PATRONAGE DISTRIBUTION, PARTY SWITCHING, AND ELECTORAL MANIPULATION BY PANAMANIAN LEGISLATORS: THE ELECTORAL CONNECTION

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Theories of legislators’ behavior hold that representatives are basically guided by a desire to achieve career advancement. In political systems where representatives are allowed to serve more than one term, this aspiration is basically accomplished by seeking reelection (Mayhew, 1974; Arnold, 1979; Cain, Ferejohn, and Fiorina, 1987; McCubbins and Rosenbluth, 1995; Carey, 1996; Morgenstern, 1998; Samuels, 1998; Mainwaring, 1999). To attain reelection, the literature tells us representatives perform certain activities, such as advertising, claiming credit, taking positions (Mayhew, 1974), supporting their parties, distributing patronage, and accommodating the bureaucracy (Arnold, 1979; Cain, Ferejohn, and Fiorina, 1987; Cox, 1987).

These predictions are founded on the experience of well-established democracies or polyarchies, such as the United States, the Western European states, and other advanced post-industrial countries. In more recent polyarchies, representatives also seek career advancement through reelection. To achieve reelection they also behave as predicted by theory. Depending on the context they operate in, however, representatives in these different settings may engage in additional activities that have not been awarded sufficient scholarly attention.

This paper holds that a close scrutiny of the behavior of Panamanian legislators can provide information conducive to a better understanding of the activities members of representative assemblies in recent polyarchies undertake to achieve career advancement. In Panama, representatives advertise, claim credit, take positions, support their parties, distribute patronage, and accommodate the bureaucracy. With a view to attaining reelection, however, they also perform other activities, such as switching parties and manipulating elections.

In the effort to contribute to enhance our understanding of the behavior of representatives and its implications for democratic representation, this paper focuses on three activities that Panamanian legislators carry out to gain reelection. The first is patronage distribution, in which representatives in Panama engage as predicted by theory. In practice, however, patronage distribution in Panama encompasses dimensions that the literature on legislators’ behavior has not yet fully addressed. As regards party switching and electoral manipulation, the second and third activities considered here, they have not frequently been related to reelection-seeking by representatives.

This paper, therefore, attempts to provide a careful look at spheres of representative activity in recent polyarchies that are seldom referred to in the literature. Highlighting specific aspects of the activity of Panamanian representatives, I hope, will contribute to broaden our understanding not just of legislators’ behavior but also of its repercussions on the quality of democratic representation. In this endeavor, the following three sections illustrate patronage distribution, party switching, and electoral manipulation, respectively, by Panamanian legislators over a 15-year period, beginning in 1984, when an Assembly roughly designed along liberal-democratic lines was introduced, still under military dictatorship.

The study is carried on into 1999, when the last general elections were held, ten years after polyarchy was reinstated. It is based on the observation of over 200 cases (legislators) grouped under nearly 30 different labels (parties) operating under two different regimes, military dictatorship (1984-1989) and polyarchy (1990-1999). Whenever possible, comparisons are drawn with experiences in other countries. Such ample variation provides an opportunity for comparative analysis with a view towards future theory-building. In addition to summarizing findings, the final section mentions some aspects of democratic representation that are affected by the re-electoral devices employed by Panamanian legislators.
PATRONAGE DISTRIBUTION

As do representatives in other countries, Panamanian legislators attempt to curry favor with their constituents through patronage distribution. This includes securing the construction of public works in key localities and obtaining state funding for specific groups and projects. In this capacity, representatives assume the role of intermediaries between the government and their constituents in the process of allocating state resources. As noted by analysts elsewhere, especially in the United States, this activity takes up a substantial amount of representatives' time and energy (Cain, Ferejohn, and Fiorina, 1987). Although it is undertaken with a clear electoral objective in mind, in most advanced polyarchies this behavior does not comprise the direct provision of goods and services by representatives with the express purpose of creating an electoral clientele.

In the Panamanian case, however, some legislators engage in much more straightforward distribution of goods and services with an unmistakable electoral connection in mind. State funds are the preferred medium for distributing patronage, although sometimes private or party funds are also channeled towards this undertaking. Government money is used for pork-barrel purposes in both legal and illegal ways. An example of each variant is provided below.

LEGAL DISTRIBUTION OF PATRONAGE THROUGH PARTIDAS CIRCUITALES

Partidas circuitales are pork-barrel budget funds assigned directly to legislators for discretionary use in their districts. Literally translated, the term means “constituency funds.” They have been in existence in Panama since 1984, when the Assembly was reinstated, albeit in modified fashion, under military rule. Up to 1999, these constituency funds were included in the Planning Office (now Economy and Finance Ministry) budget. In 1999, the Assembly voted to incorporate the partidas into its own budget, under the chamber’s “investments” account (Asamblea Legislativa, 1999: 83).

Although the assignment of funds for discretionary use by deputies violates the norm that legislation should be universalistic (Weber, 1968 [1922]: 217-26), Panama is by no means the only Latin American country where such practice has existed. At least in Argentina, Ecuador, Colombia, and Costa Rica representatives have or have had direct access to state funds. In Argentina, members of the lower chamber “receive a base amount of resources for the granting of subsidies to non-profit and governmental institutions (approximately $18,000-$20,000 in 1998), of pensions to individuals (approximately $1,200 per month in total, including medical coverage), and of a small number of modest scholarships to university students” (Jones, 1998: 31, fn. 46).

In Ecuador, deputies were formerly assigned budget funds (partidas presupuestarias) to carry out pork-barrel projects in their constituencies. Owing to complaints of corruption and clientelism the 1998 Constituent Convention eliminated these funds and inserted a clause in the Constitution explicitly prohibiting deputies from “offering, dealing with, receiving, or managing budget resources, except for those assigned to the operation of the Congress.” In Colombia, the 1991 Constituent Convention purported to eliminate the celebrated auxilios parlamentarios, constituency funds assigned to congresspersons for carrying out projects in their districts (Archer and Shugart, 1997: 135-36). Reportedly, however, subsequent congresses succeeded in restoring them.

1 Information provided by Michael Coppedge and Andrés Mejía Acosta, 17 March 1999.
2 Information provided by Carlo Nasi.
Costa Rican deputies also have access to similar funding sources, where they are called partidas específicas, “small pork-barrel appropriations targeted at specific communities” (Carey, 1996: 107). Whereas in Argentina and Colombia constituency funds are distributed evenly among representatives, in Costa Rica, however, they are assigned almost exclusively to members of the party in government. In response to complaints about mismanagement, in May 1998 the Costa Rican Legislative Assembly approved a law that placed partidas específicas under stricter government control and now channels pork-barrel funds through the municipalities, thus placing constraints on the discrentional use of these funds by deputies (Leis, 1999).

As this modest comparative survey shows, the assignment of constituency funds to representatives is not unique to Panama. What is significant about the Panamanian case, however, is that while a tendency towards the rationalization of these funds is evident in other countries, the recent trend in Panama has been towards their increased discretionary use by legislators as an electoral instrument.

Partidas circuitales are apportioned to legislators according to entirely political criteria. Funds are allocated among legislators according to three basic guidelines: adherence to the government bloc, membership in the Budget Committee, and performance of a formal or informal leadership role within the Assembly (El Panamá América, 30 October 1998). The global amount assigned to “parliamentary initiatives” (as legislators’ projects are called) is determined every year by the Assembly leadership and the executive before the annual budget is submitted to the legislature in September or October of each year. According to the Comptroller-General’s Annual Report (1999), the following amounts were disbursed for “parliamentary initiatives” between 1995-1998: $21.7 million in 1995, $39.2 million in 1996, $43.1 million in 1997, $46.5 million in 1998. Distribution of partidas circuitales among government and opposition members in 1997-1998 (in current US dollars) is shown in Table 1. Note, among other features, the skewed distribution between government and opposition legislators, which will be subsequently addressed.

