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# With a Little Help from the Opposition? Relaxing Term Limits in the Argentine Provinces, 1983–2017

Adrián Lucardi and María Gabriela Almaraz

**Abstract:** How do incumbents manage to relax term limits when they cannot impose their preferences unilaterally? Interpreting constitutional reforms as a bargaining game between a term-limited executive and the opposition, we argue that reforms involving term limits should be more likely when (a) the incumbent party can change the constitution unilaterally, or (b) the opposition is pessimistic about its future electoral prospects; moreover, (c) this second effect should be stronger when a single opposition party has veto power over a reform because this precludes the executive from playing a “divide-and-rule” strategy. We examine these claims with data from the Argentine provinces between 1983 and 2017. In line with expectations, the results show that the probability of initiating a reform is highest when the executive’s party controls a supermajority of seats, but falls sharply when a single opposition party has veto power over a reform and this party expects to do well in the next executive election.

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Executive term limits have long been a contested issue in Latin America (Carey 2003; Serrafiero 1997, 2010; Negretto 2013; Penfold-Becerra, Corrales, and Hernández 2014).<sup>1</sup> In a region where presidents and governors are widely perceived as the strongest political players (Mainwaring 1990; Samuels and Abrucio 2000; Calvo and Escobar 2005; Calvo and Murillo 2005; Spiller and Tommasi 2007; Langston 2010; Rosas and Langston 2011), the question of whether they should be allowed to seek reelection naturally leads to heated political arguments. This debate resurfaced during the third wave of democratization, when several presidents – such as Alberto Fujimori, Carlos Menem, Hugo Chávez, Álvaro Uribe, Evo Morales, and Rafael Correa – promoted constitutional changes that would allow them to run for an additional term in office, sometimes more than once. Their success in consolidating their power through constitutional change raised concerns that they had become “invincible” (Penfold-Becerra, Corrales, and Hernández 2014) or “could not be stopped” (Corrales 2016).

In other countries, attempts to relax term limits have led to violent protests and even coups, as seen recently in Honduras and Paraguay (*The Economist* 2009, 2017). Similar phenomena can be observed in other parts of the world where presidents dominate the political arena, notably Sub-Saharan Africa and former Soviet countries (Maltz 2007; Young and Posner 2007; Cheeseman 2010; Baturu 2010, 2014; Ginsburg, Melton, and Elkins 2011). Nor is the issue limited to the national level: as state governors became crucial political players in federal countries like Argentina, Brazil, Mexico, or Venezuela, subnational term limits became increasingly prominent. In both Brazil (1997) and Venezuela (2009), the president secured gubernatorial support for his reelection drive by proposing a similar measure for subnational governors (da Silva and D’Alva Kinzo 1999; Corrales and Penfold-Becerra 2011). In Argentina, gubernatorial term limits are set at the local rather than the national level; how-

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1 Financial support from the Asociación Mexicana de Cultura, AC is gratefully acknowledged. The authors also thank Germán Lodola, Margit Tavits, Frank Thames, Guillermo Rosas, Marcelo Nazareno, Brian F. Crisp and 10 anonymous reviewers for their helpful comments to previous versions of this paper. Carlos Gervasoni, Agustina Giraudy, Germán Lodola, Mark P. Jones, and Sebastián Saiegh kindly shared their data on Argentine provincial politics. Earlier versions of this paper were presented at the 2013 MPSA Annual Meeting, the 2013 Symposium on Scholarship and a Free Society and the XI Congress of the Sociedad Argentina de Análisis Político, where it won the Guillermo O’Donnell Prize on Comparative Politics. The authors thank participants at those venues for their helpful comments. All remaining mistakes are the sole responsibility of the authors.

ever, while no governor could run for reelection in 1983, today this restriction only remains in place in two provinces.

Two issues often remain overlooked. The first is that only a minority of executives are able to relax term limits.<sup>2</sup> Of the 63 Latin American presidents who were term-limited at the beginning of their mandate and finished their term between 1990 and 2013, only 11 (17.5 percent) changed the constitution in order to run for another term (Kouba 2016). Even among those who manifested a willingness to relax term limits, just 62.5 percent (15 out of 24) were successful (Corrales 2016). Similarly, of the 110 Argentine governors who were term-limited at the beginning of their mandate, only 28 (25.5 percent) were no longer term-limited when they finished it. The second – and more surprising – issue is that term limits are often relaxed with opposition support: 31.6 percent (12 out of 38) of the elected presidents who managed to relax term limits between 1960 and 2009 controlled less than two-thirds of seats in the national legislature, a proportion that increases to 73.3 percent (22 out of 30) among Argentine governors.<sup>3</sup>

In this paper, we seek to explain this combination of outcomes. Given that executives who fail to relax term limits often lack a supermajority of seats in the legislature, what explains the variation in opposition support for relaxing term limits? If the distributional consequences of term limits are so obvious – they clearly benefit the incumbent at the expense of those who aspire to succeed him or her, both within the incumbent’s party and in the opposition – why would opposition leaders ever help the incumbent to run for another term? Even though the relaxation of presidential term limits has received substantial attention recently (Baturó 2010, 2014; Negretto 2013; Corrales 2016; Kouba 2016), the existing literature is ill-equipped to answer these questions. By studying the case of the Argentine provinces between 1983 and 2017, we seek to overcome this gap both with a new argument and a novel research design.

Theoretically, the literature has either ignored the role of the opposition in the reform process (Shugart 1998; Baturó 2010, 2014; Corrales 2016; Kouba 2016) or noted that constitutional reforms involving term

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2 We speak of “relaxing” term limits rather than “removing” them because constitutional reforms often let the incumbent run for an additional term, but fall short of eliminating term limits altogether.

3 The list of presidents who relaxed term limits comes from Baturó (2014, Table 3.5). In both cases, the numerator is restricted to those executives who controlled less than a two-thirds majority *and* passed a constitutional reform *through the legislature*.

limits often result from an agreement between the government and the opposition: the latter votes in favor of relaxing term limits in exchange for some valuable institutional concession(s), such as a restriction of the executive's powers (Almaraz 2010; Negretto 2013). However, this raises the question of why some opposition parties are willing to negotiate with the executive while others remain adamantly opposed to such a move. In this paper, we argue that the opposition faces a trade-off between (a) maximizing its chances of winning the next executive election by keeping term limits in place, and (b) supporting a constitutional change that will relax term limits in exchange for valuable institutional concessions. Thus, opposition leaders should be more willing to relax term limits when they expect to perform badly in the next executive election. Furthermore, this effect should be stronger when a single opposition party can veto a constitutional reform because this precludes the executive from playing a "divide-and-rule" strategy against his or her adversaries. Thus, and in contrast to the large literature on power-sharing versus power-concentrating reforms, which predicts that legislative fragmentation always leads to power-sharing outcomes (Elster 1995; Frye 1997; Boix 1999; Benoit 2004; Chavez 2003, 2004; Díaz-Cayeros 2005; Finkel 2005; Ferejohn, Rosenbluth, and Shipan 2007; Negretto 2006, 2009, 2013; Leiras, Giraudy, and Tuñón 2015), we claim that a fragmented *opposition* should make a power-concentrating reform more rather than less likely.<sup>4</sup>

In terms of research design, instead of treating the reform process as a black box, we focus on the interaction between the government and the opposition in the *legislature* and, later, on the behavior of the *constituent assembly* in charge of determining the final constitutional text. To appreciate the significance of our approach, consider Figure 1a, which highlights the three stages typically involved in most constitutional reform processes. In the *initiation stage*, some player – not necessarily the incumbent executive – may propose a constitutional reform to the legislature. If no reform is proposed, the constitution remains as it is; otherwise, we move to the *legislative stage*.

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4 Eaton (2004) recognized the importance of internal divisions for institutional change, but he focused on federalism and decentralization rather than government-opposition relations. Our logic is closer to the more sophisticated work of Weingast (1997), Acemoglu, Robinson, and Verdier (2004), Svolik (2009, 2012), and Boix and Svolik (2013), all of whom explicitly modeled the collective action problems faced by the incumbent's opponents. Unlike those authors, however, we focus on a democratic context in which the executive is subject to stringent formal rules and the status quo is biased against him or her, in the sense that if he/she cannot change the rules, he/she must step down at the end of his/her term.

It is at this second stage that supermajority constraints bite: if a proposal is approved by the appropriate (super)majority of legislators, the constitution is amended or, more commonly, the proposal moves to the *ratification stage*, where some additional player(s) – voters, the courts, a constituent assembly, or subnational legislatures – decide whether to ratify it.<sup>5</sup> In other words, even if a supermajority of legislators supports a constitutional reform, voters may reject it, either by voting against it in a referendum (as happened in Venezuela in 2007; see Corrales and Penfold-Becerra 2011) or by electing a constituent assembly in which opponents to the reform control a majority of seats (as in the Argentine province of Misiones in 2006) (Ybarra 2006).

