

## **Electoral Integrity: Performance and credibility**

### **Setting the scene**

When reading the news it is not rare to find out that an election somewhere around the world was challenged and followed by protests and violence. Mostly, these news stories come from countries classified as authoritarian or hybrid regimes. This view is also supported in scholarly literature arguing that losers' consent is more likely in democratic countries (Lago and Martinez i Coma, 2016). This is the "loser-friendly" concept, which follows Przeworski's (1991) view that in a democracy losers choose to comply with the results as elections are free and fair and therefore allow them sufficient chance of winning in the future. Waiting is more profitable than rebelling.

However, and contrary to this conventional wisdom, election challenges also occur in democratic regimes. Democratic elections are not free from malpractices and therefore are not safe from being challenged. Even long-standing democracies such as the United States, Canada and Britain are vulnerable to flawed elections (Norris, 2014). Moreover, malpractice is not the only reason why candidates and parties ask to change or annul the outcome of an election. Election results can also be disputed as part of a wider political agenda. First, as Hernandez-Huerta (2015) argues, challenging electoral outcomes can be a negotiation strategy. In his view, in presidential democracies losers do not necessarily dispute results to protest or challenge fraud but to have a better position to negotiate political spoils and other benefits with the new government. Second, calling fraud can be used to contest broader problems rather than to address election related issues (Eisenstadt, 2004). Moreover, it is also important to note that there are a number of individual and contextual conditions that can shape losers consent. Personal political characteristics (such as partisanship, ideology, winner/loser status and turnout), the country's political context, and the type of political institutions can influence losers' perceptions and actions (Nadeau and Blais, 1993; Anderson, et. Al., 2005).

So, how often around the world are elections challenged? Are challenges more likely in authoritarian or hybrid regimes or are they equally likely in democratic settings? How often do challenges lead to protests? And are these protests peaceful or violent? Do they occur in democratic countries as well? This chapter will give an overview of the extent of post-election challenges in the world. It will describe the frequency of election challenges as well

as identify if these challenges were followed by protests, and if these were peaceful or violent. Second, it will try to explain why these challenges occur, especially in democratic countries which are supposed to be free of these issues. Third, it will describe all the types of issues and malpractice that can affect the integrity of an election. Finally, it will focus on the three key conditions analysed by this research and make the case for their importance in the study of the election confidence and the acceptance of election results around the world.

But before answering these questions we must first clarify what is understood by challenges to election results. Challenging election results can take many forms, including both legal and extra legal action (Chernykh, 2013). First, a party can take legal action by filing a petition to another electoral body or the judiciary (such as the Supreme Court) and ask for a recount or even to cancel or nullify election outcomes. Second, a party can choose to go for extra-legal actions and can decide “staging a post-electoral mass protest, refusing to recognize the newly elected legislature by not taking its seats or even boycotting the second round of elections” (Chernykh, 2013: 1362).

Not all types of challenges are harmful for the credibility of the election or of that of the political system. Legal actions must be encouraged as part of the electoral justice system (IDEA, 2010) as election related problems must be resolved and citizens, candidates, political parties and other stakeholders have the right to seek redress of grievances. However, special attention must be paid to extra-legal actions, as these are most likely to affect the stability of the country. Protests can be a positive force that leads to a change in the outcome of an election, to a new election law or even to broader changes to the political and economic system. At the same time, however, such protests can become violent and have important consequences for the political stability and for the advancement and consolidation of democracy in the country (IDEA, 2010; Chernynk, 2013).

### *Challenging elections around the world*

To measure losers consent around the world, I use data from the Perceptions of Electoral Integrity Index (PEI), version 4.0. This is a survey which gathers the perceptions of experts on the integrity of elections, understood as “the international commitments and global norms surrounding elections, endorsed in a series of conventions, treaties, protocols and guidelines

[which] apply to all countries worldwide throughout the electoral cycle” (Norris, Frank and Martinez i Coma, 2013:9). The PEI index covers all national elections (parliamentary and presidential) held in independent countries, excluding microstates with a population of less than 100,000. In its latest version, the PEI index contains information gathered from 2080 experts about 180 elections held in 139 countries from 1 July 2012 until 31 December 2015. In particular it monitors the quality of the elections based on 49 indicators grouped into eleven stages, ranging from electoral laws to the impartiality of electoral authorities. The PEI index considers scores ranging from 0 to 100, where 100 is the highest score possible for a particular country. Scores above 70 points are considered “very high” in electoral integrity; scores from 60 to 69 are for countries or elections with “high” integrity; 50 to 59 is “moderate”; 40 to 49 is “low”, and scores below 40 points on the PEI Index are considered cases of “very low” integrity.

In particular, to measure post-election behaviour I use indicator 10-1 on the PEI survey, which asks experts a few weeks after a national election has taken place if parties or candidates challenged the election results. Answers go from 1 (strongly disagree) to 5 (strongly agree). Therefore, lower scores indicate cases where parties did not challenge the election results while higher scores indicate results were very much challenged. To clarify this, the following examples are illustrative. On the higher end of the scale we have the Burundi 2015 presidential election, which scored 5 in the measure. Since independence Burundi has experienced a series of military coups that have weakened democratic procedures and institutions. After a devastating ethnic based civil war in the 1990s a new constitution was approved in 2005. Under this constitution elections were held in 2005 and 2010, with the opposition boycotting the latter after protesting the very flawed May 2010 local elections. Since then, the government has cracked down on opposition members in what has been labelled a “restricted political atmosphere” (Polity IV, 2010). In this context, President Pierre Nkurunziza –despite a controversy about his eligibility– decided to run for a third term in office. This caused protests, violence, a coup-attempt and increased attacks on the opposition. 17 opposition parties boycotted the election while the UN Secretary General and regional leaders asked for elections to be postponed (IBT, Telegraph, 2015). Elections were held regardless, with Nkurunziza winning reelection with 69.41% of the vote. Violence and unrest have continued after re-election, with deaths on both sides. In December, a new rebel group, Republican Forces of Burundi, was formed with the purpose to oust the President (Al Jazeera, 2015). The 2013 elections in Venezuela score 4.29 in the scale. In power since 1999 and after surviving a failed coup in 2002, a recall referendum in 2004 and after abolishing terms in office, Hugo Chavez passed away in March 2013. Then, presidential elections

were held to appoint his successor. In these elections, Nicolas Maduro, former Vice President and interim president after Chavez' death, obtained a razor thin victory with 50.66% of votes over opposition leader Henrique Capriles who received 49.07% of votes. With this razor thin margin (1.49%) Capriles rejected the results, claimed the process was marred with irregularities and demanded a full vote recount (El Pais, 2013). Venezuela's National Electoral Council (CNE) confirmed Maduro's victory. The opposition took to the streets to protest and attacked several buildings of Maduro's political party. Protestors clashed with government forces, leaving 7 dead and dozens injured (El Mundo, 2013). On the other side of the scale we find cases of countries where election results were not challenged. An example of this is the 2015 election in Canada (with a score of 2 in this measure), where voters gave an unexpected but decisive victory to the Liberal Party under Justin Trudeau. This election was ranked 20<sup>th</sup> best among all 180 elections covered so far by the PEI, and 5<sup>th</sup> for elections in 2015, providing "an example of a contest generally well administered around the whole electoral cycle" (Norris et al, 2016:41). A similar example is the 2014 election in Costa Rica (with a score of 1). This election was characterised by a "high level of professionalism and technical capacity" (OAS, 2014: 5) and was the first election conducted after the new 2009 election code introduced a number of procedures to strengthen the organisation and management of the electoral process (OAS, 2014).

