

Micro Reforms to the Electoral System: The Post 2012 Municipal Election's Agenda

The implementation of the new system of automatic registration and voluntary voting in the recent municipal elections did not only turn into a great challenge for the political system, but also for the electoral institutional framework. On the whole, it was a successful implementation. However, the detected failures have opened a space for improvement, which has been correctly and rapidly led by the Executive.

In the light of the recent evidence from the municipal elections, there is no doubt that the implementation of automatic registration and voluntary voting considerably increased the electoral uncertainty. Beyond this truly political *big bang*, an interesting technical debate has started regarding two types of upgrading to our voting system for 2013: giving more powers to the Electoral Service (Servel) to improve the organization of the voting process, and reducing the costs of civic participation in the electoral process (including Chileans living abroad).

In the first place, the government announced that it will submit at the Congress, refinements to the Servel's competences related to certain failures detected in the last municipal elections; for example, improving the capacity of managing the location and composition of the electoral polling stations or improving the electoral register.

Second, from the perspective of reducing the costs of civic participation, the incorporation of advance polling or early voting is being analyzed. Electronic voting or e-voting has also been mentioned in the debate, but with much less consensus. In the same direction, although with much controversy about the "link" requirement, we have the electoral entitlement for Chileans living abroad.

Therefore, beyond the existence of a rich agenda of macro political reforms, for example, a new law for political parties or modifications to the parliamentary electoral system, there is a necessary short-run micro

agenda that complements the introduction of voluntary voting and which is convenient to analyze in more detail.

Improvements to the Electoral “Logistics”

A first “pack” of reforms aims at modifying the Law Nr 18,700 on Popular Elections and Vote Counting in order to strengthen and upgrade certain mechanisms of the electoral process, as a result of some failures detected in the last municipal election. Although they are only announcements, which mean that they have yet to be materialized in the respective bill, they point in the right direction.

Among the reforms, the government seeks to give greater powers to the Serval so that it may, for example, merge polling stations, inasmuch as the sum of the new polling stations does not exceed the maximum number of electors. Therefore, the purpose is to avoid both overcrowded polling stations and those with an expected low participation and excessive costs (a polling station where no more than 10 people are expected to vote). In this scenario, more competences have been announced regarding the location of voting centers, which are mainly focused on public security logics instead of considering the higher concentration of voters. This means taking into account, for example, private facilities such as schools and stadiums or public-use goods like squares or parks that fulfill certain special features like size and location.

On the other hand, the aim is to improve the task of poll clerks by creating a much more intensive training system. This also includes a higher number of poll clerks who are performing as such for the first time; in the past municipal elections, more than 80,000 poll clerks were nominated, reaching figures close to 200,000 citizens who performed this function. The changes would aim at increasing the number of members of the count centers, and ensure that there are enough replacements to guarantee its operation and refine the grounds for nullity of an election.

Finally, the government will propose modifications to the composition of the electoral register to avoid its being “stained” with dead people.

Reduction of Voting Costs

As we anticipated above, three proposals are currently being analyzed to reduce the costs of participating in the electoral process: early voting, e-voting and vote for Chileans abroad. Although there is no consensus whatsoever, it is interesting to note that the post-municipal scenario has started to include new discussions –or rather revive old ones – on this matter.

Thus, in the first place there is the idea of introducing early voting, a matter on which the government will present a proposal.

When implementing this type of reforms, we should consider that decision-makers usually argue that the main purpose of introducing early voting is to maximize participation, as a consequence of reducing temporary barriers for voting.ⁱ Probably, the premise underlying this kind of practices is the following: from an institutional approach, when rising or reducing the voting cost, the electoral institutions and rules directly affect the voters' probability of participation.ⁱⁱ

The political science literature has dealt with the early voting issue mainly from the point of view of the incentives for electoral participation. However, the belief that early voting should considerably increase civic participation levels is shaded by evidence. It is important to warn about this, especially if political stakeholders generate too many expectations.

On the one hand, there is evidence in the literature which indicates that in countries adopting measures tending to facilitate voting, by means of the vote by mail or early voting, electoral participation is around 10% higher in relation to countries that do not apply these mechanisms.ⁱⁱⁱ On the other hand, there is evidence suggesting that early voting increases electoral participation in a marginal way only^{iv}, mainly because those who are likely to respond to the incentive of voting earlier are those who have a marked and intense identification with a political party.^v From this perspective, voters who respond to the early voting incentive are older voters with a clear interest in politics. Therefore, the effect in terms of abstention is likely to be much delimited.

Likewise, there is literature maintaining that only the vote by mail (unlike early voting) is the corrective measure for the time/space barrier, which has a statistically relevant impact on participation.^{vi} Along the same line, Neely and Richardson^{vii} pose the question if maybe early voting is convenient only for those voters who would have participated anyway in the absence of this kind of system, or whether this system fosters the participation of people who usually do not vote. By means of quantitative evidence, the authors demonstrate that the theory of convenience for the traditional electorate imposes itself above the thesis of "electoral impulse".

