

# **Subnational Bicameralism: The Argentine Case in Comparative Perspective**

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## ***Abstract***

Bicameralism is a frequent form of structuring the legislative body in many nation states. Often associated with large geographic or demographic dimensions and with federalism, bicameralism has been rarely implemented at the sub-national level. Most American states and eight Argentine provinces rank among such rare exceptions. This research focuses on subnational bicameralism in Argentina in order to describe its singularities, compare its characteristics and assess its performance and evolution. The final remarks draw some theoretical conclusions and provide a guideline aimed at assisting institutional reform.

**Keywords:** Parliaments – Bicameralism – Federalism – Subnational government – Argentina

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## **Introduction**<sup>\*</sup>

Bicameralism, as the legislative structure in which decision-making processes involve two separate collective bodies, is a widespread method of organizing national legislatures. By May 2001, the Inter-Parliamentary Union recognized 178 parliamentary democracies, 63 of which –a third part— had two chambers (Russell 2001). Bicameralism is more rarely found in subnational legislatures, although there are notable exceptions. Among them, forty-nine American states (all except Nebraska), five Australian states (all except Queensland), five Indian states (out of twenty-five) and eight Argentine provinces (out of twenty-four) split their legislative assemblies into two houses.<sup>1</sup> This four-country set account for nearly one sixth of the twenty-three countries that feature subnational legislatures, thus half the proportion that bicameralism represents among national assemblies. Moreover, the fact that some subnational legislatures are bicameral in any given country does not mean that all of them will be alike, so the overall rate of occurrence of bicameralism results further reduced. We have preliminary listed 67 two-house assemblies out of 436 subnational legislatures worldwide –i.e., two in every thirteen (see Appendix I). Such a predominance of subnational unicameralism is all the more notorious since subnational legislatures are found in federal countries,<sup>2</sup> which are the most likely to feature bicameralism at the national level.<sup>3</sup> This means that national bicameralism has not been replicated at the subnational level but exceptionally. Subnational legislatures are an infrequent phenomenon; subnational bicameralism is even less common.

The different forms of organizing subnational legislatures have been scarcely studied; even explicit, comparative analyses of subnational constitutions neglect the issue (Watts 1999). This paper is intended to start filling this lacuna by studying

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<sup>\*</sup> This paper was inspired by the research project on bicameralism in Latin America that Detlef Nolte coordinates at the Ibero-American Studies Institute of Hamburg (IIK). We particularly benefited from “El bicameralismo en América Latina,” the research advance presented by Mariana Llanos at the *Tercer Congreso de Latinoamericanistas Europeos (CEISAL)*, Amsterdam, July 3-6, 2002. We are also indebted to Miguel De Luca for most valuable comments.

<sup>1</sup> As a curiosity, it may be noted that the German land of Bavaria had a second chamber until very recently. The Bavarian senate was abolished by a referendum held in February 8, 1998. The corresponding law was passed twelve days later and came into force on January 1, 2000. The Bavarian senate hosted the representation of the social, economic and cultural corporations and communities; it had the right to make proposals for legislation but no significant political power.

<sup>2</sup> The two exceptions are Portugal and the United Kingdom.

<sup>3</sup> Almost all the federal countries have a bicameral national assembly. Venezuela, where a constitutional reform abolished the Senate in 1999, constitutes the rarest exception. The other three exceptions are either non-democratic or micro-states such as Micronesia, Saint Kitts and Nevis, and the United Arab Emirates.

subnational bicameralism in one of the four countries where it exists, Argentina. This country ranks second only to the United States regarding the number of bicameral legislatures. Hence, we analyze the eight provinces that featured a bicameral legislature by January 2003 with a view to describing their singularities, comparing their characteristics and assessing their performance. The article proceeds as follows: first, it revisits the characteristics of bicameralism in order to settle the scales able to qualify and compare bicameral legislatures. Second, it analyzes the eight Argentine bicameral provinces and allocates them into the scales previously designed. Third, it assesses the general characteristics of Argentine subnational bicameralism, offering some guidelines for the understanding –and plausibly reforms— of this type of arrangement.

### ***Conceptualizing and comparing bicameral legislatures***

Bicameralism has been controversially reported as featuring both positive and negative elements. Among the former we can mention the representation of different sets of interests, the improvement of the check-and-balance mechanisms, the greater thoughtfulness of the law-making process and the entailing quality of its outcome, and the production of more stable decisions (Levmore 1992; Llanos 2002; Patterson and Mughan 1999; Riker 1992; Russell 2001). Among the latter there figure the likelihood of decisional gridlock, the restraint to the majority will, the duplication of work and costs, and the delay for reaching a decision (Levmore 1992; Llanos 2002; Russell 2001; Tsebelis and Money 1997). In any event, the characteristics of a bicameral legislature are believed to rest largely on the power and expertise of the second –or upper— chamber, both in absolute terms and relative to the first –or lower— chamber (Lijphart 1999; Money and Tsebelis 1992; Patterson and Mughan 1999).

The analyses of bicameralism have fundamentally focused on the national level, with a few exceptions such as the well-studied American states (Leclercq 1977; Rogers 1998). One of the substantive conclusions usually arrived at is that the existence and strength of bicameralism are positively correlated with the geographic and demographic dimension of the country and, furthermore, with the federal organization of government (Lijphart 1999; Roskin 1986; Trivelli 1975). This conclusion highlights the political dimension of bicameralism rather than its efficiency dimension (Tsebelis and Money 1997). Bicameralism is so understood as a means to diffuse and mix power in a plural society, with the main objective of avoiding a majority tyranny. However, the heterogeneity (incongruence) frequently found between the two houses is additionally seen as a stability supplier, as it contributes to overcoming the production of cyclic

majorities (Levmore 1992; Riker 1992). Furthermore, bicameralism might improve the efficiency of decision-making even in cases of maximum homogeneity (congruence), as it enhances the informational process (Rogers 2001). Following this reasoning, bicameralism may be promoted at the subnational level either to better represent a heterogeneous constituency or to enhance the quality of the legislative proceedings. These alleged benefits notwithstanding, more than five of every six subnational governments around the world feature a unicameral legislature. Institutional choice thus becomes a puzzle to be elucidated.