### TABLE 1

<table>
<thead>
<tr>
<th>% Legislators</th>
<th>1997</th>
<th>% 1998</th>
<th>% 1998</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOVERNMENT</td>
<td>60</td>
<td>33,029,679</td>
<td>76</td>
</tr>
<tr>
<td></td>
<td>35,967,039</td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>OPPOSITION</td>
<td>40</td>
<td>10,530,000</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>10,060,210</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>100</td>
<td>43,561,676</td>
<td>100</td>
<td>46,029,246</td>
</tr>
</tbody>
</table>

Source: Contraloría General de la República, Informe del Contralor General de la República, 1999 and 1998 editions.

Newspaper accounts set the partidas figure for 1999 at $30.0 million, which is roughly correspondent, on average, to the 1998 allocation, given that the legislative term ended on 31 August 1999. In effect, the monthly average for 1998 reached $3.875 million, as compared to a monthly average of $3.75 million (on the basis of a $30.0 million disbursement), for the 1 January-31 August 1999 period. For fiscal year 2000 (1 January-31 December) under a new executive, the reported figure was $38 million, representing a monthly average of $3.167 million (Contraloría General, 1999: 58; Contraloría General, 1998: 64; El Panamá América, 30 October 1998, 4 December 1995, 3 January

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3 The ensuing description of the procedure whereby partidas circuitales are allocated is drawn from newspaper coverage, as indicated in the text, as well as analysis of the “parliamentary initiatives program” breakdown for 1997 and 1998, as included in the Comptroller-General’s Annual Report (Informe del Contralor General de la República), and information provided by Miguel Antonio Bernal (30 December 1997), José Blandón Figueroa (6 and 9 January 1998), and Guillermo Cochez (1 March 1999).

If figures for the 1994-1999 term are accurate, the total amount disbursed under the “parliamentary initiatives” program during the last legislative term (1994-1999) exceeded $180 million, representing an average of $36 million per year and $2.5 million per legislator.

But funds are not allocated to members on an equal basis. After the global amount for “parliamentary initiatives” has been determined, the Assembly leadership decides how much corresponds to each legislator. A baseline is then set for opposition and government members. In 1997-1998, this was $300,000 for opposition legislators and $650,000 for government representatives.

From then on, incremental sums are assigned according to the degree of influence the legislator exercises within the Assembly. In 1997, the opposition’s ceiling was set at $540,000, which was the amount received by the seven opposition members that belonged to the Budget Committee in the 1996-1997 legislature. The 1998 opposition ceiling was $500,000, allotted to the Christian Democratic member of the Budget Committee. After this, the highest amounts in the opposition bloc were assigned to other Budget Committee members and two of five Movimiento Papa Egoró (MPE) representatives who, although not formally belonging to the government coalition, consistently gave support to the government’s legislative agenda.

In 1997, the average and mode for opposition members were $367,059 and $300,000, respectively. In 1998, the same indicators were $360,006 and $300,000, respectively. Given that the total allocation increased in 1998, a lower average for opposition members in the latter year indicates a more biased distribution in favor of government legislators.

In effect, while in 1997 the average and mode for government members were $817,886 and $850,000, respectively, the same indicators in 1998 were $859,013 and $850,000, respectively. The highest amounts were reserved for government members of the Budget Committee and Assembly leaders, consisting of the president, the two vice-presidents, key committee chairs, and government whips (who do not have an official position per se within the chamber, except as jefes de fracción or bloc coordinators). The highest amount assigned in 1997 was $1,110,000, allocated to Assembly President César Pardo (PRD). Seven other legislators, including the two vice-presidents, the chair and certain members of the Budget Committee, and Balbina Herrera (PRD), a past president and government whip received over one million dollars in 1997.

The ceiling reached $1,605,000 in 1998, allocated to Budget Committee Chair Carlos Alvarado (PRD). Assembly President Gerardo González (PRD) and the vice-president of the Budget Committee received over one million dollars each. Eleven other legislators, including the chamber’s two vice-presidents, all government members of the Budget Committee and Balbina Herrera (PRD) received over $900,000 in 1998. At the time of this writing, no breakdown was yet available for the 1999 distribution (Contraloría General, 1999: 58; Contraloría General, 1998: 64; El Panamá América, 10 March 1999, 30 October 1998, 27 August 1997; El Siglo 8 September 1998; Blandón Figueroa, 1998).
Discretionality and Lack of Control: The Electoral Connection

Two essential characteristics of *partidas circuitales* point to their usefulness as an electoral instrument: their discretionary character and the lack of effective government control over their disbursement. As regards discretionality, members of the Panamanian Assembly may use these funds to support whatever activity they please. As in Colombia and Costa Rica (Hartlyn, 1988: 173; Carey, 1996: 111-12), *partidas circuitales* are normally directed towards two principal activities: infrastructure improvement and “social support.” The first includes building or reparation of roads, bridges, schools, health centers, housing complexes, churches, marketplaces, airstrips, docks, aqueducts, power plants, drainage systems, slaughterhouses, and other public facilities. At times, however, *partidas* are devoted to infrastructure activities not wholly within the public sphere. In 1996, for example, a number of government and opposition attorney-legislators pooled their *partidas* to contribute to the renovation of the influential Colegio Nacional de Abogados (National Bar Association).

Under “social support,” on the other hand, fall such activities as distributing food, school supplies, and toys; providing scholarships; purchasing vehicles (such as buses, police cars, trucks, and ambulances) for community use; financing nutritional and substance-control programs; funding cooperatives and land measurement efforts; setting up maternity and senior-citizen clinics; and providing disaster relief. (Pérez Jaramillo, 1998; Cochez, 1996; *El Panamá América*, 18 December 1996).

Legislators claim direct credit for all these activities, by publicizing them in the newspapers through press releases or paid advertisements and erecting highly visible signs indicating their sponsorship of a given project. “Social support” uses of *partidas* are frequently referred to as “donations” from legislators. The legislator’s name is normally affixed to sports uniforms or painted on vehicles purchased through his/her *partida*. One legislator, Edgardo (“Galo”) Alvarez (PRD) contributed to the construction of a housing complex that was later named Villa Galo after him. Others, for example, advertised their pooling of funds to contribute to the continued operation of the local hospital morgue (*El Panamá América*, 9 March 1999; *La Prensa*, 21 November 1994).

In response to criticism pointing to the non-rational use of public money through *partidas circuitales*, legislators have argued that constituency funds allow them to satisfy certain social needs that the highly centralized Panamanian state is unable to fulfill, particularly in distant rural areas. For instance, Legislator Laurentino Cortizo (Partido Solidaridad, pro-government) has asserted that without *partidas circuitales*, the constituents of his rural district would most likely not have access to scholarships, roads, “and many other public works.” Furthermore, former opposition member Mario Quiel (Partido Liberal) claimed that constituency projects are “legislators’ answers to the basic and priority needs of their communities” (*El Panamá América*, 9 February 1999, 3 December 1998).

