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Legislative override and particularistic bills in unstable democracies: Ecuador in comparative perspective

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ABSTRACT

This article addresses, in a comparative perspective, the conditions under which legislatures find greater incentives to overcome a presidential veto. The authors' framework points out that the legislative override is used selectively, essentially when the presidential veto is in particularistic bills, and in the context of unstable democracies. To test their theoretical argument the authors used an unpublished database on bills processed in Ecuador between 1979 and 2019. Though theories of veto bargaining predict the override success rates should be 50 per cent, the authors show that, similar to the US, in Ecuador the override success is relatively low. Although the effective number of political parties is a statistically significant variable too, the empirical findings are more consistent with the first hypothesis.

KEYWORDS Legislative override; particularistic bills; presidential veto; political fragmentation; Latin America; Ecuador

Introduction

In early 2002 the Ecuadorian National Congress debated intensely the tax reform proposed by President Noboa. After a strong negotiation process, the bill was passed by a simple majority. Nevertheless, the executive partially objected to the bill, mainly with regard to the mechanisms of distribution of oil-generated resources. The president argued that the allocation should be based on percentages predetermined in the law while the legislature considered that the executive should distribute the funds more freely, between specific actors and sectors, depending on the economic situation of the country. Considering that a supermajority is necessary in Ecuador to override the partial veto, one would intuitively expect the partial veto to come into law by *ministerio de la ley*.[1] However, the legislature closed ranks around the initial particularistic bill oriented to benefit interest groups, reached the votes of two-thirds of its members, and finally prevailed over the presidential decision.

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At the beginning of 1999, President Mahuad partially vetoed a particularistic bill named *Ley de Creación del Instituto Tecnológico Superior Agropecuario de Manabí*. This bill, oriented to benefit a specific pressure group, sought the creation of a public educational institution without minimal quality standards. Although for the technical reasons exposed by the president, the National Congress did override the veto. Legislators from the province of Manabí negotiated with his colleagues about interchanging votes for this bill with votes for similar bills in other provinces in the future. Although the official block was of more than 20 per cent of legislative seats, parties with different political ideologies joined to defeat President Mahuad's veto.

In the two political events mentioned, legislators overrode the presidential veto when the bill was particularistic. According to the concept developed in the literature, a particularistic bill is defined as oriented to favour exclusively specific groups or sectors even if the collective cost of supplying goods or services is greater than the collective benefits (Carey, 1996; Cox & McCubbins, 2001; Lowi, 1964). In addition, the above narratives offer clues about the nature of executive–legislative interaction or the bargaining power between political parties; more than anything else, both of them show the president's partial veto does not always mean the end of the policymaking process. Indeed, even when institutional designs often discourage the formation of a legislative override, legislators are sometimes willing to assume the costs of reaching such an agreement. Therefore, in this article we propose two key research questions: (i) to what extent does legislative override occur? and (ii) which conditions explain the presence of this phenomenon in the political arena?

The remainder of the article is divided into four parts. In the first, we discuss the theoretical and empirical findings developed in specialised literature. In the second, we propose that the legislature could override presidential vetoes when the bills are particularistic. To verify empirically our theoretical proposal, we take Ecuador as a case study and build an unpublished database on legislative overrides between 1979 and 2019. In the third, we show logistic regression models and discuss results. Our empirical findings are in line with the idea that, as a bill has particularistic characteristics, a legislative override is more likely. In the fourth, we present the main conclusions of the research and some ideas that could be used as input for a subsequent research agenda.

A critical research review of the legislative override

Given that most constitutional designs impose qualified majorities as a requirement for legislatures to overcome presidential vetoes, one might intuitively believe that the emergence of this political phenomenon is exceptional. In fact, that would be the answer both to the relative absence of research on this topic in Latin America and to the concentration of studies on the presidential veto and its effects (Alemán & Schwartz, 2006; Magar, 2010; Tsebelis &

Alemán, 2005). This feature of research on the executive branch is found not only for Latin America but also for the US. In fact, given that the veto is rare in that country, the possibility of legislative overrides is even lower (Levine, 1983). This empirical finding is opposite to theories of veto bargaining that predict the override success rates should be 50 per cent in the US (Cameron, 2000; Martin, 2012).

In Latin America one of the first research works was by Alcántara and Sánchez (2001). In that research, the authors resorted to an institutional *de jure* comparison to determine the extent to which legislative override is a viable mechanism for controlling the presidential veto. In a more empirical field, Argentina is practically the only country that has been moderately studied. Molinelli et al. (1999) argue that only exceptionally is this tool used in this country, while Schibber (2012) adds that, contrary to what might be believed, this political event resulted from previous negotiations between presidents and legislators. Palanza and Sin (2013) deepen the study of the Argentinean case, pointing out that legislative override is more likely to arise when it comes to total presidential vetoes. Pezzola (2017) proposes that legislative override in Argentina takes place both from the need of political parties to maintain internal cohesion and from the desire to protect regional economic interests.