Finally, it is important to consider that implementing the early voting system requires the coordination and standardization of complex processes, which can have a direct influence on the confidence of the election process. Consequently, it is desirable and expectable that the Executive's general outlines define the existence of an early voting setting up period, which can oscillate between 20 and 15 days prior to the election, ending 5 days before the election day, so that it is possible to update registers and eliminate voters who already voted, thus defining in the registers who voted in advance. In relation to the polling station availability, the best is to rely on places with good accessibility operating in all the regions of the country. Finally, the Electoral Regional Court shall be the organism in charge of

watching over the transparency of the process and protecting the ballot boxes until its due counting.

Moreover, the analysis of the e-vote incorporation has also been proposed. The Servel's Director himself has recently maintained its technological feasibility.^{viii} As we have said in previous publications, increasing the role of technology in our electoral system has a series of benefits; for example, reducing the number of poll clerks, party representatives, making the vote counting faster and more reliable, reducing the effective voting time, among others.^{ix}

By electronic voting we refer to changing the voting procedure from a manual to a digital system, going from the traditional polling station and ballot paper to a system that records the voter's decision on a magnetic medium. In this procedure, people vote in electronic machines that record their ballot, from a specific place (such as the current polling stations), and a paper trail is printed for future auditing and to give confidence to the voter. Cases of international compared policies using this method in our continent are Brazil, the United States and Venezuela.

The main requirements for electronic voting, considering its complete fulfillment, is authentication (only authorized voters can vote), reliability (no fraudulent alteration of the ballot results), veracity of the ballot (possibility of proving the fraud), the anonymity of the person who is voting, the impossibility of coercion, so that voters are not able to demonstrate how they have voted, individual verification and neutrality.^x

This system has some advantages, such as a ballot screen to identify the voter, which can be associated to an image, having a Braille or sound system for blind people; it is faster because there is no need to fold the paper, sign and put the ballot in the box, it allows reducing errors for the unintended null votes, results are known online and facilitates the work of the polling station presiding officers, who must not deliberate in case of objected votes.

The following should be taken into account: the cost associated to the installation, considering its use in the number of elections in the country, in addition to adaptability for citizens who are not very familiar with technology, and that could generate a certain rejection or difficulty to vote, which is also one of the main criticisms of these systems.^{xi}

Likewise, the version of remote e-voting, either through the Internet or other means, produces much uncertainty and less confidence among citizens, in spite of the cryptography's progress, computer security and the experience derived from the number of electronic transfers and digital signatures in our country.

Voting of Chileans Living Abroad

The actions aimed at giving a solution to the political inclusion of Chileans living abroad has been a trend in the last decades, in the context of modernizing political systems and improving democracies in the world. Currently, there are 111 countries and territories that rely on provisions that allow voting from abroad.^{xii} In the light of such evident phenomena as the increase of Chileans who emigrate in search for better opportunities and further education, as a result of globalization, it is legitimate to raise the concern regarding their political participation, through the vote, considering that 857,781 Chileans are living in foreign countries.^{xiii}

From an historical point of view, the first known experience of voting abroad goes back to 1862, when Wisconsin became the first Union State to approve provisions allowing the so-called “absentee voting” of the Union’s army soldiers during the American Civil War.^{xiv}

Although in Chile there is no consensus regarding the vote’s constitutional statute of Chileans living abroad –if a constitutional reform is needed or not to expressly enact this vote -, the main controversy on this matter is about the link requirements to the country.

In this perspective, and considering the compared experience used by consolidated democracies (see Table 1), the Executive has set forth a formula for the link requirement to the origin country, focusing the issue on the involvement with the national situation. The former point is difficult for countries like Chile, which report a great number of fellow-citizens, who emigrated abroad due to the exile; in this regard, the Executive’s bill excuses the exiled national population from the link requirement. However, there are views with a nuance concerning these restrictions, saying that a link is created not only by living or visiting the national territory, but that there are alternative ways of having links to the country, such as family links by the delivery of money, tax payment for businesses or economic activities developed in the origin country and other links that should be considered.

Table 1

TIME LIMIT REQUIREMENTS FOR VOTING FROM ABROAD

Country	Time limit requirements for voting from abroad
Germany	Maximum 10 years living abroad
Australia	Maximum 6 years living abroad, with extension possibility if required
Canada	Maximum 5 years living abroad, since the last stay in Canada
New Zealand	Maximum 3 years living abroad
United Kingdom	Maximum 15 years living abroad
Sweden	Maximum 10 years living abroad, with extension possibility if required

Source: Prepared by L&D based on Green (2007).^{xv}

As for the type of elections that are liable to be voted by fellow-citizens abroad, there is diverse compared experience. Among the most renowned countries are the United States, Spain and New Zealand, with voting of fellow-citizens abroad for national and local elections and referendums; Canada, Peru and Puerto Rico with voting of fellow-citizens abroad for national elections and referendums; and Brazil, Argentina and Germany with voting of fellow-citizens abroad for national elections only.

