

PROYECTO
BASE.

RE-ELECTION IN AMERICA

PROYECTO BASE 2020



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RE-ELECTION IN AMERICA

Since the 1990s, the rupture with one of the most important legacies of the transition to democracy in Latin America has become more evident: the rule of alternation of power. (Penfold, Corrales and Hernández: 2014)

Modifying the limitations of presidential terms has become a trend, resulting in some cases in the extension of a single additional period, while in others, a president has reached the indefinite re-election. (Penfold et al.: 2014)

From Proyecto Base, an analysis of the changes in re-election systems in the Americas will be carried out, with the aim of elucidating this process and its fundamental aspects.

TYPES OF RE-ELECTION

According to Penfold et al. (2014)

- **Prohibited re-election:** anyone who has held the office of President may not exercise it again.
- **Delayed re-election:** a person who has served as President must wait a certain period of time before running again. Delayed re-election may be limited to a number of terms for which the president may be re-elected, or it may be unlimited.
- **Immediate re-election:** anyone who has held the office of President may be immediately re-elected for a limited number of terms.
- **Indefinite re-election:** anyone who has held the office of President may be re-elected indefinitely.

ARGUMENTS IN FAVOR AND AGAINST RE-ELECTION

In favor:

- The desire to remain in power motivates the president to listen to the needs of the citizens to continue to have their support. (Welsch, 2007).
- The president needs a first term to adapt to the position and in the second term he can carry out his plans. (Welsch: 2007)
- Re-election does not eliminate the possibility of another group taking over power. (Welsch: 2007)
- If there is no re-election, a new leader must rise every 4-6 years to replace the President. (Serrafero cites Linz: 2016)
- The Presidents that rule well must be rewarded and a good President should not be wasted. (Serrafero cites Sartori: 2016)
- It can be allowed in countries where there are strong institutions to avoid the manipulation of the President-in-Office. (Serrafero cites Mainwaring y Shugart: 2016)

Against:

- If the President loses the support of the voters, it is more difficult to change him (unlike in parliamentary systems), since an interruption of government can lead to a crisis in the system. (Welsch: 2007)
- Long term projects can be continued by successors from the same party. (Welsch: 2007)
- The President may have advantages over other presidential candidates, so the elections are not competitive. (Welsch: 2007; Serrafero: 2016; Penfold et al.: 2014)
- The longer a citizen stays in power, the greater the chances of nepotism and corruption. (Welsch: 2007)
- The year before the end of the term, the President seeking re-election is campaigning for elections, while if there is no possible re-election, the President is working. (Serrafero cites Sartori: 2016)

With the constitutional reform of 1949, during the first term of Juan Domingo Perón, indefinite reelection was introduced, however, it was repealed in 1957 with the overthrow of the President, being prohibited. Consecutive re-election for a single term is promoted in 1994 with the Menem government.

Macri is the first former Argentine President not to be re-elected and he is also the first non-Peronist or radical President to complete his term.



ARGENTINA

Type of re-election: Immediate re-election for a second term.

Duration of the presidential term: 4 years.

Legislation in force: The President and the Vice-president may be re-elected or succeed each other for a single consecutive term.

In the Constitution: Article 90 of the 1853 Constitution (amended in 1994).

Bolivia's 2009 Constitution mentions that the President governs for five years and can be re-elected only once on a continuous basis. However, Evo Morales in 2009 (finishing his first term) presented a new Constitution draft that was approved with 60% of the votes, reforming the Bolivian State and making it the "Bolivian Plurinational State". In that same year, Morales won the reelection with 64% of the votes.



BOLIVIA

Type of re-election: Immediate re-election for a second term.

Duration of the presidential term: 5 years.

Legislation in force: The term of office of the President and the Vice-president is five years, and they may be re-elected for a single time on a continuous basis.

In the Constitution: Article 168 of the 2009 Constitution.



A military dictatorship was established in Brazil between 1964 and 1985. This regime came to power after a coup occurred under the presidency of João Goulart and was institutionalized in 1967 by establishing a bureaucratic-authoritarian state, in which the President was elected by the National Congress and held excessive powers. In addition, during this period all the presidents appointed belonged to the National Alliance of Renewal (ARENA), which was created in 1965. With the 1988 Constitution, the restoration of democracy in Brazil begins.

BRAZIL

Type of re-election: Immediate re-election for a second term.