Notwithstanding the deficiencies noted, there are empirical findings regarding the factors that would explain why legislatures could impose themselves on the executive in the process of approving public policies. One of the variables that would most affect the presence of legislative override is the size of the executive political party in the legislature. So, to the extent that the percentage of seats in the president's party is greater, the chances of a legislative override would tend to fall (Cameron, 2009; Conley, 2002; Conley & Kreppel, 2001; Hoff, 1992; Rohde & Simon, 1985; Wilkins & Young, 2002). In fact, in countries where qualified majorities of two-thirds of the total vote are required for a legislative override to proceed, if the president has a seat of at least 30 per cent it would be almost impossible for a veto to be defeated. Of course, this conjecture must be evaluated in terms of other variables such as the country's bicameralism or not, the discipline of the executive's legislators, or the size of the government coalition.

Based on citizen support for the president, research on legislative overrides indicates that in those scenarios in which the president enjoys greater popular approval, legislators will have less incentive to override a veto (Martin, 2012; McCarty, 1997; Rohde & Simon, 1985; Saeki, 2004). Indeed, if it is considered that legislative override can be assumed to be a defeat of the president in the public policymaking process, legislators would not wish to come into conflict with the executive when he can use the support of the citizenry to shift the political costs of such a decision to the legislative branch. As a corollary, when the president enjoys little popular support, such weakness could serve

as a starting point for legislatures to reach the necessary votes to approve a legislative override.

Another variable that the literature has identified as the cause of legislative override is an increase in the political weakness of the president as a consequence of the exercise of government. The argument is that as time passes from the beginning of the president's term, his legitimacy will tend to decline, so that in such a scenario, legislatures would have more incentive to impose a presidential veto (Bridge, 2014; Hoff, 1992; McCarty, 1997; Rohde & Simon, 1985; Woolley, 1991). Of course, this conjecture is viable *if and only if* the passage of time actually entails political weakness of the president. Although such a relationship is intuitively plausible, there are cases in which it is not verified. Indeed, in countries such as Ecuador or Chile during the governments of former presidents Correa or Bachelet, towards the end of their terms in office, the erosion of the exercise of power was relatively low. The surveys of citizens' acceptance of their respective administrations show the above.

On the other hand, the literature proposes that the subjects of the bills would explain the presence of legislative override (Bridge, 2015; Carter & Schap, 1987; Fowler & Marshall, 2017; Hoff, 1992; McCarty, 2000; Rohde & Simon, 1985; Saeki, 2004; Wawro & Schickler, 2004). For example, when bills sent to the White House relate to foreign policy or tax issues, it would be less likely to see a legislative override (Bond & Fleisher, 1990; Fleisher & Bond, 1983; Wildavsky, 1998). Along the same lines, other works suggest that the importance of the issues discussed would affect the degree of legislative override (Cameron, 2000; Cameron & McCarty, 2004; Fowler & Marshall, 2017; Gilmour, 2011; Woolley, 1991). In short, both sides argue that on the most important issues for the country, a presidential veto could activate the use of the legislative override.

After having reviewed the literature, our first idea is that knowledge about the frequency of legislative overrides in Latin America, as the main variable that would encourage the presence of this political phenomenon, has been scarcely studied. Additionally, the variable related with the effect of particularistic bills on legislative override has not been discussed, and we believe that it is the main explanation of legislative override, particularly in the context of unstable democratic regimes. Furthermore, in the explanatory dimension there is an important omission regarding the influence that the correlation of political forces in the legislature would exert in order to obtain the necessary votes to overcome a presidential veto. To partially fill these gaps, in the following section we present a comparative description of the use of legislative override in some countries, a brief of the institutional features of this political phenomenon, and a case study through which we propose that the legislative override is more likely in particularistic bills.

Legislative override and particularistic bills: Ecuador in comparative perspective

Override is the last institutional mechanism that legislatures have to impose their will on a public policy disputed by the president. Although this tool of political control is present in all Latin American countries, its institutional features vary considerably. For example, in the Dominican Republic, Honduras and Guatemala there is only the concept of total veto, similar to the US. Although partial and total vetoes exist in Mexico, Uruguay and Costa Rica, the procedure for their discussion in the legislature is the same. Something similar can be said on the legal effect resulting from the absence of an express pronouncement by the legislature in relation to the presidential veto. In Colombia, if the legislature does not make an express decision, accepting or opposing the presidential veto, the bill is filed. In Ecuador, the failure of the legislature to accept or reject the presidential veto results in the bill coming into law by *ministerio de la ley*.

