

Rethinking the Role of Issue-Voting in Referenda: Conjoint and Vote Choice Analyses of Preferences for Constitutional Change in Chile

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What determines the vote in referenda: issue-preferences or second-order considerations? Scholars suggest issue-voting is stronger in salient elections. Based on survey data collected during Chile's constitutional referendum, the paper challenges this. An innovative conjoint experiment allows us to estimate if different elements of the constitution sunk the proposal. Coupled with vote choice models, results indicate that second-order considerations played a more important role than the literature predicts. We argue this is because studies mostly study referenda on European integration in parliamentary systems. Unlike European integration, the constitutional proposal was not a cross-cutting "issue," but one tied to the incumbent. Presidentialism exacerbated government/opposition dynamics, such that the incumbent's popularity significantly affected vote choice. We discuss why this is similar to what transpired in other Latin American countries, and draw lessons for participatory democracy.

Referenda, Participatory Democracy, Constitutions, Voting Behavior, Latin America, Chile

Introduction

The literature on referenda features a lively debate between those who think these elections tend to be dominated by issue-voting and those who think second-order considerations have the upper hand.ⁱ From a normative point of view, this disagreement is hardly trivial. It relates to the broader question of whether referenda are conducive to some degree of robust democratic deliberation and informed citizen participation or are prone to being hijacked and distorted by short-term political dynamics. Reflecting on the Brexit vote, Offe warns that far from being a solution to the crisis of liberal representative democracy, referenda are highly problematic because the resulting "popular will" can be a "mere artifact of the media and party campaigns confronting the establishment."ⁱⁱ Moreover, it is not clear whether citizens answer the question posed or use the election as an opportunity to send a signal to the incumbent.ⁱⁱⁱ

Early interventions in this debate produced mixed findings. Siune and Svensson's pioneering study of voting behavior during the Maastricht Treaty referendum in Denmark found patterns consistent with issue-voting.^{iv} Voters rejected the treaty against the

recommendations of the political establishment because they had made up their minds against further political integration. Franklin et al. reached very different conclusions.^v Voters rejected the treaty despite high levels of support for European integration. National, second-order considerations prevailed over first-order attitudes towards Europe. As the debate evolved, arguments became more nuanced. The current conventional wisdom suggests that the centrality of issue/second-order voting depends on contextual factors, especially election salience.^{vi} When the stakes and issue-salience are high, the proximity between issue preferences and policy content matters more. This is likely both when ideological cleavages in the electorate map neatly onto to the issue being considered,^{vii} and when these issues cut across party families (e.g., Brexit).^{viii} By contrast, if issue salience is low, determinants of the vote that are unrelated to policy content become more important. For instance, voters are more prone to engaging in expressive voting, using the election to pass judgement on the incumbent. Campaign effects, including political party cues, also become stronger.^{ix}

We contribute to this discussion by exploring the determinants of the vote in Chile's most recent constitutional referendum. In September 2022, Chileans voted 62% to 38% to reject the new constitution in an election with extremely high turnout (86%). In view that approximately 96% of constitutional replacement referenda result in a win for the change option,^x and that there was a strong consensus around the need to replace the 1980 constitution (Figure A1, appendix), why did Chileans reject the proposal? What factors mattered more: those associated with the content of the new constitution or those associated with the campaign context?

If the existing literature is anything to go by, the 2022 election in Chile is a most likely case for issue-voting. The question of constitutional change could not have been more salient. The constitutional debate had been central for more than a decade. Turnout in the referendum reached a historic high, indicating robust levels of citizen engagement. Even

though post-mortems by prestigious academics point to the explanatory power of some second-order considerations,^{xi} analysts tend to stress that Chileans voted based on their support/opposition to the clauses included in the proposed constitutional text and that many of these clauses were polarizing.

According to Piscopio and Siavelis, the proposed constitution was not particularly radical, but right-wing illiberal forces painted it as such, including via fake news. By lying about the content of the document and stoking fears about its economic/political implications, the campaign heightened the relevance of first-order considerations. Chileans rejected a document they deemed out of sync with their preferences, even though this perception was distorted. Lies were credible because a series of scandals undermined the legitimacy of the assembly: “Repelled by the Convention’s often tumultuous and hard-to-follow proceedings, voters fell easy prey to disinformation.”^{xii} Others highlight the importance of issue-voting but do not attribute this to misperceptions. According to Larrain et al., “some reforms in the list and types of rights and in the nature of the state proved to be highly divisive.”^{xiii} This was in part the result of a very leftist constitutional assembly, and a constitution-writing process that excluded right-wing voices.^{xiv} As soon as the public heard about the clauses included in the draft, the chances of it being ratified dropped.^{xv} Alemán and Navia put forward a similar argument. They suggest the document was indeed out of sync with the median voter: “most Chileans had substantial reasons to oppose the charter’s content. Its radical and controversial aspects generated strong disapproval among different sectors [...] [W]hile each of these groups may not have constituted a majority of the population on its own, they ultimately coalesced in opposition to the text.”^{xvi}

These post-mortems interpret voting patterns without a systematic analysis of mass opinions. Our article contributes to the debate with an analysis of original experimental and observational survey data collected during the referendum campaign. In so doing, it makes

three contributions to the literature on referenda. First, this is the only study that uses conjoint analysis to explore preferences for multidimensional (constitutional) proposals subject to a referendum, which allows us to approach the question of whether the vote is structured by first/second-order considerations from a different angle. Conjoint experiments realistically mimic the choice facing voters, make it possible to consider the complexity of the institutional offer and the trade-offs citizens make between things they like in the proposal and those they do not. Crucially, we can estimate the extent to which different elements of the proposal damage or bolster the reputation of the draft. This marks an improvement over indirect tests of the impact of preferences for constitutional clauses on voting.

