PART I

INTRODUCTION
I

Theories Why Electoral Integrity Matters

Ideally, when elections work well, they can select officeholders and governments, determine policy priorities, link citizens (as principals) with representatives (as agents), generate inclusive legislatures, confer legitimacy on elected authorities, hold leaders to account, and provide the main opportunity for most ordinary people to participate in politics. Unfortunately, too often elections around the globe fail to meet these ideals. In some contests, opponents are excluded from the ballot. Districts are gerrymandered. Campaigns provide a skewed playing field for parties. Independent media are muzzled. Citizens are ill-informed. Electors are threatened by violence. Ballot boxes are stuffed. Vote counts are fiddled. Opposition movements organize boycotts. Incumbents disregard the people’s choice. Post-election protests signal public dissatisfaction. Partisan officials abuse state resources. Electoral registers are out of date. Candidates distribute largesse and buy votes. Airwaves favor incumbents. Campaigns are awash with money. Incompetent local officials simply run out of ballot papers. Voting machines break. Lines lengthen. Ballot box seals break. "Secure" ink washes off fingers. Courts fail to resolve complaints impartially. Well-run elections by themselves are insufficient for successful transitions to democracy. But flawed or even failed contests can undoubtedly wreck fragile progress.

In the light of these problems, most attention has often focused on regimes stranded somewhere in the grey middle zone, falling neither into the category of absolute autocracies nor into that of established democracies. In this book, they are designated electoral autocracies, although they have also been termed hybrid regimes (Diamond), competitive authoritarian (Levitsky and Way), and electoral authoritarian (Schedler). Whatever their precise nomenclature, the characteristic feature of this type of regime is that, unlike traditional absolute monarchies, one-party states, military juntas, or personal dictatorships, national legislative offices are filled through multiparty elections. But the rules of the game are
heavily tilted in favor of the incumbents. Flawed contests are exemplified by the Russian State Duma elections in 2007 and 2011, discussed later in Chapter 9, with the Organization for Security and Cooperation in Europe (OSCE) observer mission reporting numerous irregularities, including ballot stuffing, misuse of state resources, carousel voting, media bias, and lack of impartiality by the election commission, attracting mass protests at home and international headlines abroad. Electoral disputes can escalate into major outbreaks of conflict and instability, the focus of Chapter 8, as happened during the second-round 2008 presidential contest in Zimbabwe, when the major opposition leader, Morgan Tsvangirai pulled out, claiming intimidation, vote rigging, and escalating violence by ZANU-PDF and security forces directed against his supporters. In the most repressive regimes, dissent is brutally suppressed; in Kazakhstan, President Nazarbayev was reelected in April 2011, reportedly with 95 percent of the vote and 90 percent turnout, triggering public protests, clashes with security forces, and the deaths and torture of demonstrators. Flawed and clumsy attempts at manipulation are also observed; in Azerbaijan’s October 2013 presidential election, a full day before voting started, the Central Election Commission’s official smartphone app sent out a vote count showing President Ilham Aliyev winning by a landslide (75 percent of the vote). In the light of such overt violations of human rights, a growing body of research has sought to explain how, when, and why ruling elites in electoral autocracies use repressive acts, fraudulent manipulation, abuse of state resources, and restrictions on party competition to deter rival leaders, reduce domestic threats, and deflect international pressures.

Although much attention has focused on the worst violations occurring in electoral autocracies, a broader perspective quickly recognizes that failed and flawed contests are found around the world under many types of regime. Electoral malpractices can and do occur in newer and in established democracies, with irregularities arising from deliberate acts, from lack of technical capacity and resources, or simply from happenstance. Hence, when he launched the Global Commission on Elections, Democracy and Security, former UN Secretary General and current Chairman of the Global Commission Kofi Annan stressed that contests can fail for many different reasons:

Building democracy is a complex process. Elections are only a starting point but if their integrity is compromised, so is the legitimacy of democracy. … Most countries have agreed to principles that would, if respected, lead to credible electoral processes, but too often these principles are ignored because of lack of political commitment, insufficient technical knowledge or inadequate international support.

Even democracies with centuries of practice are not immune from serious irregularities. In the United States, this issue is exemplified by the notorious hanging chads in Florida in 2000 and more recent accusations of voter suppression through overzealous identification requirements during the Obama-Romney contest. As discussed later in Chapter 9, during the last decade, Republican-dominated states have sought to implement more restrictive voter registration
requirements. In 2012, Floridian voters waited for hours to cast their vote – a fact mentioned as an aside in Obama’s victory speech (“By the way, we have to fix that.”) – resulting in a blue-ribbon presidential commission. American campaigns are dominated by money; the Center for Responsive Politics estimates that the 2012 U.S. electoral cycle cost around $6.3 billion in total, doubling levels of spending since 2000. U.S. election spending has been rising by approximately $1 billion every presidential electoral cycle, far more than the rate of inflation. Despite this, the Supreme Court has supported the deregulation of campaign finance, potentially opening the floodgates of even higher spending. The *Citizen’s United* decision in 2010, which allowed corporations to spend unlimited amounts of money on elections, energized groups seeking to get the Court to overrule state-level public finance laws, soft-money restrictions, and limits on individual contributions.

