

Why use pencils, erasers, or wite-out to modify a bill passed by the legislature? The use of presidential partial vetoes in Chile, 1990-2022

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Abstract

Partial vetoes in presidential systems constitute an additional step in the executive-legislative bargaining process. Presidents might use different types of partial vetoes depending on the circumstances. Given their design, additive vetoes are a friendlier option—since the version passed by the legislature prevails if the presidential veto is overridden. Suppressive vetoes are more confrontational, as the status quo prevails if the veto is not overridden. In substitutive vetoes, the status quo remains when the president version fails to pass, or when the legislature overrides the veto. Using the case of Chile, where presidents issued 697 partial vetoes on 110 bills between 1990 and 2022, we assess the determinants of the issuance of additive, suppressive and substitutive vetoes. Presidents are more likely to issue friendlier additive vetoes when they enjoy higher popular approval, and they are more likely to confront the legislature in their last year in office by issuing suppressive vetoes.

Keywords: Partial presidential vetoes; executive-legislative bargaining; presidential approval; electoral cycle; Chile.

Why use pencils, erasers, or wite-out to modify a bill passed by the legislature? The use of presidential partial vetoes in Chile, 1990-2022

A common occurrence in Latin American democracies, a partial presidential veto—an instrument that is often wrongly equated to line-item vetoes in state governments in the U.S—is a powerful tool that presidents use to alter the content of a bill passed by the legislature. With a partial veto, presidents can add, delete, or modify articles or sections of bills and send the bill back to the legislature for an up or down vote. In countries where presidents can use different types of partial vetoes, under what conditions are some partial vetoes used more than others?

In Chile, where the constitution allows for suppressive, additive, and substitutive partial veto powers, presidents can discretionarily use different combinations of veto types on a single piece of legislation. Line-item or suppressive vetoes eliminate parts of the bill passed by the legislature. Additive vetoes add content to what was approved by the legislature. Substitutive vetoes replace content introduced by the legislature. Suppressive vetoes erase text in a bill approved by the legislature. Amendatory vetoes, as they are called in other countries, can be substitutive, additive, or suppressive, depending on the wording of the lawmaking rules that regulate partial veto powers. Between 1990 and 2022—in 7 presidential terms—Chilean presidents vetoed 110 bills. In total, they issued 697 individual additive, suppressive, or substitutive vetoes.

On May 23rd, 2011, President Sebastián Piñera vetoed a bill to promote healthy food consumption that established a new publicity regulatory framework and food labeling requirements. The bill was introduced by a group of legislators in 2007—in the prior presidential term—and had moved

slowly through the legislative process. Once Congress sent it to the president's desk, Piñera issued 25 vetoes on that bill: 5 additive, 6 suppressive, and 14 substitutive vetoes that affected different articles of the bill. Congress approved 14 of those vetoes (1 additive, 3 suppressive, and 10 substitutive) and rejected the other 11 (4 additive, 3 suppressive, and 4 substitutive). As a result, the bill was enacted including the 14 approved vetoes, keeping the original text passed by the legislature in the 7 vetoes that were overridden and with no changes in the 4 cases where the additive veto was rejected.

After discussing the role of vetoes in the legislative process in presidential democracies, we contend that, when presidents can issue partial additive, suppressive, or substitutive vetoes, the type of partial veto reflects different signals by the executive in the negotiation. We postulate 3 hypotheses on the determinants of the type of veto issued by presidents. We then discuss our methodology, present the case of presidential vetoes in Chile, and analyze the data. We conclude by discussing the implications of our findings for the larger literature on presidential vetoes.

Types of presidential vetoes

The veto is a powerful tool given to the executive to influence the legislative process (Shugart and Carey 1992; Mainwaring and Shugart 1997). As it allows the president to block a bill passed by the legislature, the veto is a reactive power (Alemán and Schwartz 2006) or a negative power (Tsebelis and Alemán 2005; Tsebelis and Rizova 2007). As an instance of last resort, it is seldomly used (Rohde and Simon 1985), as issuing a veto normally carries high political costs (Londregan 2000). Moreover, presidents can simply rely on the threat of using a veto to extract concessions

from the legislature before the bills reaches their desk (Cameron 2002; Matthews 1989; Tsebelis and Alemán 2005). The threat of a veto can be understood as a sequential process, whereby the legislature modifies the content of the bill before passage to avoid a veto (Cameron 2002; Palanza and Sin 2013; Tsebelis and Alemán 2005). In this way, the presidential veto is conducive to executive-legislative cooperation (Alemán and Schwartz 2006, 117).

Much of the literature on presidential vetoes has been developed in the U.S., where presidents can only issue a total veto on a bill. According to the U.S. Senate veto count page, out of 1527 total presidential vetoes issued in the U.S. between 1776 and 2023, only 112 have been overridden by Congress; and out of the 34 vetoes issued since 2001, only 6 have been overridden. Their frequency and the ability of Congress to override a veto depend on which party controls Congress (Lee 1975). A president might veto when the bicameral legislature has different ideal points on changing the status quo and the president might want to pit one chamber against the other (Guenther and Kernell 2021). When presidents want to change the wording of some articles (Rohde and Simon 1985), the divergence in preferences might induce the executive to issue vetoes to build reputation and signal differences with the median voter in the legislature (McCarty 1997). Since presidents can influence the content of the bill via amendments (Cameron 2002), more legislative steps—like sequential debate in each chambers—give the executive and those who oppose the bill more opportunities to block it or delay its passage.

In other presidential democracies, presidents are often empowered with the ability to issue partial or amendatory vetoes (Indridason 2011; Alemán 2005; Spitzer 1997; Ochieng 2023; Belmar Soto, Navia, and Osorio 2023). In 15 of the 18 largest presidential democracies in Latin America,

presidents can issue partial—or constructive—vetoes (Alemán and Schwartz 2006, 103). Other countries with partial veto powers are Kenya (Ochieng 2023) and the Philippines. Several state constitutions in the United States also grant governors line-item veto powers (which would be the equivalent to suppressive vetoes in Latin American presidential democracies).

When presidents have bill initiation power or can amend bills, the veto power induces the legislature to acquiesce to presidential amendments to avoid a veto (Tsebelis and Alemán 2005; Alemán and Schwartz 2006). In Latin America, democracies have strong presidents (Mainwaring and Shugart 1997) with ample proactive legislative powers (Cox and Morgenstern 2001). Those powers include presidential vetoes, a feature present in the region since the early 1800s (Gargarella 2003). In some Latin American multiparty presidential democracies with broad veto power provisions, presidents also issue more vetoes early in their terms (Palanza and Sin 2013). Even when they know they will be overridden, minority presidents in Latin America might issue a veto for position taking purposes or to polarize the electorate over certain issues (Alemán 2006; Alemán and Schwartz 2006). Presidents are more likely to veto legislator-initiated bills than their own bills (Palanza and Sin 2013). In Latin American democracies, veto overrides are more likely on landmark legislation or when the executive's party lacks a majority in one of the chambers (Palanza and Sin 2013).

