

THE HIDDEN COSTS  
OF CLEAN ELECTION REFORM

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## Preface

It was three o'clock in the afternoon when a crackling voice announced over tin-pot loudspeakers that the polls were now closed. I was sitting in the courtyard of Barangay Commonwealth High School, located in a poor and crowded section of Quezon City, the largest city in the Philippines and a part of Metro Manila. The school was serving as a polling place for the 2004 national elections, each classroom converted into a separate precinct, 117 in all.

All around me in the courtyard were people who had come to vote but could not find their names on the voters' list. In every election a certain number of voters cannot find their names, but the scale of exclusion in this election was different. I had been to this same high school three years earlier to observe voting during the 2001 elections. Then, about seventy voters could not find their names. Now there were a thousand or more.

Oddly, many of the people milling about the courtyard held in their hands receipts given to them by the Commission on Elections (COMELEC) a few months before when they had registered for the first time or had had their registration "validated." As part of its efforts to modernize elections, COMELEC had begun in 2003 to generate a centralized computer database—complete with digital photos, fingerprints, and signatures—of all registered voters. With 18 million dollars' worth of newly purchased data-capturing machines, the poll body had asked all registered voters to have their registration validated in order to purge the voters' list of ineligible, fictitious, and double voters. People who did not validate would still be able to vote, COMELEC had informed everyone, but they would be placed on a separate "watch list" and subject to possible exclusion. Voters trooped to COMELEC offices around the country

agenda. Many local election officials hurriedly purchased the latest in election technology, direct-recording electronic voting machines, only to find that they had serious security flaws, left no paper trail of how voters cast their ballots, were difficult for ordinary poll workers to operate, and sometimes malfunctioned. In Mercer County, Pennsylvania, machine glitches during the 2004 elections caused at least four thousand votes to disappear, representing 8 percent or more of all that were cast. That same year, seven thousand people in Orange County, California, did not have their votes recorded—more than 1 percent of all votes cast—because ill-trained precinct workers provided them with incorrect access codes. By 2007, officials in Florida, Maryland, and Virginia already wanted to replace their newly acquired machines. Stopgap measures hastily adopted to forestall future electoral crises of Floridian proportions themselves generated irregularities and a loss of confidence.

Other countries around the world have not been immune to such ills either. In Venezuela, a bungled effort to automate the electoral process led to the exclusion of up to 5 percent of the electorate during the 2000 elections. In South Africa, tightened registration rules put in place for the 1999 elections prevented roughly 6 percent of the voting-age population from participating in the polls. In post-Soviet Georgia, the poorly handled computerization of electoral lists for the 2003 elections kept an estimated 10 to 15 percent of the electorate from being able to cast their ballots. And the list goes on.

I examine in this book the iatrogenic effects of clean election reform. I investigate the ways in which attempts to clean up dirty or sloppy electoral practices sometimes do damage to the very principles of democratic fairness and integrity that these efforts are intended to promote. One goal is to figure out why citizens—such as those who were unable to vote at the Barangay Commonwealth High School or those who lost their votes in Orange County—sometimes find themselves cut out of the electoral process. Another goal is to see whether lessons might be learned to help prevent such breaches of democracy in the future.

It is the unique contribution of this book to examine the pitfalls of clean election reform using evidence drawn from both the United States and other parts of the world, evidence that is both contemporary and historical. In the United States, it must be underscored, iatrogenic harm has not been confined to post-Florida electronic voting. Indeed, in this book I examine how an overzealous purge of Florida's voter rolls contributed to the disaster of 2000 in the first place. I also look at the damage done by more recent moves around the country to tighten voter identification requirements. I analyze, too, historical cases of iatrogenic harm in the United States, focusing on the advent of secret

balloting in 1890s Arkansas, New Jersey, and New York, as well as the impact of registration procedures on Chicago voters in the 1920s. Nevertheless, the book is expressly comparative. I examine a historical case of harm abroad, specifically damage caused by efforts to insulate voters from outside pressure in nineteenth-century France. I also consider more recent cases of harm from around the world. Focusing on the 1991 to 2006 period, I look at iatrogenic damage not only in the Philippines, Venezuela, South Africa, and Georgia but in more than a dozen other countries as well. These varied instances of harm come from different times and different places. Nevertheless, they issued by and large from similar sets of circumstances. Thus we all have as much to learn from the experiences of other countries as from our own histories. Indeed, a major goal of this book is to make people both in the United States and abroad think about clean election reform—and its hidden traps—in ways that are a little less parochial.

