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Draft, i.e. comments invited!

What Kind of Animal is Electoral Integrity?

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Abstract:

This discussion paper attempts to take a comprehensive look at electoral integrity. The concept is initially defined in a way which follows the ordinary language use of “integrity”, i.e. as something which has not in any way been damaged or ruined. Electoral integrity thus refers to the perfect election or at least an election where no one has anything to complain about. In real life, however, such elections are yet to come, but the profession lacks an across-the-board concept, which covers what is sometimes – but often somewhat vaguely or imprecisely – termed “free and fair”, “good”, or “acceptable” elections. “Electoral acceptability” is maybe the concept best covering “real-world electoral integrity”, so that the relationship between the two might remind one of the relationship between “Dahl’s democracy” and “polyarchy”? The opening discussion is followed by a presentation and discussion of some key points in relation to the eight attributes of electoral integrity suggested here. The conclusion is that electoral integrity is a complicated concept to work with and that it is not enough to measure it solely based on election observation reports or the average of perceptions of a sample of voters or so-called experts. To the extent possible, hard data should also be taken into account.

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Integrity, n. **1.** soundness of and adherence to moral principle and character; uprightness; honesty. **2.** the state of being whole, entire, or undiminished. **3.** a sound, unimpaired, or perfect condition.

Webster's Encyclopedic Unabridged Dictionary of the English Language (New York, 1989)

"Integrity" is a well-known concept in connections such as "he was a man of absolute integrity", "the integrity of the empire was being challenged", or "the architecture's integrity was damaged by the latest additions to the building".

Of late, the community of practitioners and scholars working with elections has also started to use the concept in connections with elections, so that "electoral integrity" is becoming a standard buzz-word. However, it appears that there is an acute need for providing a definition and operationalization of the concept, which fits the needs of the community of electoral practitioners and scholars and about which we can all agree, even though that does not seem to be an easily accomplished task. To take just one example, the ACE Electoral Knowledge Network opens its overview page on electoral integrity with this statement:

"Integrity is a difficult concept to define but an essential element of a democratic government system. Integrity is inherent to the principles of democracy. It contributes to the administration of free and fair elections, without which democracy would be compromised" (<http://aceproject.org/ace-en/topics/ei/ei10>)

It remains somewhat obscure what the precise content of this statement, characteristic of this particular field, actually is.

The earliest use of "electoral integrity" I have come across is in a pamphlet on *Principles for Election Management, Monitoring and Observation in the SADC Region* (PEMMO) published in 2004 by The Electoral Institute of Southern Africa (EISA) and the Electoral Commissions Forum (ECF), but adopted in late 2003. In the introduction it is said that

" ... a major challenge is the need to secure the integrity of the electoral process by adopting people-oriented voting procedures and facilities *as well as* establishing a culture of peace and tolerance ..." (PEMMO, pp. 3-4; italics added, JE).

It is interesting that the authors of PEMMO saw electoral integrity as something not only about voting procedures and facilities oriented towards the ordinary voters, but also as a general atmosphere allowing genuine political contestation without violence and intolerant behavior. This means that EISA and the working group, which developed PEMMO, saw electoral integrity as the general condition under which an election is conducted: The voters must not be hindered – be it by practicalities or fear or something else – in participation in the election.

The idea of seeing electoral integrity as the general, all-encompassing condition under which an election is conducted is appealing for a number of reasons, even though that also creates problems. The broad understanding of the concept is in line with ordinary language usage, both as regards the issue of high morality etc., the undiminished state of affairs, and the perfect condition.

So the concept – if understood in this way – describes the situation where everything we look at in connection with a specific election is perfect – at least with nothing whatsoever to complain about. Obviously, one might never experience such an election, but it will still be extremely useful for the conceptual development to have this mental picture, this idea (or ideal type) of a perfect election, where there is nothing whatsoever to complain about.

However, in real life, there is no denying that the perfect election is non-existent. The assessment of election and election administration quality as well as the general context in which an election takes place, involves a myriad of factors, some of which are, of course, more important than others when assessing the quality of the election. But they share this one thing that if there are problems with any of them, then we cannot say that the electoral integrity was not damaged – or compromised – as we know that something was wrong, because something could or should have been better or worked better. The integrity of a china plate is damaged if it has a crack. *In principle*, either a plate – or an election or an election administrator – has integrity or has not. Full stop!

Many will probably claim that this position is useless as all elections have at least some problems, so we might never come across an election which we can honestly say had (full) electoral integrity.

We might therefore be in the same situation as Robert A. Dahl – *sans comparison* – when he realized that it could be useful to allow for a distinction between democracy as the unattainable theoretical concept and polyarchy as the real-world approximation to that concept. We also have a theoretical, ideal concept – electoral integrity – but we can only proceed with our endeavors in a constructive way if, at the same time, we can keep it separated from its real-life namesake.

One challenge is then to find a name for this real-life namesake. We could, of course, always decide to talk about “Electoral integrity 1” and “Electoral Integrity 2” and agree that “Electoral Integrity 2” was the one more or less damaged as it was the real-life variant. We could also hope for that a member of the electoral profession could come up with a word – as Dahl did with polyarchy – which could be accepted as a useful term for what we would expect to experience in a well conducted election in a country where the political culture was conducive to an honest, non-malign contestation etc., but where minor problems or almost acceptable deviations from the perfect might still occur.