Although there are different types of veto powers in Latin American presidential democracies (Basabe-Serrano 2017, 17-22; Alemán and Schwartz 2006), in general, partial vetoes are more common than total vetoes, and the latter have higher chances of being overridden (Palanza and Sin 2013). When presidents can use partial vetoes to amend or modify a bill, the partial veto can be a

proactive legislative tool used by presidents to change the status quo closer to their ideal point ((Tsebelis and Rizova 2007; Tsebelis and Alemán 2005). In Argentina, Brazil, Uruguay and Ecuador, presidents can use a constructive partial veto that needs to be approved—rather than overridden—by the legislature. In Bolivia, Chile, Costa Rica and Mexico, legislatures first vote to approve a presidential veto (that is, to approve the modifications, additions, or deletions proposed by the president) and then vote to override it, in case the veto has not been approved (Alemán and Schwartz 2006; Aninat et al. 2008). If the legislature fails to approve or override the partial veto, the bill is enacted without the content vetoed or modified by the executive. In general, a qualified majority, that ranges from 3/5 to 2/3 is required to override a veto, but often a simple majority is required to approve a veto (Alemán and Tsebelis, 2005; Alemán and Schwartz, 2006). That makes the partial veto a useful bargaining tool. In their discussion of constructive presidential vetoes, Alemán and Schwartz make the case that partial vetoes “encourage interbranch cooperation and democratic responsiveness” (Alemán and Schwartz 2006, 115).

Hypotheses

When presidents can issue different types of vetoes, the type of veto they issue signals the extent to which they are willing to compromise with the legislature. Following the logic outlined by Alemán and Schwartz (2006), the issuance of a partial veto that challenges the ideal position of the legislature will signal less disposition to compromise than a partial veto that simply adds content to what the legislature has already passed. The legislature should be more amenable to accepting a presidential veto that adds content to the bill already passed than a veto that replaces or deletes some of the content of the bill sent to the president’s desk.

Thus, presidents who are in a strong negotiating position—for example, early in their term or when they enjoy stronger support in the legislature—or those that are more interested in seeing the bill passed than in taking a policy position or in confronting the legislature—should be more inclined to issue additive vetoes than suppressive or substitutive vetoes. If the partial veto is a tool that facilitates bargaining, additive vetoes appear as a stronger commitment to reaching a compromise than substitutive or suppressive vetoes. In turn, as substitutive vetoes offer an alternative change to the status quo than the one passed by the legislature, substitutive vetoes are more inductive to bargaining than suppressive vetoes—which seek to eliminate the change approved by the legislature and uphold the status quo. That logic leads us to postulate three hypotheses that link the determinants of the issuance of vetoes to the type of veto issued.

A larger seat share support for the president makes it more likely for the executive to avoid a veto override (Rohde and Simon 1985; Colomer and Negretto 2003; Woolley 1991). In Argentina, more important bills are more likely to be vetoed, but the issuance of vetoes is not impacted by the legislative seat share for the president (Palanza and Sin, 2014). Presidents with a stronger seat share support in the legislature are in a better position to challenge a bill passed in congress. In turn, presidents with less support in the legislature are in a weaker position and thus should be more amenable to issue a friendlier veto to avoid a direct confrontation with the legislature. Thus, our first hypothesis suggests:

H1: A higher seat share support in the legislature makes it more likely that presidents will issue partial vetoes that modify or delete content in a bill than partial vetoes that add content to a bill passed by the legislature.

Studies on executive-legislative relations show that government approval has a positive impact on the president's ability to advance his or her legislative agenda (Canes-Wrone and de Marchi 2002). When they are less popular, presidents are less likely to issue vetoes (Woolley 1991). Popular presidents are more likely to hold sway in the legislature. In fact, presidential approval is inversely correlated to the ability of Congress to override a veto (Rohde and Simon 1985). Although in Argentina, presidential approval does not impact the issuance of vetoes (Palanza and Sin 2014, 2013), more popular presidents are more successful in advancing their agenda in Chile (Alemán and Navia 2009; Mimica, Navia, and Osorio 2023). Presidents with high approval can anticipate that legislators will be more amenable to cooperating with the executive and more likely to acquiesce to the executive's ideal point. As vetoes are a source of tension in executive-legislative relations, unpopular presidents will be more inclined to issue friendlier vetoes to avoid a confrontation with the legislature. Popular presidents have less to lose in case of a conflict with the legislature. It follows that popular presidents will be more likely than presidents with low approval to issue confrontational suppressive partial vetoes. That brings us to our second hypothesis:

H2: A lower approval makes presidents more likely to issue partial vetoes to add content to a bill passed by the legislature than vetoes that replace or delete content in a bill.

Prior studies have also shown the existence of a honeymoon effect on the success of the president's agenda (Barrett and Eshbaugh-Soha 2007; Eshbaugh-Soha 2005; Alemán and Navia 2009; Alemán and Calvo 2010; Mimica, Navia, and Osorio 2023). The electoral cycle also impacts the frequency of vetoes (Rohde and Simon 1985; Woolley 1991). Presidents have incentives to issue vetoes early in their term to establish a reputation (McCarty 1997). For that reason, Congress is more likely to pass bills with content closer to the president's ideal point in the honeymoon period than in the rest of the term—presumably to avoid the issuance of a presidential veto (McCarty and Poole 1995; McCarty 1997). As time goes on, Congress gains a stronger negotiating position (Rohde and Simon 1985) and presidents lose power, which might make them more willing to issue vetoes to block legislative initiatives that the president opposes. Since presidential vetoes inevitably trigger tension with the legislature, presidents should try to avoid confrontation in their first year in office. Thus, they would be more likely to issue additive vetoes in their first year. In turn, in their last year, presidents will no longer prioritize having good relations with the legislature and thus will be more likely to issue more hostile substitutive and confrontational suppressive vetoes. Thus, our third hypothesis postulates:

H3: Presidents are more likely to issue partial vetoes that add content to a bill in their first year, and more likely to issue a confrontational partial veto that modifies or deletes content of a bill in their last year in office.

Chile as a case study for partial presidential vetoes

The Chilean constitution grants the president broad proactive legislative powers (Llanos and Nolte 2006; Cox and Morgenstern 2001). The president has a strong agenda setting power (Samuels and Shugart 2003; Tsebelis and Alemán 2005), Comparative studies on Latin American systems rank Chile as having a dominant president (Mainwaring and Shugart 1997) and label the legislative powers of the executive as very high (Shugart and Haggard 2001). Studies from the 1990s describe Chile as having an exaggerated presidentialism (Siavelis 2000) or super-presidentialism (Shugart and Carey 1992, 129). Other studies reinforce the notion that the legislative powers of Chilean presidents are among the strongest in Latin America (Santos, Pérez-Liñán, and García Montero 2014). More recent texts on the political system in Chile continue to describe the system as hyperpresidentialist (Eyzaguirre Guzmán, Figueroa Rubio, and Jordán Díaz 2022).