Coupled with standard vote-choice models, the analysis indicates that second-order considerations – the unpopularity of an incumbent administration, disapproval of key aspects of the constituent process, and party cues– played a more important role in determining voting patterns than what the literature would lead us to expect given election salience. While first-order considerations were not irrelevant, they were not dominant. In particular, the conjoint shows there was neither strong polarization around key constitutional clauses nor a general dislike for controversial aspects of the new constitution. What we find are preferences compatible with those of the proposed text among leftist citizens who supported the draft, and general indifference among the rest. In other words, issue-voting mattered asymmetrically: it might explain support for the text, but it does not fully account for opposition.

Second, the paper moves the literature away from its focus on referenda on European integration. We refine the scope conditions of a common finding, namely that issue-voting is more prevalent in high stakes referenda. We propose an explanation for why in the Chilean case issue-voting was not dominant despite the high salience of the election. Unlike the question of European integration, the constitutional proposal in Chile was not a cross-cutting “issue” but one clearly associated with the incumbent. As the incumbent lost support, so did

the new constitution. Presidentialism exacerbated these government/opposition dynamics. On this basis, we posit that if the subject matter of the referendum is strongly associated with the incumbent, especially in more personalistic presidential regimes, second-order considerations are bound to be important *when* the discussion is salient, not despite.

Third, we contribute to debates about the merits of participatory democracy in Latin America. Scholars of the region have sought to understand the extent to which embedding constitution-making in popular participation enhances the legitimacy of constitutions, their durability, and their contributions to democratic quality and survival.^{xvii} Some find that these mechanisms can facilitate the gradual erosion of democracy by mobilizing electorates with solid preferences for authoritarian alternatives.^{xviii} Looking at recent referenda in Venezuela, Bolivia and Ecuador, Welp, for instance, reaches pessimistic conclusions. In her cases, the promise of greater and meaningful participation was not fulfilled, in part due to institutional weakness.^{xix} Those who promoted constitutional change did so in overt violation of existing laws and instrumentalized/co-opted participatory democracy to pursue hegemonic ambitions. Unsurprisingly, highly salient constitutional referenda were decided by the incumbent's popularity. These elections thus became plebiscitarian tactics to bolster the legitimacy of personalistic political regimes. In the Conclusion we discuss why participatory mechanisms can fall prey to such plebiscitarian dynamics even when constitutional overhaul does not find its origins in personalistic or hyper-partisan projects, unfolds in strict adherence with existing laws, and is characterized by open and democratic processes driven by grassroots mobilization. The Chilean case thus suggests other ways in which the promise of participatory democracy can fall short.^{xx} It is not just a problem of leaders instrumentalizing the alleged "will of the people," although this can be particularly problematic for democratic survival. Expecting the expression of the "will of the people" vis-à-vis a new constitution

may be unrealistic given how difficult it is to develop autonomous views about a complex set of institutional choices.

The road to defeat

In 2019 the Chilean government decided to increase tube fares by less than 10 cents of a dollar. The decision triggered a wave of civil disobedience that escalated into a full-blown protest cycle in repudiation of the neoliberal consensus. Crowds chanted: “it’s not 30 pesos; it’s been 30 years.” One of the key demands was the replacement of the 1980 constitution. According to protestors, partial reforms introduced under democracy had not fundamentally altered the main premises of Pinochet’s document: limited room for popular participation; limited role of the state; and neglect of second/third generation rights.^{xxi}

The demand to replace the 1980 Constitution was not new.^{xxii} The first formal call for a new charter by a relevant member of the elite came from Eduardo Frei during the 2010 presidential election. The winner of that election, right-winger Sebastián Piñera, opposed the idea, but during his term in office bottom-up efforts to promote change continued.^{xxiii} Students and labor unions linked their grievances to the neoliberal pillars of the constitution. Another opportunity for voicing constitutional demands arrived with the return of the center-left to power in 2014. The new Bachelet administration pushed for a participatory constitutional rewrite but failed.

In October 2019, the second Piñera administration continued resisting change. After a month of protests, however, he reached a deal with other political parties^{xxiv} that proposed a tightly regulated roadmap for reform,^{xxv} including “entry” and “exit” referenda. The process was designed to avoid potential conflicts between constituent and constituted authorities.^{xxvi} For instance, the prerogatives of the constitutional assembly were defined such that the convention could not usurp government functions.

In the “entry referendum,” 78% of voters approved the call for a new constitution and 79% chose a directly elected assembly. The rules for electing the assembly guaranteed gender parity but were lax in other respects.^{xxvii} For instance, they allowed candidates to run as independents. In an environment dominated by anti-establishment sentiments, independent candidates thrived (103 of 155 seats), most of them of a leftist persuasion. The right-wing coalition received a plurality of the vote but did not win enough seats (only 10) to block initiatives. Leftist parties and independents had the two-thirds majority needed to approve the new constitution.^{xxviii} The prominent role of independents with no party discipline or comprehensive platforms also meant that at times deliberations were rather chaotic.^{xxix} Moreover, some single-issue representatives pursued maximalist goals and did so in ways that stirred controversies.^{xxx}

The constitutional draft reflected this progressive and anti-establishment orientation. It changed the unitary character of the Chilean state, which would now be plurinational and intercultural in nature. This was controversial because it opened the door for a differentiated legal system, with separate rules for indigenous and non-indigenous Chileans and was therefore potentially at odds with the principle of equality before the law. The proposed constitution also created new socio-economic rights, including the possibility of a state-backed pensions systems, constitutionalized the right to abortion, and, for some, weakened property rights. The constitution also reduced the prerogatives of the executive and eliminated the Senate.