It is striking that there is more than this one parallel between the age-old occupation with and study of democracy and the embryonic occupation with and study of electoral integrity. I see at least four such parallels:

- There is no universal agreement on how the concept should be defined or what the constituent components of the concept are. However, many of the ideas about electoral integrity have a high degree of overlap.
- There is not necessarily general agreement on whether the concept by definition is a (true) dichotomy or whether it should be seen as a gradable concept (and if the scale in that case would be ordinal or interval).
- There is also not necessarily agreement on what the appropriate level of detail is for studying and measuring electoral integrity. Some would probably claim that a considerable

level of detail is necessary in order to cover the concept as it should be covered, while others might prefer a more broad-spectrum approach.

- A separate issue – even though related to all of the above – is whether or not it is actually possible to measure satisfactorily the concept as one has decided to define and operationalize it. In relation to this issue, we also see many parallels between democracy and electoral integrity.

So many features go under the umbrella of (full) electoral integrity that it makes sense to speak of it as a multi-dimensional phenomenon, which also – to complicate matters further – has a temporal dimension (before, during, and after election day(s)). Figure 1 below illustrates the ideas behind the multi-dimensional electoral integrity concept as understood in this paper: Many different elements (sub-dimensions, features) constitute the dimensions – or attributes – which together form the electoral integrity concept.

We thus have a situation reminiscent of what Michael Coppedge has discussed under the heading: thick versus thin concepts (e.g. Coppedge 1999). There are here disadvantages as well as advantages connected with working with either one or the other, which is also related to whether or not one wants to (or has to) work with either small-n or Large-N data sets – and consequently also apply a qualitative or a quantitative analytical approach.

One way forward might be to see the challenge before us in this way: Electoral integrity is a thick concept, which covers all the elements one would expect to see in place in a good, democracy-enhancing election, and even though it might be difficult to describe all the details in advance, one would know electoral integrity when one comes across it – as with the proverbial elephant.

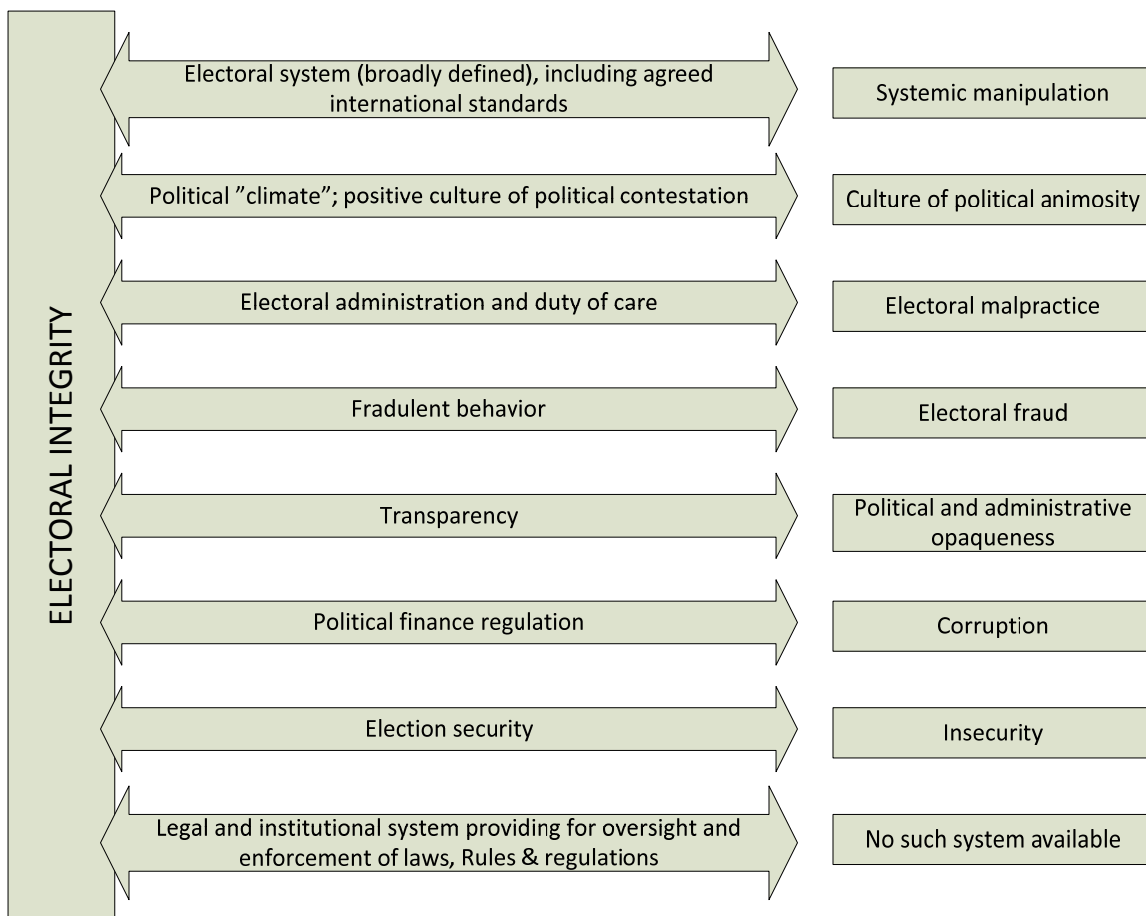
At the same time, we also know that this approach to electoral integrity would immediately bring us into all kinds of practical trouble; thus it might be preferable, *simultaneously*, to go for a somewhat slimmer (thinner) – and therefore more manageable – concept, which would have to be gradable. There would still be need for some conceptual groundwork, but in this way it appears that the various complicating issues referred to above have been made more tangible, which is an advantage.