Critics, however, protest that leaving allocation decisions wholly to individual legislators prevents the optimal use of state resources to satisfy socio-economic needs. As an example, one political observer remarked that “hundreds of scholarships are distributed according to political criteria instead of serving to alleviate the needs of sectors that require them most but, unfortunately, do not represent votes” (Leis, 1999). Others have highlighted the fact that legislator allocation decisions frequently do not coincide with the country’s priorities, as Assembly members normally assign funds

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5 Description of these uses comes from a review of 1990-1999 newspaper clippings from *El Panamá América*, *La Prensa*, Crítica Libre, and *El Siglo*. 
with an electoral objective in mind (Lewis Galindo, 1999; Blandón Figueroa, 1999b; Cochez, 1996). Still others have complained that the discretionary use of funds promotes corruption, for legislators may well choose to devote \textit{partidas} to private uses without any restriction whatsoever. During the last electoral campaign, Camilo Gozaine, a former PRD legislator who served as Assembly president during the 1984-1989 period and who returned to the Assembly after the 1999 elections, declared that \textit{partidas circulares} “have only served to ‘enrich bad politicians,’” (El Panamá América, 4 December 1998).

A second essential characteristic of \textit{partidas circulares} that indicates their usefulness as an electoral (and personal enrichment) instrument is the lack of effective government control over legislators’ disbursements under the “parliamentary initiatives” program. According to Art. 276 of the Constitution, as allocations and expenditures of state resources \textit{partidas} are theoretically subject to the oversight of the Comptroller General’s Office (Bernal, 1995: 126-27; Contraloría General de la República, 1999: 46). In practice, however, supervision of these funds is quite lax.

Evidence of lenient supervision by the Comptroller-General’s Office during the 1994-1999 period is provided by the fact that, although complaints of irregularities in the management of \textit{partidas} were widespread, no substantive action has been taken against any legislator. In November 1998, the comptroller-general declared he had ordered the suspension of disbursements under one legislator’s \textit{partida circual} after discovering a mismatch between the amount of the expenditure and the value of the goods to be purchased. The identity of the legislator was not disclosed, however, and nobody was brought to trial for the alleged misconduct. In early 1999, it was revealed that between five and ten legislators were under investigation for irregularities in the management of \textit{partidas}. After loud protests from the Assembly, however, the the Comptroller-General’s Office apparently abandoned interest in pursuing the matter any further (El Panamá América, 26 November 1998; 10 March 1999; Crítica Libre, 6 March 1999).

The direct allocation of state funds to legislators for their discretionary expenditure, with little control by the competent authorities provides Panamanian representatives a convenient electoral connection. \textit{Partidas circulares} supply the necessary capital for creating and fostering electoral clienteles that are likely to vote repeatedly for their benefactors with the expectation of continuing to receive the goods and services delivered by their patrons. Additionally, direct, discretionary, and uncontrolled access to funding provides opportunities to advertise, i.e., “to disseminate one’s name among constituents in such a fashion as to create a favorable image but in messages having little or no issue content,” one activity representatives find it electorally useful to engage in, according to Mayhew (1974: 49).

Circumstantial evidence from the May, 1999 elections provides some grounds to conclude that patronage distribution through \textit{partidas circulares} has a favorable effect on the re-electoral prospects of legislators. The available data shows that those legislators who received larger \textit{partidas} between 1995-1998 were reelected at higher rates than those who received less funding. Presumably, as well as allowing higher visibility and name recognition, larger \textit{partidas} translated into heightened constituent loyalty which in turn yielded better results at the ballot box.

Of the 63 legislators who sought reelection in 1999, eight (all PRD) received over three million dollars in \textit{partidas} between 1995-1998. Seven of these, or 87.5 per cent, were reelected. In the $2-3

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million segment, of 23 legislators seeking reelection (all pro-government), thirteen (56.5 per cent) succeeded. These results are well above the average reelection rate for legislators who ran for reelection (49.2 percent) and also surpass the reelection rate for the whole 1994-1999 cohort of 72 legislators (43.1 percent). Finally, in the lower tier ($1-2 million), of thirty-two aspirants, 11 (34.4 per cent) achieved reelection. These results are summarized in Table 2.

### Table 2

<table>
<thead>
<tr>
<th>PARTIDAS ASSIGNED BETWEEN 1995-1998</th>
<th>LEGISLATORS SEEKING REELECTION</th>
<th>LEGISLATORS REELECTED</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over $3 million</td>
<td>8</td>
<td>7</td>
<td>87.5</td>
</tr>
<tr>
<td>Between $2-3 million</td>
<td>23</td>
<td>13</td>
<td>56.5</td>
</tr>
<tr>
<td>Between $1-2 million</td>
<td>32</td>
<td>11</td>
<td>34.4</td>
</tr>
<tr>
<td>Overall reelection rate (72 legislators)</td>
<td>63</td>
<td>31</td>
<td>49.2</td>
</tr>
</tbody>
</table>

Sources: Contraloría General de la República, Informe del Contralor General de la República, 1999 and 1998 editions; Tribunal Electoral, Estadísticas electorales.

**ILLEGAL DISTRIBUTION OF PATRONAGE: THE PARVIS PROGRAM**

In addition to distributing patronage through legal means, Panamanian legislators also illegally employ state resources in an effort to obtain the support of their constituents. An example occurred between 1997-1999 through the PARVIS initiative, a $34.5 million low-income housing improvement project. With the Inter-American Development Bank (IADB) providing half the funding ($17.25 million), PARVIS began in mid-1997 and is scheduled to continue into 2001. The program was designed to provide up to one thousand dollars worth of construction materials (blocks, sand, cement, zinc sheets, and others) to individuals having legal title over their properties but whose monthly income is under $300.

During the last two years of the previous administration, PARVIS materials were put to electoral and private use by government supporters. The latter included appropriation for sale or personal construction projects by public employees and government sympathizers. It is estimated that a PARVIS materials for a total of $1 million were misled between 1997-1999.

The project was clearly conceived with an electoral purpose in mind, as is indicated by its launching date and the fact that its designer was Housing Minister Francisco Sánchez Cárdenas, one of then-President Ernesto Pérez Balladares’ main electoral strategists. The immediate goal of PARVIS was to generate support for President Pérez’s proposed constitutional change that would allow his immediate reelection in 1999. After the proposal was defeated in a referendum held on 30 August 1998, the program was recycled to provide illegal electoral assistance to certain pro-government politicians with privileged access to the Housing Office, who sought nomination in the October ruling party primary and accession or reelection to office in the May, 1999 general elections.

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The scheme basically consisted in seizing materials from Housing Office warehouses throughout the country and distributing them in exchange for a commitment to vote for a ruling party (PRD) candidate to office. A more sophisticated version that provided a stronger incentive to vote for the issuing candidate and promote his/her candidacy among family and friends in the constituency included distributing PARVIS certificates promising to supply materials after the election was over.

In addition to Minister Sánchez Cárdenas, government figures involved in the PARVIS scandal include Rogelio Paredes, Vice-Minister of Housing (1994-1998) who served briefly as minister in 1998 and then quit to become a legislative candidate for the PRD in the May elections; PRD Legislators Gerardo González (also president of the ruling party) and Benicio Robinson, both of whom sought reelection; Pedro Miguel González, a son of Gerardo who pursued an Assembly seat; and Cecilia Monteza, a former Housing Ministry officer who also ran as PRD candidate for legislator. Among these individuals, however, only Pedro Miguel González attained a seat in the 1999-2004 Assembly.

Although an official inquest (begun after the May 1999 elections) was conducted, the report produced in early January 2000 does not call for the prosecution of any of the major figures involved in the scandal. Among PRD celebrities, only former candidate Monteza is charged with “corrupting public servants” and former Minister Paredes with “infringing his duties as a public servant,” a truly minor charge. Disgruntled former Legislator Enrique Riley Puga (PRD), an opponent of Pedro Miguel González, presented criminal charges against the latter for illegal use of state resources, but the case has lapsed and, based on previous experiences, will most likely end in dismissal by the Assembly, the competent body to allow the prosecution of a legislator. And, although the electoral use of PARVIS was publicly known at least since June, 1998 when PRD Legislator Abelardo Antonio took the Assembly floor to deplore not being among those representatives enjoying favored access to construction materials for electoral purposes, the Electoral Prosecutors’ Office and the Electoral Tribunal failed to intervene at any point to prevent the illegal use of government resources in candidate campaigning.