Nonetheless, the Chilean congress has a high level of institutionalization (Nolte 2003), there is strong cooperation between the executive and legislature (Berríos and Gamboa 2006; Dockendorff 2021; Jaime-Godoy and Navia 2023) and Chilean presidents cannot unilaterally modify the status quo (Alemán and Navia 2016). Chilean presidents tend to cooperate with the legislature (Siavelis 2002) and have succeeded in advancing their legislative agendas (Alemán and Navia 2009; Mimica, Navia, and Osorio 2023). High voting thresholds to pass important bills induce executive-legislative cooperation (Aninat et al. 2006; Martínez 2022; Berríos and Gamboa 2006). The “informal structures of power” in the law-making process also promote cooperation (Soto Velasco 2015b, 207). The legislature has found more ways to influence the lawmaking process (Arana Araya 2015; Faúndez Caicedo et al. 2022). A few studies have openly called into question the alleged existence of hyper-presidentialism in Chile (Martínez and Dockendorff 2023; Mimica,

Navia, and Osorio 2023). Martínez and Dockendorff (2023) cite the constitutional powers, the balance of powers between the executive and other democratic institutions, and the strength of political parties in congress to question the claim of hyper-presidentialism.

The legislative process in Chile's bicameral congress is sequential. Bills can be introduced by the president or by legislators in their respective chamber, but presidents have exclusive power to introduce spending bills. Once a bill passes in one chamber, it goes to the other for discussion. If both chambers approve different versions of a bill, the first chamber reviews the bill approved by the second chamber. If there are disagreements, a conference committee comprised of an equal number of members from both chambers drafts a compromise version (Alemán and Pachón 2008; Navia and Mimica 2021). Amendments to bills can be introduced by legislators or the executive in the committee debates or on the floor. Different bills require different voting thresholds. For the period of study, threshold included a simple majority of those present or qualified majorities (a majority of sitting members, 4/7, 3/5 or 2/3 majorities). Presidents can issue urgency motions to speed up debate on a bill. Urgency motions force the chamber to vote within 7, 15 or 30 days on a bill, although presidents normally issue and withdraw urgency motions simply to control the legislative agenda and to bargain with legislators (Jaime-Godoy and Navia 2023). Once a bill is approved by both chambers, it goes to the president desk. Presidents can issue total or partial vetoes on any bill (Belmar Soto, Navia, and Osorio 2023).

Presidents must issue a veto within 30 days after receiving a bill. The tradition is that presidents will not withdraw vetoes once issued (Soto Velasco 2015a, 204). The Organic Constitutional Law of Congress (Law #18918) regulates how each chamber proceeds in case of a presidential veto.

The president of each chamber must accept the presidential veto. In case the president of a chamber chooses not to accept the veto, the chamber can reverse that decision by majority rule. If the veto is not accepted by the chamber, the bill will be enacted without the articles vetoed by the president—unless the veto is overridden, in which case the original text is sent back to the president for enactment. Once the veto is accepted by both chambers, each chamber votes on each partial veto issued and on the entire presidential veto. The vote threshold required to approve the veto is the same as that required to pass the bill. For a veto to be overridden, a 2/3 majority is required in each chamber. If only one chamber approves the changes made by the executive or rejects the veto, the bill will be enacted without the content vetoed or modified by the president (Soto Velasco 2015a, 175). As a presidential veto can only be rejected by a 2/3 majority in both chambers, but the content of an amendatory veto only needs to be approved by the same majority that approved the original content in the bill, the veto works as a powerful threat that helps presidents improve their bargaining position.

Article 128 of the constitution empowers the president to issue a total veto of a constitutional reform. That type of veto has been seldomly used in Chile. We have identified only one occasion between 1990 and 2022 that a president issued a total veto—President Patricio Aylwin in September of 1991. The other three types are partial vetoes. Article 73 of the 1980 constitution gives the president total and partial (or amendatory) veto power over bills passed by Congress. There are three types of amendatory vetoes: additive, suppressive and substitutive (Soto, 2015a).

The **additive veto** gives the president the power to add a phrase or other content to a bill passed by Congress. President Michelle Bachelet (2006-2010) added an article to a bill that banned the

practice of requesting a signed blank check before a patient could be admitted to a private clinic. Substitutive and additive vetoes can only address issues directly related to the content of the bill.

The **suppressive veto** allows the president to strike out an article or part of an article of a bill passed by Congress. President Patricio Aylwin (1990-1994) issued a suppressive veto to Law 19180 that modified the Constitutional Organic Law of municipal governments. If Congress fails to override the veto with a 2/3 majority and the suppressive veto is not approved by a majority in the legislature, the sections vetoed by the president cannot be included in the law to be enacted (Soto 2015a: 174). That is what happened with Law 19180.

The **substitutive veto** replaces an article or a section of an article in a bill passed by Congress. This type of veto is also subject to the same voting rule conditions as the suppressive veto. President Ricardo Lagos (2000-2006) issued a substitutive veto to Law 19948 that modified the rules for replacements for lost or stolen national identification cards.

An example can help clarify what each type of veto does. In a two-person household, when one person makes a list of goods to get from the supermarket, the other person can ask to have an additional good added to the list, to eliminate a good already on the list, or to replace one good with another. Each type of veto generates different incentives for cooperation and bargaining. An additive veto does not eliminate any of the text approved by the legislature. In fact, if a president issues an additive veto and Congress overrides it, the bill is enacted with the same wording originally approved by Congress. In turn, a substitutive or a suppressive veto requires a more complicated lawmaking process. In those cases, Congress must first vote to accept the changes

proposed by the president. If the veto is accepted—by the same majority required to pass the law—the bill goes back to the president’s desk. If the veto is not accepted, Congress votes by a 2/3 majority to insist on the original wording of the articles vetoed. If the veto is overridden, the version originally passed by congress stands. If Congress fails to reach the 2/3 majority, the bill is enacted without the content modified by the president. When the president issues a suppressive veto, the text erased by the president can only be restored by a 2/3 majority in Congress. If that majority is not reached, the text erased by the president is not included in the bill. In turn, a substitutive veto means that if Congress fails to approve the partial veto, the original text can only be restored by a 2/3 majority. Otherwise, the bill excludes the modified text.