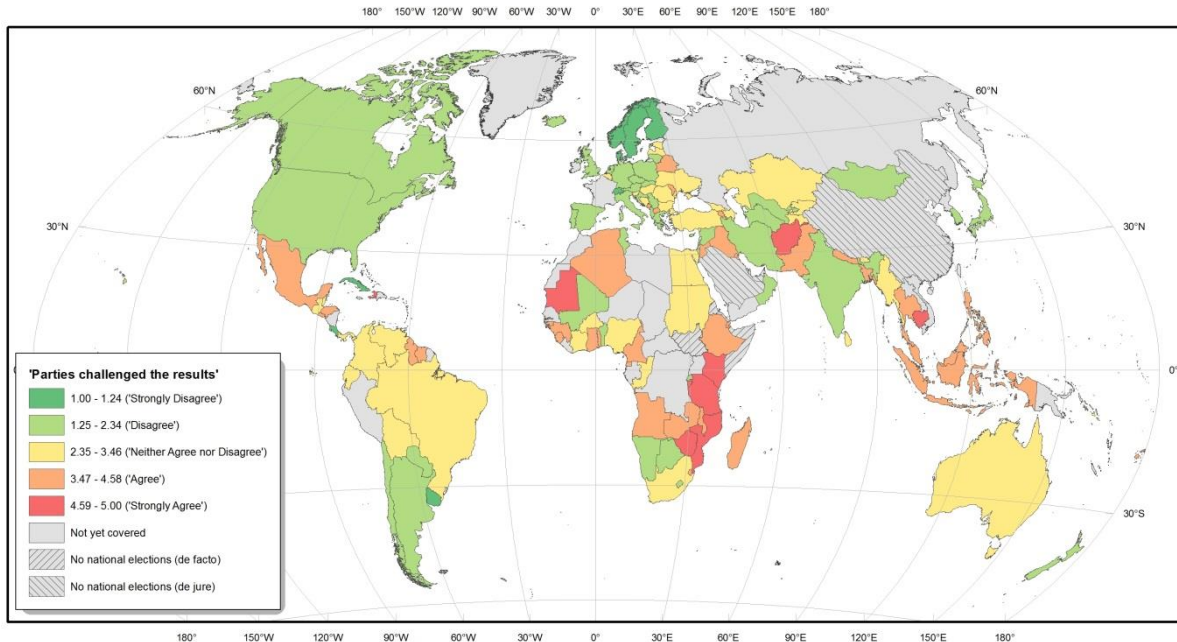
Figure 1 presents these results by country. It shows the "challenge of elections" score by country on a world map, using standard deviation for the different categories<sup>1</sup>. As the map shows, challenging election results is quite a routine phenomenon, with Africa, the Middle East and South East Asia being the regions where this is more common. It is not a coincidence that these three regions, on average, have the lowest scores on the aggregated PEI Index for 2012-2015<sup>2</sup>. In Africa, for example more than half of the states in the survey have low integrity scores, with countries such as Congo Republic, Djibouti, Burundi, Equatorial Guinea and Ethiopia which have some of the lowest ratings around the world (Norris et al, 2016).

**Figure 1.**

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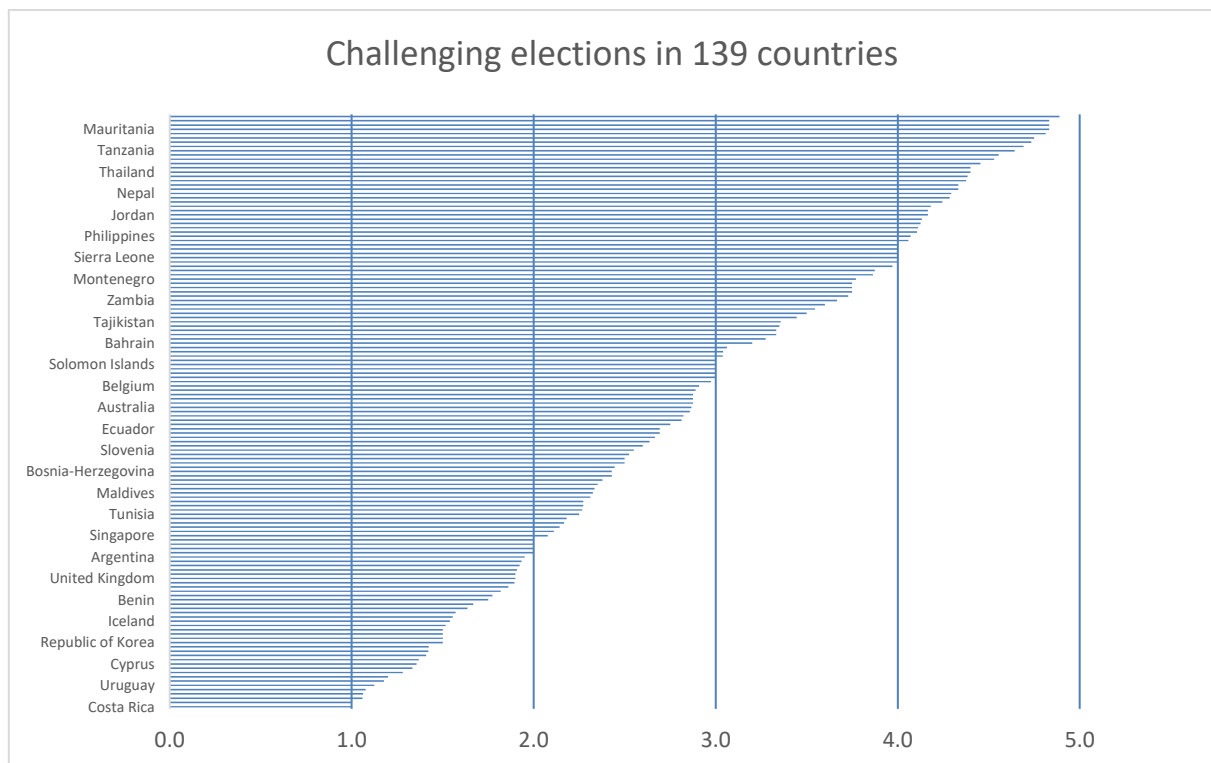
<sup>1</sup> The cut-off points are chosen so that the step for each category is one standard deviation wide. The middle category stretches from -0.5 Std. Dev. To +0.5 Std.Dev. and encompasses about 38% of all the data.

<sup>2</sup> The 4.0 version of the PEI Index shows that the regional average of integrity on a 1-100 scale is 47 for Africa, 49 for the Middle East and 56 for Asia Pacific. (PEI presents an average for the entire Asia Pacific region. However, excluding countries from Oceania and East Asia from the sample yields an average for South East Asia of 47/100.)