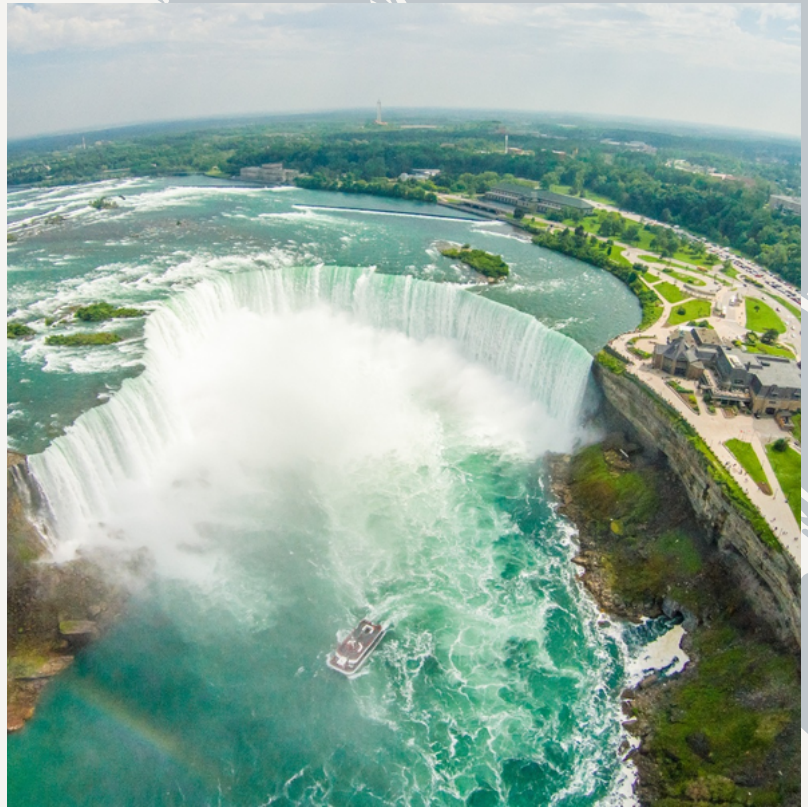
Duration of the presidential term: 4 years.

Legislation in force: The candidate who has obtained an absolute majority of the votes shall be elected as President of the Republic.

In the Constitution: Article 82 of the 1988 Constitution.



In Canada, due to its parliamentary system, the re-election of the Prime Minister is less problematic for democracy as it is easier to dismiss him, unlike the President in a presidential system. There are greater checks and balances for the power that the Prime Minister holds, who is subject to a vote of confidence by the Parliament that may be revoked if he does not fulfill his functions satisfactorily.



CANADA

Type of re-election: The Prime Minister is the party leader who obtains the majority of votes in the elections.

Duration of the presidential term: 4 years.

Legislation in force: The Governor-General represents the Crown, that is, Queen Elizabeth II in Canada, and is responsible for electing the Prime Minister. However, by convention, in Canada "the Prime Minister is usually the leader of the party that won the most seats in the House of Commons after a general election"

In the Constitution: Section 91 of the Constitutional Act of 1867.



A reform was carried out in 2015, according to which, whoever has held the office of President will not be able to exercise it again. Prior to this, immediate re-election was allowed due to the legislative act carried out by Álvaro Uribe in 2004, thus succeeding in continuing his mandate for another presidential term.

Rafael Reyes Prieto (1904-1907) and Gustavo Rojas Pinilla (1953-1957) ruled dictatorially in Colombia; they both closed democratic institutions and created the conditions for them to be given extraordinary powers.

COLOMBIA

Type of re-election: Prohibition of re-election.

Duration of the presidential term: 4 years.

Legislation in force: The President is elected for a four-year term upon obtaining half plus one of the votes cast secretly and directly.

In the Constitution: Article 197 of the 1991 Constitution.



The 1917 Constitution established that a President could be re-elected as long as it was not for an immediate term. It was promulgated by Federico Tinoco, who ruled dictatorially between 1917 and 1919. An amendment was made in 1969 to prohibit re-election, however, this reform was annulled in 2003, allowing the re-election of Oscar Arias for a second term.



COSTA RICA

Type of re-election: Delayed re-election.

Duration of the presidential term: 4 years.

Legislation in force: The president is elected obtaining the majority of votes exceeding 40% of the total number of valid votes.

In the Constitution: Article 134 of the 1949 Constitution.