We can then hopefully agree on a slim, manageable, gradable version of the electoral integrity concept (to be called what?), while at the same time admitting that, on a theoretical and ideal level, it would make more sense to see electoral integrity as a non-gradable concept, which included at least the eight elements in the figure below and, therefore, was as least as thick a concept as Michael Coppedge has ever been able to imagine. Only when the performance in all dimensions (components) is at their absolute peak, do we have a situation of (full or un-damaged) electoral integrity.

The ideas expressed in Figure 1 almost beg the construction of an “index of electoral integrity”, with the highest value indicating the perfect election taking place in a perfect environment as far as the political culture was concerned. As the various attributes are all necessary elements, the index would have to be multiplicative, but the attributes could of course be allocated different weights in the final computation of the overall index score.

If the thick concept includes all the dimensions and everything required for the perfect election, then the more interesting question becomes what to include in the thinner version and how to measure it: Interpretations of the legal texts, analyses of administrative behavior, studies of voters' perceptions – or textual analyses of, e.g., election monitoring reports, or ...? The most obvious answer appears to be that all of these data sources might contribute to the most valid and reliable assessment of the electoral integrity level. None of them can – at least not in my opinion – be relied upon to provide by itself a fully reliable picture. However, the index construction would require agreement on the components and sub-components, which should make up the various attributes, and already the mapping of these elements might create disagreement – maybe even controversy – across the community of election scholars and practitioners.

The eight dimensions are all stretched out between a positive end (to the left) where neither the legal texts etc. nor the behavior of relevant actors in any way compromise the electoral integrity, and a negative end to the right where legal texts as well as the behavior of some of the electorally relevant actors contribute in significant ways to damaging electoral integrity (the recent farcical parliamentary election in Syria could be seen as an example of an election, where scores on all attributes was very low and the election therefore could be said to have a dramatically low level of



integrity). To complicate matters, the picture obtained through the use of legal texts and actual behavior might of course be modified through public perceptions about the election (i.e. voters' perceptions as well as elite perceptions, domestic and international).

In her background paper to the large-scale political science research project, Challenges of Electoral Integrity (and to this workshop as well), Pippa Norris has presented her ideas of how electoral integrity should be understood and how one can approach the study of this comprehensive concept. Norris' claims that "the core notion of 'electoral integrity' refers to agreed international principles and standards of elections, applying universally to all countries worldwide throughout the electoral cycle, including during the pre-electoral period, the campaign, and on polling day and its aftermath" (Norris, 2012, p. 4).

Here, electoral integrity is understood as a kind of benchmark which, to some arguable degree, resembles well-known (and, admittedly, imprecise) election characteristics such as "credible", "acceptable", or "free and fair" (see on this, e.g., Elklit and Svensson, 1997). This benchmark approach is underlined, when Norris goes on to state that "Conversely, electoral malpractice refers to violations of electoral integrity" (Norris, *ibid.*), so to her the antonym of electoral integrity is electoral malpractice.

The notion of a set of international principles and standards of elections may give the impression that there actually exists an easily applicable set of rules etc., which any election can be measured against (see, e.g., *Compendium of International Standards for Elections*, 2010 (?)). To some degree yes, but the principles and standards are often formulated in such a way that violations – intended and unintended – become difficult to translate into a specific statement about whether or not the principles and standards have been sufficiently upheld in a specific situation – and what is "sufficiently"? So the assessment of whether a specific election has been conducted in such a way that one can talk about it being characterized by electoral integrity might be a rather subjective call. In her recent book on *Electoral Malpractice*, Sarah Birch is also hesitant about the value of using this starting point for the study of electoral malpractice/integrity (Birch, 2012: 12).¹

