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**From the Selected Works of Jordana Dym**

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“El goze de los derechos de ciudadanía”: Elections  
and Citizenship in Central America, ca.  
1770-1850”

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Submitted to Eduardo Posada Carbó and Samuel Valenzuela, *Elections and the Origins of  
Democracy in the Americas*.

On December 15, 1845, forty voters in Guatemala City filed a complaint with the *directorio*, or electoral board, about the previous day's municipal elections. Claiming that they had been prevented from casting their votes, they asked the board to forward their procedural and substantive concerns to the state government. Procedurally, they maintained that the polls had been open fewer than eight full hours required by law and that individuals who were not “*en el goze de* (enjoying)” rights of citizenship had voted, citing a two-month old decree. Substantively, they claimed that circulation of “blue printed lists” of candidates, a repeat of “aberrations” in 1837 and 1838, “did not leave the Pueblo the necessary freedom to elect its leaders.”<sup>1</sup> Taking this incident at face value, it would seem that the democratic process was well established in Guatemala in 1845, that voters were active, that they knew of recent changes to electoral codes, and used methods of appeal.

From another perspective, however, nothing much had changed since the eve of Central American independence in 1821, when the Guatemala Diputación Provincial (DP) discussed three complaints about electoral fraud in the previous week's parish elections held under the auspice of the restored Spanish Constitution of 1812. Two complaints concerned voting lists promoted by powerful residents in Antigua and Guatemala City, and one came from a *ladino* of the town of San Martín who complained that the village's indigenous residents had shut ladinos out of the elections.<sup>2</sup> The 1820 Guatemala City complaint shared substantial parallels with that presented 25 years later, right down to accusing a local priest of being involved in swaying votes for a slate of pre-selected candidates.<sup>3</sup> The major difference was the narrower definition of citizenship in 1845 than in 1821. After independence, Congress stepped in to replace the DP, resolving problems that colonial and local authorities could not.<sup>4</sup>

Taken together, these examples help us understand the “practice of democracy” in independence-era Guatemala, and by extension Central America, as one of both overall success in transition from governance by absolutist monarchy through constitutional monarchy to popular, representative government, and one of continuity in social and political relations from 1812 through the first half of the nineteenth century when independent countries were first proclaimed and then established. We note not only individuals but communities essentially claiming to “enjoy the rights” of citizenship through voting and petition, and the important role of legislative bodies in resolving disputes. This should not be too surprising; even before the age of democratic revolutions, Central Americans had longstanding experience of representation in local and imperial governance, and their sense of individual and collective participation in

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<sup>1</sup> Archivo General de Centroamérica (hereafter AGCA), B 542-10125, Sesión Ordinaria 84, 23 December 1845, Guatemala City, Libro de Cabildo.

<sup>2</sup> Early nineteenth-century documents equate *ladino* with *mulatto* in some districts of the Kingdom of Guatemala; in others the term, like *casta*, identifies a person of mixed ethnic origin.

<sup>3</sup> Diputación Provincial, Minutes, 9 December 1820, *El Editor Constitucional*, 23 April 1821, Points 1, 2 and 4, 534-535.

<sup>4</sup> AGCA, C1 L 204, E 5479. Poderes: Credenciales of diputados y suplentes, 1837, has examples of Congress instructing new elections in response to various allegations.

democracy through voting and petition suggests that an evaluation of the origins of democracy in the independence period requires understanding not only who legally held the title of citizen but what individuals and groups were able to “enjoy the rights” that went along with the title, and what, in practice, such rights offered in terms of electing or selecting political leaders.

The Kingdom of Guatemala’s transformation from colony to a single federal polity in 1824 (after a two year annexation to Mexico) was soon followed by its division into five separate, sovereign republics in 1839. As a result, studies of nineteenth-century isthmian political history focus, like contemporary journal articles, on a “bloodless commencement of its career of independence”<sup>5</sup> and on individual state formation. The chronology generally starts with the eighteenth-century Bourbon Reforms or 1808 imperial crisis, passes through what Mario Rodríguez famously called the “Cádiz experiment” in constitutional monarchy and reaches either to the 1830s “failure of union” (1838-1840), to the 1855 “National War” that ousted American filibuster William Walker, or to the 1870s coffee economies and liberal reforms.<sup>6</sup> Official, national political parties and electoral campaigns date to the final third of the century when foreign investments, increased urbanization and new technologies (including telegraphs and railroads) changed the rules of the political game. In part because of this late start to formal political parties, scholars have until recently considered nineteenth-century elections as corrupt, and the period’s representative institutions as largely irrelevant. It has not helped that Central Americans rarely referred to their governance as a democracy or as democratic in the first half of the nineteenth-century, preferring the language of representation and republics.<sup>7</sup>

Until the recent political turn in studies of nineteenth-century Latin America, legal and electoral histories of Central America were few.<sup>8</sup> A handful of scholars have in the past decade focused specifically on nineteenth century elections and electoral processes, and their findings suggest criteria important to consider when evaluating the origins of democracy in the region. Xiomara Avendaño has studied electoral processes in Guatemala, Nicaragua and the Federation, while Clotilde Obergón Quesada has followed Costa Rican presidential elections.<sup>9</sup> Avendaño’s

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<sup>5</sup> “Republic of Central America,” *Harper’s*, January 1828, 138.

<sup>6</sup> A good overview of the scholarship of Central American independence is Coralía Gutiérrez Álvarez, “La historiografía contemporánea sobre la independencia centroamericana,” en *Nuevo Mundo Mundos Nuevos*, Debates 2009, URL: <http://nuevomundo.revues.org/pdf/54642> (consulted April 2009). See also Mario Rodríguez, *The Cádiz Experiment in Central America, 1808-1826* (Berkeley: The University of California Press, 1978).

<sup>7</sup> See for example, Jordana Dym, “Democracia,” *Iberconceptos II: Historia conceptual comparada del mundo Iberoamericano. La Transición, 1770-1870*, in press. Occasional mentions of “democratic principles” or a “democratic regime” emerge in 1830s pamphlets and legislation, but not rarely “democracy.” See for example, Marcial Zebadua and Juan José Aycinena, *Al público* (Guatemala, 1838), Bancroft Library, pf F1466.45.A925 (1838).

<sup>8</sup> The bicentenary of Latin America’s independence, combined with the influence of European and American-based scholars François Xavier Guerra, Antonio Annino, Jaime E. Rodríguez O. and others, inspired a generation of Latin American scholars. For introductory studies of Central American federal and state constitutional history, Jorge García Laguardia’s studies of the Constitution of Cádiz and Guatemalan liberal constitution of 1871 stand out. These studies focus more on legal texts than political practice. Jorge García Laguardia, *Centroamérica en las Cortes de Cádiz* (México: FCE, 1994 (1971)) and *La reforma liberal en Guatemala: Vida política y orden constitucional* 2nd ed (Mexico: UNAM, 1980).

<sup>9</sup> Clotilde Obregón Quesada, *El proceso electoral y el Poder Ejecutivo en Costa Rica* (San José: Editorial de la Universidad de Costa Rica, 2000); Xiomara Avendaño, *Elecciones indirectas*, and also “Las características de la ciudadanía en Centroamérica durante el siglo XIX: Estudio de los distritos electorales de Quezaltenango y Granada,” *Revista de Historia* (Costa Rica) 5–6 (1995): 20–29; “De súbditos a ciudadanos: Las primeras elecciones en la provincia de Guatemala, 1812–1822,” *Revista de Historia* (Managua, Nicaragua) 3–4 (1994): 44–54; and

book on Nicaragua's indirect elections argues that this system meant a lack of "individual" citizenship and continuation of more corporate structures, dominated almost entirely by elite family networks. Finding a language in which to discuss the tensions between individual and community participation in governance is an important first step to throw off a straightjacket requiring purity in political processes to consider them democratic. Her insights provide a starting point from which to incorporate analysis on what Romana Falcón termed the "art of the petition" in democratic governance, an analysis used notably in Fabrice Lehoucq and Iván Molina's study of petitions in early twentieth-century Costa Rica's to understand its gradual abandonment of electoral fraud.<sup>10</sup> From another perspective, Sonia Alda Mejías' scholarship provides important insights into Guatemala's nineteenth-century indigenous and electoral politics. Her emphasis on elections' importance even in times of revolution as a means to confirm, if not initiate, political transitions of power—"the right of insurrection"—underlines the wisdom of eschewing assumptions that there exists a single, correct understanding of popular sovereignty and that partial reliance on democratic practices derives from insincere or incompetent implementation.<sup>11</sup> Unlike Avendaño, Alda Mejías highlights the importance of popular agents, including indigenous communities. Recent articles by Avendaño, Sajid Herrera Mena on El Salvador and, Ricardo Danilo Dardón Flores on Guatemala, suggest increasing interest in the topic.<sup>12</sup>

This chapter argues that the origins of democracy in Central America lay in both the innovations of the age of revolutions, specifically the "Cádiz experiment," and also in incorporation of traditional rights of community as well as individual representation, from petition to pronouncement to insurrection, such that electoral politics represent an important but not the only indicator of popular participation in governance. Following key developments from the early through mid-nineteenth centuries, we see that initial representative institutions fostered from 1808 to 1839 based on similar models gave way to more variety and less obviously democratic processes in the 1840s and 1850s. The operation of democracy once formal national political parties are established seems to me a distinct topic. This chapter suggests three themes from the Central American case that seem to have received more limited attention in the broader Latin American electoral history scholarship. First is the role of selection as opposed to election of national and state authorities, that is, the intervention of executive and legislative authorities to name individuals to posts when the regular electoral process did not produce a willing or viable candidate. Second is the importance of integrating local and federal or state elections into a

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"Procesos electorales y clase política en la Federación de Centroamérica, 1810–1840," PhD diss., Colegio de México, 1995.

<sup>10</sup> Romana Falcón, "El arte de la petición: rituales de obediencia y negociación, México, segunda mitad del siglo XIX," *Hispanic American Historical Review* 86:3 (2006): 467–500; Fabrice E Lehoucq and Iván Molina, *Stuffing the Ballot Box: Fraud, Electoral Reform, and Democratization in Costa Rica* (Cambridge: Cambridge University Press, 2002). See also Jordana Dym, "The State, the City and the Priest: Conflict Resolution in Independent Central America, 1821–1840," *City and Nation: rethinking identity and politics*, edited by Michael Peter Smith and Thomas Bender, *Comparative urban and community research*, Volume 7 (2001): 136–180.

<sup>11</sup> See Sonia Alda Mejías, *La Participación Indígena En La Construcción De La República De Guatemala, S XIX* (Madrid: UAM Ediciones, 2002) and "El derecho de elección y de insurrección en Centroamérica: Las revoluciones como medio de garantizar elecciones libres, 1838–1872," in Carlos Dardé Morales and Carlos Malamud Rikles, coord., *Violencia y legitimidad política y revoluciones en España y América Latina, 1840–1910* (Spain: Universidad de Cantabria, 2004), 115–142.

<sup>12</sup> Xiomara Avendaño, coordinator, *Historia electoral en Centroamérica: elecciones, ciudadanía, representación y organizaciones políticas (siglo XIX y XX)*, *Boletín de la AFEHC* 34 (February 2008), [http://afehc-historia-centroamericana.org/index.php?action=bul\\_aff&id=34](http://afehc-historia-centroamericana.org/index.php?action=bul_aff&id=34)

single analytical framework. Third is the experimental nature of early legal and constitutional efforts. As Hilda Sabato recently wrote, the Americas of the nineteenth century became “a formidable political field of experiment” for republican government, but the changes, both drastic and incremental, are not always appreciated as good-faith efforts by educated, if partisan, actors.<sup>13</sup> This approach lends to conclusions less inclined to judge success and failure, or aptitude or lack thereof, but to see the challenges of adopting but adapting institutions of representative government in an age of not just political but social and economic revolution.