Then, Figure 2 allows us to see the performance of individual countries by using their mean absolute values. Countries such as Finland, Costa Rica and Switzerland obtain low scores as parties and/or candidates do not challenge election results. Not surprisingly, these are countries that are consistently ranked most highly by the PEI Index, with scores of 86, 80 and 79 out of 100. On the other upper side of the graph, we find countries such as Kenya, Mauritania and Cambodia where election results are very much challenged. Kenya has a legacy of violence in elections while Mauritania and Cambodia are both authoritarian regimes. Again this is not a surprise as all three countries rank poorly in the PEI index, with scores of 41, 44 and 32, respectively.

**Figure 2. Challenging results around the world. 2012-2015**



Note: Even though all 139 countries are represented in the figure, for illustration purposes labels are shown for just a sub-set of the countries

### *Challenging election results in democracies*

However, as we can also tell from figures 1 and 2, elections are not only challenged in non-democratic countries or hybrid regimes. Parties and candidates also challenge election results in democratic regimes, and sometimes even in well-established democracies. Table 1 below considers elections that take place only in democratic countries (a country is considered democratic if it scores 6 or higher on the Polity IV rating of political rights)<sup>3</sup>. It lists a total of 102 out of the 180 elections included in the PEI 4.0 survey and shows 2 key indicators for those elections. First, it presents the mean score of challenged results on a 1 to 5 scale. Scores between 3 and 4 represent “challenged” elections, while mean scores between 4 and 5 correspond to “highly challenged” elections. Second, it shows the electoral integrity score for that election (on a 1 to 100 scale), with higher values corresponding to elections with high levels of integrity. The

<sup>3</sup> Polity measures three components related to the democratic quality of a regime: executive recruitment, executive constraints and political competition. It also records special conditions, including periods of factionalism, interregnum, interruption and transition and change events, such as autocratic backsliding, executive auto-coups, revolutionary change, state failure and coup d’état. More information on Polity IV at: <http://www.systemicpeace.org/polity/polity4.htm>

scores are conditionally formatted with 3 colour scales to better illustrate high and low values. As we can see, election results are challenged in a high number of democratic countries. In particular, election results were challenged in 34 out of 102 elections (taking mean scores above 3-neither agree nor disagree). Then, we find that elections where highly contested in 18 cases (taking mean scores 4 and 5 - agree and strongly agree).

Moreover, we find that several elections were challenged in spite of having moderate or high electoral integrity scores<sup>4</sup>. Visually, this is easy to identify by the mismatch in colour between the two columns next to each election. An example of this is the 2012 presidential election in Mexico. This election obtained a high score on the PEI Index (62.28) with very high scores in components such as election procedures, voter registration and vote count (Norris et al, 2016). In addition, according to international monitors the election was well organised by a professional electoral institution in a country with a “robust and reliable electoral system” (OAS, 2012). Nonetheless, runner up Andres Manuel Lopez Obrador of the Democratic Revolutionary Party (PRD), claimed fraud and challenged the election both in court and on the streets. A similar situation developed after the 2014 presidential election in Indonesia, where runner up Prabowo Subianto of the Great Indonesia Movement Party claimed massive cheating and challenged the election results, declaring the election unconstitutional. These claims diverge from a high PEI score of 60.14 for that election, and also collides with the opinion of most national analysts, which deemed the election credible and inclusive (Nelson, 2016). The 2014 presidential elections in El Salvador, the 2012 presidential elections in Ghana and the 2014 general elections in Thailand are related examples. These three elections obtained moderate to high scores in terms of their integrity, but were nonetheless challenged. And, in the case of Thailand, elections were unfortunately marked by violence and followed by a political crisis and a coup d’état by the armed forces (BBC, 2014). As of July 2016, the military junta is still in power as fresh elections have not been held in the country.

**Table 1. Challenges to elections in democratic countries, 102 elections.**

| <b>Election</b> | <b>Parties challenged the results</b> | <b>PEI</b> |
|-----------------|---------------------------------------|------------|
| Burundi 2015 P  | 5.00                                  | 22.27      |

<sup>4</sup> For the Electoral Integrity Project scores between 60 and 69 on the PEI Index are considered high, and scores between 50 and 59 are considered moderate (Norris et al, 2016)

|                        |      |       |
|------------------------|------|-------|
| Kenya 2013 P           | 4.89 | 40.95 |
| El Salvador 2014 P     | 4.71 | 59.03 |
| Burundi 2015 L         | 4.63 | 27.08 |
| Macedonia 2014 P       | 4.56 | 47.79 |
| Malaysia 2013 L        | 4.53 | 35.49 |
| Thailand 2014 L        | 4.40 | 50.97 |
| Honduras 2013 P        | 4.40 | 45.20 |
| Ghana 2012 P           | 4.38 | 57.16 |
| Mexico 2012 P          | 4.36 | 62.28 |
| Nepal 2013 L           | 4.29 | 53.61 |
| Guyana 2015 L          | 4.29 | 52.87 |
| Ukraine 2012 L         | 4.14 | 39.87 |
| Malawi 2014 P          | 4.13 | 47.80 |
| Indonesia 2014 P       | 4.08 | 60.14 |
| Philippines 2013 L     | 4.07 | 48.31 |
| Bulgaria 2013 L        | 4.05 | 49.70 |
| Sierra Leone 2012 P    | 4.00 | 56.70 |
| Pakistan 2013 L        | 3.97 | 49.91 |
| Mexico 2015 L          | 3.86 | 52.08 |
| El Salvador 2015 L     | 3.78 | 49.08 |
| Moldova 2014 L         | 3.75 | 56.85 |
| Comoros 2015 L         | 3.75 | 49.61 |
| Zambia 2015 P          | 3.67 | 43.69 |
| Indonesia 2014 L       | 3.64 | 53.28 |
| Slovenia 2014 L        | 3.40 | 78.55 |
| Colombia 2014 L        | 3.38 | 61.16 |
| Lithuania 2012 L       | 3.27 | 72.75 |
| Turkey 2015 L          | 3.20 | 44.60 |
| Latvia 2014 L          | 3.06 | 71.71 |
| Croatia 2015 P         | 3.00 | 64.82 |
| Solomon Islands 2014 L | 3.00 | 57.12 |
| Kyrgyzstan 2015 L      | 3.00 | 54.42 |
| Turkey 2015 L          | 3.00 | 47.14 |
| Romania 2012 L         | 2.92 | 48.11 |
| Turkey 2014 P          | 2.92 | 50.98 |
| Belgium 2014 L         | 2.91 | 71.29 |
| United States 2014 L   | 2.89 | 61.67 |
| Panama 2014 P          | 2.88 | 60.44 |
| Australia 2013 L       | 2.87 | 70.10 |
| Ukraine 2014 L         | 2.85 | 53.64 |
| Hungary 2014 L         | 2.81 | 56.18 |