Among the established democracies, however, the United States is far from alone in experiencing problems of maintaining electoral integrity; to the north, the 2006 Canadian general election saw official investigations of the “In and Out” election spending scandal, and the 2011 contests saw alleged misleading “robocalls” and dirty tricks. In Spain, the Gürtel scandal centers on alleged bribery, money laundering, and tax evasion by the Popular Party over two decades, with accusations of sleaze in party finance infecting several regional governments and the monarchy. In the United Kingdom, despite centuries of experience, reports have documented security vulnerabilities in mail ballots, poor design of ballot papers, occasional miscounts in local elections leading to the wrong declaration of the winner, sporadic fraud by local councilors, failure of electronic voting machines, and lost ballot boxes. Far from benefiting from new technologies and more professional administration, over the last fifty years more and more UK citizens are AWOL from the electoral register. In France, former president Nicholas Sarkozy was under investigation for many months over allegedly receiving illegal contributions from the heiress to the L’Oréal fortune to his 2007 campaign, before these charges were eventually dropped in October 2013. In Germany, scholars have detected systematic irregularities in vote counts for Bundestag elections, especially in states with dominant party control. European countries face new problems pushing at the boundaries of electoral integrity, including contemporary debates about the most appropriate regulation of campaign finance and party funding, the rules governing political broadcasting on television and radio in the era of social media, and potential security flaws associated with the deployment of digital technologies for election administration and internet voting.

### Why Might Flawed Elections Matter?

There is no question that electoral malpractices are widely regarded as intrinsically important where they violate obligations, commitments, and principles of democratic elections in universal and regional human rights instruments, as
discussed in Chapter 2. Article 21 in the 1948 Universal Declaration of Human Rights declares that “the will of the people shall be the basis of the authority of government; this will be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,” guaranteeing everyone “the right to take part in the government of his country, directly or through freely chosen representatives.” These principles have been elaborated and endorsed in a long series of subsequent international treaties and instruments, notably the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which entered into force in 1976. Regional instruments recognizing electoral rights include Article 13 of the African Charter on Human and Peoples’ Rights of 1981, Article 23 of the American Convention on Human Rights of 1969, and the 1991 Harare Commonwealth Declaration. The 2002 Venice Commission’s Code of Good Practice in Electoral Matters supplements these documents.

Through endorsing binding human rights treaties and other instruments, governments have committed themselves to observe a series of legal obligations about the conduct of elections. Nation-states are accountable for implementing and enforcing international treaty obligations, safeguarding standards, and deterring abuse. The detailed legal interpretation of these obligations leaves considerable room for debate in the courts. But few would dispute that fundamental principles of human rights are violated in obvious cases where regular contests are postponed or suspended (e.g., in October 2006, as a result of a military coup in Thailand), the names of opposition candidates are struck from the ballot (such as in the run-up to the 2012 Egyptian presidential election), minority parties are banned (for example, outlawing the Kurdish People’s Democracy Party in 2003 in Turkey), or party thugs threaten citizens (as in Zimbabwe in 2008). International development organizations, official monitoring agencies, courts, and transnational networks of civic activists demand an end to first-order abuses of basic electoral rights.

But what are the instrumental consequences of electoral integrity? If contests continue to be seriously flawed, or even failed, important problems are suspected to follow for the legitimacy of elected authorities. Despite the ubiquity of this common assumption, the systematic evidence supporting this claim has not been clearly investigated across a range of countries, let alone established. In long-standing democracies such as the United States, Britain, and Canada, it is commonly believed that malpractices and irregularities are likely to corrode citizens’ trust in the electoral process and confidence in democracy, depress voter turnout and civic engagement, and thereby distort political representation. These claims have reinforced calls for institutional reforms and better performance standards to strengthen democratic legitimacy. Elections can be problematic even in established democracies with centuries of experience. Elsewhere around the world, however, elections are now attempted under highly challenging circumstances, as exemplified by contests in Afghanistan,
Theories Why Electoral Integrity Matters

the Democratic Republic of Congo, and Myanmar. Elections occur in fragile states where regimes lack deep reservoirs of popular legitimacy, as a routine part of the peacebuilding process restoring states in many war-torn nations, in poor, ethnically diverse and illiterate societies with weak state capacity, and in countries with little or even no collective memories of democratic elections. In these sorts of challenging contexts, flaws – or even failures in elections – are widely believed to have a serious impact, potentially fueling social instability, riots, and violence, undermining fragile gains in democratization, and triggering popular uprisings seeking regime change.27

Whether or not flawed or failed contests do indeed produce these sorts of instrumental consequences needs to be demonstrated with systematic evidence, however, rather than simply assumed carte blanche, or patched together based on limited support derived from selected case studies that fit the pattern. Even though this claim reflects the conventional wisdom, the core assumptions are open to challenge on at least two grounds.