As for the deadlines within which legislatures must resolve if they overrule the presidential veto or insist on their original proposal, Latin American institutional designs also vary. Some countries allow more time for legislative discussion, such as Colombia (two consecutive legislative periods) or Paraguay (six days in each chamber). In other countries the terms are relatively short, such as Brazil, Ecuador, or Uruguay – which grant 30 days for knowledge of the presidential veto. In the middle would be Costa Rica, which provides for the creation of a legislative commission that has 30 days to inform the legislative body whether the veto would be accepted or not. Subsequently, the legislature debates on one or two sessions, depending on whether the presidential veto is accepted or rejected. The institutional diversity described is set out in more analytical terms in Appendix 1.

Although theories of veto bargaining predict override success rates near to 50 per cent, the data provided by Figure 1 show that in all countries included in this sample just 10 per cent of the bills vetoed by their presidents were subsequently overridden by the legislatures. Nevertheless, temporal periods differ between countries, and this leads to methodological problems; the fact is that override is marginal to the executive–legislative interaction. In the case of Ecuador, this is less notorious because two out of every 10 bills returned with a partial veto ended up being approved with a legislative override. Precisely because of the characteristics of the Ecuadorian case, in the following we focus on a case study of that country throughout its last democratic period (1979–2019).

As we have mentioned, our main explanation for legislative override is that it is more likely when the presidential veto is on particularistic bills, conceptualised as those oriented to favour specific groups even if the collective cost of supplying goods or services is greater than the collective

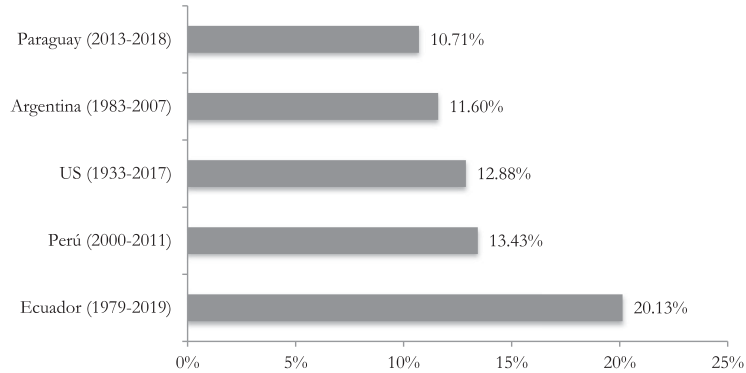


Figure 1. Legislative overrides in Latin America and the US. Source: Data for Argentina and the US are from the results of Palanza and Sin (2013) and Bridge (2015), respectively. Data from Peru, Paraguay and Ecuador were obtained by our own empirical research. We used official information from the national legislatures.

benefits (Carey, 1996; Cox & McCubbins, 2001; Lowi, 1964). According to empirical findings, one cause of particularism is in electoral systems that stimulate personal electorate loyalties, and not towards the political parties (Ames, 2001; Carey & Shugart, 1995; Hallerberg & Marier, 2004; Nielson, 2003; Wallack et al., 2003). This personal loyalty is more likely in open unblocked lists, as is the case in the Ecuadorian electoral system (Freidenberg & Pachano, 2016).

Another cause of particularism is the absence of strong and national political parties (Cain et al., 1987; Carey & Shugart, 1995; Cox & McCubbins, 1993). In this context, the loyalty of the electorate goes from the party to the politicians, increasing the incentives to the particularistic legislation. Ecuador is a relevant case of a fragmented, weak and unstructured political party system so that in that country the presence of particularistic legislation should be more likely (Basabe-Serrano, 2018). Another variable that the specialised literature points out as relevant to particularistic legislation is regressive political careers from national to subnational (Chasquetti & Micozzi, 2014; Samuels, 2002). In this case the politicians have negative incentives to pass national bills because they have less impact on the potential electorate where the actor will drive the campaign in the next election. In Ecuador, the majority of its legislators has regressive careers, so it could incentivise positively the particularistic legislation (Arévalo, 2017).

Given that Ecuador is a country where the legislation is essentially particularistic, this feature supports our argument that legislative override is more likely when the president vetoes bills with particularistic content (Ulloa, 2018). In other words, if the presidential vetoes affect bills oriented to

benefit a political, social, or economic sector, the legislature has incentives to make a coalition that weakens the executive position. Therefore, our main hypothesis is that:

> H1: The more particularistic the bill objected to by the president is, the more likely it is that a legislative override will occur.

