

**Attempts at Political Reform: (1985-2015):
Still a “Never Ending Story”**

**David Fleischer
Inst. of Political Science (IPOL)
University of Brasília (UnB)**

**Panel: “30 Years of Re-Democratization in Brazil
(1985-2015) – Institutions”**

**13th International Congress of BRASA
The Brazilian Studies Association**

Brown University

Providence, RI

March 31 → April 2 2016

Attempts at Political Reform: (1985-2015) Still a “Never Ending Story”

David Fleischer
IPOL – University of Brasília

1 - Origins

The “spark” that began our efforts to examine and review the impacts of the thirty years of re-democratization in Brazil since March 1985 began with a symposium organized by Prof. Mauricio Font, Director of the Bildner Center for Studies Affairs (CUNY) on 23 April 2015. Five papers were presented.

See → <http://www.gc.cuny.edu/Page-Elements/Academics-Research-Centers-Initiatives/Centers-and-Institutes/Bildner-Center-for-Western-Hemisphere-Studies/Center-Events/Past-Center-Events/2015-Events/Detail?id=30518>

Even before the end of Brazil’s 21-year military regime (1964-1985), some “political reforms” were initiated during the “political opening” transition period, especially during the term of the last military president, João Figueiredo (1979-1985). (Fleischer, 1994) Most of these changes were later considered “authoritarian trash” and annulled after 1985.

During this period, several academic events analyzed possible political reforms – at the University of Brasília in September 1980 (Lamounier, 1981) and at the state legislature in Rio Grande do Sul in April 1983. The papers presented at this latter event were collected and published by the *Revista de Informação Legislativa*, No. 78 in 1983.

The last year of the military regime (1984) was an important “prelude” to the post-1985 re-democratization. On 25th April, the Chamber of Deputies rejected Constitutional Amendment No. 5, authored by Dep. Dante de Oliveira (PMDB-MT) that called for *Diretas Já* [Direct Elections for President right now]. Had this amendment passed, direct presidential elections would have been held in November 1984. This proposal received an absolute majority in the Chamber but fell short of the two-thirds Constitutional quorum. However, had this amendment passed in the Chamber, certainly it would have been rejected by the Senate. (Fleischer, 1990)

In August 1984, the national PMDB convention selected Gov. Tancredo Neves (MG) and Senator José Sarney (MA) as its election slate for the 15th January 1985 electoral college. The pro-military government party, PDS, selected Dep. Paulo Maluf (SP) and Dep. Flávio Marcílio (CE). After the STF ruled that the “party loyalty law” did not apply to the electoral college, Neves defeated Maluf by a 300-vote margin. (Fleischer, 1990)

In May 2001, the Bildner Center convened a symposium to examine Brazil’s reforms since the mid 1990s. The papers presented at this meeting were collected in a volume published in (Font & Spanakos, 2004). Again, in 2009, the Bildner Center

organized another symposium and the papers presented were collected in (**Font & Randall, 2011**).

This paper will address the attempts at “political reforms” of Brazil’s election and political party legislation, aptly defined by **Rabat 2002** -- but will not deal with the broader topic of “reform of the State” (**Abranches, 1996; Seixas & Proença, 2005**) – that involves the relations among the three powers of government (**Vianna, 2002**), institutional reforms, such as the Judiciary Reform approved in 2004 (**Renault & Bottini, 2005; Sadek, 2002 & 2004; Tavares Filho, 2005**), federalism relations, tax and fiscal reforms, reform of labor legislation, etc. However, although most of the reform attempts are listed in **ANNEX I** were deliberated by Congress, several “reforms” [changes] were dictated by the Supreme Court (STF) – by what is called the “Judicialization of Politics”. (**Arantes, 2007; Viana, Baumann & Salles, 2007; Da Ros & Taylor, 2008; Ferraz Jr., 2008**) This point will be discussed in section 4.1.

Thus, this analysis will review the attempts at political reform since 1985 during **five governments** → Sarney (1985-1990), Collor/Franco (1990-1994), Cardoso (1995-2002), Lula (2003-2010) and Rousseff (2011-20??).

2 – Reforms during the Sarney Period (1985-1990)

Until June 1984, Senator José Sarney (PDS-MA) had been the national president of the pro-military government party (PDS), but resigned in a huff because then Pres. Figueiredo vetoed a “primary” to choose the party’s presidential candidate. Sarney then joined an informal dissident group within the PDS called the *Frente Liberal* [Liberal Front]. By consensus, the PMDB selected Governor Tancredo Neves (MG) as its presidential candidate and sought a politician from the *Frente Liberal* to be his running mate. By elimination, Sarney was selected because the party loyalty law did not apply to him because he had been elected Senator by the extinct ARENA in 1978.

On the eve of their swearing in (14th March 1985), Neves took ill, was hospitalized and underwent surgery to correct his diverticulitis condition. After long discussions that evening, it was decided that Sarney would be sworn in as Vice-President on 15th March and serve as acting President until Neves recovered. However, Neves died on 21st April 1985 and Sarney became Brazil’s *de jure* President. **However**, Pres. Sarney endured considerable “tutelage” by the PMDB (Dep. Ulysses Guimarães) and by the military – until the success of the new *Plano Cruzado* to a certain extent “liberated” him from this vigilance.

In 1985, the PMDB majority in Congress (that had been elected in 1982) quickly went to work under the command of Chamber President Dep. Ulysses Guimarães (PMDB-SP) to remove a first batch of “authoritarian trash”:

- 1) Abolished limits on the organization of new political parties
→ PFL, PSB, PCB, PCdoB, PL and PDC were organized
- 2) Convoked direct elections for Mayors in the 205 “national security” *municípios*
→ these elections were held on 15th November 1985
- 3) Approved the direct election of Presidents
- 4) Revoked Constitutional Amendment 22/1982
→ Had installed a “mixed election system” – district and proportional

5) Gave illiterates the right to vote

Without a doubt, the most important “reforms” during the Sarney period were enacted by the National Constituent Assembly (1987-1988) that drafted a new constitution “from scratch”. To this end, on 18th July, Pres. Sarney installed the so-called Afonso Arinos Temporary Commission for Constitutional Studies with 55 “notables to produce a draft version of a new Constitution. This had been one of the promises made Tancredo Neves during his indirect election campaign. A former deputy and senator, Afonso Arinos was a notable jurist at the Getúlio Vargas Foundation in Rio and in 1983-1984 collected a vast number of “suggestions” for a new Constitution via a questionnaire sent to hundreds of “experts”. Finally, on 25th November, Congress approved a constitutional amendment convoking the election of the National Constituent Assembly (ANC) for November 1986 that became what was called the “congressional constituent assembly”.

In 1986, the TSE undertook what many thought was a “mission impossible” – the complete re-registration of Brazil’s electorate into digital files that permitted the elimination of duplicate and “ghost” voters. On 27th February, Pres. Sarney launched the *Plano Cruzado* economic stabilization plan that froze prices and indexed salaries through 27th February. On 18th September, the Afonso Arinos Commission completed its draft proposal for the new constitution, and the ANC was elected on 15th November. Due to the success of the *Cruzado Plan*, the PMDB was boosted to victory in these elections.

However, Pres. Sarney refused to publish this draft and so then Rector of the University of Brasilia, Cristovam Buarque, ordered the draft published by the University Press to be distributed to all constituents and those interested. (**Pereira, 1987**) Afonso Arinos was elected Senator by the PFL-RJ. At the same time, Buarque established CEAC-Center for Study and Monitoring of the Constituent [Assembly] headed by former deputy João Gilberto Lucas Coelho, visiting professor of Political Science at UnB. CEAC produced several publications analyzing the deliberations of the ANC, most notable **Guran 1989**.

The ANC was installed on 1st February 1987 and its first decision was to include the Senators who had been elected in 1982 as full members of the ANC. The PMDB had an absolute majority of the Assembly and elected Dep. Ulysses Guimarães (PMDB-SP) as President and Sen. Mário Covas (PMDB-SP) as the majority floor leader of the ANC.

The ANC bylaws were drafted by Sen. Fernando H. Cardoso (PMDB-SP) and replicated the organization proposed by the Afonso Arinos Commission → 8 committees and 24 sub-committees. After the latter had finished their drafts, each group of three sub-committees funneled their proposals to the respective committee. The final eight drafts were then sent to the systematization committee headed by Sen. Afonso Arinos and this first compilation was called the *mostrengo* [monster]. In successive drafts this subdued “monster” was completed in late November.

But, the more “conservative” members of the ANC were discontent with many parts of this proposal that according to the bylaws, the ANC would first vote on the draft proposals article by article. If a draft article did not achieve a majority, then other

proposals would be deliberated. These conservatives organized the so-called *Centrão* that commanded an absolute majority and on 3rd December were able to revise the bylaws so that the first vote would be the proposal that had the support of a majority.

Thus, the proposal for a parliamentary system was converted back into the presidential system, for example. **But** as a “sop” to those who supported a parliamentary system (and a monarchy), the ANC called for a plebiscite within 5 years to select the form and system of government – a Presidential Republic, a Parliamentary Republic, or a Parliamentary Monarchy. The new 1988 Constitution was promulgated on 5th October 1988. The voting on the articles in 1988 was divided into a three part sequence – First, those article with an adequate consensus; Second, articles with less consensus; and Third, articles with little consensus. In the case of most of the latter, the “concept” was included in the article but that the details would be regulated later on. The final draft contained over 300 such articles and clauses. Some of the latter were never regulated, such as the anti-usury item that called for interest rates no to exceed 12% per annum – but for obvious reasons this was never “regulated”.

In a reaction to the *Centrão*, in June 1988 the new PSDB-Partido da Social Democracia Brasileira was organized. Sen. Mário Covas (PMDB-SP) joined this new party and thus left the ANC majority floor leader position.

The ANC made very few modifications within the context of a “political reform”:

- 1) Confirmed the vote of illiterates
- 2) Established absolute majority elections for President, Governor and Mayor
- 3) Extended the right to vote for 16 & 17 year olds (on a voluntary basis)
- 4) Established a five-year term for President (Sarney’s term reduced 6→5 years)
- 5) The territories of Amapá & Roraima were upgraded to states
- 6) The new state of Tocantins (the north of Goiás) was created
 - This added 9 new senators & 16 new deputies
- 7) São Paulo delegation was increased 60→70 federal deputies
- 8) Granted home rule for the national capital, Brasília
 - Elect Governor, 3 senators, 8 federal deputies & 24 district deputies
 - Did not allow “municipalization” of the Federal District
- 9) Set municipal elections for 15th November (with simple majority for Mayor)
- 10) Maintained municipal elections two years out of phase with general elections
- 11) Created a new level of federal courts → five TRFs (regional federal courts)
- 12) Converted the TFR into STJ-Superior Court of Justice

However, many aspects were left unchanged, such as the National Security Law, obligatory voting (**Ribeiro, 2003; E.C. Santos, 2004b; P.H. Soares, 204b**), the election system continued “open list PR”, no exclusion barrier clause was adopted, no quotas for female candidates, etc.

On 15th November, municipal elections were held and the Governor and state legislature of the new state of Tocantins were also elected. The new states of Amapá and Roraima had to wait until 1990 to elect their governors and deputies.

In 1989, the absolute majority criterion was used for the first time in the presidential elections. Brazilian voters chose among 22 candidates on the first round on

15th November. Fernando Collor (PRN) received 30.47% of the valid vote followed by Lula (PT) with 17.18%. Leonel Brizola (PDT) had 16.51% and nearly edged Lula out for 2nd rank. In the second round runoff election, held on 17th December, Collor surpassed Lula by a six point margin → 53.03% vs. 46.97%.

3 – The Collor/Franco Period (1990-1994)

Fernando Collor de Mello and his Vice-President Itamar Franco were sworn in on 15th March 1990 to a five-year term and that same day, President Collor decreed the *Plano Collor* for economic stabilization that quickly reduced inflation from around 90% per month to negative inflation by way of a massive confiscation of all financial assets.

General elections for Governors, Senators and Deputies were held on 3rd October. This was the first time that the absolute majority criterion was applied to elections for Governor. Eleven states elected governors on the first round and 16 states held second round runoff elections on 25th November. Governors were elected for the first time in the new states of Amapá and Roraima, and in the Federal District. Former President José Sarney (PMDB) was elected Senator from Amapá. Because of the proliferation of political parties, 19 gained representation in Congress. **However**, the *Plano Collor* was much less successful than the *Plano Cruzado* in 1986 and did not boost the parties supporting Pres. Collor into majority status in Congress.

