Introduction

> Two election day bomb explosions targeting a police convoy near Chechnya served as a reminder of the tensions around the once-breakaway republic . . . now more or less under control by a Kremlin-backed administration, President Ramzan Kadyrov predicted 95 percent to 100 percent turnout.
>
> Associated Press, March 2, 2008

INTRODUCTION

This volume's genesis is the late Alexander Sobyanin's (1993, 1994) attempt to develop methods for detecting fraud in Russian elections.[1] Motivated by the desire to see a transition to a legitimate democracy, Sobyanin's immediate concern was Russia's 1993 constitutional referendum and his belief that the vote had been fraudulently augmented to ensure a turnout exceeding the 50 percent threshold required for ratification of a document tailored to President Boris Yeltsin's taste.

[1] The research reported in this volume was funded almost exclusively by a sequence of grants from the National Council for East European and Eurasian Affairs. In addition, there are of course a great many individuals – spouses, colleagues, and friends – whom we might thank for their encouragement and contributions to this volume. However, we would especially like to acknowledge George Breslauer who, as editor of *Post-Soviet Affairs*, encouraged our enterprise from its very inception. Unsurprisingly, then, parts of Chapters 3, 4, and 5 appeared earlier in his journal (Myagkov et al. 2005, 2007) as did some of the precursors of this work (Myagkov and Ordeshook 2004, Myagkov, Ordeshook, and Sobyanin 1997).

Despite Sobyanin's impressive credentials as a scientist, two of this volume's coauthors disagreed among themselves and with him as to the validity of his methods. Nevertheless, it was evident that developing ways to detect election fraud in the former Soviet Union using official data was essential, if only because comprehensive and objective on-the-ground monitoring of elections would be a problem for the foreseeable future.

That fraud existed in some form in Russia and other parts of the former Soviet Union seemed self-evident. As one of us commented with tongue in cheek, "if you had an election, you had fraud. The only question is: How much?" Of course, Russia was a somewhat special case in that not only were the institutional and judicial components of a democratic transition ill-formed, but many of the same people who oversaw "elections" during the Soviet era maintained their positions and old habits. Thus, while Sobyanin's methods and statistics might have been less than compelling scientifically, his a priori assessment was eminently reasonable. This volume, then, represents our efforts at refining some of his methods, discarding others, and developing new ones. At the outset, however, we warn the reader that the things we propose as forensic indicators or fingerprints of fraud are applicable only to political systems in which fraud in the form of ballot stuffing, vote stealing, and the artificial manufacture of official summaries occurs on a scale that has long passed into history in the West. A few hundred fudged votes here and there or the inconsistent sorting of valid from invalid ballots in a handful of cases will go undetected by our methods. Moreover, our concerns differ from those who study alleged manipulations of the vote in, say, the United States, where the issue is, more often than not, the biases occasioned by alternative ballot forms and voting technologies or, in a more sinister vein, with attempts at minimizing the vote of the opposition by discouraging participation in subtle ways such as allocating too few polling booths to specific locations.

The challenges of detecting fraud in Russia, Ukraine, and other such states are of a different type and different order of magnitude. The issue is not whether three or four hundred votes were uncounted in some region or district, but rather whether fraud entails the falsification of hundreds of thousands versus millions of votes. Nor are we concerned with whether the electronic voting machines in some precinct lost their electricity before the polls closed, but rather with

whether official ballot counts bear any relationship whatsoever to actual ballots cast. Not only are the issues different in the United States versus Russia, but the data is as well. For historical reasons, the United States poses the challenge occasioned by a highly decentralized system wherein the quality and form of data can vary significantly not only across states, but across counties with a state. The United States is also a mobile society with a rapidly growing population, relative to Europe and the former USSR. Thus, even if we successfully secure a state's precinct level returns in an analyzable format, matching precincts from one election to the next so as to form a time series is a virtual impossibility – precinct boundaries seem at times to change with the seasons. We could, of course, aggregate up to the level of counties – the usual definition of an "election district" – since their geographic boundaries rarely change. But analyzing data across counties is often an apples and oranges comparison. Although the average population of a county in the United States (slightly less than 100,000) is comparable to a Russian or Ukrainian rayon (approximately 50,000), the population variance across counties is something unknown in the former USSR. For example, of the 254 counties in Texas, the largest is Harris (Houston) with 3.9 million and the smallest is Loving with a population under 60. In fact, eighteen counties in Texas have populations less than 2,000, and King county with 287 is smaller than all but 168 of the 2,480 *precincts* in the Ukrainian oblast of Donetsk. Treating election returns from Loving or King as a data point on a par with numbers from Harris or Dallas County (2.3 million) is simply nonsense.