The 1959 Basic Law (Ley Fundamental), promulgated with the arrival of Fidel Castro, Raúl Castro and Che Guevara, gave the Prime Minister more powers. It was then reformed in 1976, in which the role of Prime Minister would become the President of the Council of State and he would be "the head of State and head of Government". The President of the Council of State would be appointed by the National Assembly. The changes made since 1959 allowed Fidel Castro to play the role of Prime Minister from that year until 1976.

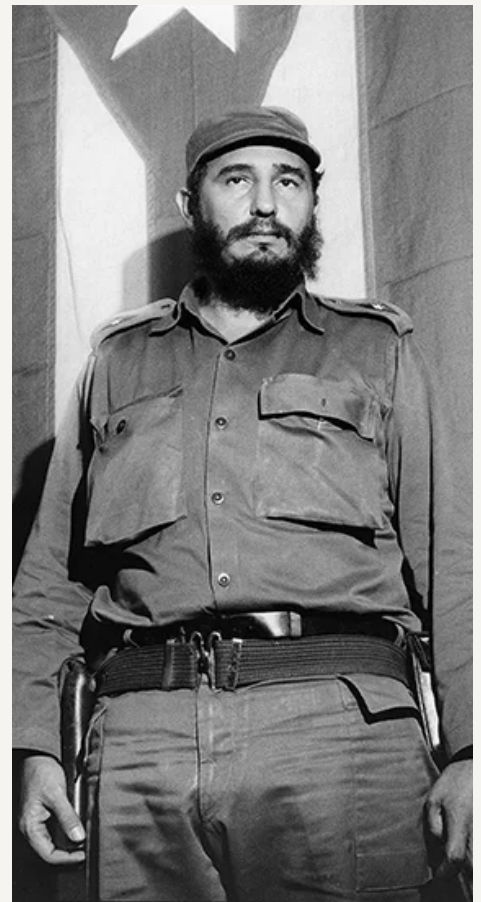
CUBA

Type of re-election: Immediate for a second term.

Duration of the presidential term: 5 years.

Legislation in force: The President is elected by the National Assembly from among its deputies. He may be re-elected for a second immediate term. After his second term he may not run for the office again.

In the Constitution: Article 126 of the 2019 Constitution.



After the dictatorship of Pinochet (1973-1990), the Constitution promulgated in 1980 remained in force, which established a not immediate re-election, achieving the exit of Pinochet from power in 1988 after a plebiscite. In 2005, the presidential term was reduced to four years and the possibility of a single, non-consecutive re-election was presented, creating a unique political alternation in the Continent where Michelle Bachelet and Sebastián Piñera exchange power every presidential term since 2006.



CHILE

Type of re-election: Delayed re-election.

Duration of the presidential term: 4 years.

Legislation in force: The President shall hold office for a term of four years only and shall not be eligible for re-election for the following term.

In the Constitution: Article 25 of the 1980 Constitution.



Ecuador is a country with a history of unstable governments, many presidents were overthrown with coups and then sought to institutionalize their mandate through constitutional reforms.

ECUADOR

Type of re-election: Immediate re-election for a second term.

Duration of the presidential term: 4 years.

Legislation in force: Anyone who has held the office of President may reapply again only for a single period.

In the Constitution: Article 144 of the 2008 Constitution.



One important precedent in El Salvador's history is the dynastic government of the Meléndez-Quiñonez family, which lasted from 1914 to 1928; it was a succession of presidential periods held by members of the same family. At first the presidency alternated between Carlos Meléndez and his brother-in-law Alfonso Quiñonez, then the presidency remained in the hands of Carlos' brother, Jorge Meléndez until 1923 and finally, the presidency was put in the hands of the Meléndez family physician who would end the dynasty.



EL SALVADOR

Type of re-election: Delayed re-election.

Duration of the presidential term: 5 years.

Legislation in force: The vote shall be free, direct, egalitarian and secret. To be elected, the candidate must obtain 50% plus one of the total votes. The presidential term is five years; it begins and ends on the first of June.

In the Constitution: Article 152 of the 1983 Constitution.



The re-election method implemented in the United States was a product of an informal rule established after George Washington ruled for two consecutive terms (1789 - 1797), and could not compete for a third term because of illness and due to the fact that he did not leave any dynasty, since he had no children. He was the first to propose that re-election should be limited and that candidates should be freely chosen by citizens.