Second Round Runoff Elections for Governor (1990-2014)

	<u>1990</u>	<u>1994</u>	<u>1998</u>	<u>2002</u>	<u>2006</u>	<u>2010</u>	<u>2014</u>	<u>Total</u>
Runoff Elections	16	18	13	14	10	9	14	<u>93</u>

The number of runoff elections was quite high in 1990 and 1994, was reduced in 1998 and 2002, and declined to only 9 in 2010, only to increase again to 14 in 2014. In part, the 1994→1998 reduction can be explained by the “new” possibility of reelection of governors elected in 1994 in the 1998 elections – via Constitutional Amendment 16 approved in 1997. .

Although 1991 saw no political reforms, a “threat” appeared late that year. Because he did not have majorities in Congress, Pres. Collor had resorted to governing by MPs [*Medidas Provisórias*] especially in 1991. Congress drafted a constitutional amendment that would have severely restricted the issue of MPs, but in December Collor swore that he would refrain and this amendment was tabled.

In 1992, Brazil experienced another “first” → the constitutional impeachment of its president. In May, the *Veja* weekly news magazine published a long, devastating cover story interview with the President’s brother, Pedro Collor, who laid out details of corruption practiced by the President and his informal “bagman” Paulo Cesar Farias. The following month, Congress installed a committee to investigate these accusations and many witnesses produced additional information and documents. Finally, on 29th September, the Chamber approved the impeachment of Collor and he was suspended for 180 days while the Senate sat as a “jury” to finalize these deliberations. Itamar Franco assumed the presidency temporarily on 2nd October and municipal elections were held

the following day. (Fleischer, 1999 & Souza, 1999b) On 15th November that first second round runoff elections for Mayor were held, and on 30th December, the Senate approved Collor's impeachment, Franco became *de jure* president and finished the five-year term on 31st December 1994.

Because the 1988 Constitution had not “regulated” the 60→70 size of São Paulo's delegation of federal deputies for the 1990 elections, in December 1993 Congress passed Lei Complementar 78 that “regulated” this question and allowed SP to elect its 70 deputies in the 1994 elections.

On 21st April 1993, a national holiday, as prescribed by the 1988 Constitution, Brazil held a plebiscite to decide its form and system of government. The “Republican **form** of government polled 66% and the Monarchy had 10.2%, with 23.8% blanks and nulls. On the second ballot, **system** of government, the Presidential system received 55.4% of the vote and the Parliamentary system had 24.6% with 19.9% blanks and nulls.

In October 1993, Congress installed a CPI to investigate accusations of corruption practiced by the Joint Budget Committee → *Budgetgate* or the *Anões do Orçamento* [the Budget Committee “Dwarfs”]. A cartel of construction companies was discovered and via bribes all firms were allocated (on rotation) certain budget items. This CPI extended into 1994 and 6 deputies were *cassados*, 4 resigned and 8 were absolved.

As prescribed by the 1988 Constitution's Transitory Articles, five years after its promulgation, Congress deliberated certain “reforms” and on 7th June approved Constitutional Amendment 04/94 that, among other things reduced the presidential term from five to four years as of the 1994 elections. This change made presidential and general elections (governors, senators and deputies) coincident. In the 1946-1964 period, the presidential term (and those of one-half of the governors) was five years and those of Congress and the other half of the governors were four years. Thus, the 1955 and 1960 presidential elections did not coincide with those for Congress. (Sousa, 2006 & Fleischer, 2015)

In the early 1990s, there was considerable debate in Congress regarding the advantages and disadvantages on adopting a “mixed” election system, similar to that used in Germany. (Pinheiro Filho, 1992)

On 1st July, Pres. Itamar Franco launched the *Plano Real* economic stabilization plan that curtailed inflation and actually reduced prices.

Because of the unified paper ballot used by the TSE (Governor, Senator, Federal Deputy and State Deputy), a large number of voters refrained from voting for deputy and only voted for the majority offices (Governor and Senator). In an attempt to induce more voters to cast their votes for deputy (proportional election), on 7th June 1994, Congress approved Lei 8.713/94 that required voters to use **two** separate paper ballots. At his/her polling station, the voter first received the ballot to vote for deputy. After depositing this in the proportional ballot box, the voter received the second ballot for majority office (President, Governor and Senator).

majority elections (President, Governors, Senators and Mayors); and **2)** Increased the quota for female candidates for deputy and city councils from 20% to 30%.

Since 1946, blank ballots had been included in the total of “valid votes” and thus “inflated” the vote total for the calculation of the election quotient. Analyzing the results of the 1994 elections, most party leaders decided that this change would have little impact in 1998, and might even facilitate the reelection of their deputies, because they figured that without the blank votes, the “valid vote” total would be less and thus the election quotient in each state would be smaller. The election quotient in each state is determined by dividing the total “valid” vote by the number of seats (deputies) representing that state. If the total valid vote were reduced (by excluding the blank ballots), the smaller total would produce a smaller quotient. **(See Table 1)**

However, these “projections” did not take into consideration two important factors: **1)** from one election to another (every four years), Brazil’s electorate expands by about 10%; and **2)** because of extensive use of the new electronic voting machines in 1998, the number of blank and null votes declined significantly. The result was a larger valid vote total in 1998 than in 1994, and thus larger elections quotients in all states.

The results of the 1998 elections for the five states that used the new electronic voting machines exclusively were compared to those in 1994 (paper ballots) in **Table 1**. This comparison clearly showed the impact of these machines. In this table, the proportion of null and blank ballots was reduced considerably and as a result the valid vote and the election quotients were much larger.

The increase in the total valid vote varied between 21.87% in Alagoas to 53.20% in Roraima. The latter was a federal territory transformed into a state by the 1988 Constitution and received considerable migration in the 1990s. The more typical states – Rio de Janeiro and Brasília -- had increases of 32.95% and 37.49%, respectively. As a result, the election quotients in all of the five states (with the same number of seats in 1994 and 1998) increased, instead of decreasing, as predicted by party analysts in 1997. The total null and blank votes in these five states was 3,950,199 in 1994, but was reduced to 1,061,832 in 1998. With the electronic voting machines in 1998, it became easier to vote for candidates rather than to vote null or blank -- because the voter received no instructions regarding how to vote null or blank using the voting machine. In 1994, with paper ballots it was “easy” to scribble the ballot (null), or just deposit it in the ballot box (blank). **(Nicolau, 2015)**

Each electronic voting machine was outfitted with a small color TV screen and a key board based on a touch-tone phone. **(See Figure 1)** Once the voter’s ID was verified by the poll workers, the system was opened for him/her to vote, office by office. Once the voter keyed in the four- or five-digit code for a candidate, his/her photo popped up on the screen together with the candidate’s name and party label, and the machine asked “Do you wish to vote for this candidate?” If this candidate was the voter’s choice, he/she would push the green “Confirm” button and then proceed to the next office. Usually, voters take a “crib sheet” along with the code numbers for their pre-selected candidates.

These electronic voting machines were used exclusively in the 2000 municipal elections which were the first immediate reelection opportunity for Mayors. Of the

3,448 Mayors who ran for reelection, 2,006 were returned to office (58.2%). In 1998, 22 of the 27 governors ran for reelection and 15 (68.2%) were successful. Three of the latter who were victorious on the second round runoff reversed the first round result. (Fleischer, 1998)

On 10th June 1999, Pres. Cardoso created the new Defense Ministry and the Ministers of the Army, Navy and Air Force were downgraded to commandants. Brazil had been one of the remaining two nations in Latin America without a Defense Ministry. (Amorim Neto, 2015)

On 9th September 1999, a popular initiative that criminalized the practice of “vote buying” – Lei 9.840.99 – was approved by Congress.

The first round of the 2002 elections was held on 6th October with six candidates for President. Fifteen governors ran for reelection and eight were reelected. The second round runoff elections were held on 27th October for President and for Governor in 14 states. Lula (PT) defeated José Serra (PSDB) on the second round.

Lula (PT)	-- 46.44%	→ 62.48%
José Serra (PSDB)	-- 23.20%	→ 37.52%

4.1 – Judicialization of Politics

On 26th February 2002, the TSE and the STF began the practice of what some call “Judicial Activism” or the Judicialization of Politics – when the Congress either can’t or won’t enact necessary political reforms the Judicial Branch decides to impose these changes. (Arantes, 2007; Viana, Baumann & Salles, 2007; Da Ros & Taylor, 2008; Ferraz Jr., 2008) Although this practice began late in the Cardoso government (2002), it was extended into the Lula and Rousseff governments – as seen below. Recently, a more specific term has been used → “Electoral Judicialization”. (Paranhos, Nascimento, Dias, Carvalho & Gomes Neto, 2014)

Verticalization. The first of these measures imposed by the Judiciary was TSE Resolution 21.002/02 on February 26, 2002 that *verticalized* election coalitions. The Superior Election Court decided that coalitions among political parties in Brazil were *exdrúxulas* [odd, extravagant, unusual] – or “incongruent” comparing the composition of presidential and state-level party coalitions. That is to say, parties in a certain presidential coalition might oppose each other in some states, while parties in opposite presidential coalitions might be united in the same state-level coalition. This TSE Resolution obliged the presidential coalitions to be replicated in each of the 27 states, with no “incongruent” party alliances. (Nunes Junior, 2014; Arantes, 2005; Carvalho, 2009)

In April 2002, the PFL broke away from the Cardoso government (because of the “destruction” of the Presidential candidacy of Gov. Roseana Sarney (PFL-MA) and all PFL federal appointees resigned. The PFL decided not to join any presidential coalition and thus was “free” organize the most favorable coalitions state-by-state to favor its candidates.

Although Congress attempted to approve a Constitutional Amendment reversing this decision, this was only possible in 2006 and so only took effect for the 2010 general elections. Thus, this rule applied to both the 2002 and 2006 elections.

As seen in **Table 2**, the most visible effect of this *Verticalization* was that the number of coalitions at the state level doubled – from 72 and 79 in 1994 and 1998 to 140 in 2002 and 2006. (**Fleischer, 2010**) However, this “new rule” did not inhibit Lula’s victory in the presidential election nor the PT electing the largest number of federal deputies (91 *versus* 59 in 1998). On the other hand, the PSDB was reduced from 99 to 65 deputies and the PFL (*Partido da Frente Liberal*) from 105 to 76. (**Fleischer, 2007:310-311**)

The PFL had been allied with the PSDB (*Partido da Social Democracia Brasileira*) in the victorious Cardoso coalitions in 1994 and 1998, but broke with the PSDB in 2002 and did not participate in any presidential coalition. However, in 2006, the PSDB and PFL again formed a presidential coalition and were subject to the *verticalization* rules. In 2006, several political parties that had participated in presidential coalitions in 2002, decided to abstain in order to enhance their results at the state level – PMDB (*Partido do Movimento Democrático Brasileiro*), PSB (*Partido Socialista Brasileiro*), PTB (*Partido Trabalhista Brasileiro*), PL (*Partido Liberal*), PP (*Partido Progressista*), and PPS (*Partido Popular Socialista*). The smaller and medium sized parties were fearful of falling below the 5% threshold barrier that was in effect in 2006. (**Castro, 2006; Fleischer, 2007:334-336**)

Table 3 shows how some of these parties maintained their state level alliances without participating in presidential coalitions. In 2006, the PSDB-PFL presidential coalition was replicated in only 13 states, while the PT (*Partido dos Trabalhadores*)-PCdoB (*Partido Comunista do Brasil*) presidential coalition was replicated in all but two states. The traditional Lula coalition partner (PSB) did not participate in any presidential coalition, but joined in 15 PT-PCdoB coalitions at the state level. The former PCB (Brazilian Communist Party) changed its name to PPS as well as its political posture in 1991 and formed coalitions on the Right with the PSDB-PFL in 11 states, but did not join its former “comrades” (PT-PCdoB) in any states. Finally, the PMDB “went alone” in 2006, and was thus “free” to join any coalition at the state level in 2006 – PSDB-PFL in 7 states, PT-PCdoB in 5 states, and “alone” in the other 15 states.