Approving an additive veto does not take away any text of a bill approved by congress to change the status quo. What is more, an additive veto does not need an override vote. It is sufficient for Congress not to approve the additive veto for the content of the veto to be discarded. An additive veto is a friendlier partial veto. If the substitutive or suppressive veto is not approved, an override vote must be taken. Congress must vote, with a 2/3 majority threshold, to restore the original text. If that threshold is not met, the text erased or substituted by the president’s veto is not included in the new law. Thus, when issuing substitutive or suppressive vetoes, the president can win (if the veto is approved) or lose (if the veto is rejected). But the loss can lead to a mutual loss for Congress and the president (when the bill is enacted without the sections erased or modified by the president).

A suppressive veto is more confrontational than an additive veto. If Congress fails to override, neither the president nor Congress will have come out ahead. A substitutive veto is openly hostile

as it gives the president an edge—if Congress approves the veto, the president successfully modifies the status quo to his/her advantage. However, if Congress fails to approve or override a substitutive veto, neither the president nor Congress come out ahead. Both the suppressive and substitutive vetoes give the legislature the opportunity to rebuke the president and, by a 2/3 vote, insist on the original wording of the text. A substitutive veto represents the strongest presidential challenge to the legislature—as the failure to override the president’s veto means that, if the legislature fails to either approve or override the veto, neither the president’s preferred wording nor the legislature’s preferred wording make it into the final text of the law.

Prior studies have reported that the presidential veto power has turned into a “procedure that has had a marginal relevance in executive-legislative relations” (Huneus and Berríos 2005, 359). The veto “works a has a dissuasive power that is not used frequently” (PNUD 2014, 348) and the threat of its use “induces legislators to obtain the president’s support to pass their bills” (Soto Velasco 2015b, 206). Other studies also report occasions of contentious presidential vetoes. Discussing a presidential veto issued by leftwing President Michelle Bachelet in 2006, Berrios and Gamboa write that “in the law-making process of a bill that regulates scientific inquiry on human subjects (Law 20120), the executive issued an additive veto to include a norm, but the veto was declared inadmissible by the President of the Senate, Eduardo Frei. The justification was that the norm did not address the basic content [*idea matriz*] of the bill [...] it was the first time since 1990 that a presidential veto was declared inadmissible” (Berríos and Gamboa, 2006: 114). Berríos and Gamboa conclude that “the use of this mechanism shows that Congress can strengthen its bargaining position with the executive in the law-making process” (2006: 114). In her study of different types of presidential vetoes in Chile between 2006 and 2016, Palanza (2022) reports that

bills that receive a presidential urgency motion and those that cover more important issues—according to the coding of her research team—are more likely to be vetoed.

The presidential veto has been occasionally used when the bargaining process fails (Soto Velasco 2015a, 207). Previous works have reported that the legislature has occasionally formally asked the president to use a veto to correct problems in an advanced bill (Huneus and Berríos 2005). In occasions, “presidential vetoes were requested by the legislators when they found errors in the bills passed by Congress” (Huneus, 2009: 260). To back this claim, Huneus cites information conveyed to him by lawyer and legislative expert for several center left Concertación coalition governments, Carlos Carmona (who also served as a member of the Constitutional Tribunal). Based on that information, Huneus claims that “between 1990 and 1992—a situation that has remained unchanged—the president used the veto only 45 times. In 32 of those occasions, Congress approved the veto, in 7 occasions, the veto was partially approved, and in 4 cases, the veto was rejected. In those 11 latter cases, the Congress insisted with the original bill in 3 occasions and in the other 8 cases, Congress chose not to insist. The content of those vetoes shows that they cover different issues and not necessarily important ones” (Huneus 2009: 259-260). The information reported by Huneus (2009) has been reproduced in latter studies (Berríos and Gamboa, 2006; Martínez, 2018). Those studies argue that “the presidential veto is used not only to resolve conflicts between the executive and the legislature, but it is often used after a request by the legislators to correct errors in a bill” (Berríos and Gamboa, 2006: 114).

In sum, previous studies report that the presidential veto is part of the institutional design that fosters executive-legislative cooperation (Belmar Soto, Navia, and Osorio 2023). Yet, as Martínez

argues, when discussing the veto issued by president Piñera to the annual budget law in late 2012 (Martínez 2018: 90), the fact that presidents seldomly make use of this tools does not mean that the tool does not exist or that it does not induce the legislature to compromise with the executive.

Methodology

Our unit of analysis is the partial veto issued on any bill. A president can veto multiple sections or specific articles of a bill. Starting with the database built by Belmar Soto, Navia, and Osorio (2023) to study the issuance of presidential vetoes in Chile between 1990 and 2018, we complemented it with all the bills vetoed between 2018 and 2022. We looked at each vetoed bill to collect information on the partial vetoes issued by the president. We identified 697 partial vetoes in the 110 bills vetoed by Chilean presidents in the 7 presidential terms between 1990 and 2022. Some bills only had one partial veto while others had as many as 39 partial vetoes. On average, bills had 6.3 partial vetoes. Our dependent variable is the type of veto issued by the president. Vetoes can be additive, suppressive, or substitutive. We coded the 697 partial vetoes as additive, suppressive or substitutive according to the content of the veto.

The independent variable for hypothesis 1 is the seat share support for the president in the legislature. We have two indicators for that variable, the seat share support in the Senate and the seat share support in the Chamber of Deputies for the president's multiparty ruling coalition. The independent variable for hypothesis 2 is presidential approval. We obtained presidential approval numbers from the regular polls conducted by the Center for Public Studies (CEP, in the Spanish acronym), a highly reputed think tank that has conducted polls since the late 1980s. CEP polls are

normally conducted a couple of times per year—although in some years there was only one poll, and in a few years, like 2020, no polls were conducted. We average the presidential approval reported for all the polls conducted every year. For the years when there were no polls, we averaged the polls for the previous and subsequent years. The independent variable for hypothesis 3 is the electoral cycle. We use an indicator for a bill vetoed in the first year of the term and another indicator for those vetoed in the last year of the term.

As control variables, we use variables that have been used to account for the success of bills in Chile (Alemán and Navia 2009; Dockendorff 2021; Navia and Mimica 2021) We use the number of legislative steps that the bill went through, indicators for bills that required special voting threshold for passage, for bills that had approved amendments, for bills that received a presidential urgency motion, for bills introduced by the president, for bills introduced in the Chamber of Deputies and a variable with the number of other partial vetoes in the same bill. A bill can be vetoed after 2, 3 or more legislative steps (we use 0, 1 and 2 for each type of bill). We also applied fixed effects for presidential terms. Table 1 shows the descriptive statistics for the variables used.