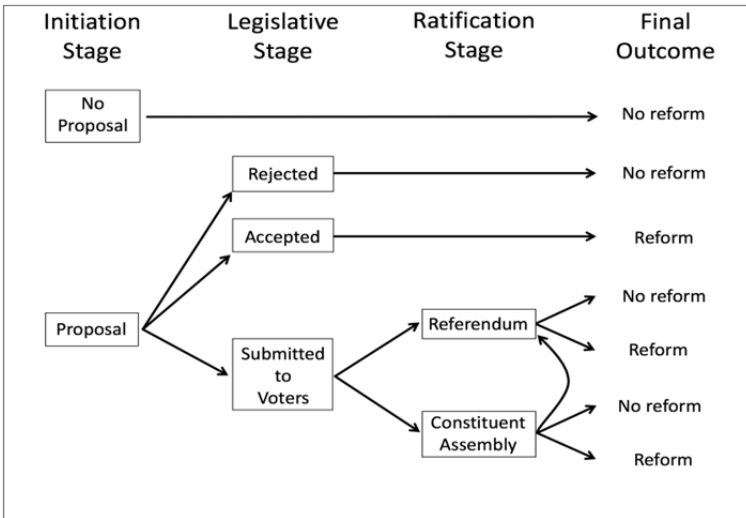
Since our theoretical argument focuses on the interaction between the incumbent and the opposition in a collegiate body – be it a legislature or a constituent assembly – the appropriate test for the argument is whether such body behaves as expected by the theory, even if its decision is later rejected by voters. Thus, we deviate from the existing literature by examining constitutional reforms as a two-stage process (see Figure 1b). In our main analysis, we focus on the *initiation* and *legislative stages*, looking at whether the legislature approves a law mandating a constitutional reform; we then move to the *ratification stage*, examining whether the constituent assembly effectively relaxes term limits. We ignore voters' decision to approve or reject a reform because our argument says nothing about their motivations.

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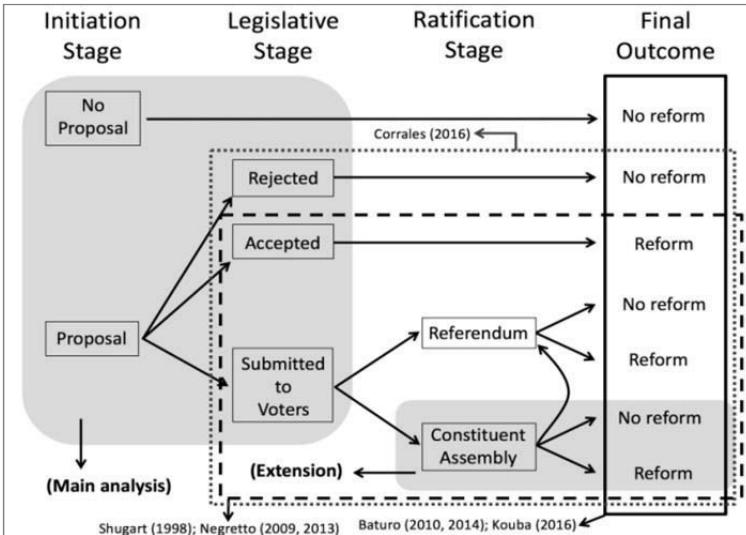
5 Between 1960 and 2009, 80 percent of (national) reforms involving term limits were promulgated by either the legislature or a referendum (which were often preceded by a legislative decision; see Baturio 2014, Table 3.1).

Figure 1. The Process of Constitutional Reform

(1a) The Steps of the Reform Process



(1b) Alternative Research Designs



Note: Panel (a) summarizes the main steps typically involved in most reform processes, distinguishing between the *initiation stage*, the *legislative stage*, the *ratification stage*, and the *final outcome*. Panel (b) compares alternative research designs for studying constitutional reforms. The shaded areas illustrate the approaches pursued in this paper: we first study the *initiation* and *legislative* stages of the reform process, and then examine the *ratification stage* in the constituent assembly. Compare with the approach followed by Baturo (2010, 2014) and Kouba (2016) (solid line); Corrales (2016) (dotted line); or Shugart (1998) and Negretto (2009, 2013) (broken line).

As Figure 1b shows, our approach contrasts sharply with those favored by most of the literature. For example, Baturo (2010, 2014) and Kouba (2016) focused on whether the executive manages to relax term limits or not, regardless of the methods employed (see solid line); this offers the advantage of focusing on the final outcome, albeit at the expense of treating the reform process as a “black box.” Corrales, on the other hand, restricted his attention to those executives who openly manifested their interest in relaxing term limits (see dotted line), thus ignoring those presidents who did not announce their intention to relax term limits because they expected to fail (Corrales 2016: 17).<sup>6</sup>

Finally, Shugart (1998) and Negretto (2009, 2013) only examined those constituent assemblies or legislatures that passed a constitutional amendment; that is, cases in which a reform had already been initiated (see broken line). Thus, these authors cannot explain when and why some executives manage to pass a constitutional reform through the legislature, nor can they say whether instances of non-initiation are systematically different from those in which the legislature actually initiated a reform.

Empirically, we examine our argument in the context of the Argentine provinces between 1983 and 2017. Since the mid-1980s, state governors in Argentina, Brazil, Mexico, and, to a lesser extent, Venezuela, have become increasingly relevant political players (Calvo and Escolar 2005; Calvo and Murillo 2005; Spiller and Tommasi 2007; Gervasoni 2010; Bonvecchi and Lodola 2011; Samuels 2000; Samuels and Abrucio 2000; Langston 2010; Rosas and Langston 2011; Albertus 2015). However, the institutional determinants of these increases in governors’ powers have received limited attention. In Brazil, Venezuela, and Mexico, subnational units have relatively little autonomy to design their own institutions; in particular, gubernatorial term limits are decided at the

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6 This may explain why he found that a strong opposition has no effect on the president’s success at relaxing term limits: presidents who face a strong opposition may not attempt to relax term limits in the first place, as they know the attempt would be politically costly but futile.



national level. In Argentina, by contrast, subnational authorities have wide discretion over these issues, which governors have taken advantage of to enhance their survival in office (see, for example, Calvo and Micozzi 2005 and Gervasoni 2010). Furthermore, by studying the Argentine provinces we can exploit the fact that the rules governing constitutional change are almost identical across districts, and the same applies to other institutions such as the rules for electing the governor or the length of the executive's term. In a cross-national setting, by contrast, the comparative study of institutional change is often complicated by the fact that the rules governing such change vary widely between units and cannot be summarized according to a common metric (Benoît 2007; Katz 2005).

The results are generally consistent with theoretical expectations. Across the entire sample ( $N = 208$ ), the probability that the provincial legislature will initiate a reform process in a given two-year period is 0.14. If the governor's party controls a supermajority of seats, this probability almost triples, to 0.40. But when the ruling party cannot impose a constitutional reform unilaterally, the probability of relaxing term limits depends on both the distribution of seats in the legislature and the electoral expectations of the opposition. If a single opposition party can veto a constitutional change, increasing the electoral expectations of the main opposition party across its interquartile range reduces the probability of reform from 0.22 to 0.12. When the opposition is fragmented, on the other hand, the probability of reform hovers between 0.17 and 0.25, although contrary to expectations this value is independent of the electoral expectations of the largest opposition party. Furthermore, our argument also accounts for the behavior of constitutional assemblies in the ratification stage: all assemblies in which the governor's party controlled a majority of seats relaxed term limits, while only those in which a single opposition party controlled an absolute majority kept them in place. The small sample size involved ( $N = 22$ ) makes it difficult to determine whether this effect is conditioned by the electoral expectations of the opposition, although the coefficients have the expected sign.

## Theory: Explaining Constitutional Change

### Existing Literature

When do incumbents relax term limits? Existing research has underscored the role of three factors: the value of staying in office, the institutionalization of the ruling party, and the extent to which political power

is concentrated or fragmented among multiple players. According to the first argument, incumbents for whom the spoils of office are particularly large should be especially willing to introduce (consecutive) reelection.<sup>7</sup> Thus, the removal of term limits should be more common in poor, corrupt and under-institutionalized countries, where politics rather than the private sector constitutes the main avenue for personal enrichment and a former ruler's assets can be easily expropriated after he or she steps down (Baturó 2010, 2014). The second argument stresses that weakly institutionalized parties usually depend on the sitting executive for electoral success, and are therefore more likely to be subject to his or her wishes. If the ruling party is highly institutionalized, in contrast, ambitious executives are likely to face resistance from powerful copartisans who want to succeed them in office (Kouba 2016).

The problem with these arguments is that they (implicitly) assume that as long as the executive or the ruling party back a constitutional reform, the opposition's behavior is irrelevant. This is inconsistent with the fact that many incumbents failed to relax term limits. Moreover, if the opposition can veto a constitutional reform, increasing the value of office should decrease the probability of reform, as opposition leaders will be more motivated to capture the executive office for themselves. Empirically, ignoring the role of the opposition may also cast doubt on the interpretation of the results. For example, some measures of the executive's *willingness* to remain in power might actually proxy for his/her *capacity* to remove term limits: a large public sector or a high risk of expropriation certainly increase the stakes of office, but they also make it easier for the executive to bribe or threaten opposition legislators. Similarly, weakly institutionalized parties may be more likely to capture the executive office when the entire political system – not just the ruling party – is weakly institutionalized. Outsider presidents like Fujimori, Chávez, or Correa, for example, took advantage of the collapse of traditional structures of representation to introduce sweeping constitutional changes shortly after assuming office.<sup>8</sup>

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7 Term limits can take many forms: some executives are barred from running again forever; others must spend some period(s) out of office before running again; while others can remain in power for only two consecutive terms (Ginsburg, Melton, and Elkins 2011). Since our focus is on *consecutive* reelection, we classify an incumbent as term-limited if he/she is legally barred from running in the next executive election.