Size of City Councils. On 8th June 2004 (prior to the municipal elections in October that year) the TSE eliminated 8,481 seats of municipal councils because many *municípios* had not obeyed Clause IV in Article 29 of the 1988 Constitution that fixed the number of council members [*vereadores*] proportionate to the population of each unit – in three population categories (between 9 and 55 *vereadores*) to a maximum of 5 million population. As might be expected, this created a great clamor in the *municípios* affected and their allies in the Chamber of Deputies. Finally, Congress approved Constitutional Amendment No. 58/2009 on 23rd September 2009 (one year after the next municipal elections in October 2008) with 24 population categories -- between 9 (less than 15,000 population) and 55 (over 8 million population) *vereadores* that more or less “restored” the situation prior to the 2004 TSE decision. (**Chieza & Rybarczyk, 2011 & Rocha & Silva, 2015: 227228**)

See → http://www.planalto.gov.br/ccivil_03/constituicao/emendas/emc/emc58.htm

Not satisfied with this amendment, the *municípios* appealed to the STF for the “new” rules in this amendment to be applied retroactively to the 2008 municipal elections. The STF replied that the new rules would be applied **after** the October 2012 elections. These changes altered the amount of revenue sharing funds passed on to these *municípios*.

Party Loyalty. A second exercise in “Judicialization of Politics” was imposed by the TSE on 27th March 2007 (Res. 22.510/07) – regarding “party loyalty”. Brazil has used the worse variant of proportional representation since 1945 – the open list. The parties (and coalitions) organize their lists of candidates for deputy state by state in no predetermined order. The voters have two alternatives, either vote for the party or vote for one name on one of these lists – and usually some 95% choose to vote for a name (**voto personalizado**). This system produces some aberrations and is very conducive to bloc voting by segments – religions, ethnic groups, labor unions, and other corporative groups that instruct “their” voters to concentrate their votes on one or two names in each state, perhaps on different party lists. The open-list PR system produces a weak party system. (Nicolau, 2006a & 2006b; A.M. Santos, 2006a & 2006b; Viana & Coelho, 2008)

Traditionally, this system has been subject to frequent party switching by deputies as the President attracts politicians into his/her government support bloc in Congress. (Melo, 2004; Reis, 2007; A.M. Santos, 2006b; F. Santos, 2006; Santos Filho & Miguel, 2008) This “party migration” following both the October 2002 and 2006 elections deprived the PFL of a simple majority over the PMDB in the Senate resulting from the elections – and the prerogative of electing the president of the Upper House.

As seen in **Table 4**, following the October 6, 2002 election, the PMDB declined from 23 to 19 senators, while the PFL delegation expanded from 18 to 20. However, as of February 1, 2003, the PMDB gained one senator and the PFL lost two. Thus, the PMDB elected Senator José Sarney (PMDB-Amapá) President of the Senate for a second time.

After the October 1, 2006 elections, the PMDB was reduced from 20 to 15 senators, while the PFL increased from 16 to 18. Thus, in theory, the PFL should have elected the Senate President on February 1, 2007. However, in the interim between the election and the seating of the new senators, the PFL lost one senator and was reduced to 17 and the PMDB gained five “migrants”, and its delegation again reached 20 senators, and was able to reelect the Senate President – Sen. Renan Calheiros (PMDB-Alagoas). .

Greatly dissatisfied at having “lost” the presidency of the Upper House twice (in 2003 and 2007) due to “party migrations”, in late February 2007, the PFL filed a brief at the TSE questioning the problem of party switching – if the mandate of those elected “belonged” to the party that elected them, or whether the mandate was “personal” – the deputy or senator would be free to migrate and take their respective mandate with them to the new party.

The TSE responded quite quickly (by a 6-to-1 decision) to the PFL “complaint” on March 27, 2007 via Resolution 22.610/2007 – that, “yes” the mandate belonged to the party that had elected the deputy or senator and that those who switched parties after they were elected would lose their respective mandate. This new jurisprudence “regulating” the problem of “party infidelity” was implemented [adjudicated] by the TSE.

It took six months for this TSE decision to be confirmed by the STF (Supreme Court) on October 25, 2007. In the meantime, Congress could have approved legislation regulating the question of “party loyalty”, but was unwilling or unable to do so. The only modification imposed by the STF was that the TSE resolution could not be retroactive, *i.e.* – this decision would only apply for those who switched parties after March 27, 2007, and should not be applied for those who “migrated” after the October 2006 elections and before that date. In the suits filed by parties who lost mandates through party “migration” – as of October 2009, only one deputy lost his mandate via TSE decision. (Nunes Junior, 2014) Later, on 27th May 2015, the STF ruled that this “party loyalty” rule did not apply to majority office (President, Governors, Senators and Mayors), but only to those elected by their respective proportional office via PR.

However, the election law deadline stated that any person planning to run for office in the 3rd October 2010 elections must confirm his/her party membership one year prior to the election – or by 3rd October 2009. Because many politicians planning to run for reelection (or other offices) in 2010 traditionally seek a new party that offers more “advantages” just prior to this deadline – in September 2009, four senators and 32 federal deputies changed parties (with no sanctions), and in the process “demoralized” this TSE attempt at “judicialization of politics” to regulate the question of “party loyalty”. (Bragon & Cabral, 2009)

Reapportionment. Article 45 in the 1988 Constitution states that the number of federal deputies per state should be proportionate to its respective population and established by *Lei Complementar* [approved by Congress]. However, on 27th May 2013, the TSE approved Res. 23.389/2013 that reapportioned the number of federal deputies in 13 states – five states gained an additional ten deputies and eight states lost ten deputies – proportional to their respective populations. Based on Lei Complementar No. 78 approved on 30th December 1993, with statistical (census) data supplied by IBGE, the TSE determined the size of the delegation (number of federal deputies) for each state and communicated this to the respective TREs.

This procedure is carried out in the USA every ten years after each new Census Bureau report – automatically, with no complaints from those states whose delegations are reduced in the Lower House.

In Brazil, not so, and the eight states whose delegations would have been reduced appealed the TSE decision to the STF and on 18th June 2014 the Supreme Court annulled the TSE decision. The Chamber of Deputies also passed a resolution annulling this TSE decision.

Campaign Finance. After several failed attempts by Congress to regulate campaign finance (contributions by physical persons and by businesses/firms) and a lengthy process of discussions and hearings at the Supreme Court, finally on 17th

September 2015 the STF decided that campaign contributions by businesses/firms [*peçoas jurídicas*] are unconstitutional. It remains to be seen how the TSE and TRES will monitor and enforce this rule during the 2016 municipal elections campaign.

Restrictions on Candidates for Mayor. On 15th December 2015, the TSE issued Res. 23.455 that determined that parties that had not organized and officially registered their municipal directorates before 2nd October 2015 would not be able to launch candidates for Mayor in these *municípios*. This resolution was based on Law No. 9.096/1995, Law No. 9.504/1997 and TSE Res. 23.282/2010. The logic is that if a party does not have a municipal directorate organized, the latter can not convoke a municipal-level party convention to legally select and register its candidates for Mayor and City Council. (Nery, 2016)

Two “notable” PRB pre-candidates (among thousands of other pre-candidates) would be affected: 1) Dep. Celso Russomanno, pre-candidate for Mayor of São Paulo; and 2) Sen. Marcello Crivella, pre-candidate for Mayor of Rio de Janeiro. Both were candidates for Mayor in 2012 – thus establishing sort of a “precedent”. . Russomanno leads the field of pre-candidates in São Paulo, and Crivella is the nephew of “Bishop” Edir Macedo, of the IURD-Universal Church of the Kingdom of God.

After heated discussions in Congress several affected parties affirmed that they will appeal this TSE Resolution to the STF in the form of a ADIn. Some party leaders are contemplating a Constitutional Amendment to overturn this TSE Resolution, but as seen in the case of in 2004, it took five years to approve such a “corrective” amendment.

5 – Political Reforms in the Lula Period (2003-2010)

Several publications have focused on “political reform” during the Lula period. (Avelar & Cintra, 2007; Avritzer & Anastásia, 2006; Benevides, Vannuchi & Kerche, 2003; Rennó, 2007; Soares & Rennó, 2006; Teixeira, 2009; Viana & Nascimento, 2008)

During the Lula government (2003-2010), three attempts were made to approve changes in Brazil’s election laws – in 2003, 2007 and 2009. (Barreto & Fleischer, 2008; Caiado, 2007; Câmara dos Deputados, 2007; Fleischer, 2004b & 2004c; Klein, 2007; Teixeira, 2009)

Back in 1995, the Senate took the lead and established a temporary committee to study the question of “political reform” and produce concrete suggestions to this end. This committee produced several bills and proposed several constitutional amendments, some of which were actually approved by the Senate. The committee report organized by its reporter, Senator Sérgio Machado (PSDB-Ceará), was released in 1998. (Machado, 1998) But the Chamber spurned the Senate’s efforts and none of these proposals were deliberated in the Lower House.

In early 2003, it was the Chamber of Deputies’ turn to initiate a reform proposal and a special committee was constituted, with Deputy Alexandre Cardoso (PSB-RJ) as Chair and Deputy Ronaldo Caiado (PFL-GO) as Reporter. After many sessions and hearings – plus an international seminar organized by the Brazilian Political Science

funds”. On the other hand, Wanderley Guilherme dos Santos assumed a radical position against this reform, especially the “closed list” that he felt would limit the freedom of the voter to choose his/her [individual] candidate:

The closed list imprisons the voter, who today [with the open list system] can vote for the party list (the party or individual candidate). This proposal does not allow the voter to choose his/her representative, allowing the usurpers to decide the candidates that this vote will elect. They say that this will elevate the moral paragon of Brazil’s democracy. **(W. G. Santos, 2004)**

Following the municipal elections in 2004, in 2005 discussions regarding political reforms should have returned to the agenda of the Chamber, but the Lower House became preoccupied with its own internal scandals – the so-called *mensalão* involving a “monthly allowance” in return for deputies’ votes, and the scandal that forced the resignation of the then Chamber President, Deputy Severino Cavalcanti (PP-PE) in September 2007. **(Cheibub, 2008)**

Threshold Barrier. Because the Chamber was “distracted” in 2005, the “threshold barrier” that had been part of the election legislation since 1995 was not postponed [again] and thus went into effect for the 2006 elections. This added to the “anxiety” of some middle sized political parties that had already decided not to join any presidential coalition in 2006, in order to have more freedom to join diverse state-level coalitions – with the objective of surpassing the “stiff” 5% barrier. **(Castro, 2006)**

As seen in **Table 5**, of the 21 parties that elected at least one deputy in 2006, only seven parties were able to surpass the 5% threshold barrier, twelve parties polled more than 2% of the valid vote, and seven had less than 1%. Had the “rigid” German threshold barrier been applied to these election results, the seven parties that surpassed the barrier elected 395 deputies and the other 118 seats “elected” by the other 14 parties would have been redistributed among these seven parties. **(Fleischer, 2007)** Thus, many analysts thought that with seven parties in the Chamber, the governability of the Lula government in 2007 would have been enhanced.

In a desperate effort to surpass the 5% barrier *ex post facto* in October-November 2006, the PL merged with Prona (*Partido da Reedificação da Ordem Nacional*) to form the new PR (*Partido Republicano*) and the PTB incorporated PAN (*Partido Agrário Nacional*). Two other mergers were being contemplated: 1) PV (*Partido Verde*) + PSoL (*Partido de Socialismo e Liberdade*); and 2) PPS + PMN (*Partido da Mobilização Nacional*) + PHS (*Partido Humanista da Solidariedade*) to form MD (*Movimento Democrático*).

However, on 17th December 2006, the STF ruled that this “make believe” barrier was unconstitutional, because it created first class and second class deputies. The “second class” deputies elected by the 14 parties that had not surpassed the 5% barrier would have been prohibited from having a leadership office in the Chamber and their 118 deputies would not have received committee assignments. The “intent” of this barrier was to force these deputies to “migrate” to the “first class” parties. With good reason, the Supreme Court decided that this was not constitutional. Probably, if the barrier had been “rigid” [like in Germany] and just simply excluded those 14 parties

from the Chamber altogether, the STF would have upheld this measure as constitutional.

In the “new” Chamber in 2007, after nearly a 50% turnover in the 2006 elections, another proposal (quite similar to PL 2679/03) was voted on in June. All of these proposals were roundly defeated.