PARTY SWITCHING

According to the predictions of legislators’ behavior theory, supporting their parties is one of the means representatives employ to advance their political careers. The logic underlining this behavior is that ballot control, especially in closed-list systems, renders parties crucial in ensuring nomination to office (Carey and Shugart, 1995). Most Panamanian legislators follow this prediction, especially those belonging to highly disciplined parties, such as the PRD and, to a lesser degree, the Christian Democratic Party (PDC). An important feature ensuring this support is the recall mechanism included in the Constitution (Art. 145), which stipulates that parties may revoke a legislator’s mandate under certain circumstances (Bernal, 1995: 55). One of these is that the party’s statutes must specifically contemplate the recall mechanism, which is the case of both the PRD and the PDC, but not of other parties.

Even as they support their parties, some Panamanian legislators—indeed, a substantial minority—also change labels. This feature, which occurs elsewhere in the region as well, remains an understudied trait of Latin American congressional politics. In Ecuador, where party switching is prevalent, a recent study estimated that on average, of 12 percent of representatives changed parties in every legislative period between 1979-1996 (Mejía Acosta, 1999).
Panama’s party switching rate is even higher. Many switches remain informal, however, as legislators fail to register with the new party they choose to vote with or nominates them for reelection. Moreover, the Assembly does not keep records of representatives’ “migrations.” Despite the calculation difficulties these irregularities pose, it is estimated that at least 35 percent of the chamber changed parties during the 1994-1999 term; the figure for the 1989-1994 Assembly is at least 24 percent.\footnote{Complete data enabling computations for the 1984-1989 period were not available at the time of this writing. By the end of the term, at least six legislators, or 9 percent of the chamber, had migrated to other parties. The intense polarization of Panamanian politics between 1984-1989 may account for a lower party switching rate at this time.}

A straightforward analysis of legislative politics in Panama shows that representatives change parties at three different moments:

1) at the beginning of the term (years 1-2);
2) at mid-term (years 2-4);
3) at end-term (years 4-5)

Furthermore, at each moment they abandon their parties for different reasons. At the beginning of the term, for instance, some legislators are forced to find new parties because the ones that originally supported them became extinct, in accordance with Art. 132 of the Constitution and Arts. 107-112 of the Electoral Code that stipulate a 5 percent threshold to survival. Parties obtaining less than 5 percent of the vote in either presidential, legislative, or municipal elections (whichever is more favorable to the party) are immediately declared extinct by the Electoral Tribunal (Bernal, 1995: 44; República de Panamá, 1997: 55-57). In a highly fragmented, multiparty environment, it is common for parties to disappear after each election. In the aftermath of the May, 1999 voting, for example, five of twelve parties participating in the contest were declared extinct.

The trend at Moment 1 is of small-party legislators finding shelter in larger parties or remaining “independent.” Since the 1999 election, legislators from two “extinct” parties, José Urrutia (Movimiento de Renovación Nacional, MORENA) and José Carreño (Partido Renovación Civilista, PRC) have officially remained independent, i.e., they have not joined any party yet. But, at the same time, they have intensified their links with Partido Arnulfista, the main government party, which they are likely to join in the near future (Eduardo Quirós, 12 February 2000).

After the 1994 elections, Partido Liberal (PL), Partido Laborista (PALA), Unión Democrática Independiente (UDI), and Partido Liberal Republicano (LIBRE) failed to reach the 5 percent threshold. Among the members of Partido Liberal, only Legislator León Sucre followed the party line and joined MOLIRENA, then in opposition. Fellow Liberals Alberto Castillero and Jaime Loré chose to migrate to to Partido Solidaridad, then (as now) in government. Carlos Afú, of PALA, affiliated with PRD and Orestes Vásquez, of UDI, changed to Partido Arnulfista, then the main opposition party. Juan Peralta and Rogelio Alba, both of LIBRE, remained formally independent until 1997 when Partido Liberal Nacional, their selected substitute, was officially recognized by the Electoral Tribunal.

At mid-term (Moment 2), some legislators change parties as a result of ideological or personalistic disputes with the leadership. During the 1994-1999 term, for example, legislators Aristides de Icaza (PRC) and Rodrigo Arosemena (MOLIRENA) both staged controversies with the party bosses.
Although they proclaimed their “independence,” in actuality they were coopted by the ruling party (PRD).

As a result of a bitter altercation with party leader/pop singer Rubén Blades, in 1998 Legislator Gloria Young left Movimiento Papa Egoró (MPE) and joined Partido Arnulfista. After the Arnulfista presidential primary in March, 1998, eleven of the party’s legislators broke with the leadership, as they chose to continue supporting the defeated candidate and formed their own Assembly fraction. Although they were eventually expelled from the party, they remained in the Assembly under their own, informal trademark (saltamontes, or “grasshoppers”). Likewise, at mid-term during the 1989-1994 period, a schism within the Christian Democratic Party (PDC) resulted in the refusal of five legislators to continue following the party line and their permanence in the Assembly under a “Social Christian” label that, however, was not recognized by the Electoral Tribunal.

PARTY SWITCHING: THE ELECTORAL CONNECTION

At Moment 3, towards the end of the term, legislators clearly change parties for electoral purposes. At this point they may fail to secure nomination for reelection from the party leadership or may seek the support of a larger party with better electoral prospects. The arrangement is mutually convenient: it provides the legislator for an official place on the ballot, presumably in exchange for larger electoral support (i.e., votes) for the party.

Political parties seek a higher share of the vote not only for survival reasons, as explained above. More votes also signify a higher official subsidy, as prescribed by the electoral reform of 1997, which instituted state funding for political parties. As indicated in Art. 164 of the Electoral Code, the amount of funding every surviving party receives is partly a function of the support it obtains at the ballot box.

In conjunction with legislators’ innate desire to secure reelection, these institutional traits can contribute to elucidate the puzzle of such intense party switching as is evident in Panama’s congressional politics. At the beginning of the 1999 political campaign most of the eleven Arnulfista dissidents, who were keen on retaining their seats, secured the support of the Christian Democratic Party (PDC). After its poor performance at the polls in 1994, the PDC was particularly worried about its prospects for survival. The coincidence of interests between the PDC and the Arnulfista dissidents resulted in a larger share of the vote for the nominating party and the reelection of three of the nine saltamontes nominated by the PDC.

Other examples illustrate the electoral convenience of party switching for both legislators and parties. In early 1999, when MOLIRENA failed to provide a place for Legislator Lenín Sucre on its ballot, Partido Arnulfista sponsored him. Sucre was reelected under his new label while MOLIRENA elected none of its candidates in the two-member district of Arraiján.

Legislator Marco Ameglio, who had served in the Assembly as Partido Liberal Auténtico (PLA) legislator in the 1989-1994 period and Movimiento de Renovación Nacional (MORENA) representative between 1994-1999, registered with Partido Arnulfista shortly before the May 1999 elections and secured sponsorship for his candidacy. He also obtained reelection. So did Gloria Young, who ensured Partido Arnulfista support and reelection to her Assembly seat after her break with Rubén Blades’ MPE.
Other attempts at obtaining mutual benefit from electoral unions of this type are not as successful. In 1999, Víctor Méndez Fábrega, an MPE legislator who had also distanced himself from Blades, procured sponsorship from MOLIRENA, a secondary party. Méndez Fábrega did not achieve reelection, however, despite the fact that he reportedly had the best attendance record and had gained distinction as one of the more responsible legislators.