8 Additionally, this argument cannot explain why the same party – and sometimes even the same president – manages to relax term limits in some circumstances but not in others. Carlos Menem and Fernando Henrique Cardoso passed a constitutional reform relaxing term limits during their first term in of-

Finally, the third argument emphasizes that executives who enjoy a power advantage over the opposition should be in a better position to relax term limits (Corrales 2016). More specifically, power-concentrating institutional reforms – such as a more powerful executive or a majoritarian electoral system – should be more likely when (a) a single player can modify the relevant legislation unilaterally, and (b) this player expects to remain in office in the future. However, if an institutional reform requires the agreement of multiple players, or the most powerful player expects to lose the next election, institutional reforms should be power-sharing, such as a proportional electoral system or an independent judiciary (Elster 1995; Boix 1999; Benoit 2004; Finkel 2005; Negretto 2006, 2009, 2013; Ferejohn, Rosenbluth, and Shipan 2007; Leiras, Giraudy, and Tuñón 2015). While this argument does recognize the role of the opposition in the reform process, it cannot explain why some incumbents manage to relax term limits when their party does not control enough seats to change the constitution unilaterally. Acknowledging this fact, some authors have argued that these changes are possible because of a “grand bargain” between the executive and the opposition; for example, opposition leaders might let the incumbent run for reelection in exchange for a more proportional electoral system or an independent judiciary (Negretto 2013; Almaraz 2010). However, this begs the question of what conditions facilitate (or hinder) such agreements: Why are some opposition leaders more willing to strike such bargains than others?

## The Bargaining between Government and Opposition

Our argument builds upon this last strand of the literature, but introducing two crucial differences: we pay more attention to *who* is fragmented and *whose* expectations matter. While a fragmented political *system* might lead to power-sharing institutions, a fragmented *opposition* can facilitate the introduction of power-concentrating reforms. Similarly, when the opposition can veto a constitutional reform, it is the *opposition's* expectations that matter: opposition parties that expect to win the next executive election will be more reluctant to let the sitting executive run for a new term than those that expect to lose anyway.

More specifically, we think of the constitutional reform process as a bargaining game between a term-limited executive – whom we also call

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ficé but not the second, despite no obvious changes in their parties' level of institutionalization.

“the incumbent” – and one or more opposition parties. Removing term limits requires the support of a supermajority of legislators. We assume that individual executives running for reelection enjoy an electoral advantage above and beyond what their parties can command, and that the executive office is the most valuable political position in the polity. These assumptions imply that, other things equal, opposition leaders will prefer to keep term limits in place, thus maximizing their own chances of capturing the executive office in the future, even though their capacity to achieve such an outcome may vary. Both assumptions are reasonable in Latin America, either at the national level (the presidency is often the most highly coveted political office) or at the subnational one, especially in federal countries like Argentina, Brazil, or Mexico, where governors control substantial resources, preside over large patronage machines, enjoy widespread name recognition, and exert substantial influence over their copartisans’ careers (Calvo and Murillo 2004, 2005; Spiller and Tommasi 2007; Bonvecchi and Lodola 2011; Schiumerini and Page 2012; Ames 2001; Samuels and Abrucio 2000; Samuels 2000, 2003; Langston 2010; Rosas and Langston 2011; Magar 2012).

The supermajority requirement implies that players might find themselves in one of three mutually exclusive scenarios. In a *supermajority scenario*, the party of the sitting executive controls enough seats to approve a constitutional reform regardless of what the opposition does. In other words, the opposition is irrelevant, which makes a reform particularly likely. Thus, when Hugo Chávez sought to scrap term limits altogether, the fact that his party controlled almost all seats in the National Assembly – the opposition had boycotted the previous election – greatly facilitated legislative passage.<sup>9</sup> Similarly, in the Argentine provinces of Salta (1997, 2003) or San Juan (2011), the ruling party could pass a constitutional reform despite the opposition’s strenuous but sterile protests (see Lucardi 2006 and *Ámbito Financiero* 2011, respectively). This suggests the following hypothesis:

*H<sub>1</sub>. Supermajority.* A constitutional reform should be more likely when the executive’s party controls a supermajority of seats in the legislature.

Of course, this “constitutional sweet spot” (from the incumbent’s perspective) is rare in practice. Ambitious incumbents must usually seek an agreement with the opposition, the feasibility of which depends on the

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9 Voters initially rejected the proposal in the 2007 referendum, but they were more supportive two years later, when Chávez insisted with a similar project (Corrales and Penfold-Becerra 2011).

electoral strength of the largest opposition party. In a *single party veto* scenario, a single opposition party can block a constitutional reform, which means that the incumbent must reach a mutually satisfactory agreement with that party's leader(s). Since the incumbent needs opposition support to accomplish his or her reform project, he/she has obvious incentives to offer some valuable compensation in return. However, the preferences of the opposition party are less clear: while its leader(s) value the compensation payments that the incumbent can offer, they also know that relaxing term limits will decrease their chances of capturing the executive in the upcoming election.<sup>10</sup>

Thus, the opposition's choice will depend on the relative importance of three factors: (a) the generosity of the compensation payment(s) offered by the incumbent; (b) the value of controlling the executive; and (c) its probability of winning the next executive election. In general, it makes sense to assume that (b) will be much larger than (a), not only because the executive is the most valuable office in the polity, but also because the incumbent will not be interested in offering concessions that trump the value of the executive office. However, the extent to which the opposition can expect to win the next executive election can vary substantially. This implies that the electoral expectations of the opposition should play a key role in determining whether an agreement can be reached. Simply put, opposition parties that do not expect to do well in the upcoming election will be willing to accept the incumbent's offer and agree to relax term limits, while those with good chances of winning office in the future will fight tooth and nail to block the incumbent's reelection drive.

The Argentine constitutional reform of 1994 offers a good example of this. Since his party was 40 deputies short of the two-thirds majority required to enact a constitutional change, President Carlos Menem's reelection project depended on the support of the main opposition party, the Unión Cívica Radical (UCR).<sup>11</sup> Thus, Menem adopted a two-pronged strategy. On the one hand, he called a (nonbinding) plebiscite to exploit

10 The same reasoning holds if they believe that voters will interpret an agreement as a sellout and punish them at the polls. We thank Marcelo Nazareno for suggesting this interpretation.

11 Technically, the UCR was two deputies short of the 86 required to veto a constitutional reform. But if the UCR voted against the reform, Menem would have needed the support of almost all other legislators, some of whom belonged to small left-wing parties that strongly opposed his government. That is, the transaction cost of negotiating with all other opposition deputies was so high that for practical purposes the UCR can be considered a veto player.

the UCR's unpopularity with voters.<sup>12</sup> On the other hand, he proved willing to introduce institutional reforms that the UCR valued, such as eliminating the electoral college, shortening the presidential term, or placing formal limits on the president's decree authority. Eventually, an agreement was reached and Menem was able to seek reelection in 1995 (Acuña 1995; Negretto 2013: ch. 5). This suggests the following hypothesis:

*H<sub>2</sub>. Expectations.* If the incumbent party does not control a supermajority of seats, a reform should be less likely as the electoral expectations of the opposition become more optimistic.

Finally, in a *fragmented opposition* scenario, the ruling party does not control a supermajority of seats, but no opposition party can veto a reform single-handedly. That is, the incumbent needs opposition support, but no single opposition party is indispensable. If *A* will vote against the reform no matter what, the executive may get what he/she wants by reaching an agreement with *B*. Thus, in addition to the previous considerations, opposition leaders must also consider what other opposition parties are likely to do. Intuitively, if the executive reaches an agreement with *A* but not with *B*, then *B* will pay the cost of running against an incumbent seeking reelection, but without having received any compensation payment(s) in return. This allows the executive to play a “divide-and-rule” strategy, taking advantage of each opposition party's fear that the other will try to negotiate a better deal. Of course, opposition leaders understand this and may seek to negotiate jointly with the executive, but the credibility of such an agreement cannot be taken for granted. The implication is that when the opposition is fragmented, its electoral expectations should also matter for the probability of reform, but to a lesser extent than if a single opposition party can veto a constitutional change.

The constitutional reform in the Argentine province of La Pampa (1994) follows this script almost perfectly. Governor Rubén Marín was term-limited and his party was a few deputies short of the two-thirds majority required to approve a constitutional reform. The two opposition parties with legislative representation – the UCR and Convocatoria Independiente (CI), a small provincial party – opposed the governor's reform project, but neither could veto it single-handedly. Thus, Marín threatened to replace the PR electoral system then in place with a majoritarian arrangement. This would have been disastrous for CI, the smallest

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12 The UCR was discredited for its mismanagement of the economy during the 1980s. In the 1993 legislative election it received 30 percent of the vote, and in 1995 its presidential candidate would hit a record low of 17 percent.

opposition party, and since changing the electoral rules required a simple majority of seats, the governor's threat was credible. Therefore, CI agreed to support Marín's reelection bid if the PR system was enshrined in the constitution, ensuring that it could not be changed by a simple majority in the future. After the agreement became known, the UCR dropped its opposition to the governor's reelection in exchange for a voice in the reform process (Micozzi 2001). Similarly, during the 1994 constituent assembly in the province of Buenos Aires, Governor Eduardo Duhalde took advantage of a fragmented opposition to reach an agreement with the right-wing Modín party. In exchange for a constitutional clause banning abortion, the latter agreed to a referendum that would allow Duhalde to run for reelection (Lucardi 2006). Thus, our final hypothesis is as follows:

*H<sub>3</sub>. Fragmented opposition.* The effect of the expectations of the opposition should be weaker when no single opposition party can veto a constitutional reform.