We include in the empirical test other hypotheses as alternative explanations. First, we propose that the degree of political fragmentation in the legislature could explain why a presidential veto can be defeated through a legislative override. In other words, to the extent that political power is distributed among more actors, the negotiation processes for obtaining sufficient votes to overcome the presidential veto tend to be more complex. As a result, the likelihood of a legislative override decreases. If we add to this the fact that decision-making rules in general require supermajorities, obtaining agreements for the legislature to defeat the executive would tend to be more difficult to achieve. Conversely, with less legislative fragmentation, the transaction costs of achieving a legislative override would be lower, thus increasing the likelihood of the legislature overcoming the presidential veto.

An empirical reference to party fragmentation in the legislature is found in the index that accounts for the effective number of political parties (ENP), designed by Laakso and Taagepera (1979). In effect, this measure enables one to calculate how many political parties exist in a legislature, pondering their weight according to the percentage of seats obtained. Therefore, the main hypothesis we are testing is:

> H2: As the effective number of political parties increases, the likelihood of a legislative override decreases.

As for the people's approval of the president's administration, the literature has mentioned that there is a possible explanation for when legislative override is most likely to occur. The argument raised points out that the citizens' majority support for the president could discourage the legislators from seeking agreements in order to impose themselves a presidential veto. Although this variable would have a relative weight in relation to the degree of party fragmentation (H2), the timing in the president's period (H4), or the size of the president's legislative block (H5), the conjecture we submit for empirical verification is constructed as follows:

> H3: As popular acceptance of the president declines, the likelihood of a legislative override increases.

The research on legislative override, especially that generated in the US, indicates that proximity to upcoming elections encourages the legislature to seek agreements in order to overcome the presidential veto. Given that the passage of time often generates political weakness in the executive, legislators would

take advantage of this condition and their own need to seek public notoriety to 'defeat' the position taken by the president with respect to a specific bill. In another sense, when the presidential period begins the possibilities of legislative override should decrease. Therefore, the hypothesis we propose from the previous argument points out that:

> H4: With the extent that the presidential period is starting, the likelihood of a legislative override decreases.

In addition, we evaluate whether the size of the executive political party block is an obstacle for the legislature to overcome the presidential veto. In this regard, it would be expected that when the executive has a greater number of legislators there would be more difficulties in achieving a legislative override. The hypothesis derived from the previous reasoning points out that:

> H5: As the size of the executive political party block increases, the likelihood of a legislative override decreases.

As we have pointed out several times, Ecuador is an excellent laboratory to test the above hypotheses for several reasons. First, because this political phenomenon occurs with some frequency in that country, according to the data presented in Figure 1. Second, because the frequency with which cases of legislative override have been verified in Ecuador varies from president to president, thus allowing for a comparative analysis between executive terms. Third, because although Ecuador has designed three political constitutions over the last 40 years (1979, 1998 and 2008), the rules for legislative overrides have not changed, which makes it easier to evaluate the impact of non-institutional variables on the presence of this mechanism of political control. Fourth, because both the correlation of political parties in the legislature and the popular acceptance of presidents have varied considerably during the selected time period, which allows for greater variance in the behaviour of key variables for the causal analysis of the legislative override.

Figure 2 reports the percentage of legislative override in relation to the total of partial vetoes. If we assume this mechanism of political control as an empirical reference of the tensions between the executive and the legislative, during the administrations of Presidents Febres-Cordero and Gutiérrez are found the moments of greatest conflict in the process of approval of public policies (Freidenberg & Alcántara, 2001). In fact, of the totality of partial vetoes verified during those periods, in more than half of the cases the legislature can override the executive (55.56 and 57.14 per cent, respectively). If we consider the supermajority required in Ecuador for the legislative override, this graph reveals the difficult relationship between Presidents Febres-Cordero and Gutiérrez with respect to the National Congress, controlled at that time by the opposition parties *Democratic Left* and *Social Christian Party*, respectively (Alcántara & Sánchez, 2001; Pachano, 2007a).

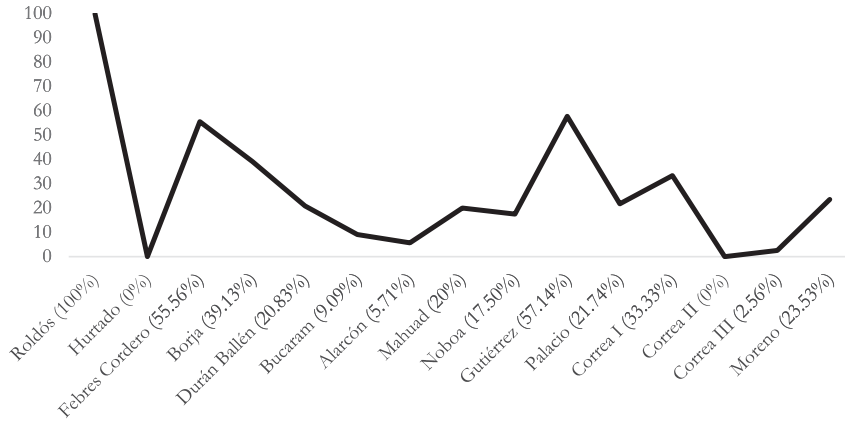


Figure 2. Percentage of legislative override in Ecuador, 1979–2019. Source: National Assembly's file.