Two years later, in early 2009, the Lula government decided that different from 2003 and 2007, the Executive Branch would get into the act → propose a political reform package and pressure for its approval by Congress. This “package” with seven proposals was elaborated by SAL/MJ (*Secretaria de Assuntos Legislativos/Ministério da Justiça*) – the Secretariat of Legislative Affairs at the Ministry of Justice and delivered to Congress on February 10, 2009. (**Guerreiro, 2009**)

The seven items that repeated some of the items in PL 2679/03 included in this “package” were:

1) A “rigid” threshold barrier of 1% of the valid vote and at least 0.5% in nine states. In 2006, this would have seated 14 parties and eliminated 7. Only 12 seats would have been redistributed.

2) The “closed list” PR was again proposed to “strengthen and institutionalize Brazil’s political parties”.

3) Exclusive public campaign finance – to reduce the dependence of parties and candidates on private campaign finance and make campaign spending more “transparent”.

4) Coalitions prohibited for PR elections – but would be allowed for majority elections (President, Senator, Governor and Mayor). The 2003 idea of “party federations” was not resuscitated.

5) Ineligibility – extended prohibitions to include persons convicted of crimes at the first level of the Judiciary (by a federal or state judge). These persons would be ineligible for three years after their conviction. Those deputies and candidates with criminal records are nicknamed *fichas sujas* [“dirty records”]. This concept of *Ficha Limpa* was finally approved by Congress via popular initiative in June 2010.

6) Criminalize vote buying – reinforced the 1999 law in terms of ineligibility.

7) Party loyalty – would have regulated the 2007 TSE/STF decision that a deputy or senator who leaves or is expelled from the party that elected him/her would lose their mandate and be replaced by their respective alternate (*suplente*).

This package was defeated *in toto* in the Chamber of Deputies in June 2009. The main obstacles were: **1)** some 200 deputies have already been convicted of crimes at the first level of the Judiciary; and **2)** many groups, corporative segments, evangelical church groups and the private sector use the open list PR system to elect “their” deputies.

Finally, regarding the *fichas sujas*, on 16th September 2009 a massive, grassroots petition campaign – popular initiative – delivered petitions with over one million signatures of registered voters proposing that Congress approve legislation making all persons with “dirty” criminal records [convicted at the first level] ineligible forever – similar to the prohibitions placed on felons by many states in the US. On 4th June 2010 Congress approved the *Lei Ficha Limpa* – Lei Complementar No. 135. This law also stipulated that a politician who had resigned his/her mandate to avoid *cassação* would also be ineligible. (See Figure 2)

In July 2006, the TRE-RJ (*Tribunal Regional Eleitoral* - Rio de Janeiro state election court) took the “novel” initiative to cancel [*impugnar*] the candidacies of all *fichas sujas* and it took the TSE some 30 days to overturn this decision – on a close 4-to-3 vote. In the meantime, the TV networks in Rio de Janeiro aired this list of *fichas sujas* every day on their news programs – with photos, names and party affiliation of these “purged” candidates. After the October 2006 election, the TRE-RJ president, Roberto Wider, had the satisfaction of announcing that **none** of these *fichas sujas* had been elected or reelected. (Ramos & Mendonça, 2008)

In spite of the constitutional requirement that new election rules can be applied **one year** after being approved by Congress, the TSE began to apply this new Law in August 2010. This was challenged at the STF but after a tie, the Supreme Court let the TSE application stand. (Falcão & Oliveira, 2013)

On 24th September, the *Ficha Limpa* Law had its first “casualty” – the PSC candidate for Governor of Brasília, Joaquim Roriz, who had resigned his Senate seat in July 2007.

Recently, Marchetti (2014) analyzed the TSE’s “control” regarding the registry of candidates.

In 2014, the Platform for the Reform of the Political System affirmed that Brazil had some 14,000 *Ficha Suja* candidates who should be impeded from filing their candidacies. (Plataforma . . ., 2014)

The first round elections were held on 3rd October with 9 candidates for President and 20 governors were re-elected. The second round runoff election for President and in 14 states were held on 24th October. Lula’s hand picked succession candidate, Dilma Rousseff (PT) defeated José Serra (PSDB),

→ Dilma Rousseff (PT) -- 46.91% → 56.01%
→ José Serra (PSDB) -- 32.61% → 43.99%

6 – The Dilma Rousseff Period (2011-20??)

In February, 2011, the Senate and Chamber installed **separate** Committees to prepare proposals for “political reforms” – instead of constituting a single **joint, bicameral** committee. The result was that no political reforms were approved in 2011.

On 20th March, São Paulo Mayor Gilberto Kassab began organizing a political party, the **PSD-Partido Social Democrático** that as a “new” party could attract party

switchers who were discontent with their current parties. Finally, on 27th September, the TSE legalized the registration of the PSD – “just in time” for this new party to launch candidates in the October 2012 municipal elections.

This PSD attracted a considerable number of experienced deputies (especially the DEM) and demanded the same access to the party fund and the “free” TSE organized TV/radio time for the party’s propaganda. However, in 2012, other parties in the Chamber tried to avoid this access that would reduce their own portion of the party fund and TV radio time – especially the DEM that had lost nearly half of its deputies to the PSD. On 28th June, the TSE decided to allow PSD access to the party fund as well as the TV/radio free propaganda time – proportionate to the size of its delegation in the Chamber. That same day, the TSE decided to allow *ficha suja* candidates to register their candidacies in 2012. (Santos & Dantas, 2014) On 11th July, the Senate expelled (*cassou*) Sen. Demóstenes Torres (DEM-GO) because of his association with organized crime in the state of Goiás.

On 7th October, the first round elections were held for Mayors and city council members, with 15,550 candidates for Mayor and 435,800 for city councils. Of the 2,736 Mayors who ran for reelection, 1,505 were reelected (55.0%). In this election, the “new” PSD was able to elect 400 Mayors – a very good showing for a new party. This was in large part due to the fact that this party had attracted many local politicians with long experience (veterans).

As seen above, on 27th May, the TSE proceeded to **reapportion** the size of state delegations for federal deputy in 13 states. This was overturned by the STF on 18th June 2014. On 25th June, the Chamber rejected PEC 37 that would have reduced the powers of public prosecutors. On 1st July, Pres. Dilma Rousseff “suggested” five points in a possible political reform be placed before voters in a national plebiscite. Under the 1988 Constitution’s “Separation of Powers”, only the Legislature has the prerogative to convoke a plebiscite or a referendum. The Chamber responded by installing a “task force” to propose political reforms in 90 days. The result? Nothing was approved.

In September, the TSE accepted the registry of two parties – PROS-*Partido Republicano da Ordem Social* and SD-*Solidariedade*. PROS was organized by the Gomes brothers (Cid and Ciro) who left the PSB to organize this new Pro-Dilma party. SD was organized by the President of the *Força Sindical* labor union central Dep. Paulo Pereira da Silva (former PDT). The SD supported Aécio Neves in the 2014 election. That same month, the TSE rejected the registry of another party – *Rede de Sustentabilidade* – being organized by Marina Silva who had polled 20% as the PV-*Partido Verde* presidential candidate in 2010. As a result, in October Marina Silva joined the PSB and became the running mate of Gov. Eduardo Campos (PSB-PE).

In March 2014, the PSDB decided on Senator Aécio Neves (MG) – Tancredo’s grandson – as its presidential candidate. In June, the PSB launched its slate of candidates, Eduardo Campos and Marina Silva. Also in June, the PSDB national convention launched its slate – Aécio Neves (MG) and Aloísio Ferreira (SP). However, on 15th August, Eduardo Campos died in a plane crash in Santos, SP and five days later the PSB “upgraded” Marina Silva to be its presidential candidate with Dep. Beto Vasconcelos (PSB-RG) as her running mate.

By early September, Marina Silva had bolted into first rank more or less tied with Pres. Rousseff, but the President's campaign succeeded in "deconstructing" Ms. Silva's candidacy. On 5th October, the first round election was held with eight candidates for President. Of the 17 Governors who ran for reelection, 12 were reelected and 28 parties gained representation in Congress. On 26th October, the second round runoff election was held for President and Governors in 13 states. This time, the presidential runoff was very close and Pres. Rousseff was reelected by a small 3.3-point margin.

→ Dilma Rousseff (PT) -- 41.59% → 51.64%
 → Aécio Neves (PSDB) -- 33.55% → 48.36%

In March 2014, a task force of Federal Police and 21 federal prosecutors mounted what was called *Operation Lava Jato* – under the command of federal judge Sérgio Moro in Curitiba, PR – to investigate alleged corruption/bribe schemes involving private sector contracts with Petrobrás. In August, money changer (*doleiro*) Alberto Yousseff and former Petrobrás Director Paulo Roberto da Costa were arrested, interrogated and imprisoned. Based their first plea bargaining testimony, in November 2014 (**after** the October 2014 presidential elections), the Federal Police arrested the executives of **nine** large construction firms accused of operating corruption/bribe schemes to secure contracts (and contract extensions) with Petrobrás. In addition to the Petrobrás directors involved in this "scheme" a large part of these illicit funds was allegedly passed on to the PT, PMDB, PP, PTB, SD and PSB. This episode literally "destroyed" Petrobrás, the "jewel in the crown" of Brazil's state enterprises, and its market value tumbled from some US\$ 360 billion to close to US\$ 30 billion. The *Lava Jato* case is still ongoing in 2016 and is aptly depicted in graphic from by UOL (*Folha de São Paulo*).

See → <http://www.arte.folha.uol.com.br/poder/operacao-lava-jato>

The year 2015 began under the shadow of two severe crises: **1)** An economic recession with increased unemployment, inflation, jobs lost, greatly reduced availability of consumer credit, and a sequence quarters with negative GDP results; and **2)** A political crisis where Pres. Dilma's approval rating in polls plummeted into single digit (9% and then 7%), she lost control of her support majority in the Chamber to the point where none of her fiscal austerity proposals could be approved, the TCU recommended (on 7th October) that Congress reject her 2014 fiscal accounts that violated the Fiscal Responsibility Law, and talk of her possible impeachment increased. As a result, the deficit (budget gap) in 2015 was much worse than in 2014.

In order to promote "fiscal austerity" measures, Pres. Dilma reshuffled her second term cabinet and recruited a well known economist from the Bradesco bank, Joaquim Levy to be Finance Minister. **However**, Congress did not approve the austerity measures, tax revenues continued to decline (due to the recession) and Pres. Dilma refused to make major expenditure reductions. Thus, on 18th December 2015, Pres. Dilma replaced Levy with her Planning Minister Nelson Barbosa.

On 7th May, Congress approved the *PEC da Bengala* [the Constitutional Amendment nicknamed "for Canes"] that increased the retirement age for Supreme Court judges from age 70 to 75. This deprived Pres. Dilma from making any more STF appointments during her second term. On 27th May, the STF decided that the "party loyalty" rule adopted in 2007 did not apply to majority office – President, Governors,

Senators and Mayors – but only for those elected under PR (Deputies and City Council members). This opened the door for additional party switching by Senators and Mayors.

On 26th May, the Chamber of Deputies rejected (267-to-210) the proposal for a “distrirão” election system that had been formulated by Vice-President Michel Temer (PMDB-SP). Under this system, each would be considered an election district and each party or coalition would launch its respective list of candidates. Those considered elected would be those with the highest individual vote totals, regardless of party. For example, in São Paulo, the 70 candidates with the most votes would be elected. (**Bragon & Talento, 2015**)

In September 2015, the TSE accepted the registry of three new parties that can attract deputies in 2015-2016 and run candidates in the municipal elections in October 2016 → **PN-Partido Novo; PMB-Partido da Mulher Brasileira;** and [finally] the *Rede Sustentabilidade* – organized by Marina Silva.

On 17th September, the STF declared that all campaign contributions from businesses/firms are unconstitutional. In a new major episode in the *Lava Jato* case, on 25th November, the STF ordered the Federal Police to arrest Sen. Delcídio do Amaral (PT-MS) and well known investment banker André Esteves – charged with witness tampering and obstruction of justice. They were planning the “escape” of former Petrobrás Director Nestor Ceveró whose *Lava Jato* plea bargaining was predicted to be “devastating” [for the PT].

Regarding the possible impeachment of Pres. Dilma, on 2nd December, Chamber President Dep. Eduardo Cunha (PMDB-RJ) finally accepted one of the many briefs asking for her impeachment and thus began the process/sequence for impeachment in the Chamber. On 8th December, on Cunha’s orders, the Chamber processed a secret ballot to choose deputies to compose the 66-member select impeachment committee. **However**, this process was interrupted on 16-17 December when the STF deliberated specific change in the impeachment ritual and the Chamber now awaits “clarifications” of several points by the STF.