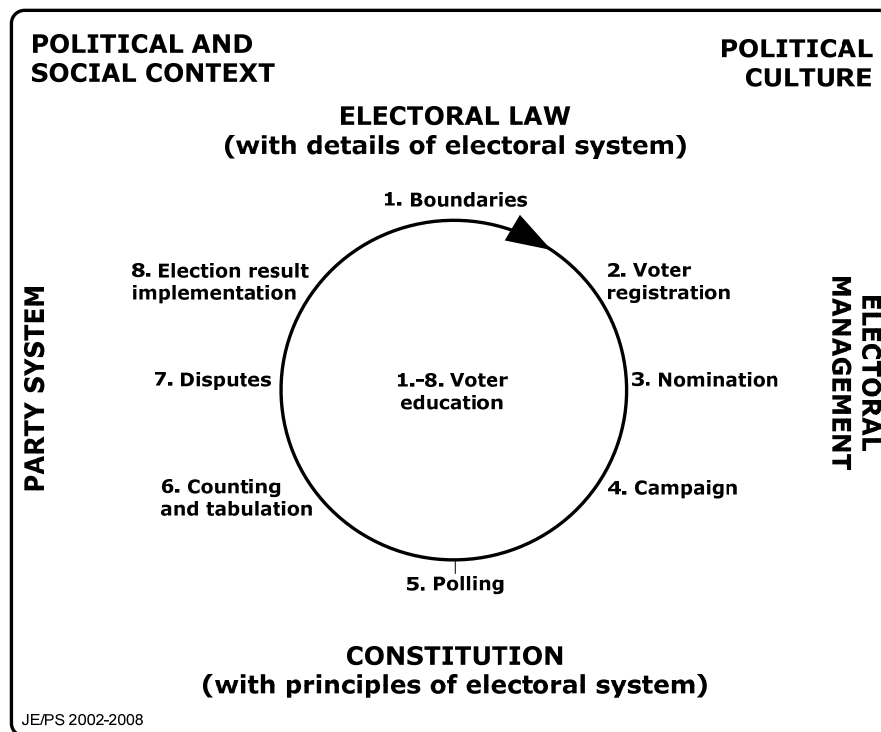
Before looking more closely at some of the issues one can identify in relation to each of the eight attributes of the overall concept, it may be appropriate with a few words about their interrelation. The first attribute (Electoral system (broadly defined), including agreed international standards), covers all the systemic parts of what is needed to conduct an election, as indicated in the electoral cycle figure below (page 7). The "negative end" of this attribute is here termed "systemic manipulation" and covers "the use of domestic legal provisions and/or electoral rules and procedures that run counter to widely accepted democratic principles and international standards, and that purposefully distort the will of the voters" (Vickery and Shein, 2012, p. 2, n2). This shows the degree to which electoral integrity is being intentionally damaged by domestic decision-

¹ Birch also – maybe [with no intention of doing](#) so – illustrates this point when about 20 per cent of her cases (elections) cannot be given a proper score on the presumably most important attribute of concept ("Did the legal framework governing the elections confirm to international standards?") because of lack of insufficient information (see the project homepage). For the purpose of her analysis, [Birch](#) solves the problem through so-called multiple imputation. The point here is that she also makes the observation that "the international standards" is a very loose concept, which is therefore difficult to operationalise as the basis for valid, reliable, and precise measurement.

makers before or during or even after the election. Obviously, this element to a considerable degree overlaps with what Sarah Birch terms “manipulation of institutions” (Birch 2012).

The second important dimension indicated above is the political climate dimension (or attribute). If a culture allowing peaceful and constructive political contestation is absent, electoral integrity suffers, because free speech, movement, and opinion formation etc. is impeded.

The next two attributes have also been dealt with by Sarah Birch in her recent book on *Electoral Malpractice*, malpractice being seen as the antonym of electoral integrity (as does Norris, cf. above). However, I find it both more useful and more satisfying to separate these two specific attributes. In my understanding, electoral administration (and as a natural part of that also duty of care) should be dealt with on its own as it is a key element in securing electoral integrity; but if electoral administrators are negligent or careless in carrying out their responsibilities, we have electoral malpractice, which one therefore finds at the lower end of this attribute.



Fraudulent behavior (i.e. intentional violation of laws, rules and regulations aiming at helping one or more electoral contestants at the cost of one or more of the other contestants) should also be assessed on its own, as it is very different from malpractice – as defined here – and is also to be dealt with in a very different way. This approach is in line with the recent IFES White paper by Vickery and Shein (2012), which I find very helpful in its discussion of the literature on these topics and its clarifying separation of defining elements (*ibid.*, p. 12).

One of the complications here is that these four key attributes are all interrelated, and we must therefore also deal with issues related to the problems of interdependency. The culture of political contestation has a bearing on, e.g., how easy it is for opposition parties to get registered or to have its candidates accepted, which is, of course, also an element among the agreed international standards (the right to stand for election).

The interconnectedness of these four factors can be illustrated with reference to the recent presidential election in Russia: Within certain limits, Russian voters who want to run for president can do so. However, if they do not have the support of a party already represented in the Duma, they have to present 2,000,000 supporting declarations from registered voters. On the forms, the supporting voters must give a surprising myriad of detailed information, which makes it difficult to fill out the form correctly; the form is perhaps even constructed in this way in order to make it more likely that it will be filled out incorrectly; thereby it becomes invalid and can thus be disregarded. This is a clear example of systemic manipulation, which distracts considerably from the presidential election's integrity. But the declaration verification process may also have been characterized by electoral fraud (willfully rejection of valid and correct declarations by low-level election administration personnel wanting to please the system) as well as electoral malpractice (careless handling and decision-making during the verification procedure because all known what was going to happen).

The Eight Attributes of Electoral Integrity

The following is an attempt to put some blood and flesh on the attributes of electoral integrity as the concept is understood here. The number of components and sub-components will vary, some definitions may be imprecise – and maybe unacceptable to some of those, who see this – and cases of redundancy and conflation is probably also inevitable.

Dimensional complexity is, as hinted at above, also an issue, as all eight electoral integrity attributes also have a chronological dimension – and to all of this we must add that most of what we will be looking at can be studied and must be understood both from a *de jure* (based on legal texts of various kinds) and a *de facto* (i.e. what actually happens during an election process) point of view. Furthermore, the popular – and elitist – perceptions of what goes on during the election must obviously also be considered (see on this also Norris 2012: 15ff). These four approaches – the legal, the behavioral, the one related to popular perceptions, and the one related to elitist perceptions – all contribute to understanding what the level of electoral integrity is in a particular election, even in its slimmer version. It might also be useful to allow for the inclusion of what one could call “expert perceptions”, which covers the subjective assessments by election experts, whether academic, foreign election observers, consultants working with the EMB or relevant NGO's, or others with similar backgrounds.