The presence of legislative override decreased sequentially in the following periods until it reached ranges below 10 per cent during the administrations of Presidents Bucaram and Alarcón. Of course, these values may be due to the fact that these were very short governments (6 and 18 months, respectively). However, until 2006 legislative override never reached 20 per cent. In addition, the reported data reveal that during the administration of President Hurtado (0 per cent) and in the three periods of Rafael Correa (0, 1.4 and 4.65 per cent) the values are the lowest of the whole historical data analysed. This empirical finding is striking because, despite the fact that Hurtado and Correa governed under very different economic and social contexts, they barely had any legislative override. The foregoing, in addition to the fact that the majority rules were the same in both cases, shows that the explanation of the mentioned phenomenon could be found in variables related to the correlation of political forces within the legislature.

To explain the variance observed in legislative overrides in Ecuador during its last democratic period, we constructed a dichotomous dependent variable that codifies '1' when a bill partially objected to by the president received a legislative override, and '0' otherwise. This second set includes the express acceptance of the legislature (*allanamiento*) and the cases in which, due to the absence of a pronouncement, the presidential veto comes into force in a tacit way, by *ministerio de la ley*. In total, we reported 333 observations (n = 333), of which 20.42 per cent correspond to legislative override and 79.58 per cent correspond to acceptance expressed or tacit of the legislature to presidential veto. The information was taken from the National Assembly's files.

To test Hypothesis 1 we make a dichotomy variable that observes whether the president's objection is in a particularistic bill or not. We code a bill

objected to by the president as particularistic if it benefits with legal exceptions or economic advantages specific groups, such as union of rice farmers, tuna vessels, shrimp farmers, African palm growers and similar pressure groups. The bill is particularistic too if it gives exonerations to minority groups; for instance, if the president's veto is on a bill that cancels interest of credits with public banks for some groups, such as farmers. We encode a bill as particularistic if it creates a tax safeguard that benefits just a few exporters, as in the case of exoneration to introduce into the country a specific fertiliser. On the other side, a particularistic bill vetoed by the president is one that is oriented to benefit with a budget allocation a specific province, without technical justification. In sum, we codify as a particularistic bill when the social benefit is less than the collective cost.

As a consequence, we code the rest of the bills as '0'; for instance, if the veto is in a bill that discusses purely legal issues in substantive and procedural areas. If the bill objected to is related with technical norms to public company operation, we also code it '0'. When the presidential veto is in a bill discussing irrelevant issues, such as some details in the creation of a new canton, the minimal territorial division in Ecuador, we code as '0'. A similar operation is made when the objection is in procedural norms in bills related with 'popular' issues, such as *Ley de concesión de la lotería del fútbol* (Soccer Lottery Concession Law). To code this variable we read integrally the text of all bills objected to and the original proposal sent by the legislature.

To analyse the degree of fragmentation of political power in the legislature (H2), we used the ENP that existed in the Ecuadorian legislature at the time of the override or acceptance. The information for Figure 3 was obtained from the National Electoral Council (CNE). As can be seen, until the beginning

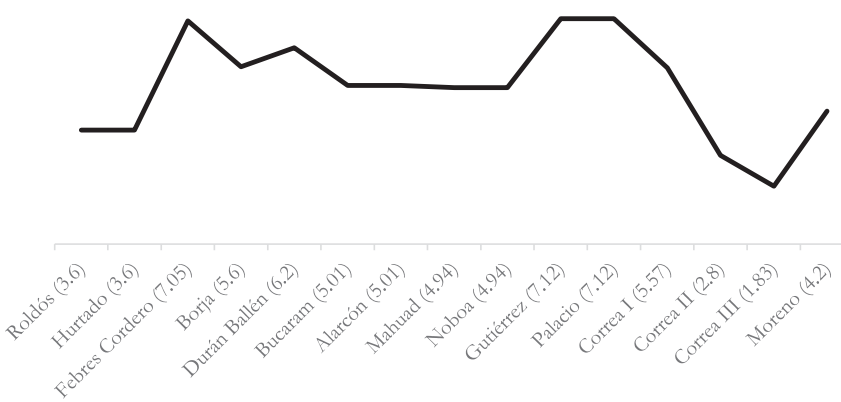


Figure 3. Effective number of parties (ENP) in Ecuador, 1979–2019. Source: National Electoral Council (CNE).