In the following section, we set the scales with which to measure the properties of the Argentine bicameral legislatures in order to see how they score vis-à-vis one another and relative to some better-known national parliaments. We consider not only congruence and symmetry but also, as Nolte (2002) suggests, additional – *extraparlimentary*— characteristics that are relevant to inform about the effective distribution of power between the houses. The combination of intraparlimentary and extraparlimentary features makes up an institutional regime that may be termed, after Nolte, “partial bicameral regime”. Subsequently, we analyze the historical paths that bicameralism followed in the Argentine provinces and allocate the current eight cases, which allows us to measure the strength of their partial bicameral regimes. Once this is done, we will be able to assess the degree to which subnational bicameralism in Argentina fits the usual patterns or has instead developed unexpected characteristics.

### Legislative congruence

Legislative congruence is the dimension that measures the differences of composition between the two chambers: the more similar the composition, the more congruent the bicameral system. Similarity refers both to the base of representation and to the type of mandate, but also to some personal attributes required to the parliamentarians. Strong bicameralism is thus characterized by a low value of this dimension, what is tantamount to saying by high incongruence (Lijphart 1999).

Following Llanos (2002), we have listed ten institutional mechanisms that foster bicameral incongruence. They cluster into five broader groups:

- 1) *Electoral system:*
  - 1a) *Districts and formula*
  - 1b) *Minorities’ special representation*
  - 1c) *Appointed senators*
  - 1d) *Indirect elections*
- 2) *Chambers’ size*

3) *Requisites for being elected senator:*

3a) *Age*

3b) *Other requisites*

4) *Tenure*

5) *Chambers' renewal:*

5a) *Synchronicity of renewal (in and between the chambers)*

5b) *Simultaneousness of elections (of both chambers)*

**TABLE I**  
**Scores for Legislative Incongruence**

VARIABLES FOR LEGISLATIVE INCONGRUENCE		MAXIMUM SCORE: EXTREME INCONGRUENCE	MEDIUM SCORE: MODERATE INCONGRUENCE	MINIMUM SCORE: CONGRUENCE
<b>1) Electoral system</b>	1a) Districts and formula	2: Different for each chamber	1: Partially different	0: Same for both chambers
	1b) Minorities' special representation	2: Minorities represent more than 5% of one chamber	1: Minorities represent less than 5% of one chamber	0: There are no special minorities represented
	1c) Appointed senators	4: One chamber is made up of appointed members	2: One chamber is made up of appointed and elected members	0: No chamber is made up of appointed members
	1d) Indirect elections	2: The election of one chamber's members is indirect	--	0: The election of both chambers is direct
<b>2) Chambers' size</b>		4: One chamber is a third or less the size of the other	2: One chamber is more than a third the size of the other	0: Both chambers are the same size
<b>3) Requisites for being elected</b>	3a) Age	2: More than nine years of difference	1: Between one and nine years of difference	0: Same age
	3b) Other requisites	2: Requisites more demanding for one chamber	--	0: Same requisites
<b>4) Tenure</b>		4: Mandate in one chamber doubles the other	2 : Mandate is longer but less than double	0 : Same mandate
<b>5) Chambers' renewal</b>	5a) Synchronicity of renewal	2: Partial renewal in one chamber, total in the other	1: Half renewal in one chamber, third in the other	0: Either total or partial renewal in both chambers
	5b) Simultaneous elections*	2: Chambers are not elected simultaneously	1: Chambers are elected simultaneously by half the electorate each	0: Chambers are elected simultaneously
<b>Total score</b>		<b>26</b>	<b>11</b>	<b>0</b>

\* NB: Llanos (2002) refers by simultaneous elections to the case of Iceland and Norway, where one legislature is elected and thereafter it splits into two bodies. Our indicator does not have the same meaning: by simultaneousness we refer to the election whereby the electorate votes for the two chambers at the same time.

REFERENCES: See Llanos (2002) for broader details on variables and scores.

Although some variables such as appointed senators do not apply or are irrelevant to our sample, we have chosen to keep Llanos's score values in order to set a

standard that facilitates comparison with the national cases she deals with. However, a caveat is in order: Llanos, as almost everybody working on bicameralism, tends to focus on the upper house and to take for granted certain characteristics of the first chambers. This is not a correct assumption in Argentina, as its national Lower House is said to be the one in the world to renew by halves every second year (Molinelli et al. 1999: 56).<sup>4</sup> Not surprisingly, this pattern is frequently replicated by the provincial legislatures. The necessary corrections are made in the corresponding indicators, turning the chambers “blind” so as not to assume that special or deviated features are only expectable at the Senate. This is especially the case with 5a (synchronicity of renewal), since the partial renewal of one chamber does not increase the strength of bicameralism if the other is renewed in the same way. This said, Table I shows the ideal score given to every feature of incongruence and the expected aggregate score for the maximum, medium and minimum values.

### Legislative symmetry

Legislative symmetry is the dimension that measures the difference of power between the two chambers: the more equilibrated the attributions, the more symmetric the bicameral system. Power refers to the capacity of both enacting legislation and controlling the executive. Strong bicameralism is thus characterized by a high value of this dimension, i.e. high symmetry (Lijphart 1999).

As in the previous case, we draw on Llanos (2002) to account for the institutional mechanisms that foster bicameral symmetry:

- 1) *Legislative attributions of senators*
- 2) *Origin of bills*
- 3) *Resolution of disagreements*
- 4) *Instruments for executive control*
  - 4a) *Investigation and interpellation*
  - 4b) *One chamber (usually Senate) participation in appointments*
  - 4c) *Bicameral division of tasks for impeachment*

However, as previously, we also have made some small amendments. Our scale reintroduces two variables otherwise discarded that amount to the parliamentary instruments for executive control: participation in appointments and impeachment (4b and 4c). These functions are not always evenly distributed between the chambers, and their control is conceivable to make a difference. Table II shows the ideal score given to

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<sup>4</sup> Also Micronesia presents this anomaly, but this is hardly a significant case.

every feature of symmetry and the expected aggregate score for the maximum, medium and minimum values.