In the case of Chile, the bill should embrace voting for Chileans living abroad for national elections and plebiscites. However, there have been previous bills and modifications to bills that incorporated voting in national and local elections and referendums.^{xvi}

In relation to the voting procedure, most countries have chosen the face-to-face voting formula at the embassies (Latin American countries) and vote by mail (most OECD countries). The first formula gives greater transparency to the process, the problem is that diplomatic bodies have to act as officials of the corresponding electoral service^{xvii}, or else, it is possible to carry out the counting of votes by sending officials and representatives of each candidate to each country, but the associated costs are very expensive. The formula being studied for Chile envisages that professional diplomatic officials carry out the process. It calls our attention that the system of vote by mail has not been proposed, which considerably reduces costs, although it creates a time-lag between the voting process and vote counting.

Conclusion

The implementation of the new system of automatic registration and voluntary voting in the recent municipal elections did not only turn into a

great challenge for the political system, but also for the electoral institutional framework. On the whole, it was a successful implementation. However, the detected failures have opened a space for improvement, which has been correctly and rapidly led by the Executive.

Improvements to the Law Nr 18,700, and the inclusion of early voting and allowing Chilean living abroad to vote, are positive reforms aiming at increasing and facilitating the electoral participation, and demonstrating that Chile relies on a solid electoral institutional framework.

In brief...

PENDING DEMOCRATIC REFORMS:

- The government's agenda has introduced considerable changes for enhancing the democratic processes, by incorporating all Chileans over 18 years old to the electoral register.
- There are still many pending reforms aiming at facilitating the voting methods, and measures like early voting, e-voting and voting of Chileans living abroad play an important role in the improvement of our democratic system.
- It is expected that the Executive sends amendments to the law Nr 18,700 on Popular Elections and Vote Counting, taking into account the mentioned proposals and strengthening the powers and capacities of the Servel.

ⁱ Gronke, Paul; Galanes-Rosebaum & Miller, Peter. "Early Voting and Turnout". In Political Science & Politics. Nr 40, 2007, p. 639-645.

ⁱⁱ Boix, Carles & Riba, Clara. "Las bases sociales y políticas de la abstención en las elecciones generales españolas: Recursos individuales, movilización estratégica e instituciones electorales", 2000. In Revista Española de Investigaciones Sociológicas, Nr 90, p. 95-128.

ⁱⁱⁱ Blais, André, Massicotte, Louis & Dobrzynska. "Why is Turnout Higher in Some Countries than in Others?" 2003. In Work Document for the Government of Canada www.elections.ca

^{iv} Neeley, Grant W & Richardson, Lilliard. "Who is Early Voting? An Individual Level Examination, 2001. In The Social Science Journal. Vol. 38, Nr 3, p. 381-392.

^v Stein, Robert M. "Introduction: Early Voting", 1998. In The Public Opinion Quarterly. Vol. 62, Nr 1, p.57-69.

^{vi} See Gronke et al, op. Cit.

^{vii} See Neeley & Richardson, op. Cit.

^{viii} <http://www.emol.com/noticias/nacional/2012/10/26/566522/director-del-servicio-electoral-habla-de-voto-electronico.html>

^{ix} Guzmán, Eugenio. Political Report Series Nr 46: "Modernización del sistema electoral: El voto electrónico", 1997.

^x Aleuy, Mahmud. *Modernización del Régimen Electoral*, UNDP, 2010.

^{xi} García, Juan Ignacio. *Modernización del Régimen Electoral*, UNDP, 2010

^{xii} Navarro, Carlos; Morales, Isabel & Gratschew, María. Voting from Abroad: International IDEA Manual. International IDEA & IFE Mexico, 2007.

^{xiii} INE & DICEOEX (National Statistics Institute and Direction for the Chilean Community Abroad). Register of Chileans abroad, where do they live, how many are they and what do Chileans do abroad (online), Santiago of Chile, 2005 http://www.gobiernodechile.cl/chilenos_exterior/registro_chilenos_exterior.pdf

^{xiv} Ellis, Andrew. "Historia y política del voto en el extranjero". In Voting from Abroad: International IDEA Manual. International IDEA & IFE Mexico, 2007, p. 50.

^{xv} Green, Phil. "Requisitos para votar". In Voting from Abroad: International IDEA Manual. International IDEA & IFE Mexico, 2007.

^{xvi} Bulletin Nr 3936-06.

^{xvii} García, Juan Ignacio. "Hacia una participación electoral de mayor calidad". In *Modernización del régimen electoral chileno*. Ediciones CEP, CIEPLAN, Libertad & Desarrollo and Proyectamérica, 2007.