### **Ancien régime roots**

Although the Cádiz constitutional process is generally considered the origin for the study of democratic and electoral processes of nineteenth-century Spanish America, several traditional *ancien régime* practices offered more limited, but enduring, forms of election and representation that became foundational or fundamental institutions. Since the conquest, a city was a political as well as administrative center whose council (*ayuntamiento* or *cabildo*) considered itself as representing not only particular but also community interests. In terms of elections, colonial Central America, like much of Spanish America, had a limited but centuries-old system of electing and selecting local officials. In the Council of the Indies, for example, bureaucrats prepared a slate (*terna*) of three candidates for the King to select secular and religious officials. Similarly, city councilors for Spanish cities and towns voted for the subsequent year’s *alcaldes* (municipal justices), syndic, and other posts. Councilors’ positions (*regimientos*) were generally sold by the Crown, but when they went unsold existing council members could elect replacements on a biennial basis. Such elections took place in Guatemala from 1776-1808, when the *ayuntamiento* held biennial elections for all *regimientos* after opposition to the city’s relocation following an earthquake led elites to boycott purchase of permanent seats.<sup>14</sup> Indigenous villages also selected *alcaldes*, although a royally-appointed governor approved the choice. In addition, artisan and merchant guilds, and universities elected their leadership by similar practices. Thus, while limited, the practice of selecting local officeholders created an electorate both of elite Creole and Spanish groups in the cities, and indigenous elites, or *principales*, in the countryside, each of which managed a monopolistic control of local justice and administration and the council’s ability to negotiate with the royal state.<sup>15</sup> By the late eighteenth century, more frequent elections occurred to offset declining interest in some purchased municipal offices. Although this mechanism reflected a limited franchise, it did mean that when the 1808 crisis hit, dozens rather than a handful of Guatemala City elites had experience in municipal governance and administration.

A second mechanism of popular participation in times of crisis was the *cabildo abierto* (town hall meeting), which allowed a broader community to participate in decision-making. The *cabildo abierto* brought a community’s stakeholders, or *vecinos* (generally translated as citizens),

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<sup>13</sup> Hilda Sabato, “La reacción de América: la construcción de las repúblicas en el siglo XIX” in Rogier Chartier and Antonio Feros (eds.), *Europa, América y el mundo: Tiempos históricos* (Madrid: Fundación Rafael del Pino, 2006), 263.

<sup>14</sup> See Dym, *From Sovereign Villages to National States: City, State and Federation in Central America, 1759-1839* (Albuquerque: University of New Mexico Press, 2006).

<sup>15</sup> On eighteenth-century Spanish *cabildos*, see José Manuel Santos Pérez, *Élites, poder local y régimen colonial: el cabildo y los regidores de Santiago de Guatemala, 1700-1787* (Plumsock VT: Mesoamérica, 2000) and Jordana Dym, *From Sovereign Villages*, Ch. 2; for indigenous *cabildos*, see Lina Barrios, *La alcaldía indígena en Guatemala: época colonial (1500-1821)* (Guatemala: Universidad Rafael Landívar, Instituto de Investigaciones Económicas y Sociales, 1996).

together with officials from the city council, Crown and Church to respond to an important event, which the council would later form into a document submitted to higher authorities. Thus, elites had professional and political opportunities to participate as electors, albeit in specific circumstances, and for local rather than regional or national authorities, and a broader public could be convened to deliberate on matters of importance in extraordinary circumstances. This corporate as well as individual experience and localism should be kept in mind when considering both the Cádiz constitution of 1812 and policies of Central America's independent states.

### **Elections after the imperial crisis**

Both ancien regime methods for political representation were in evidence in local and imperial responses to the crisis unleashed by Napoleon's 1808 invasion of Spain, which provoked uncertainty but not widespread insurrection in Central America. In these responses, a blend of individual and community, or corporate, initiative and participation seemed complementary to authorities in both Europe and Central America, and a mixed, or hybrid, application of democratic principles.

After Ferdinand VII abdicated and Spanish forces rejected Joseph Bonaparte as king, local elites used the political vacuum to expand their political reach at a time when royally-appointed officials doubted their authority. Even before elections became an option, elites either used loyalty as a bargaining chip in exchange for greater influence in government or used *cabildos abiertos* or "junti-ayuntamientos" to increase representation through replacing crown-appointed officials with those selected by the community. Some ayuntamientos even created new posts for representatives of the "barrios" in towns of Nicaragua, Honduras and El Salvador, bringing in non-elites as participants in deliberations, if not voting members of city councils.<sup>16</sup> For their part, Spain's interim authorities in 1809 and 1810 called for elections of overseas territorial representatives to imperial institutions, with "an individual to represent his respective district." In 1809, in the Captaincy-General of Guatemala, ayuntamientos of each of 15 district capitals "named three individuals of well-known honesty, talent and education" and sent its votes to the capital.<sup>17</sup> Then, an electoral junta voted (with printed ballots) to choose the top 3 candidates. Names of the top three finalists went into a final lottery to determine the kingdom's Junta Central representative.<sup>18</sup> In 1810, Central America's election and lottery for six Cortes deputies took place in six provincial capitals given representation, following the same procedure. These, too, seem to have gone smoothly.<sup>19</sup>

These initial election instructions are important for several reasons. First, in *ancien régime* practice, the actual "election" represented God's as much as the people's will and the process could be considered to blend old with new ideas of individual and community representation and authority.<sup>20</sup> Second, the decrees laying out the electoral procedure referred to

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<sup>16</sup> Dym, "Soberanía Transitiva y Adhesión Condicional: Lealtad e Insurrección en el Reino de Guatemala, 1808-1811," in *1808: la eclosión juntera en el mundo hispano*, Manuel Chust, ed. (Mexico: Fondo de Cultura Económica, 2008), 105-137.

<sup>17</sup> *Gazeta de Guatemala*, 7 March 1810, 277-280.

<sup>18</sup> *Gazeta de Guatemala*, 7 March 1810, 281-282.

<sup>19</sup> For elections and instructions, see *Gazeta de Guatemala*, 1810: 14 July (Chiapas), 114; 27 July and 3 October (Guatemala), 140, 265-6; 7 August July (Cartago), 170; 10 October (León), 270-1; 10 November (Granada), 313; 1 December (San Salvador), 371.

<sup>20</sup> Ricardo Danilo Dardón Flores, "Modernidad, voto y representación política en la Patria del criollo: la primera experiencia constitucional en Guatemala," in Avendaño, coord., *Las elecciones ...*, *Boletín AFEHC* N°34, [http://afehc-historia-centroamericana.org/index.php?action=fi\\_aff&id=1829](http://afehc-historia-centroamericana.org/index.php?action=fi_aff&id=1829), para. 58.

“elections” taking place, but termed the ayuntamientos’ voting for candidates as “naming,” and the lottery as “election,” demonstrating openness to considering selection as part of election.<sup>21</sup> Third, the 1810 instructions for Cortes deputies also specified that elections should be announced ahead of time and done with “open doors,” inviting the community to observe, if not participate.<sup>22</sup> Here is an example of the collective citizenship Avendaño identified beginning to transition from traditional practices to those of the nineteenth century: while individuals voted, it was communities whose collective vote was expressed.

The practice is equally important. Guatemala City’s two-step voting method was followed throughout the kingdom: a secret ballot by *cabildo* members followed by a young boy’s selection of one of the top 3 candidates by lottery (*sorteo*).<sup>23</sup> Thus, unity in electoral practice was either forged, or confirmed. In 1809, Central America’s fifteen ayuntamientos had new standing as representatives on a footing similar, if not equal to, peninsular Spain’s kingdoms and districts, revitalizing the municipality as the polity represented in imperial government.<sup>24</sup> This standing was supported in orders for ayuntamientos both to hold elections, and for each one in a district to prepare instructions on matters “general or particular” to Junta and later Cortes delegates.<sup>25</sup> Elites responded by showing renewed interest in municipal posts. Ironically, vacant regimientos in Guatemala City, filled by election for 30 years, were suddenly sold. Councils that had been inactive returned to life, undertaking elections ordered by the Captain-General to fill vacancies and participate in this auspicious event.<sup>26</sup>

The year-long electoral process to name the Junta representative and 15 districts’ cooperation to select 6 Cortes deputies did build some sense of unity as a single Central American polity despite elections on “very different dates according to the distances and occurrences in some parts.”<sup>27</sup> However, perhaps predictably, the deputies’ instructions largely promoted local institutions: building *colegios* or universities, establishing bishoprics, or increasing trade to a local port. So although Central America’s early deputies, especially Antonio Larrazábal (Guatemala), Florencio Castillo (Costa Rica) and Antonio López de la Plata (Nicaragua) united with other *Americanos* in the Cortes to make common cause on issues such as freeing trade and granting residents of African origin suffrage, the Cádiz structure also encouraged those back home to think locally or imperially but not at a captaincy level.

Scholars agree that the “Cádiz experiment” effectively introduced new representative institutions to a society that, for the most part, seemed to welcome them.<sup>28</sup> It also reconfirmed the importance of community politics while introducing individual citizenship and representation. When the kingdom implemented the 1812 Constitution in 1813-1814 and again in 1820-1821, residents learned through its system of indirect elections to vote locally for city councilors and for electors who would choose, or “name” (*nombrar*), Cortes deputies and members of the kingdom’s two new multiple-province *diputaciones provinciales*. Local (parish) elections were held on the first Sunday in December; district elections the first Sunday in

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<sup>21</sup> Real Orden, Junta Central, 22 January 1809; Decreto, Consejo de Regencia, 14 February 1810.

<sup>22</sup> Decreto, Consejo de Regencia, 14 February 1810, Art. 16.

<sup>23</sup> Guatemala, Libro de Cabildo 1809 (11 November) and 1810 (24 July). In 1810, the language in the council records describes this method, used again for electing the Cortes deputy, as a “secret vote in ordinary form.”

<sup>24</sup> Dym, *From Sovereign Villages*, Chapter 3.

<sup>25</sup> Real Orden, Junta Central, 22 January 1809; Decreto, Consejo de Regencia, 14 February 1810.

<sup>26</sup> Dym, *From Sovereign Villages*, 78-79, and Obregón, *El proceso electoral*, 29.

<sup>27</sup> *Gazeta de Guatemala*, 7 March 1810, 273.

<sup>28</sup> See particularly Rodríguez, *The Cádiz Experiment*.

January.<sup>29</sup> Individuals voted only for electors; electors voted for office-holders. Voters experienced an oral vote and had their votes tallied individually, and publicly. They were told not to bring arms to polling sites and not to vote for themselves on penalty of losing their right to vote. They also had the right to challenge a fellow voter's status by orally making a claim which the junta electoral would evaluate on the spot. Only district electors used a written, secret ballot, replicating the traditional system of elections used by city councils. At each stage of the election, a four-person electoral committee (*junta electoral*) formed in each polling site heard and tallied each vote, and certified and reported results; the secretary and tellers (*escrutadores*) were elected by the voters present at the election, and the senior local authority served as president. A simple majority produced a winner of the electoral contest; no longer would God's will impose a victor. This indirect electoral method and oral votes, with changes discussed below, were adapted after independence in 1824, and remained in place until the late 1830s.