Of the eleven Partido Arnulfista dissidents referred to above, who secured the support of PDC and smaller parties (i.e., with less adherents), only three obtained reelection. Enrique Riley Puga, who ascertained support from the upstart Partido Cambio Democrático (CD) after he lost the PRD primary in his district (amidst widespread accusations of fraud), failed to secure reelection under his new label. In 1994, Gloria Moreno, Carlos Escobar, and Domiluis Montenegro, three of the five PDC legislators who entertained a dispute with the leadership, obtained nomination by MORENA, a smaller party. While MORENA achieved sufficient votes to guarantee its continued operation between 1994-1999, none of the PDC dissidents, however, was reelected.

Towards the end of the legislative term, then, a substantial proportion of Panamanian legislators changes parties. Party switching is less characteristic of the PRD, the largest and most “disciplined” of Panamanian parties. The recall provision included in the PRD’s statutes contributes to explain this trend, as it exposes the party’s legislators to losing their Assembly seat if they switch. The fact that the PDC, the other party whose statutes contemplate the possibility of recall, has also suffered migrations, renders this explanation only partly plausible.

Switches occurring towards the end of the period are clearly electorally-driven. Legislators who change at this time normally have little or no possibilities of securing nomination by their parties. As evidenced by a look at Table 3 (below), possibilities of achieving reelection increase for representatives who manage to obtain the support of larger parties and decrease for legislators who achieve the support of smaller parties. As the table shows, of seven legislators in the dataset who switched to larger parties for electoral purposes, four (57 percent) were reelected. Concurrently, of seventeen representatives who shifted to smaller parties, only three (18 percent) retained their seats. This trend may well be a function of the near-polarization of Panamanian electoral politics among the two larger parties, the PRD and Partido Arnulfista, which together garner approximately 50 percent of the vote.
### Table 3
Reelection Rates of Legislators Who Switch Parties for Electoral Purposes

<table>
<thead>
<tr>
<th>Term</th>
<th>Party at Mid-Term</th>
<th>Party That Nominated</th>
<th>Size (Smaller or Larger Than Party at Mid-Term)</th>
<th>Obtained Reelection? (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Alberto Cigarruista</td>
<td>1994-1999 PLA</td>
<td>PA</td>
<td>LARGER</td>
<td>YES</td>
</tr>
<tr>
<td>2. Gloria Young</td>
<td>1994-1999 MPE</td>
<td>PA</td>
<td>LARGER</td>
<td>YES</td>
</tr>
<tr>
<td>4. Lenin Sucre</td>
<td>1994-1999 MOLIRENA</td>
<td>PA</td>
<td>LARGER</td>
<td>YES</td>
</tr>
<tr>
<td>5. Hernán Gnaegi</td>
<td>1989-1994 PLA</td>
<td>MOLIRENA</td>
<td>LARGER</td>
<td>NO</td>
</tr>
<tr>
<td>6. Arístides de Icaza</td>
<td>1994-1999 INDEPENDENT</td>
<td>PSOL</td>
<td>LARGER</td>
<td>NO</td>
</tr>
<tr>
<td>7. Víctor Méndez Fábrega</td>
<td>1994-1999 MPE</td>
<td>MOLIRENA</td>
<td>LARGER</td>
<td>NO</td>
</tr>
<tr>
<td>12. José Luis Varela</td>
<td>1994-1999 ARNULFISTA</td>
<td>PDC</td>
<td>SMALLER</td>
<td>YES</td>
</tr>
<tr>
<td>13. Leo González</td>
<td>1989-1994 MOLIRENA</td>
<td>MORENA</td>
<td>SMALLER</td>
<td>NO</td>
</tr>
<tr>
<td>15. Gloria Moreno de López</td>
<td>1989-1994 PDC</td>
<td>MORENA</td>
<td>SMALLER</td>
<td>NO</td>
</tr>
<tr>
<td>17. Carlos Escobar</td>
<td>1989-1994 PDC</td>
<td>MORENA</td>
<td>SMALLER</td>
<td>NO</td>
</tr>
<tr>
<td>18. Daniel Arias</td>
<td>1994-1999 ARNULFISTA</td>
<td>PDC</td>
<td>SMALLER</td>
<td>NO</td>
</tr>
<tr>
<td>19. José Serracín</td>
<td>1994-1999 ARNULFISTA</td>
<td>PDC</td>
<td>SMALLER</td>
<td>NO</td>
</tr>
<tr>
<td>20. Leopoldo Benedetti</td>
<td>1994-1999 ARNULFISTA</td>
<td>PRC</td>
<td>SMALLER</td>
<td>NO</td>
</tr>
<tr>
<td>22. Manuel Ortiz</td>
<td>1994-1999 ARNULFISTA</td>
<td>PDC</td>
<td>SMALLER</td>
<td>NO</td>
</tr>
<tr>
<td>24. Ulysses Guílven</td>
<td>1994-1999 ARNULFISTA</td>
<td>PDC</td>
<td>SMALLER</td>
<td>NO</td>
</tr>
<tr>
<td>25. Orestes Vásquez</td>
<td>1994-1999 ARNULFISTA</td>
<td>PDC</td>
<td>SMALLER</td>
<td>NO</td>
</tr>
</tbody>
</table>

Source: Tribunal Electoral, Estadísticas electorales.

### Electoral Manipulation

With a view to retaining their Assembly seats, some Panamanian legislators engage in electoral manipulation. Two forms of manipulation can be singled out. The first consists of employing the legislative process to change the electoral rules in ways that increase the reelection prospects of legislators. Directly altering the preferences of voters at election time is the second type of electoral manipulation considered below.

### Changing the Rules: The Electoral Connection

Most representative assemblies have the power to amend the electoral legislation. This capacity provides representatives in many countries with an instrument to promote their reelection goals. And many, indeed, readily employ this capability to forward their political objectives. In Brazil, as noted by Mainwaring (1999: 100-101), an electoral reform launched in 1985, shortly after the demise of the military regime, resulted in measures that intensified the focus of elections on candidates as opposed to parties. In this manner, Brazilian congressmen contributed to emphasize the personal connection, based on the provision of goods and services to constituents, and thus enhanced the prospects for a continued exercise of power by regional elites and individual deputies.

Panamanian legislators have also amended the electoral regime in ways that provide them electoral advantages over other competitors. Specifically, they have changed the rules governing the allocation of seats in multi-member districts to place a bonus on the personal connection between
legislators and constituents, even as they undermine the principle of proportionality that according to Art. 141 of the Constitution should inspire the allotment of seats in constituencies electing two or more legislators (Bernal, 1995: 51-52).

The constitutional reform of 1983, enacted under military rule, led to the division of the country in 26 single-member and 14 multi-member constituencies electing between 2-6 legislators each. Each municipal district within the country's nine provinces having more than 40,000 inhabitants comprises one constituency. Each constituency elects one representative for every 30,000 inhabitants and an additional one for every fraction over 10,000. Additionally, the San Blas Indian reservation is divided into two constituencies, each of which elects one legislator; Darién Province, on the border with Colombia, is also constitutionally divided into two single-member electoral districts.

The proliferation of single-member districts undermined the proportionality of the system from the outset, a significant issue in Panama where a strong tradition of proportional representation had taken root prior to the 1968 military coup. With a view towards somewhat reducing the regime's disproportionality, a preferential party-list system of proportional representation was adopted for multi-member districts, with seats allotted initially according to a double quotient system. The first allocation uses a simple electoral quotient. During this round, seats are allocated to parties that obtain an amount of votes equivalent to at least the electoral quotient. In other words, if 100,000 votes are cast in a constituency electing five members, each party attaining at least the full quota of 20,000 votes ($100,000 \div 5$) is allotted one seat. The identity of the legislator is determined on the basis of the preferences received by candidates on each party list.