Electoral system (broadly defined), including agreed international standards

The electoral system attribute covers all the standard elements mentioned in the Universal Declaration of Human Rights (1948) and the ICCPR (1966), so the components are Periodic elections, Universal suffrage, Equal suffrage, Right to stand for public office, Right to vote, and Secret ballot. This is as in Norris (2012) and probably uncontroversial. A very useful overview of many of the

de jure rules have been collated by Massicotte et al. (2004), who document that the international standards are being interpreted and contextualized differently in different countries. Obviously, the *de jure* interpretation of the present situation must be considered.

However, another component should be the seat allocation system (as seat allocation systems are not all equally acceptable, e.g. Singapore, Iran, Afghanistan), and many would argue that one should also look for provisions to attempt to obtain some degree of equality in gender representation, etc.

Whether other components should be included here – or what the sub-components should be – is not important. However, the system for organizing the election management board (EMB) – whether as a more or less independent commission or as an integral part of the state apparatus (López-Pintor, 2000) – and for appointing the commissioners should in any case be included somewhere.

It follows from this that my suggestion is to apply a broad electoral system concept, like previously Dieter Nohlen and more recently Pippa Norris (Norris 2009: 150), arguing that the official policies, legal regulations, and administrative practices are all important as they all govern one or more steps in the electoral process and – by implication – therefore also has a bearing on the level of electoral integrity. Elklit (1994) is an early attempt to approach some of the problems in measuring and comparing electoral systems (broadly defined) in democracies in transition.

Universal suffrage: Whatever the constitutional and other legal provisions, it is well-known that many countries have serious problems with efficient voter registration. Therefore, there is not *de facto* universal suffrage in some parts of the world, despite the official claim in some countries that the country lives up to international standards, and that the individual voters, not the EMB or the legislation are to be blamed for voters not registering. The US is still a well-known case in point (see, e.g., Scher 2011: 29-77; Schaffer & Wang 2009), but most African countries are also examples of this (Evrensel (ed.) 2010). The obvious suggestion is that any discussion of the extent of suffrage should be measured on the basis of Voting Age Population (VAP), as that provides the most reliable picture of the *de facto* suffrage level. It is not uncommon that 10-20 per cent of the potential electorate in some African countries are not registered. Similar problems may be seen in other countries as well. International IDEA's website on voter turnout is in any case a useful resource even though the field of comparative population statistics is a notorious minefield, because of population under-registration, the presence of resident non-citizens, or for other reasons.

Kenya is an interesting case in point. The voter register for the 2007 elections was in a miserable condition, both because of under-registration and because of non-deletion of dead voters. The official registration figure was 14.1 mil after a successful registration drive, but probably 1 mil entries should have been deleted as they represented long-dead voters, while IDEA's VAP-estimate is 18.1 mill. This mess in itself contributed considerably to the damaged electoral integrity, but how much – and how much relative to other problems in these miserable elections (Kriegler et al. 2008: Annex 3.A; Elklit 2009)? One of the key recommendations of IREC was a complete overhaul of the voter register. The IIEC – now the Kenya IEC – took this task very seriously and the voter register in Kenya is now apparently in a

much better shape than in 2007, which obviously increases the score on this specific sub-component considerably, also because voter perceptions of this particular issue seem very positive.

The secret ballot is another key element in a democratic election, but some countries have problems with ensuring the complete secrecy of the vote for various kinds of incapacitated voters, while in other countries the serial numbers on the ballot papers can – via the serial numbers of the stubs in the ballot paper books – be linked to individual voters.² Sweden is a further case in point as the open distribution of individual parties' ballot papers (to be enveloped in the voting compartment) is seen by some as potentially compromising the secrecy of the vote – and through that the integrity of the election. The same ballot paper distribution system is also being used in some other countries, but it has apparently not led to the same kind of questions about voting integrity.

The seat allocation system should ensure – among other things – the equality of the vote. Different systems do that to different degrees, and it is the tradition in election assessment and election monitoring not to question other countries' seat allocation systems. But some systems are worse than others – Afghanistan, Iran, Egypt, and Singapore come to mind – at the same time as recent contributions to the literature have started to indicate more openly the specific and commendable democratization advantages if some kind of proportional representation system is used (Norris 2009, pp. 171; Reynolds 2011, pp. 84-87). This has been claimed by some for ages (see a more recent contribution in Lijphart 2004), but is the situation now that it has become acceptable also to include an outspoken assessment of the seat allocation system in the assessment of an election? Is the eventual consequence that disproportionality scores (such as Gallagher's LSI) will be an element (i.e., a sub-component) in a future electoral integrity index?

Is it – at least in principle – possible to develop a scoring system for the electoral system attribute of the electoral integrity index, which can eventually be included in the calculation of an overall electoral integrity index score? In principle yes, but it is painfully clear that it will be very demanding to do so.

Norris (2012: Table 2) gives a brief overview of five expert indices, and they are clearly not even close to assessing in any detail “the electoral system (in the broad sense), including “international standards” as it is understood here. More directly relevant is probably Gerry Munck's Electoral Democracy Index (Munck 2009: 55ff) or the Quality of Elections and Election Administration Index developed by Elklit and Reynolds (Elklit and Reynolds 2005; www.democracy-assessment.dk).