The 2016 legislative session began (after Carnival) the week on 15th February, and again party switching appeared again. On 18th February, the President of Congress, Senator Renan Calheiros (PMDB-AL) promulgated a constitutional amendment that opened a 30-day window for “party migrations” without the threat of loss of mandate by the “switchers”. (**Silva et al, 2015**)

As the 2016 legislative session began in late February, Senator Cristovam Buarque (DF) prepared a five-point agenda for political reform in Brazil: **1)** Single-member district election for deputies and city council members without coalitions; **2)** Coalitions would be prohibited in first round elections for executive office (President, Governor and Mayor); **3)** Write in candidates (non-party) candidates would be allowed for all offices, via petitions with a minimum number of voter signatures as stipulated by the election courts; **4)** All occupants of elected positions would be required to present to the election courts their public accounts every two years to be published on the Internet; and **5)** All occupants of executive positions (President, Governors and Mayors) would

be subject to recall via a petition with 5% of registered voters in their respective electorate. (PEC 7/2012 & PLS 776/2015)

7 - Conclusions

This “never-ending” story probably will continue, perhaps until the new Congress and President take office in 2019. Traditionally, large reform packages are deliberated in odd years (as seen above) because of a more complete legislative calendar. In even years, Brazil has either municipal or general elections that occasion long “recess” periods, usually from late June to early November during the campaign period, when deputies and senators “disappear” to work on their own campaigns or those of their municipal allies.

The impact of re-democratization in Brazil since 1985 produced some important political reforms affecting election and party rules → the reduction of the voting age to 16, the enfranchisement of illiterates, adoption of the absolute majority criterion for election to executive office, the 1997 reelection amendment, the use of electronic voting machines after 1998, and the *Ficha Limpa* law of 2010. (Rocha & Silva, 2015)

In order to accommodate heavy pressures to retain the open list PR system, it is possible that a mixed election system might be proposed in 2017 (or 2019) that would combine a single-member district system with the open-list PR system on a 50%--50% division of seats. (Cintra, 2005)

Probably the topics from the 2003, 2007 and 2009 reform attempts will reemerge, such as: prohibition of coalitions in PR elections, campaign finance, a relatively “low” (rigid) threshold barrier of 2% or 3%, and the “regulation” of party loyalty. (Aragão, 2014)

Regarding the “Judicialization of Politics” that produced the **six** reforms discussed in section 4.1 – two should not be considered “interventions” of “impositions” by the TSE/STF: **1)** the reduction of the number of *vereadores* prior to the 2004 municipal elections; and **2)** the restrictions on some parties’ candidates for Mayor in the 2016 municipal elections, because both cases merely obliged the *municípios* and parties to adhere to the law. In the first case, this Judicialization was resolved by Congress approving a constitutional amendment.

On the other hand, other topics might be deliberated, such as the elimination of the obligatory vote, but retaining the obligation of voter registration. (Ribeiro, 2003; E.A.G.C. Santos, 2004b; P.H. Soares, 2004a)

Brasília, 14th February 2016

ANNEX I

A Chronology of Political Reform in Brazil (1985-2016)

1985

- March, Congress abolished limits for organization of new political parties
 - PFL, PSB, PCB, PCdoB, PL, PDC (new parties organized)
- 15th May, Constitutional Amendment 26
 - Convoked elections for Mayors of “national security” *municípios*
 - Approved direct election for President
 - Revoked Constitutional Amendment for “mixed election system”
 - Enfranchised illiterates (allowed to vote)
- 18th July, Installation of the Afonso Arinos Commission
 - Temporary Commission for Constitutional Studies
 - Elaborate a Draft Constitutional proposal
- 15th November, Election Mayors in 205 “National Security” *municípios*
- 27th November, Congress Approved Constitutional Amendment
 - Convoke 1986 election of National Constitutional Assembly (ANC)
 - To be installed on 1st February 1987

1986

- TSE operates total complete new registration of Brazil’s electorate
 - Data in digital files
- 27th February, Pres. Sarney launched *Plano Cruzado*
- 18th September, Afonso Arinos Commission concluded draft Constitution
- 15th November, election of Governors, Senators and Deputies
 - Strong impact of *Plano Cruzado* promoted PMDB
 - PMDB elected all governors, except Sergipe
 - PMDB elected absolute majority to the ANC
 - Brasília elected 3 Senators & 8 Federal Deputies

1987

- 1st February, ANC installed
 - Ulysses Guimarães (PMDB-SP) elected President of ANC
 - Univ. of Brasília Press published Afonso Arinos Commission draft
 - Distributed to all ANC members & and other institutions
 - Pres. José Sarney refused to publish this draft
- 3rd February, ANC decided to include Senators elected in 1982
 - Sen. Mário Covas (PMDB-SP) elected Majority Leader
- 19th March, Internal Rules of ANC approved
 - Sen. Fernando H. Cardoso drafted these rules
- 7th April, 8 Committees and 24 Sub-Committees installed
- 9th July, first rough draft compiled
 - Systematizing committee begins labors
- 3rd December, *Centrão* approved changes in internal rules

1988

- 3rd February, Begin 1st round of voting on draft articles
 - Parliamentary system proposal converted to Presidential System
- 25th June, PSDB (new party) founded
 - In time to launch candidates in October municipal elections
- 5th October, New 1988 Constitution promulgated
 - 16 & 17 year olds gain right to vote
 - Confirmed vote by illiterates
 - Established absolute majority, elections for President, Governor & Mayors
 - 2nd round runoff election if absolute majority not achieved
 - 3 new states created, Amapá, Roraima & Tocantins
 - 9 new senators & 16 new federal deputies
 - SP delegation increased 60→70 federal deputies (effective in 1994)
 - Established 5-year mandate for President
 - Sarney's mandate reduced 6→5 years
 - Direct election for President set for November 1989
 - Inauguration on 15th March 1990
 - Created new level of federal courts – 5 TRFs (Regional Federal Courts)
 - Converted the TFR into STJ-Superior Court of Justice
- 15th November, Municipal elections
 - Elections for Governor & State Deputies, new state of Tocantins

1989

- 9th February, Gov. Fernando Collor transformed PJ into PRN
- 8th June, Law 7773/89 regulated presidential election
- 17th August, Deadline for candidate registration
 - 22 candidates registered
- 15th November, First round election
- 17th December, Second round election
 - Collor (PRN) elected with 49.94% & Lula (PT) with 44.23%

1990

- 15th March, Pres. Fernando Collor & Vice-Pres. Itamar Franco sworn in

- Collor decreed his “Plano Collor” economic stabilization plan
- 3rd October, Elections for Governor, Senator & Deputies
 - 19 parties represented in Congress
 - Plano Collor **did not** boost PRN, like Plano Cruzado → PMDB in 1986
- 25th November, 2nd round runoff election for Governor in 16 states

1991

- Without majorities in Congress, Collor “abuses” issue of MPs [*Medidas Provisórias*]
- Congress threatened with a Constitutional Amendment to limit issue of MPs
- Collor “swears” to limit issue of MPs

1992

- 27th May, *Veja* published long, devastating interview with Pedro Collor
- 28th May, Congress installed CPI to investigate Collor & PC Farias
- 29th September, Chamber of Deputies approved impeachment of Collor
 - Pres. Collor suspended for 180 days
- 2nd October, Vice-President Itamar Franco assumed the Presidency (temporarily)
- 3rd October, 1st round of municipal elections
- 15th November, 2nd round runoff elections for Mayor
- 30th December, Senate confirmed Pres. Collor’s impeachment
 - Itamar Franco became *de jure* President until 1st January 1995

1993

- Lei Complementar 78/93 increased SP delegation, 60 → 70 federal deputies
- 21st April, Plebiscite determined Form & System of Government
 - Presidential Republic confirmed
- October, Congress installed Budget CPI – “Budgetgate” – *Anões do Orçamento*
 - 6 deputies *cassados*, 4 resigned & 8 absolved

1994

- 7th June, Constitutional Reform, Amendment 04/94
 - Reduced Presidential term to 4 years
- 7th June, Lei 8.713, **TWO** separate ballots, for majority & proportional offices
- 1st July, Pres. Itamar Franco launched *Plano Real*
- 3rd October, 1st round elections, 8 candidates for President
 - F.H. Cardoso 54.28% & Lula 27.04%
 - Cardoso was boosted to a 1st round victory by success of *Plano Real*
- 15th November, 2nd round runoff elections for Governor in 18 states

1995

- 21st June, Senate installed Political Reform Committee
 - Sen. Sérgio Machado (PSDB-CE) as rapportuer
- September, Congress approved Lei 9.100
 - Established 20% quota for female candidates for deputy & city councils

1996

- 3rd October, 1st round municipal elections
- 15th November, 2nd round runoff elections for Mayor
 - 23 parties elect Mayors

→ Electronic voting machines used in 51 *municípios* [experimentally]

1997

- 4th June, Congress approved Constitutional Amendment 16
 - Reelection for Presidents & Governors (1998) and Mayors (2002)
- 30th September, Lei 9.504 approved by Congress
 - Increased female candidate quota 20% → 30%
 - Determined that blank votes for deputy be considered Null
 - Altered calculation of election quotients

1998

- 4th October, 1st round elections, 12 candidates for President
 - FH Cardoso 53.06% & Lula 31.71%
 - 22 Governors ran for reelection, 15 were reelected
- 25th November, 2nd round runoff election for Governors in 13 states
 - Electronic voting machines used in 505 *municípios* (60% of electorate)
 - Exclusively in 5 states – DF, RJ, AL, RR & AP
 - Reduced blank & null votes to 5% for deputy
- 11th December, Senate published final report of Political Reform Committee

1999

- 10th June, Pres. Cardoso created the Ministry of Defense
- 9th September, Congress approved Popular Initiative to criminalize vote buying
 - Lei 9.840/99

2000

- 1st October, 1st round municipal elections in 5,559 *municípios*
 - Electronic voting machines used exclusively
- 29th October, 2nd round runoff election for Mayor in 31 *municípios*
 - 3,775 Mayors ran for reelection, 2,109 reelected (55.9%)

2001

- May, Senators ACM (PFL-BA) & José R. Arruda (PSDB-DF) resigned, avoid *cassação*

2002

- 26th February, TSE imposed “verticalization” of election coalitions, Res. 21.002/02
- 1st March, Federal Police invade office of husband of Gov. Roseana Sarney (PFL-MA)
 - Discovered R\$ 1.3 million in cash
 - Roseana Sarney’s presidential candidacy “destroyed”
- April, PFL abandoned Cardoso government, all appointees resign
 - Roseana Sarney ran for Senator (was elected)
- 6th October, 1st round elections – 6 candidates for President
 - 15 Governors ran for reelection, 8 were reelected
- 27th October, 2nd round runoff elections, President & in 14 states
 - Lula (PT) -- 46.44% → 62.48%
 - José Serra (PSDB – 23.20% → 37.52%

2003

- 1st March, Chamber installed Special Committee for Political Reform
- June, ABCP & Chamber organized special 3-day seminar on Political Reform
- 3rd December, Special Chamber Political Reform committee approved
PL 2679/20013, Dep. Ronaldo Caiado (PFL-GO) was repportuer
- December, Congress approved social security reform

2004

- Chamber did not deliberate PL 2679/03
 - Threats & Pressures from PTB, PL & PP
- 8 June, TSE eliminated 8,481 members of municipal councils
 - Obey Clause IV of Article 29 of the 1988 Constitution
- 3rd October, 1st round municipal elections
 - 3,556 Mayors eligible for reelection
 - 2,251 Mayors ran for reelection & 1,310 reelected (58.2%)
- 31st October, 2nd round runoff election in 44 *municípios*

2005

- 14th May, *Mensalão* scandal explodes
- 16th June, Dep. José Dirceu (PT-SP) resigned post as Chefe da Casa Civil
 - Returns to Chamber of Deputies to defend himself
 - Pres. Lula appoints Dilma Rousseff to replace Dirceu
- 8th July, MCCE-Movimento de Combate à Corrupção Eleitoral Organized
- 14th September, Chamber *cassou* mandate of Dep. Roberto Jefferson (PTB-RJ)
- 23rd October, Plebiscite for Gun Control
 - Defeated, 63.9% say “no gun control”
- 30th November, Chamber *cassou* mandate of Dep. José Dirceu (PT-SP)