To acknowledge that clean election reforms sometimes inflict damage should not, of course, be taken as an argument that such reforms should simply be abandoned. Left unchecked, fraud and error can compromise the quality of democracy. Most obviously they can override the will of the electorate. In the Philippines, an estimated 2 million spurious entries plagued the voters' list in the 1995 elections, and the vote padding that this allowed cost at least one senatorial candidate his seat (CSER 1995, 7). Fraud and error can also alienate voters and thereby depress voter turnout. In Mexico, for instance, a 1991 public opinion survey found that 59 percent of the respondents "said that they believed that many people did not vote in elections because the elections were not perceived to be honest or clean" (Dominguez and McCann 1996, 159). Widespread fraud and error, in addition, make it less likely that losers will accept electoral outcomes or the democratic rules of the game as legitimate. This loss of legitimacy may well undermine the credibility of elections and weaken people's commitment to the democratic process. It was not only the exclusion of voters in the Philippines that led Poe to contest the official election results and stirred fears of coups and uprisings but also a belief that the tallying was rigged. The need to clean up the registration and counting processes in that country is urgent.

It would thus be a mistake to frame the issue too narrowly as a choice between elections that are "clean but exclusionary" on the one hand and "dirty and sloppy, but inclusive" on the other. Both vote depression and election fraud or error depreciate the quality of democracy. The real goal should be to make elections both as clean and as inclusive as possible. For this reason, it is important to understand how and why clean election reforms sometimes go bad. I hope that such information will help legislators and election officials, or the

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Finally, I have been moved deeply by the patience and support of my family during too many long absences. To them I dedicate this book.

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|---------|-----------------------------------------------------------------------------------|
| HAVA    | Help America Vote Act (United States)                                             |
| HSRC    | Human Sciences Research Council (South Africa)                                    |
| ID      | Identity document                                                                 |
| IEC     | Independent Electoral Commission (South Africa)                                   |
| IFES    | International Foundation for Election Systems (United States)                     |
| INEC    | Independent National Electoral Commission (Nigeria)                               |
| KMT     | Kuomintang [Nationalist Party of China] (Taiwan)                                  |
| NAMFREL | National Citizens' Movement for Free Elections (Philippines)                      |
| NAQ     | National Assembly of Quebec (Canada)                                              |
| NNP     | New National Party (South Africa)                                                 |
| NSO     | National Statistics Office (Philippines)                                          |
| OAS     | Organization of American States                                                   |
| PPC     | People Power Coalition (Philippines)                                              |
| PPCRV   | Parish Pastoral Council for Responsible Voting (Philippines)                      |
| PRI     | Partido Revolucionario Institucional [Institutional Revolutionary Party] (Mexico) |
| SNTV    | Single nontransferable vote                                                       |
| TBVC    | Transkei, Bophuthatswana, Venda, and Ciskei (South Africa)                        |
| VMV     | Valid multiple vote                                                               |
| VRA     | Voting Rights Act (United States)                                                 |
| VVPAT   | Voter verifiable paper audit trail                                                |

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voters' roll) were recorded in the 1993 election (McGrath 1996, 7). In the 1983 municipal elections in France, more than twenty-five hundred appeals were filed to overturn the results of individual races; among the most common charges were ballot box stuffing, the falsification of election returns, and the fraudulent use of voters' cards (Maligner 1986, 7-20). In the United States, absentee ballot fraud was wide enough in scope to alter the outcome of the 1993 state senate election in Philadelphia and the Miami mayoral election of 1997. Georgia had more than fifteen thousand dead people on its voter rolls in 2000, while New York had as many as seventy-seven thousand in 2006.<sup>1</sup>