The Cádiz Constitution also did away with separate legislation and status for Spaniards and Indians. The constitutional monarchy incorporated the region's Indians, Spaniards and (in a local reinterpretation of the Constitution to fit isthmian needs) free men of African origin into a single body politic as Spanish nationals. Communities allowed to have elected municipal councils were determined by a settlement's number of residents not ethnicity, and adult males enfranchised to vote as citizens in the initial elections. In practice, this electoral system reduced the political (if not socio-economic) distinctions of the colonial racial hierarchy, already much compromised by 300 years of miscegenation and cohabitation, and paved the way for the incorporation of all residents into post-independence elections.<sup>30</sup>

Although no comprehensive study tracks every town and village's elections, the archives show representative government taking root through elections held throughout the kingdom in 1813-1814 and again in 1820-1821, followed by the installation of constitutional institutions, from the kingdom's two authorized *diputaciones provinciales* to hundreds of *ayuntamientos constitucionales*.<sup>31</sup> The numbers of active voters could be substantial: Ricardo Dardón Flores identifies an 1813 voter list for San Miguel Petapa (Guatemala), with 375 registered citizens in a population reported as comprising around 1000 Indians in the late eighteenth century.<sup>32</sup> In some places, indigenous residents had to be convinced to switch to the new system; in others, they quickly used elections to limit *ladinos'* officeholding. To cite just one example, the 1820 ayuntamiento constitucional of largely-indigenous Coban in Guatemala's highlands elected "indios" as both *alcaldes*, 7 of 8 *regidores*, and one of two syndics.<sup>33</sup> There is even limited evidence that Indians valued their municipalities' right to participate in regional elections, for in early 1822, Chimaltenango (Guatemala) district elector and "*indio natural*" Joaquín Cham complained that interference with the electoral system in his district had impeded his village's right to vote for deputies. "It does not seem just," he wrote, "that this pueblo, ayuntamiento and vecindario lose prerogatives that until now corresponded to them."<sup>34</sup> Notably, although individuals voted, it was the community's participation that Cham defended.

Yet the indirect electoral structure, while more inclusive than the previous government institutions, had limits in creating a fully equal body politic. Election at parish level, in which all

<sup>29</sup> Constitución Política de la Monarquía Española, hereafter Spanish Constitution (1812), Arts. 37, 61.

<sup>30</sup> Dym, *From Sovereign Villages*, Chapters 4 and 5.

<sup>31</sup> Dym, *From Sovereign Villages*, Chapter 5.

<sup>32</sup> Dardón Flores, "Modernidad, voto y representación política;" para la población, véase Domingo Juarros, *Compendio de la historia del reino de Guatemala, 1500-1800* (Guatemala: Editorial Piedro Santa, 1981), 48.

<sup>33</sup> *Amigo de la Patria*, no. 2, 26 October 1820.

<sup>34</sup> AGCA B 73-2121, 19 February 1822, Joaquín Cham to Jefe Político Superior.



citizens had a vote, produced new faces in local government. In Guatemala City, Tegucigalpa, and Sonsonate, individuals from the working classes and even mixed racial heritage won *ayuntamiento* seats in this period.<sup>35</sup> However, in most districts, the electors, deputies sent to Cortes or provincial deputies were elite Creoles or Spaniards. Dardón found that 6 of 11 *electores de parroquia*, who met in 1813 in Antigua, Guatemala, district capital of heavily indigenous Sacatepéquez, were village *alcaldes*; only one had a potentially Maya surname.<sup>36</sup> Although technically supposed to receive a per diem, such representatives relied on deep pockets and someone to cover for lost labor during travel to vote in a district capital or while holding office.<sup>37</sup> The tiered electoral system, then, kept substantial decision-making authority in the hands of individuals with economic and social capital, usually churchmen or members of wealthy families.<sup>38</sup>

How free were individuals to vote in these early elections? The system did not allow for candidates and official political parties, and minutes of meetings do not indicate how individuals selected candidates. Casting oral votes in *juntas de parroquia*, while perhaps necessary to avoid a literacy requirement, may well have discouraged diversity of opinion. Yet most recorded votes show more than token support for multiple individuals, suggesting at least some room for debate and choice. Tegucigalpa (Honduras), unusually still has records of municipal elections from this period; instead of destroying their acts, as Ferdinand VII ordered in 1814, they simply drew lines through them. The December 1812 election of the first *ayuntamiento constitucional* seems typical: 17 electors met to vote for 1813 council members, with nominees receiving between 8 and 13 votes, and votes ranging from a minimum of 3 to a maximum of 13; when one elected *alcalde* declined the office, the board immediately chose a replacement from among the higher vote-getters.<sup>39</sup>

Further, the number of complaints sent to central authorities about the right to vote, pressure to vote for a slate of candidates, and the right to participate in electoral councils (such as those introduced in the beginning of this chapter) shows that there were attempts at influence and sometimes coercion of electors. Was this indication of fraud or undue influence? To some extent, reports of conflict might represent how this expansion of the franchise and of the individuals serving in the new constitutional councils were perceived by some as a threat, and suggest some real opening and learning despite the limitations. Referring to December 1813 elections, Captain General José de Bustamante, who tried to slow or block the new institutions, lamented that “drunkenness, gambling, incontinence, illegitimacy of any nature, voluntary poverty and bad customs have not served as an obstacle in the elections of the present year.” He regretted that “persons incapable of carrying out municipal functions...in no shape to promote anything useful to the state, [and who]...do not even know how to read and write” were elected, “leading to dissensions.” He claimed “notices of many frauds and eruption of dangerous rivalries,” as individuals “desirous of exalting themselves have sought municipal office by means not known to men of faith or honor.”<sup>40</sup> Such complaints seem to testify more to elitism—

<sup>35</sup>See Dym, *From Sovereign Villages*, 128-138 and “Ville, Famille et Pouvoir en Amérique Centrale Indépendante, 1821-1850,” *Familles, pouvoirs et institutions* (Univ. Toulouse, Groupe de Recherche sur l’Amérique Latine, 2005) 257-283.

<sup>36</sup> Dardón Flores, “Modernidad, voto y representación política,” paras. 44-48.

<sup>37</sup> See Obregón, *Proceso electoral*, 46, and Dym, *From Sovereign Villages*, Ch 7, esp. 128-131.

<sup>38</sup> See Dym, *From Sovereign Villages*, Ch. 5, and Avendaño Rojas, “Procesos electorales.”

<sup>39</sup> ANH, Caja 107, # 3437, Cuaderno de Actas, Ayuntamiento de Tegucigalpa, ff. 126-127v, Elección, 13 December 1812. Unfortunately, the notebook does not also record the election of the electors.

<sup>40</sup> AGI Guatemala 629, CG/JPS Bustamante to Quetzaltenango Diputado José Cleto Montiel, 31 January 1814.

concerns about literacy and legitimate birth, which the constitution did not require, and loss of “honor” as a criterion for political activity—than to electoral problems.

In fact, many accusations suggest a new popular participation in municipal politics. When in 1820 Maestro (artisan) Ambrosio Sanchez of Guatemala City claimed he’d been unfairly disenfranchised, consideration hinged on interpreting articles of the Constitution and even laws reported in the *Diario de Cortes*; Sanchez was invited to vote in large part because the Jefe Político decided that it was “better to expand than restrict [the law’s] meanings according to general legal principles.”<sup>41</sup>

Public interest in elections was either naturally great or encouraged by those in charge of the periodical press of the Kingdom. Reports of parish and district elections, as well as the names of deputies elected to the Cortes and *diputaciones provinciales* appeared in the *Gazeta de Guatemala* until Ferdinand VII’s return to the throne in 1814. This newspaper had subscribers in major cities throughout the kingdom, providing a venue to raise awareness of individuals considered electable in different places. Two new papers appeared after the Constitution was reinstated in 1820, published by Pedro Molina (*El Editor Constitucional*) and José Cecilio del Valle (*El Amigo de la Patria*); their pages reflected heated debate between electors in Guatemala City’s municipal elections for 1821. Those who sided with the *Editor* were nicknamed *cacos* (thieves); the *Amigo*’s supporters were *bacos* or *gazistas* (drunks). When *baco* del Valle won election as Guatemala City *alcalde primero* for 1821, the papers vigorously debated the legitimacy of the elections<sup>42</sup> after independence.<sup>43</sup> After independence, the labels changed from *cacos* to *fiebres* (hotheads) and liberals, and from *bacos* to *serviles* and conservatives, and the press and broadsheets would use these terms to color their reporting of the policies and actions of competing political and economic interests groups.<sup>44</sup>

In short, the crisis period followed by the Spanish constitutional monarchy expanded not only electoral politics, but also municipal centrality within the political system, and introduced the idea of political participation based on shared interests rather than (or in addition to) ethnic affiliation. While the Constitution did not introduce the electoral process to Central America, it expanded the franchise beyond a select few members of a city council or guild, and, for all its flaws, the system embedded roots in this period that extended suffrage beyond the limited political participation of previous centuries. Regarding precedents for subsequent governments’ electoral systems, five points should be emphasized. First, the cumbersome multi-step indirect electoral process for Cortes deputies and Diputacion Provincial members set by the 1812 Constitution had a rarely-considered but enduring result: citizens voting in their home municipalities following the indirect electoral system established in 1812 stopped voting directly for national figures soon after they had started in 1809-1810 with votes for the Suprema Junta

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<sup>41</sup> AGCA, A1.2 44-1136,

<sup>42</sup> Marure, *Bosquejo Histórico*, I:122; *El Amigo de la Patria* and *El Editor Constitucional* (dates/pages) Please complete

<sup>43</sup> Woodward, “Origins,” 561-562; Marure, *Bosquejo Histórico*, I:58-E.

<sup>44</sup> Scholars tend to refer to the existence of political parties starting with the 1820 elections in Guatemala City. They do not, however, provide any evidence that those who declared similar political agendas belonged to a formal political party; they simply presume that the labeling of competing interest groups by their supporters or opponents--“cacos” and “bacos,” “fiebres” and “serviles,” or liberals and conservatives—indicated the existence of political organizations. Ralph Lee Woodward finds the origins of political parties in this factional labeling, but is careful not to confuse the labeling with the existence of actual political parties. See Ralph Lee Woodward, Jr., “Economic and Social Origins of the Guatemalan Political Parties (1773-1823),” *The Hispanic American historical Review* 45, no 4 (1965): 565.

Central member and Cortes deputies. Second, elections were limited to municipal and legislative authorities; executive and judicial posts remained nominees of the king and his appointed councils and officials. Third, the role of the press as a facilitator and communicator of debates as well as elections and official meetings of the new representative institutions had been established. Fourth, the informal political associations that formed during these municipal elections set the stage for the kinds of political party (or “faction”) organization that would continue until the 1850s. Fifth, Central American elites moved beyond imperial regulations to enfranchise those of African descent, showing substantial willingness to adapt official policy to meet local needs, which both boded well for future race-blind legislation but hinted at the difficulty of following the law that would undermine constitutional institutions after independence.