In Russia and Ukraine, in contrast, precinct, election district, and rayon (county) definitions are far less dynamic. Moreover, elections in each country of the former USSR are administered by a central commission, thereby guaranteeing that the data from each part of each country is in an identical form. Thus, creating a meaningful time series is, although time consuming, both feasible and meaningful. Of course, places such as Russia pose an alternative challenge. If a central election commission decides that access to its data does not serve the interests of the incumbent regime, it can preclude access throughout the country (or, as has been the case, it can make securing the data very much a covert activity fraught

with obstacles and dangers unfamiliar to those who study elections in the West).[2]

There is, though, a compensating advantage insofar as the applicability of our methods is concerned owing to inherited Soviet demographics. Those methods, because they treat only aggregate data, are necessarily sensitive to the problems of aggregation error – to the fact that when data are aggregated, information is lost in potentially problematical ways. For example, if we combine data from say urban and rural precincts, we lose information about differences between urban and rural voting patterns. If we then attempt to analyze data that contains observations with different mixes of urban and rural voters, we can arrive at wholly inappropriate inferences. Whenever possible in places such as Russia and Ukraine, then, we ought to separate urban from rural data when we expect, a priori, that there are differences in voting patterns across subsamples that impact the performance of our indicators. The advantage here, though, is that when treating, say, precincts classified as urban, we have some confidence that we are dealing with an otherwise relatively homogeneous subsample that minimizes aggregation error and the problems of ecological inference (especially if, in Russia, we further distinguish between republic and nonrepublic regions or in Ukraine, between East and West). A simple urban-rural classification of the data in the United States, in contrast, is likely to be far less satisfactory. In the United States people sort themselves into neighborhoods within

[2] Our data throughout is official as gathered by either Ukraine or Russia's Central Elections Commissions, with the core source being their respective Web sites. The official Web site of Ukraine's CEC is a model that other countries (including the United States) ought to follow. In contrast, official data in Russia are not generally presented in analyzable or readily accessible form. Data there appear on their official Web site in the form of electronic maps with pop-up numbers at the rayon level, but this information is available only for a short period of time beginning with 2003. Comprehensive data and data from earlier elections can be obtained only through "leaks" from the CEC. Thus, our analysis is based on the compilation of data from sources with access to these leaks, with appropriate checks for consistency with aggregated official reports. We are indebted to a number of people and organizations that helped in the collection and organization of the data including (but not limited to) Nikolai Petrov and Alexi Titkov of the Carnegie Foundation Moscow, Andrei Berezkin of Espar-Analitik Consulting Moscow, Vyacheslav Nikonov of Polity Foundation Moscow, Alexander Kireev of the University of Washington Seattle, Andrei Kunov of the Russian Institute for Open Economy Moscow (since closed by Putin), Dimitriy Oreshkin of Merkator Moscow, and Alexander Sobyanin, deceased.

the same urban area on the basis of a variety of demographic dimensions, most notably income, ethnicity, and race. Thus, precinct level data drawn from a single urban area are not likely to be homogeneous across a variety of dimensions relevant to how people vote. In places such as Russia and Ukraine, in contrast, no such sorting was possible (until only recently) since one inheritance of a Soviet past was the assignment of residence on a basis that often defied systematic explanation.