Many quasi, emerging, and established democracies find themselves, as a result, under domestic and/or international pressure to make polling more honest, accurate, and protective of individual freedom. In response, many governments have put in place reforms to reduce poll fraud and error, what we might call "clean" election reforms. The number of clean election reforms implemented since the early 1990s is large. Here is a small sampling: Nigeria, Zambia, Lesotho, Malawi, Mexico, and Bangladesh computerized their voter registers. Israel, Italy, and the states of Florida and Kentucky undertook extraordinary registry purges. Senegal, Bolivia, South Africa, and the Philippines adopted new procedures to verify voter eligibility. Ghana, Mali, Malawi, Mauritania, Yemen, Macedonia, Guyana, Mexico, Costa Rica, and the Dominican Republic introduced new forms of voter identification, while Indiana, Arizona, and South Dakota, among other states, tightened voter identification requirements. Brazil, Belgium, India, Germany, Quebec, Costa Rica, Ecuador, Paraguay, parts of Australia, and many jurisdictions in the United States began using electronic voting machines. Poland, Kyrgyzstan, Venezuela, and Mozambique switched to computerized vote counting or tabulation.<sup>2</sup> Mexico, Thailand, and the Philippines mounted voter education drives to discourage vote selling, while Taiwanese prosecutors cracked down hard on vote buyers.

It is often assumed that such reforms will enhance the quality of elections. The reality, however, is that sometimes this is not the case. The history of clean

1. "Even Death Can't Stop Some Voters," *Atlanta Journal and Constitution*, November 6, 2006; "Deceased Residents on Statewide Voter List," *Poughkeepsie Journal*, October 29, 2006.

2. Election experts distinguish vote "counting" (adding up individual votes) from vote "tabulation" (calculating vote totals based on polling station or polling center vote counts). Thus while Venezuela computerized both counting and tabulation, Kyrgyzstan continued to hand-count votes and computerized only tabulation. For most discussions in this book, it would have added unnecessary clutter to repeatedly make the distinction between counting and tabulation. Consequently, in the remainder of the book, I use "counting" in its broad, everyday sense to encompass both counting and tabulation—unless the context indicates otherwise.

election reform teaches us that simple changes in the administration of elections can have a profound and detrimental impact on, among other things, voter turnout. In the late nineteenth and early twentieth centuries, one of the most important electoral innovations was the secret ballot, championed by reformers as a means to reduce bribery and intimidation. But it had less salutary effects as well. In the United States, Democrats in the South deployed it to depress the turnout of illiterate voters and thus keep Republicans and Populists from power.

I identify in this book some of the conditions under which reforms designed to clean up elections today (with a focus on the period from 1991 to 2006) also keep potential voters away from the polls or damage the quality of democracy in other ways. For clues into which conditions are most important, I also look to the experience of late-nineteenth- and early-twentieth-century reform in Europe and the United States, about which much interesting—and I believe pertinent, scholarship has been produced.

I focus specifically on three questions. The first is descriptive: how has clean election reform actually damaged the quality of democracy in various countries around the world? The second is analytic: what conditions prevailed that allowed harm to be inflicted in some places but not others? The last is prescriptive: are there any safeguards that can be put in place to reduce such damage in the future? Before we turn to these questions in chapters 2 through 6, a few preliminary issues must be addressed.

### What Is Clean Election Reform?

The reforms that are the subject of this book are all designed to reduce fraud and error in the casting and counting of votes.<sup>3</sup> They are all intended, more precisely, to ensure that only eligible voters cast ballots, that they cast them freely, and that the ballots are counted accurately. We might think of these reforms, respectively, as efforts to authenticate voter *eligibility* (to prevent spurious voting), safeguard voter *insulation* (to prevent the buying or coercion of voters), and strengthen vote *integrity* (to prevent the miscounting of votes).<sup>4</sup> An array of measures have been adopted to achieve these goals.

3. Additional information about the definition of "clean election reform" can be found in the appendix.

4. I adopt these categories, with some modification, from Schedler (2002, 39).



## VOTE DEPRESSION

Perhaps the most common form of damage is vote depression—a drop in the number of people who register, turn out to vote, or have their votes count. Vote depression can take three distinct forms, depending on the type of actor who causes the decline.

*Legal disenfranchisement* is caused by legislators who impose clean election laws that effectively put up obstacles to the electoral participation of some people but not others. While such obstacles do not make it impossible for those affected to register or vote, they do make it costly, stifling, shameful, frightening, or inconvenient to do so. In 1920s Chicago, for instance, a law that required applicants to publicly state their age kept many women from registering; they simply felt disinclined to reveal how old they were. This “legal” form of vote depression should not be confused with the kind of lawful deprivation of voting rights that applied to blacks in apartheid-era South Africa. That blanket, race-based restriction of suffrage did not have anything to do in either intent or public justification with cleaning up elections.

