

HEMISPHERE FOCUS

May 25, 2011

Argentina's 2011 Presidential and Congressional Elections

Carlos M. Regúnaga

Argentina will hold presidential and congressional elections on October 23. The same day, local elections will take place in select provinces; other local races have already taken place or will be held on other dates. Overall, this election cycle will determine the direction of the country for the next four years and likely serve as a referendum on the presidency of Cristina Fernández de Kirchner.

National Parties and Alliances

The Argentine political system is complex, with a large number of parties and unstable coalitions. Perhaps the clearest example of how fragile alliances can be is the position of Vice President Julio Cobos. He was elected with President Cristina Kirchner in 2007 on a ticket supported by the *Partido Justicialista* (also known as Peronista), the *Frente para la Victoria* (a movement created by former president Néstor Kirchner to attract non-Peronist voters who sympathized with many of his policies), and the *Concertación Plural de Radicals*, who, led by Cobos, joined the government coalition. By mid-2008, this alliance had broken apart and Cobos had become the Kirchners' most ardent adversary.

Both the *Partido Justicialista* and the *Unión Cívica Radical*, the two parties that have won all presidential elections since 1946, are divided into two or more factions that may or may not form coalitions for the coming elections. And this year a new congressional act, which determines that all candidates must be elected in a single, simultaneous, nationwide, open primary, will be applied for the first time. This means that candidates will not be officially known until after August 14.

Nevertheless, the government coalition, formed by the *Partido Justicialista* in most provinces and the *Frente para la Victoria*, most probably will register a ticket. Although she has not yet announced her candidacy, the most likely candidate is the incumbent president, Cristina Fernández de Kirchner.

A second coalition may be formed around the dissident or "Federal" Peronists, who control the party machinery in several provinces. Presidential hopefuls within this coalition include former president Eduardo Duhalde; the former governor of Buenos Aires, Felipe Solá; and the governor of San Luis, Alberto Rodríguez Saá. A non-Peronist who could

have been the presidential candidate of this alliance is the chief of government of the city of Buenos Aires, Mauricio Macri, but he chose to run for reelection.

The third player in the presidential game should be what has been called the "*Pan Radicalismo*"—a coalition of all factions of the old *Unión Cívica Radical* and other center-left forces like the *Partido Socialista*. The Radical nominee for the presidency is Congressman Ricardo Alfonsín. The Socialist governor of Santa Fe, Hermes Binner, could complete the ticket, accompanying a Radical candidate for the presidency. Should an agreement be reached between the *Unión Cívica Radical* and the Federal Peronists, an alternative candidate for vice president would surge from this movement.

Two candidates who have remained out of these negotiations are Elisa Carrió of the *Coalición Cívica* and Fernando Pino Solanas of *Proyecto Sur*.

The *Frente para la Victoria's* triumph in Catamarca and the practical tie reached in Chubut has strengthened Cristina Kirchner's bid for reelection. At the same time, these events are forcing opposition leaders to try new strategies. During the first weekend of April, a number of high-level meetings took place. Afterward, Mauricio Macri proposed that all opposition parties register as a single alliance. The presidential ticket would thus be decided in the open official primary set for August 14, when nominees of all parties would compete against each other.

This idea would include all parties in the alliance supporting Mauricio Macri for reelection as head of government for the city of Buenos Aires and Francisco de Narvaez as candidate for the governorship of the province of Buenos Aires. However, Solanas and Carrió immediately announced that they would not join an alliance in which Macri is a partner. All of this is highly speculative, and although there is evidence that the opposition is exploring ways to achieve greater unity, a wide coalition as proposed by Macri does not seem likely.

Legal Framework

Argentina is a federal state, composed of 23 provinces. The federal district, the city of Buenos Aires, has the status of a

province and elects its own executive and legislature and is represented in the national Congress like all other provinces. For that reason, all generic references to “provinces” or “districts” should be understood to include the city of Buenos Aires as one of the 24 electoral districts.

Argentina has been, and continues to be, a laboratory for electoral systems. The national government, as well as several of the provinces, has used most systems known in constitutional comparative law, including some domestic creations. In fact, on October 23, three different procedures will be followed for the election of the president, vice president, and members of Congress.