**TABLE II**  
**Scores for Legislative Symmetry**

VARIABLES FOR LEGISLATIVE SYMMETRY		MAXIMUM SCORE: SYMMETRY	MEDIUM SCORE: MODERATE SYMMETRY	MINIMUM SCORE: ASYMMETRY
<b>1) Legislative attributions</b>		4: Both chambers are allowed to modify and reject any bill on any issue	2: One chamber (usually the Senate) can modify and reject bills only regarding certain areas	0: One chamber (usually the Senate) can only delay the passing of legislation
<b>2) Origin of bills</b>		4: Either bills are introduced indistinctly through any chamber or the two chambers alternate exclusiveness depending on the area	2: Some bills should be introduced through one chamber (usually the lower)	0: All bills should be introduced through one chamber (usually the lower)
<b>3) Resolution of disagreements</b>		4: No chamber is favored in case of disagreement	--	0: One chamber (usually the lower) is favored in case of disagreement
<b>4) Instruments for executive control</b>	4a) Investigation / interpellation	2: Both chambers hold the same instruments	1: One chamber (usually the lower) holds more instruments	0: One chamber (usually the lower) holds all the instruments
	4b) Participation in appointments	2: Either both or no chamber is required to approve executive appointments	1: Only one chamber (usually the Senate) is required to approve some executive appointments	0: Only one chamber (usually the Senate) is required to approve most executive appointments
	4c) Impeachment role	2: Joint assembly proceedings are required	1: One chamber accuses, the other judges	0: One chamber carries out the whole proceeding
<b>Total score</b>		<b>18</b>	<b>7</b>	<b>0</b>

REFERENCES: See Llanos (2002) for broader details on variables and scores.

### *Extraparliamentary features*

The dimensions analyzed heretofore are appropriate to measure the strength of *intraparliamentary bicameralism* (Nolte 2002). However, we concur with Nolte that, in order to understand correctly the overall dynamics of a two-house legislature, it is necessary to consider additional factors. At least four of such factors are worth pondering: a) the strength of the executive power, b) the degree of territorial centralization, c) the degree of party centralization, and e) the distribution of power derived from the electoral results. The first factor, executive strength, varies through presidentialism and parliamentarism regarding institutional design and through separation and concentration of power regarding institutional dynamics (Malamud

2001). The second factor, territorial centralization, accounts for the variations between strong federalism, weak federalism or decentralization, and unitarism. The third factor, party centralization, is especially sensitive to the degree of party discipline. The fourth factor, electoral results, provides information about the potential for either majoritarian or consensual practices. The combination of these variables is expected to gauge the degree to which extraparlimentary factors reinforce or dilute intraparlimentary bicameralism.

In short, the extraparlimentary features that may influence the strength of bicameralism are:

- 1) *Executive format*
  - 1a) *Institutional design: presidentialist or parliamentary*
  - 1b) *Balance of power: separationist or concentrationist*
- 2) *Territorial centralization (federalism)*
- 3) *Party centralization (discipline)*
- 4) *Electoral distribution of power*

Although Nolte suggests the need to take the extraparlimentary features into consideration, he does not provide further information nor does he advance a scoring table. Therefore, we will tentatively propose some operational definitions and suggest the score values for their conceivable states.

The strength of the executive affects bicameralism because it weakens the power of the legislature, thus diluting the relevance of their internal differences. Two characteristics of the executive account for its strength vis-à-vis the legislature: institutional design (presidentialism is stronger than parliamentarism, as the former makes the executive tenure independent from the assembly) and effective performance (*concentrationism* is stronger than *separationism*, as the former takes on the executive expanded tasks that would otherwise rest with the assembly). The general variable will be given a maximum of four points, two for each sub-variable.

Territorial centralization affects bicameralism because the existence of two houses is most usually justified in terms of differentiated bases of representation. If it is not true that the more centralized the state, the more unicameral or asymmetric the assembly, the opposite also holds: statistically, the more decentralized the state, the more bicameral or symmetric the assembly. Therefore, the deepest decentralization will be given a maximum of four points.

Party centralization affects bicameralism because party discipline is expected to cut across the institutional separation of power, thus making formal differences, both



between the executive and the assembly and between the two legislative chambers, less significant. The more parties are centralized, the weaker bicameralism is likely to be. Therefore, low party centralization is likely to foster stronger bicameralism and will be given a maximum of four points.

The distribution of electoral results affects bicameralism because the control of different branches of power by the same party or coalition is supposed to erase institutional differences in favor of common policies. Bicameralism may show the most strength when the chambers hold different majorities, and the least, when the same majority controls the two chambers and the executive. The former case will be given a maximum of four points, the latter zero; the intermediate possibility of the two chambers holding the same majority but different from the executive will be given two points, as it may grant leverage for each chamber to negotiate individually provided that they have some differential attribution or capacity. Table III shows the ideal score given to every extraparliamentary feature and the expected aggregate score for the maximum, medium and minimum values.

**Table III**  
**Extraparliamentary Features of Bicameralism**

VARIABLES FOR EXTRAPARLIAMENTARY FEATURES		MAXIMUM SCORE: STRONG	MEDIUM SCORE: MODERATE	MINIMUM SCORE: WEAK
<b>1) Executive format</b>	1a) Institutional design	2: Presidentialism	1: Mixed forms	0: Parliamentarism
	1b) Balance of power	2: Strict separation of powers	1: Mixed stage	0: High concentration of power
<b>2) Territorial centralization</b>		4: Strong federalism	2: Decentralization or weak federalism	0: Unitary state
<b>3) Party centralization</b>		4: There is no enforceable party discipline	2: Parties are relatively disciplined but either lawmakers occasionally break files or parties split	0: Parties are highly disciplined
<b>4) Electoral distribution of power</b>		4: Chambers consistently hold different majorities	2: Chambers sometimes hold same majority but different from executive	0: Chambers consistently hold same majority and same as executive
<b>Total score</b>		<b>16</b>	<b>8</b>	<b>0</b>

REFERENCES: See Nolte (2002) and Malamud (2001) for broader details on the variables. The scores here proposed are original.