At the subsequent allocation stage, unassigned seats are distributed to parties obtaining at least as many votes as half the electoral quotient (i.e., 10,000 votes in the example). As regards the allotment of remaining seats, in 1983 it was decided that they would be assigned to those parties featuring the largest remainders, after deducting a full quota or a half quota from parties allotted full-quota or half-quota seats, respectively, in the first two distribution rounds (Bernal, 1995: Arts. 140, 141; IPU, PARLINE database; Tribunal Electoral, 1996; Eugenio Morice, 23 February 2000). The distribution of remaining seats is a key concern in a multiparty system such as Panama's, where the large number of parties competing in the election makes it difficult to achieve full-quota or half-quota seats in multi-member districts. In 1999, for example, sixteen (36 percent) of the 45 multi-member district seats were assigned through the largest remainder formula employed at the time (Tribunal Electoral, 1999).

The 1983 provisions ostensibly aimed at ensuring some measure of proportionality. However, one of the salient results of the electoral system's first application in 1984 was its acute disproportionality, not only because of the widespread electoral fraud undertaken by the military dictatorship but also because of the large amount of multi-member districts. In effect, the overall index of deviation from proportionality for 1984 was 26.5 percent. In other words, overall the largest parties, notably the PRD, obtained 26.5 percent more seats than they would have secured under conditions of perfect proportional representation. Such high deviation indicates that the effects of the electoral regime are more similar to those of a plurality-majority system than to a proportional representation regime and, more practically, that the system discards a high portion of

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9 Currently, seven constituencies elect 2 members; one, 3 members; three, 4 members; two, 5 members; and one, 6 members, for a total of 45 legislators elected in multi-member constituencies, called circuitos “plurinominales.”
the votes cast, which fail to translate into the substantive choices made by the electorate. Even so, the fact that deviation from proportionality drops slightly to 24.0 percent when calculated only in multi-member districts indicates that the proportional representation formula introduced in 1983 had a modestly attenuating effect on disproportionality in the 1984 multi-member constituency elections.

Two subsequent electoral reforms introduced by the Assembly, however, intensified disproportionality in multi-member constituencies to the point of projecting the index above the average for the whole system. A 1988 law stipulated the distribution of the remaining seats only among those parties that had received full- or half-quota seats, thus excluding the smaller parties from representation. Because of the extreme polarization of the 1989 elections and the consequent tendency to vote a straight ticket, overall deviation from proportionality fell to 19.1 percent in that year. The fact that deviation in multi-member districts rose above the national average to 21.9 percent is, nevertheless, indicative of the effect the 1988 reform had on distorting electoral results in districts electing more than one legislator.

In 1993, yet another electoral reform further intensified the disproportionality of the system. At that time the Assembly decided to distribute remaining seats among individual candidates receiving the highest preferences in each constituency, without regard to the share of the vote received by each party. In other words, since 1993 remainders have been distributed to individual candidates obtaining more “votes” (i.e., preferences), as if a plurality-majority system were in place in multi-member constituencies at this allocation stage. Furthermore, when in 1997 an electoral bill was introduced that among other provisions contemplated a return to the 1983 formula distributing remainders to parties, the Assembly rejected this specific reform, opting to stick by the 1993 method (Tribunal Electoral, 1997; Eugenio Morice, 23 February 2000). As a result, deviation from proportionality jumped to 30.2 percent in 1994, five points above the national average of 24.9 percent in that year. In 1999 it reached at 29.7 percent, ten points above the national average of 19.6 percent in 1999.

As revealed in Table 4 (below), allocation rules promoting acute deviation from proportionality in multi-member districts provide a significant electoral connection in Panama. As the effects of these rules deviate more from proportionality, both over time and in comparison with the national average, the consecutive reelection rate of legislators in multi-member constituencies increases. The evidence thus shows that distributing the remainder among candidates, not parties, significantly furthers the re-electoral prospects of legislators in the highly personalistic Panamanian context.

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10 The general formula for deviation (D) from proportionality is: \( D = \frac{1}{2} \sum |s_i - v_i| \) where \( \sum \) stands for the summation over all parties involved, \( s_i \) for the percentage of seats obtained by the \( i \)-th party and \( v_i \) for the percentage of votes obtained by the \( i \)-th party. In a list of 48 countries circa 1985, Panama’s D of 26.5 percent would have featured towards the end, after St Lucia (26.0 percent) and just before India (31.8 percent), Dominica (34.8 percent), and Sri Lanka (36.7 percent), which revealed the most acute deviation in the sample. At the time, all these countries employed majority-plurality electoral systems. See Taagepera and Shugart, 1989: 104-108.
### TABLE 4
DEVIATION FROM PROPORTIONALITY AND REELECTION RATES IN MULTI-MEMBER DISTRICTS
PANAMA, 1984-1999

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Deviation from proportionality, national average</td>
<td>26.5%</td>
<td>19.1%</td>
<td>24.9%</td>
<td>19.6%</td>
</tr>
<tr>
<td>Deviation from proportionality in multi-member districts</td>
<td>24.0%</td>
<td>21.9%</td>
<td>30.2%</td>
<td>29.7%</td>
</tr>
<tr>
<td>Consecutive reelection rate in multi-member constituencies</td>
<td>*</td>
<td>12.8%</td>
<td>20.5%</td>
<td>37.0%</td>
</tr>
</tbody>
</table>


In Panama candidates, including legislators seeking reelection, campaign on the basis of their personal reputations as providers of goods and services to their constituencies. Legislators are particularly well positioned to promote themselves in this capacity given the abundance of resources available to them through partías circuitales as well as through their otherwise legal or illegal access to state resources, as described above. Their insistence that supporters issue selective votes in their favor—i.e., that voters mark only the candidate’s name on the ballot, to the exclusion of other names on the list—reveals the intense competition for remaining seats that candidates to the Assembly, including incumbent legislators, engage in.

The consequences of allocation rules on proportionality as well as on the reelection of incumbents have not gone unnoticed. Critics of the system have contended that thirteen seats (approximately 18 per cent of the Assembly) were improperly assigned both in 1994 and 1999, to the detriment of those candidates that in accordance with the spirit of the Constitution and the letter of the 1983 electoral law would have been elected. In response to what the affected individuals have deemed a violation of their civil rights—particularly regarding the principle of equality of votes and the right to be elected—several “losing” candidates have presented complaints before the Inter-American Human Rights Commission and filed a suit against the Republic of Panama with the Inter-American Human Rights Court (Morice, personal conversation).

### ALTERING THE PREFERENCES OF VOTERS AT ELECTION TIME

With the purpose of guaranteeing their continuation in office, Panamanian legislators have also resorted to altering the preferences of voters at election time. In this endeavor they have sometimes acted in collusion with their parties and local or national electoral authorities. This was clearly the case in the 1984 and 1989 elections, when vote fraud was an important element in the dictatorship's strategy to remain in power against the will of the majority of the population. At that time the Electoral Tribunal, the army, and the parties that supported the dictatorship as well as some individual candidates to office were employed in manipulating results with the purpose of fabricating electoral victories for the military regime.