2006

- 1st October, 1st round elections, 8 candidates for President
 - 17 Governors elected (9 reelected)
- 29th October, 2nd round runoff election, President & 10 Governors (6 reelected)
 - Lula (PT) -- 48.61% → 60.82%
 - Geraldo Alckmin (PSDB) – 41.64% → 39.18%
 - 21 parties represented in Congress
- 7th December, STF declared the “threshold barrier” of 5% unconstitutional
 - Only 7 parties surpassed the barrier of 5% of valid vote
 - Created first & second class deputies

2007

- 27th March, TSE imposed “Party Loyalty” Res. 22.510/07, prohibited “party switching”
- 28th March, PFL changed its name to *Democratas* [DEM]
- June, Chamber rejected PL 1210/07, political reform proposal
- July, Senator Joaquim Roriz (PMDB-DF) resigned to avoid *cassação*
- 15th October, STF confirmed concept of “party loyalty”
 - Only as of 27th March 2007

2008

- 5th October, 1st round municipal elections

- 4,368 Mayors eligible for reelection, 3,361 ran & 1,899 (56.5%) reelected
- 26th October, 2nd round runoff elections for Mayor in 30 *municípios*

2009

- 9th February, Justice Ministry delivers Political Reform proposal to Chamber
- 20th June, Chamber totally rejects Political Reform proposals
 - PL 4634/09 & PL 3636/09
- August, 4 Senators and 34 Deputies switch parties for 2010 elections
 - Including Sen. Marina Silva, PT→PV
 - No one punished by loss of mandate
- 16th September, MCCE delivers *Lei da Ficha Limpa* popular initiative to Chamber
- 23rd September, Constitutional Amendment 58/2009,
 - reestablished the 8,481 city council members eliminated by TSE in 2004

2010

- 4th June, Congress approved Lei Complementar N° 135
 - *Lei da “Ficha Limpa”* – Clean court records law
- 24th September, Joaquim Roriz (PSC) resigned candidacy for Governor of DF
 - Feared *cassação* by *Ficha Limpa Law*
- 3rd October, 1st round election, 9 candidates for President
 - 22 parties represented in Congress
 - 20 Governors reelected
- 31st October, 2nd round runoff election, President & Governor in 9 states
 - Dilma Rousseff (PT) -- 46.91% → 56.01%
 - José Serra (PSDB) -- 32.61% → 43.99%

2011

- 22nd February, Senate installed Special Committee for Political Reform
- 1st March, Chamber installed Special Committee for Political Reform
 - **NO** political reforms approved in 2011
- 20th March, PSD-Partido Social Democrático launched as new party
- 27th September, TSE legalized registration of PSD

2012

- 28th June, STF allowed PSD to have access to Party Fund & free TV/radio propaganda in 2012 municipal campaign
 - 28th June, TSE allowed *ficha suja* candidates to run in 2012
 - 11th July, Senate approved *cassação* of Sen. Demóstenes Torres (DEM-GO)
 - 7th October, 1st round municipal elections
 - 15,550 candidates for Mayor & 435,800 candidates for city councils
 - 2,736 Mayors run for reelection, 1,505 reelected (55.0%)
 - 28th October, 2nd round runoff election for Mayor in 50 *municípios*
 - The new PSD elected 400 Mayors
- para a campanha municipal em 2012

2013

- 27th May, TSE reapportioned number of deputies in 13 states – Res. 23.389/2013
- 24th June, STF orders immediate arrest of Dep. Natan Donadon (PMDB-RO)
- 25th June, Chamber rejected PEC 37, reduce powers of public prosecutors

- 1st July, Pres. Dilma “suggests” 5 points Political reform via plebiscite
- 16th July, Chamber installed “task force” to propose political reform in 90 days
 - Result? Nothing
- September, TSE accepts registry of two new parties, PROS & SDD
- September, TSE rejects registry of Marina Silva’s new party – ***Rede Sustentabilidade***
- October, Marina Silva joins the PSB, run for Vice-President
 - on slate with Gov. Eduardo Campos (PSB-PE)

2014

- March, PSDB decided Sen. Aécio Neves (MG) as its candidate for President
- June, PSB launched ticket with Eduardo Campos & Marina Silva
- June, PSDB launched ticket with Senators Aécio Neves (MG) & Aloísio Ferreira (SP)
- 18th June, STF overturned TSE decision reapportion number of deputies in 13 states
- 15th August, PSB candidate Eduardo Campos died in airplane crash in Santos, SP
- 20th August, PSB upgrades Marina Silva as Presidential candidate with
 - Dep. Beto Vasconcelos (RG) for Vice-President
- 5th October, 1st round elections, 8 candidates for President
 - 17 governors run for reelection, 12 elected
 - 28 parties represented in Congress
 - 14 Governors elected on 1st round
- 26th October, 2nd round runoff elections, President & Governors in 13 states
 - Dilma Rousseff (PT) -- 41.59% → 51.64%
 - Aécio Neves (PSDB) -- 33.55% → 48.36%

2015

- 7th May, Congress approved ***PEC da Bengala***, judges retirement age 70 → 75
- 26th May, Chamber rejected proposal for “distritão” election system
- 27th May, STF decided the “party loyalty” rule did not apply to majority office
- 15th September, TSE accepted registry of 33rd Party → ***Partido Novo***
- 17th September, STF declared election finance by private firms unconstitutional
- 22nd September, TSE accepted registry of 34th Party → ***Rede Sustentabilidade***
- 29th September, TSE accepted registry of 35th Party → ***Partido da Mulher Brasileira***
- 25th November, STF ordered Federal Police to arrest Sen. Delcídio do Amaral (PT-MS)
- 2nd December, Chamber Pres. Eduardo Cunha, launched impeachment against Dilma
- 8th December, Chamber held secret vote to select deputies for impeachment Committee
- 16-17 December, STF specified changes in impeachment ritual

2016

- 18th February, Congress promulgated constitutional amendment PEC 182/07 allowing “party migrations” [party switching] for 30 days

List of Tables and Figures

TABLE 1 - Impact of Electronic Voting Machines on PR Election Quotients in Brazil, 1994 versus 1998 (exclusive use in five states)

	Amapá	Roraima	Alagoas	Rio	Brasília
1994					
Electorate	197,171	119,888	1,156,990	9,129,373	1,064,247
Abstention	54,790	26,554	177,923	1,674,130	147,504
Votes Cast	142,381	93,334	979,067	7,455,243	916,743
Nulls	22,829	10,913	274,862	2,106,195	190,140
Blanks	20,599	7,641	206,617	1,009,518	100,885
Valid Vote*	119,552	82,421	704,205	5,349,048	726,603
Seats	08	08	09	46	08
PR Quotient	14,944.0	10,302.6	78,245.0	116,283.7	90,825.4
1998					
Electorate	213,289	170,620	1,383,600	9,971,830	1,267,925
Abstention	28,941	36,897	390,465	2,017,061	196,417
Votes Cast	184,348	133,723	993,135	7,954,769	1,071,508
Nulls	3,844	4,097	65,099	420,245	31,078
Blanks	3,102	3,345	69,792	423,225	41,447
Valid Vote#	177,402	126,272	858,244	7,111,298	998,983
Seats	08	08	09	46	08
PR Quotient	22,175.0	15,784.0	95,360.4	154,593.3	124,872.9

* - Valid vote in 1994 = Votes cast minus Nulls.

- Valid Vote in 1998 = Votes cast minus Nulls minus Blanks.

Differences 1994/1998

Electorate	+08.17%	+42.32%	+ 16.38%	+09.23%	+19.14%
Abstention	-47.18%	+38.95%	+119.46%	+20.48%	+33.16%
Votes Cast	+29.48%	+43.27%	+ 01.44%	+06.70%	+16.88%
Nulls	-83.16%	-62.46%	- 76.32%	-80.05%	-83.66%
Blanks	-84.94%	-56.11%	- 66.22%	-58.08%	-58.92%
Valid Vote	+48.39%	+53.20%	+ 21.87%	+32.95%	+37.49%
PR Quotient (N)	+7,231.0	+5,481.4	+17,115.4	+38,309.6	+34,047.5

1994: Total Nulls + Blanks =3,950,199

1998: Total Nulls + Blanks = 1,061,832

Nationwide: 61,111,922 (57.6%) voters used electronic voting machines in 1998.

**TABLE 2 – Profile of State-Level Coalitions in 1994 and 1998
versus 2002 and 2006**

	1994	1998	2002	2006
No. of Coalitions	72	79	140	140
No. of Coalitions per State				
2	15	11*	0	0
3	8	11	0	1
4	2	3	8	7
5	2	1	11	10
More than 5	0	1	8**	9**
Average	2.67	2.93	5.19	5.19

* - In 1998, Acre had only one coalition, and the PFL, PPB and PMDB ran separate slates.

** - The Rio de Janeiro had eight coalitions in 2002, and nine in 2006.

Source: Fleischer, 2006

TABLE 3 – Configuration of Coalitions in 2006 (27 states)

Presidential Coalitions	State-Level Coalitions
PSDB + PFL	in 13 states
PT + PCdoB	in 25 states
“Independent” Parties	
PSB + PT + PCdoB	in 15 states
PPS + PSDB + PFL	in 11 states
PPS + PT + PCdoB	in zero states
PMDB + PSDB + PFL	in 7 states
PMDB + PT + PCdoB	in 5 states
PMDB “alone”	in 15 states

Source: Fleischer, 2006

**TABLE 4 – “Party Migration” in the Senate and Chamber:
2002→2003 and 2006→2007**

Party	<u>Sequence 2002 → 2003</u>			<u>Sequence 2006 → 2007</u>		
	August	Elected in October	Sworn in February	August	Elected in October	Sworn in February
<u>SENATE</u>						
PMDB	23	19	20	20	15	20
PFL	18	20	18	16	18	17
PSDB	14	11	12	16	15	13
PT	8	14	14	12	11	11
PTB	4	3	4	4	4	5
PDT	5	5	4	4	5	4
PSB	3	3	3	2	3	3
PPB/PP*	2	1	0	0	1	1
Other	3	5	6	7	9	7
<u>TOTAL</u>	81	81	81	81	81	81
<u>CHAMBER</u>						
PMDB	87	74	69	78	89	91
PFL	97	84	76	64	65	62
PSDB	95	71	65	59	66	63
PT	58	91	91	81	83	82

PTB	33	26	45	43	22	20
PDT	16	21	17	20	24	23
PPB/PP*	53	49	44	50	41	42
PL/PR#	27	27	29	37	23	34
PSB	17	22	29	27	27	27
PPS	12	15	18	15	22	16
PCdoB	10	12	12	12	13	13
Other	8	21	18	27	38	40
<u>TOTAL</u>	513	513	513	513	513	513

* - At the end of 2006, the PPB changed its name to PP.

- At the end of 2006, the PL incorporated Prona and changed its name to PR.

Source: Fleischer, 2007a.

TABLE 5 - Parties versus Threshold Barrier in 2006

Party	Elected in 2002	Delegation Sept./06	Elected in 2006	% Valid Vote	Apply Barrier*	States with 2%
PMDB	74	78	89	14.57	116	27
PT	91	81	83	15.01	108	27
PSDB	71	59	66	13.62	86	25
PFL/DEM	84	64	65	10.93	84	23
PP	49	50	41	7.15	53	26
PSB	22	27	27	6.15	35	23
PDT	21	20	24	5.21	31	21
<u>Total</u>			395		513	--
PTB#	26	43	22	4.72	--	18
PL/PR**	27	37	23	4.37	--	21
PPS	15	15	22	3.90	--	16
PV	5	7	13	3.61	--	7
PCdoB	12	12	13	2.13	--	16
PSC	1	7	9	1.87	--	7
PTC	0	1	3	0.86	--	2
PMN	1	0	2	0.94	--	4
PSoL	0	7	3	1.23	--	4
PHS	0	0	2	0.47	--	0

Prona**	6	2	2	0.97	--	5
PAN#	0	0	1	0.28	--	1
PRB	0	0	1	0.25	--	0
PTdoB	0	0	1	0.32	--	1
<u>Total</u>	513	513	513	100.00	--	--

* - 5% "barrier" eliminates smaller parties

** - Merger of PL + Prona → PR

- PTB incorporated PAN.