### ***Bicameral Legislatures in the Argentine Provinces***

The National Constitution of 1853 and all its subsequent reforms established for Argentina the federal, representative and republican form of government. Hence, the provinces were entitled to design their own governmental institutions as far as they

respected the representative and republican principles. Along the second half of the 19<sup>th</sup> century, ten out of the thereupon fourteen provinces chose bicameralism as the form to organize their legislatures, mirroring the national congress and very much influenced by the early example of Buenos Aires (Frías 1985). Bicameralism was the prevailing institutional choice also in the United States –since 1787— and in the Brazilian First Republic –in place between 1890 and 1930 (Linares Quintana 1963)—, so it could be said that subnational bicameralism enjoyed a favorable context to settle down.<sup>5</sup> From the mid-1950s onwards, however, new provinces were created until they reached the current twenty-four:<sup>6</sup> most of them adopted simpler, unicameral legislatures. In addition, and coincidentally with the recommendations of most constitutional specialists (Sabsay 1991; Teruel 1998), successive reforms led to the adoption of unicameral legislatures by previously bicameral provinces –San Luis being lately the only exception in reverse.<sup>7</sup> As a result, by January 2003 eight provinces featured a bicameral legislature: Buenos Aires, Catamarca, Corrientes, Entre Ríos, Mendoza, Salta, San Luis and Santa Fe. They account for about 62% of the Argentine population and near 40% of its overall territory. Their political relevance is remarkable, as they include two of the three most powerful governors (those of Buenos Aires and Santa Fe, in addition to the one of Córdoba). The fact that these governors are to face two houses to pass legislation is likely to have a meaningful impact upon their broader political training and bargaining capacity, so the analysis of subnational bicameralism may help shed further light over Argentine national politics –not just regional.

The next sections analyze the characteristics of bicameralism in the eight Argentine provinces. Their legislatures and parliamentary dynamics will be assessed and ranked according to the variables defined above: congruence, symmetry, and extraparlimentary features. Although the latter may seem a scarcely significant dimension, as most provinces hardly differ from each other, the reason for its inclusion is twofold. On the one hand, it provides a controlling measure of the effective

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<sup>5</sup> In contrast, between 1819 and 1853 the provinces had established unicameral legislatures in the tradition of the *Virreinato del Río de la Plata*, whose regulations had established administrative subdivisions as early as 1782 (Dromi 1992).

<sup>6</sup> The status of Buenos Aires city, the capital district, is somewhere between a province –as it has a Constitution and autonomous authorities and sends as many representatives to the Senate as any other district— and a federal territory –as it lacks a fully autonomous judicial power and police forces (De Luca, Jones and Tula 2002).

<sup>7</sup> The Legislature of San Luis turned into bicameralism in 1987, whereas those of Tucumán and Córdoba became unicameral in 1990 and 2001 respectively (Suárez Cao 2000). Also San Juan and Santiago del

performance of the institutional (intraparliamentary) dimensions. On the other hand, it aims at making systematic data available for future comparisons with other contexts also featuring subnational bicameral legislatures such as Australia, India and the United States.

### Findings concerning legislative congruence

The Argentine provinces score very low regarding legislative incongruence. Along a continuum ranging from a maximum congruence of 0 to a maximum incongruence of 26, the eight bicameral legislatures cluster between the values 3 and 8 (see Table IV). It is worth noting that Llanos (2002) allocates values ranging from 8 to 16 to the nine Latin American national bicameral legislatures –Argentina’s Congress being close to the top with a score of 15. This means that the most incongruent provincial legislature (i.e. Corrientes) scores just like the least incongruent national legislatures in the continent (i.e. those of Paraguay and the Dominican Republic).

**TABLE IV**  
**Legislative Incongruence in the Argentine Provinces**

VARIABLE	BUENOS AIRES	CATAMA RCA	CORRIEN TES	ENTRE RÍOS	MENDOZA	SALTA	SAN LUIS	SANTA FE
1a) Districts and formula	0	2	0	2	0	1	1	2
1b) Minorities’ special representation	0	0	0	0	0	0	0	0
1c) Appointed senators	0	0	0	0	0	0	0	0
1d) Indirect elections	0	0	0	0	0	0	0	0
2) Chambers’ size	2	2	2	2	2	2	4	2
3a) Age	1	1	1	1	1	1	1	1
3b) Other requisites	0	0	2	2	0	0	0	0
4) Tenure	0	0	2	0	0	0	0	0
5a) Synchronicity of renewal	0	0	1	0	0	0	0	0
5b) Simultaneous elections	1	0	0	0	0	0	1	0
<b>Total score</b>	<b>4</b>	<b>5</b>	<b>8</b>	<b>7</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>5</b>

REFERENCES: For data see Appendix III.

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Estero, whose legislatures were unicameral by January 2003, underwent significant periods of bicameralism around the late nineteenth and early twentieth century (see Appendix II).

According to the data shown in Table IV, the representation of different sectors of the population does not seem to be the rationale lying behind subnational bicameralism. It is true that five provinces elect their Senate through single-member districts whereas all eight the lower chambers are elected through multimember districts –four of which are province-wide. However, this distinction is further eroded by the fact that the electoral districts do not constitute political or institutional entities, so the senators are neither representatives of nor accountable before other body than the electoral. Somewhat surprisingly, the only province whose Senate is elected like its lower chamber, in a province-wide district, is nonetheless the most incongruent: Corrientes.<sup>8</sup> This is so because it alone features characteristics such as a different tenure for each chamber –which necessary implies mismatching the electoral cycle— and requirements other than age for being senator (only sided by Entre Ríos).

As a curiosity, it may be noted that Buenos Aires and San Luis are the only provinces where no part of the electorate is ever called to vote for the two houses simultaneously. Instead, the districts are grouped in halves, each one electing their representatives to any given chamber –and alternating chamber every second year. In the remaining provinces, at least part of the electorate is able to vote for the two chambers in the same election.