The issue of heterogeneity is especially salient in this study. In effect, the indicators of fraud we offer here either assume homogeneity or assume that appropriate controls are in place for those things that simultaneously correlate with, say, turnout and a candidate or party's relative support. Those indicators then look for various violations of homogeneity occasioned by various forms of fraud, which can give false signals in either direction to the extent that there are unknown or uncontrolled sources of heterogeneity. Since we believe we have a good understanding of the demographic variables relevant to voting in Russia and Ukraine, these two countries are a natural laboratory for the development of forensic indicators of fraud.

Russia in particular presents another distinct advantage in terms of developing and testing our indicators. Specifically, we have good a priori reasons for supposing that fraud throughout the post-Soviet era has been especially prevalent in specific parts of the country; namely, the ethnic republics of Tatarstan, Dagestan, and Bashkortostan (and to this list we can at a minimum add, during Putin's regime, the republics of Chechnya, Ingushetia and Cherkassy). Not only are these republics governed by "presidents" who have been reelected throughout the post-Soviet era without political opposition, but a majority of precincts within any number of their oblasts uniformly report 100 percent turnout with 100 percent of the vote going, at least since 2003, to Putin or Putin's party.[3] Such instances of blatant falsifications or voter intimidation provide a ready means for making

[3] Tatarstan is governed by M. Shamaimiev, elected president of the republic in uncontested elections in 1991, 1996, 2001, and 2005; Bashkortostan, by M. Raximev, who has been the republic's president since 1993; and Dagestan, until 2006, by chairman of the State Council M. Magomedov beginning in 1987.

certain that our forensic indicators signal electoral irregularities where and when we know they exist.

This introduction warrants a specific comment about Russia. The period of time during which this volume is being written includes Russia's March 2, 2008, presidential "election" and the coronation of Dmitry Medvedev as Putin's successor. We do not, though, include data from that vote for the simple reason that calling it an election denigrates the meaning of the word. We cannot say what definition of democracy Mr. Putin had in mind when he asserted in 2007 that "I am a pure and absolute democrat. But you know what the problem is – not a problem, a real tragedy – that I am alone. There are no such pure democrats in the world. Since Mahatma Gandhi, there has been no one."[4] Apparently unfamiliar with the Greek root of the word (*demos*: "people"; and *kratos*: "rule"), Putin's definition does not include someone who encourages or allows free and fair elections. During his tenure as president, all meaningful opposition was effectively banned, and the only competition allowed in 2008 was the shopworn Communist Party candidate Gennady Zyuganov, the often comical ultra-nationalist Vladimir Zhirinovsky, and a wholly inconsequential Andrei Bogdanov who "threatened" to win no more than 1 or 2 percent of the vote. And even with Medvedev assured of victory, the powers that be acted as if anything less than a complete landslide was a defeat. In a judicial ruling that makes sense only in *Alice in Wonderland* following is a suit, filed by the Communist Party. It cited that, as a violation of the law guaranteeing equal and fair coverage by the media of competing candidates, Medvedev received 70 percent of the election coverage in December and 88 percent in the first three weeks of January, while Communist Party candidate Gennady Zyuganov received only 11 percent in December and 2 percent in January . . . Russia's Ostankino District Court ruled that Channel One has not violated Zyuganov's rights because election law does not define the term 'equality of the candidates in campaign time in the mass media.'" As a result, the court ruled that the lack of a definition means that statistical analysis of the coverage is not admissible, and the only thing that matters is that all the candidates received some coverage" (*RFE/RL Newsline*, February 27, 2008). In justifying its

[4] http://www.timesonline.co.uk/tol/news/world/europe/article1878792.ece.

biased coverage, Channel One commented: "[I]f the other candidates appeared in such an interesting format, meeting with voters from all around the country and making nonbanal statements, the company would be happy to cover them as well."