Why did Chileans reject this proposal so decisively? In the next section we introduce our approach to answering this question.

Probing issue-voting with a constitutional choice conjoint experiment

Probing issue-voting presents its challenges. A common approach consists of asking survey respondents about their opinions regarding underlying issues and then evaluating their correlation with vote-choice. This works well in some contexts. If positions vis-à-vis the question posed to the citizenry map neatly onto ideological cleavages, it is possible to see the extent to which voters' positions along, say, the left/right continuum, are salient determinants of the vote. Similarly, in referenda in which the specific content of the proposal or its implications are vague, it makes sense to explore how positions vis-à-vis salient issues inform voting. For instance, in the case of Brexit scholars have explored the impact of attitudes towards immigration.^{xxx}

This approach is less satisfactory when it comes to referenda in which voters are asked to express opinions on a multidimensional proposal that is much more concrete, such as a new constitutional draft or international treaty. To be sure, sometimes there is one master issue at stake. Under such conditions, one can test whether positions vis-à-vis that issue structure the vote. For example, in the case of the 2016 referendum in Bolivia, the key bone of contention was the extent to which the reform would undermine democracy. To probe issue-voting, Blanchard reasonably relies on attitudes towards democracy as a proxy.^{xxx} Another example are referenda on the ratification of EU treaties. In these cases, the relevant issue position relates to the merits of further integration. Even though treaties have several components that voters may like more/less, studies rely on a measure of attitudes towards the EU.^{xxx}

While such efforts tell us something important about the extent to which programmatic concerns structure voting in referenda, they are indirect tests of the impact of the substance of proposals. This is particularly the case in debates about constitutional or other major changes, which are multidimensional in nature and compel voters to balance a variety of considerations. A new constitution does not just change one thing. Voters may like

some more than others, and some may weigh more heavily on their decision to support/oppose the proposal. Under those conditions, we are better served by a research design that explores whether different “product” characteristics condition the likelihood that voters will vote for change.

One option is to ask voters about their opinions vis-à-vis the different bones of contention in the referendum debate and explore the correlation between such preferences and vote choice. This is the approach taken by studies of European integration. For example, Garry, and coauthors look at vote choice in two Irish referenda on the Nice Treaty.^{xxxiv} The authors compare conditional maximum effects to evaluate the relative importance of voters’ positions on different “dimensions” of the treaty.

Conjoint experiment, a technique “for handling situations in which a decision maker has to deal with options that simultaneously vary across two or more attributes” offer an alternative way forward.^{xxxv} Respondents are asked to choose between (or rate) a pair of hypothetical “products” (candidates, policy packages, constitutional texts, etc.), and repeat this exercise several times. Crucially, “products” have a series of dimensions. The value that each dimension takes is fully randomized both across “products” in a pair and across pairs in voting rounds. Conjoint experiments thus allow researchers to evaluate hypotheses about specific components of a treatment.

Conjoints are well suited for studying attitudes towards constitutional referenda. First, conjoints are good at predicting real-world behavior.^{xxxvi} This is even more likely in our case because the experiment offers a set-up that is very similar to what citizens are confronted with at the polling station. By presenting a choice between constitutions that have multiple characteristics, we can study the trade-offs voters make when they evaluate hypothetical reform packages, rather than assessing policy preferences on each dimension separately.

Second, it is difficult to make causal claims about the impact of different constitutional clauses on the likelihood that citizens will support reform based on standard survey techniques. For instance, when asking respondents if they like this or that constitutional clause, responses can suffer from acquiescence bias. Furthermore, it is possible that due to social desirability pressures, partisan cheerleading or motivated reasoning, people prefer certain clauses because they identify with a political project or group, rather than the other way around. Randomization of constitutional attributes potentially overcomes this problem, allowing us to identify the “causal” implications of featuring a specific clause for the popularity of a constitution. Finally, randomization guarantees that respondents are comparable on observables and unobservables. This means we can disregard idiosyncratic differences in the way respondents interpret the wording of the clauses as a possible explanation for the popularity/unpopularity of a constitution.

To explore whether the characteristics of the constitutional text led Chilean voters to support change or not, we embedded a conjoint in a national, face-to-face survey conducted during the campaign.^{xxxvii} Specifically, the analysis makes it possible to detect whether specific features of the proposed constitution proved particularly polarizing and sealed the fate of the constituent process. The research design is thus appropriate to estimate the extent to which first-order considerations explain the outcome.

Respondents were presented with four pairs of hypothetical constitutions and for each pair, asked to pick one constitution and rate both. For each profile in each round, we randomly varied the characteristics of the hypothetical constitutions across four attributes (Table 2). We selected the attributes to explore preferences vis-à-vis the national or plurinational character of the state, the structure of the legislative branch, and the role of the state in guaranteeing socio-economic and environmental rights. Each of the attributes we included in the experiment has three levels: one that reflects the status quo (1980

constitution), one that reflects the proposed changes in 2022 (or likely implications of those changes), and another that reflects proposals that were debated but ultimately discarded.