UNITED STATES

Type of re-election: Immediate for another presidential term.

Duration of the presidential term: 4 years.

Legislation in force: The president may be re-elected for a second immediate term. After his second term of office he cannot return to office.

In the Constitution: Article 21 amendment to the Constitution of 1787.



Reelection is limited due to the history of the Guatemalan government, some presidents remained in power for long periods of time, thus undermining democracy. As an example, Manuel Estrada ruled from 1898 to 1920 thanks to what is thought to have been fraudulent elections, and Enrique Peralta, a military man who ruled from 1931 to 1966 and dissolved many democratic institutions in Guatemala.



GUATEMALA

Type of re-election: Prohibition of re-election.

Duration of the presidential term: 4 years.

Legislation in force: The President of the Republic is elected by the people for a term of four years by universal and secret suffrage.

In the Constitution: Article 184 of the 1985 Constitution



Since 1982, presidential re-election had been prohibited and even, according to the Constitution of that year, anyone who proposed a reform to change that limitation would be removed from office and would be disqualified for 10 years.

However, in 2015, the Constitutional Chamber declared that article not applicable to President Juan Hernández, and the Electoral Tribunal approved his candidacy for the 2017 elections. The decision of the Constitutional Chamber has been described as "illegal" by lawyers and the opposition.

HONDURAS

Type of re-election: Prohibited.

Duration of the presidential term: 4 years.

Legislation in force: The executive branch in Honduras, conformed by the President of the Republic and three presidential appointees, is elected directly by the people by a simple majority of votes.

In the Constitution: Article 237 of the 1982 Constitution.



The perfect dictatorship

This was the name given to the period between 1930 and 2000, in which only members of the Institutional Revolutionary Party (PRI) ruled the country. Despite the fact that the PRI exercised its control in different spheres and its authoritarian features have been pointed out, many Mexicans had nationalist feelings linked to this party, so no other party managed to even compete with the PRI in the elections.



MEXICO

Type of re-election: Prohibited.

Duration of the presidential term: 6 years.

Legislation in force: Anyone who has held the office of President of the Republic may not, under any circumstances, exercise it again.

In the Constitution: Article 83 of the 1917 Constitution.





In Nicaragua, a family ruled dynastically from 1934 to 1979, the Somoza's ruled during some presidential terms and exercised control and influence over other presidents. While the Somoza's ruled, the 1974 Constitution, stated that the only restriction imposed was that someone who had been President during any time in the last six months of the previous period could not be elected.

NICARAGUA

Type of re-election: Immediate for a second term.

Duration of the presidential term: 5 years.

Legislation in force: The election of the President and Vice-president of the Republic is carried out through universal, equal, direct, free and secret suffrage. Those who obtain the relative majority of votes shall be elected.

In the Constitution: Article 147 of the 2014 Constitution.



In Panama re-election has been limited since the first Constitution as a Republic, drafted in 1904.

Panama saw some undemocratic governments such as the period with the Junta Militar, which ruled from 1968 to 1983 after a coup; and the government of Manuel Noriega, between 1983 and 1989, who comes to power also through a coup and was removed militarily by the United States.



PANAMA

Type of re-election: Delayed re-election.

Duration of the presidential term: 5 years.

Legislation in force: an individual who has been elected President or Vice-president may not be re-elected to the same office for the next two presidential terms.

In the Constitution: Article 178 of the 1972 Constitution.



Although the Paraguayan Constitution, after the experience of Alfred Stroessner's military government, does not permit re-election in any case, in 2017 a proposal was presented to the Congress to amend the Constitution and allow the re-election of conservative President Horacio Cartes. In a legislative process without the presence of a large number of legislators and the President of the Senate, the reform bill was approved. This started a wave of violent protests, claiming that promoting this would only weaken Paraguayan institutions.

PARAGUAY

Type of re-election: Prohibited.

Duration of the presidential term: 5 years.

Legislation in force: The term of office of the President of the Republic and the term of office of the Vice-president shall be five years. They may not be re-elected under any circumstances.

In the Constitution: Article 229 of the 1992 Constitution.



Because of the original version of the 1993 Constitution, written during Fujimori's government (1990 - 2000), he managed to be re-elected for three presidential terms. However, at the start of his third term in 2000, Fujimori resigned due to corruption and fraud scandals. He was exiled to Japan and some time later, he was extradited from Chile after travelling to this country from Tokyo, and in Peru he was put on trial for several crimes. The Fujimori government deeply marked the Peruvian people because of the continuous violation of human rights that characterized it.