First, many scholars adhering to “thicker” and richer notions of democracy have cautioned against overemphasizing competitive elections as both necessary and sufficient conditions for democratization, a process dubbed the “fallacy of electoralism.”28 The strongest and most fundamental critique questions the importance of elections alone, compared with many other institutions of liberal democracy. The emphasis on competitive elections is found among adherents to “thin” Schumpeterian conceptions of democracy, such as the procedure that Alvarez, Cheibub, Limongi, and Przeworski use for classifying democratic and autocratic regimes.29 The notion that competitive elections equal democracy is common not only among scholars; it is also ubiquitous in popular commentary. When journalists reported the overthrow of the Mubarak regime in Egypt, for example, it was often assumed that elections leading to the government of President Morsi were sufficient for the country to become a democracy almost overnight. Elections are indeed essential for democratization, providing opportunities for participation, competition, accountability, and legitimate self-government. Yet the first critique emphasizes that, although a necessary condition, elections alone are insufficient by themselves for successful processes of democratization if other democratic institutions remain poorly consolidated.

Second, a weaker but still important critique questions the importance of electoral integrity for processes of democratization. An influential study by Staffan Lindberg argues that, at least in sub-Saharan Africa, it is the repeated experience of elections that matters for strengthening processes of democratization and civil liberties, not the quality of these contests, measured by whether they are “free and fair.”30 A self-reinforcing mechanism is claimed to work where democratization is reinforced and improved by holding an uninterrupted series of elections, even if they are flawed. If this pattern holds as a robust finding in other global regions, then at least some of the instrumental concerns about the potentially damaging impact of problematic contests may be exaggerated.
Moreover, these critiques have implications for effective policies seeking to strengthen democratic governance. If electoral integrity – or even elections themselves – are not fundamental for strengthening democratization, then it follows that the international community can seek to reallocate some of the resources invested in strengthening electoral integrity for other urgent priorities, including building the capacity of more effective and inclusive independent legislatures with the power to check the executive, independent courts to strengthen rule of law, government agencies to deliver more effective public goods and services, and civil society organizations connecting citizens and the state.

The Concept of Electoral Integrity

To understand why flawed or failed elections matters, we can turn to the notion of electoral integrity, a concept advanced in this book and gradually gaining in popular usage as an all-encompassing way to conceptualize many related issues. Similar notions include negative phrases such as “electoral malpractice,” “flawed elections,” “misconduct,” “manipulated contests,” “rigged” or “stolen” elections, and the popular notion of “electoral fraud.” A parallel range of positive terms are also commonly deployed in diplomatic language, election observer reports, and scholarly studies, where contests are described as “competitive,” “credible,” “acceptable,” “genuine,” “clean,” “democratic,” reflecting the “will of the people” or the standard diplomatic rhetoric of “free and fair.”

Some language proves particularly slippery; for instance, Simpser emphasizes problems associated with electoral “manipulation,” using this term to refer to “unacceptable” practices that are intentionally designed to distort the results, exemplified by vote buying, intimidation, and ballot fraud. Strictly speaking, however, every elections is “manipulated,” even in the most democratic states, in the sense that all contain legal mechanisms, vote thresholds, and formula that translate votes into seats, determining winners and losers. What makes some types of manipulation arguably either unacceptable (such as vote buying) or acceptable (such as legal gender quotas) requires a broader normative theory. This is not self-evident. Moreover, many studies concentrate narrowly on blatant acts of fraud occurring on polling day, such as ballot stuffing, false returns, or inaccurate electoral registration. They are all clearly problems, but it is not obvious that these practices are necessarily more serious flaws than more complex issues, such as, for example, systematic imbalance in the campaign airwaves, the abuse of campaign finance regulations to benefit incumbents, legally sanctioned partisan gerrymandering of district boundaries, or restrictive ballot access requirements. Overly narrow definitions of polling day fraud are like so-called crackdowns on crime focusing on nabbing an occasional pickpocket, petty shoplifter, or pot-head smoking dope while turning a blind eye to multimillion-dollar corporate tax evasion and international drug cartels. As discussed in the next chapter, the plethora of concepts in
our language has unfortunately facilitated common misunderstandings, poor measurement, and sloppy thinking.