|                       |      |       |
|-----------------------|------|-------|
| Georgia 2012 L        | 2.71 | 53.39 |
| Brazil 2014 P         | 2.69 | 67.68 |
| Bolivia 2014 P        | 2.64 | 55.63 |
| Colombia 2014 P       | 2.57 | 58.60 |
| Estonia 2015 L        | 2.50 | 78.55 |
| Tunisia 2014 P        | 2.50 | 69.39 |
| Bulgaria 2014 L       | 2.50 | 62.75 |
| Guatemala 2015 P      | 2.50 | 47.95 |
| South Africa 2014 L   | 2.43 | 62.94 |
| Georgia 2013 P        | 2.33 | 64.14 |
| Paraguay 2013 P       | 2.27 | 55.04 |
| Botswana 2014 L       | 2.27 | 57.92 |
| India 2014 L          | 2.18 | 58.80 |
| Japan 2012 L          | 2.15 | 67.37 |
| Namibia 2014 P        | 2.14 | 60.15 |
| Mongolia 2013 P       | 2.11 | 64.37 |
| Czech Republic 2013 P | 2.11 | 73.99 |
| Canada 2015 L         | 2.00 | 74.73 |
| Poland 2015 P         | 2.00 | 74.01 |
| Italy 2013 L          | 2.00 | 66.62 |
| Tunisia 2014 L        | 2.00 | 65.53 |
| Argentina 2013 L      | 2.00 | 65.49 |
| Ukraine 2014 P        | 2.00 | 59.74 |
| United Kingdom 2015 L | 1.90 | 64.71 |
| Argentina 2015 L      | 1.90 | 62.99 |
| Lesotho 2015 L        | 1.90 | 62.69 |
| Albania 2013 L        | 1.89 | 54.34 |
| Poland 2015 L         | 1.87 | 75.24 |
| Romania 2014 P        | 1.83 | 53.39 |
| Slovakia 2014 P       | 1.82 | 74.57 |
| Czech Republic 2012 L | 1.81 | 76.20 |
| Greece 2015 L         | 1.76 | 61.83 |
| Benin 2015 L          | 1.75 | 68.34 |
| United States 2012 P  | 1.73 | 62.81 |
| Slovenia 2012 P       | 1.70 | 74.70 |
| Czech Republic 2013 L | 1.67 | 77.32 |
| Croatia 2015 L        | 1.67 | 68.13 |
| Japan 2013 L          | 1.67 | 66.58 |
| Mauritius 2014 L      | 1.67 | 64.10 |
| New Zealand 2014 L    | 1.64 | 75.39 |
| Israel 2015 L         | 1.62 | 72.71 |

|                          |      |       |
|--------------------------|------|-------|
| Austria 2013 L           | 1.57 | 77.03 |
| Portugal 2015 L          | 1.56 | 71.92 |
| Republic of Korea 2012 P | 1.50 | 76.62 |
| Japan 2014 L             | 1.50 | 70.59 |
| Lithuania 2014 P         | 1.43 | 82.25 |
| Germany 2013 L           | 1.42 | 80.26 |
| Israel 2013 L            | 1.42 | 74.49 |
| Netherlands 2012 L       | 1.41 | 78.46 |
| Chile 2013 P             | 1.37 | 66.38 |
| Cyprus 2013 P            | 1.36 | 73.28 |
| Spain 2015 L             | 1.28 | 68.78 |
| Sweden 2014 L            | 1.20 | 80.80 |
| Switzerland 2015 L       | 1.18 | 78.51 |
| Uruguay 2014 P           | 1.13 | 75.48 |
| Norway 2013 L            | 1.08 | 83.23 |
| Greece 2015 L            | 1.08 | 70.98 |
| Finland 2015 L           | 1.06 | 86.10 |
| Denmark 2015 L           | 1.06 | 86.41 |
| Costa Rica 2014 P        | 1.00 | 80.81 |

Note: Elections held in democratic countries (Polity IV rating of 6 or higher in political rights). First column presents mean score of challenged elections on a 1 to 5 scale. Scores between 3 and 4 represent challenged elections and are coloured in orange. Scores between 4 and 5 represent highly challenged elections and are coloured in red. Second column shows the electoral integrity score from 1 to 100, scores above 60 represent elections with high and very high integrity (green shades), scores between 50 and 59 represent moderate integrity (yellow), 40 to 49 is low integrity (orange) and scores below 40 are cases of very low integrity (red formatting).

### *Challenging results and post-election protests*

As Lago and Martinez i Coma point out (2016) when votes are cast in an election and a candidate or a party is declared winner, losers can react in three different ways: they can accept election results, they can challenge the results, or they can turn against democracy. In turn, challenging election results can take many forms, including both legal and extra legal action (Chernykh, 2013). First, a party can take legal action by filing a petition to another electoral body or the judiciary and ask for a recount or even to cancel or nullify election outcomes. Second, a party can choose to go for extra-legal actions and can decide “staging a post-electoral mass protest, refusing to recognize the newly elected legislature by not taking its seats or even boycotting the second round of elections (Chernykh, 2013: 1362).

As outlined, challenging election results can lead to post-election protests. These protests can be peaceful and lead to election reform and to broader changes to the political and economic

system of the country. At the same time, however, such protests can become violent and can have important consequences for the political stability and for the advancement and consolidation of democracy in the country (IDEA, 2010; Chernynk, 2013). How prevalent are challenged elections around the world? And how often do they lead to protests?

In addition to measuring whether parties or candidates challenged the election result, the PEI 4.0 survey considers experts' evaluations of the existence of post-election protests. The survey contains two indicators. The first measure asks whether the election lead to peaceful protests, using a scale going from 1 (the election did not lead to peaceful protests) to 5 (the election did lead to peaceful protests). The second asks whether the election triggered violent protests, also employing a five point scale. Using election-level data from the PEI Index, (Table 2, first row) we find that 45% of all elections conducted worldwide between between1 July 2012 and 31 December 2015 were challenged by parties and/or candidates (81 out of 180 elections). Then, 23 % of elections worldwide were followed by peaceful protests (42 out of 180 elections) and about 8% of them triggered violent protests (15 out of 180)<sup>5</sup>. In the smaller universe of democratic countries, the frequency of challenged elections and elections followed by protests is lower, but is still relevant. Table 2 (second row) illustrates this: 33.3% of democratic elections are challenged, 20.6% are followed by peaceful protests and 5% by violence. Table 3 focuses on challenged elections. Out of all challenged elections worldwide within the period of time covered by the PEI Index (81 in total), 48.1% were followed by peaceful protests while a worrying 17.3% lead to violence. Amongst democratic countries, 55.9% of challenged elections lead to peaceful protests and 14.7% ended in violence.

**Table 2. Challenged elections worldwide and in democratic states.**

| Elections         | Challenged | Peaceful protests | Violent protests |
|-------------------|------------|-------------------|------------------|
| All elections 180 | 81 (45%)   | 42 (23%)          | 15 (8.3%)        |
| Democracies 102   | 34 (33.3%) | 21 (20.6%)        | 5 (4.9%)         |

**Table 3. Percentage of challenged elections leading to peaceful / violent protests.**

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<sup>5</sup> This is obtained considering answers equal and greater than 3 on the five point scale used by the PEI survey.

| Elections        | Peaceful protests | Violent protests |
|------------------|-------------------|------------------|
| All elections 81 | 39 (48.1%)        | 14 (17.3%)       |
| Democracies 34   | 19 (55.9%)        | 5 (14.7%)        |

### *Challenges and election malpractice*

The tables above show us that a considerable percentage of challenged elections lead to protests that sometimes turn violent. Why is this fairly common? Why do people challenge election results and turn to the streets? If we look at news headlines after any election around the world we will find an answer to these questions. In addition to stories on sausage sizzle stalls or barbecues at voting centers (BBC, 2016) it is common to find reports highlighting long queues, poorly designed ballot papers and confusing voting machines. Beyond Election Day, reports on gerrymandering, illegal campaign finance, unfair news coverage and government manipulation of results are just some of the many issues that elections face across the world.