### Findings concerning legislative symmetry

The Argentine provinces score considerably high regarding legislative symmetry. Along a continuum ranging from a maximum of 18 to a minimum of 0, the eight bicameral legislatures cluster between the values 14 and 17 (see Table V). In a similar scoring –albeit with two less variables— designed to reach a maximum value of 14 (Llanos 2002), the nine Latin American national bicameral legislatures are allocated values ranging from 8 through 14 –Argentina’s Congress ranking in the top with the maximum score. This means that the provincial legislatures score together with the most symmetric national legislatures in the continent and very close to the pure ideal type of legislative symmetry, distinguishing themselves from the two least symmetric cases of Bolivia and Uruguay.

Among the eight provinces, the main difference concerning legislative symmetry relates to the origin of bills: whereas four constitutions do not contemplate any difference, the remaining four require that bills regarding the budget, taxation or other

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<sup>8</sup> The senate was elected through single-member districts until 1913, when a constitutional reform established the current system.

financial issues be introduced through the lower chamber. The latter condition confers the House a slight advantage, should a difference between the two chambers arise; this fact notwithstanding, no provincial House has any other priority rights vis-à-vis the Senate.

**TABLE V**  
**Legislative Symmetry in the Argentine Provinces**

VARIABLE	BUENOS AIRES	CATAMARCA	CORRIENTES	ENTRE RÍOS	MENDOZA	SALTA	SAN LUIS	SANTA FE
1) Legislative attributions	4	4	4	4	4	4	4	4
2) Origin of bills	4	2	4	4	2	2	2	4
3) Resolution of disagreements	4	4	4	4	4	4	4	4
4a) Investigation / interpellation	2	2	2	2	2	2	2	2
4b) Participation in appointments	1	1	1	1	1	1	1	2
4c) Impeachment role	1	1	1	1	1	1	1	1
<b>Total score</b>	<b>16</b>	<b>14</b>	<b>16</b>	<b>16</b>	<b>14</b>	<b>14</b>	<b>14</b>	<b>17</b>

REFERENCES: For data see Appendix IV.

At this point, it may be convenient to underline that much literature on bicameralism generally overlooks some aspects in which the second house prevails over the first. These aspects concern a set of instruments of control over the executive rather than proper law-making powers. In this regard, the requisite for the Senate to ratify some cabinet appointments resembles the parliamentary feature of executive responsibility before the assembly; however, in a parliamentary system such a duty corresponds to the lower house. In addition, in many presidential systems the intervention of the second house is compulsory for the appointment of judges, members of the controlling bodies and other authorities of the state. Likewise, the division of functions regarding the impeachment of both executive and judicial authorities usually bestows on the lower house the accusatory role and on the upper house the decisive one. Needless to say, a judge is expected to wield more power than a prosecutor.

Our suggestion that the Senate may be frequently stronger than the house contradicts common wisdom as well as Sartori's statement that no upper house is stronger than its lower counterpart (cited in Nolte 2002: 22, fn. 61). We suspect that such a claim is difficult to sustain also in the American case, which might prove more significant than our subnational cases since the American Senate is not only stronger

than the House but also sometimes than the executive. This is not certainly the case in the Argentine provinces.

### Findings concerning *extra-parliamentary* features

So far, we have shown that bicameralism in the Argentine provinces is highly congruent and symmetric. If both chambers represent the same base and hold similar powers, the expectation is that their performance will be normally redundant and will not clash about different social interests but rather about conflictive institutional competences or, under different majorities, along partisan –not territorial— lines. It is at this point that the extraparlimentary features get into the picture.

The first variable we consider is executive format, in turn subdivided into executive type and balance of power. As to the comparison among the provinces, the former sub-variable produces no further information since they are all presidential-like, the governor having the equivalent attributes of a president vis-à-vis the assembly. However, this variable might prove useful if and when the analysis of subnational bicameralism progresses to cover also Australia and India. On the other hand, the latter sub-variable allows for supplementary differentiation, as executive attributions –such as veto power, decree power, and legislative initiative—, added to the absence or weakness of other veto players, may have concentrated more power on the executive in some districts than in others. This dimension may also be useful for a comparison between the Argentine provinces and the American states.

As to the territorial centralization, the National Constitution bestows on the provinces the duty to organize their municipal regime (art. 123). Therefore, the municipalities are not preexistent units in a federal-shaped subsystem but political divisions created by each province –albeit they elect their local rulers and may be granted high levels of autonomy. Institutional factors such as the capacity to draft their own municipal chart and a high degree of financial autonomy have conferred some local authorities with a significant leverage on provincial politics. Demographic concentration may push this influence even further, as is the case of the mayoralty of Rosario, Santa Fe's main city, whose incumbents' popularity and political influence sometimes overshadow the very governor's. Although many mayors of capital cities hold great visibility in some provinces, few reach the scope of Rosario's.

Let us now turn to party centralization. This is a crucial issue, as party discipline in the assembly –and thus the capacity of the governor to secure her party or coalition's support— depends on it. Traditionally high at the national level (Jones 2002; Mustapic

2002), it has proved even higher in the provincial arenas. The reason is that the Argentine process of candidate nomination is controlled by the provincial party elites (Jones et al 2002), whose factotum is very often no other than the governor –or the leader of the opposition party, who may be a former governor –or an aspiring-to-be.<sup>9</sup> Corrientes is an exception in this respect, either because it has been lately –though not always— governed by party coalitions or because its parties are in constant turmoil. Other provinces in which party discipline was eroded ended up in administration turnover –e.g. Catamarca in 1991—, hence restoring incumbent party’s discipline by way of changing the incumbent.

Finally, the electoral distribution of power provides information about the political homogeneity among the chambers and relative to the executive. Among the twenty-four provinces, eleven have maintained concurrent executive and legislative majorities and no executive turnout all along since the restoration of democracy (Malamud 2003). Notably, this has not been the pattern in the bicameral provinces: only San Luis and Santa Fe have kept the same party in office since 1983. Consequently, many of the rest have faced at least a transition period of diverging parties in control of each branch of government.