The Elklit-Reynolds index at least tries to take a considerable number of electoral system related factors into consideration, but it also suffers from elements of conflation and redundancy, and that the aggregation rule is additivity, not multiplication; this means that there is still room for conceptual and other sorts of improvements. This index has also not

² This feature of the electoral identification system was deemed unconstitutional in Ireland in the 1990s, but is still in use in some other countries.

been as easy to work with as expected, as data collection from local co-operation partners (including EMBs) have been more complicated than foreseen, i.a., because some EMBs were not too happy about having their accomplishments studied too closely. The index still goes further than most other indices in its attempt to register and score variations in electoral and electoral administration quality, but – as just said – it needs to be further developed, both conceptually and with regard to aggregation rules and data collection procedures.

An even newer index is the Election Administration Systems Index (EASI), developed by Bland, Green, and Moore (2012). EASI is – as the name makes obvious – primarily concerned with electoral administrative issues, which makes it tempting to claim that it should figure only under the attribute concerned with electoral administration (see below). However, EASI also covers some of the issues dealt with under the electoral systems attribute, so it can also be dealt with here. EASI works with three dimensions by three temporal categories, the three dimensions being participation, competition, and integrity. Integrity is thus relegated to an attribute like the two others, which is interesting in light of some of the other understandings of this concept. Maybe one can say that the concept is here used in a somewhat narrow sense as “trustworthiness” of specific elements of the electoral process? The basic data are expert responses, given in a Likert-scale format, which is not the most appropriate for all 36 individual items as some of them can be answered more directly and objectively, even though the suggested data-collection method also has a number of advantages.

The electoral integrity index attribute discussed in this section must also include a concern for attempts to manipulate elements included in this factor, i.e., what in the figure above is termed systemic *manipulation*; above it is also defined and paralleled to Birch’s Manipulation of institutions (or Manipulation of the law). Examples could include gerrymandering, malapportionment, changes of electoral thresholds or seat allocation formulae, changes of eligibility rules etc.³ One could also include the provision in Greece for allocating a considerable number of additional seats (now 50) to the party winning most popular votes, no matter how modest the biggest party’s lead over the second biggest party is.

The various elements touched upon so far might be categorized tentatively as in the table below, which should be more or less self-explanatory:

³ The discussion by Birch (2012: 27, 30-31) of the legitimacy of such changes is interesting. If these changes are carried through through ordinary parliamentary procedures, how come that they are not seen as legitimate? They may be immoral etc. and they may also damage electoral integrity, but are they really illegal?

Index of electoral integrity (with some components and sub-components and obvious data-sources entered for illustrative purposes)

Attributes	Components	Sub-components	Data to be collected from these sources					Score
			Legal texts	Actual pol. and adm. behavior	Popular perceptions	Elite perceptions	Expert perceptions	
Electoral system (broadly defined), including agreed international standards	Periodic elections?		X	X				
	Universal suffrage	Official registration (rules and figures)	X	X			X	
		Registration/ VAP		X			X	
		Provisions for ensuring accuracy?	X	X	X	X	X	
		Bias in registration? (gender etc.)	X	X			X	
		Etc.						
	Equal suffrage	Plural votes to some voters?	X					
		Executive can appoint MPs?	X	X				
	Right to stand for public office	Independent candidates allowed?	X					
		“Reasonable” requirements for party and candidate registration	X	X	X	X	X	
	Right to vote	Various sub-components	X					
	Secret ballot	Various sub-components	X	X	X	X	X	
	Seat allocation system (?)	Assessment of quality of seat allocation system (criteria?)			X	X	X	
		Gallagher’s LSI (?)						
		Etc.						
	EMB appointment	What kind of EMB?	X					
		Who can submit suggestions?	X					
		Public hearings of	X					

		candidates?						
		Who decides?	X				X	
		Impartiality?	X	X	X	X	X	
		Etc.						
	Systemic manipulation	Gerrymandering	X	X	X	X	X	
		Mal-apportionnement ?	X	X	X	X	X	
		Electoral threshold?	X		X	X	X	
		Change of seat allocation system?	X	X	X	X	X	
		Violation of EMB appointment rules?		X			X	
		Etc.						
	Etc.							
Political “climate”; culture of contestation	Use of state resources by incumbent party?	Several sub-components		X	X	X	X	
	Equitable system for access to state owned media for campaign purposes		X	X	X	X	X	

To be continued...

Political “climate”; positive culture of contestation

This component is in my view a key defining part of electoral integrity – and it obviously is absent (at least to some considerable degree) in most problematic elections. The component is not easy to measure, but the occurrence of hate speech is one indicator detracting from electoral integrity, as is the absence of an equitable system for allocation of air time in publicly owned media. As media monitoring has become popular at least in some countries, it may not be too difficult to get reasonably reliable indications in some cases, while it in others might be more subjective calls – also because most ordinary – and expert – observers do not follow all media systematically.

The electoral losers’ willingness to gracefully accept defeat is also a relevant indicator (Anderson et al. 2005). Election observers’ reports might also be useful – but in a number of cases they are not (Kelley 2012).