## **Independence and Federation**

Republican principles and elections mattered in Central America’s independence period (1821-1839) and became a regular fixture of first one federation and then five independent republics. Yet the political ideas and practices that carried the Kingdom of Guatemala from its status as a Spanish colony through debates on possible political futures, to incorporation into the Mexican Empire (1821-1823) and finally absolute independence (1824-1839) blended old social compact theory locating sovereignty in individual communities with recent ideas about representative government and indivisible national sovereignty. As a result, Central Americans started national “life” with a mixed heritage. Central American legislation adopted the idea of national sovereignty, by 1824, and by the 1830s all constitutions identified “indivisible” nature of sovereignty. In practice, however, through much of the nineteenth century, institutions in which “fractions” of national sovereignty resided, such as municipalities or provinces, acted unilaterally through *pronunciamientos* while continuing to send delegates to state and federal deliberative bodies. Such tension could be expressed in many ways. It was most evident in the extended process of declarations and decisions made as part of Central American independence from Spain in 1821 and 1822, and subsequently legislated into electoral procedures that emphasized selection as well as election of local and national officials, and community as well as individual voices being considered legitimate barometers of political choice.

In the 1821-1822 independence process, for example, the articulation of political preference or opinion took two distinct forms: votes expressed by elected *ayuntamientos constitucionales* after open meetings, and calls for individuals to deliberate and make decisions at a regional assembly. As news of Mexico’s independence and Plan of Three Guarantees reached different districts of the captaincy-general, city councils took the lead in calling *cabildos abiertos* to discuss the matter, beginning in Chiapas in August 1821, moving to kingdom capital Guatemala City by mid-September, and reaching the southernmost region of Costa Rica by October. Guatemala City’s leadership, which included royal authorities and local elites, convened a meeting of “deputies” of the principal secular and religious institutions on September 15, 1821, and had an *acuerdo*, or act, drafted by the DP and *ayuntamiento*. The carefully worded document, considered subsequently an act of independence, expressed a preference for independence but temporized. It retained existing authorities, turned the DP into an interim governing council, and called each district of the Kingdom to send representatives to confirm independence in a regional assembly vote and selection of a new government. Thus a traditional deliberative or sovereign body, the *cabildo abierto*, called for a republican institution, a constituent assembly with delegates from the isthmus’ political communities (districts), to

convene, taking a step towards replacing multiple sovereignties in which cities or districts possessed fractions of the whole, with a unitary sovereignty and representation in which only an assembly could act.

However, Guatemala City's initiative failed to produce the desired results. Instead of electing deputies to a constituent assembly, many municipalities and DPs issued their own *actas* to unite separately with Mexico or with Guatemala instead of provincial capitals. Costa Rica's cities, torn between competing invitations from Guatemala and Nicaragua, had the foresight to sign a *pacto de Concordia*, reestablishing their social compact and committing to a provincial sovereignty and identity. As in other districts, their traditional corporations, the cities, chose delegates to sign the accord, blending old and new forms of political understanding. Through acts of city councils, provincial deputations and *cabildos abiertos*, much popular participation contributed to decision-making but no agreed on locus of a single sovereignty could act in the name of all Central America's districts and residents.

To keep a semblance of unity, in November 1821, Guatemala City's junta abandoned hope for a constituent assembly, and instead called for a municipal referendum to decide the colony's future. The junta invited not just capitals but every town and village with an *ayuntamiento constitucional* to participate by consulting the will of residents. It counted both votes received (168 out of 244) and also interpreted the decisions of the breakaway provinces which already had joined Mexico as contributing to a newly unitary decision, emitting a 5 January 1822 accord claiming a majority vote for union.<sup>45</sup>

Given how most discuss "popular" participation as individuals expressing their choices through suffrage, this reliance on municipalities as decision-making bodies, was problematic, although the municipalities consulted were popularly elected and were not just elite-controlled capitals but provincial towns and villages. Following this logic, if Central America's independence had been decreed by the national assembly envisioned in the 15 September act of independence, it would have reflected a greater democratic tendency; directly elected representatives could have deliberated and reached a common accord. By 1834, politician and official historian Alejandro Marure dismissed the referendum, reminding readers that the acting captain general had told breakaway regions that ayuntamientos had no authority to decide and the "general will of the *pueblos* could only be expressed by a congress of elected deputies."<sup>46</sup> However, another way to evaluate Central America's complex independence process is to consider that municipal voting opened debate to over two hundred communities not just to select a local notable to negotiate next steps, but to engage electors and residents on the issue of independence itself, drawing both on tradition and the new representative institutions created by the 1812 Constitution.

### State and Federation

Annexation to Mexico lasted less than two years. By 1823, the 40 Central American deputies in the Mexican Congress were on their way home with still additional parliamentary experience, as that government collapsed and agreed to let all the Kingdom of Guatemala's provinces, except Chiapas, form a new country. The congress called for on 15 September 1821 convened in

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<sup>45</sup> See Dym, *From Sovereign Villages*, Ch. 6, and see Acta de la Unión de las Provincias de Centro América al Imperio Mexicano, 5 January 1822, in Luján Muñoz, *La independencia*, 171–75, and Rafael Heliodoro Valle, ed., *La anexión de Centro América a México (documentos y escritos de 1821)*. 6 vols. Mexico: Secretaría de Relaciones Exteriores, 1924–1949, 2: 24–27.

<sup>46</sup> Marure, *Bosquejo histórico*, 85.

Guatemala City in summer 1823, and declared absolute independence from both Spain and Mexico. Over the next year and a half, its delegates established the principles of a new federation and established five states –Guatemala, Honduras, El Salvador, Nicaragua and Costa Rica.

Mario Rodríguez' inclusion of the first federal years as a continuity with the experience of Cádiz makes sense for studying electoral institutions and regulations. In terms of electoral process, this period can be profitably extended through 1839, when the federation dissolved and new constitutions and laws introduced substantial changes. Overall, the federal and state governments adapted a constitutional model that seemed to have worked relatively smoothly before and after independence, and elections became a regular feature of political life although not the only means by which political power changed hands. In this period, however, an important feature of Central American representative government was first established: the selection of national officeholders by legislative assemblies when popular elections did not produce clear majority candidates.

Central America's political actors in the federal period were largely those who had implemented previous reforms. The Asamblea Nacional Constituyente (ANC) of 1823-24 included some of the most talented men of Central America, who divided into federalists and centralists. Their disputes over the form of government, according to contemporary Manuel Montúfar, led "the most intimate friendships to vanish, with new (friendships) forming on the bond of political opinion."<sup>47</sup> That is, the groups which would coalesce into formal political parties in the second half of the nineteenth century began to form, continuing a process of professional networking identified by historian Christophe Belaubre as emerging through eighteenth-century changes in social norms and practices.<sup>48</sup> Although not formal political parties, these consolidating interest groups proved over the next twenty years unwilling or unable to compromise when in positions of authority, exacerbating internal divisions, undermining state institutions and contributing to numerous wars. Deputy Filadelfo Benavent expressed concern that the pueblos were "unfortunately agitated and divided by [different] opinions and by pure personalities."<sup>49</sup> Similarly, José Francisco de Córdova lamented that the juntas electorales, which should be "the organ of the vote of the pueblos on the point of elections, in practice ... are usually the expression of the will of the electors and frequently that of the group (partido) that knew how to take control of the election."<sup>50</sup>

### Republican electoral institutions

Despite signs of the personalism which would mark later political action, the structure of republican Central America created on paper had significant elements that can be considered 'democratic'; they were not overly idealistic. Central America's federal constitution (1825) established a "popular, representative, federal" government that claimed national sovereignty.<sup>51</sup> The five state constitutions (1824-1826) also adopted the basic political structure and requirements of separate executive, legislative and judicial branches laid out in the federal

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<sup>47</sup> Montúfar, *Memorias por la Revolución de Centro-América* (Guatemala: Imprenta de la Luna, 1853), 10.

<sup>48</sup> Christophe Belaubre, "In the Shadow of the Great: Church Financiers' Everyday Resistance to the Bourbon Reforms, Guatemala City, 1773–1821," in Jordana Dym and Christophe Belaubre, *Politics, Economy and Society in Bourbon Central America, 1759-1821* (Boulder: University Press of Colorado, 2006), 47-74.

<sup>49</sup> AGCA, B 91-2462, ANC, Propositiones, f 1, 25, 9 April 1824. Benavent's proposal was approved.

<sup>50</sup> José Francisco de Córdova, *Voto del ciudadano...diputado por Santa Ana y Metapam, dado en la sesión de la Asamblea Nacional Constituyente del 7 de Julio de 1824, sobre el proyecto de constitución ...* (Guatemala: Beteta, 1824). Cited in Pinto Soria (P. ¿ note 65)

<sup>51</sup> Constitución Federal, 1824, Arts. 1, 8; Costa Rica (1825), Art. 35.

Constitution, accepted sovereignty limited to internal matters, and established complementary requirements for officeholding and public service. This common structure drew heavily on the Cádiz-era legislation for electoral process, legislative elections, and municipal governance.<sup>52</sup> Election of executive and judicial authorities drew from a US model, since the Spanish text had neither an elected executive nor elected judiciary. French and South American examples were also consulted.<sup>53</sup>

Specifically regarding electoral policy, the Federal (1824) and state Constitutions (1824-1826) retained the basic structure of 1812's Spanish constitution, based on popular elections that had to be public to be valid.<sup>54</sup> They repeated a convoluted 3-tiered indirect election process, extending this model beyond municipal and legislative office to executive and judicial branches of government, with five-member electoral boards (*juntas*). All constitutions provided for popular elections by all citizens to select "electores de partido", who in turn selected the "electores de departamento" who in turn would elect members of state and federal legislative assemblies, and present their votes for executive, judicial and "conservative power" positions that the respective assembly would tally with other departmental votes.<sup>55</sup> When popular election did not produce a victor by simple majority, federal or state assemblies would choose among candidates.<sup>56</sup> Presciently, one deputy sought to limit a legislative assembly's authority to choose the victor to the top vote-getters from among candidates without a majority of the electoral vote, as in the Cádiz system; but the request was denied.<sup>57</sup>

Electoral districts and procedures from Cádiz were not automatically accepted, however, reflecting frustration with Spain's failure to recognize regional interests in its districting. ANC deputies submitted multiple petitions requesting changes to electoral districts. After responding to various requests which reassigned several districts, for example adding Sonsonate to El Salvador and Nicoya to Costa Rica, the ANC divided the Federation into 82 electoral districts, and printed and circulated a table listing departments, districts, and capitals where voting was to take place.<sup>58</sup> Congress also streamlined electoral procedures, making examination of electors' credentials part of the voting act.<sup>59</sup> Honduran politician Joaquín Lindo called not just for disarmed voters, but regulations to ensure that troops withdrew from towns holding elections, and the presence of 2/3 of electors for voting to take place.<sup>60</sup> Accepting Lindo's ANC proposal, each country required the presence of 2/3 of electors to hold elections, but only a simple majority to elect deputies, executives and justices.

Who could vote? In the federal period, citizenship was, if not universal, at least broadly conceived and largely followed Cádiz.<sup>61</sup> For each state, the age of majority was 18 (earlier if married in some), and men with known means of support could vote and stand for office regardless (at least on paper) of race; elected and appointed offices had additional requirements,

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<sup>52</sup> See Dym, *From Sovereign Villages*, 207-210, for discussions of adaptation of *ayuntamientos constitucionales*.

<sup>53</sup> France in 1791 had a "sénat conservateur" and Chile's 1822 constitution seems to be the only contemporary Spanish American constitution foreseeing direct reelection of the executive (Art. 81).

<sup>54</sup> Federal Constitution (1824), Art 53; Costa Rica (1826), Art. 35, on public meetings.

<sup>55</sup> Federal Constitution (1824), Tit X; Guatemala (1825), Title III; Nicaragua (1826), Title V; Costa Rica (1825), Chap. 5; Costa Rica was the only state to develop separate electoral structures for state and federal elections.