In 1984, the strategy not only resulted in the fraudulent election of PRD presidential nominee Nicolás Ardito Barletta but also in the improper assignment of legislative seats to several pro-dictatorship legislative candidates: Rafael Abrego (PRD), Pedro Brín Martínez (PRD), Eben Chi (PRD), Santiago Curabo (PRD), Hugo Giraud (PRD), Anselmo Guaynora (PRD), Harmodio Icaza (PALA), Guillermo Jiménez (PRD), Rigoberto Paredes (PRD), Hugo Torrijos (PRD), and perhaps others as well. In this manner these candidates assumed legislative office and the regime ensured a majority in the Assembly that enabled it to pass laws and take action in accordance with “democratic” principles. (La Prensa, 21 May 1984, 30 July 1984, 6 August 1984, 23 August 1984, 10
Similar actions were also executed during the 1989 elections. Telephone conversation recordings that circulated widely at the time revealed the participation of Legislators Alberto Alemán Boyd (PRD) and Rigoberto Paredes (PRD) in “fixing” electoral results in favor of the dictatorship, including their own reelection. Alemán and Paredes “corrected” the returns of their constituencies’ tally sheets, as other pro-dictatorship figures did elsewhere, with the purpose of concocting at least fifteen Assembly seats for government supporters, including incumbent legislators. The magnitude of the vote against the dictatorship was such, however, that it prevented the regime from carrying out the plot as intended. Instead it opted for annuling the elections altogether (Ricord, 1991: 97-108; El Siglo 28 April, 29 April 1999).

Blatant, overt manipulation of this type has not been an issue in the 1994 and 1999 elections as it was during the previous decade. After the reestablishment of polyarchy in 1990, the abolition of the army, the restoration of constitutional rule, and the acquisition of a greater measure of autonomy by the Electoral Tribunal all contributed towards overcoming the most vicious features of electoral politics under military control. Electoral irregularities, however, continue to occur, revealing the persistence of the practice of manipulating elections in an effort to ensure the reelection of certain legislators and the selection of other candidates to office.

Since 1990, specific devices Panamanian legislators have applied to engineer favorable electoral outcomes include using their influence to alter voter records, delivering money in exchange for a promise to vote (or not to vote), and exercising influence to manipulate the vote count, among others. These practices, which have roots in pre-1990 political habits, have presumably exercised some effect in determining which candidates effectively assume office and, in particular, which legislators remain in the Assembly and which are faced with retirement.

Maintaining accurate voter records is the responsibility of the Electoral Tribunal. Especially under military rule, however, the Tribunal manipulated these records to favor official candidates, including legislative aspirants. In 1984 and 1989, for example, known opponents were reassigned to far away precincts or altogether dropped from the registry, thus preventing them from voting. At the same time, the Tribunal enfranchised several thousand persons who for various reasons (age restrictions, failure to register on time) did not appear on the electoral registry and issued special credentials to public employees to allow them to vote at any precinct (thus enabling them to vote repeatedly). It is estimated that this maneuver cost the opposition approximately 100,000 ballots in 1984\textsuperscript{11} (Arias de Para, 1984: 72-75; Koster and Sánchez, 1990: 305-6; Ricord, 1991: 84, 85).

While such wide-scale fraud is certainly no longer the case, altering voter lists to include sympathizers at the district level has been denounced under polyarchy. In May, 1994 Laurentino Cortizo, then a candidate to the Assembly on the Partido Solidaridad ticket, complained that activists of Partido Liberal Auténtico (PLA, then in government) had transported several hundred voters from other districts to support the Liberal candidate in his constituency. These individuals presumably employed special credentials issued by the Electoral Tribunal to vote outside their constituencies. On this occasion the Tribunal held new elections, after which Cortizo was declared the winner (La Prensa, 11 May 1994).

\textsuperscript{11} At the time the electoral population was approximately 917,000.
In 1999, it was reported that certain legislative candidates, in collusion with electoral authorities, "transplanted" voters to their districts. Candidate Renato Pereira (PRD) complained before the Electoral Prosecutor about the presence in his constituency of 3-4 thousand voters from other districts, who had been transported to support incumbent PRD Legislators Eliás Castillo, Manuel de La Hoz, and Olivia de Pomares, all of which, in effect, ensured their reelection. Estranged PRD Legislator Enrique Riley Puga, the candidate of Partido Cambio Democrático (CD) in the highland district of Veraguas Province, complained that PRD candidate Pedro Miguel González, a son of PRD President Gerardo González, had introduced more than 800 voters from other districts to guarantee the younger González’s victory (La Prensa, 7, 8 May 1999).

Several months prior to the election, Legislator Pablo Quintero Luna (Partido Arnulfista) of a rural constituency in the Province of Herrera complained that PRD activists had bloated his district’s register with approximately 2 thousand “new” voters (La Prensa, 30 September 1998). Quintero lost his seat to Mateo Castillero of the PRD. After the May, 1999 elections, community leaders in Darién Province indicated they would complain before several international human rights organizations about the inclusion of “thousands” of Panama City residents in the local voting rosters. The leaders argued that the Electoral Tribunal was well aware of the irregularity but neglected to take any action, ostensibly to contribute to the reelection of one of the Province’s legislators, the influential Haydée Milanés (Partido Solidaridad, then as now pro-government) as well as to the election of a PRD candidate, Sergio Tócamo (El Panamá América, 15 May 1999).

Buying votes (or abstentions) is another vote-rigging mechanism legislators have reportedly employed to preserve their seats. In 1984, there was widespread vote-buying in the San Blas Indian Reservation as well as in the rural Provinces of Herrera and Los Santos, where the price of a ballot ranged between $5 and $20. Together with the money, candidates with close links to the military regime who additionally had privileged access to the Electoral Tribunal gave vote sellers the “right” ticket, that is, they handed voters their ballot before the voter entered the precinct.

Renting voting cards (cédulas) is a variant of this behavior also employed in the 1984 elections and in subsequent occasions as well, more lately in 1999 (El Siglo, 7 May 1999). Candidates pay voters a certain sum in exchange for their voting cards that are retained by the candidate until after the election. This mechanism not only prevents a possible follower of an opponent from supporting him/her at the ballot box but also potentially provides the candidate who “rents” the cédula with an extra vote. The rented voting card is given to a supporter who may thus vote more than once for the candidate of his/her preference. In 1984 and 1989, multiple voting was facilitated by lax controls at the precincts, which were principally staffed by supporters of the military regime who condoned such illegalities (Arias de Para, 1984: 75-77).

After the reestablishment of polyarchy some degree of vote-buying has persisted, albeit through more subtle devices. During the 1994 political campaign and elections, newspaper articles repeatedly reported on vote-buying and described it as expected political practice. Complaints about the inclination of candidates to pay in exchange for purported support at the polls marred legislative elections in several precincts in Herrera, Coclé, and Darién Provinces, among others (La Prensa, 19 February, 23 February, 9 May, 14 May, 18 August 1994). Lamenting the prevalence of the practice in his district, one political commentator wrote that vote buying had completely distorted the principle of representation in Darién (La Prensa, 18 August 1994).
On election day in 1999 Legislator Franz Wever (PRD) reportedly distributed as much as $25 thousand in low-denomination ($10) supermarket coupons to constituents. Wever, who allegedly devoted part of his *partida circuital* to financing the coupons, was accused of vote-buying by his colleague and party fellow Alberto Alemán Boyd, who ran for reelection in the same district as the former but failed to retain the Assembly seat he held since 1984 (El Siglo, 6 May, 7 May 1999; La Prensa, 13 May 1999).

Shortly after the election, Legislator Alberto Castillero (Partido Solidaridad, then as now in government) was accused by Arnulfista candidate Arnulfo Escalona of delivering construction materials and scholarships to voters in Herrera Province. News coverage reported that Castillero allegedly warned constituents that they would have to pay for the value of the materials and scholarships in case he lost. Vote-buying was also reported in the impoverished Ngobe-Buglé Indian reservation, where a major fraud occurred in 1984, in the rural district of Antón (Coclé Province), and in low-income sectors of Panama City (La Prensa, 3 May, 13 May 1999; El Siglo, 13 May 1999). In the highland region of Veraguas Province, PRD candidate Pedro Miguel González was accused of distributing large quantities of food and counterfeit $20 bills to voters on election day (La Prensa, 8 May 1999).