Table 1. Descriptive statistics for the dependent and independent variables

Variable	N	Mean	Std. Dev.	Min	Max
Additive veto	697	0.35	0.48	0	1
Suppressive veto	697	0.18	0.39	0	1
Substitutive veto	697	0.47	0.50	0	1
Approval of presidential veto	697	0.66	0.48	0	1
President's support in Senate	697	4.79	3.12	44.2	55.2
President's support in C Deputies	697	5.36	4.62	44.5	58.3
Presidential approval	697	43.99	151.475	12.5	72.1
First year of presidential term	697	0.22	0.41	0	1
Last year of presidential term	697	0.27	0.45	0	1
# Legislative steps	697	1.89	0.43	0	2
High vote threshold	694	0.76	0.42	0	1
Amendments	693	0.97	0.18	0	1
Immediate discussion urgency motion	693	0.54	0.50	0	1
Presidential bill	697	0.72	0.45	0	1
Bill introduced in C Deputies	697	0.78	.042	0	1
# partial vetoes in bill	694	9.26	870	1	39
Aylwin	697	0.12	0.32	0	1
Frei	697	0.23	0.42	0	1
Lagos	697	0.17	0.37	0	1
Bachelet (2006-2010)	697	0.23	0.43	0	1
Pinera (2010-2014)	697	0.13	0.34	0	1
Bachelet (2014-2018)	697	0.02	0.12	0	1
Pinera (2018-2022)	697	0.12	0.32	0	1

Source: Authors, with data from the Senate of Chile website and the Library of Congress' *Historia de la Ley* for all the enacted bills.

Presidential vetoes issued in Chile, 1990-2022

Table 2 shows the number of partial vetoes issued to those 110 bills by presidential term. Although vetoes were more common in the first administrations after the return of democracy, there is wide variance across terms. While President Bachelet issued only 11 partial vetoes in her second term, President Piñera issued almost seven times as many partial vetoes. While Piñera had minority legislative support in both of his terms, Bachelet had majority support in her second term and during half of her first term. Still, she issued more vetoes than any other 4-year president in her first term in office. Although two of the eight terms lasted for six years, presidents issued about

half of their vetoes in the middle years of the terms. There is no clear pattern associated to the number of vetoes issued in the first and last year of the presidential terms.

Table 2. Presidential vetoes by the electoral calendar by administration, 1990-2018

Presidential term	President	First Year	Middle years	Last year	Total %	N
1990-1994	Aylwin	13.6	82.7	3.7	100	81
1994-2000	Frei	35.4	47.5	17.1	100	158
2000-2006	Lagos	44.4	26.5	29.1	100	117
2006-2010	Bachelet	13.9	43.0	43.0	100	158
2010-2014	Piñera	1.1	58.7	40.2	100	92
2014-2018	Bachelet	0.0	100.0	0.0	100	11
2018-2022	Piñera	10.0	62.5	27.5	100	80
Total	Total	21.5	51.1	27.4	100	697

Source: Authors, with data from the Senate of Chile website and the Library of Congress' *Historia de la Ley* for all the enacted bills.

Table 3 shows the number of bills vetoed and the number of vetoes issued between 1990 and 2022.

On average, each bill vetoed included 6.33 different vetoes. The most common partial vetoes issued were substitutive (46.8%). In 18.2% of the vetoes issued, presidents deleted part of the text without offering a replacement—the equivalent of a line-item veto in the U.S. The median value is 3, and the distribution is skewed to the rights, with 10 bills receiving a presidential veto that included at least 21 different objections. The highest number of vetoes on a bill was 39.

Table 3 also shows the different types of vetoes issued in each presidential term. There is significant variance in the total number and type of vetoes issued in the 7 terms. Bachelet, in her second term, issued the lowest number of vetoes, as she enjoyed majority support in both chambers. Presidents Frei and Lagos issued more vetoes, but they served for 6 years, while the

other presidents only served for 4 years. President Bachelet in her first term issued more vetoes than all other 4-year presidents. Except Lagos and Bachelet in her second term, all presidents issued more substitutive vetoes than additive or suppressive vetoes. This lends support to our claim that while additive vetoes are the friendliest, suppressive vetoes are the most confrontational.

Table 3. Type of partial presidential vetoes issued by administration in Chile, 1990-2022

President	Additive	Suppressive	Substitutive	Total %	Total #
Aylwin	32.1	23.5	44.4	100.0	81
Frei	38.7	12.3	49.0	100.0	158
Lagos	51.7	5.2	43.1	100.0	117
Bachelet I	30.4	13.3	56.3	100.0	158
Piñera I	28.3	35.9	35.9	100.0	92
Bachelet II	36.4	63.6	0.0	100.0	11
Piñera II	22.5	27.5	50.0	100.0	80
Total %	34.9	18.3	46.8	100.0	
Total N	242	127	324		693
# bills affected	62	48	62	110	
Average veto #	3.9	2.6	5.2	6.3	

There were 4 partial vetoes for which we have no information, issued by Frei (3) and Lagos (1).

Source: Authors, with data from the Senate of Chile website and the Library of Congress' *Historia de la Ley* for all the enacted bills.

Results

Table 4 shows the results of a multinomial logit model where the dependent variable is the type of partial veto issued by the president. The reference category is the additive veto. Thus, the tables show the logit coefficients of the probability of a partial suppressive and substitutive veto compared to the probability of an additive partial veto issued.

Hypothesis 1 suggests that a higher seat share support for the president in the legislature makes presidents more likely to issue suppressive or substitutive partial vetoes rather than friendlier

additive vetoes. Although the coefficients in the models are positive, they are not statistically significant. Thus, the model fails to show an association between legislative support for the president in either chamber with the type of partial veto issued. While we expected that presidents with more legislative support would be more likely to issue vetoes that change the text of the bill rather than add additional wording to a bill passed by the legislature, the models fail to show that association. These results call into question the claim about exaggerated presidentialism in Chile. Presidents who command strong legislative support do not use that support to impose their views over those of a majority in congress in the content of bills passed. In addition to vetoing relatively few bills, presidents refrain from using more confrontational vetoes even when they have strong legislative support. This might be because the legislature, even when the majority shares the same ideology as the president, exercises real muscle in influencing the content of the bills. If presidents abuse their power by issuing suppressive or substitutive vetoes that modify the content of a bill passed by the legislature, the legislature might retaliate in the future by not sending bills to the executive. Thus, though on paper, the president has broad, in practice, the president risks alienating the legislature and triggering confrontation if he or she abuses that power.

Hypothesis 2 associates the type of partial veto with presidential approval. We expect more popular presidents to confront the legislature by issuing suppressive or substitutive vetoes rather than additive vetoes. The evidence in the models is consistent with that expectation, but only for partial substitutive vetoes. Presidents with higher approval make more use of substitutive vetoes than additive vetoes. These results are somewhat inconsistent with those in hypothesis 1. While the legislative support of the president has no effect on the type of veto issued, presidential approval

does. Presidents seem to rely on more confrontational vetoes when they have more popular support than when they have more legislative support.