*Administrative exclusion* is caused by election officials and occurs when their implementation of clean election reforms prevents or puts up obstacles to people’s registering, voting, or having their votes count. The reforms might thus remove eligible voters from the registry (as in Florida, where an overzealous purge of felons removed eligible voters from the rolls), prevent them from casting their ballots on election day (as we saw in Barangay Commonwealth High School in the Philippines), or keep valid votes from counting (as in Quebec, where instructions disseminated for the avowed purpose of improving the accuracy of vote counting during the 1995 referendum led instead to the invalidation of perfectly valid votes).

*Partisan demobilization* is caused by parties, candidates, and their operatives when clean election reforms motivate them to alter the strategies they use to win elections. Unlike legal disenfranchisement or administrative exclusion, which occur directly as a result of legal or administrative obstacles placed in front of the voter, demobilization is an indirect consequence of reform. The reform forces parties and candidates to alter their electoral strategies, and it is the adoption of these new strategies that depresses electoral participation. In some cases, parties and candidates find it advantageous to adopt less effective mobilization strategies. In Taiwan, turnout rates began to drop in the mid-1990s when prosecutors mounted a vigorous campaign against vote buying. Less able to mobilize supporters with personal offers of gifts and money, candidates turned increasingly to less effective mass media advertising. In other cases, parties, candidates, and their agents choose to prevent eligible voters (typically supporters of opposing candidates) from going to the polls. When the poll body in Guyana introduced

voter identification cards in 1997 and required voters to present them before casting their ballots, party operatives began to buy them up, thereby purchasing the abstention of their opponents’ supporters—a practice we might call “negative” vote buying.

## THE PROLIFERATION OF ELECTION CHEATING

In addition to vote depression, the implementation of clean election reforms can paradoxically result in the proliferation of fraudulent electoral practices. This proliferation can take two forms. Sometimes clean election reforms beget new modes of cheating. The purchase of newly introduced voter identification cards by party operatives in Guyana not only demobilized voters but also constituted a novel form of election fraud in that country.<sup>7</sup> New forms of cheating may also have been unintentionally created by a 2005 voter identification law in New Mexico. In preparation for the 2006 elections, the secretary of state mistakenly mailed out at least sixty thousand new voter identification cards to the wrong addresses, raising the fear that some recipients might have used them to vote fraudulently.<sup>8</sup>

Clean election reforms can also facilitate or intensify already established modes of cheating. The voters’ list fiasco in the 2004 Philippine elections made it easier to pad votes—an already well-entrenched mode of election fraud in that country. Since the voters’ lists were prepared so late that watchdogs had little opportunity to review them for accuracy, opportunities to inflate vote totals multiplied. Among the places with high levels of vote padding were the cities of Cebu, Pasig, Taguig, Ilagan, Las Piñas, Zamboanga, and Cagayan de Oro. In Thailand, vote buying has been an enduring problem. In anticipation of the 2000 elections, civic educators organized education forums around the country to convince voters not to vote for candidates who offered them money. Post-forum evaluators found, however, that many people came away with the lesson that it was wrong to accept money and not vote for the candidate. In Venezuela, election officials tried to use a relatively new electronic election system for the unwieldy 2000 “mega-elections.” Unable to manage this complex undertaking, they had to postpone the elections at the last minute. With ballots already distributed but left unsecured for two months, partisans were able to discreetly premark many ballots and thereby disqualify votes cast against the candidate that they backed. This form of cheating had been known in earlier elections, but the chaos caused by computerization created new opportunities for its spread.

7. On the twin nature of vote buying, as a strategy of both (de)mobilization and fraud, see Schaffer (2007, 4–8).

8. “60,000 New Voter Cards Go Astray: Officials See Fraud Potential,” *Albuquerque Journal*, June 1, 2006.

Means of  
Manipulation  
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people to vote, they also make it harder for eligible people to vote. When governments begin requiring people to produce a particular kind of identification document when seeking to register, as the government of South Africa did in preparation for the 1999 elections, they risk disenfranchising those eligible voters who do not possess that form of identification. Similarly, measures—such as those adopted in late-nineteenth-century France—that disqualify ballots with extraneous markings on them not only eliminate a mechanism of coercion or vote buying but also disqualify the votes of noncoerced and unbought people who accidentally mark a ballot or wish for whatever reason to add their own remarks.