The attributes were chosen to reflect some of the main bones of contention during the constitutional debate in Chile: the recognition of ethnic and cultural diversity, bicameralism, state involvement in the pension system, and the strength of property rights vs. environmental protections. In the months before the plebiscite, for example, the first three featured among the five most disliked aspects about the constitutional draft. At the same time, however, respondents in a survey by Mori fielded in June 2022 considered that the new constitution would have a positive impact on the pension system (38%), tensions with indigenous communities in the Araucania (28%), and political stability (23%). Although according to public opinion barometers the environment was not among the most salient issues, it was at the top of many activists' agendas. Moreover, international journalists paid a lot of attention to the constitutional draft's "strong environmental" component. They highlighted, for instance, the protection of water as a human right.^{xxxviii} Finally, with regards to the plurinational character of the state, Alemán and Navia write:

This potential shift from one nation to a plurinational one (as Bolivia and Ecuador have undertaken recently) became very controversial. While advocates of the reform argued that it represented a new social contract with indigenous people [...], opponents criticized it as fundamentally divisive, threatening to the concept of a Chilean nation [...]. A survey [...] revealed that a plurality of those who had voted against the text singled out the switch to a plurinational country as a crucial reason.^{xxxix}

If voting was driven by a careful consideration of the features of the constitutional text (as opposed to other considerations), we expect constitutions that feature attribute levels that match those in the proposal to elicit less support on average. We also expect

heterogeneity in preferences across groups, reflecting high levels of polarization around controversial clauses. First, those on the right are expected to be less favorable towards constitutions similar to the proposal, whereas those on the left are expected to show more support. Second, given the centrality of the indigenous question, we expect citizens who self-identify as indigenous to be drawn towards hypothetical constitutions that resemble the proposed text. Finally, we expect heterogeneity by voting intention in the referendum, with those indicating they planned to vote against the proposal to penalize constitutions with attributes closer to the proposed text (and the opposite among those who indicated they planned to vote in favor).

<<Table 1 about here>>

Neither strong opposition nor polarization

The story that emerges from the analysis suggests that, in general, Chileans are not necessarily put off by hypothetical constitutions that resemble the proposed constitutional text. When it comes to subgroups, those who for ideological reasons are expected to oppose the proposed constitutional text as well as those who intend to vote against it, are largely indifferent between status quo and change options. Only more progressive voters and those who intend to vote in favor of the proposal are sensitive to the features of hypothetical constitutions. These results suggest that opposition to the output of the constituent process was not necessarily driven by an attachment to the status quo or strong aversion to change. In other words, the specifics of the text were not particularly polarizing.

Figure 1 shows Average Marginal Component Effects (AMCEs) for the choice-based conjoint.^{x1} The reference category for each attribute – i.e., the one with the point estimate at 0 – is the level that more closely resembles the 1980 constitution. Whiskers represent 95%

confidence intervals. AMCEs greater than 0 indicate that a constitution with that attribute level is more likely to be picked relative to the status quo. The absence of an effect suggests voters are indifferent.

Chileans are largely indifferent when it comes to the nature of the state. While constitutions that deviate from the status quo and recognize the plurinational or the plurinational/intercultural character of the state have an edge over unitary versions, the differences are not statistically significant. Chileans are also indifferent to changes to the structure of the legislature. The arrangement proposed in the draft (Chambers of Deputies and Regions) makes a constitution less popular than one with the status quo arrangement (Chamber Deputies and Senate), but the difference is also statistically insignificant. When it comes to the pension system, whereas constitutions that enable a mixed funding scheme (individual contributions and public underwriting) are not seen more favorably than constitutions that uphold the neoliberal system, public underwriting of pensions, the offer made to Chileans in 2022, is indeed favored over the status quo. Finally, a constitution's position vis-à-vis conflicts between environmental protections and property rights also impacts the likelihood that voters will prefer it over the status quo. Constitutions that give the state a role in protecting nature have an advantage over constitutions that do not. Moreover, constitutions that put nature first generate more favorability relative to those that also vow to protect common environmental assets, but stipulate property rights should prevail in case of conflict.^{xli}

The conjoint thus indicates that, in general, the substance of the proposed constitution does not trigger strong opposition. What is more, for three out of the four dimensions, hypothetical constitutions with attributes that resemble clauses included in the proposed constitution have an edge over the status quo. In one case, the pension system, this difference is statistically significant in both the rating *and* choice-based conjoints.^{xlii}

<<Figure 1 about here>>

To investigate polarization across theoretically interesting subgroups, next we estimate marginal means (MMs).^{xliii} Marginal means greater than 0.5 indicate that the attribute level makes the constitution more popular in the eyes of voters. There is no reference category. Below we only show the results of the choice-based conjoint experiment, which are similar to the results of the rating-based conjoint.^{xliv}

First, we looked at constitutional preferences by levels of statism (Figure 2). To enable the analysis, we split the sample into respondents who prefer less state involvement in the economy and those who prefer more (above and below the mid-point value in the 5-point scale).^{xlv} Both groups are indifferent between legislative structures. When it comes to the unitary versus plurinational/intercultural question, neoliberals penalize the latter option and are favorable towards the status quo (although the coefficient does not reach conventional levels of statistical significance). Statists, on the other hand, penalize the unitary state and reward change, but only to plurinationalism (i.e., they are indifferent relative to the content of the 2022 proposal). Regarding the pension system, neoliberals are indifferent between the options made available to them here. Statists, by contrast, have a clear preference for the 2022 proposal over the status quo. In terms of property rights protections, neoliberals are not particularly moved by this issue and statists favor weaker property rights.