It is safe to say that all elections –regardless of where they are held- experience problems. On the one hand, these problems have to do with governments, political parties, candidates and other actors actively trying to manipulate the electoral process and its outcome for their own or their parties' interest. This has been labelled as “electoral malpractice” and takes three main forms: the manipulation of the legislative framework of elections, the manipulation of the choices of individual voters or the manipulation of the administrative process of voting (Birch, 2011). These malpractices include gerrymandering, disenfranchisement, the improper use of state resources in campaigning, violating caps on campaign spending, bias in media coverage, vote buying and voter intimidation and coercion, amongst others. Moreover, as Birch also indicates (2011), manipulation can go beyond these three main areas and can occur both before the start of the electoral process and after its conclusion. The manipulation of the timing of elections and the illegal financing of party war chests fall in this category. On the other hand, not all problems in an election are about wrongdoing. In these cases, irregularities are unintended and have to do more with human or technical errors and mistakes or a lack of resources. Ballot miscounts by tired or poorly trained election officials (or working at night with poor lighting conditions), bad quality in voting ink, flawed logistics for distributing election materials or an out of date electoral roll are just some examples of this. This is in line with a second classification stating that problems regarding the integrity of the election can be of first and second order (Norris, 2013).

First order problems are commonly related to major violations of human rights and large scale fraud, illustrated by actions such as the imprisonment of opposition leaders and voter coercion by security forces, while second order problems are about “more mundane issues of maladministration, lack of technical capacity or human error” (Norris, 2013:566).

Regardless if they are intended or unintended, first or second order, all these types of malpractices can have important consequences. In fact, “electoral malpractices (···) are intrinsically important as the lynchpin of liberal democracy” (Norris, 2014: 7-8). First, they can modify the outcome of the election (this of course, depends on the closeness of the race and the extent of the malpractice). Second, they can affect the quality of future elections. For example, if not addressed, gerrymandering and malapportionment will remain a problem for the future. Third, they can affect the credibility and legitimacy of the regime and its institutions and shape how people see democracy (Elklit, 1999; Birch, 2011; Norris, 2013). Finally, malpractice usually leads to challenged election results. Irregularities and flaws in elections can translate into frustration and anger and lead to unrest and violence (Birch, 2011).

#### *Strengthening elections and preventing violence*

How can we prevent conflict and violence? Living in a democracy increases the chances that elections will not be challenged. In democracies with free and fair elections losers are more likely to comply with the results as they believe they will have a sufficient chance to win in the future (Lago and Martinez I Coma, 2016). Democracies are self-reinforcing. However, this is not enough. As show above, democratic countries also experience episodes of protests and violence.

Therefore, the focus must be on strengthening the integrity of electoral processes, which has been highlighted as important for the acceptance of an election by both scholars and practitioners (Lopez-Pintor, 2000; Mozzaffar and Schedler, 2002; Birch, 2006; IDEA, 2006; Norris, 2014; Lago and Martinez i Coma, 2016). Electoral integrity is an overarching concept which encompasses many different aspects that occur before, during and after Election Day (Norris, 2013). However, as outlined in the introduction, this research will focus on three aspects that have been identified as the main areas that group possible acts of violence resulting from an election (GEO, 2011). These are the overall administration of the electoral process, the role played by EMBs and the election results stage.

#### *Election administration*

First, this research focuses on the quality of election administration. Scholars and practitioners agree that the quality of an election is key for the success and credibility of an election. In one of the first scholarly works on the topic, Robert A. Pastor (1999) presents election administration as “the missing variable” for explaining the causes and consequences of democratic transitions. In his view electoral procedures are “no simple matter” and have a political side to it, which is very delicate. Technical problems or even rumours of irregularities can easily lead to boycotts, protests and violence, especially in emerging democracies. After this first work, a number of studies have shown that the quality of an election has a positive impact on its acceptance and on the support and legitimacy of democracy and that of the political system (Elklit, 1999; Elklit and Reynolds, 2002; Mozzafar and Schedler; 2002; Norris, Frank and Coma, 2014). In short, “the way elections are managed can either make or break a democracy” (Maserumule, 2015:85). For practitioners there is also a rare unity when it comes to highlighting the importance of this aspect. Good examples of this are election observation reports. Usually statements and reports from intergovernmental institutions such as the European Union, the Organization of American States or the African Union or from non-governmental organisations such as the Carter Centre link the success and acceptance of an election to meeting international standards of electoral integrity, to being “free and fair” or to having technical accuracy in the conduction of the electoral process. For instance, the 2010 mission of the Centre for Electoral Advice and Promotion (CAPEL) to the 2010 presidential elections in Colombia indicated that “the election was developed according to international standards (...) which resulted in a decrease in violent acts” (CAPEL, 2010). Then, on the 2012 report on the Ghanaian elections, the Commonwealth secretariat mentioned that “the [2008] elections were found to have been conducted in an open, transparent and inclusive manner, and were therefore considered credible.” (Commonwealth, 2012: 6). Similarly, elections which are not clean and where there is significant fraud fall in the category of flawed or failed elections and are linked to contestants rejecting election results and even to violence and instability.

Election administration includes many different factors related to the quality of the election and that determine the extent to which competition is real and the process is free and fair. Therefore, issues covered by election administration range from the technical systems used to register voters and the distribution of election materials to more structural issues such as

access to media or equal financing for candidates and political parties. However, no matter how many aspects are covered by electoral administration, this is not the only factor behind the acceptance and credibility of an election. Sometimes, elections classified as “free and fair” have been followed by protests and even riots, while elections with technical flaws have been widely accepted.

An example of this is the 1994 elections in South Africa. In January that year, the recently created Independent Electoral Commission (IEC) had less than 4 months to hold the country’s first ever democratic election. For the first time ever, the election would include all South Africans over 18 years of age, a sixfold expansion of the electorate from the apartheid years. The task was daunting. In addition, there were many other technical challenges. There was no voters roll, no voter cards and as most of the country had never experienced an election before, there was no record of suitable places to set up polling stations (Mawson, 2010). It was a completely new experience, an experiment almost. On top of that, white extremists opposed the electoral process and conducted acts of violence. On Election Day, there was a shortage of ballots in many polling stations, which also experienced long queues, which lead to discontent and fatigue from both voters and poll workers. Complicating matters further, it was discovered that a computer hacker had accessed the counting and tallying system (Elklit and Reynolds, 2000). Nonetheless, in spite of these “technical flaws (···) results were (···) generally accepted by all—voters, parties, and international observers” (Elklit and Reynolds, 2000:25). These technical and administrative shortcomings were overcome and results were accepted because of three main factors. First, these elections had Nelson Mandela, a very credible figure and a key symbol of struggle against apartheid. Second, the IEC had a good relationship with political parties and was trusted by them. The IEC set up national, provincial and local inter party liaison committees, where all political parties were represented and were able to discuss matters pertaining to the election and voice their concerns (Mawson, 2010). Third, the level of transparency in the election allowed creating an atmosphere where the outcome was trusted. The IEC had an open policy of information for voters and political parties, giving them insights into what was going on, which made them more likely to accept EMB decisions more willingly (Elklit and Reynolds, 2002). In the words of Judge Johann Kriegler, who directed the Independent Electoral Commission, “we had the worst administration you can imagine (···) but we had the political

will and we were legitimate. That's what you need. If you haven't got a Mandela, you're in trouble" (Mawson, 2010:1).