## Discussion

Despite its simplicity, the above argument highlights two important aspects of constitutional reform processes that have been ignored by the existing literature. On the one hand, it puts the incentives and opportunities faced by opposition parties at the forefront. On the other, rather than simply looking at the proportion of seats controlled by the opposition, it emphasizes the qualitative difference between a scenario in which the opposition is irrelevant, one in which a single opposition party can veto a reform, and another where the opposition is fragmented.<sup>13</sup>

The assumptions behind the argument are also consistent with what we know about Argentine provincial politics. In line with the claim that the executive is the most valuable political office at the provincial level, Argentine governors are widely perceived as the most powerful players in the country after the president: they have access to valuable resources, control powerful political machines, and exert a strong influence on the political careers of their copartisans (Jones 1997; De Luca, Jones, and Tula 2002; Calvo and Murillo 2004, 2005; Spiller and Tommasi 2007;

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13 The point is not trivial because if, say, a constitutional reform must be initiated by a two-thirds majority of the legislature, then increasing the incumbent party's seat share from  $\frac{2}{3}$  minus one seat to  $\frac{2}{3}$  is much more relevant than increasing it from  $\frac{3}{5}$  minus one seat to  $\frac{3}{5}$ , even though in both cases there is a one-seat change.

Gervasoni 2010; Bonvecchi and Lodola 2011; Schiumerini and Page 2012). This means that governors have multiple bargaining tools with which to induce the opposition to cooperate, including policy concessions, money for political campaigns, or financial transfers to the municipalities controlled by opposition mayors. Indeed, in some provinces the opposition even begs for funds from the governor himself. Former National Senator Sergio Mansilla of Tucumán – a close ally of Governor José Alperovich (2003–2015) – once boasted that “99 percent” of the opposition begged for funds during the 2009 electoral campaign:

We financed the [electoral] campaign of many of them. Whoever wanted to be a candidate needed something from us. The more divided the opposition, the better for us. [...] Everybody stepped into [the governor’s mansion]. Masso (Federico, Libres del Sur), Bussi, everybody. Some went to the personal office of José [Alperovich], others used the elevator, others, the stairs. Cirnigliaro (Renzo, Partido Laborista) did not go to the governor’s mansion but to the Legislature, which is the same. (Balinotti and Sbrocco 2011: 74–75; our translation)<sup>14</sup>

Unsurprisingly, while Alperovich first won the governorship in 2003 with 44.4 percent of the vote thanks to a divided opposition, in 2007 and 2011 he would be reelected with massive popular support – 78.2 and 69.9 percent, respectively. A further implication of this logic is that individual governors are often perceived, rightly or wrongly, as enjoying a *personal* incumbency advantage when running for reelection, either due to superior name recognition or because they are better at keeping their party together (De Luca, Jones, and Tula 2002). Between 1987 and 2015, the incumbent party retained the governorship 77.6 percent of the time (in 142 out of 183 cases), but the rate was 9.4 percentage points higher when the executive could stand for reelection (82.1 percent) than if he or she was term-limited (72.7 percent).<sup>15</sup> This high rate of incumbent sur-

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14 “A varios les bancamos la campaña. El que quería ser candidato, algo quería de nosotros. A más dividida la oposición, mejor para nosotros. [...] Pasaron todos. Masso (Federico, Libres del Sur), Bussi, todos. Algunos pasaban por la oficina de José, otros entraban por el ascensor, otros, por la escalera. Cirnigliaro (Renzo, Partido Laborista) no pasó por la gobernación pero sí por la Legislatura, que es lo mismo.”

15 A one-sided *t*-test indicates that this difference is statistically significant at the 7.5 percent level. Unfortunately, the fact that there are very few close gubernatorial election in Argentina precludes us from employing a regression discontinuity design to determine whether this effect is causal (though see Schiumerini and Page 2012).



vival explains why the opposition would prefer the sitting governor not to stand for reelection, as well as why opposition parties that expect to do well in the next executive election may be reluctant to support a constitutional reform.

Finally, it may be argued that the constitutional reforms studied in this paper often encompassed multiple issues besides term limits. While true, this does not disprove the point that executive reelection was the main driving force behind most of such reforms. On the one hand, governors who were not interested in relaxing term limits could have easily excluded them from the issues under consideration.<sup>16</sup> Tellingly, few of them did so, and many of the exceptions prove the rule: for example, the constitutional reforms of Córdoba (2001) and Neuquén (2004), which introduced major changes but excepted the term limits clause, took place many years after executive reelection (for a single additional term) had been introduced. Similarly, in Entre Ríos both governors Sergio Montiel (UCR) and Jorge Busti (PJ) promoted a constitutional reform that would relax term limits in order to run for another term (Muñoz Paupie 2001); it was only after these attempts had failed that Busti agreed to promote a constitutional reform relaxing term limits, but without benefitting himself from it.<sup>17</sup> In contrast, in most of the case studies listed in Table 1, things were quite different: the governor first announced his intention to change the constitution, to which the opposition replied that the incumbent only wanted to perpetuate himself in power; the governor denied that strongly, but ensured that the timing of the reform allowed him to run for another term.

Furthermore, it is precisely because constitutional reforms are multidimensional in nature that the incumbent and the opposition can reach a mutually satisfactory agreement, relaxing term limits in exchange for some institutional changes preferred by the opposition. Besides the case of La Pampa and Buenos Aires discussed above, these agreements were quite common in the Argentine provinces (Almaraz 2010). As Table 1 shows, in 8 of the 30 instances of reform included in our dataset (26.7 percent), the governor's party controlled a supermajority of seats in the provincial legislature, implying that an agreement with the opposition was not necessary. In 12 of the remaining 22 instances (54.6 percent), case studies indicate that the main opposition party played a role in de-

16 Reform laws amending the constitution or calling a constituent assembly can specify which constitutional clauses may be amended, thus making it straightforward to leave term limits outside the scope of the reform.

17 Elections for the constituent assembly were held on the same day as Busti's successor was chosen.

termining both the content and extent of the reform, while in 4 other cases (18.2 percent), the opposition as a whole did not support the reform, but the acquiescence of some opposition legislators was indispensable for changing the constitution – raising the possibility that there was some kind of compensation “under the table.” While we lack information for the remaining six cases, the data clearly shows that governors who needed opposition support to pass a reform in the legislature usually offered something in return, which is entirely consistent with our argument.

**Table 1. Constitutional Reforms Involving Term Limits Approved by Argentine Provincial Legislatures, 1983–2017**

Province	Year	Super-majority	Bargain-ing	Defec-tions	Source
Buenos Aires	1989	0	1	0	Lucardi (2006)
Buenos Aires	1993	0	1	0	Lucardi (2006)
Catamarca	1988	0	0	1	Carrera (2001)
Chaco	1993	0	1	0	Micozzi (2001)
Chubut	1993	0	1	0	Micozzi (2001)
Córdoba	1986	1	0	0	Koessl (2000)
Corrientes	2006	0	N/D	N/D	
Formosa	1988	0	N/D	N/D	
Formosa	2002	1	0	0	
Jujuy	1985	0	1	0	Carrera (2001)
La Pampa	1993	0	1	0	Micozzi (2001)
La Pampa	1998	0	0	1	Micozzi (2001)
La Rioja	1985	1	0	0	
Mendoza	2001	0	1	0	<i>Los Andes</i> , 23 April 2001
Misiones	1988	0	N/D	N/D	
Misiones	2006	0	0	1	<i>La Nación</i> , 1 July 2006
Neuquén	1993	0	N/D	N/D	
Río Negro	1986	0	N/D	N/D	
Salta	1984	0	1	0	Lucardi (2006)
Salta	1997	1	0	0	Lucardi (2006)
Salta	2003	1	0	0	Lucardi (2006)
San Juan	1985	1	0	0	Russo (2001)
San Juan	2011	1	0	0	
San Luis	1986	0	1	0	
Santa Cruz	1993	0	1	0	Fuertes (2000)
Santiago	1985	1	0	0	Fuertes (2000)

Province	Year	Super-majority	Bargain-ing	Defec-tions	Source
Santiago	1997	0	0	1	Fuertes (2000)
Tucumán	1988	0	1	0	Suárez Cao (2000)
Tucumán	2002	0	N/D	N/D	
Tucumán	2004	0	1	0	<i>La Gaceta</i> , 23 Dec. 2004
	total	8	12	4	

**Note:** Only constitutional reforms that would have allowed the governor to run for a new consecutive term are included (see Table A1 in the Appendix for a full list of constitutional reform laws). **Year** indicates the year in which the provincial legislature approved the constitutional reform law mandating the reform; this may not coincide with the year in which the reform was effectively implemented. **Supermajority** indicates whether the governor's party controlled a supermajority of seats in all chambers of the provincial legislature. **Bargaining** indicates whether the sources mention that the constitutional reform law resulted from an explicit agreement between the governor, his/her party and some opposition party (or parties). **Defections** indicates whether the reform law was explicitly supported by some opposition legislators who deviated from their party's anti-reform stance.

## Statistical Analysis

These considerations demonstrate the plausibility of the argument and show that unless the governor's party controlled a supermajority of seats, most constitutional reforms required an agreement with the opposition. However, a more systematic examination of our argument requires us to show that such reforms were indeed more likely when the opposition had stronger incentives to negotiate with the governor. To do this, we evaluate our hypotheses with data on the Argentine provinces between 1983 and 2017. Like the US states, the Argentine provinces enjoy a substantial degree of autonomy for designing local institutions, including executive term limits. When Argentina returned to democracy in 1983, no provincial governor could stand for reelection at the end of his or her term, but by 2017 this restriction only remains in place in two districts. Moreover, as Table 1 shows, the timing of these reforms differed substantially between provinces – some introduced executive reelection as early as 1986, while others waited until 2011 –, and some provincial legislatures initiated multiple reforms. At the same time, other provincial institutions display relatively little variation: all provinces have a presidential system, all gubernatorial terms last four years, most provincial

executives are directly elected by plurality rule,<sup>18</sup> and constitutional changes require the approval of a two-thirds majority of (both chambers of) the provincial legislature.<sup>19</sup> Moreover, the fact that the country's two main national parties, the PJ and the UCR, tend to be dominant at the provincial level as well means that differences in party institutionalization (Kouba 2016) are unlikely to account for the timing of constitutional reform within provinces.