### COMPLEXITY

To attain an honest and accurate tallying of votes, reformers often turn to new technologies. On the cutting edge today are automated voting, counting, and tabulation machines and electronic systems to transmit results. These are complex systems to set up and operate. In preparation for the 2000 elections in Venezuela, for instance, separate computer programs had to be written for 1,371 different ballot configurations (Neuman and McCoy 2001, 41–45). The adoption of a new registration system and the remapping of a country's precincts are also massively complicated undertakings that require high levels of coordination and technical skill. The problem is that complex tasks are difficult for electoral bodies to manage, especially those that are underfunded, inexperienced, or lacking expertise. When election officials or poll workers are unable to meet technical challenges, voters can find themselves unable to vote, results can be manipulated, or elections can fail. In 2004, when direct-recording electronic voting machines were first used in Orange County, California, seven thousand voters were effectively stripped of their right to vote when ill-trained poll workers provided incorrect access codes to some voters, causing their votes to be recorded in the wrong legislative district. Explained one California voting expert: "[E]very system is prone to this.... Poll workers are typically amateurs—well-meaning and hard-working, but amateurs—and they mess up unless the system is absolutely foolproof. And this one wasn't foolproof."<sup>9</sup>

### PARTISANSHIP

Clean election reform takes place within the political arena and alters the rules of electoral competition. Consequently, people who have the power to craft or

9. Henry Brady, quoted in "7,000 Orange County Voters Were Given Bad Ballots," *Los Angeles Times*, March 9, 2004.

implement reform seek out partisan advantage. When unfettered, partisans can turn the restrictiveness and complexity of reform to their advantage and find ways to make reform an occasion to cheat or depress turnout for their political opponents. Parties that dominate legislatures (such as the African National Congress in late 1990s South Africa or the Democratic Party in 1890s Arkansas) can pass clean election laws that help their electoral prospects. Election officials can also be partisan. In some places, they are elected on party tickets—as was Katherine Harris, the secretary of state of Florida during the 2000 elections. She both oversaw the purging of the voter rolls and cochaired the Bush presidential campaign in her state. In other places, nominally neutral election officials are beholden to the politicians who appoint them. A Philippine poll body commissioner appointed just before the 2004 elections by President Gloria Macapagal Arroyo, in a surprising moment of candor, told the press after the elections, "[I]n my region alone President Arroyo was overwhelmed and I was embarrassed."<sup>10</sup> He was embarrassed because Arroyo lost in the region he oversaw. If he had been truly neutral, of course, he would have had no cause for embarrassment. One can only conclude that this avowedly nonpartisan official felt that it was his obligation to help the president win. Indeed, he was later implicated in a massive effort to fraudulently alter the election results on Arroyo's behalf. □ GVED 106421 P21 2004

### BENIGN RHETORIC

On the surface of it, little is controversial about clean election reform. What could be wrong with "cleaning up" or "safeguarding" democracy? How could reducing fraud and error be bad? The rhetoric of democratic enhancement thus provides a convenient mask for those who seek partisan gain. In Australia, the Liberal Party in 2004 advocated not allowing new voters to register once an election had been called. They argued that this measure was necessary to ensure the accuracy and validity of the electoral roll. As Liberal Party senator Nick Minchin (2004) proclaimed on the Senate floor, "[T]here is no greater safeguard to the integrity of our democracy than the security of the electoral roll." What this proponent did not say openly was that the measure was also likely to disenfranchise tens of thousands of young voters—who tend not to vote for the Liberal Party and who do tend to register only once new elections are announced. To the extent that watchdogs and citizens are lulled into believing this kind of rhetoric, the impact of exclusionary reform is likely to go unnoticed until it is too late. In Florida, the purge of felons from the voter

10. "Reappointed Conelec Exers Pessimistic on CA Nod," *Philippine Star*, July 7, 2004.



of Democratic and Populist tickets, a measure Republicans hoped would push Populists back into the GOP fold. To some extent, the strategy worked, but it also had the unintended effect of making large numbers of Populists stop coming to the polls altogether (Argersinger 1992).

Also complicating any neat categorization of harm as either intended or unintended is the fact that evidence is sometimes murky. On the one hand, feigned ineptitude may camouflage manipulation—which is what many supporters of Fernando Poe Jr. believed about the handling of the voters' lists in the 2004 elections in the Philippines. On the other hand, suspicious partisans perceive every instance of bungling or negligence as a deliberate design to cheat, an observation that applies equally well to the Philippines.