As reported in the *Moscow Times,* the logic behind the excesses to which the Kremlin was willing to go in terms of assuring Medvedev a landslide is revealed by the comment of one election official ostensibly employed to ensure the fairness of the vote: "What's the best way to show the next president that you love him? In this election, the answer is to guarantee him a good turnout so that Medvedev becomes Russia's legitimate president in everyone's eyes." As *RFE/RL Newsline* (February 22, 2008) summarized the *Times* article, "Governors are reportedly eager to establish their loyalty to the new president. According to the report, officials have pressured hospitals, universities, and state factories to ensure a high turnout and solid support for Medvedev. Many large factories have been ordered to set up on-site polling stations and to insist that employees vote there using absentee ballots. The official said that in Moscow, officials have a fairly good idea of what the actual turnout will be by around 3 P.M., by which time most people will have voted. He said that if the figures are low, then officials will engineer a late surge." Then, to convince us that the *Alice in Wonderland*'s Queen of Hearts is indeed in charge, "Central Election Commission member Igor Borisov told *Ekho Moskvy* on February 1 that any calls for voters to boycott the elections could result in criminal charges. 'Mass appeals cannot be made without using money,' he said. 'The Russian Criminal Code envisages criminal liability for spending money on campaigning other than that allocated from electoral funds.'" Of course, not wanting to leave anything to chance, the Central Election Commission's subcommittee to oversee vote counting consisted only of members of Putin's party, United Russia.

One need not rely on journalistic accounts of the 2008 vote to discredit it as a meaningful election. We also have, for instance, an officially reported turnout in excess of 90 percent in a part of Russia, Chechnya, that yields news reports such as the one introducing this chapter as well as the following: "Some 70 resistance fighters entered the village of Alkhazurovo in Urus-Martan Raion southwest of Grozny late on March 19 without encountering any resistance and launched an attack using grenade throwers and other arms, on the

local government building, which was burned to the ground . . . they also engaged in a battle with pro-Moscow Chechen police in which no fewer than 13 police were killed and between seven and 10 wounded" (*RFE/RL Newsline*, March 20, 2008). More generally, Sergei Shpilkin, at a postelection workshop at the Carnegie Center Moscow, using a variant of one of the forensic tools offered in this volume, argued that "14.8 million of the 52.5 million votes cast for Mr. Medvedev could not be explained in any way" other than by "manipulations" either in the form of outright fraud or the application of "administrative resources."[5] Of course, such an analysis might seem like overkill when, for example, we consider polling station number 682 in the Dagestani town of Kizilyurt. There, in an apparent mix of fraud and clerical error, of 766 officially recorded ballots, not a single vote was awarded to Medvedev but 95 percent recorded for Bogdanov despite the fact that overall in Dagestan, Medvedev "won" 91.92 percent of the vote and Bogdanov a mere 0.15 percent.[6] Thus, as Britain's *Guardian* summarized the report, "Apparently, gormless local election workers stuffed the wrong ballot papers into the box."[7]

Even the *New York Times*, which has not always been unsympathetic to Soviet or Soviet-style regimes,[8] saw fit to denounce Russia's electoral process as a sham:

> Over the past eight years, in the name of reviving Russia after the tumult of the 1990s, Mr. Putin has waged an unforgiving campaign to clamp down on democracy and extend control over the government and large swaths of the economy. He has suppressed the independent news media, nationalized important industries, smothered the political opposition and readily deployed the security services to carry out the Kremlin's wishes.

And then, with reference to one specific region,

> On the eve of a presidential election in Russia that was all but fixed in December, when Mr. Putin selected his close aide, Dmitri A. Medvedev, as his

[5] http://www.timesonline.co.uk/tol/news/world/europe/article3768223.ece (see also http://www.kommersant.com/p-12381/r_527/fraud_election_rigged/).
[6] http://freakonomics.blogs.nytimes.com/2008/04/16/russian-election-fraud/.
[7] http://www.guardian.co.uk/commentisfree/2008/apr/20/rigginginrussia.
[8] Witness, for instance, the *Times*'s denial, at the time, of the Ukrainian genocidal famine of the 1930s ordered by Stalin and implemented by Kaganovich and Molotov, and its refusal ever since to fully repudiate its reporter on the scene and Stalin apologist, Walter Duranty, who won a Pulitzer Prize for his accounting of events there.