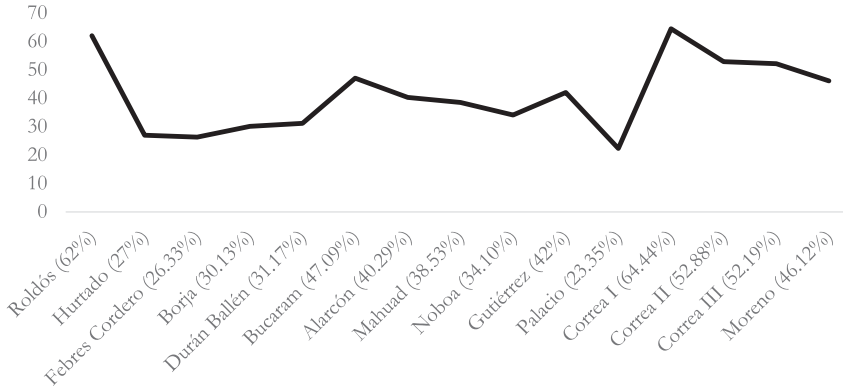


Figure 4. Presidential approval in Ecuador, 1979–2019. Source: CEDATOS.

of Rafael Correa's second presidency, this index was extremely high when compared with that of most Latin American countries (Freidenberg, 2006). Between 2009 and 2017, with the predominance of the ruling Alianza País Movement, the ENP dropped dramatically to the lowest levels of the entire period analysed. During President Moreno's government, the ENP index rose again to the levels observed between 1996 and 2002. In general, the empirical evidence provided accounts for a country where high fragmentation in the legislature has been one of the defining features of the Ecuadorian political system (Pachano, 2007b; Freidenberg & Pachano, 2016; Sánchez, 2008).

To observe citizen support for the presidents, we used information provided by *CEDATOS*, an Ecuadorian company that conducts regular public opinion surveys to assess the people's acceptance of the presidents' performance (H3). As shown in Figure 4, on average Ecuadorian presidents have had less than 50 per cent citizen support, which could translate into generally weak governments. The exceptions are President Jaime Roldós, who died in office, and President Rafael Correa.

On the other hand, to capture whether the electoral cycle affects the presence of legislative override (H4), we developed a dichotomy variable that coded as '1' if the objection was in the first year of the presidential period, and '0' if not. Although a finer measurement should be coded from 1 to 4 depending on the presidential year in which the legislature resolved the veto, unfortunately this strategy is not possible in the Ecuadorian case. This country has several incomplete presidential periods during the period analysed so that this kind of measurement could affect the results. In fact, Presidents Bucaram, Mahuad and Gutiérrez were removed before the end of their periods.

The information related to the size of the executive legislative block (H5) was taken from the National Assembly's file and Basabe-Serrano (2020)

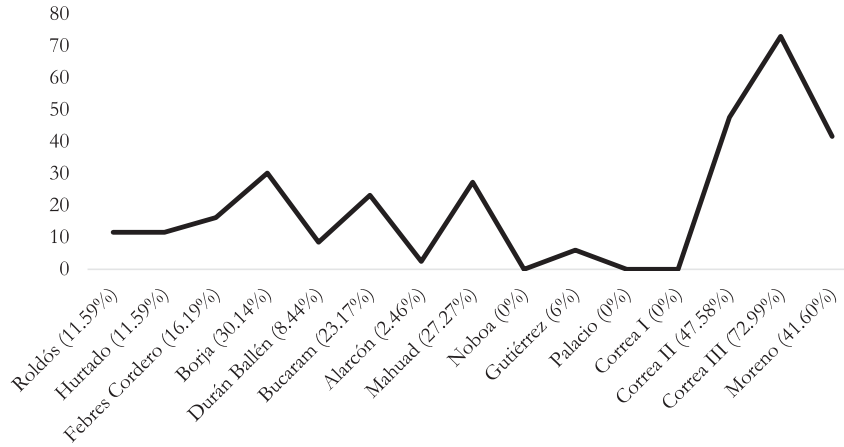


Figure 5. President's legislative block in Ecuador, 1979–2019. Source: National Assembly and Basabe-Serrano (2020).

research about women in ministerial cabinets. Given that in Ecuador there are no agreements between the executive and the legislature to build coalitions (Amorim Neto, 2006; Mejía Acosta, 2009), this measure considers only legislators who are affiliated to the president's party. According to Figure 5, Ecuador's presidents had weak legislative representation throughout the period analysed, with the sole exception of the decade of Rafael Correa's government, when the ruling party reached a majority in the National Assembly (Basabe-Serrano, 2018; Mustillo & Polga-Hecimovich, 2018; Sánchez & Polga-Hecimovich, 2019). Regardless of this case, elected presidents Borja, Bucaram and Mahuad reported the largest number of seats in the legislature, although they never exceeded 30 per cent.