Hypothesis 3 associates the type of partial veto to the electoral cycle, suggesting that presidents are more likely to issue substitutive or suppressive vetoes in their first year and more likely to issue additive vetoes in their last year in office—when they experience a lame duck condition. The models fail to show any effect of the first year or last year in office on the type of partial veto issued. This would suggest that the electoral calendar does not impact cooperation between the executive and the legislature.

The effects of the control variables produce some interesting results. The number of legislative steps is positively associated to the issuance of suppressive vetoes than additive vetoes. When a bill has gone back and forth between chambers and has been modified repeatedly, presidents are more likely to use the partial veto power to strike text from the bill rather than to add text to a bill. The vote threshold to pass the bill or whether the bill received amendments does not impact the type of partial veto issued.

Those bills that had an immediate discussion presidential urgency motion—that the president gave the highest priority to speed up debate—and those bills introduced by the president were less likely to receive a substitutive partial veto than an additive veto. Bills introduced in the senate are less likely to be issued a partial substitutive veto than an additive veto. The number of total partial vetoes in the bill does not impact the type of partial veto issued.

Thus, the evidence in the model is only consistent with hypothesis 2. Presidents with higher approval are more likely to issue substitutive than additive partial vetoes. This suggests that there is some evidence that supports the claim that more powerful presidents—at least in terms of presidential approval—are more likely to issue partial vetoes that are more confrontational with the legislature.

Table 4. Multinomial logit models on the issuance of partial vetoes in Chile, 1990-2022

VARIABLES	M1. Substitutive	M2. Suppressive
H1: Senate seat share	0.133 (0.196)	0.0959 (0.222)
H1: Chamber Deputies seat share	0.141 (0.0943)	0.0607 (0.171)
H2: Presidential approval	0.0380** (0.0168)	0.000346 (0.0161)
H3: First year	-0.191 (0.308)	-0.106 (0.479)
H3: Last year	0.154 (0.390)	0.531 (0.339)
2 legislative steps	.	.
3 legislative steps	0.612 (0.490)	-0.283 (0.720)
4 or more steps	-0.671 (1.143)	2.470*** (0.849)
High threshold legislation	-0.318 (0.255)	0.333 (0.350)
Legislation with amendments	-0.283 (0.672)	-0.323 (0.705)
Highest presidential urgency motion	-1.450*** (0.349)	0.244 (0.424)
Presidential bill	1.570*** (0.297)	0.259 (0.326)
Bill introduced in Senate	-0.554** (0.266)	0.516 (0.397)
# presidential vetoes in bill	-0.00502 (0.0123)	-0.0195 (0.0153)
Constant	-16.53 (11.43)	-9.323 (15.64)
Observations	689	689

The reference category is **additive** partial vetoes. Robust standard errors in parentheses.

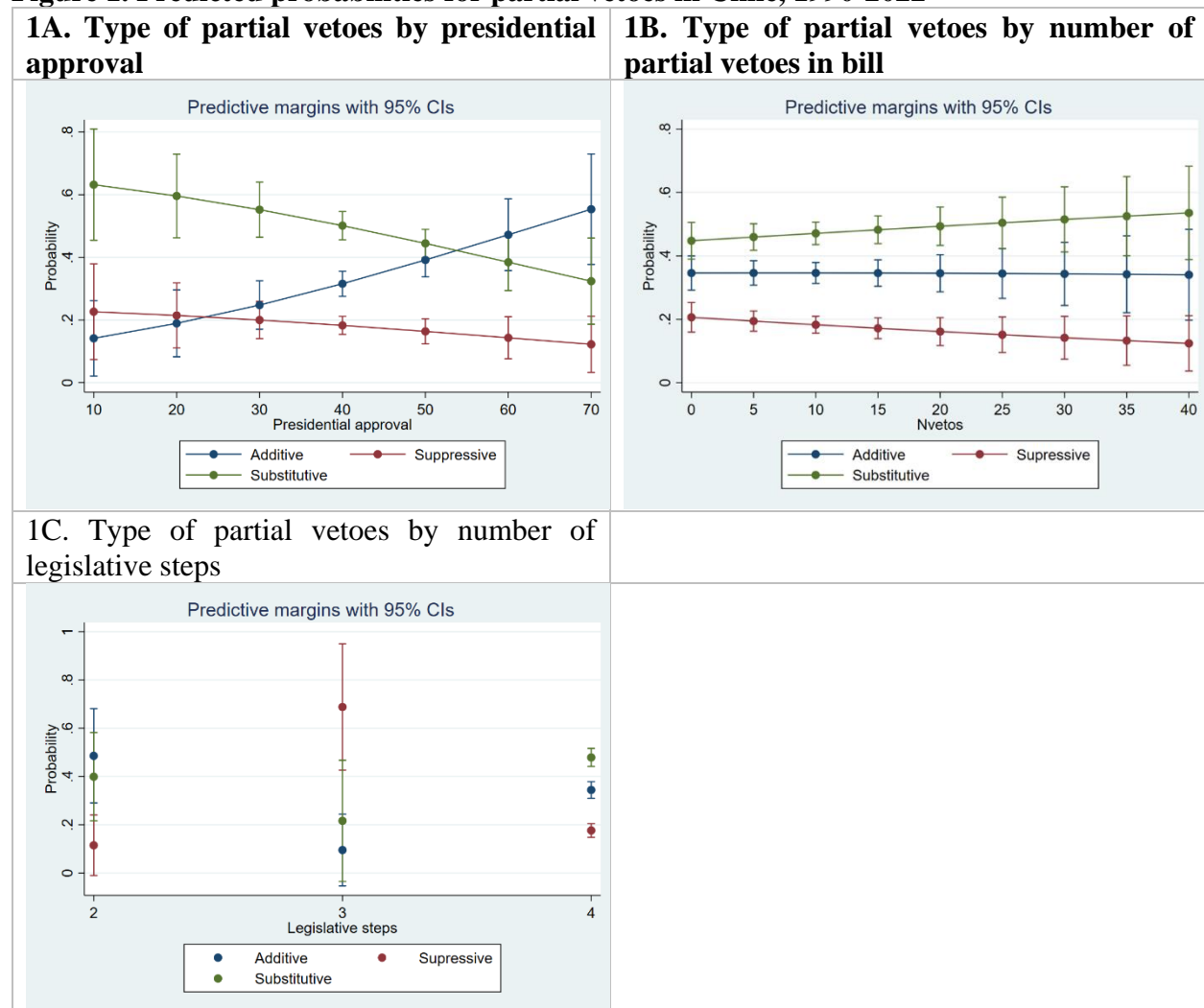
Fixed effects by presidential terms are included in the models but not shown here.

*** p<0.01, ** p<0.05, * p<0.1

Source: Authors, with data from the Senate of Chile website and the Library of Congress' *Historia de la Ley* for all the enacted bills.