successor, Nizhny Novgorod stands as a stark example of how Mr. Putin and his followers have established what is essentially a one-party state." (*New York Times*, February 24, 2008)

Perhaps, though, the boldest denunciation of Putin's Potemkin democracy comes from the human rights activist and former political prisoner Sergei Kovalev. In an open and widely reported letter to the Kremlin written shortly before the 2008 presidential vote (February 25, 2008), Kovalev argued:[9]

> Gentlemen, I have no doubt that you are well aware that the free expression of the will of free citizens via free democratic elections can never result in 99.4% of the votes being cast for one party with a turnout of 99.5% of the voters. . . . No need to prove to you that these very 99.4% votes "for" provide incontrovertible evidence of vote-rigging. You know that as well as I do, and as well as any remotely literate citizen with at least commonsense, not to mention a basic awareness of the nature and possibilities of the popular vote. You of course also know that such results far above 90% (i.e., the same fraud) did not happen in isolated polling stations, no, in several subjects of the Russian, if one may use the term, "Federation." This unfortunate circumstance is more than sufficient to correctly assess the tasteless farce being played out by untalented directors on the entire boundless Russian stage on 2 December, and for good measure in the coming event on 2 March. It is entirely redundant to tediously collect up the electoral commission protocols rewritten in retrospect, or evidence of shenanigans with ballot papers etc – it's all clear enough anyway. The authorities (who by the way you represent, Gentlemen), mangled electoral legislation and then wantonly, with no finesse, came up with some kind of imitation of elections.

Mr. Kovalev goes on to say: "We have a paradoxical change – you lie, your listeners know this and you know that they don't believe you, only pretend to believe, and yet they also know that you know they don't believe you. Everybody knows everything. The very lie no longer aspires to deceive anyone, from being a means of fooling people it has for some reason turned into an everyday way of life, a customary and obligatory rule for living."

The analysis we offer here supports Mr. Kovalev's views by way of our argument that the pervasiveness of fraud increased significantly

[9] See for example http://hro1.org/node/1295 and http://www.khpg.org/en/index.php?id=1203910234.

during Putin's administration. If, with earlier elections, we suspected fraud in much the same way as a police officer might suspect drunk driving when he sees a car weaving and swerving inexplicably down the highway, in Russia's most recent elections it is as if the driver is now tossing his empty beer cans out the window. The Kremlin may choose to argue that voting in Russia constitutes a free, fair, and democratic process, and they are free to do so. But we are not required to accept their assertions. Nor are we required to participate in the Kremlin's farce by analyzing data from its 2008 presidential vote as if were a true election. However, a question this volume addresses is when the wholesale denigration of Russia's electoral processes took root. Was 2008 merely the end point of a trend that began in the 1990s, or had "elections" degenerated to pure farce only during Putin's reign as president? In fact, we argue in Chapter 3 that although the overall magnitude of fraud may have peaked in Putin's recoronation in 2004, the parliamentary vote of 2007 was a landmark event wherein many of the excesses that appeared in 2004 were applied to establish his party, United Russia, as a clone of the old Communist Party of the Soviet Union in authority, structure and purpose (albeit, absent the CPSU's ideological cover). In this way Putin, as prime minister and head of United Russia, could maintain control without subverting the Russian constitution's prohibition of three successive terms as president and without giving the appearance of being but another African or Latin American dictator.

Now for a final introductory comment: The forensic tools we offer here do not constitute a black box into which one plugs the numbers and out of which comes a necessarily unambiguous evaluation of an election along some scale such as "free and fair . . . probably free and fair . . . unlikely to have been free and fair." Indeed, throughout this volume we argue, in effect, that no such black box is possible. Nor is there any magic formula, mathematical equation, index, or probabilistic computation that tells us whether an election is or is not contaminated by fraud or that allows us to measure fraud's magnitude when we know it exists. Our indicators, like any statistical method, cannot be used without full attention to the substantive context of their application and the nature of the data to which they are applied. They are not, in short, a substitute for substantive expertise but merely a facilitating tool. More often than not our indicators will do little