Electoral administration and standard of care

This is also a key component of the electoral integrity concept, because it directly influences how political parties and candidates experience their encounter with the electoral authorities – including how the management system reacts to reasonable complaints – and how voters experience registration and voting officials and through them the entire election administration apparatus. If the election administration appears to be well-organised, efficient, un-biased etc., everything is well, while if not, then it immediately influences everybody's perception of the entire electoral exercise, not least those who support the losing side (Anderson et al., 2005).

If election administrators or other professionals do not perform as voters have reason to expect in a decent election – primarily because of carelessness or neglect – I suggest we term this electoral malpractice, which is why this bottom end of this index attribute. This approach – and this definition – is taken from the recent IFES White Paper by Vickery and Shein (2012).

The extreme importance of this particular component was highlighted in connection with the 2007 elections in Kenya, as the work of the Independent Review Commission (IREC) demonstrated convincingly that the key factor behind the tragic events following the elections to a very considerable degree was due to popular, elitist, and expert misperceptions, which again to a considerable degree was caused by carelessness, neglect, lack of capacity, and – with an expression from the official report – “[because the ECK] ... is incapable of properly discharging its mandate” (Kriegler et al., 2008; Elklit 2011).

The EASI indicators (Bland, Green, & Moore 2012) mentioned above provide one way of obtaining relevant data for this attribute, even though one can question if all the items actually fit well into in this particular context.

Fraudulent behavior

Electoral fraud is deliberate wrong-doing by election officials or other electoral stakeholders, intended to distort the individual or collective will of the voters. This definition is also very close to the one proposed in the recent IFES White Paper by Vickery and Shein (2012), as the only difference is that the formulation here also allows for the situation, where the fraudulent behavior does not lead to distortion of the will of the voters, as long as that was the intention.

Interestingly enough, in its attempt to find out what was behind the many indications of possible fraud in the 2007 elections in Kenya, IREC could only detect some instances of petty fraud (such as ballot stuffing), but not fraud of the kind and scope which the international community (and many Kenyans) were expecting us to detect. It deserves to be mentioned that ballot stuffing took place in many parts of Kenya, irrespective of who the local strongman was.

Transparency

Another key component in electoral integrity is transparency, as a high transparency level might convince voters, contestants, and neutral observers that no one is trying to hide anything. Transparency is important both in relation to electoral legislation and regulation

(why are the rules as they are, why are they changed, and how are changes communicated to electoral actors), why do the EMB (or its lower level agencies) do as it does, also in day-to-day matters (political liaison committees at all levels are a good way of ensuring transparency), vote counting and tabulation must be open to all kinds of scrutiny as must seat allocation computations. Counting must take place at the polling station level and results be posted there without delay and subsequent tallying must also be made publicly available. In-depth electoral statistics and seat allocation computations (where relevant) must be made public available as speedily as possible, nowadays on the internet.

Unhindered access to all steps in the electoral process for independent domestic and international observers, civil society, party agents, and free media obviously support the impression of the entire electoral process being transparent.

Mauritius has a tricky seat allocation system for the last eight additional seats, so it was previously often questioned if the allocation of these seats was done correctly and was not only the result of negotiations in smoke-filled rooms. This, of course, detracted from the level of electoral integrity in otherwise very well conducted elections. But when the allocation of these last eight seats started to take place in public – televised and carefully explained – this particular suspicion evaporated.⁴

More problematic was it that the ECK was not able to convince IREC after the 2007 election in Kenya that all 12 nominated seats had been properly allocated according to a known PR formula (Kriegler et al. 2008, Appendix 7A.). The lack of willingness to disclose the reasons for changing the allocation system was in itself telling; however, this could also be categorized as an example of systemic manipulation, which it clearly also was.

Transparency is only rarely included in election and election quality assessment indices, but it is an important factor, when electoral integrity is the issue. An exception is the Elklit-Reynolds index where transparency items appear twice directly. However, one can obviously argue that items related to the activities of elections monitors and party agents to some degree serves the same purpose and should therefore also be dealt with under the heading of this attribute.

Political finance regulation

Differences in legal regulations and normative standards (Norris, 2012: 4) should not be a reason for shying away from also including this important component of electoral integrity. Elections have diminished integrity when only the very rich can be elected, when legal regulations about party financing schemes are systematically violated, or when one/some contestants have access to the state coffin, while others have not.

Norris reminds us that despite various attempts establish some international agreement on minimal provisions in relation to political finance standards, no yardstick to evaluate financial practices has as yet been established (2012, p. 5).

⁴ The electoral system in Mauritius could still do with a careful revision!

Obviously, money under the table will in any case be difficult to register and assess in relation to the influence on electoral integrity.

Electoral security

Electoral integrity is violated if members of the public are harassed – in any way – because of their political attitudes or expressed opinion, be it because they participate in a particular rally, wearing a party cap, decide to stand for election, go to vote (or don't go to vote) etc.

But it also relates to the secure handling of election material, especially the more sensitive parts, ballot papers and ballot paper stamps on their way to polling stations, used ballot papers after the election etc.

One of the great challenges of the 1994 election in South Africa was to convince everybody that the somewhat careless handling of ballot papers in Durban did *not* challenge the integrity of that election. We at the IEC succeeded, probably because of the high level of transparency, which had generally characterized the IEC's dealings with the political parties.