Considering that the proposed constitution was associated with a progressive project, these results are quite interesting. If the issue-voting hypothesis is correct, the proposal should elicit rejection among voters with pro-market preferences. This is not what we see. We only find support among statists. To be sure, neoliberal voters are not warm to the changes proposed in 2022, but they are not strong opponents either (except for the intercultural/plurinational character of the state). When exploring differences using a measure

of respondents' left-right ideology (Figure A3, appendix), we find a similar pattern. Leftist voters display clear preferences: they dislike the unitary arrangement and favor plurinationalism; favor a statist pension system and disfavor one based exclusively on individual contributions; and dislike constitutions that give the state no role in environmental protection. Centrists and rightists, however, are mostly indifferent. This suggests that outside the left, the specifics of the constitutional text did not trigger passions against it and in some instances triggered favorable appraisals.

<<Figure 2 about here>>

Did the proposed constitution curry favor among indigenous communities? Analysis based on a self-identification measure of indigeneity (Figure 3) suggests that indigenous citizens, unlike non-indigenous ones, reward constitutions that recognize the plurinational character of the Chilean state and penalize those that maintain the unitary status quo. This makes perfect sense. However, it is surprising that indigenous respondents are indifferent to the 2022 proposal, which recognized both plurinationalism *and* interculturalism. Regarding the other three attributes, indigenous respondents are largely indifferent, including vis-à-vis the other salient issue for them, namely the role of the state in environmental protection.

<<Figure 3 about here>>

The final and perhaps most interesting findings relate to heterogeneity by voting intention in the referendum. Those who at the time of the survey intended to vote for the proposal were drawn towards constitutions that recognize ethnic and cultural diversity in Chile; promote a public pension system; and strengthen environmental protections (although

they do seem to want some protections for property rights; see Figure 4). By contrast, those who intended to vote against it, abstain/cast a blank ballot, or did not know, are largely indifferent. The only exception are “reject” voters, who are drawn towards the unitary character of the Chilean state (they are also repelled by the plurinational/intercultural proposal, but the coefficient is not statistically significant).^{xlvi}

<<Figure 4 about here>>

One possible reading of these findings is that they show that issue-voting indeed mattered: the reason why the proposal lost was because its clauses did not stir pro-change passions. Not even one of the key constituencies of the progressive majority in the Convention, indigenous communities, strongly favors key attributes of the proposal. If in doubt, or when indifferent between change and the status quo, why take risks? This is especially plausible given that most parties that campaigned against the referendum promised voters that they would not block a second reform attempt. For those who did not like the status quo but were also not sold on the 2022 proposal, the reasonable response was to vote “reject” and see if elites came back with a better offer. Existing analyses of the election, however, make a stronger claim regarding the impact of the “text” on the outcome of the vote: they argue that the content of the constitution was deeply polarizing and elicited strong passions against the proposal in different sectors of the population that sunk the initiative. Our data complicates that narrative: Chileans were not adamantly opposed to the content of the proposal and the clauses we investigate did not prove particularly polarizing.

Instead, our data tells a story of enthusiasm for aspects of the proposal among the left and “approve” voters, and indifference among the rest. This story also emerges when looking at the distribution of responses to two feeling thermometers, one measuring support for the

1980 constitution and another for the 2022 constitutional draft. We constructed an index of polarization along the change/status quo continuum by subtracting the first variable from the second. To be sure, there are more voters who strongly support the new constitution and strongly reject the old one, than voters with opposite preferences (Figure A4, appendix). Overall, however, Chileans do not seem polarized, with strong clustering towards the middle of the distribution. When looking at the weighted distribution of preferences by voting intention (Figure 5), the patterns are strikingly consistent with the results of the conjoint experiment. Those who intend to vote “approve” strongly support change. Abstainers and null voters are expectedly indifferent between the two options. Interestingly, this is also the case for many “reject” voters, who fail to cluster neatly towards the left of the polarization measure.

If the features of the proposed text do not elicit strong negative preferences towards the constitution, what drove Chileans to vote the way they did?

<<Figure 5 about here>>

Vote-Choice Models

The vote-choice models below compare the impact of first and second-order considerations on the decision to cast a ballot in favor of the proposal. Following Hobolt’s study of the Brexit referendum, the determinants of voting behavior are part of a “funnel of causality.”^{xlvii} Some factors (socio-demographic and ideological traits), are more structural and distant to the act of voting, whereas others (attitudes towards the government), are more proximate. The former likely condition the latter. Moreover, the complex ways in which various independent variables interact with each other, coupled with the absence of strong

theories to guide our specification choices, means the best way to proceed is to estimate partial models.

We estimate four groups of models in which the dependent variable is vote for “Apruebo.” First, we study ideology. It is possible that voters judged the essence of the constitutional proposal as being ideologically close to or distant from their personal positions and voted accordingly. We therefore probe the incidence of issue-voting, but at a more meta level than in the conjoint. In terms of operationalization, we look at the effect of self-placement in left-right/conservative-liberal scales as well as scales that capture affect for neoliberalism and communism.^{xlvi} We also explore the impact of item scales that capture more/less progressive preferences for iron fist, gender and sexuality, and statist policies. Finally, we measure positions vis-a-vis feminism, climate change, and immigration.

Second, we examine attitudes towards the political class or the establishment, which can be thought of as second-order considerations. Rejection of the constitutional proposal could be driven by negative sentiments towards politicians. Even though independents dominated deliberations in the convention, the proposal could be perceived as an establishment offer, especially because of its association with the incumbent. We rely on a populism index as well as two dummies, one indicating indifference towards all political parties (a-partisans) and another indicating strong dislike for all political parties in the system (anti-partisans).