<sup>56</sup> Federal Constitution (1824), Art. 48, 69.26. Guatemala (1825), Arts. 84, 85, 94.19, 20; Nicaragua (1826), Art. 17, 81.18, 19; Honduras (1825), Art. 16.

<sup>57</sup> AGCA, B 91-2465, f. 4, ANC, 8-10 July 1824, Proposición, 8 July 1824.

<sup>58</sup> Dym, *From Sovereign Villages*, 197-199.

<sup>59</sup> AGCA, B 91-2464, f. 1, ANC, Gálvez Proposición, approved 18 June 1824.

<sup>60</sup> AGCA, B 91-2458, f. 14, ANC, Joaquín Lindo Proposición, 31 December, 1823, pts. 4, 5.

<sup>61</sup> Jordana Dym, "Citizen of Which Republic."

ranging from property, education, and age to birth or residence or naturalization in Central America.<sup>62</sup> Citizenship and voting rights (but not nationality) could be temporarily or permanently “suspended” or lost for a range of actions, from engaging in domestic service or incurring debt to accepting a title from a foreign government or engaging in criminal activity.<sup>63</sup>

Some important breaks with Hispanic American precedent suggest a commitment to representative government but also underline how large a project was undertaken. Confirming abandonment of separate “republics” for Spaniards, Natives and others in the Federal Constitution, residence and loyalty, rather than race or place of birth, were the primary criteria for extending rights, and neither property holding nor literacy were included as indirect ways of disenfranchising the poor or marginalized. Central America’s choice broke with Cádiz’ exclusion of Africans as citizens and also with provision to make literacy required for citizenship from 1830; the ANC foreshadowed this expansion of the body politic by abolishing slavery by decree on 4 August 1823.<sup>64</sup>

Also, the 1812 Spanish constitution’s indirect suffrage was only used to elect a handful of legislative and administrative officials: deputies to the Cortes and the DP. In 1824, Central American legislators adapted this cumbersome model for all branches of government, increasing the number of electoral events and positions within government, with one important exception. The executive branch of each state appointed department (provincial) governors (jefes departamentales), as the Spanish Crown had done, rather than having residents elect governors as in the United States. These officials, like other executive appointees, were to be chosen from a slate proposed by each government’s Consejo Representativo.<sup>65</sup> That this system substantially increased the number of elected officials has received little attention in Central American historiography. Perhaps two hundred years of republicanism in the Americas makes such choices seem natural. At the time, however, at least one deputy wondered whether the 286 positions he calculated that the six governments created could be filled; the answer was with difficulty, as implementation revealed.<sup>66</sup>

### **Electoral Practice (1824-1839)**

The 1812 Constitution might have accustomed Central Americans to elect their municipal officials and representatives to a regional assembly, but nothing really prepared them for elections of state and federal officials in executive or judicial roles. That is, a real innovation of the 1820s Constitutions was to leap fully into elections by the people’s representatives of most of the state’s highest authorities. Yet Central America’s only experience in selecting a regional or national representative was the 1809 election by a dozen municipalities of the Suprema Junta delegate. As in that case, a few Central Americans had enough of a regional profile to attract substantial popular votes, such as the two contestants who split the votes in spring 1825 for the first federal presidency: José Cecilio del Valle, of Choluteca, Honduras and Guatemala City,

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<sup>62</sup> Voting age was 18, with variations, depending on age, marital status and income. See Constitutions: Federation, Art. 14; Guatemala, Art 46.1; Honduras, Art. 8; El Salvador, Art. 8; Nicaragua, Art. 18; Costa Rica, Art. 19 .

<sup>63</sup> Constitución Federal, Articles 20, 21. See also

<sup>64</sup> Spanish Constitution (1812), Art. 25.6; AGCA B 91-2453, f1, ANC, proposal, 17 July 1823.

<sup>65</sup> Constitution: Federation (1825), Art 102; El Salvador (1824), Art. 35.6; Guatemala (1825), Art. 127, Honduras (1825), Art 38.5; Nicaragua (1826), Art. 99.5.

<sup>66</sup> Marure, *Bosquejo Histórico*, I:202-203, offers a summary of the debate between federalists (conservatives) and centralists (liberals) over federal state structure. Other issues debated were methods of electing judges; “excessive extension given to electoral law” and limitations on executive power and excessive senate power.

author of the act of independence, royal bureaucrat and newspaper editor, and Manuel José Arce, of San Salvador, who had led opposition to Salvador's union to Mexico.<sup>67</sup>

Extensive scholarship on Nicaragua's elections by Xiomara Avendaño suggests that, in general, cumbersome three-tier voting procedures were respected and implemented.<sup>68</sup> Similarly, incomplete electoral and congressional documents covering the 1820s through the 1840s in Sonsonate (El Salvador), Guatemala City and Antigua (Guatemala), and Tegucigalpa and Danlí (Honduras) tend to support the basic conclusion that citizens and juntas assembled on a regular basis, read out the legislation in force, addressed challenges to voter qualifications, and voted.<sup>69</sup> However, while several thousand electors might participate in selecting *electores de partido*, Guatemala and Costa Rica respectively had only 162 and 119 *electores de distrito* in 1825 (see Figure1); Nicaragua had between 90 and 180 in the federal period.<sup>70</sup>

# T A B L A

á que deben arreglarse los partidos del Estado de Costa-rica  
para la eleccion de sus Diputados.

Esta señal A. manifiesta donde deben reunirse los electores parroquiales á  
nombrar los de partido, y esta B. donde los de partido á  
elegir los Diputados y Suplentes, igualmente que  
sufragar para los otros Supremos  
Poderes del Estado.

## ELECTORES.

PARTIDOS.	DE PARROQUIA.	DE PARTIDO.	Diputados.	Suplentes.
De San Jose Almas 16,288	San Jose. A. B. 31 Curridabat 1 Aserrí 1	11	3	1
De Cartago Almas 12,330	Cartago. A. B. 22 Cot. 1 Quircot 1 Tobosi 1 Tres-Rios 1	8	2	1
De Heredia Almas 12,260	Heredia. A. B. 22 Barba 3	8	2	1
De Alajuela Almas 8,027	Alajuela A. B. 16	5	2	1
De Bagaces Almas 1,444.	Bagaces A. 1 Cañas 1 Esparza 1	1	1	0
De Escazú Almas 3,273.	Escazú A. B. 5 Pacaca 2	3	1	0
De Ujarras Almas 2,505.	Ujarras A. B. 3 Orosi. 2 Tucurrique. 1	2	1	0
De Terraba Almas 1,019.	Terraba. A. 2 Boruca. 1	1		

San Jose Enero veinte y seis de mil ochocientos veinte y cinco.—

EL DIPUTADO SECRETARIO  
Manuel Fernandez.

EL DIPUTADO SECRETARIO.  
Felix Romero.

Costa Rica,  
*Recopilación....*  
(1886), p. 83, 85.

These tables give a sense of how the multi-tier electoral system worked.

Costa Rica was the only state to adopt separate voting requirements for state (figure 1.1) and federal (figure 1.2) elections.

Presumably, this was done to ensure more voter participation in the state with the smallest population in which legislative representation for every 30,000 or even 15,000 inhabitants (the figures selected by the other states) would lead to a 4-member state legislature.

<sup>67</sup> Franklin D. Parker, "Jose Cecilio del Valle: Scholar and Patriot," *The Hispanic American Historical Review* 32, no. 4 (1952): 533-4.

<sup>68</sup> See Avendaño, *Elecciones indirectas* and Obregón, *El proceso electoral*.

<sup>69</sup> Avendaño, *Elecciones indirectas*, suggests that the vote to run the junta's *directorio* was competitive, with winners influencing elections. It's an interesting proposition, but she offers no examples or citations here.

<sup>70</sup> Avendaño, *Elecciones indirectas*, 166.



## Tabla á que deben arreglarse las elecciones de individuos para los

Supremos Poderes de la Republica.

<i>Departamentos.</i>	<i>DISTRITOS.</i>	<i>PUEBLOS.</i>	<i>ELECTORES PRIMARIOS.</i>	<i>De distrito.</i>	<i>Representantes.</i>	<i>Suplentes.</i>
<b>O R I E N T A L .</b>	De San Jose.	San Jose B. Curridabat. Aserrí.	..... 62 ..... 1 ..... 2	6		
	De Cartago.	Cartago A. B. Cot. Quiracé Tobosí Unión	..... 44 ..... 2 ..... 1 ..... 1 ..... 2	5	1	1
	De Ujarras.	Ujarras B. Tucurrique Orosí	..... 6 ..... 1 ..... 3	1		
	De Terraba.	Terraba B. Boruca	..... 3 ..... 1	1		
<i>Departamentos.</i>	<i>DISTRITOS.</i>	<i>PUEBLOS.</i>	<i>ELECTORES PRIMARIOS.</i>	<i>De distrito.</i>	<i>Representantes.</i>	<i>Suplentes.</i>
<b>O C C I D E N T A L</b>	De Alajuela.	Alajuela A. B.	..... 32	4		
	De Escazú.	Escazú B. Pacaca	..... 9 ..... 4	2		
	De Cañas.	Cañas B. Bogaces Esparza	..... 2 ..... 2 ..... 1	1	1	1
	De Heredia.	Heredia B. Barba	..... 43 ..... 6	5		

Electoral boards might have been partisan, but seemed generally diligent in documenting challenges and resolving them. When questions occasionally came up – someone challenged an individual’s status as citizen or suspended voting rights—the juntas determined what to do. Sometimes they ignored unwelcome information, as when juntas in Costa Rica and Guatemala refused to consider evidence that young voters were minors.<sup>71</sup> Sonsonate’s particularly complete electoral book details discussions on individual voter qualifications and even whether to hold the election for the district’s federal congressman in 1826 because national independence was in doubt.<sup>72</sup> Overall, the *juntas* seemed well versed in, and willing to develop procedures to implement, the law if the situation required. In Guatemala’s 1837 state elections, the departmental electoral board of Salamá opted to elect a state congressman despite the absence of electors from two distant districts, Peten and Cahabón; circuit judges argued that the districts should be present to hold the elections, but junta members carried the day arguing that the majority of electors were present, that Salamá lacked representation in the previous assembly for the same reason, that Congress had not provided guidance, and met whether Salama’s representative was present or not. While some junta members boycotted the election in protest, Congress’ credentials commission seated the winner.<sup>73</sup>

In general, as seen in the introductory examples, it seems that when bonafide complaints of fraud surfaced and were recorded, laws were consulted, debated and largely followed. In Guatemala’s December 1837 elections for federal vice president, supreme court justice, and congressmen, the congress approved one departmental electoral board which threw out voting results from San Juan Sacatepequez when three witnesses claimed the secretary had misrecorded votes to get him “elected.” Citing the federal constitution and subsequent electoral law, the

<sup>71</sup> AGCA, B 1489-35717 Libro de Elecciones, 1821-1830. Most elections had no challenges. In 1822, a regidor claimed to have been given an anonymous letter that, when opened, said an elector was a minor and too young to serve. Discussion led the charge to be rejected. For Costa Rica case, see Obregón, *El proceso electoral*, x.

<sup>72</sup> Archivo Municipal de Sonsonate, Libro de Elecciones, 1821-1830.

<sup>73</sup> AGCA, C1 L 204, E 5479, Guatemala, Elections, 1837, f 9-11.

board disqualified the elector and continued with the election.<sup>74</sup> Yet the limited number of district and departmental voters and of annual cases itself raises questions: do they indicate a low incidence of problems (and thus a fully functioning electoral system) or a hidden disenfranchisement? Does the wide range of issues reflect substantial fraud or the vagaries of applying regulations in venues with few records or literate voters?