As indicated in Figure 1b, the analysis is divided into two parts. We first examine the *legislative stage* of the reform process, with the goal of identifying when a provincial legislature will pass a constitutional amendment or approve a special law calling for a constituent assembly. In this case, the unit of observation is the *province-biennium*; that is, we divide each four-year gubernatorial term into two two-year periods, treating each as a separate observation. We do not use entire gubernatorial periods because several provinces hold midterm elections, which might alter the composition of the provincial legislature.<sup>20</sup> This yields up to 16 observations per province,<sup>21</sup> though the actual number is usually lower. Since we are interested in those governors who *may* have wanted to change the provincial constitution in order to run for another term, we exclude all observations in which the governor faced no term limits at the beginning of the biennium.<sup>22</sup> We also restrict the sample to elected governors who remained in office for at least half of the two-year peri-

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18 Three provinces had an electoral college until 1993, and four use some kind of runoff system. The rest employ simple plurality rule.

19 Provincial constitutions can be changed in two ways: (a) through a constituent assembly specifically called for that purpose; or (b) via a legislative amendment that voters must ratify in a referendum. In both cases, the reform must be initiated by a supermajority of at least two-thirds of (each chamber of) the provincial legislature.

20 Keeping two-year periods for provinces with midterm elections and four-year periods for provinces without them would assign undue influence to the former. Using weights would just reproduce the logic that is already in our data. In any case, note that our approach is not fundamentally different from the usual practice of treating the country-year as the unit of observation.

21 For each province, we collected data between 1983 (or the first year there was an elected governor) and 2015. We exclude the 2015–2017 period because governors elected in 2015 may still change the provincial constitution before 2019. The exceptions are Corrientes and Santiago del Estero, where we collected data for 2015–2017 because the current governor's mandate ends that year.

22 In most provinces, the governor can serve no more than two consecutive terms; whenever this is the case, reelected governors are included in the analysis.

od;<sup>23</sup> acting vice-governors and interim governors are weaker political players, which makes them unlikely to initiate a reform process. These factors explain why the main sample contains 208 observations instead of the approximately 380 that would be the case if all two-year periods were included.<sup>24</sup> We then move to the *ratification* stage, examining a constituent assembly's choice between introducing reelection and keeping term limits in place (see Figure 1b). In this case, we employ a sample of 22 constituent assemblies that followed from the initiation decisions examined in the first analysis (see Table A2 in the appendix for a list).<sup>25</sup>

## Variables

In the main analysis the outcome is *Legislative initiation*, a dummy that takes the value of 1 if the provincial legislature (a) passed a law calling for a constitutional reform that (b) would have allowed the sitting governor to stand for reelection at the end of his or her term.<sup>26</sup> A total of 30 such

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23 Thus, we lose one observation that ended in a constitutional reform (Catamarca 1988, where the vice-governor did not benefit directly from the reform).

24 To understand how we constructed the sample, consider the province of Formosa. Governor Floro Bogado was term-limited throughout his term; therefore, his two biennia in office (1983–1985 and 1985–1987) are included in the sample. His successor, Vicente Joga, began his mandate with term limits, but managed to pass a constitutional reform law through the legislature in 1988; therefore, the 1987–1989 period is included in the sample, but the 1989–1991 one is not because a reform was already under way. Joga was reelected in 1991, but the constitution barred him from running again, so the 1991–1993 and 1993–1995 periods are included in the sample. Joga's successor, Gildo Insfrán, was not term-limited during his first mandate, so the corresponding periods (1995–1997 and 1997–1999) are not included in the analysis. After getting reelected in 1999, Insfrán was originally barred from running for a third term, so the 1999–2001 and 2001–2003 periods are included in the analysis. In 2003, however, unlimited reelection was adopted; therefore, since 2003–2005 all observations from Formosa have been dropped from the sample.

25 Data on the 1991 Formosan assembly is missing and in other six cases there was no constituent assembly because the legislature passed an amendment that had to be ratified directly by voters (Misiones 1988, Buenos Aires 1990, Neuquén 1994, San Juan 2011); the decision to call an assembly was rejected in a referendum (Mendoza 2001); or the governor opted not to call the assembly due to his unpopularity (Tucumán 2002).

26 That is, only reforms that passed through the provincial legislature are taken into account; cases in which the governor was able to stand for reelection due to a judicial ruling are coded as zero because governors only resort to such tactics when they are unable to muster enough legislative support.

reforms were initiated between 1983 and 2017 (see Table 1);<sup>27</sup> this exceeds the number of provinces (24) because some reform attempts ended in failure, and some provinces relaxed term limits more than once. In the second analysis, the dependent variable is *Reelection*, a dummy that takes the value of 1 if the constituent assembly introduced a clause allowing the sitting executive to run for reelection at the end of his or her term.<sup>28</sup> Approximately 80 percent of assemblies (17 of 22) allowed the governor to run for a new term.<sup>29</sup>

According to the argument, the probability of reform depends on two factors: the distribution of seats in the provincial legislature and the electoral expectations of the main opposition party. We capture the first with two dummies. *(Super)majority* takes the value of 1 if the governor's party controlled enough seats to initiate (or approve) a constitutional reform unilaterally. In the main analysis, this corresponds to a two-thirds majority in (both chambers of) the provincial legislature; in the ratification analysis, it codes whether the ruling party controlled an absolute majority of seats in the constituent assembly. *Single party veto* takes the value of 1 when the main opposition party could veto a reform by itself.<sup>30</sup> This corresponds to more than one-third of the seats in (at least one chamber of) the provincial legislature, or to half of the seats in a constituent assembly. Both variables are measured immediately after the last provincial legislative election.<sup>31</sup> When both *(Super)majority* and *Single party veto* equal zero, it means that the ruling party cannot impose a constitutional change unilaterally, but the opposition is so fragmented that no party can veto a reform by itself.<sup>32</sup> Given our theoretical argument, we define the main opposition party as the opposition party that controls the largest delegation (“*bloque*”) in the lower chamber of the provincial

27 However, only 29 such cases are included in the analysis (see fn. 23).

28 Perfect separation between the explanatory variables and the outcome precludes the use of an ordinal variable with three categories (no reelection, limited reelection, unlimited reelection): only assemblies where the governor's party controlled an absolute majority of seats introduced unlimited reelection, while the no-reelection clause was only kept in place if the governor's party lacked such a majority.

29 Data for constructing these variables comes from *La Ley Online*, a database of Argentine legislation (<www.laleyonline.com.ar/>), and several provincial legislative websites.

30 The main sources for these variables are Ministerio del Interior (2008, 2012) and Tow (2017).

31 If the *ley de lemas* was employed, we aggregate seats at the level of the party or *lema* rather than the *sublemas*.

32 Notice that *(Super)majority* = 1 implies *Single party veto* = 0, and vice versa.

legislature (or the constituent assembly, when applicable); that is, the party that was in the best position to block the incumbent's re-election drive. The main opposition party is often the runner-up in the previous gubernatorial election, although this is not necessarily the case; for example, because of midterm elections. The distribution of seats sometimes changes due to party switching, but we ignored this possibility both due to data limitations – information on official party blocs is not readily available – and because party switching may be endogenous to a governor's reform attempt(s); however, we do take into account seat changes resulting from midterm elections.

Operationalizing the expectations of the opposition is trickier because survey data is either unavailable or nonexistent for most provinces. We thus employ electoral data, under the assumption that past electoral results provide opposition leaders with information about their future electoral prospects. Thus, *Expectations* is defined as the vote share of the main opposition party in the last gubernatorial election that had taken place in the province. This variable is certainly correlated with *Single party veto*,<sup>33</sup> but the two are not equivalent: electoral rules are often biased in favor of the incumbent party (Calvo and Micozzi 2005), and the fact that several provinces hold midterm elections means that the composition of the provincial legislature is not entirely determined in years with gubernatorial elections. Indeed, Figure 2c shows that *Expectations* can vary substantially even when *Single party veto* is equal to one. In any case, in some specifications we also measure *Expectations* as the average vote share of the main opposition party in the two previous executive elections.

We also include the following controls. *Reelected governor* is a dummy that takes the value of 1 if the sitting executive was not serving her first consecutive term in office. To the extent that a third consecutive term is more difficult to defend in public than a second one, this variable should have a negative effect on the probability of reform. *National reform* is a dummy that takes the value of 1 for the 1991–1995 period; it accounts for potential contagion effects from the national constitutional reform of 1994. *National transfers* indicates the amount of revenues per capita that the province received from the national government, averaged over four years. More revenues both make the governorship more attractive and increase the governor's capacity to compensate the opposition (Gervasoni 2010). We also include a dummy indicating whether a province had a *Bicameral legislature*, which may make it more difficult to pass a constitu-

33 The correlation coefficient is 0.49, with a 95 percent C.I. of [0.38;0.59].

tional reform. Party institutionalization, partisan cultures, and the structure of party organizations can also affect the probability of reform. In particular, decentralized parties might be easier to co-opt while in opposition, but more difficult to discipline while in government (Shugart 1998; VonDoepp 2005; Negretto 2009), while weakly institutionalized parties may be more solidly unified behind the executive (Kouba 2016). Thus, we control for the identity of the *Incumbent party* and the main *Opposition party*, both of which are factors with three categories: *PJ* (*Partido Justicialista*), *UCR* (*Unión Cívica Radical*), and *Other*.<sup>34</sup> There is widespread consensus that the PJ and third parties are less institutionalized than the UCR (Levitsky 2001; De Luca, Jones, and Tula 2002).