Third, we look at a mix of first and second-order considerations. Specifically, variables related to positions vis-à-vis the constitutional process, which fall in between deep-seated inclinations and contextual determinants. We measure trust in the capacity of the new constitution to deliver on a variety of policy fronts and whether respondents participated in the protest cycle that triggered the constitutional reform process. These capture policy preferences that ought to have been directly relevant for determining a voter’s position in the

referendum. The other variable in the model records respondents' evaluation of the work of the convention. This relates to an important second-order factor that Alemán and Navia highlight in their analysis: not support for or opposition to policies, but to the way in which representatives conducted their business.

Fourth, we measure standard second-order factors: support for the government, economic satisfaction (combining current and prospective pocketbook evaluations), and warmth towards President Boric and far-right leader, José Antonio Kast. Furthermore, we look at yet more proximate second-order variables: partisan campaign cues and fake news consumption. The former captures whether respondents identify with a party that unequivocally campaigned in favor of the proposal. Regarding fake news, we asked voters whether they came across fake news during the campaign.^{xlix}

Each graph in Figure 6 shows the standardized coefficient for the variables. Whiskers indicate 95% confidence intervals and darker dots higher levels of statistical significance.¹ All models control for demographics.

<<Figure 6 about here>>

Models 2, 3 and 4 suggest that ideological worldviews mattered. More progressive voters are more likely to indicate an intention to vote for the proposal in the referendum. As Figure A5 (appendix) indicates, the average Chilean voter is someone who identifies with none of the major parties (pink dot in Panel b) and is not particularly ideological. This voter is more similar in orientation to the typical “blank/no vote” and the mean “Don’t know” voter, than to the average “Approve” voter, which tends to be left-wing (Panel a). The typical “reject” voter places him/herself slightly right-of-center.

Model 6 also provides support for the relevance of first-order considerations. Voters who have more faith in the new constitution's ability to bring about progressive policy change (e.g., more equality, better public services) and those who protested for these causes, are more likely to vote "Approve." So are those who evaluate the work of the convention positively. This, however, is better interpreted as a second-order consideration.

The analysis indicates that other second-order considerations also played a role. Lacking attachment to the establishment (anti-partisans and a-partisans) is negatively associated with the probability of voting "Approve" (Model 5). More politically alienated/detached voters are more prone to rejecting the offer, perhaps because they are prone to rejecting any offer from the establishment. Voters with more populist attitudes, on the other hand, are more likely to support the proposal. While these two results might seem contradictory, they are not. Research finds that anti-establishment identifiers and apartisans constitute different voter profiles. While the former group tends to be receptive to populist appeals, the latter tends to reject them.^{li} Boric's Frente Amplio attracted an anti-establishment group eager to adopt a partisan orientation aligned with their populist preferences. This is likely why more "populist" individuals – presumably followers of the incumbent *frenteamplista* coalition – tend to vote in favor of the proposed constitution.

Finally, support for the government and presidential approval, classic second-order considerations, are strong predictors of voting for the proposal. Interestingly, economic evaluations do not have a statistically significant relationship with vote choice. There is also evidence of campaign effects: respondents who identify with parties that campaigned for the proposal are more likely to support it. The coefficient for "Fake News" is also positive and significant. Rather than reading this as evidence that "fake news" led people to vote for the proposal, it should be read as suggesting that those more likely to report having encountered

fake news were also more likely to vote “Approve.” This makes sense: denouncing fake news became an important part of the “Approve” campaign.

These results do not allow us to adjudicate decisively between the issue and second-order voting. A look at marginal effects, however, suggests that the latter considerations probably had a stronger impact on the likelihood of voting for the constitutional proposal (Table A1, appendix). One standard deviation leftward shift in the left-right measure of ideology, for instance, is associated with a 5% increase in the probability of voting “Approve,” whereas a 1-unit change in support for the government leads to a whopping 56% increase. This is the largest marginal effect of all the independent variables. The second largest is that of “Partisan Cues,” another second-order factor: a 1-unit change (i.e., moving from voters who do not identify with a party that campaigned for the proposal to those that do), is associated with a 43% increase in the chance of voting “Approve.” While it is likely that both set of determinants mattered, the results do not support the view that issue-voting dominated the voting calculus.

Why didn’t first-order considerations dominate vote-choice?

This paper innovates by studying the determinants of voting in referenda via a combination of vote-choice models and a conjoint. Despite the high salience of the Chilean 2022 referendum, issue-voting did not dominate and second-order considerations played an important role. Contrary to analyses that assume mass opinion was deeply divided around key aspects of the constitutional draft, the conjoint points to indifference among the “reject” camp. Only those who planned to vote for the proposal and those on the left responded favorably to constitutions like the one on the ballot. Polarization was therefore more asymmetrical.^{lii} The one area where perhaps we see some indication of polarization is in discussions about the unitary character of the state. Yet, results are not as conclusive as one

would expect given expert commentary highlighting this as an extremely divisive topic. Put differently, our heterogenous effects analysis ought to have yielded stronger evidence of polarization.

Coupled with the vote-choice models, these results suggest that issue-positions did of course play a role but not the central role the literature predicts. A few caveats are in order. First, it is possible that our findings are an artifact of the clauses included in the conjoint and how we presented them. After all, we reduced the longest constitution in history to just four items! But because we chose some of the most debated and seemingly controversial ones, had issue-voting been the driving force, the analysis should have revealed a higher penalty for constitutions like the proposal and greater polarization. Second, it is possible that issue preferences mattered a great deal but indirectly. As Alemán and Navia point out, the public likely failed to develop strong preferences for/against issues such as bicameralism. By contrast, opinion-forming elites most certainly did and sought to align voters.