In this study, as discussed in detail in the next chapter, it is proposed to ground the overarching concept of electoral integrity broadly in terms of international commitments and global norms, endorsed in a series of authoritative conventions, treaties, protocols, and guidelines. These universal standards apply to all countries worldwide throughout the electoral cycle, including during the pre-electoral period, the campaign, on polling day, and in its aftermath. Conversely, the term “electoral malpractice” is used throughout the book to refer to violations of electoral integrity. The electoral cycle is understood as a sequential process broken down into eleven components, ranging from the election laws, electoral procedures, and boundary delimitation to the voting process, vote count, and declaration of results. Like complex links in a chain, violating international standards in any one of the sequential steps undermines principles of electoral integrity. 34

But how do we know with any certainty when the chain weakens or even breaks? Contentious elections involve many claims and counterclaims by protagonists, some genuine, others just crying wolf. Sore losers have an incentive to claim fraud, especially in close contests or where they need an excuse for a poor performance.

Observer reports by international missions provide an important source of information for scholars and practitioners. Previous studies have coded these reports to generate systematic indicators comparing the quality of elections around the world. 35 As the number of observer organizations has expanded and diversified during the last decade, however, published reports nowadays differ in their evaluations of the same contest, providing little consensus about the outcome. 36 In Azerbaijan’s 2013 presidential election, for example, President Ilham Aliyev won a third five-year term by securing a reported 84.6 percent of the vote, while the nearest challenger, Jamil Hasanli, won a miserable 5.5 percent. The observer mission from the OSCE reported blatant irregularities:

The 9 October election was undermined by limitations on the freedoms of expression, assembly, and association that did not guarantee a level playing field for candidates. Continued allegations of candidate and voter intimidation and a restrictive media environment marred the campaign. Significant problems were observed throughout all stages of election-day processes and underscored the serious nature of the shortcomings that need to be addressed in order for Azerbaijan to fully meet its OSCE commitments for genuine and democratic elections. 37

Criticism was blunted, however, by the delegation of former members from the U.S. House of Representatives (one remarking that, unlike Florida, there were no hanging chads) and observers from the Council of Europe and the European Parliament, who blithely declared that the contests was “free, fair and transparent.” 38
Thus, given mixed and divergent judgments by the growing number of electoral observer missions, more systematic and reliable scientific evidence is needed to help sort out the wheat from the chaff. The study draws on new, specially designed survey evidence gathered in a wide range of countries around the world. Like corruption, much electoral malpractice involves clandestine acts. Therefore, like corruption, we can use perceptions data as one way to monitor integrity. Even if inaccurate or even false, perceptions are important aspects of the social construction of reality in their own right. Evaluations about perceptions of electoral integrity throughout the electoral cycle are gathered both from election experts (derived from PEI, or the Perception of Electoral Integrity dataset) and from ordinary citizens (with a new battery of questions contained in the WVS – the World Values Survey sixth wave).

The intended trilogy, of which this book is the first volume, explores many issues concerning issues of electoral integrity, with successive volumes focusing on three main questions: What happens when elections violate international standards of electoral integrity? Why do elections fail? And what can be done to mitigate these problems? To address these questions, the trilogy draws on the Electoral Integrity Project. This aims to sharpen our theories, concepts, and measures of electoral integrity; to understand why integrity matters for democratic legitimacy, civic activism, political representation, security, and processes of democratization; to analyze the underlying conditions facilitating electoral malpractices; and finally to evaluate the most effective policy interventions and “what works” to strengthen electoral standards. This volume focuses on why integrity matters. This chapter summarizes the core theory and plan of this book and points the way forward to successive chapters.

The Theory of Electoral Integrity

During recent decades, following the global spread of elections, a growing body of research by scholars and applied policy analysts has started to unpack why many elections fail. Normative arguments expressing concern about these developments can rest on claims of human rights: fundamental freedoms are undermined by violations of international conventions that have been agreed on ever since the 1948 Universal Declaration of Human Rights. Human rights arguments founded in international laws are powerful and compelling normative standards. But many human rights principles are highly abstract and broad, as well as silent on certain important issues, such as the appropriate regulation of campaign finance, leaving considerable room for interpreting what counts as violations in practice. In the United States, for example, heated debate surrounds Supreme Court decisions on whether limits on campaign contributions to independent nonprofit organizations (namely political action committees, or PACs) and to individual candidates are violations of the constitutional First Amendment principle of free speech, or whether regulation is essential to guard against the potential dangers of political corruption and to facilitate a more