## Specification

For the main analysis, we fit random effects probit models of the form

$$\begin{aligned} \Pr(Y_{jt} = 1) &= \Phi(\alpha_j + \beta_S \cdot S_{jt} + \beta_V \cdot V_{jt} + \beta_E \cdot E_{jt} + \beta_{VE} \cdot V_{jt} \cdot E_{jt} + \gamma \cdot C_{jt}) \\ \alpha_j &\sim N(\mu_\alpha, \sigma_\alpha^2), \end{aligned}$$

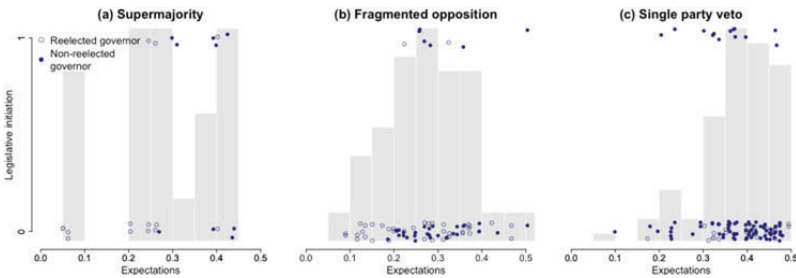
where  $\Pr(Y_{jt} = 1)$  is the probability that a constitutional reform law will be approved in province  $j$  in period  $t$ ;  $\Phi(\cdot)$  is the normal CDF;  $\alpha_j$  is a random intercept that varies by province;  $S_{jt}$  and  $V_{jt}$  stand for *Supermajority* and *Single party veto*, respectively;  $E_{jt}$  indicates the *Expectations* of the opposition; and  $C_{jt}$  is a vector of controls. The random effects account for the possibility that observations belonging to the same province may be similar to each other. The interpretation of the results follows directly from the hypotheses. The supermajority hypothesis predicts  $\beta_S > 0$ ; that is, the probability of reform should increase when the governor's party controls a supermajority of seats. According to the expectations hypothesis, a more optimistic opposition should be less likely to acquiesce to a reform, implying  $\beta_E < 0$ . Finally, the fragmented opposition hypothesis predicts  $\beta_{VE} < 0$ : when a single opposition party can veto a reform, the negative effect of *Expectations* should be larger in magnitude.

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34 These variables come from *Rulers* (2017); Tow (2017); Ministerio de Economía (2011); and Ruiz (2012).



Figure 2. Distribution of *Legislative initiation*, Conditional on the *Expectations* of the Main Opposition Party, under Different Scenarios



Note: Solid dots denote governors in their first (consecutive) term in office, while open dots indicate governors who had already been reelected.

When examining the behavior of constitutional conventions, we introduce two important differences. Since most provinces held a single constituent assembly, we get rid of the random intercepts. Furthermore, perfect separation between *Majority* and *Reelection* – all constitutional reforms in which the incumbent party controlled a majority of seats relaxed term limits – precludes the use of generalized linear models, so we fit linear probability models, which are immune to this problem.

## Results

### Initiating Constitutional Reforms

Since we are estimating a complex model with a relatively small sample, some readers might wonder whether our findings constitute a statistical artifact rather than a feature of the data. To alleviate these concerns, in Figure 2 we plot the distribution of *Legislative initiation*, conditional on *Expectations*, for each of the three scenarios considered by the argument. *Prima facie*, the data seems consistent with our hypotheses. Figure 2a shows that whenever the governor's party controls a supermajority of seats, reform is very likely. Figure 2b indicates that when the opposition is fragmented, the probability of reform does not seem to depend on *Expectations*. This runs counter to the expectations hypothesis, but many of these observations correspond to reelected governors, who might be less likely to pass a reform for other reasons. Finally, Figure 2c shows that when a single opposition party can veto a reform, *Expectations* seems negatively related to the outcome, and the relationship is not being driv-

en by observations with abnormally low values of this variable: most observations are located along the [0.20:0.50] range, but instances of initiation are overwhelmingly concentrated in the [0.20:0.40] interval.

Table 2a explores whether these patterns persist after taking into account both province effects and multiple variables simultaneously. Model 1 only includes *Supermajority*, *Single party veto*, *Expectations*, and the interaction between the last two as explanatory variables. Model 2, which is our preferred specification, adds a dummy indicating whether the governor had already been reelected. In model 3 we measure *Expectations* as the average gubernatorial vote share of the main opposition party in the last two elections held in the province.<sup>35</sup> Models 4 to 7 replicate model 2, but add controls for *National reform*, *National transfers*, *Bicameral legislature*, and the identity of the incumbent and opposition parties, respectively. In line with Figure 2, we find support for the supermajority and fragmentation hypotheses. First, the point estimates for *Supermajority* are always positive and precisely estimated. Second, and contrary to the expectations hypothesis, the point estimates for *Expectations* are positive, although the large standard errors mean that we cannot reject the claim that the actual effect might be zero. Finally, and in line with the claim that the expectations of the opposition are more relevant when a single party can veto a constitutional reform, the interaction between *Single party veto* and *Expectations* is negative and large in magnitude across all models; due to the small sample size, however, the estimates are only significant at the 0.10 level. Furthermore, the interaction term is much larger in magnitude than the estimate for *Expectations*, which indicates that when the opposition is unified the net effect of this variable is negative. This holds even if we measure *Expectations* as the average vote share of the main opposition party in the last two gubernatorial elections that took place in the province (see model 3). The controls often have the expected sign (positive for *National reform* and *National transfers*; negative for *Reelected governor* and *Bicameral legislature*), but only the point estimates for *Reelected governor* and *Bicameral legislature* are substantial in magnitude and reliably estimated.

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35 When there was a single previous election – for example, between 1983 and 1987, or when the main opposition party had just been established – we use the value of the last election only.

Table 2. Constitutional Reforms in the Argentine Provinces, 1983–2017

	(a) Outcome is <i>Legislative initiation</i> (random effects probit)			
	(1)	(2)	(3)	(4)
<i>(Super)majority</i> ( $\beta_S$ )	0.86 (0.34)	0.98 (0.36)	1.00 (0.36)	1.01 (0.36)
<i>Single party veto</i> ( $\beta_V$ )	2.08 (0.89)	1.45 (0.94)	1.42 (1.05)	1.34 (0.95)
<i>Expectations</i> ( $\beta_E$ )	3.32 (1.65)	2.04 (1.80)	2.86 (1.94)	1.79 (1.82)
<i>Veto x Expectations</i> ( $\beta_{VE}$ )	-6.19 (2.51)	-4.78 (2.65)	-4.61 (2.84)	-4.47 (2.69)
<i>Reelected governor</i>		-0.80 (0.31)	-0.81 (0.31)	-0.78 (0.31)
<i>National reform</i>				0.26 (0.31)
<i>National transfers (log)</i>				
<i>Bicameral legislature</i>				
<i>Incumbent party: PJ</i>				
<i>Incumbent party: UCR</i>				
<i>Opposition party: PJ</i>				
<i>Opposition party: UCR</i>				
<i>Intercept</i>	-2.21 (0.54)	-1.52 (0.61)	-1.84 (0.70)	-1.49 (0.61)
AIC	166.0	160.5	160.6	161.8
BIC	186.0	183.8	184.0	188.5
log-Likelihood	-77.0	-73.2	-73.3	-72.9
Deviance	154.0	146.4	146.6	145.8
num. observations	208	208	208	208
num. provinces	24	24	24	24
num. successes	29	29	29	29
Provincial variance ( $\sigma_\alpha^2$ )	0	0	0	0
Residual variance	1	1	1	1

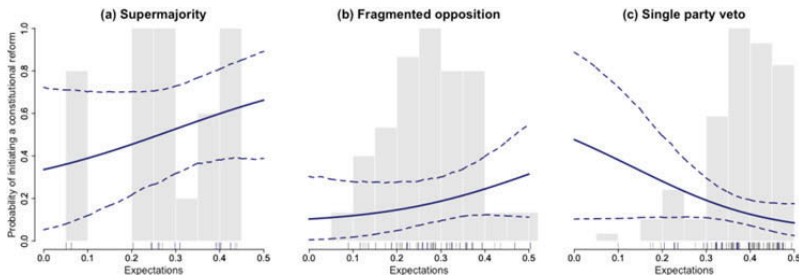
Note: Standard errors in parentheses. Panel (a): Main analysis. The outcome is

Table 2. (continued)

(a) Outcome is <i>Legislative initiation</i> (random effects probit)			(b) Outcome is <i>Reelection</i> (linear probability model)		
(5)	(6)	(7)	(8)	(9)	(10)
1.00	1.05	0.93	0.33	0.35	0.34
(0.38)	(0.36)	(0.37)	(0.17)	(0.17)	(0.18)
1.60	1.64	1.54	-0.42	0.51	0.52
(0.99)	(0.96)	(0.97)	(0.21)	(0.77)	(0.83)
1.77	1.87	2.32		0.30	0.30
(2.01)	(1.81)	(2.03)		(0.58)	(0.61)
-5.05	-5.00	-5.03		-3.52	-3.56
(2.82)	(2.69)	(2.77)		(2.85)	(3.14)
-0.74	-0.97	-0.83			0.01
(0.33)	(0.32)	(0.33)			(0.21)
0.27					
(0.27)					
	-0.59				
	(0.26)				
		0.16			
		(0.49)			
		-0.12			
		(0.45)			
		-0.17			
		(0.54)			
		-0.24			
		(0.33)			
-3.21	-1.25	-1.51	0.67	0.57	0.57
(1.93)	(0.63)	(0.72)	(0.14)	(0.23)	(0.24)
156.4	157.0	167.3	18.6	20.6	22.6
182.1	183.7	204.0	22.9	27.2	30.2
-70.2	-70.5	-72.6			
140.4	141.0	145.3			
183	208	208	22	22	22
24	24	24	17	17	17
29	29	29	18	18	18
0	0	0			
1	1	1	0.33	0.33	0.35

*Legislative initiation*. Panel (b): Constituent assembly sample; the outcome is *Reelection*.