Because of the dichotomous nature of the dependent variable, we used logistic regression models with standard errors. Through this methodological tool we intend to evaluate which variables make it more likely for legislators to reach an agreement leading to defeat of the presidential veto via legislative override. We include dichotomous variables to control each of the 15 presidential administrations in office between 1979 and 2019, using the government of former President Borja as a basis. In Model 1 we included the independent variables that are part of Hypotheses 1, 2 and 3. In Model 2 we added the variable mentioned in Hypothesis 4. Model 3 contains all explanatory variables proposed.

Given the characteristics of the Ecuadorian case, the decision-making rule required to approve the legislative override and the type of legislature are factors that remain constant. Therefore, the size of the majority required for the override and the fact that the legislature is unicameral or bicameral are not part of the empirical evaluation. Table 1 shows the results of the proposed models. We report the estimated coefficients and in parentheses the

values of *z*-statistics. The symbols *, ** and *** represent the statistical significance for 10, 5 and 1 per cent, respectively. In Appendix 2 we report the descriptive statistics of all the variables used.

Discussion

The results described in Table 1 empirically verify that when the bill objected to by the president has a particularistic characteristic legislative override is more likely (H1). In fact, in three models our main variable is statistically significant and with the correct sign. The causal relationship between these political actors can be developed as follows. If the legislature passes a particularistic bill and the president opposes it for different reasons, legislators could invest time and other resources to get the supermajority necessary to defeat the presidential decision. If the president's objection is on other kinds of bills, such as *ley orgánica de aduanas* or *ley de creación del cantón Cuyabeno* (organic customs law or law of the creation of canton Cuyabeno), the legislature avoids conflict and the bill coming into law by *ministerio de la ley*. According with our theoretical expectations, legislative override is selective, and oriented to pass particularistic bills.

Degree of political fragmentation is also a good predictor of the presence of legislative override (H2). However, although this variable has the correct sign (negative) in three models it is statistically significant just in Models 1 and 2. Accordingly, the greater the number of political parties in the legislature, the lower the probability of reaching agreements that would lead to a presidential veto. The argument behind this causal relationship would be that in scenarios such as the one described, the transaction costs involving a negotiation between more actors would be so high that it would be difficult to reach a sufficient majority towards a decision of such political significance

Table 1. Legislative override in Ecuador, 1979–2019.

Variables	(1)	(2)	(3)
Particularistic bill	2.086***	2.106***	2.075***
	(5.579)	(5.597)	(5.441)
ENP	−0.986***	−0.859***	−0.468
	(−3.142)	(−2.702)	(−1.065)
Presidential approval	−0.0122	−0.0238	−0.0200
	(−0.729)	(−1.365)	(−1.126)
Electoral calendar		0.698	0.452
		(1.620)	(0.936)
Executive's legislative block			0.0551
			(1.144)
Constant	4.634**	4.048*	0.173
	(2.186)	(1.933)	(0.0462)
Pseudo R^2	0.2942	0.3018	0.3059
Log-likelihood	−113.51288	−112.29532	−111.6378
Observations	333	333	333

***$p < 0.01$; **$p < 0.05$; *$p < 0.1$.

as legislative override. This empirical finding is not opposite to our main hypothesis because we argue that the legislators incur the transactional cost of override just when the bill has particularistic features.

For the variable related with presidential approval, in the three models the sign is in the expected direction (negative) but without statistical significance (H3). As regards the electoral calendar, the coefficients are not statistically significant but the sign is unexpected (H4). In fact, according to the three models in the first year of government it is more likely that the legislature will override a bill vetoed by the president. This hypothesis is supported in the assumption that presidents complete their terms in office, and they have more political capital at the beginning of their periods in office as a consequence of recent elections (Bridge, 2014; Woolley, 1991). However, in Ecuador this is not the rule because some presidents were not elected, such as Alarcón, and others were in office by constitutional succession, such as Hurtado, Noboa and Palacio. We believe that this is the reason for this contra-intuitive empirical finding.