The number of electoral meetings voters and electors had to attend was substantially greater than those foreseen in the constitutions. In theory, executives were elected for 4-year terms; supreme courts, federal and state assemblies, and “conservative powers/senates” rotated one third or one half of their members annually, biennially or every three years; and municipal elections occurred once a year. Thus, an annual election cycle was anticipated. Constitutions called for popular meetings to take place on a particular Sunday, followed by *juntas de partido* two weeks or a month later, and *juntas de departamento* two weeks or a month after that date, extending the electoral period to at least one and up to three months. Interestingly, while some states picked the end of the calendar year (November/December), others opted for early spring (January and February) elections, which must have made ballot collecting for federal office an on-going process (see Table 1). As a result, in 1826, the Federal Congress issued a decree applying its original electoral calendar to all states’ federal elections.<sup>75</sup> Since electors were chosen by individuals to represent them in specific elections, citizens in a municipality had to present themselves for both state and federal elections at least once a year. Electors might have to appear more often, especially since citizens elected not just district and departmental electors, but those who would select city councilors.<sup>76</sup>

**Table 1: Official Electoral Calendar, Federal Period, 1824-1839**

	<b>Junta popular</b>	<b>Junta de distrito/partido</b>	<b>Junta de departamento</b>	<b>Congress Sessions*</b>	<b>Constitution</b>
Federation	First Sunday in October	Second Sunday of November	First Sunday of December	1 March, 3 mo.	1824, Art 29, 66, 67
Guatemala	Same juntas, dates, as federal			1 February, 3 mo.	1825, Art 52.
El Salvador	First Sunday of October	Third Sunday of October	Second Sunday of November	2 January; 60-90 days	1824, Art 15, 18
Honduras	Federal dates for state elections				1825, Art 14, 15
Nicaragua	Federal dates for state elections; Jefe de Estado elected day after federal elections in Junta de departamento			15 January 15, 3 mo.	1826, Art. 49, 78, 101
Costa Rica	First Sunday of January	Third Sunday of January	First Sunday Of February	1 March, 3 mo.	1825, Art 27-29, Art 49

\* All congresses could extend sessions 1 month if necessary (4 months/indefinitely for the first meeting).

In practice, the *juntas* could be called back into session for elections to replace officials in mid-term. Frequent sessions resulted, particularly for municipal posts, due to refusals to serve (excuses ranged from health to business commitments to prior service). As noted above,

<sup>74</sup> AGCA, C1 L 204, E 5479, Guatemala, Elections, 1837, f 5-6v,

<sup>75</sup> Reglamento Electoral de la República Federal de Centroamérica, 31 March 1826, reproduced in Antonio Esgueva Gómez, *Las leyes electorales en la historia de Nicaragua* (Managua: Editorial El Amanecer, 1995), Doc. 46, 232-242.

<sup>76</sup> See for example Guatemala, Constitution (1824), Article 166 (1824) and El Salvador, Reglamento de Jefes Políticos y Municipalidades (1832), Article 54-55.

Guatemala City's ayuntamiento was regularly raided for government officials. In March 1824, *alcalde primero* Antonio Rivera, a lawyer, submitted his resignation because he had been a member of Guatemala's diputación provincial, interim governing junta, and junta preparatoria of the ANC, and claimed he needed to dedicate himself to earning his living as a lawyer to support his family. Four electors offered to pay him a stipend to stay because no other individual "merited the support of the *pueblo*." Rivera rejected the offer as "indecorous" but remained another month, until he was appointed to the state judiciary. Two months later, in June 1824, two more aldermen, Manuel José de Lara and Manuel Beteta, entered the *juzgado de letras* and also resigned from the 17-member city council.<sup>77</sup> In elections for 1825 aldermen, 23 electors showed up in December for the first election and divided their votes fairly evenly (14 to 9 in most cases); they then returned on 8 and 23 January, 1 and 28 March, 2 April, 4 June, 19 July, 19 and 23 September (9 times) to replace the individuals who either would not accept their nomination, had been elected to state or federal posts, or resigned; not surprisingly, fewer electors turned up for later meetings.<sup>78</sup> Through at least 1850, such resignations were typical; electoral books show replacement elections held from January through November at least a few times each year.

In Tegucigalpa and Sonsonate, municipal acts and more limited electoral records from 1824-1850 show that city councilors were regularly absent, resigned, or appointed to state posts--from directors of roads to governors to justices-- suggesting that governments made similar demands on educated, civic-minded individuals to serve not just city but state and federal public office throughout the five states.<sup>79</sup> Incomplete records from Antigua (Guatemala), Tegucigalpa (Honduras) and Sonsonate (El Salvador) confirm multiple electoral *junta* sessions through the 1830s to conduct local, state and federal elections, but also swings in participation. Antigua, Guatemala, for example, had between 15 and 60 electors participate in selecting electores de partido in the 1820s, for a population of 7000 "Spaniards and Mulattos."<sup>80</sup> The wide variation suggests either uneven interest or support for elections. Overall, numbers of participants varied, but in a town like Sonsonate (El Salvador) (with about 4000 residents), voting records from the 1820s and 1830s suggest at least 50-60 individuals participated in elections of *comisarios*.<sup>81</sup> In Guatemala, 1829 state and federal elections showed "popular elections" of 15-28 votes cast in each of 5 *juntas de departamento*, the third-tier electoral bodies. Importantly, even though relatively few individuals participated in the actual election of government officials, there is sign of active dispute for offices. For example, although Guatemala's two main cities, Guatemala and

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<sup>77</sup> Guatemala City Libro de Elecciones, 1824, 3 March, 8 April, ff. 21v-23. Of 13 electors present, 4 intervened; 26v, 19 June 1824.

<sup>78</sup> AGCA B 1489-35717, Guatemala, Libro de Elecciones, 1821-1830, ff. 29-39v. According to Article 166 of the Guatemalan 1825 constitution, all citizens in a municipality would elect "electors" who would, in turn, annually elect the municipality members. The constitution did not specify the number or proportion to be used to determine the number of electors needed.

<sup>79</sup> Jordana Dym, "Cabildo Database," unpublished. Records come from AGCA, Archivo Municipal de Sonsonate, Archivo Nacional de Honduras, and Archivo Municipal de Tegucigalpa. See Dym, *From Sovereign Villages*, Appendix G for a list of state and federal posts filled by all three cities' councilors from 1821, 1830, and 1840.

<sup>80</sup> See Archivo Municipal de Antigua, Libros de elecciones, from 1822-1830; Juarros, *Compendio*, 48.

<sup>81</sup> Archivo Municipal de Sonsonate, Libro de Elecciones, 1821-1830; Juarros, *Compendio*, 19, noted 441 Spaniards, 2795 ladinos and 185 Indios as residents around 1800. In 1853, the municipality reported 4472 residents divided in three electoral cantons in its *Estadística de la Ciudad de Sonsonate...* (San Salvador: Imprenta del Triunfo, 1853). Based on these numbers, Sonsonate should have had around 40 electors, according to the 1832 regulations and xx based on Cádiz criteria.

Totonicapán show almost unanimity of votes, tables showing elections by district show most candidates receiving votes from several departments.<sup>82</sup>

Equally important, the minutes suggest reasons for sustained interest, as discussions show that voting sessions offered more than an opportunity to cast votes, providing participants a venue to discuss policy and national politics. There are caveats, however, to the idea of expansion of citizenship or political engagement through suffrage. Names of voters and junta members for almost twenty years of republican governance reveal an astounding stability: in Sonsonate, family names of citizens active from the late colonial period—Villavicencio, Mencia, Rivas, Vega, Zea, Orantes among others—continue among voters and electors well into the 1830s.<sup>83</sup>

These specific cases, while compelling, raise as many questions as they answer. My cases come principally from former district capitals: did smaller towns follow similar patterns? Did patterns change in countries with more substantial indigenous populations than ladino or mestizo towns? At least one Guatemalan historian, Julio Cesar Pinto Soria, argues that elites used liberalism to destroy network of *pueblos indígenas* with their own justice system; that Indians were averse to elected municipal councils which cut their power; and that the political and juridical equality offered by the constitutions were “fictitious equality” that popular classes immediately saw through and rejected.<sup>84</sup> The liberal project’s insistence on “ladinization” or hispanization of indigenous peoples included the Guatemalan Gálvez administration, which insisted in 1835 that any indigenous who was not wearing shoes, a shirt with a collar, long pants, and a hat, could not serve as *regidor*, *alcalde* or *síndico* or “any other post in the parish.”<sup>85</sup>

Some substantial counter-evidence suggests that, in fact, indigenous village councils not only continued to meet but influenced policy. Sonia Alda Mejías’ study of indigenous cabildos argues that far from being reactionary, Indian communities adapted to and also adapted new political institutions for their own ends. The constitutional system offered *macehuales*, or members of common standing in the community, the opportunity to stand for municipal election against *principales* who had monopolized local powers during the colonial period; one municipal election in Totonicapán (Guatemala) produced one *macehual* and one *principal* as the town’s two *alcaldes*.<sup>86</sup> Lawmakers were certainly aware of concerns of potential disenfranchisement of indigenous commoners, although not necessarily empowered to prevent continued use of traditional “distinctions” as criteria for elections of “empleos consejiles.”<sup>87</sup>

Thus, another level to consider when analyzing the electoral process is not just relations between indigenous communities and the state, a subject of frequent interest to historians, but, as Greg Grandin and Alda Mejía show, inter-community appropriation of new political forms to address local disparities and differences.<sup>88</sup> Beyond this, it appears that indigenous communities

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<sup>82</sup> AGCA, C 111-3261, Elecciones populares del Estado de Guatemala para el año de 1829; and C1 114, 3251 and 3258 for results for federal supreme court and president, and 114-3456 and 3457 for state executive and justices.

<sup>83</sup> Archivo Municipal de Sonsonate, Caja Elecciones, 1821-1839, Libro de Elecciones.

<sup>84</sup> Pinto Soria, “Reformismo liberal,” 5-6, 23-27.

<sup>85</sup> Article 67 of Law, Pinto Soria, “Reformismo liberal,” 12.

<sup>86</sup> Sonia Alda Mejías, “La adaptación histórica de las comunidades indígenas en Guatemala: De cabildos coloniales a municipalidades constitucionales,” *Bicentenario: revista de historia de Chile y América* 3:2 (2004): 125-152, esp. 140, 145-149. See also her *La participación indígena*.

<sup>87</sup> AGCA Proposición, 1824 B 91-2461, f 14: Cordova, 4 March 1824. In the 1824 ANC, José Francisco Cordova called for Congress to examine the “actas de elección” of San Francisco and San Cristoval (Totonicapán) for these reasons.