**TABLE VI**  
**Extraparliamentary Features of Bicameralism in the Argentine Provinces**

VARIABLE	BUENOS AIRES	CATAMAR CA	CORRIENT ES	ENTRE RÍOS	MENDOZA	SALTA	SAN LUIS	SANTA FE
1a) Executive type	2	2	2	2	2	2	2	2
1b) Separation of power	1	0	0	1	1	1	0	1
2) Territorial centralization	0	0	0	0	0	0	0	2
3) Party centralization	0	0	2	0	0	0	0	0
4) Electoral distribution of power	2	2	2	0	**	0	0	0
<b>Total score</b>	<b>5</b>	<b>4</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>5</b>

REFERENCES: For data see Appendix V.

<sup>9</sup> Moreover, until the constitutional reform of 1994 the president was indirectly elected through colleges constituted in each province, increasing the political leverage of the provincial party leaders. In practice, “the governors are not only the chief executives of their provinces but also the top party leaders, and they wield a decisive influence over mayors, provincial legislators and national legislators corresponding to their party and province” (De Luca 2000: 13).

Table VI shows the data of the extraparliamentary features that may reinforce or weaken the strength of intraparlimentary bicameralism. Corrientes ranks at the top, for party system fragmentation and party splitting have strengthened the veto power of opposition groups in each chamber. Buenos Aires and Santa Fe are the following provinces in the rank order. In the former, this is due to malapportionment effects that, by over-representing the rural zones as against the populous greater Buenos Aires, have twice faced a Peronist governor with a legislature with at least one chamber in the opposition's hands. The latter case is mainly due to the political weight of the mayor of Rosario, who has consistently belonged to a party different from the governor's. San Luis, on the other hand, is the most monolithic province also as regards extraparliamentary features.

### ***Conclusion***

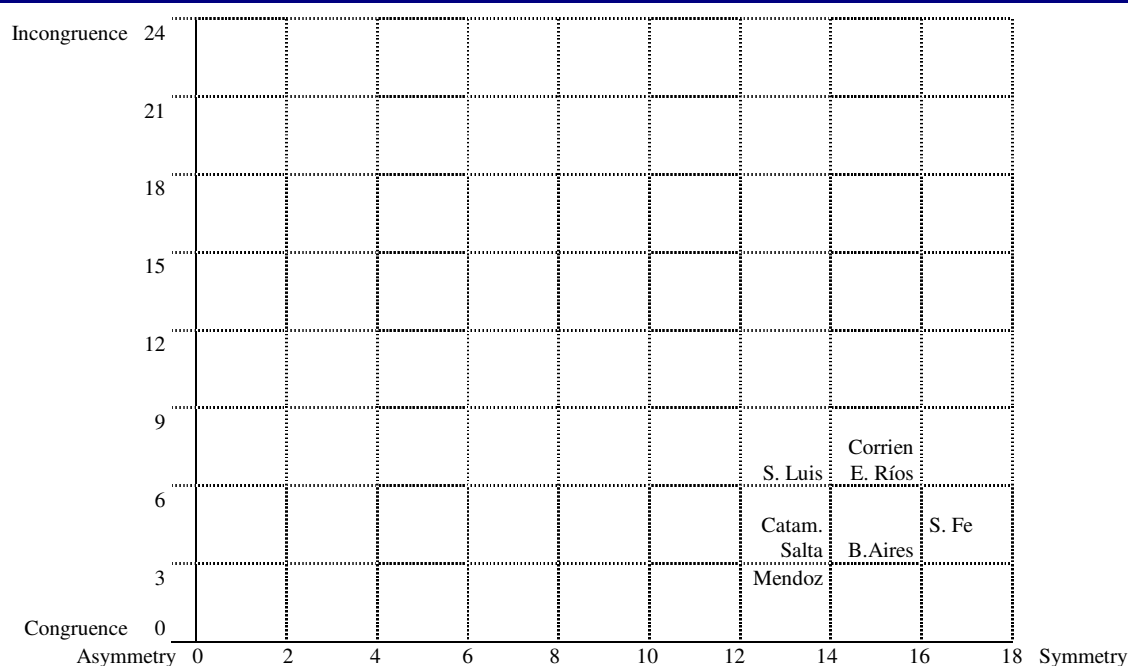
Coincidentally with the Latin American and, in particular, the Argentine institutional environment, the provincial legislatures feature a strongly symmetric bicameralism. Much unlike the same environment, however, they score very low as regards incongruence. The strength of bicameralism is further reduced by the intervention of a set of key extraparliamentary factors. Political dynamics, so to speak, have contributed to accentuate one of the characteristics of institutional design – congruence— in detriment of the other –symmetry. As a result, along a weak-strong continuum the partial bicameral regimes of the Argentine provinces would rank close to the former pole.

Graphic I displays the homogeneity of intraparlimentary bicameralism in subnational Argentina. All eight provinces cluster together over one corner, that of highest symmetry and congruence. No province lines out significantly regarding either dimension. As already said, a similar homogeneity is found when looking at the third dimension, i.e. extraparliamentary features. Therefore, a cube-shaped graphic locating the provinces according to the three dimensions would not show any significant dispersion either.



## GRAPHIC I

### Intraparliamentary Bicameralism in the Argentine Provinces



Two surprising findings deserve closer comparison with the American case. On the one hand, Argentine upper chambers appear at times stronger, not weaker, than their lower counterparts. This is mainly due to their capacity to participate in some executive appointments and to act as a judge in case of impeachment –thus mirroring the American system. On the other hand, Argentina’s subnational legislatures differ from their American equivalents as no observer would seriously underline “the sense of independence and the assertiveness of legislatures nowadays, and the defensive posture assumed by governors” –as Rosenthal (1990: 201) did referring to the latter case.<sup>10</sup>

If congruence is low and symmetry, however high, is offset by extraparliamentary factors, bicameralism loses much of its functional advantages. In this case, further qualitative information is needed in order to explain the existence of two chambers in the studied provinces. To be sure, institutional inertia is a plausible answer inasmuch as it is not asked to account for the original decision to establish a bicameral legislature. Institutional replication, via demonstration effects, is a better, frequently documented reason: constitutional changes usually cluster in temporal waves, whether towards bicameralism –late 19<sup>th</sup> century— or unicameralism –late 20<sup>th</sup> century (Corbacho 1998; Frías 1985). Probably, another crucial factor that helps to explain

<sup>10</sup> More significantly, in 1990 twenty-nine state governments were divided in the United States –what is to say that at least one chamber was controlled by a party other than the governor’s. Of these, twelve legislatures held different majorities in each chamber (Rosenthal 1990).

persistence is what Cotta (1974) calls “dimension of staffing”, i.e. the capacity of appointing personnel –be it by the legislature itself or by individual legislators. Some local studies suggest that such clientelistic, non-bureaucratic proceedings may be rather frequent in order to rally political support and to fund party activities (Bavastro 1993; Malamud 1999; Bercoff and Nougues 2001). This does not mean that bicameral legislatures are more prone to practicing patronage than unicameral legislatures (Jackisch 2001), but rather that the uncertainty of institutional change may be seen as an unnecessary risk of losing control over current resources.