Figure 1 presents predicted probabilities for the effect of presidential approval (Figure 1A) and the effect of the number of partial vetoes on a bill (Figure 1B) on the likelihood of presidents issuing substitutive, suppressive, and additive vetoes. As presidential approval increases, presidents are more likely to issue additive vetoes and less likely to issue substitutive partial vetoes. When presidents are more popular, they might feel they can persuade legislators to add additional text to a bill without triggering confrontation with the legislature. Thus, they seem to leverage their approval to get the legislature to acquiesce to additional text in a bill. In turn, Figure 1B shows that the number of partial vetoes in a bill does not impact the occurrence of different types of vetoes. Although the slope of the curve for suppressive vetoes is negative and the slope of the curve for substitutive vetoes is positive, the margins of the errors of those curves is wide, because the number of bills issued partial vetoes is not that large. Still, there is no statistically significant association between the number of partial vetoes issued on a bill and the type of partial vetoes issued by presidents on bills.

Figure 1. Predicted probabilities for partial vetoes in Chile, 1990-2022



Source: authors from estimations of multinomial logit models in Table 6.

Conclusions

In Latin American presidential democracies, partial veto powers are more commonly used than total vetoes. In the case of Chile, although presidents have both total and partial vetoes, between 1990 and 2022, presidents primarily used partial vetoes. We argue that the issuance of different type of vetoes—additive, suppressive, or substitutive—represents distinct signals sent by presidents about their disposition to use the partial veto as a bargain tool. Presidents can use a

pencil to add text, an eraser to delete text, or wite-out to modify text in a bill passed by the legislature. The decision to use friendly or more confrontational partial vetoes can be accounted for by the attributes of the bill passed by Congress and by the legislative support and popular approval enjoyed by the president. Presidents with higher approval are more likely to issue additive vetoes—to add additional text to the content of a bill approved by the legislature—than to issue more confrontational partial vetoes that delete or replace text approved by Congress. In their last year in office, presidents are more likely to issue more confrontational vetoes, as the horizon for cooperation with the legislature shortens.

Since the partial veto powers offers opportunities for additional bargaining between the executive and legislature, the study of executive vetoes in presidential democracies should go beyond looking exclusively at whether a bill is vetoed and should also explore in more detail what induces presidents to issue friendly or more confrontational types of partial vetoes to legislation passed in congress. If the president can edit the content of a bill passed by the legislature, the reasons why presidents choose to use pencils, erasers, or wite-out ought to be studied. When presidents have a repertoire of different types of partial vetoes, the type of veto the choose to use to modify a bill passed by the legislator reflects preferences, cost and benefit considerations and, ultimately, the president's calculations about what additional concessions it can extract from the legislature in the effort to modify the status quo on any given policy issue.

References

- Alemán, Eduardo. 2005. "The Origins of Presidential Conditional Agenda-Setting Power in Latin America." *Latin American Research Review* 40.2 (June):3-26.
- Alemán, Eduardo. 2006. "Policy Gatekeepers in Latin American Legislatures." *Latin American Politics and Society* 48 (3):98-120.
- Alemán, Eduardo, and Ernesto Calvo. 2010. "Unified government, bill approval, and the legislative weight of the president." *Comparative Political Studies* 43 (4):511-534.
- Alemán, Eduardo, and Patricio Navia. 2009. "Institutions and the Legislative Success of 'Strong' Presidents: An Analysis of Government Bills in Chile." *Journal of Legislative Studies* 15 (4):401-419.
- Alemán, Eduardo, and Patricio Navia. 2016. "Presidential Power, Legislative Rules and Law Making in Chile." In *Legislative Institutions and Lawmaking in Latin America*, edited by Eduardo Alemán and George Tsebelis, 92-121. New York: Oxford University Press.
- Alemán, Eduardo, and Mónica Pachón. 2008. "Las comisiones de conciliación en los procesos legislativos de Chile y Colombia." *Política y gobierno* 15 (1):03-34.
- Alemán, Eduardo, and Thomas Schwartz. 2006. "Presidential vetoes in Latin American constitutions." *Journal of Theoretical Politics* 18 (1):98-120.
- Aninat, Cristóbal, John Londregan, Patricio Navia, and Joaquín Vial. 2006. Political Institutions, Policymaking Processes, and Policy Outcomes in Chile. In *Inter-American Development Bank. Latin American Research Network. Working Paper R-521*. Washington D.C.
- Aninat, Cristóbal, John Londregan, Patricio Navia, and Joaquín Vial. 2008. "Political Institutions, Policymaking Processes, and Policy Outcomes in Chile." In *Policy Making in Latin*

- America. How Politics Shapes Policies*, edited by Ernesto Stein and Mariano Tommasi, 155-198. Cambridge: DRCLAS/Harvard.
- Arana Araya, Ignacio. 2015. "Budgetary negotiations: how the Chilean Congress overcomes its constitutional limitations." *The Journal of Legislative Studies* 21 (2):213-231.
- Barrett, Andrew W, and Matthew Eshbaugh-Soha. 2007. "Presidential success on the substance of legislation." *Political Research Quarterly* 60 (1):100-112.
- Basabe-Serrano, Santiago. 2017. "Las distintas caras del presidencialismo: debate conceptual y evidencia empírica en dieciocho países de América Latina: The Different Faces of Presidentialism: Conceptual Debate and Empirical Findings in Eighteen Latin American Countries." *Reis: Revista española de investigaciones sociológicas*:3-22.
- Belmar Soto, Jorge, Patricio Navia, and Rodrigo Osorio. 2023. "Partial Presidential Vetoes and Executive–Legislative Bargaining: Chile, 1990–2018." *Latin American Politics and Society*:1-23.
- Berríos, Fabiola, and Ricardo Gamboa. 2006. "El Congreso Nacional chileno y el ejercicio de sus funciones legislativa y fiscalizadora (1990-2006)." *Política* (47):99-125.
- Cameron, Charles M. . 2002. *Veto Bargaining. Presidents and the Politics of Negative Power*. New York: Cambridge University Press.
- Canes-Wrone, Brandice, and Scott de Marchi. 2002. "Presidential Approval and Legislative Success." *Journal of Politics* 64 (2):491-509.
- Colomer, Josep María, and Gabriel L Negretto. 2003. "Gobernanza con poderes divididos en América Latina." *Política y Gobierno, volumen X, número 1, 1er semestre de 2003, pp 13-61*.