Still, it is useful when possible to differentiate between intended and unintended harm since they tend to occur under different conditions and are amenable to remedies that are only partially overlapping (those wishing for a preview might jump ahead to table 1 in chapter 6).

### Actor-Harm Combinations

There are, to recap, four sets of actors centrally involved in clean election reform: lawmakers; election officials and workers; parties, candidates, and their agents; and civic educators. There are, in addition, three types of iatrogenic damage sometimes inflicted by these actors: vote depression, alienation, and the proliferation of election cheating. Each kind of actor can produce each type of harm. Election administrators, for instance, caused depression in the Dominican Republic (the flawed implementation of a new voter registration and identification system left around forty-five thousand people unable to vote); proliferation in Nigeria (partisan local election officials withheld voter registration forms for the new computerized voter registry in 2003 to use for their own fraudulent purposes); and alienation in Zambia (protests followed the botched electronic results transmission system put in place for the 2006 elections). Nevertheless, I do not seek to exhaustively examine all possible actor-harm combinations in this book. Evidence for depression—perhaps because it is more common or perhaps because it is more easily detected—is more ample than for alienation or proliferation. For this reason, chapters 2, 3, and 4—which I devote in turn to lawmakers, election administrators, and parties, candidates, and their agents—focus almost exclusively on legal disenfranchisement, administrative exclusion, and partisan demobilization, respectively. I take up alienation primarily in chapter 5, which examines the actions of civic educators, while I discuss proliferation in various sections of chapters 3, 4, and 5.

### Methods and Evidence

It is admittedly difficult to adduce evidence of iatrogenic harm that achieves a high degree of rigor or systematization since statistics relating to vote depression, alienation, and electoral cheating are often unreliable. Take, for instance, statistics relating to vote depression. Elections are partisan contests, and numbers become partisan ammunition. In such a context, stakeholders and spin doctors have a powerful motive to inflate or deflate the totals. After the Florida 2000 election, some Republicans argued that not a single eligible voter had been unable to vote as a result of the purge of felons, while some Democrats insisted the number was in the tens of thousands. Thankfully, journalists at the *Palm Beach Post* conducted a more judicious study, which put the number at around 1,100—not a huge number but large enough to alter the outcome of the razor-close race. Statistics relating to alienation and various forms of electoral cheating are even more contested and undependable still.

To complicate matters, many instances of iatrogenic harm are difficult to quantify exactly. Often this difficulty results from how electoral bodies report statistics. In the 2000 Venezuelan presidential election, the electoral council counted double-marked ballots (which are indicative of fraud) together with other types of invalid votes, making it hard to determine the number of fraudulent votes that were cast. Making the task even harder is the fact that poll bodies often deny watchdogs access to the raw materials (often the ballots themselves) that would provide a more accurate picture of iatrogenic fraud. Venezuelan authorities in subsequent elections made it even more difficult to calculate the number of double-marked ballots by withholding the relevant electoral data. In Quebec, the poll body released only a small fraction of the questionably invalidated 1995 referendum ballots for public scrutiny. Real iatrogenic damage was done in Venezuela and Quebec, but as we shall see in chapter 3, it is possible to gauge the magnitude only roughly.

Another complicating factor is that statistics, even when accurate and complete, can be deceiving. Aggregate data on turnout, for instance, cannot speak directly to the quality of postreform electoral participation since a decline in turnout may reflect vote depression or something altogether different. Thus a decline in turnout statistics, in itself, does not bode ill for democratic participation. Such a drop may, after all, simply reflect a reduction in fraud. Vote padding and ballot-box stuffing might have been curtailed; dead people, ghost voters, and pets might have been removed from the voters' rolls, and the like. Fewer people may be recorded as coming to the polls, but those who are recorded are actually casting ballots. The implications for democracy would obviously be more serious if lowered turnout were a result of legal disenfranchisement.



Even so, for most of the cases included in the data set I did not find enough information to determine with certainty whether any iatrogenic harm had occurred. In 36 percent of the cases I found insufficient evidence to make any determination; in 17 percent, I found suggestive evidence that harm had been done, but that evidence was not conclusive; and in 14 percent, I saw no mention in observer or newspaper reports that harm had been done, but the quality of those reports was low or questionable (see table 2 in the appendix). For other cases, I discovered credible, concrete evidence that harm had or had not occurred, but not enough information was available to discern the conditions that led to one outcome or the other.