PERU

Type of re-election: Delayed re-election.

Duration of the presidential term: 5 years.

Legislation in force: The presidential term is five years, there is no immediate re-election. After at least another constitutional period, the former president may reapply.

In the Constitution: Article 112 of the 1993 Constitution.



Re-election was prohibited in the 1963 Constitution, years after the dictatorial government of Rafael Trujillo, who was President in 1930-1938 and 1942-1952. It is believed that he also ruled indirectly in the periods: 1938-1942 and 1952-1960 through other presidents who obeyed him; the entire period of his government is called the "Trujillo Era". In 1963 the Constitution was reformed to allow immediate re-election, benefiting Joaquín Balaguer who ruled for 12 years.

DOMINICAN REPUBLIC

Type of re-election: Immediate re-election for a second term.

Duration of the presidential term: 4 years.

Legislation in force: A person who has already served as President may be re-elected only for the immediate consecutive term. After that, he cannot return to office.

In the Constitution: Article 124 of the 2015 Constitution.



Elected democratically in 1971, Juan María Bordaberry dissolved the Congress in 1973 setting up the civil-military dictatorship that would extend until 1985 creating a Council of State with legislative functions, administrative control and with a mandate "to plan a constitutional reform that reaffirms the republican-democratic principles". It also restricted freedom of thought and empowered the Armed Forces and the Police to ensure the uninterrupted delivery of public services.



URUGUAY

Type of re-election: Delayed re-election.

Duration of the presidential term: 5 years.

Legislation in force: The term of office of the President and the Vice-president shall be five years and five years must pass for a President to resume his government.

In the Constitution: Article 152 of the 1967 Constitution.



The 1999 Constitution states that the President can be re-elected immediately and only once for a new presidential term, however, a reform was carried out in 2009, which allowed the indefinite re-election of any elected position benefiting President Chávez. Like in other Latin American countries, Venezuela has a history of military dictatorships: Juan Vicente Gómez, who ruled between 1908 and 1935, and Marcos Pérez Jiménez, who held office between 1952 and 1958.

VENEZUELA

Type of re-election: Indefinite re-election.

Duration of the presidential term: 6 years.

Legislation in force: The President is elected through a universal, direct and secret ballot. Whoever obtains the majority of valid votes shall be elected.

In the Constitution: Article 230 of the 1999 Constitution.



SPECIAL CASES

BOLIVIA

Evo Morales alters the State to stay in power

Evo Morales ruled for three consecutive terms, for this purpose **the Constitution was amended** in 2008, claiming that his first term had been fulfilled under another Constitution and that it did not count within the two allowed periods. In 2016 Morales held a referendum asking the citizens if they would agree to a fourth mandate, to which the answer was No. However, in 2019 despite constitutional limitations, **the Tribunal approved his candidacy** and **he won in an election that was branded as fraudulent**. This generated a wave of protests that caused Morales to resign.

NICARAGUA

Daniel Ortega uses the Supreme Court and the Constitution to rule indefinitely

Daniel Ortega currently **governs his fourth term**, after **the Supreme Court allowed his candidacy for a third term** and **the parliament approved his indefinite reelection** in 2014. The reform was won with a majority of votes from the Frente Sandinista party, which is led by Ortega. Within the changes **more powers were given to the President**. He can now make decrees with the nature of laws.

VENEZUELA

How Chávez used democracy to rule without limits

Hugo Chávez ruled for three full presidential terms, the first began in 1999 under the 1961 Constitution. Later on **Chávez promoted a new Constitution** and pointed out that the first years could not be taken into account as part of his period because they passed under the previous Constitution.

Then he was re-elected for the period 2007-2013. In 2009 he launched a constitutional referendum, which established **the indefinite re-election** in the country for all popular positions. Chávez was re-elected for the period 2013 - 2019 which remains unfinished since he died shortly after winning the presidency.

CONCLUSIONS

- Presidential re-election can be used to perpetuate power, especially in countries with weak institutions. Because of their historical background, people in Latin America are attracted to personalism and populism.
- Some of the presidents who have opted for re-election have succeeded as a result of a profound change in the State driven by themselves in order to perpetuate their own government.
- Indefinite reelection is harmful to democracy, the countries of Latin America implementing it are the same ones that have seen their democratic systems collapse.

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