The President and Vice President

The president and the vice president are elected together by the citizens of the whole nation, taken as a single district. A two-ballot procedure is followed, inspired by the French ballotage system but with important differences introduced in view of results in previous Argentine political history. To be elected on the first ballot, the winning ticket must obtain 45 percent of the votes, or 40 percent of the votes and an advantage over the second-place ticket of at least 10 percent of all the votes. In any other case, the two tickets receiving the most votes compete in a runoff election.

The Senate

Each province is represented by three senators in the National Congress. The number was raised from two to three by a constitutional amendment approved in 1994, with the aim of allowing the third senator to represent the most important minority party or alliance in each district. A complex procedure was introduced to ensure such a result: all three senators representing the same district are elected at the same time; the party that gets the most votes obtains two senate seats; and the third seat is assigned to the party with the second-largest number of votes.

Senators are elected for six years, and the composition of the Senate is renewed by thirds every two years. In order to make this provision compatible with the electoral system described in the preceding paragraph, the 24 districts are divided into three groups of 8 districts each. Every second year, 8 districts hold elections for senators. This year, for example, the provinces of Buenos Aires, Formosa, Jujuy, La Rioja, Misiones, San Juan, San Luis, and Santa Cruz will elect three senators each. In the rest of the provinces, citizens will not vote for senators this year.

The need to ensure minority representation has led to the application of the following system: each party or alliance registers only two candidates; the party or alliance that obtains the most votes elects both candidates; and the third senator is the candidate registered in the first position on the ballot of the ticket that has the second-largest number of votes.

This system is further complicated by a law that seeks to ensure women a minimum of one-third of the legislative seats. Pursuant to this law, one of the two candidates that make up each senatorial ticket must be female. Thus, even if female candidates occupy the second place in all tickets, the second candidate of the ticket receiving the most votes will be one of the three senators elected.

The Chamber of Deputies

This body is formed by 258 members, elected for four-year terms. The chamber is renewed by halves every two years. Seats are distributed among the provinces in accordance with their respective populations, but a minimum of five deputies is assigned to provinces that otherwise would not be entitled to elect that number of members. Each party and alliance registers a list of candidates equal to the number of deputies to be elected that particular year by each district. In order to comply with the “one-third female” law, each group of three candidates must include at least one woman. The proportional representation system created by the Belgian jurist and mathematician Victor D’Hont (1841–1901) is applied to distribute seats in each district among different parties and alliances. Candidates are elected in the order shown in the electoral list.

Electoral Calendar

A congressional act has fixed the date of national elections on the fourth Sunday of October. Should a ballotage become necessary, it will be held within 30 days of the first ballot. Dates of provincial elections are set independently by their own authorities. In some cases, provincial constitutions require that elections be held on dates that do not coincide with the time chosen by the national government. Whenever the local government has the power to choose a date, it will do so keeping in mind its own political interest. Incumbents may find it convenient to hold provincial elections on the same date as national elections in order to take advantage of presidential coattails. Others may choose to set a different date in order to base their campaigns on more favorable local issues or the attraction of local candidates.

Key Districts for Presidential Elections

An indirect electoral system, inspired by the U.S. Constitution, was in effect between 1853 and 1994. As in its model, the distribution of electors among provinces enhanced the relative weight of the smaller districts. The direct system applied today, on the other hand, allows the population of the larger districts to determine the outcome of the election. In order of descending importance, the five largest districts are the province of Buenos Aires, the city of Buenos Aires, and the provinces of Santa Fe, Córdoba, and Mendoza.

Carlos M. Regúnaga is an attorney and a senior associate with the Center for International and Strategic Studies, where he leads the CSIS office in Buenos Aires, Argentina.

Hemisphere Focus is produced by the Center for Strategic and International Studies (CSIS), a private, tax-exempt institution focusing on international public policy issues. Its research is nonpartisan and nonproprietary. CSIS does not take specific policy positions. Accordingly, all views, positions, and conclusions expressed in this publication should be understood to be solely those of the author(s).

© 2011 by the Center for Strategic and International Studies.