Figure 3. Predicted Probability of Initiating a Constitutional Reform, Conditional on *Expectations*, under Different Scenarios



Note: Broken lines indicate 90 percent confidence intervals. All results based on model 2, Table 2, assuming Reelected governor = 0.

To get a sense of the magnitude of these findings, Figure 3 presents the predicted probability of initiating a reform as *Expectations* increases across its range, conditional on the opposition's capacity to veto a reform.<sup>36</sup> Figure 3a supports the claim that the effect of *Supermajority* is large in magnitude and independent of the expectations of the opposition. Although the slope of the curve is positive, the substantive effect is small: increasing *Expectations* along its interquartile range (from 0.26 to 0.41) only raises the probability of initiating a reform from 0.50 to 0.61. This is not a large effect, especially if we consider that the probability of initiating a reform was already high at the lower quartile of *Expectations*. Figure 3b indicates that if the opposition is divided, the probability of initiating a reform increases with *Expectations*, from 0.17 to 0.25 – an insignificant difference. Finally, Figure 3c shows that when a single opposition party can veto a reform, increasing *Expectations* across its interquartile range cuts the probability of initiating a reform almost in half, from 0.22 to 0.12. In other words, we go from expecting one reform every two gubernatorial terms (four two-year periods) to one every four terms.<sup>37</sup>

36 All results are based on model 2, with *Reelected governor* set to 0. Given the small sample size, we display 90 percent rather than 95 percent confidence intervals.

37 Additional analyses (available upon request) show that these results are similar when using different samples (adding vice-governors or interim governors, or restricting the analysis to governors who finished their mandate), fitting conditional logit models instead of random effects, or adding additional controls. The findings are somewhat more sensitive to other measures of the expectations of the opposition, which reflects the fact that these are less adequate measures of the underlying concept of interest: what matters is how the oppo-

## Constituent Assemblies and the Reelection Clause

Table 2b presents the results for the sample of constituent assemblies. Model 8 includes only *Majority* and *Single party veto* as predictors. Consistent with the first hypothesis, the point estimate for the first variable indicates that if the governor's party controls an absolute majority of seats in the assembly, the probability of relaxing term limits increases by 33 percentage points over the baseline probability of 0.67 – indeed, all assemblies in which the incumbent party controlled an absolute majority of seats introduced executive reelection. Conversely, the negative point estimate for *Single party veto* indicates that if a single opposition party can veto the assembly's decisions, the probability that the governor will be allowed to run for a new term decreases by 42 percentage points. The next two models examine whether the probability of introducing reelection is also driven by the *Expectations* of the opposition. This seems to be the case: as in the previous section, the point estimates for *Expectations* are positive but small in magnitude and very unreliable, while the interaction with *Single party veto* is large and negative. The estimates are somewhat imprecise, but this is to be expected given that we are including an interaction in a very small sample. Model 10 also shows that including a dummy for *Reelected governor* has no impact on the results. This is consistent with the interpretation suggested before: reelected governors might find it harder to convince the public (and the legislature) of the need to reform the constitution to run for a third term, but once this obstacle is surmounted, there is no reason why they should be less successful in a constituent assembly.

## Conclusion

This paper began by asking why some incumbent executives are able to relax term limits when the option of unilateral imposition is off the table. To answer this puzzle, we treated the process of constitutional reform as a bargaining game between a term-limited executive and one or more opposition parties. This generates two implications that the existing literature has overlooked. First, opposition parties that expect to do well in the upcoming election have more to lose if the executive runs for reelection, so they should be more inclined to keep term limits in place. Second, this effect should be stronger when a single opposition party can

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sition expects to do in the next gubernatorial election, and thus its past vote share is the most adequate proxy.

veto a constitutional reform by itself, because this prevents the executive from playing a “divide-and-rule” strategy. In line with these claims, the empirical findings show that Argentine governors were most likely to initiate a reform involving term limits when their party controlled a supermajority of seats in the provincial legislature, and least likely when a single opposition party could veto a reform *and* expected to do well in the next executive election. Although the small sample size reduces the reliability of the estimates, the magnitude of the effects is substantial: a governor whose party controls a supermajority of seats has a better-than-even chance of initiating a reform; but if an opposition party can veto a reform, increasing *Expectations* across its interquartile range decreases the probability of reform from little more than one in five to one in eight. The behavior of constituent assemblies seems to follow a similar logic, although the small sample size prevents us from reaching a more definitive conclusion.

Throughout this paper, we have focused on the relaxation of executive term limits in the Argentine provinces, but our argument can also help illuminate other processes of institutional or constitutional change. We focused on term limits both because they pose such obvious constraints on the incumbent (Baturó 2010, 2014), and because they represent a precondition for enjoying the other perks of executive office: an incumbent whose term is about to expire probably has few incentives to spend political capital to increase his or her successor’s powers. Nonetheless, the logic of the argument can easily be extended to other power-concentrating institutions, such as executive decree authority.

In terms of geographical coverage, this paper can shed light on processes of constitutional reform taking place elsewhere. As mentioned above, our argument can extend Negretto’s (2013) account of constitution-making in Latin America by making more precise predictions about the conditions that should facilitate agreements between the executive and the opposition. Similarly, our argument can help explain the origins of electoral authoritarian regimes; that is, political regimes that combine formal democratic institutions with an electoral playing field that is heavily skewed in favor of the ruling party – due to electoral fraud, say, or because the incumbent monopolizes media access. Although these regimes have received a lot of attention recently (Schedler 2006, 2013; Levitsky and Way 2002, 2010; Morse 2012; Brancati 2014), few authors have noticed that their origin often lies in the restriction of democratic competition – through a “self-coup” or the gradual erosion of political liberties – rather than in the (incomplete) liberalization of a non-electoral regime (for exceptions, see Levitsky and Way 2002, Maeda 2010, Main-

waring and Pérez-Liñán 2014, and Svulik 2015, 2017). This suggests a similar puzzle to the one that motivates this paper, i.e., how can democratically elected executives manipulate elections to such an extent that future alternation in power becomes unlikely? How can incumbents get away with large-scale fraud and other forms of undemocratic behavior in a context in which formal institutions are explicitly designed to prevent such kind of actions (Acemoglu, Robinson, and Torvik 2013)? The fact that most Argentine provinces, despite being democratic,<sup>38</sup> share important similarities with competitive authoritarian regimes – including extensive patronage networks, reactive legislatures, and a fragmented opposition – raises the possibility that similar mechanisms might be at work in both cases. Indeed, the examples of Peru in the 1990s or Venezuela after 1998 suggest that a divided and discredited opposition can play a key role in allowing incumbents to get away with power-concentrating attempts (Cameron 1998; Corrales and Penfold-Becerra 2011).

Finally, we have assumed in this paper that incumbents respect the letter of the law, in the sense that they comply with formal constitutional requirements for amending term limits. We made this assumption because our theoretical argument focuses on the relationship between the incumbent and the opposition in the legislature, and also because most constitutional reforms that took place in the Argentine provinces followed this template. However, other ways of relaxing term limits are possible: some Argentine governors managed to run for reelection thanks to a favorable ruling by the provincial Supreme Court,<sup>39</sup> a tactic that is not unheard of in other parts of the world (Maltz 2007); while in Santa Cruz in 1997, Néstor Kirchner skipped the supermajority requirement by calling a constituent assembly via a popular referendum, a move that was not permitted by the constitution (Fuentes 2000). Given that such strategies appear less costly than passing a constitutional reform through the legislature – many governors control the composition of the provincial courts, even if they lack a supermajority in the provincial legislature (Chavez 2003, 2004; Leiras, Giraudy, and Tuñón 2015) – why do

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38 With some exceptions, such as Santiago del Estero between 1995 and 2004 (see Gibson 2005), most Argentine provinces have remained democratic since 1983. Nonetheless, most authors agree that provincial politics has become less competitive since 1983 (see Calvo and Murillo 2005; Giraudy 2009; Gervasoni 2010).

39 Eduardo Angeloz (Córdoba, 1991), Jorge Escobar (San Juan, 1999) and Eduardo Fellner (Jujuy, 2003). In addition, the national Supreme Court prevented Gerardo Zamora (Santiago del Estero) from running again in 2013 after the provincial court had determined that he could stand for reelection.



incumbents not resort to them more often? And under what conditions do the opposition and the general public accept such tactics, even if grudgingly? If such strategies have some hidden costs or are only possible under certain circumstances, what are these costs? Understanding when and why incumbents, in Argentina and elsewhere, agree to follow the letter of the constitution even when they would prefer not to (Young and Posner 2007) remains a fascinating but underexplored issue for future research.