Why did first-order considerations fail to dominate? Representatives responsible for drafting a new charter typically deal with (re)founding aspirations. They oversee the erection of new institutional pillars for their societies, intended to last for decades. As a result, referenda on constitutional proposals usually aim to legitimize not only the articles and chapters of the new text, but also the social and political process behind it. When individuals pass judgement on a constitutional proposal they therefore do not simply vote on the text: they also likely consider context and process.

Latin America has been particularly active in the field of sweeping constitutional reform. Since the beginning of the third wave of democratization, twelve countries set up constitutional assemblies (2 in Peru, 2 in Ecuador, 1 in Bolivia, 1 in Venezuela, 1 in Brazil, 1 in Argentina, 1 in Colombia, 1 in Guatemala, 1 in Paraguay, and 1 in Chile). Only six, however, organized binding referenda to legitimize new Magna Cartas (Peru 1993,

Venezuela 1999, Ecuador 2008, and Bolivia 2009, and Chile 2022). Unsurprisingly, most of these constitutional processes were promoted by *caudillos* (Fujimori, Chávez, Correa, and Morales) willing to establish personalistic/authoritarian regimes. In this context, Chile stands out as exceptional, being the only one where an “exit referendum” was not promoted by a leader seeking to concentrate power in the executive branch and/or undermine liberal democracy.

From a normative perspective, there are strong reasons to prefer the adoption of new constitutions via referenda. In Latin America, however, the combination of presidential regimes and the presence of anti-establishment outsiders in the presidency, meant that discussions about the specifics of constitutional proposals were usually overshadowed by debates about leaders. The current wave of constitution-making in Chile followed, in general, a different, bottom-up trajectory. In contrast to most of the aforementioned cases, it did not originate from a personalistic or hyper-partisan project. Following Della Porta, the proposal can be considered a “crowd-sourced” constitution, prompted by grassroots mobilization, and involving robust participatory processes.^{liii} Without a personalistic leader as its main promoter, the proposed text should have been, in theory, judged by the citizenry on its own merits. Yet, our analysis shows evidence of the centrality of contextual considerations.

Crowd-sourced constitutional processes normally develop in response to acute economic, social, and political crises like the Chilean *estallido social*.^{liv} They convey an important message validating the collective identity formed around the cycle of mobilization. The new charter is therefore thought to reflect the moral authority of the mobilized collective, defiant of a status quo increasingly perceived as untenable. Most of the key elements of Chile’s 2022 proposal sought to play a substantively and symbolically important role in recognizing the programmatic demands of the movement. This movement, however, was not purely grassroots or leaderless. *Apruebo Dignidad*, the electoral alliance between Frente

Amplio and the Partido Comunista that took Gabriel Boric to the presidency in 2022, constituted “the vanguard” of the crowd-sourced constitution. It is no coincidence that the word “apruebo” defines the party brand. Gabriel Boric, a political leader who came of age in the student movement, is himself seen as the main representative of the bottom-up forces behind the crowd-sourced charter. All of this to say that not only authoritarian and personalistic promoters of constitutions can end up tying, intentionally or not, their popularity or the reputation of their administrations to the fate of a proposed constitution. Boric did not organize the referendum like Chavez or Morales did, nor did he advance constitutional change to concentrate power. But he did come to “own” the process.

For anyone paying attention, the elective affinity between Boric’s progressive program and the proposal, was clear. Once in power, the President decided not to be neutral and affirmed the position of the government in favor of “Apruebo.” Members of his cabinet did the same. Giorgio Jackson, former student leader, indicated the government’s main policy goals could not be achieved under the 1980 constitution^{lv}. Similarly, Camila Vallejo, member of the Chilean Communist Party, said the government’s programmatic platform “depends mostly on the results of September 4th.”^{lvi} Reflecting on the decision to link vote choice in the referendum to the government’s ability to pursue policy objectives, Boric declared: “I risked [my government] for the constitutional process, and I still believe that Chile needs a new constitution.”^{lvii}

Given these signals from the government, it is not surprising that Boric’s performance in office sealed the charter’s fate. Since the beginning of his administration (March 11th) until the referendum (September 4th), Boric’s presidential approval fell from 50% to 37%, despite this being the “honeymoon” stage. During the period of ups-and-downs in presidential approval ratings (green line in Figure A6, appendix), the electoral preferences in favor of “Apruebo” (red line) shifted accordingly. Both indicators are highly correlated (0.90), further

supporting the view that second-order considerations played a key role. Using this data, it is difficult to establish whether the causal arrow follows exclusively from Boric's performance to the decline in support for the new constitution. We know from our analysis that negative evaluations of the convention are associated with voting against the proposal, and it is possible that those negative evaluations also tainted the government's image. As others have noted, however, Boric's "political blunders, a worsening economy and renewed violence by armed indigenous groups," factors unrelated to the constituent process, created a lens through which people assessed the proposal.^{lviii}

All of this suggests that even in cases of crowd-sourced constitutions in which the collective authorship of the new charter is highlighted throughout, the electorate still relies on heuristic short-cuts to make sense of a complex reality and draw inferences about the likely implications of change. This is why the high salience of the constitutional debate around specific topics fails to lessen the weight of contextual factors in voting decisions. This makes sense in light of the literature on cognitive burden. For example, in line with research that identifies "the detrimental impact of too much choice in contexts ranging from grocery shopping and dating to job hunting and investing," Cunow et al. find that increasing the number of candidates on the ballot, a scenario which could in principle lead voters to find alternatives closer to their ideal points, leads them to "vote based on meaningless heuristics."^{lix} Other studies show that the complexity of the ballot itself is associated with more invalid votes,^{lx} and that increasing the number of measures on the ballot in the context of referenda leads voters to choose the status quo or abstain.^{lxi} In Chile's constitutional debate, it was not the size of the choice set (for or against), but the multidimensionality and density of the policy package under consideration what likely steered voters away from a deep engagement with the issues and towards greater reliance on shortcuts, such as their attitudes towards the incumbent.