The variable related to the size of the president's political party is not statistically significant, and it has a sign in a different direction (positive) than we expected (H5). This is a contra-intuitive empirical finding because it shows that a greater number of pro-government legislators is more likely to use a legislative override. This result can be understood if we consider the high level of partisan indiscipline that has been a feature of the Ecuadorian political system (Freidenberg & Pachano, 2016). As a consequence, it is possible that the presidential block varies during the presidential period, and our measuring is not sensitive to this change. We code the size of the block at the beginning of each presidential period, but it is possible that it has changed over time.

In sum, particularistic bill vetoed by the presidents is a good predictor of legislative override in Ecuador. In addition, greater political party fragmentation is also an explaining variable. However, we must consider that the statistical significance of this variable disappears in the third model. Therefore we can conclude that *ceteris paribus* the countries are unicameral and the need for supermajorities to approve a legislative override, the particularistic nature or not of the bill objected to by the president explains the presence of legislative override.

Conclusions and research agenda

In this article we have argued that when a particularistic bill is objected to legislative override is more likely. This hypothesis has been tested in Ecuador, an unstable democracy in Latin America. As we have shown, when the president objected to this kind of bill, the legislature invested time and other resources to get the supermajority needed to 'defeat' the executive. Moreover, the article has shown that the more political parties there are in the legislature, the more

difficult it will be to achieve the necessary votes to override a presidential veto. Contextual and political variables, such as presidential approval, electoral calendar and the size of executive block in the legislature, are not statistically significant.

Given the relative absence of research on legislative override, the empirical findings discussed in this article should be approached cautiously. First, we must consider that the quantitative analysis corresponds to a unicameral country where a legislative override demands a supermajority of two-thirds of the total number of legislators. Therefore, the next step to strengthen our theoretical proposal is to test it in countries with similar institutional features, such as Panama, Costa Rica, Guatemala and Honduras. Second, it is possible that the variables related to the type of legislature – unicameral or bicameral – or to the size of the majority required to achieve the legislative override may influence the presence of this political phenomenon. In order to assess such effects, it is essential to propose a comparative research between countries with one and two legislative chambers and with different types of majority rule for the legislature override.

Note

1. The Constitution grants the Congress 30 days to review a presidential partial veto. If the Congress has not overridden or accepted it after this deadline, the bill with the veto included becomes law. This legal effect is named *ministerio de la ley*.

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Appendices

Appendix 1. Institutional design to legislative override in Latin America.

Country	Type of legislature	Kind of veto	Majority required	
			Total	Partial
Argentina	Bicameral	T/*P*	2/3 of all members in both chambers	2/3 of all members in both chambers
Chile	Bicameral	T/*P*	2/3 of all members in both chambers	2/3 of all members in both chambers
Mexico	Bicameral	T/*P*	2/3 of all members in both chambers	2/3 of all members in both chambers
Dominican Republic	Bicameral	T	2/3 of all members in both chambers	–
Uruguay	Bicameral	T/*P*	3/5 of all members in both chambers	3/5 of those present in both chambers
Costa Rica	Unicameral	T/*P*	2/3 of all members	2/3 of all members
Ecuador	Unicameral	T/*P*	2/3 of all members	2/3 of all members
El Salvador	Unicameral	T/*P*	2/3 of all members	50 per cent plus 1 of all members
Guatemala	Unicameral	T	2/3 of all members	–
Honduras	Unicameral	T	2/3 of all members	–
Panama	Unicameral	T/*P*	2/3 of all members	2/3 of all members
Brazil	Bicameral	T/*P*	50 per cent plus 1 of all members in both chambers	50 per cent plus 1 of all members in both chambers
Paraguay	Bicameral	T/*P*	50 per cent plus 1 of all members in both chambers	50 per cent plus 1 of all members in both chambers
Colombia	Bicameral	T/*P*	50 per cent plus 1 of all members in both chambers	50 per cent plus 1 of all members in both chambers
Nicaragua	Unicameral	T/*P*	50 per cent plus 1 of all members	50 per cent plus 1 of all members
Peru	Unicameral	T/*P*	50 per cent plus 1 of all members	50 per cent plus 1 of all members
Bolivia	Bicameral	T/*P*	50 per cent plus 1 of those present in both chambers	50 per cent plus 1 of those present in both chambers
Venezuela	Unicameral	T/*P*	50 per cent plus 1 of presents	50 per cent plus 1 of presents

Appendix 2. Descriptive statistics.

Variable	Obs.	Media	St. Dev.	Min	Max
Legislative override	333	.2042042	.4037255	0	1
Particularistic bill	333	.3273273	.469944	0	1
ENP	333	5.007447	1.667254	1.8	7.6
Presidential approval	333	38.74354	15.15512	7	75.3
Electoral calendar	333	.3873874	.4878865	0	1
Executive's legislative block	333	21.60706	24.25997	0	72.99