Exercising influence to manipulate the vote count is another mechanism some legislators have resorted to in an effort to maintain their seats. This influence is a function of their individual standing with the Tribunal authorities as well as their rank in the party, the weight of the party in national politics, their links to the executive, and the degree of executive involvement in electoral affairs. As expected, this type of fraud was much more prevalent during the military period.

As was mentioned above, in 1984, for example, the “victory” of several pro-regime candidates to the Assembly was based on results featured in “corrected” tally sheets which had been audaciously written over at the PRD-controlled scrutiny boards. On instructions from the military command and with the additional purpose of securing their “reelection,” “corrections” of similar or greater magnitude were attempted in 1989, among others, by Legislators Alemán Boyd and Paredes (El Siglo, 28 April, 29 April 1999). In a different context and to a much lesser degree, in 1994 and 1999 tally sheets have also “disappeared” and “reappeared,” sometimes with curious additions.

In 1994, the press reported “grave irregularities” in tally sheets pertaining to Panama City precincts as well as to voting places in Chiriquí and Darién Provinces. In the latter region, candidate Abraham Pretto (MOLIRENA), a deputy under the old regime between 1960-1968, complained that the tally sheets had been purposely altered to favor Haydée Milanés of Partido Solidaridad (La Prensa, 12 May 1994). In 1999, over 100 tally sheets pertaining to several Panama City precincts remained at undisclosed locations for approximately two days after the 2 May elections. After they were finally retrieved candidates complained that their figures did not coincide with those immediately reported at the end of the vote (La Prensa, 4 May, 5 May 1999; El Panamá América, 4 May, 5 May 1999; El Siglo, 4 May, 5 May 1999).

During the military period, another device employed to assign seats to favored individuals included accepting all legal objections (impugnaciones) presented by pro-government candidates, who consistently impugned adverse precinct results. Accordingly, only votes cast in precincts in which pro-regime candidates won were taken into consideration in the final count (Arias de Para, 1984: 78-82). A similar strategy was executed in 1989 prior to the annulment of the elections Ricord, 1991: 91-99).
While the practice of impugning adverse electoral results has continued after the reestablishment of polyarchy in 1990, the Electoral Tribunal has revealed less inclination to go along with it. Both in 1994 and 1999, most formal objections to vote counts have been dismissed. Furthermore, the cost of presenting electoral suits has risen considerably, as the Tribunal now requires the deposit of a substantial bail before considering them and on occasion has resorted to fining the promoters of legal actions against candidates declared to have won. While these restrictions have been criticized as a denial of justice, in actuality they have rendered obsolete the practice of pretending to manipulate the distribution of Assembly seats on the basis of purported legal actions.

After the reestablishment of polyarchy, the practice of governments resorting to large-scale, blatant electoral fraud to ensure their continuation in power appears to have been overcome. Localized irregularities, aimed at guaranteeing the election and reelection of certain candidates—among them legislators—is still an issue, however. The 1999 electoral experience provides testimony in support of this affirmation. In the aftermath of the elections, the Ombudsman’s Office issued a report emphasizing the “avalanche” of complaints of lack of transparency it had received (El Siglo, 7 May 1999). Reflecting on the persistence of manipulative practices, an editorial in El Panamá América (6 June 1999) insisted that the elections of last May had been “the most irregular of those held since the middle of the century.” According to the daily, “Vote-buying, violence, spurious records, altered tally sheets, and irregular counts” were the distinguishing trait of a process that resulted in the “questionable assignment of at least one dozen Assembly seats, mainly to the ruling PRD ... without any arithmetic relationship to the total amount of votes cast in the legislative election.”

CONCLUSION

Where they are allowed to serve several terms, representatives are likely to seek reelection. According to legislators’ behavior theory, representatives undertake specific activities to achieve reelection: advertising, claiming credit, taking positions (Mayhew 1974), supporting the party line, distributing patronage, and accommodating the bureaucracy (Arnold 1979; Cain, Ferejohn, and Fiorina 1987; Cox 1987). In this regard, Panamanian legislators behave as predicted by theory. But they also engage in other electorally-rewarding behaviors that, however, have not been sufficiently addressed in the literature.

One of these is switching parties. Although most Panamanian legislators support their parties, many of them also change labels. They do so because their own parties become extinct and because they hold differences with the leadership, but also with a clear electoral connection in mind. Towards the end of their periods, at election time, many shift because opportunities for securing candidacy are few or non-existent in their own parties or because they believe they have higher re-electoral prospects under different labels. Although still scanty, the available evidence indicates a general trend toward achieving reelection among those legislators who change to larger parties as well as a tendency to fail among those who shift to smaller parties.

Electoral manipulation is another behavior Panamanian representatives engage in with the purpose of securing reelection. Two types of manipulation are observable. Legislators use their power to change laws in order to amend the electoral legislation in ways that favor their re-electoral ambitions. In particular, Panamanian representatives have legislated to reduce the proportionality of the electoral system, instituting procedures that place a bonus on their own reputations as providers of goods and services over party ideology or political principles. Herein lies yet another electoral
connection, for the record shows that the reelection rate of legislators increases as the proportionality of elections decreases.

A second type of manipulation consists of altering the preferences of voters at election time. To promote their continuation in office, some Panamanian legislators modify voting records, buy votes from constituents, and adjust electoral computations. These practices, which were much more widespread under military dictatorship (1968-1989), have, however, continued—albeit to a lesser degree—under polyarchy. Due to their irregular nature it is difficult to estimate how much they influence the reelection of legislators. Based on the available evidence, however, it seems fair to say that at least some representatives owe their continuation in office to the manipulation of voter preferences.

Distributing patronage is one activity predicted by the literature that Panamanian legislators clearly engage in. In most established polyarchies representatives limit their activity in this field to acting as intermediaries between the state and their constituents. In Panama, however, many legislators have secured roles as direct providers of goods and services to their constituency. This they have achieved through legal and illegal means.

As demonstrated by the PARVIS housing subsidy scandal, with a view to attaining reelection some Panamanian representatives, particularly those with privileged access to the government, illegally channel state resources to their pork-barrel activities. On the other hand, legislators have also formally institutionalized their recourse to large constituency appropriations known as partidas circuitales. Access to these funds gives legislators a significant electoral advantage over non-incumbents, as is demonstrated the unprecedented reelection rate registered in 1999, particularly among those legislators receiving the more sizable appropriations. Two basic characteristics of partidas circuitales contribute to their value as an electoral and rent-seeking instrument. The first is the fact that they represent a wholly discretionary use of funds, i.e., legislators may channel them towards whatever activities they wish. The second is the absence of effective control over their disbursement.

Patronage distribution, party switching, and electoral manipulation are three mechanisms Panamanian legislators employ in their efforts to achieve reelection. In the Panamanian context, the available evidence indicates that these practices in many cases produce favorable electoral results. But they also have consequences for representation. By creating an electoral clientele, patronage distribution corrupts the free link that, ideally, should exist between representatives and constituents. If constituents are conditioned to provide electoral support in exchange for the goods and services directly delivered by legislators, their right to vote on the basis of principles and platforms is significantly restricted.

Likewise, the practice of switching labels also undermines the principle of representation based on parties. At least theoretically, switching parties releases legislators from the commitment of upholding the program their constituents voted for when they opted for a certain party label. Last but hardly least, manipulating election laws or electoral results clearly distorts the will of the electorate. In these and other ways pending exploration and further elaboration, the re-electoral devices employed by Panamanian legislators have clear implications for the quality of representation, one of the pillars of the modern democratic system.
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