*Beyond election administration: electoral institutions and electoral results*

Therefore, this research also focuses on other more specific aspects that are not only about the general administration of the election. As the South African example shows, not everything is about the good administration of an election. An election can be successful even with administrative problems. As highlighted by the findings of the 5<sup>th</sup> Global Electoral Organization Conference, other two areas are critical for preventing violence and for the successful conduct of an election. These are the role played by EMBs and the election results stage. This research gives especial attention to these two areas and seeks to explain their contribution to having accepted and credible elections.

Factor Analysis of the PEI Index confirms the importance of these two areas for the integrity of elections. In particular, the Principal Component Analysis shows that although all of the 11 dimensions of the electoral cycle measured by the PEI<sup>6</sup> contribute strongly to the underlying dimension of integrity, "Vote Count" and "Electoral Authorities" are the highest. In the PEI Index the dimension "vote count" is related to election results, including indicators for vote count and the announcement of election results without undue delay. On the other hand the "electoral authorities" measure is related to the role played by EMBs and includes measures of the impartiality, transparency and performance of the election authorities. These two areas have the highest loaded scores in the analysis, which means they are especially critical for electoral integrity, as shown in the Component Matrix below (Table 4).

**Table 4. Component Matrix. Principal Component Analysis (PEI Index).**

| Component Matrix <sup>a</sup>                   |           |
|---|-----------|
|   | Component |
|   | 1         |
| 1-4i. Electoral laws index<br>(20-100), imputed | .810      |

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<sup>6</sup> The 11 dimensions in the PEI are: electoral laws, electoral procedures, voting district boundaries, voter registration, party and candidate registration, media coverage, campaign finance, voting process, vote count, post-election and electoral authorities.

|  |      |
|--|------|
| 2-5i. Electoral procedures index (25-100), imputed             | .926 |
| 3-4i. Voting district boundaries index (20-100), imputed       | .720 |
| 4-4i. Voter registration index (20-100), imputed               | .847 |
| 5-6i. Party and candidate registration index (20-100), imputed | .866 |
| 6-6i. Media coverage index (20-100), imputed                   | .758 |
| 7-6i. Campaign finance index (20-100), imputed                 | .876 |
| 8-9i. Voting process index (20-100), imputed                   | .878 |
| 9-6i. Vote count index (20-100), imputed                       | .927 |
| 10-5i. Post election index (25-100), imputed                   | .811 |
| 11-5i. Electoral authorities index (25-100), imputed           | .943 |

Notes. Extraction method: Principal Component Analysis (a. 1 components extracted). One underlying dimension extracted (Eigenvalue=8.019; % of Variance 72.9). Bartlett's Test of Sphericity yields significant results ( $p < .001$ ).

### *The role of EMBs: party support and inclusion*

Electoral Management Bodies are a central component of the democratic system. They are not only key institutions in the delivery of elections but also play a major role in democracy building and consolidation. In the words of Lopez-Pintor, they are *institutions of governance*, “dealing directly with the organization of multi-party elections and indirectly with governance and the rule of law” (Lopez-Pintor, 2000:13). First, EMBs perform a number of functions to ensure that elections are conducted with integrity and according to widely accepted international standards. Of course, no two countries are identical but typically EMBs are in charge of functions such as the registration of voters, the design and implementation of electoral procedures, the organization and logistics surrounding voting day (from the delivery of election materials and the installation of voting centres to the training of polling clerks), the vote count and the

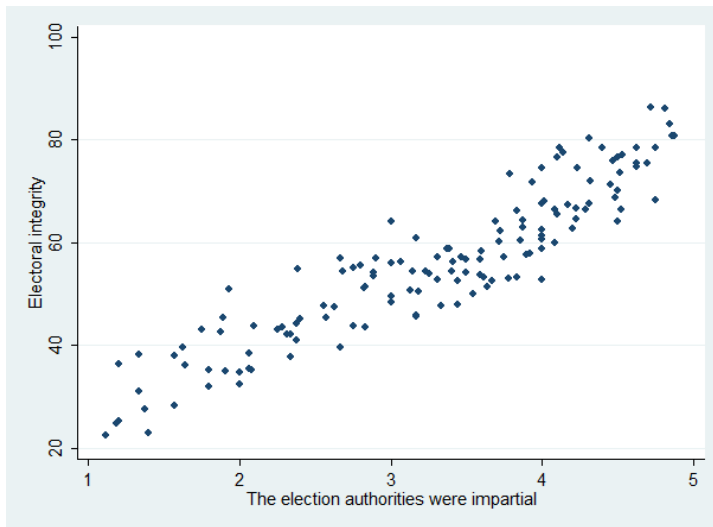
announcement of results. Moreover, in some countries EMBs have acquired additional functions, such as the drawing of electoral boundaries/constituencies (like a number of EMBs in the Americas), overseeing campaign finance (Federal Electoral Commission in the US) and even the management of parties' and candidates' access to radio and television (Mexico's National Electoral Institute). Second, EMBs can contribute to the legitimacy of the electoral process and to that of the political system. In the third wave of democracy, EMBs have played very important roles in re-establishing democracy and in guaranteeing that elections are acceptable to all parties involved, including factions that once fought each other in civil wars and other conflicts. Even consolidated democracies like the US, the UK and Australia have in recent years set up EMBs for the conduct of credible elections (as late as the year 2001 with the establishment of the Electoral Commission by Parliament in the UK).

It is therefore very important that the electoral institution acts and is perceived to be impartial and credible, so that electoral processes are recognized as legitimate (Birch, 2011; Magaloni, 2006; Miller, 2005; North & Weingast 1989). When an EMB is credible, the election and its outcome are credible and accepted. However, when citizens, political parties and other key stakeholders mistrust the electoral institution, the entire process can be challenged. An example of this is the general mistrust of the Philippines Commission on Elections (COMELEC), which contributes to tensions and creates an atmosphere that is more likely to lead to violence (IFES, 2014). In the 2004 elections, for example, 249 election-related violence incidents, including 468 casualties were reported (Rimban, 2011). Another key example is the 2007 elections in Kenya, which ended with thousands dead and many more displaced. Here the complete lack of trust in the Electoral Commission of Kenya (ECK) was a key ingredient in explaining post-election violence. This was because most of the members of its governing body (19 out of 22) were only appointed shortly before the elections and without any inter-party consultation, leading stakeholders to believe the ECK was biased and not a legitimate arbiter for organising the election (Elklit, 2011:5).