- Cox, Gary W, and Scott Morgenstern. 2001. "Latin America's reactive assemblies and proactive presidents." *Comparative Politics* 33 (2):171-189.
- Dockendorff, Andrés. 2021. "Why are some parliamentarians' bills more likely to progress? Sponsorship as a signal." *The British Journal of Politics and International Relations* 23 (1):139-157.
- Eshbaugh-Soha, Matthew. 2005. "The politics of presidential agendas." *Political Research Quarterly* 58 (2):257-268.
- Eyzaguirre Guzmán, Nicolás, Pamela Figueroa Rubio, and Tomás Jordán Díaz. 2022. *Crisis del hiper presidencialismo chileno y nueva constitución:¿ Cambio de régimen político?:* Universidad de Santiago de Chile.
- Faúndez Caicedo, Vicente, Verónica Figueroa Gutiérrez, Patricio Navia, and Carolina Pérez Aburto. 2022. "The success of legislators' bills in strong presidential systems: Chile, 1990–2018." *The Journal of Legislative Studies*:1-19.
- Gargarella, Roberto. 2003. "The foundations of constitutionalism in South America (1810-1860)." *Desarrollo económico* 43 (170):305-328.
- Guenther, Scott M, and Samuel Kernell. 2021. "Veto threat bargaining with a bicameral Congress." *Political Research Quarterly* 74 (3):628-644.
- Huneus, Carlos, and Fabiola Berríos. 2005. "El Congreso en el presidencialismo: El caso de Chile." *Revista SAAP: Sociedad Argentina de Análisis Político* 2 (2):345-391.
- Indridason, Indridi H. 2011. "Executive veto power and credit claiming: Comparing the effects of the line-item veto and the package veto." *Public Choice* 146:375-394.

- Jaime-Godoy, Jhon, and Patricio Navia. 2023. "A more precise way to assess the success of the president's legislative agenda: the success of presidential priority bills in Chile, 1990–2018." *Democratization* 30 (2):238-258.
- Lee, Jong R. 1975. "Presidential vetoes from Washington to Nixon." *The Journal of Politics* 37 (2):522-546.
- Llanos, Mariana, and Detlef Nolte. 2006. "Los Congresos en América Latina: legislaturas reactivas, potencialmente activas." *Política. Revista de Ciencia Política* 47:29/54-29/54.
- Londregan, John B. 2000. *Legislative Institutions and Ideology in Chile*. New York: Cambridge University Press.
- Mainwaring, Scott, and Matthew Soberg Shugart, eds. 1997. *Presidentialism and Democracy in Latin America*. New York: Cambridge University Press.
- Martínez, Christopher A. 2022. *Presidencialismo. Reflexiones para el debate constitucional en Chile*: Fondo de Cultura Económica.
- Martínez, Christopher A, and Andrés Dockendorff. 2023. "Hyper-Presidentialism under Question: Evidence from Chile." In *Latin America in Times of Turbulence*, edited by Mariana Llanos and Leiv Marsteintredet, 54-74. New York: Routledge.
- Matthews, Steven A. 1989. "Veto threats: Rhetoric in a bargaining game." *The Quarterly Journal of Economics* 104 (2):347-369.
- McCarty, Nolan M. 1997. "Presidential reputation and the veto." *Economics & Politics* 9 (1):1-26.
- McCarty, Nolan M, and Keith T Poole. 1995. "Veto power and legislation: An empirical analysis of executive and legislative bargaining from 1961 to 1986." *JL Econ. & Org.* 11:282.

- Mimica, Nicolás, Patricio D Navia, and Rodrigo Osorio. 2023. "Changes in the rules of the lawmaking process and the success of presidential bills: Chile, 1990–2018." *Legislative Studies Quarterly* 48 (1):37-69.
- Navia, Patricio, and Nicolás Mimica. 2021. "Determinants of Bicameral Conflict: The Formation of Conference Committees in Chile, 1990-2018." *Latin American Politics and Society* 63 (4):74-95.
- Nolte, Detlef. 2003. "El Congreso chileno y su aporte a la consolidación democrática." *Revista de ciencia política* 23 (2):43-67.
- Ochieng, Walter Khobe. 2023. "Presidential Veto in the Law-Making Process: The Case of Kenya's Amendatory Recommendations." *Journal of African Law* 67 (1):79-96.
- Palanza, Valeria, and Gisela Sin. 2013. "Item vetoes and attempts to override them in multiparty legislatures." *Journal of Politics in Latin America* 5 (1):37-66.
- Palanza, Valeria, and Gisela Sin. 2014. "Veto bargaining and the legislative process in multiparty presidential systems." *Comparative Political Studies* 47 (5):766-792.
- PNUD, (Programa de las Naciones Unidas para el Desarrollo). 2014. *Auditoría a la democracia. Más y mejor democracia para un Chile inclusivo*. Santiago: LOM Ediciones/PNUD.
- Rohde, David W, and Dennis M Simon. 1985. "Presidential vetoes and congressional response: A study of institutional conflict." *American Journal of Political Science* 29 (3):397-427.
- Samuels, David J, and Matthew Soberg Shugart. 2003. "Presidentialism, elections and representation." *Journal of Theoretical Politics* 15 (1):33-60.
- Santos, Manoel Leonardo, Aníbal Pérez-Liñán, and Mercedes García Montero. 2014. "El control presidencial de la agenda legislativa en América Latina." *Revista de ciencia política (Santiago)* 34 (3):511-536.

- Shugart, Matthew Soberg , and John M Carey. 1992. *Presidents and Assemblies. Constitutional Design and Electoral Dynamics*. New York: Cambridge University Press.
- Shugart, Matthew Soberg, and Stephan Haggard. 2001. "Institutions and Public Policy in Presidential Systems." In *Presidents, Parliaments and Policy*, edited by Stephan Haggard and Mathew D. McCubbins, 64-104. Cambridge: Cambridge University Press.
- Siavelis, Peter. 2000. *The President and Congress in Post-Authoritarian Chile: Institutional Constraints to Democratic Consolidation*: Penn State University Press.
- Siavelis, Peter. 2002. "Exaggerated Presidentialism and Moderate Presidents: Executive-Legislative Relations in Chile." In *Legislative Politics in Latin America*, edited by Scott Morgenstern and Benito Nacif, 79-113. New York: Cambridge University Press.
- Soto Velasco, Sebastián. 2015a. *Congreso legislativo y proceso legislativo. Teoría y práctica*. Santiago: Thompson Reuters.
- Soto Velasco, Sebastián. 2015b. "El veto presidencial y el Tribunal Constitucional." *Anuario de Derecho Público* (1):201-221.
- Spitzer, Robert J. 1997. "The constitutionality of the presidential line-item veto." *Political Science Quarterly* 112 (2):261-283.
- Tsebelis, George, and Eduardo Alemán. 2005. "Presidential Conditional Agenda Setting Power in Latin America." *World Politics* 57 (3):396-420.
- Tsebelis, George, and Tatiana P Rizova. 2007. "Presidential conditional agenda setting in the former communist countries." *Comparative political studies* 40 (10):1155-1182.
- Woolley, John T. 1991. "Institutions, the election cycle, and the presidential veto." *American Journal of Political Science* 35 (2):279-304.