Politicians willing to reform the structure of the provincial legislatures are not likely to obtain sufficient information through the analysis of the Argentine cases, as they are all too similar. Nevertheless, the homogeneous influence of extraparliamentary factors needs to be thoroughly considered: if the objective of the reformer is to balance power, territorial decentralization or legal changes affecting party operation may have deeper results and lesser risks than constitutional amendments. On the other hand, if the objective were to concentrate power, not much could be plausibly added to the mechanisms that are already at work.

We expect that this study bear further fruit once similar endeavors are undertaken in the remaining countries featuring subnational bicameralism. As the global trend towards greater regional autonomy advances relentlessly, increased comparative research will only improve the available knowledge on the structure and performance of subnational legislatures. For, if bicameralism is to be adopted or reformed at the subnational level, institution-builders may greatly benefit from taking into consideration the existent experience.

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**APPENDIX I**  
**Subnational legislatures worldwide (2003)**

COUNTRY	FORMAL TYPE OF STATE	SUBNATIONAL LEGISLATURES	OF WHICH BICAMERAL
Austria	Federal	9	-
Belgium	Federal	3	-
Bosnia-Herzegovina	Federal	2	-
Germany	Federal	16	-
Portugal	Unitary	2	-
Russia	Federal	89	-
Spain	Federal	17	-
Switzerland	Federal	26	-
United Kingdom	Unitary	2	-
Yugoslavia	Federal	2	-
<b>Europe</b>		<b>168</b>	<b>-</b>
Argentina	Federal	24	8
Brazil	Federal	27	-
Mexico	Federal	32	-
Venezuela	(Federal)	23	-
Saint Kitts and Nevis	(Federal)	-	-
<b>Latin America and the Caribbean</b>		<b>106</b>	<b>8</b>
Canada	Federal	10	-
United States	Federal	50	49
<b>North America</b>		<b>60</b>	<b>49</b>
Comoros	Federal	-	-
Ethiopia	Federal	9	-
Nigeria	Federal	36	-
South Africa	Federal	9	-
<b>Africa</b>		<b>54</b>	<b>-</b>
India	Federal	25	5
Malaysia	Federal	13	-
Pakistan	Federal	4	-
United Arab Emirates	(Federal)	-	-
<b>Asia</b>		<b>42</b>	<b>5</b>
Australia	Federal	6	5
Micronesia	(Federal)	-	-
<b>Oceania</b>		<b>6</b>	<b>5</b>
<b>WORLD</b>		<b>436</b>	<b>67</b>

REFERENCES: 'Type of state' of unicameral federations appears between brackets, as effective federalism is at least dubious in the absence of a second chamber.

SOURCE: Own elaboration based on *Handbook of Federal Countries: 2002*, Ann L. Griffiths (ed.), Montreal and Kingston: McGill-Queen's University Press, 2002; *The World Factbook 2002*, <http://www.odci.gov/cia/publications/factbook/> (accessed May 9, 2003); national and subnational constitutions (various editions).

## APPENDIX II

### Legislatures and Electoral Systems in the Argentine Provinces (2003)

PROVINCE*	LEGISLATURE	LOWER HOUSE	UPPER HOUSE
<b>Buenos Aires</b> (1853)	Bicameral (since 1854)	92 members. PR in 8 medium-to-large magnitude districts. Quotient acts as threshold	46 members. PR in 8 small-to-medium magnitude districts. Quotient acts as threshold
Capital Federal (1996)	Unicameral	60 members. PR in one province-wide district	
<b>Catamarca</b> (1853)	Bicameral (since 1966)	41 members. PR in one province-wide district. Threshold: 3% of registered voters	16 members. Plurality in single-member districts
Chaco (1951)	Unicameral	32 members. PR in one province-wide district	
Chubut (1955)	Unicameral	27 members: 16 to the first plurality, 11 PR among the other parties	
Córdoba (1853)	Unicameral with mixed representation (bicameral between 1870 and 2001)	70 members. 44 with PR in one province-wide district, 26 in single-member districts	
<b>Corrientes</b> (1853)	Bicameral (since 1889)	26 members. PR in one province-wide district. Threshold: 3% of registered voters	13 members. PR in one province-wide district. Threshold: 3% of registered voters
<b>Entre Ríos</b> (1853)	Bicameral (since 1883)	28 members. PR in one province-wide district. Majority granted to first plurality	16 members. Plurality in single-member districts
Formosa (1955)	Unicameral	30 members. PR in one province-wide district	
Jujuy (1853)	Unicameral	48 members. PR in one province-wide district	
La Pampa (1951)	Unicameral	26 members. PR in one province-wide district	
La Rioja (1853)	Unicameral	30 members. PR in 18 small districts	
<b>Mendoza</b> (1853)	Bicameral (since 1894)	48 members. PR in 4 large districts. Threshold: 3% of registered voters	38 members. PR in 4 medium-to-large districts. Threshold: 3% of registered voters
Misiones (1953)	Unicameral	40 members. PR in one province-wide district	
Neuquén (1955)	Unicameral	35 members. 3/5 to the first plurality, 2/5 to the second runner in one province-wide district	
Río Negro (1955)	Unicameral with mixed representation	43 members. 19 with PR in one province-wide district, 24 in three-member districts.	
<b>Salta</b> (1853)	Bicameral (since 1875)	60 members. PR in 20 multi-member districts. Threshold: 5% of valid votes in each district	23 members. Plurality in single-member districts. MSV ( <i>Lemas</i> )
San Juan (1853)	Unicameral with mixed representation (bicameral between 1878 and 1927)	45 members. 26 with PR in one province-wide district, 19 in single-member districts	
<b>San Luis</b> (1853)	Bicameral (since 1987)	43 members. PR in 9 small and large districts. Threshold: 3%.	9 members. Plurality in single-member districts