Legal and institutional system providing for oversight and enforcement of laws and Rules & Regulations

Electoral integrity also requires that there must be a judicial systems in place which can ensure that violation of electoral laws (and Rules and Regulations) are dealt with in accordance with the law and that decisions are implemented immediately/as fast as possible, so that the integrity of the election is damaged less so than would otherwise have been the case. However, the special requirements of electoral processes – not least the time constraints under which they take place – makes it advantageous to have a well-designed electoral dispute resolution systems, which can operate independently of the ordinary law enforcement system, in particular in situations where the ordinary system is not well-functioning (Kriegler 2011).

Six examples:

In Sweden some not very serious problems at the 2010 elections made the Election Supervisory Board decide that elections should be rerun for one large province (for the provincial council) and for a part of one of the middle-sized municipalities (for the municipal council). That to some degree probably restored confidence in the electoral administration in the country, as it demonstrated that there was body which also cared about details and reliability in Swedish elections.

In Germany, the *Landtag*-election in Schleswig-Holstein in early May 2012 took place because the Constitutional court had declared the interpretation of the seat allocation rules following the September 2009 election null and void. The fact that at least the Constitutional Court insists on a lawful interpretation of seat allocation rules can only strengthen the confidence in the entire electoral system – and thereby also the level of electoral integrity in Germany.

The opposite was seen in Zimbabwe after the 2002 presidential election, where the loser, Morgan Tsvangarai, challenged the allocation of the victory to incumbent President Mugabe because of the many violations of the electoral law. However, the High Court in Harare did

not even study the material provided by Mr Tsvangarai's legal counsel,⁵ but declared after a year or so that the case had no merit. So there was no system, which could provide the kind of oversight, which falls under this attribute – and also for that reason that election had no electoral integrity.

In Kenya in early 2008, the losing presidential candidate, Raila Odinga, declared that he did not intend to challenge the election result in court as he did not trust his country's court system. This attitude was easily understood by very many Kenyans as that was also their position.

In Bosnia-Herzegovina in 1996 various violations of the campaign Rules and Regulations by central political actors were not prosecuted, because the American head of the OECD delegation (and the Election Commission) was fearing the reactions from the concerned central political actors. As this willingness to bend the rules was also seen in other situations, it contributed further to diminish the integrity of the elections, with serious consequences also in later elections.

In Lesotho, the High Court after the 2007 elections shied away in the most disgraceful manner from taking a stand on the electoral challenges raised by one of the parties. As the incumbent party had circumvented the constitution – and the IEC had accepted what the prime minister and his party did – the High Court's unwillingness to uphold the law of the land ruined the integrity of the election to a considerable degree, with very serious consequences for the functioning of the National Assembly (Elklit 2008). Recent changes to the electoral system have hopefully contributed to an improved situation after the election in late May 2012.

The four last cases all influenced negatively on one's assessment of the electoral integrity in those situations.

Conclusion

Electoral integrity is something really worth trying to achieve, in old as well as in transitional democracies. The reason is that electoral integrity contributes to furthering democratic legitimacy at the same time as it both reflects the quality of the election (and of the election administration) and is part of that quality itself as perceived by voters, winning and losing electoral contestants, and domestic and foreign observers.

The electoral integrity concept, however, is perceived and defined in different ways by different people. It is also being measured differently, so there is a need for a discussion among practitioners and academics about what electoral integrity actually is and how it should be measured.

⁵ Including a comprehensive assessment of the election prepared by the present author.

One position is that electoral integrity is what characterizes the (unachievable) perfect election without even the smallest crack, but that it still makes sense to talk about various degrees of (damaged) electoral integrity.

The other position is that it is more or less uninteresting to talk about what is in any case unattainable and that it therefore makes more sense to use the concept as most other political science concepts, i.e. develop a theoretical definition of the concept, operationalize it one way or another, and then measure it as validly and reliably as possible, so that one can start analyzing the interrelatedness between the concept in question and other political and social phenomena.

Thus, one issue is what electoral integrity is (or should be); another is how thick (or thin) a concept it is. The figure on page 4 is supposed to illustrate the thick version, but obviously one can imagine thinner versions. However, one should not restrict one-self to only looking at the first of the eight attributes in the figure: "The electoral system (broadly defined), including agreed international standards", as that would be a too narrow view of the concept. The election administration and the election related fraudulent behavior attributes are in any case in some kind of intriguing relationship with the first attribute, and it would also be problematic to disregard the political culture and the transparency attributes.

It has also become clear that many of the paper's observations about particular situations entail the (partial) conclusion that many problems related to the conduct of elections should be categorized as examples of more than one of the attributes, so conflation is a factor to be continuously cognizant of when developing an electoral integrity index.

The collection of data for measuring the level of electoral integrity has often aimed at collecting relatively "soft" data, such as voters' perceptions (Norris 2012), "expert" perceptions (Bland et al. 2012), or a mixture of such data and other sources, such as observation reports (Birch 2011), or statistical and other kinds of data (Munck 2009; Elklit and Reynolds 2005).

However, to get a reliable and valid picture, one must use all kinds of data, and it would indeed be strange not to include in the measurement of electoral integrity all five kinds of data indicated in the table above (pages 11-12): legal texts, statistical data (where available) and other manifestations of political and administrative behavior, together with the perceptions of voters, the elite, and foreign and local "experts". This cannot but make data collection and coding more cumbersome, but omission of any of these data sources would inevitably decrease the quality of the measurement of electoral integrity – or the level of electoral acceptability, or whatever other term one prefers.

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