<sup>88</sup> See discussion of Grandin in post-federation section.

were able to use their representative bodies in a national or state context. In 1838, when the elites of Guatemala's highlands (Los Altos) advanced their project to create a sixth Central American state, Indian village representatives met to discuss their opposition to the project. Throughout February and March, the Zutuhil municipalities of San Pedro, San Juan, San Marcos la Laguna, and Santiago Atitlán wrote the Guatemalan government opposing a new state, which they claimed would harm commerce with Guatemala City. In another instance, when Quetzaltenango sought to collect taxes in Santa Catarina Ixtahuacán (Sololá) and San Sebastián (Retahuleu), the villages held *cabildos abiertos* and refused to pay. Some highland communities turned to Guatemala's government for support, to find that the state only warned Los Altos of complaints from "subjects of an independent state." That is, the indigenous municipalities first sought to resolve their conflict directly with Los Altos authorities and then sought Guatemala's aid, relying both on their congressional representatives and *cabildos abiertos* to organize their response. Only when both state governments appeared deaf to their complaints did they subsequently join a revolt to compel change.<sup>89</sup>

Despite the expansion of electoral institutions and practices during the federal period, there existed loopholes limiting popular election of top state and federal authorities, specifically through provisions for legislative assemblies to resolve electoral disputes. The US Constitution provided for Congress to select a president if no candidate had an absolute majority of votes (likely the model followed by Central American legislators), but this clause was rarely invoked.<sup>90</sup> In Central America, however, assemblies repeatedly called upon similar clauses to "select", "elect" or "name" chiefs of state. At the federal level, the most prominent case of legislative override of the popular vote occurred with the first election of the federal executive. In 1825, Central America's first federal election, José Cecilio del Valle and José Manuel Arce respectively received 41 and 34 electoral district votes of 79 approved by the Federal congress after what historian Ralph Lee Woodward Jr. describes as a "spirited campaign" conducted through "a stream of political handbills and partisan newspapers."<sup>91</sup> With 82 electing territories and 82 possible votes, the constituent assembly determined that Valle had not received a "majority" as the Constitution required, and selected Arce, even though the Congress counted only 79 ballots and could have considered 41 a plurality. Valle, understandably, turned down the post of vice-president.<sup>92</sup> Contemporary Alejandro Marure's analysis shows parties at work in the federal decision, with liberals and conservatives reaching consensus on Arce after he indicated he would not get involved in his home state, San Salvador's, pursuit of a bishopric.<sup>93</sup>

In line with this precedent, legislative assemblies, rather than voters, frequently selected national leaders. In the fall of 1824, the state assembly tallied votes for Guatemala's first elections of chief of state; finding that no candidate had the requisite majority to declare a

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<sup>89</sup> Taracena Arriola, *Invención criolla*, 313–14.

<sup>90</sup> US Constitution, Article II, Section 1, and Twelfth Amendment. In 1825, the House of Representatives elected John Quincy Adams president after a four-way race failed to produce an absolute majority.

<sup>91</sup> Woodward, *Rafael Carrera and the Emergence of the Republic of Guatemala, 1821-1871* (Athens: University of Georgia Press, 1993), 29.

<sup>92</sup> Marure, *Bosquejo histórico*, I: 240-1. This story is a staple of Central American federal history. See for example, Karnes, *Failure of Union*, 56-57, and Woodward, *Rafael Carrera*, 29-30. Franklin Parker make the injustice clearer: the Congress disqualified two ballots for arriving late (one each from El Salvador and Nicaragua) and a third from the Petén district of Guatemala for having results from separate elections by those with liberal and conservative interests.

<sup>93</sup> Marure, *Bosquejo histórico*, I:241-3. Among reasons given for two parties' accord was Arce's greater accessibility and Salvadoran origin helping that state support federation.

popular election, the assembly named Juan Barrundia and Cirilo Flores as chief and vice-chief.<sup>94</sup> Ethel García Buchard reports a parallel case for the selection of Honduras' first chief and vice-chief by the constituent assembly.<sup>95</sup> Obregón's study of Costa Rican presidential elections presents multiple examples of legislative "selection" of presidential candidates overriding popular votes in the nineteenth century, largely because of disputes over the meaning of the "plurality" or "majority" needed to win. Legislatures could also depose executives. Avendaño finds that in 1826-26 the Legislative Assembly of Nicaragua used its faculty to "separate from command" the first two *jefes de estado*; in subsequent years, the Assembly also chose the president when elections failed to produce a majority.<sup>96</sup>

Since legislatures counted ballots not just for executive positions but also for the judiciary and legislature, they could influence the process of selection of these institutions' members as well. That is, legislative selection of officials was more deeply enracinated than emphasis on executive branch elections might suggest. As early as 1825, the Federal Congress decreed that its members had miscounted supreme court justice ballots, mistakenly concluding that Manuel de la Cerda had been popularly elected. To rectify the mistake, the assembly invoked its faculty to select a winner when an election did not produce an absolute majority, selecting de la Cerda who had already been sworn in.<sup>97</sup> Congresses also influenced elections through committees to examine new congressmen's credentials, that is, to approve or reject elections. The committees reviewed dozens of cases for each session, and approved most credentials immediately. Some cases, however, were problematic. When debts raised question about José Valero's citizenship and eligibility, Guatemala's congressional electoral committee disagreed on how to evaluate the debts, and when they were incurred.<sup>98</sup> Despite substantial influence, the committees did recognize limits. Guatemala's 1829 commission determined it lacked necessary faculties to evaluate the electoral acts of the department of Totonicapán, which revealed that "the indigenous of Momostenango had refused to vote until they received their king."<sup>99</sup> A final legislative branch authority was to vet local elections, which also could have ramifications. So when Nicaragua was in a civil war in 1834 and the León-based legislature believed *actas* from several Granada municipalities complaining of "intrigues and oppressions" in electoral procedures, the legislature voided the elections and ordered new (and presumably more sympathetic) electoral juntas to run new elections.<sup>100</sup>

Each example demonstrates the important role played by legislative assemblies and their committees in confirming or rejecting popular votes, as well as in electing or deposing heads of state. They also show the confusing range of issues that might influence popular elections having nothing to do with "coercion" and yet still potentially disrupt democratic processes. In addition, plenty of evidence reveals selective invocation of, or entire disregard for, legal requirements, as in 1826, when the group that controlled Guatemala's legislative committees authorized replacement of all rather than half the members of the *consejo conservador* to try to increase its representation in that body. Yet, as Alejandro Marure observed a few years later, "despite the resentments generated by the great arguments [in the federal and state

<sup>94</sup> Marure, *Bosquejo*, I:198.

<sup>95</sup> García Buchard, "El camino hacia la centralización," 3.

<sup>96</sup> Avendano, *Elecciones indirectas*, 67-8, 76.

<sup>97</sup> AGCA B 4126-29708, f 28, Orden 193, Congreso Federal.

<sup>98</sup> AGCA C1 111 3223, 2a Legislatura, Actas publicas de sesiones ordinarias de 30 de julio a 6 de Diciembre de 1829, f2v. 31 July 1829.

<sup>99</sup> AGCA C1 111 3223, 2a Legislatura, Actas publicas... 1829, f. 10v, 8 August, para. 5.

<sup>100</sup> Decreto, 3 December 1834, in Esgueva Gómez, *Las leyes electorales*, Doc. 56, 275-276.

governments]...things continued with a lot of regularity.”<sup>101</sup> The documentary evidence supports both the existence of heated political disputes and the holding of, regular elections .

The role of legislative assemblies in the political and electoral process requires further exploration, given the centrality acquired by legislatures in the new constitutional orders. Descriptions of congress’ role, for example, comes before that of executive powers in every constitution from Cádiz in 1812 forward.<sup>102</sup> Most constitutions explicitly gave state and federal assemblies substantial leeway in approving or even choosing executive authorities. Yet while the *pronunciamientos* of cities and strongmen which superseded electoral process come in for serious scrutiny,<sup>103</sup> historians have largely overlooked the examination of similar legislative acts. Take for example a decision of Costa Rica’s legislative assembly in April 1829, to temporarily separate from the federation “until the reestablishment of the constitutional federal order.”<sup>104</sup>

Finally, some ancien regime political practices did not change in federal Central America, despite a revamping of the legal structure. The habits of petition and negotiation with imperial authorities did not die easily, and helped make the new system work when official mechanisms failed. Municipalities retained their role as intermediaries between communities and state government, frequently using queries, petitions and even pronouncements to influence policy and contribute to the rise and fall of governments.<sup>105</sup> In 1826, for example, when Nicaragua’s first chief of state, Manuel Antonio de la Cerda, was dismissed by the legislative assembly as a despot, several municipalities issued *actas* to call him back to power. When two of the assemblies’ choices for new chief went to war, de la Cerda took his oath in front of the Managua cabildo rather than the assembly, contrary to what custom and the constitution would expect.<sup>106</sup>

### **Post-Federation: 1838 –ca. 1850**

The failure of the Central American union marks the legal as well as practical break with Cádiz era democratic governance. If elections of state (now national) officials continued, political freedom was at best intermittent and at worst replaced by extra-legal selection of political authorities. That said, most of the new republics drafted constitutions shortly after separating from the federation, offering a glimpse of how ideas about elections had evolved since independence and showing a more varied approach to representative government.

Nicaragua (1838), Honduras (1839), Costa Rica (1841) and El Salvador (1841) summoned constituent assemblies that quickly issued new *magna cartas* that set the stage for the conservative period, with most reformed or rewritten by the late 1840s.<sup>107</sup> Guatemala, however, failed to adopt a new constitutional framework until 1851, operating instead with three fundamental laws. When it did legislate a new system, it was only to adopt president for life to ensure Rafael Carrera’s retention of power. These constitutions and state laws enacted throughout the 1840s, reflect some “lessons learned” from the first attempts at representative government, and are generally considered “conservative” responses to liberal experiments which

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<sup>101</sup> Marure, *Bosquejo histórico* , I: 253-5.

<sup>102</sup> Both the US Constitution and Cádiz Constitution (1812) had similar structures; Central America’s constitutions adopted discussion of legislatures prior to judicial and executive branches of government.

<sup>103</sup> See in particular, Alda Mejías, “El derecho de elección.”

<sup>104</sup> Obregón, *El proceso electoral*, 80.

<sup>105</sup> See Dym, *From Sovereign Villages*, 210-213, 234-241.

<sup>106</sup> Avendaño, *Elecciones indirectas*, 68-69. See Alda Mejías, “El derecho de elección,” for the period 1838-1872.

<sup>107</sup> Before 1870, Honduras had two additional constitutions (1848, 1865), El Salvador one (1864), Nicaragua two (1854, 1858) and Costa Rica six (1841, 1844, 1847, 1848, 1859, and 1869).

remained in place until the 1850s or 1860s.<sup>108</sup> In this period, tendencies were more mixed than unidirectional, perhaps reflecting lived electoral experience and efforts to address individual states' needs. Several states adopted direct election of national leaders for the first time. However, this period also saw efforts to disenfranchise indigenous residents and revert to the "two republic" system of the colonial period. The tension between democratic institutions and undemocratic practices, such as coups d'état, particularly at national level, largely brought the federal experiment in democracy to a close, leaving a mixed legacy for the separate Central American republics.

After their separation from the federation, the Central American states continued to declare themselves "republican, popular and representative," but the constitutions of the late 1830s instituted some important changes. First, the "fourth power" was replaced in most states with a bicameral congress; *juntas de distrito* would select deputies and each *junta de departamento* would elect two senators.<sup>109</sup> Second, fear of strong executives emerged, leading to two-year presidential terms and rejection of immediate second terms.<sup>110</sup> Third, legislation specified that candidates for local posts be local residents.

Most importantly for this study, the Cádiz-based system of indirect elections was largely discarded. Taking a common approach, Nicaragua, El Salvador and Honduras adopted direct elections of most or all state executive, legislative, and judicial positions.<sup>111</sup> In contrast, Guatemala hewed overtly to colonial models from 1839-1845, and introduced greater restrictions in voting and increased qualifications for office holding. Its 1839 Law 76 retained indirect elections and Law 73 organizing the state's judicial authorities not only revived colonial names for justices used in the *audiencia* (regente, oidor), but had the legislature rather than the *juntas electorales* select only individuals with 5 years' experience working as a lawyer.<sup>112</sup> This professionalization of the judiciary, while possible to interpret as a reduction of popular rights, seems more importantly an effort to bring qualified persons to key positions.