Source: Fleischer, 2007

FIGURE 1 – The Electronic Voting Machine used in Brazil since 1996



Figure 2 – A “Dirty Records” Candidate



“My God, my micro is infected by a virus from a ‘dirty records’ candidate!!!”

Bibliography

- Abranches, Sérgio. 1996. *Governabilidade e Reformas: Dilemas de Transição*. Rio de Janeiro: José Olympio.
- Amorim Neto, Octávio. 2015. "Democracia e relações civis-militares no Brasil," IN: Avelar & Cintra, eds. *Sistema Política Brasileira: uma introdução*. Third Edition. São Paulo: UNESP/KAS, 315-330/
- Amorim Neto, Octavio, B.F. Cortez & S.A. Pessoa, 2011. "Redesenhando o Mapa Eleitoral do Brasil: uma proposta de reforma política incremental," *Opinião Pública* [Unicamp], 17(1):45-75.
- Aragão, Murillo de. 2014. *Reforma Política: O debate inadiável*. Rio de Janeiro: Civilização Brasileira.
- Arantes, Rogério.
_____. 2005. "Constitutionalism, the Expansion of Justice and the Judicialization of Politics in Brazil". IN: Sieder, Schjolden & Angell eds. *The Judicialization of Politics in Latin America*. New York: Palgrave.
_____. 2015. "Judiciário: entre a Justiça e a Política," IN: Avelar & Cintra eds. *Sistema político brasileiro*. Third Edition. São Paulo: UNESP, 29-68.
- Araújo, Clara.
_____. 2001. "As Cotas por Sexo para a Competição Legislativa: O caso brasileiro e comparação com experiências internacionais." *Dados*, 44(1):155-194.
_____. 2006. "Condicionantes institucionais das políticas de cotas," IN: Soares & Rennó eds. *Reforma Política*. Rio de Janeiro, Editora da FGV, 111-132.
- Avelar, Lúcia & Antônio Octávio Cintra. eds.
_____. 2007. *Sistema Político Brasileiro: uma introdução*. São Paulo: UNESP/Konrad Adenauer Stiftung. Second Edition.
_____. 2015. *Sistema Político Brasileiro: uma introdução*. São Paulo: UNESP/Konrad Adenauer Stiftung. Third Edition.

- Avritzer, Leonardo & Fátima Anastásia. eds.. 2006. *Reforma Política no Brasil*. Belo Horizonte: Editora da UFMG.
- Baer, Werner & Joseph Leroy Love eds. *Brazil under Lula: Economy, Politics and Society Under the Worker-President*. New York: Palgrave Macmillan.
- Barreto, Leonardo & David Fleischer. 2008. “Reformas políticas y democracia en Brasil.” IN: Zovatto & Henríquez, eds., *Reforma Política y Electoral en América Latina*. México: UNAM e IDEA, 315-352.
- Benevides, Maria Victória, Paulo Vannuchi & Fábio Kerche. eds. 2003. *Reforma Política e Cidadania*. São Paulo: Fundação Perseu Abramo.
- Braga, Isabel. 2003. “Bancada evangélica pressiona o governo contra a reforma política.” *O Globo*, July 13, 4.
- Bragon, Ranier & Maria Clara Cabral. 2009. “Troca-troca engorda PSC e PR; oposição encolhe 17%.” *Folha de São Paulo*, October 3.
- Bragon, Ranier & Aguirre Talento. 2015. “Câmara Rejeita por larga margem o distritão e aplica derrota a Cunha e ao PMDB”, *Folha de São Paulo*, 26 May 2015.
See→<http://www1.folha.uol.com.br/poder/2015/05/1634128-camara-rejeita-por-larga-margem-o-distritao-e-aplica-derrota-a-cunha-e-ao-pmdb.shtml>
- Caiado, Ronaldo. 2007. “Com o atual sistema, não há salvação.” *Plenarium* [Câmara dos Deputados] 4:24-29.
- Carvalho, Valter Rodrigues de. 2009. *Partidos e eleições no Brasil: razões e efeitos da ‘verticalização’ das coligações eleitorais no Brasil instituído pelo Tribunal Superior Eleitoral*. São Paulo: Blucher Acadêmico.
- Castro, Mônica, 2006. “Cláusula de barreira.” IN: Avritzer & Anastasia, eds., *Reforma Política no Brasil*. Belo Horizonte: Editora da UFMG, 188-191.
- Câmara dos Deputados. 2007. “Reforma Política.” *Plenarium* 4.
See→http://apache.camara.gov.br/portal/arquivos/camara/internet/publicacoes/edicoes/plenarium_04.pdf
- Cheibub, José A. 2008. “Political Reforms in Brazil: Diagnosis, recent proposals and a suggestion”, IN: Baer & Love eds. *Brazil under Lula*. New York: Plgrave Macmillan,
- Chieza, Rosa Angela & Veridiane Rybarczyk. 2011. “A alteração na composição dos Legislativos Municipais, democracia e gastos públicos: Rio Grande do Sul no contexto Brasileiro”, *Encontro Economia*, PUC-RS.
See→<http://www.pucrs.br/eventos/encontroeconomia/download/mesas/AAlteracaoNaComposicao.pdf>
- Cintra, Antônio Octávio.

- _____. 2005. "Majoritário ou Proporcional? Em busca de equilíbrio de um sistema eleitoral." IN: Fleischer ed. *Reforma Política: Agora vai?*. Rio de Janeiro: KAS [Cadernos Adenauer No. 2]
- _____. 2007. "Reforma política: mudando os termos da conexão eleitoral", IN: Rennó ed. *Reforma Política em Questão*. Brasília: Editora da UnB, 107-112.
- Cruvinel, Tereza. 2003. "Regras próprias," *O Globo*, July 15, 2.
- Da Ros, Luciano. & Matthew M. Taylor 2008. "Os partidos dentro e fora do poder: a judicialização como resultado contingente de estratégia política," *Dados* [IUPERJ], 51(4):825-864.
- Falcão, Joaquim & Fabiana Luci de Oliveira. 2012. "Poder Judiciário e Competição Política: as eleições de 2010 e a lei da 'ficha-limpa'," *Opinião Pública* [Campinas], 18(2):337-354.
See→http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0104-62762012000200004&lng=en&nrm=iso&tlng=pt
- Ferraz Junior, Vitor Emanuel. 2008. *Poder Judiciário e Competição Política no Brasil: uma análise das Decisões do TSE e do STF sobre as Regras Eleitorais*. Doctoral Dissertation in Social Science, PUC, São Paulo.
See→www.sapientia.pucsp.br//tde_busca/arquivo.php?codArquivo=7260
- Fleischer, David.
- _____. 1983. "Simulações de divisões distritais dos estados brasileiros para as eleições de 1978," *Revista de Informação Legislativa* [Brasília], 78:205-232. (Co-author with Sérgio Otero)
- _____. 1990. "The Constituent Assembly and the Transformation Strategy: Attempts to Shift Power from the Presidency to the Congress," IN: Graham & Wilson eds., *The Political Economy of Brazil*. Austin: University of Texas Press, 210-258.
- _____. 1994. "Manipulações Casuísticas do Sistema Eleitoral durante o Período Militar, ou Como Usualmente o Feitiço Voltava contra o Feiticeiro," IN: Soares & D'Araujo, eds. *21 Anos de Regime Militar: Balanços e Perspectivas*. Rio de Janeiro: Fundação Getúlio Vargas, 154-197.
- _____. 1998. "Reelección a Brasileña: las elecciones generales de 1998." *Contribuciones* [Buenos Aires], 15(4):175-195.
- _____. 1999. - "Beyond Collorgate: Prospects for Consolidating Democracy in Brazil through Political Reform," IN: Rosenn & Downes (orgs.). *Corruption and Political Reform in Brazil: The Impact of Collor's Impeachment*. Coral Gables: Univ. of Miami Press, 49-71.
- _____. 2004a. "Political Reforms: Cardoso's 'Missing Link'." IN: Font & Spanakos, eds., *Reforming Brazil*. Lanham, MD: Rowman & Littlefield, 121-139.
- _____. 2004b. "O impacto da reforma política sobre a Câmara dos Deputados." *Plenarium* [Brasília] 1:123-141.
- _____. 2004c. "Reforma Política en Brasil: Una Historia sin Fin." *América Latina Hoy* [Salamanca, Espanha] 37:81-99.
- _____. ed. 2005. *Reforma Política: Agora vai?*. Rio de Janeiro: Konrad Adenauer Foundation [Cadernos Adenauer No. 2]
- _____. 2007 "Reforma política no Brasil: os partidos políticos em questão." IN: Rennó, ed., *Reforma Política em Questão*. Brasília: Editora da UnB, 163-190.

- _____. 2010. “Articulação de Coligações no Brasil – antes e depois da *verticalização* (1994 e 1998 *versus* 2002 e 2006): impacto sobre os partidos,” IN: Krause, Dantas & Miguel (eds.). *Coligações Partidárias na Nova Democracia Brasileira: perfis e tendências*. São Paulo: Editora da UNESP, 187-216.
- _____. 2011. “Political Reform in Brazil: a never-ending story”, IN: Font & Randall eds. *The Brazilian State: Debate and Agenda*. Lanham, MD: Lexington Books, 129-144.
- _____. 2013. “A reforma política no Brasil: uma história sem fim (1995-2011)”, IN: Soares & Lavareda eds. *A relevância da ciência política: Comentários à contribuição de Olavo Brasil de Lima Jr.* Rio de Janeiro: Editora Revan, 121-146.
- _____. 2015. “A Composição e o Funcionamento de Coligações no Brasil”, IN: Avelar & Cintra, eds. *Sistema Político Brasileiro: uma introdução*. Third Edition. São Paulo: UNESP/KAS, 271-288.
- Font, Mauricio & Anthony Spanakos. eds. 2004. *Reforming Brazil*. Lanham, MD: Rowman & Littlefield.
- Font, Mauricio & Laura Randall eds.. 2011. *The Brazilian State: Debate and Agenda*. Lanham, MD: Lexington Books.
- Graham, Larry & Robert Wilson eds. 1990. *The Political Economy of Brazil*. Austin: University of Texas Press, 1990. pp. 210-258.
- Guerreiro, Gabriela. 2009. “Ministros entregam ao Congresso proposta de reforma política sem brecha para 3º mandato.” *Folha de São Paulo*, February 10.
- Guran, Milton. ed. 1989. : *O Processo Constituinte, 1987-1988*. Brasília: AGIL-CEAC-UnB.
- Kinzo, Maria Dalva G. 2003. “Legislação eleitoral, sistema partidário e reforma política,” *Política & Sociedade* [Florianópolis], 2:11-22.
- Klein, Cristian. 2007. *O Desafio da Reforma Política – conseqüências dos sistemas eleitorais de listas abertas e fechadas*. Rio de Janeiro: Mauad.
- Lamounier, Bolivar. ed. 1981. *Modelos Alternativos de Representação Política no Brasil*. Brasília: Ed. da UnB.
- Limongi, Fernando. 2003. “Voto distrital, voto proporcional e coligações,” IN: Benevides, Vannuchi & Kerche eds. *Reforma Política e Cidadania*, São Paulo: Fundação Perseu Abramo, 462-466.
- Machado, [Senator] Sérgio O. 1998 *Reforma Político Partidária: Relatório Final*. Brasília: Senado Federal. (Comissão Temporária Interna Encarregada de Estudar a Reforma Político-Partidária).
- Marchetti, Vitor.
_____. 2008. "Governança Eleitoral: o modelo brasileiro de Justiça Eleitoral". *Dados*, 51(4):865-893.
- See → http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0011-52582008000400003&lng=en&nrm=iso&tlng=pt
- _____. 2014. “Competição eleitoral e controle das candidaturas: uma análise das decisões do TSE,” IN: Teomoteo, ed. *Justiça Eleitoral*. Rio de Janeiro: KAS, 93-116.

Marchetti, Vitor & Rafael Cortez. 2009. “A judicialização da competição política: o TSE e as coligações eleitorais”, *Opinião Publica* [Campinas], 15(2), 422-450
See→http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0104-62762009000200006&lng=en&nrm=iso&tlng=pt

Melo, Carlos Ranufflo.

_____. 2004. *Retirando as Cadeiras do Lugar: Migração partidária na Câmara dos Deputados (1985-2002)*. Belo Horizonte: Editora da UFMG.

