transport accessibility through subway expansion.

Table 8: The effect of improving transport accessibility through BRT on elections

	Incumbent's Party Vote Share (1)	Incumbent's Party Vote Share (2)	Incumbent's Party Vote Share (3)	Incumbent's Party Vote Share (4)
Improved transport accessibility (BRT)	0.0066 ***	0.0060 ***	0.0045	0.0044 *
	(0.0023)	(0.0022)	(0.0030)	(0.0027)
General Election Dummy	0.0636 ***	0.0635 ***	0.0644 ***	0.0643 ***
Polling Station Fixed Effect	Yes	Yes	No	No
Polling Table Fixed Effect	No	No	Yes	Yes
Election Dummy	Yes	Yes	Yes	Yes
N of observations	1,348	1,348	12,006	12,006
R^2	0.98	0.98	0.92	0.92

Notes: Standard errors clustered at the polling station level are in parentheses. * Significant at the 10% level; ** Significant at the 5 % level; *** Significant at the 1% level.

POTENTIAL CONCERNS

Applying difference in differences methods to a natural experiment scenario does not necessarily allow to obtain causal inference. Two of the main potential problems are reverse causality and the impossibility to distinguish the differences-in-differences generated by the policy change from the difference in differences due to a shock in a particular moment on a particular group. As it was previously stated the former is not an issue. Regarding the second one, some considerations should be made. On the one hand, as it was mentioned in the Natural Experiment section, the brief period separating primaries from general elections prevents the possibility of a group and time specific shock. Thus, the identifying assumption (parallel trends) is more likely to hold. However, this event cannot be fully discarded and having only two periods and two groups prevents assuming these shocks average out to zero.

To address this potential problem, I implement an additional analysis[61]. Within the group with a deteriorated transport accessibility, people living near the new stations are less affected than people living farther away. Hence, it is possible to divide the negatively treated group in a series of sub-groups, each of them associated to a particular station. If there is a negative affect over the incumbent's vote, it should increase as the distance from the newly inaugurated stations grows[62].

The regression I estimate is similar to the previous models with two main differences. The first one is that the variable indicating the treatment adopts different values according to its position relative to the new stations. The closest is assigned value 1, the following value 2, and so on up to the station lying at the Pueyrredón Av – Jujuy Av axis. The second one is the level at which the standard errors are clustered. In this case, as the treatment's intensity varies for each subway station, so errors are clustered at this level.

The regressions in Table 9 suggest that the negative effect of deteriorated subway accessibility over the ruling party's votes increases as the voting place moves away from the new stations as expected. This effect is consistently negative and its size is lower than in the original model. While the effect is smaller when the regression is performed at the booth level, its significance grows (Column 3 clustered at Polling Place Level, Column 4 Clustered at Subway Station Level). In both cases, when clustering the errors at the subway station level, the coefficients remain statistically significant. Even though the results are not conclusive, they reinforce the idea that the difference in the

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[61] Natural and Quasi-Experiments in Economics Bruce D. MEYER (1995)
[62] It is worth mentioning that this approach, as the number of clusters is limited, does not allow to correct for biased standard errors. See for example Donald and Lang (2001) and Bertrand et al. (2004) for a discussion on this issue.

incumbent's outcomes between negatively treated and control booths are not related to a common random effect at the time*group level. Finally, while I do not identify the precise mechanism lying behind the effect, these results reinforce the idea that it is the accessibility change per se what impacts on voting and not other factors, such as subway users being exposed to focalized political propaganda.

Table 9: The effects of deteriorating subway accessibility on elections. Intensity of treatment.

	Incumbent's Party Vote Share (1)	Incumbent's Party Vote Share (2)	Incumbent's Party Vote Share (3)	Incumbent's Party Vote Share (4)
Deteriorated transport accessibility (subway)	-0.0006 **	-0.0006 *	-0.0005 **	-0.0005 *
	(00025)	(.00034)	(.00021)	(.00029)
General Election Dummy	0.0635	0.0634	0.0635	0.0635
Polling Station Fixed Effect	Yes	Yes	No	Yes
Polling Table Fixed Effect	No	No	Yes	No
Election Dummy	Yes	Yes	Yes	Yes
Standard errors clustered at the polling center level	Yes	No	Yes	No
Standard errors clustered at the subway station level	No	Yes	No	Yes
N of observations	1,432	1,432	12,810	12,810
R^2	0.99	0.99	0.95	0.95

Notes: Standard errors clustered at the polling center/subway station level are in parentheses. * Significant at the 10% level; ** Significant at the 5 % level; *** Significant at the 1% level.

CONCLUSIONS

Among the vast literature analyzing voting behavior, rational choice theory proposes a relationship between strategic allocation of goods, services or transfers by incumbents and voters' decisions rewarding access to these benefits. An empirical analysis of this relationship poses several challenges related to reverse causality and unobserved variables. In this paper I take advantage of the short time window between mandatory primaries and general elections in Buenos Aires City to study the effect of policy interventions that changed transport accessibility between both ballots on the incumbent's party support. As the subway route was planned long before the incumbent got to office simultaneous causality might be discarded. However, it limits the analysis to the voters' response, while incumbents' strategic allocation cannot be studied – yet, inauguration dates could have been chosen strategically-. The results of the difference in differences analysis, both for voters registered nearby new subway stations as well as new BRT branch, suggest a positive but limited effect on governing party electoral support.

As subway transport is not a public but a merit good, network expansion not complemented with new cars had a negative effect in terms of accessibility for prior users. In the months following the inauguration the number of passengers dropped in other stations of the extended line. This situation allowed me to perform a second analysis on the relationship between changes in transport accessibility and electoral outcomes. In this case, I was able to take into account differences in the intensity of the treatment based on the distance from the voting places to the new stations, addressing some of the identification concerns from the positive treatment regressions. The results, as it was expected, indicate a small and negative effect.

The presence of positive and negative results suggests that some voters value infrastructure not because it improves the city as a whole but regarding on the usage they can extract from it. In a sense, even though they do not vote with feet, they vote thinking on them. While positive effects on incumbent are larger than negative it should be considered that the deterioration in accessibility extends through a larger area. Thus, electoral benefits for the incumbent as a product of strategic allocation of goods, services or transfers is not straightforward. In this particular case, it seems that the incumbent – by choosing the particular inauguration day - treated subway infrastructure as a public good when it behaves as a merit one. However, it is difficult to assess whether infrastructure expansion provided net political rewards to the incumbent. On the one hand, there could be an effect over the whole city that would be captured by the time fixed effect, on the other, beneficiaries may have anticipated the improvement which would mean an effect captured by fixed effects at the polling place.

Particular characteristics associated to this electoral process pose some concerns regarding external validity. While the local issues had a key role in the campaign, opposition/support to the president was the main political gap. In this context, being the local incumbent a national figure and leader of the opposition could have limited

the effect of infrastructure expansion. However, when comparing the results to those of De la Calle and Orriols (2010) they are similar. The expansion effect is positive for potential new users, but its size is reduced.

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