The importance of the impartiality of EMBs is shown by Figure 3 below. It illustrates the degree of correlation between the PEI index and the impartiality of election authorities. The PEI index considers scores ranging from 0 to 100, where 100 is the highest score possible for a particular country. To measure the impartiality of electoral authorities I take question 11-1 on the PEI survey, which asks experts if election authorities were impartial or not, with answers going from 1 (strongly disagree) to 5 (strongly agree). The scatterplot below shows that the higher the

perception of impartiality of electoral authorities, the higher the perceptions of electoral integrity (PEI Index) for a particular country.

**Figure 3. Relation between EMB impartiality and electoral integrity.**



EMB credibility is critical for the acceptance of election results (Maserumule, 2015: 85). For this reason, literature has focused on a number of aspects that are considered to strengthen election administration. These include the organizational structure of EMBs, their functional capacity, and their administrative ethos (Norris, 2015). With regards to the EMB structure, the focus has been on comparing and analyzing the advantages of three main types of electoral bodies: the governmental model, where elections are organized by the executive branch of government at the national or local level; the independent model, where the management of elections is done by an agency which is institutionally independent and autonomous from the executive; and the mixed model, which involves two levels or components, a supervisory agency that is independent from government and an implementation body which is part of a national or local government (such as a ministry or local authorities) (ACE, 2016). Within this field, other studies analyse the autonomy of EMBs not from government but from political parties. A second condition that is believed to have an influence in the quality of elections is functional effectiveness and state capacity. This highlights the importance of the EMB's administrative capacity and its ability to

manage and organize an election effectively and professionally with as little flaws as possible. Adequate managerial, technical, legal, human and financial resources are needed for conducting a successful election (Norris, 2015). A third condition that has been analysed by literature is the administrative culture or ethos of the EMB and its staff. This is related to the values that influence the way officials in the EMB see their work and how they perform. Values such as impartiality, efficiency, transparency and legality rather than clientelism and patronage have been found to have a positive impact on public service delivery.

Although there are many conditions that are believed to have an impact on the quality of elections and their credibility, in this research I focus on the structural element of EMBs. I study the relationship between EMBs and political parties and analyse whether support from political parties to EMBs matters for electoral credibility. I hypothesize that party support – identified by the participation of political parties in the appointment of EMB members - has a positive impact on confidence in electoral processes. I believe that when parties are included in this process they get a chance to express their opinion and voice their concerns. As a result, appointees are less likely to be individuals who are rejected by political parties. Therefore, if parties have an opportunity to express it is more likely that they will accept the decisions of the EMB. And if political parties do not have a role or a voice in the appointment of the EMB, this can lead them to criticise its members and their decisions. Exclusion from such a process can lead parties to challenge every decision made by EMB members.

### *3. Election results: transparency for credibility.*

The election results stage is very important for the credibility of an election and its one of the most sensitive areas in the electoral cycle. First, this stage, encompassing the counting, verification, communication and announcement of results usually lasts only a few days or even hours. As a result, it gets more attention than other stages that involve longer processes, such as voter registration, which can be a continuing and lengthy process. Second, this stage occurs immediately before candidates, parties, media and citizens in general find out who are the winners of the election. In a way, this stage is directly linked to the outcome of the election and therefore it is used by many as an indicator of the overall quality and integrity of the entire process. Third, in modern democracies, the format of the results stage is that of a horse race, with constant and abundant information showing who is ahead and who is behind, by how much, and how can this potentially change or not in the next few minutes, hours or days. Charts, graphs and estimations of the actual and projected results for each candidate or political party are a key part of this process. This allows people

to examine the election more closely and contributes to a state of heightened excitement. Therefore, because of its duration, timing and format, the electoral results stage can play a very important role in the acceptance of election results and in preventing or reducing post-election protests or violence. As indicated in the International Obligations for Elections guidelines, this is “a point in the process in which the physical exhaustion of electoral officials meets the rising emotions of the electoral stakeholders, who are eager to know the results” (IDEA, 2014: 250). The success of this stage is crucial for the entire process to work.

The importance of the election results stage is considered in a number of books and guidelines directed towards democracy and electoral assistance practitioners. For instance, the Venice Commission's code of good practice in electoral matters highlights that the transmission of results is a vital matter whose importance is often overlooked (Venice Commission, 2002). As a result, it suggests that – as other stages of the electoral cycle – it should be characterised by transparency, impartiality and independence from political manipulation. In particular, it indicates the transmission of both preliminary and final results should be conducted in an open manner, and within short time limits, especially when the political climate is tense (Venice Commission, 2002). In a similar fashion, the Deepening Democracy report by the Global Commission indicates that transparency, inclusiveness and accountability in the tabulation of results can improve confidence and diminish post-election volatility (Global Commission, 2012: 26). In the same way, as stated by the International Obligations for Elections guidelines, “the respect for the free expression of the will of the electors (···) relies on fair, honest, conscientious and transparent management of counting and tabulation activities” (IDEA, 2014b).

Reports also highlight more practical aspects of the management of election results. The International IDEA Handbook on Electoral Management Design points out that the credibility of an election is weakened when the election results stage is flawed. As the handbook points out this was the case in Belarus and Ukraine in 2004 and Ethiopia in 2005, with important delays in the communication and announcement of election results and where the public was not able to access the vote count data (IDEA, 2014). A similar situation occurred in Kenya during the December 2007 presidential elections, where the ECK delayed the announcement of results for two days, which lead to protests by the opposition and post-election violence (Global Commission, 2012).

Several factors contribute to having good election results and thus a credible election. From the guidelines and cases above we can see that the public has to have effective access to information and that this information must be widely available and published in a timely fashion. More specifically, from the counting and tabulation of votes at polling stations and/or central offices to the official release of results, all citizens as well as candidates, political parties, authorities and the media must have constant access to the information offered by the progressive vote count and to the preliminary and final results. Moreover, this information must be clear and simple, with disaggregated information down to the polling station level, easy to understand and to use and verifiable in an independent manner by third parties, be it observers, political parties or independent audit agencies.