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## Appendix

**Table A1. List of Provincial Laws Mandating a Constitutional Reform in the Argentine Provinces, 1983–2017**

<b>Id</b>	<b>Province</b>	<b>Year</b>	<b>Law #</b>	<b>Modality</b>	<b>Term Limits</b>	<b>Legislative Initiation</b>
1	Buenos Aires	1989	10859	Amendment	1	1
2	Buenos Aires	1993	11488	Assembly	1	1
3	Catamarca	1988	4522	Assembly	1	1
4	Chaco	1993	3952	Assembly	1	1
5	Chubut	1987	2991	Amendment	0	0
6	Chubut	1992	3699	Amendment	0	0
7	Chubut	1993	3924	Assembly	1	1
8	Córdoba	1986	7420	Assembly	1	1
9	Córdoba	2001	8947	Assembly	0	0
10	Corrientes	1992	4593	Assembly	1	N/A*
11	Corrientes	2006	5692	Assembly	1	1
12	Entre Ríos	2007	9768	Assembly	1	0
13	Formosa	1988	783	Assembly	1	1
14	Formosa	2002	1406	Assembly	1	1
15	Jujuy	1985	4158	Assembly	1	1
16	La Pampa	1993	1523	Assembly	1	1
17	La Pampa	1998	1812	Assembly	1	1
18	La Rioja	1984	4469	Assembly	1	1
19	La Rioja	1986	4826	Amendment	0	0
20	La Rioja	1986	4863	Amendment	0	0
21	La Rioja	1996	6208	Assembly	0	0
22	La Rioja	2001	7150	Assembly	0	0
23	La Rioja	2007	8135	Amendment	1	0
24	La Rioja	2007	8183	Assembly	0	0
25	Mendoza	1985	5047	Amendment	0	0
26	Mendoza	1987	5197	Assembly	1	0
27	Mendoza	1990	5499	Amendment	0	0
28	Mendoza	1990	5557	Amendment	0	0
29	Mendoza	1997	6524	Amendment	0	0
30	Mendoza	2001	6896	Assembly	1	1
31	Mendoza	2005	7405	Amendment	0	0
32	Mendoza	2007	7405	Amendment	0	0
33	Mendoza	2010	8252	Amendment	0	0
34	Misiones	1988	2604	Amendment	1	1
35	Misiones	2000	3651	Amendment	0	0
36	Misiones	2003	3999	Amendment	0	0
37	Misiones	2003	4000	Amendment	0	0
38	Misiones	2006	4306	Assembly	1	1
39	Neuquén	1993	2039	Amendment	1	1
40	Neuquén	2003	2433	Amendment	0	0
41	Neuquén	2004	2471	Assembly	0	0
42	Río Negro	1986	2087	Assembly	1	1



<b>Id</b>	<b>Province</b>	<b>Year</b>	<b>Law #</b>	<b>Modality</b>	<b>Term Limits</b>	<b>Legislative Initiation</b>
43	Río Negro	1991	2464	Amendment	0	0
44	Salta	1984	6269	Assembly	1	1
45	Salta	1997	6955	Assembly	1	1
46	Salta	2003	7232	Assembly	1	1
47	Salta	2003	7246	Amendment	0	0
48	San Juan	1985	5419	Assembly	1	1
49	San Juan	2011	8199	Amendment	1	1
50	San Luis	1986	4702	Assembly	1	1
51	San Luis	2002	5335	Assembly	1	0
52	San Luis	2004	5761	Assembly	1	0
53	San Luis	2006	XII-0545-2006	Amendment	1	0
54	San Luis	2011	XIII-0755-2011	Amendment	0	0
55	Santa Cruz	1993	1887	Assembly	1	1
56	Santa Cruz	1998	2481	Assembly	1	0**
57	Santiago	1985	5500	Assembly	1	1
58	Santiago	1997	6377	Assembly	1	1
59	Santiago***	2002	6593	Assembly	1	1
60	Santiago	2005	6736	Assembly	1	0
61	Tucumán	1988	5903	Assembly	1	1
62	Tucumán	2002	7194	Assembly	1	1
63	Tucumán	2004	7469	Assembly	1	1

**Note:** This table lists all laws initiating a constitutional reform. **Year** indicates the year in which the provincial legislature passed the constitutional reform law mandating the reform; this may not coincide with the year in which the reform was effectively implemented. **Law #** is the law ID according to the provincial indexing system. **Modality** specifies whether the law called for the election of a constituent assembly, or established an amendment that had to be ratified via a referendum. **Term limits** indicates whether the reform in question involved term limits, while **Legislative initiation** specifies how we coded the dependent variable for the main analysis. Instances of *term limits* = 1 and *Legislative initiation* = 0 are possible if, for example, the incumbent governor at the time of the reform could not have benefited from relaxing term limits (Mendoza 1987, Entre Ríos 2007), or if the reform re-introduced term limits where they did not exist (La Rioja 2007, San Luis 2006).

(\*) The reform was adopted when a representative of the national government (*interventor federal*) who was not eligible to run for office was in charge of the governorship; thus, the corresponding two-year period is not included in the sample.

(\*\*) Coded as 0 because the constitutional reform law did not receive the support of two-thirds of provincial legislators, as specified in the provincial constitution (Fuertes 2000).

(\*\*\*) Not included in the sample because the incumbent governor could stand for reelection at the end of his/her term.

Table A2. List of Constituent Assemblies in the Argentine Provinces, 1983–2017

<b>Id</b>	<b>Province</b>	<b>Year</b>	<b>In Sample</b>	<b>Term Limits</b>	<b>Reelection (Full)</b>	<b>Reelection</b>
1	Buenos Aires	1994	1	1	Limited	1
2	Catamarca	1988	0	1	Unlimited	1
3	Chaco	1994	1	1	Limited	1
4	Chubut	1994	1	1	Limited	1
5	Córdoba	1986	1	1	Limited	1
6	Córdoba	2001	0	0	N/A	N/A
7	Corrientes	1992	0	1	not introduced	0
8	Corrientes	2007	1	1	Limited	1
9	Entre Ríos	2007	0	1	Limited	1
10	Formosa	1991*	0	1	Limited	1
11	Formosa	2003	1	1	Unlimited	1
12	Jujuy	1985	1	1	not introduced	0
13	La Pampa	1994	1	1	limited	1
14	La Pampa	1998	1	1	limited	1
15	La Rioja	1985	1	1	unlimited	1
16	La Rioja	1997	0	0	N/A	N/A
17	La Rioja	2002*	0	0	N/A	N/A
18	La Rioja	2007	0	1	limited	0**
19	Misiones	2006	1	1	not introduced	0
20	Neuquén	2005	0	0	N/A	N/A
21	Río Negro	1986	1	1	limited	1
22	Salta	1985	1	1	not introduced	0
23	Salta	1997	1	1	limited	1
24	Salta	2003	1	1	limited	1
25	San Juan	1985	1	1	limited	1
26	San Luis	1986	1	1	unlimited	1
27	Santa Cruz	1994	1	1	limited	1
28	Santa Cruz	1998	0	1	unlimited	1
29	Santiago	1985	1	1	not introduced	0
30	Santiago	1997	1	1	limited	1
31	Santiago	2002	0	1	not introduced	0
32	Santiago	2005	0	1	limited	1
33	Tucumán	1989	1	1	not introduced	0
34	Tucumán	2005	1	1	limited	1

Note: This table lists all constituent assemblies that took place in the Argentine provinces between 1983 and 2017. **Year** indicates the year in which the assembly was elected; this may not coincide with the year in which the new constitution was adopted. **In sample** indicates whether the assembly is included in the analysis reported in Table 2b. **Term limits** indicates whether the assembly could change the clause involving term limits. **Reelection (full)** specifies the term limits clause adopted by the assembly, while **Reelection** specifies the coding of the dependent variable in the analysis reported in Table 2b.

(\*) Year in which the new constitution was adopted. The exact date in which the assembly was elected is unclear.

(\*\*) Before the reform, the governor could get reelected indefinitely.

## ¿Con una Mano de la Oposición? Introduciendo la Reelección Ejecutiva en las Provincias Argentinas, 1983–2017

**Resumen:** ¿Cómo puede el oficialismo introducir la reelección ejecutiva cuando no tiene la posibilidad de imponer sus preferencias de manera unilateral? Interpretando una reforma constitucional como un juego de negociación entre un ejecutivo sin posibilidad de reelegirse y la oposición, en este artículo sostenemos que una reforma que incluya la reelección ejecutiva será más probable cuando (a) el partido de gobierno pueda cambiar la constitución unilateralmente o (b) la oposición sea pesimista sobre su desempeño electoral en el futuro; además, (c) este segundo efecto debería ser especialmente relevante cuando un único partido opositor pueda vetar una reforma constitucional, porque ello impide al ejecutivo adoptar una estrategia de “dividir para reinar.” Para evaluar este argumento, examinamos la introducción de la reelección ejecutiva en las provincias argentinas entre 1983 y 2017. En línea con las expectativas, los resultados muestran que la probabilidad de iniciar una reforma institucional es máxima cuando el partido oficialista controla una supermayoría de bancas en la legislatura provincial, pero disminuye abruptamente cuando un partido opositor puede vetar una reforma, y este partido espera tener un buen desempeño en la próxima elección para gobernador.

**Palabras clave:** Argentina, cambio institucional, cambio constitucional, reelección ejecutiva, política subnacional