For a handful of cases, I was able to find quality information about both the consequences of reform and the processes by which the reforms were adopted and implemented. For some of these cases, that information came from the newspaper and observer reports that I initially surveyed. For other cases, it came from studies—produced by scholars, government agencies, research institutions, and advisory organizations—that I located during subsequent research. When there were major gaps in the documentary information I gathered, I sought out local experts to fill in the blanks. I interviewed prosecutors from Taiwan's Ministry of Justice. I worked with or interviewed a number of librarians, archivists, and experts from places like India, Canada, Venezuela, and Florida. I also thought it was important to gain deeper firsthand knowledge, especially of certain types of iatrogenic harm for which empirical evidence was intriguingly suggestive but slight. It was this desire to gather firsthand my own evidence that brought me to the Philippines (where several types of clean election reform were being implemented) for the first time in 2000 and ultimately led to my sitting in that courtyard in Barangay Commonwealth High School on election day in 2004.

From this background research I selected the particular instances of clean election reform for in-depth discussion in the book. Several criteria guided this selection of cases. Most important, since a fundamental goal of the book is simply to establish the existence and significance of iatrogenic harm, there had to be enough evidence in each case of apparent harm to plausibly demonstrate its presence. Another major goal of the book is to identify some of the conditions under which iatrogenic harm occurs. Therefore, another guiding criterion was the availability of evidence about the causal mechanisms at work.

The task of specifying conditions also required comparing, whenever evidence permitted, instances of clean election reform that caused harm with instances that did not. This mode of comparison, after all, greatly enhances our ability to identify the differing conditions that produce divergent outcomes. In the language of methodologists, this task necessitated selecting cases to provide

"variation on the dependent variable." To secure this variation, I also focused on a number of reform initiatives that did not cause harm. Thus, for instance, in the book I examine not only a case in which the secret ballot led to lowered voter turnout (Arkansas) but also cases in which it did not (Michigan, Denmark, Germany, and France). I consider not only places where the introduction of new identification requirements disenfranchised or excluded voters (South Africa, Arizona) but also a place where it apparently did not (Mexico). However, for some types of iatrogenic harm—alienation in particular—the available evidence was too scant to even identify instances of nonharm, and the level of theorizing here remains more rudimentary.

In making final decisions about which cases to focus on, I was guided by two additional principles that had to be held somewhat in tension. On the one hand, I chose cases that were varied in time and space since I think the evidence shows that iatrogenic harm is not limited to a particular era or locale. On the other hand, I tried to avoid artificially isolating instances of reform and their consequences since a government might undertake multiple reforms at one time, and a single reform effort might have multiple consequences. To this end, I sometimes discuss different reform efforts undertaken more or less at the same time within a single country. I examine, for instance, civic education as well as two types of registration reform in the Philippines. I also discuss how the same reform initiative can inflict different forms of harm. In South Africa, for example, tightened registration requirements disenfranchised both nonblack voters (intentionally) and some black Pentecostal Christian voters (unintentionally). Certain countries and reform initiatives, then, appear in more than one part of the book. *Good Example of Worst Presentation of Research*

A possibility exists that systematic bias in the book's findings has been introduced by the various criteria I used to select cases. The greatest potential for bias might lie in the fact that I selected for intensive study only those reforms that have attracted special attention by scholars, reporters, investigatory bodies, and research institutions. I did so because those reforms are the only ones for which adequate evidence exists. But to the extent that reforms that have attracted such attention may be systematically different from those that have not, my findings may be skewed. Still, the danger of systemic bias from this cause may be less acute than it might first appear insofar as the selected reforms have attracted attention for a range of reasons and from a variety of interested parties.

Despite its obvious limitations, there are compelling reasons to undertake this kind of exploratory research. Most important, it addresses a real-world problem that demands immediate attention. Overhauling the mechanics of democracy is today an explosively growing industry. In 2003, Election Systems & Software,



## 4

## Parties, Candidates, and Their Agents

*Partisan Demobilization*

Sometimes clean election reforms damage the quality of democracy directly. When lawmakers enact restrictive voter registration procedures, participation rates decline as a direct result. When election administrators remove eligible voters from the registry, people are immediately excluded. Sometimes, however, the damage to democracy is indirect. Lawmakers and election officials put in place clean election reforms that cause parties, candidates, and their agents to alter their campaign strategies, and it is the adoption of these new strategies that keeps people away from the polls.