This tendency was likely exacerbated by the fact that in presidential regimes, where politics are largely structured by the gravitational pull of the executive branch, policy debate tends to be shaped by strong government/opposition dynamics. Issues that have clear long-term implications, including peace agreements in Colombia,^{lxii} political and judicial reforms in Peru,^{lxiii} or constitutional change in Bolivia,^{lxiv} therefore struggle to escape this fate and end up decided by second-order considerations. This is different from the situation in parliamentary regimes, where the association voters make between important issues and the government can be diffused by the presence of coalitions or issues that divide parties in government and in opposition. We suspect this is the reason why the literature on referenda, which primarily studies supranationalism in Europe, finds that high salience leads to greater levels of issue-voting.

Our study challenges the universality of this proposition. What is more: it suggests that under certain conditions salience likely creates incentives for elites and voters to encapsulate the discussion in government/opposition dynamics, exacerbating the extent to which support for the incumbent shape vote-choice. This conclusion may be dispiriting for those who champion participatory democracy. The primacy of second-order voting in an election as salient and inclusive as Chile's, suggests that no matter how open a political process is, the relationship voters develop with the issues at stake tends to be highly mediated by cognitive heuristics that simplify choice and transform (some may say, distort) the nature of the conversation. Our conjecture, however, remains highly tentative until scholars produce a volume of studies of more/less salient referenda under presidentialism.

It is possible that attenuating the link between the presidency and the proposal could open greater space for the salience of issue-voting in salient referenda. In Chile, constitutional replacement may be the brainchild of the *estallido social*, but it is currently no longer in the hands of its protagonists. After the failure of the initial attempt to change the

1980 constitution, the Chilean establishment decided to take back control of the process by appointing a commission of experts. Moreover, the election to appoint representatives to finalize the writing process led to a resounding victory for the right. Both features of the new round of constitution-making may weaken the link between the proposal that emerges and the leftist government. As a result, when the new exit referendum comes, it may be judged on its programmatic merits to a greater extent than the last one. Opinion polls, however, suggest this may not end up being the case: at the time of writing the new draft is on course to being rejected.

i Carlos Meléndez acknowledges support from the Agencia Nacional de Investigación y Desarrollo-Chile (SIA Project SA77210008 and FONDECYT Regular Project 1220193) and from the Centre for Social Conflict and Cohesion Studies (COES; CONICYT/FONDAP/151330009). Ezequiel Gonzalez-Ocantos would like to thank Viviana Baraybar and Robert Lipinski for excellent research assistance.

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- xxxvi Jens Hainmueller et al. 2014
- xxxvii See Appendix E for technical information about the survey.
- xxxviii El País, 26 August 2022
- xxxix Alemán and Navia, 96
- xl Most analyses rely on either AMCEs or Marginal Means (MM). MM reflect the level of favorability towards a profile that has a particular attribute level, marginalizing across all others. The AMCE is based on MM: it “is equivalent to the average marginal effect of each feature level for a model where each feature is converted into a matrix of indicator variables with one level left out as a reference category” (Thomas Leeper, Sarah Hobolt, and James Tilley, “Measuring Subgroup Preferences in Conjoint Experiments.” *Political Analysis* 28 (2020): 207-221, 210). When profiles are randomized, as in our case, the AMCE has causal interpretation.

xli The picture changes slightly when the dependent variable are the ratings given to hypothetical constitutions (Figure A2, appendix). Notably, changes to the character of the state away from the unitary status quo increase favorability towards a constitutional profile.

xlii This result should not be interpreted as indicating a “victory” for change in our hypothetical elections. The coefficients could be driven by high intensity preferences among specific subgroups. See Scott Abramson, Korhan Koçak, and Asya Magazinnik, “What Do We Learn About Voter Preferences From Conjoint Experiments?” *American Journal of Political Science*, 66 (2022), 1008-1020. The subgroup analysis strongly suggests this is exactly what is going on.

xliii AMCEs present a problem for interpretation in subgroup analyses when “preferences between subgroups diverge in the reference category” (Leeper, Hobolt, and Tilley). Results could be sensitive to the baseline/reference level, especially if a certain subgroup has a particularly high/low preference for the reference category. We therefore use MMs for subgroup analyses.

xliv See Appendix C for the subgroup analysis using the rating dependent variable.

xlvi See Appendix B for questions used to construct the measures for subgroup analyses.

xlvi We analyzed the preferences of those who voted in favor of progressive candidates in 2021 but against the 2022 proposal (the “arrepentidos del apruebo”). An implication of the issue-voting hypothesis is that this subgroup should be less favorable to the draft. Because of the extremely small number of “arrepentidos” in our sample (73), the coefficients are not precisely estimated, but if we just look at the direction of the effect, we find they reward unitary constitutions and penalize intercultural and plurinational ones, but prefer a more statist pensions system and a constitution that protects nature over property rights. See Figure C5 in the Appendix. The results are the same if we adopt a more restrictive definition of the subgroup: voted “Apruebo” in 2020, for the same lists as above in 2021, and “reject” in 2022.

xlvi Hobolt 2016

xlviii See Appendix B for question wordings.

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l For full regression tables, see the Appendix E.

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liv Ibid.; Suárez-Cao 2021

lv June, 6th, 2022. Interview in *La Tercera*.

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