_____. 2006. “Sistema partidário, presidencialismo e reforma política no Brasil.” IN: Soares & Rennó, eds., *Reforma Política: lições da história contemporânea*. Rio de Janeiro: Editora da FGV, 157-175.

Moreira, Marcelo Sevaybricker. 2014. “A poliarquia brasileira e a reforma política: análise de uma contribuição de Wanderley Guilherme dos Santos à Teoria Política”, *Dados*, 57(2):293-323.

See→http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0011-52582014000200002&lng=en&nrm=iso

Nery, Natuza. 2016. “Partidos vão ao Supremo contra resolução de Justiça Eleitoral para eleições municipais,” **Folha de São Paulo**, 8 February 2016, A-4.

See→<http://painel.blogfolha.uol.com.br/2016/02/08/partidos-vao-ao-supremo-contr-resolucao-da-justica-eleitoral-para-eleicoes-municipais/>

Nicolau, Jairo.

_____. 2004. *Sistemas Eleitorais*. Rio de Janeiro: Fundação Getúlio Vargas.

_____. 2006a. “O sistema eleitoral de lista aberta no Brasil”, *Dados*, 49(4):689-720.

_____. 2006b. “Voto personalizado e reforma eleitoral no Brasil.” IN: Soares & Rennó, eds., *Reforma Política: lições da história contemporânea*. Rio de Janeiro: Editora da FGV, 23-33.

_____. 2007. “Cinco opções, uma escolha: o debate sobre a reforma do sistema eleitoral no Brasil” *Plenarium* [Câmara dos Deputados] 4:70-79.

_____. 2015. “Impact of Electronic Voting Machines on Blank Votes and Null Votes in the Brazilian Elections in 1998”, *Brazilian Political Science Review* [Rio de Janeiro], 9(3):3-20.

See→<http://www.scielo.br/pdf/bpsr/v9n3/1981-3821-bpsr-9-3-0004.pdf>

Nunes Junior, Amandino Teixeira. 2014. *A Judicialização da Política no Brasil: Análise das Decisões do TSE e STF sobre a Verticalização das Coligações e Fidelidade Partidária*. Tese de Doutorado em Ciência Política, Universidade de Brasília.

See→http://repositorio.unb.br/bitstream/10482/17464/1/2014_AmandinoTeixeiraNunesJunior.pdf

Paranhos, Ranufflo, Willber Nascimento,, Ana Carolina A. Dias, Roberta B. De Carvalho & José Mário W. Gomes Neto. 2014. “O que é que a Judicialização Eleitoral tem?”, IN: Teomoteo, ed. *Justiça Eleitoral*. Rio de Janeiro: KAS, 77-92.

Pereira, Osny Durate. ed. 1987. *Constituinte: Anteprojeto da Comissão Afonso Arinos*. Brasília: Editora da Universidade de Brasília.

Pinheiro Filho, Israel. 1992. *Voto Distrital Misto: A Solução que o Brasil Quer Conhecer*.

- Brasília: Câmara dos Deputados, 1992.
- Pinto, Céli Jardim. 2006. “Política de Cotas,” IN: Avritzer & Anastasia eds. *Reforma Política no Brasil*. Belo Horizonte, Editora da UFMG, 103-106.
- Plataforma pela Reforma do Sistema Político.** 2014. “Brasil tem 14 mil fichas-suhas que devem ser impedidos de disputar eleições”.
- See → <http://www.reformapolitica.org.br/noticias/democracia-representativa/1024-brasil-tem-14-mil-fichas-suhas-que-devem-ser-impedidos-de-disputar-eleicoes.html>
- Queiroz, Antônio Augusto de. 2013. *Reforma Política e Regime Representativo: em perguntas e respostas*. Brasília: DIAP.
- Rabat, M. N. 2002. *Histórico de Reformas: A que se refere a expressão “Reforma Política” nas discussões em curso no Congresso Nacional*. Brasília: Consultoria da Câmara dos Deputados, Relatório Especial, agosto de 2002.
- See → www2.camara.gov.br/documentos-e-pesquisas/publicações/estnottec/207705.pdf
- Ramos, Murilo & Ricardo Mendonça. 2008. “Eles podem concorrer? O movimento de veto a candidatos com ficha suja ganha força nos tribunais e na sociedade” São Paulo: Associação dos Magistrados Brasileiros, 30 June 2008.
- See → http://www.amb.com.br/imprensa/imprimir.asp?mat_id=14217
- Reis, Bruno. 2007. “O presidencialismo de coalizão sob pressão: da formação de maiorias democráticas à formação democrática de maiorias.” *Plenarium* [Câmara dos Deputados] 4:80-103.
- Renault, Sérgio & Pierpaulo Bottini. 2005. *Reforma do Judiciário*. São Paulo: Saraiva.
- Rennó, Lúcio. ed.. 2007. *Reforma Política em Questão*. Brasília: Editora da UnB.
- Ribeiro, Renato Janine. 2003. “Sobre o voto obrigatório.” IN: Benevides, Vannuchi & Kerche, eds., *Reforma Política e Cidadania*. São Paulo: Fundação Perseu Abramo.
- Rocha, Maria Mendes de & Raquel Gonçalves da Silva. 2015. “A agenda da reforma política no Brasil: autores, objetivos, êxito e fracasso (1998-2010)”, *Revista Brasileira de Ciência Política* [Brasília], 16:213-246.
- See → http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0103-33522015000200213&lng=en&nrm=iso
- Rosenn, Keith & Richard Downes eds. 1999, *Corruption and Political Reform in Brazil: The Impact of Collor's Impeachment*. Coral Gables: Univ. of Miami Press.
- Sadek, Maria Tereza.
- _____. 2002. *Reforma do Judiciário*. Rio de Janeiro, Konrad Adenauer Stiftung.
- _____. 2004. “Poder Judiciário: Perspectivas de reforma.” *Opinião Pública* [Campinas], 10(1):01-62.

- Sallum Jr., Brasílio. 2010. “O ‘distritão’ proporcional e a democratização,” *O Estado de São Paulo*, 9 de dezembro de 2010, p. A-2.
See→http://www.estadao.com.br/estadaodehoje/20101209/not_imp651459,0.php
- Santos, André Marenco.
_____. 2006a. “Regras eleitorais importam? Modelos de listas eleitorais e seus efeitos sobre a competição partidária e o desempenho institucional.” *Dados [IUPERJ]*, 49(4):721-749.
_____. 2006b. “Regras eleitorais, deputados e fidelidade partidária.” IN: Soares & Rennó, eds., *Reforma Política: lições da história contemporânea*. Rio de Janeiro: Editora da FGV, 176-192.
- Santos, Eurico Cursino.
_____. 2004a. “Comentários ao PL 2.679/2003, da Comissão da Reforma Política da Câmara dos Deputados.” *Revista de Informação Legislativa [Senado Federal]* 161:15-22.
_____. 2004b. “Da obrigatoriedade do voto.” *Revista de Informação Legislativa [Senado Federal]* 161:101-106.
- Santos, Fabiano. 2006. “Governos de coalizão no sistema presidencial: o caso do Brasil sob a égide da Constituição de 1988.” IN: Avritzer & Anastasia, eds., *Reforma Política no Brasil*. Belo Horizonte: Editora da UFMG, 223-236.
- Santos, Wanderley Guilherme dos. 2004. “A reforma política convoca impolutos.” *Valor*, March 4, A-9.
- Santos, Vitor José Ferreira dos & Humberto Dantas. 2014. “Ficha Limpa na prática: estudo sobre aspecto pontual de inelegibilidade nas eleições de 2012 em Santa Catarina,” IN: Temoteo, ed. *Justiça Eleitoral*. Rio de Janeiro: KAS, 171-190.
- Santos Filho, Raimundo & Vinícius Miguel. 2008. “Coligações proporcionais no sistema eleitoral brasileiro.” IN: Viana & Nascimento, eds., *O Sistema Político Brasileiro: Continuidade ou reforma?*. Porto Velho: Edufro.
- Seixas, Sigmaringa, & Edgar Proença. 2005. “Reformas necessárias ao Estado Brasileiro.” *Plenarium [Câmara dos Deputados]* 2:216-242.
- Sieder, Rachel, Line Schjolden & Alan Angell. 2005 eds. *The Judicialization of Politics in Latin America*. New York: Palgrave.
- Silva, Mônica Corrêa da. 2002. *Voto Eletrônico: É mais seguro votar assim?*. Florianópolis, SC: Editora Insular.
- Silva, Partick. et al. 2015. “Reforma Política no Brasil: indagações sobre o impacto no sistema partidário e na representação”, *Opinião Pública [Campinas]*, 21(1):1-32.
See→http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0104-62762015000100001&lng=en&nrm=iso
- Soares, Glaucio & Maria Celina D'Araujo eds.. 1994. *21 Anos de Regime Militar: Balanços e*

Pespectivas. Rio: Fundação Getúlio Vargas.

Soares, Gláucio & Lúcio Rennó. eds. 2006. *Reforma Política: lições da história contemporânea*. Rio de Janeiro: Editora da FGV.

Soares, Gláucio & Antonio Lavareda eds. 2013. *A relevância da ciência política: Comentários à contribuição de Olavo Brasil de Lima Jr.* Rio de Janeiro: Editora Revan.

Soares, Paulo Henrique.

_____. 2004a. "Vantagens e desvantagens do voto facultativo."

Revista de Informação Legislativa [Senado Federal] 161:107-116.

_____. 2004b. "Reeleição e estado democrático de direito." *Revista de Informação Legislativa* [Senado Federal] 161:117-120.

Sousa, Vivalto Reinaldo de. 2006. *As coligações partidárias: período 1986-94 versus 1954-62*. Brasília: Câmara dos Deputados.

Souza, Amaury de. 1999a. Cardoso and the Struggle for Reform in Brasil", *Journal of Democracy*, 10(3):49-63.

_____. 1999b. "The Impeachment of Collor and Institutional Reform in Brazil", IN: Rosenn & Downs eds. *Corruption and Political Reform in Brazil*. Coral Gables: University of Miami,

_____. 2004. *Political Reform in Brazil: Promises and Pitfalls*. Washington, DC: CSIS.

Souza, Amaury de & Bolivar Lamounier. 2006. "O Futuro da Democracia: Cenários político-institucionais até 2022", *Estudos Avançados* [São Paulo], No. 56, 43-60.

See→http://www.scielo.br/scielo.php?script=sci_arttext&pid=S0103-40142006000100005&lng=en&nrm=iso

Tavares Filho, Newton 2005. "Emenda Constitucional No. 45 e a reforma do Poder Judiciário: algumas observações." *Plenarium* [Câmara dos Deputados] 2:202-215.

Taylor, Matthew.

_____. 2006. "Veto and voice in the courts: Policy implications of institutional design in the Brazilian Judiciary." *Comparative Politics*, 38(3):337-355.

_____. 2007. "O Judiciário e as políticas públicas no Brasil." *Dados*, 50(2):229-257.

_____. 2008. *Judging Policy: Courts and Policy Reform in Brazil*. Stanford: Stanford University Press.

Teixeira, Rodolfo. 2009. *Reforma Política: Dilemas Brasileiros e Experiências Estrangeiras*. Brasília: Doctoral Thesis in Sociology, University of Brasília.

Themoteo, Reinaldo J. 2014. eds. *Justiça Eleitoral*. Rio de Janeiro: Fundação Konrad Adenauer, Cadernos Adenauer, 15:1.

See→<http://www.kas.de/wf/doc/13767-1442-5-30.pdf>

Viana, João Paulo & Gilmar Nascimento. eds. 2008. *O Sistema Político Brasileiro: Continuidade ou reforma?*. Porto Velho: Edufro.

Viana, João Paulo & Flávia Coelho. 2008. “Democracia ou partidocracia? Pontos e contrapontos da lista fechada no Brasil.” IN: João Paulo Viana & Gilmar Nascimento, eds., *O Sistema Político Brasileiro: Continuidade ou reforma?*. Porto Velho: Edufro.

Vianna, Luiz Werneck.

_____. 1999. *Judicialização da Política e das Relações Sociais*. Rio de Janeiro: Editora Revan.

_____. 2002. *Democracia e os Três poderes no Brasil*. Belo Horizonte: Editora da UFMG.

Vianna, Luiz Werneck, Marcelo Baumann & Paula Martins Salles. 2007. “Dezessete anos de judicialização da política.” *Tempo Social* [São Paulo], 19(2):39-85.

□