At the core of these factors there is something that is very important for having an election with credibility: transparency. Transparency has been embraced recently by a number of national and international organisations in their effort to improve governance and public service delivery. Access to information and disclosure have now been recognised as key elements so that governments and public institutions can improve their performance and become accountable to the public (UNDP, 2010; Open Government, 2015). Transparency has also become an important standard in election administration. It has been recognised as “a basic good practice for all EMB activities” (IDEA, 2014: 23) and is one of the key elements that “ensures the proper administration of the election process” (Venice Commission, 2002: 26). Transparency can help identify irregularities in EMB processes, misconduct from EMB officials and fraudulent practices. At the same time, it can protect the EMB, its staff and its activities from unfounded allegations and perceptions of fraud. As a result, transparency can improve citizens’ perceptions of the integrity of the electoral process. When elections are open and inclusive and when information is made public in a timely fashion, confidence follows. Support for elections and election institutions increases when electoral rolls can be accessed by the public and political parties, when procedures for candidate registration are clear and when campaign finances are audited. On the other hand, suspicion and doubts increase when information is delayed or obstructed, when procedures are not verifiable and when people are kept in the dark about EMB decisions. The effects of transparency in the realm of election results are similar. When results are transmitted in a timely fashion and these are widely available, easy to understand and accurate, speculation is prevented and

parties and citizens are persuaded to accept election results. This way transparency can “clarify the political scene, foster the acceptance of results and leaves little room for uncertainty and rumours” (Lopez Pintor, 2000: 81)

Literature has focused on the overall quality of election administration and its impact on its acceptance and on the support to the electoral process and electoral institutions (Elklit, 1999; Elklit and Reynolds, 2002; Mozzafar and Schedler, 2002; Norris, Frank and Coma, 2014). There are many factors that compose the electoral cycle and contribute to its quality and credibility<sup>7</sup>. However, research has only analysed a few of these aspects, including the role played by the electoral system (Birch, 2007), campaign finance (Birch, 2008), electoral institutions (Hartlyn, McCoy and Mustillo, 2008; Rosas, 2010; Opitz, Fjelde and Hoglund, 2013, Norris 2015, amongst others) and certain electoral procedures (Atkeson and Saunders, 2007; Alvarez and Hall, 2008; Hall, Monson and Patterson, 2009, Classen et al, 2013) amongst others. Therefore, so far, literature has not analysed the individual impact of the election results stage in the credibility of an election.

Moreover, research has not yet focused on the role of transparency in the election results stage. It has, however, addressed the effects of transparency in other aspects surrounding elections. For example, studies have analysed the effect of monitoring / observation in improving the quality of an election and in reducing fraud and irregularities (Hyde, 2010; Simpser and Donno, 2012; Sjoberg, 2013). In addition, scholars have studied other policies and mechanisms used to increase transparency, including implementing checks and technology to reduce fraud (Sjoberg, 2013) the general degree of transparency in EMBs (Garnett, 2015). In the area of election results, research has so far only addressed the impact of crowdsourcing systems to verify the accuracy of election results (Arias, Garcia and Corpeño, 2015).

The election result stage considers a number of activities, ranging from the tabulation and processing of the vote count to the official announcement of results. Unfortunately, there are yet no indicators that measure transparency in all its dimensions and in all of these

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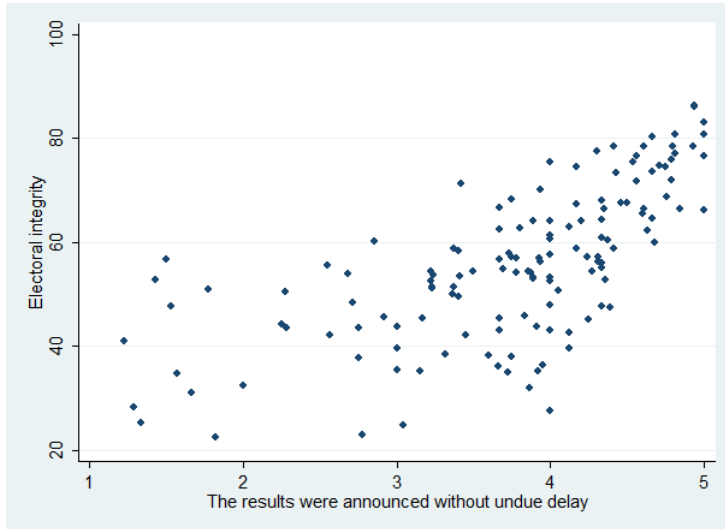
<sup>7</sup> There is no agreement as to how many phases and components make up the electoral process. If we follow the Electoral Integrity Project's PEI Index (Norris, Martinez I Coma, Frank, 2013) and as previously discussed, there are eleven stages in an election, ranging from the electoral laws, to voter registration, to the post-election phase.

processes. However, the PEI index measures one key aspect that illustrates the importance of having transparent election results: the timeliness of the announcement of results<sup>8</sup>. The PEI index includes a “vote count” component which considers several measures. One of these is item 9-2, which asks domestic and foreign experts if the election results were announced without undue delay, with responses coded from 1 (strongly disagree) to 5 (strongly agree). The scatterplot in Figure 4 shows that the more results are perceived to be timely, the higher the electoral integrity index for that country.

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<sup>8</sup> Timeliness is an essential part of transparency. As will be shown in chapter 6, the transparency of election results will be assessed according to Michener and Bersch’s (2013) definition of transparency. This definition involves two key components: visibility and inferability of information. Having timely results is a key part of the visibility component as this needs information to be visible, complete and available. The more the delays in information processing or transmission, the less visible that information is.

**Figure 4. Relation between timely announcement of results and electoral integrity.**



In this research, I study the relationship between election results and election credibility. In particular, I analyse the role of transparency of the results in preventing post-election protests. This is explored through a comparison of the 2006 and 2012 presidential elections in Mexico. Through a paired comparison of these similar systems I attempt to show how the differences in the degree of transparency in several activities of the election results stage affected the level of post-election protests. The transparency in election results is assessed using Michener and Bersch's (2013) minimal definition, which considers that transparency must have two essential conditions: visibility and transparency. I argue that transparency in results can contribute to improving public perceptions of the integrity of the election. Transparent results (when results are transmitted in a timely fashion, and information is complete, simple, widely available and verifiable) speculation and rumour are substituted by clarity and conviction. Uncertainty dissipates and this can contribute to prevent or mitigate post-election conflict.

#### *The aim of the research*

Elections are big complex operations involving thousands of different activities and people. It is therefore expected that they experience problems from their inception all the way up to the announcement of the official results. Even long established democracies are vulnerable to irregularities and malpractices. As a result, it is fairly common that election results are challenged. In turn, these challenges can catalyse into protests which are not always

peaceful. An antidote for this and for increasing confidence in electoral processes is strengthening their integrity. Although electoral integrity involves many different processes and activities, this research focuses on three key aspects: election administration, the role played by EMBs and the election results stage. These have been identified as areas that group possible acts of violence in an election and therefore require a more careful attention. First, the research will analyse their combined influence. In particular, a Qualitative Comparative Analysis (QCA) will assess if these conditions have an impact on the acceptance of election results. Results will show that the three are necessary conditions for the acceptance of election results. Second, the research will drill down and focus on the role played by EMBs. By conducting a quantitative analysis involving logistic and multilevel regression, I will analyse different EMB models and evaluate which is best for having confidence in electoral processes. The analysis will focus on the importance of including political parties in EMBs, revealing that including parties in the EMB appointment process presents some advantages. Third, the research will conduct a Small N focused comparison of two elections, analysing transparency in election results. Results will show its important role in preventing and mitigating post-election protests<sup>9</sup>. Even though claims of stolen elections and irregularities will probably never stop, incorporating the findings of this research into elections and electoral institutions can contribute to the strengthening of electoral integrity and with it to increasing confidence in elections, their outcome and the political system as a whole. Better electoral processes, electoral institutions that include political parties and election results that are more clear and transparent give sore losers fewer arguments for calling fraud and can help reducing accusations of vote rigging and irregularities, which then translate into less conflict and violence.

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<sup>9</sup> Additional details on the chapters and the methodology employed will be explained in the following chapter.

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