Santa Cruz (1955)	Unicameral with mixed representation	24 members. 10 with PR in one province-wide district, 14 in single-member districts	
<b>Santa Fe</b> (1853)	Bicameral (since 1872)	50 members. 28 to the first plurality, 18 by PR to the other parties in one province-wide district. MSV ( <i>Lemas</i> )	19 members. Plurality in single-member districts. MSV ( <i>Lemas</i> )
Santiago del Estero (1853)	Unicameral with mixed representation (bicameral between 1887 and 1903)	50 members. 22 with PR in one province-wide district, 28 in single-member districts	
Tierra del Fuego (1990)	Unicameral	15 members. PR in one province-wide district	
Tucumán (1853)	Unicameral (bicameral between 1884 and 1990)	40 members. PR in three large districts	

\* REFERENCES: Year of accession –or *provincialization*— figures between brackets.

SOURCE: Own elaboration based on provincial constitutions, electoral laws, and Calvo and Abal Medina (2001).

### APPENDIX III Institutional Features of Legislative Incongruence

PROVINCE	AGE DIFFERENCE	OTHER REQUISITES	ELECTION	TENURE	HOUSE RENEWAL	SENATE RENEWAL	ASSEMBLY SIZE
Buenos Aires	Senator 30 years Deputy 22 years	No	Direct	4 years both	Partial (half the districts every second year)	Partial (half the districts every second year)	92 deputies 46 senators
Catamarca	S: 30 years D: 25 years	No	Direct	4 years both	Partial (half every second year)	Partial (half every second year)	41 deputies 16 senators
Corrientes	S: 30 years D: 22 years	Senators: longer citizenship and residence	Direct	S: 6 years D: 4 years	Partial (half every second year)	Partial (one third every second year)	26 deputies 13 senators
Entre Ríos	S: 30 years D: 25 years	Senators: longer citizenship	Direct	4 years both	Total	Total	28 deputies 17 senators
Mendoza	S: 30 years D: 21 years	No	Direct	4 years both	Partial (half in every district every second year)	Partial (half in every district every second year)	48 deputies 38 senators
Salta	S: 30 years D: 21 years	No	Direct	4 years both	Partial (half in every district every second year)	Partial (half every second year)	59 deputies 23 senators
San Luis	S: 25 years D: 21 years	No	Direct	4 years both	Partial (half the districts every second year)	Partial (half every second year)	43 deputies 9 senators
Santa Fe	S: 30 years D: 22 years	No	Direct	4 years both	Total	Total	50 deputies 19 senators

SOURCE: Provincial constitutions.



## APPENDIX IV

### Institutional Features of Legislative Symmetry

PROVINCE	EXCEPTIONS TO THE INDISTINCT ORIGIN	DIFFERENCES IN INSTRUMENTS OF CONTROL		PARTICIPATION IN APPOINTMENTS	
	DEPUTIES	DEPUTIES	SENATE	DEPUTIES	SENATE
Buenos Aires		Impeachment: accuses	Impeachment: judges	Members of Education Council	Court of Justice and lesser judges, prosecutor, minister of Education, Tribunal of Accounts, and Province Bank board. Proposes treasurer, accountant and their deputies
Catamarca	Budget, taxation and loaning (art. 77)	Impeachment: accuses	Impeachment: judges		Court of Justice and lesser judges, prosecutor, Chair of Education Council
Corrientes		Impeachment: accuses	Impeachment: judges		Court of Justice and lesser judges, prosecution office
Entre Ríos		Impeachment: accuses	Impeachment: judges		Court of Justice and lesser judges, prosecution office, treasurer, accountant, minister of Education, Tribunal of Accounts, Education Council
Mendoza	Budget and taxation (art. 74)	Impeachment: accuses	Impeachment: judges		Court of Justice and lesser judges, accountant and treasurer
Salta	Taxation, loaning and emission (art. 98)	Impeachment: accuses	Impeachment: judges		Court of Justice and lesser judges, prosecution office
San Luis	Taxation (art. 107)	Impeachment: accuses	Impeachment: judges		Court of Justice and lesser judges, prosecution office, and accountant
Santa Fe		Impeachment: accuses	Impeachment: judges	Joint legislative assembly required for appointments	Joint legislative assembly required for appointments

SOURCES: Provincial constitutions.

## APPENDIX V

### Extraparliamentary Features of Bicameralism

PROVINCE	EXECUTIVE TYPE	BALANCE OF POWER	TERRITORIAL CENTRALIZATION	PARTY CENTRALIZATION	ELECTORAL POWER
Buenos Aires	Presidentialist	Medium executive concentration	High (most mayors are financially dependent on provincial support)	High	Sporadically divided (1987-89; 1997-99)
Catamarca	Presidentialist	High executive concentration	High	High	Unified until 1991, later frequently divided
Corrientes	Presidentialist	High executive concentration	High	Medium	Sporadically divided, bringing about serious institutional crises
Entre Ríos	Presidentialist	Medium executive concentration	High	High	Unified (executive alternation was replicated in both chambers)
Mendoza	Presidentialist	Medium executive concentration	High	High	**
Salta	Presidentialist	Medium-high executive concentration	High	High	Divided once (1991-95), but both chambers were always in PJ hands
San Luis	Presidentialist	High executive concentration	High	High	Unified
Santa Fe	Presidentialist	Medium executive concentration	Medium (Rosario mayoralty)	High	Unified except the Senate in 1983

SOURCES: De Luca (2000); Malamud (1999); Trocello (1997); Tula (1999); Clarín (various editions, 1983-2003); Miguel De Luca, Christian Hoy Vargas, Gustavo Tarragona and María Inés Tula (personal communications, May 2003).