Significant continuities that undermined popular election of national figures continued in practice. Legislative selection, as opposed to popular election, of state officials remained as provisions in constitutional texts. Either despite the uncertainty of the federal period, or because of it, constituent assemblies determined that their successor congresses and senates would continue to make interim and even some permanent appointments. In 1838, Nicaragua's Constitution stated that in the absence of the executive, the Chamber of Deputies would "name" a Senator for temporary replacement; if a permanent substitute was needed and over half the original term remained, congressmen would "elect" the new officeholder from among those had received votes in the prior election.<sup>113</sup> Starting in 1839, the Honduran Chamber of Representatives could "elect" three *suplentes* from among presidential candidates to take over

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<sup>108</sup> Alda Mejías work is an exception to this overdrawn liberal/conservative divide, emphasizing central governments' consistent interest in consolidating power, through different methods and approaches, and with continued respect for community interests.

<sup>109</sup> Nicaragua (1838), Arts. 51, 91, 99; Honduras (1839), Arts. 17, 92; Honduras (1848), Art. 15; El Salvador (1841), Arts. 2, 13; Nicaragua (1838), Art. 49.

<sup>110</sup> Nicaragua (1838), Art. 132; Honduras (1839), Art. 46 (allows 1 reelection); Honduras (1839), 47 (Pres); El Salvador (1841), Art. 44; Costa Rica (1844), Art. 128.

<sup>111</sup> El Salvador (1841), Art. 10; Nicaragua (1838), Art. 54. The 1838 Nicaraguan constitution limited three-step indirect voting to senators; other posts, including "director de estado" and legislature, were elected in two; Costa Rica (1844), Arts 53, 97, 120.

<sup>112</sup> Guatemala, Law 73, 1839, Articles 2 and 4.

<sup>113</sup> Nicaragua (1838). Art. 26.



the post “in case of impediment.”<sup>114</sup> El Salvador’s newspapers from the 1840s confirm the continued practice, and its acceptance.<sup>115</sup>

Both Guatemala and Nicaragua enacted overtly exclusionary legislation regarding indigenous citizens. Indigenous villages’ right to elect their own municipality were limited (at least on paper), while there were (both theory and practice) increasing opportunities for the sale of village *ejido* lands to private and individual owners.<sup>116</sup> Costa Rica followed suit in 1849, disbanding indigenous municipalities as part of privatization schemes to increase land for coffee-growing.<sup>117</sup> However, as limited archival research shows, such legislation was not necessarily effective. Documentary evidence from the 1860s, a generation after its implementation, serves to show how weak some legislation was. When in 1862, Nicaragua indigenous villages used their right of protest, citing 300 years of privileges (*regalías*), the Senate allowed at least one petitioning town to elect its own *alcaldes* and *regidores*, based on colonial legislation. This set a precedent in which both indigenous communities and national authorities accepted the principles of imperial law, and negotiation. In subsequent years, as Avendaño shows, “cabildos indígenas” continued to petition the departmental chief who, in turn, negotiated especially on issues of land privatization.<sup>118</sup> Thus, eliminating the indigenous municipality seems to have been out of the state’s reach, although reduction of such towns to their pre-independence lower political status seems to be a status quo that kept the peace.

It is possible to assume that the right of petition or reclamation served indigenous communities throughout Central America.<sup>119</sup> Violence and disputes that broke out beyond the state’s institutions frequently pit Indian communities against each other, rather than against Creole or ladino landholders.<sup>120</sup> Additional research would need to confirm, as Avendaño has put it, whether indigenous “citizens” were essentially relegated back to the status of “vecinos,” without the right to participate in broader provincial or national electoral processes and citizenship.<sup>121</sup> Alda Mejías and Avendaño do not analyze lists of voters and electors in order to distinguish indigenous representatives in national elections, but do attest to their influence in national politics, if not higher office. Since Nicaragua’s 1838 constitution stated that those who lived in a *población* with fewer than the 300 residents needed to host a *junta popular* to vote in the nearest town, a provision dating back to the first Central American constitutions, it is possible that electoral lists from medium-sized towns might show indigenous voters. Without hard evidence, it is difficult to reach absolute conclusions.<sup>122</sup> Still, cases such as those provided by Grandin, Avendaño and Alda Mejías argue for more nuanced understanding of indigenous communities, with their own internal divisions of elites and disenfranchised.

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<sup>114</sup> Honduras, (1839), Art. 41.

<sup>115</sup> See examples throughout Arturo Taracena Arriola, ed., *Periódicos Salvadoreños de la primera mitad del siglo XIX* (San Salvador: Fundación Dr Manuel Gallardo y CEMCA, ca. 1995). See especially issues 18 and 19 of *El Iris Salvadoreño* in 1837 for legislative decrees on government members elected and selected by popular and legislative vote.

<sup>116</sup> See Alda Mejías, *Participación indígena*.

<sup>117</sup> Molina Jiménez, *Costa Rica (1800-1850)*, 304-305.

<sup>118</sup> Avendaño, *Elecciones indirectas*, 88-91. In 1847, an unimplemented law limited municipalities to 13 bigger settlements, and an 1853 law, according to Avendaño, restricted Indians’ right to elect their own municipality.

<sup>119</sup> See for example, Greg Grandin, “The Strange Case of “La Mancha Negra”: Maya-State Relations in Nineteenth-Century Guatemala,” *Hispanic American Historical Review*, 77:2 (1997): 211-243, esp. 216 and 229.

<sup>120</sup> Grandin, “Strange Case,” 218-219.

<sup>121</sup> Avendaño, *Elecciones indirectas*, 89.

<sup>122</sup> Nicaragua, Constitution (1838), Art. 67.

Although formal political parties in Central America were only established in later decades, the post-federation period shows some shared information and coordination among voters. In Nicaragua the 1838 electoral law stipulated three days for conducting elections, from 9am to 6pm. Voting was oral, by individuals. However, the law explicitly permitted a voter to bring a written ballot “governing his vote.” Such a ballot could not substitute for the oral vote, since the law specified that the voter “must state his vote out loud,” but did show awareness and acceptance of some pre-electoral organization and discussion.<sup>123</sup> The electoral role of newspapers and pamphlets remains to be studied.<sup>124</sup>

Another complicating factor was that towns continued to operate as autonomous entities when state and federal governments wobbled, retaining their sense of a communal right to decide allegiance, rather than accept state sovereignty and express their political voice only through electing representatives. Municipal referenda, invoked in times of state or federal power vacuums, did little to discourage such acts. On 14 February 1845, the newspaper *El Salvador Regenerado* opened with a section labeled *pronunciamientos*, which included acts from 10 municipalities thanking the Vice-President for overthrowing president Francisco Malespin; the only “vote” demanded by the towns was to put their acts in the hands of a newly convened legislative assembly to make known their support.<sup>125</sup> Such sense of authority was also invoked in relations between cities. When Tegucigalpa received neighboring town Danli’s notice in 1845 that it had revoked its *pronunciamiento* switching its allegiance back to Honduras from Nicaragua, Tegucigalpa welcomed the decision, replying that it was “highly commendable and agreeable that this municipal corps had in some manner saved its error and returned to its duty, obeying our superior government.”<sup>126</sup> Thus even as governments moved to direct elections and individualized voting, cities large and small continued to reflect community interests directly to those in power.

## Conclusion

In 1850, the novelist and statesman José Milla argued in a newspaper editorial that the federal electoral system was “improperly called popular”: it was “detested by the masses and the respectable classes of society” for its exploitation of illiterate Indians unaware of the consequences of their vote.<sup>127</sup> As the discussion above suggests, this deprecatory opinion may represent mid-nineteenth century values better than popular or elite response to electoral politics from independence through the 1840s. During this period, local, district and departamental elections of municipal councils, judges, congressmen and executives occurred on a regular basis, albeit with a shifting constellation of legislation and many unscheduled and unconstitutional changes of state and federal governments.

The Central American experience, as examined in this chapter, was marked by several features which should be highlighted. First, one hallmark of the federal-period electoral process was continual, if limited, voter turnout, despite wars and unstable state and federal governments.

<sup>123</sup> Nicaragua, *Recopilación*, Ley de 21 diciembre de 1838, 403.

<sup>124</sup> Alda Mejía, *Participación indígena*, draws from newspapers to show electoral arguments made, which gets at elite discourse and legislation, but does not correlate them directly with influence on specific elections.

<sup>125</sup> *El Salvador Regenerado*, “Pronunciamientos,” 14 February 1845, in Taracena Arriola, ed., *Periódicos salvadoreños*.

<sup>126</sup> Archivo Municipal de Tegucigalpa, Actas, Tegucigalpa, 11 January 1845.

<sup>127</sup> Cited in Woodward, “The Formation of Regional Identity in Central America during the First Half-Century of Independence, 1821-1871,” *Arts et Identité Régionale*, Université de Perpignan, September 2000, at <http://enterprise.is/tcu.edu/~rwoodward/perpign.htm> (consulted 11/6/2001).

Second, many individuals who voted and were voted for were active between 1808 and 1839. Thirdly most citizens' voting experiences was limited to expressing their vote for local authorities or members of district electoral boards. Whether one believes in the value of this "electoral college" system or not, it is important to realize the limited opportunity to vote for an unknown or distant candidate to high office until the 1840s. Fourthly, legislators—whose unique prior experience to serving independent countries was within the bureaucracy and structure of absolute and then constitutional monarchy—underwent an important learning process. The legislation and debates often reflected good-faith efforts to blend the old with the new. Among the novelties, the original representative institution—which made executive, legislative and judicial authorities elective—stood out. In addition, there were various forms of legislative and advisory bodies to consider.

Alongside these new institutions, traditional methods of political expression continued to operate: from petitions now targeted to legislatures and executives to pronouncements of municipal governments. What Romana Falcón calls the "art of the petition" for late nineteenth-century Mexico had colonial roots and manifested in Central America after independence.<sup>128</sup> Such collective expressions of political opinion or protest may be a reflection of multiple forms of representation that were as likely to contribute to state or nation building as to hinder them. They could be considered as a facet of early Central American process of democratization, which has been explored productively by Xiomara Avendaño and Sonia Alda Mejías among others, and worth of further theoretical and archival exploration.

On balance, the record shows concerted efforts to respect a traditional distribution of political power, keeping municipal councils as important political and administrative bodies and retaining the executive's control over appointment of departmental governors, for example. Some federal-era experiments did not work, such as creating a "conservative body" that seemed to cross the form and functions of a senate and a council of state, or applying the complex and time-consuming Cádiz electoral system to three separate branches of government. Faced with such failures, subsequent Central American states adopted the developing "standard" bicameral legislature and expanded direct popular elections. In the end, the democratic legacy of this age of revolutions was mixed. Central America's adoption of representative institutions was a sincere effort that produced relatively free and fair elections at the local level that showed popular interest and competence, but colonial practices coupled with abuse of office or extralegal actions at the state and federal levels showed the disadvantages as well as benefits of a representative system. These processes were the origins of the troubled paths that followed.

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<sup>128</sup> Romana Falcón, "El arte de la petición: rituales de obediencia y negociación, México, segunda mitad del siglo XIX," *Hispanic American Historical Review* 86:3 (2006): 467-500.