In this chapter, I focus on the reaction of political parties, candidates, and agents to clean election reforms and the adverse effects that these reactions can have on voter turnout. Specifically, I examine the effect of reforms on the strategies that parties, candidates, and agents use to convince eligible voters to get to the polls—what might be called partisan strategies of “mobilization.” In this context, it is helpful to distinguish two kinds of mobilization. “Personal” mobilization relies on face-to-face contact with friends, neighbors, coworkers, party workers, or candidates and takes place anywhere—in the home or workplace or at a club, rally, or parade. “Impersonal” mobilization relies instead on mass media exposure and advertising or on things like campaign mailings and commercial phone banks.

Partisan “demobilization” occurs when parties, candidates, and their operatives, reacting to clean election reforms, alter their campaign strategies in ways that keep people away from the polls. This form of demobilization typically occurs in one of two ways. On the one hand, candidates may adopt relatively less effective get-out-the-vote strategies such as mass media advertising where

once they relied on relatively more effective face-to-face canvassing. We might characterize this shift as one from personal to impersonal forms of election campaigning, and the reduction in turnout that results is typically unplanned. On the other hand, parties, candidates, and their agents may deliberately choose to pursue strategies of demobilization: instead of focusing only on inducing their supporters to vote, they may also deliberately keep supporters of their opponents away from the polls. We might characterize this shift as a calculated move from mobilization to a mixed strategy of mobilization and demobilization. In the following sections, I look at each variant in turn.

**From Personal to Impersonal Mobilization:  
Cutting Out the Co-Between**

Over the past century, political parties in Europe and the United States have come to rely less and less on personal modes of mobilization and more and more on impersonal ones. This shift has brought about changes in how voters participate in elections. Wattenberg (2000, 66) explains:

As voters have come to experience campaigns through television rather than through personal contact with members of party organizations, voting has become less of a social act and more of a civic duty. No longer do voters go to the polls because they have been urged to do so by their friends, relatives, and neighbours. Rather, those who decide to vote do so largely to express their opinions.

It is, in part, to this decline in personal mobilization that Wattenberg attributes the “nearly universal” decline in turnout in the industrialized West (71).

The importance of face-to-face contact for turnout has been demonstrated empirically by a series of field experiments conducted by Yale University political scientists Alan Gerber, Donald Green, and their associates. In one experiment, they conveyed nonpartisan get-out-the-vote messages to a random sample of some thirty thousand registered voters in New Haven, Connecticut, through either personal canvassing, direct mail, or telephone calls. Their findings: door-to-door canvassing increased voter turnout by almost ten percentage points and direct mail by less than one percentage point, and telephone calls had no effect on turnout at all.<sup>1</sup> Field experiments conducted in the cities of Bridgeport, Columbus, Detroit, Minneapolis, and St. Paul similarly found that

1. Gerber and Green (2000, 606). An independent statistical analysis of the same data by Imai (2005) suggests that telephone calls are more effective than Gerber and Green first estimated but still not as effective as door-to-door canvassing, a finding that Gerber and Green (2005) contest.



campaign strategies was occasioned by the adoption of the state-printed ballot. The second case is Taiwan after 1994, where prosecutors cracked down on vote buying and the vote brokers who engaged in it. In both cases, shifts in campaign strategy led to a decline in voter turnout.

#### THE STATE-PRINTED BALLOT IN 1890S NEW JERSEY

Clean election reforms are often designed to achieve goals that depart from their avowed purpose of reducing election fraud and error. In Arkansas, as we saw in chapter 2, secret ballot legislation was crafted to disenfranchise illiterate voters. In other states, leaders of incumbent parties used ballot reform to achieve different goals. Party leaders in late-nineteenth-century New Jersey, for instance, saw the printing and distribution of ballots by the state (often called the "Australian" ballot because it was first adopted in that country) as an innovative way to shore up their position relative to their own local workers.<sup>8</sup> If ballot reform in Arkansas had a directly partisan intent, reform in New Jersey was fashioned to tighten intraparty discipline, with similarly negative consequences for voter turnout.

By the late nineteenth century, New Jersey had become one of the most urban and ethnically diverse states in the country. According to the 1880 census, over half of the state's population lived in towns and cities, and over one-third was foreign-born (Reynolds 1988, 8). Prereform politics were dominated, as a result, by ethnic city machines that sought aggressively to bring out the vote, which they did with great success. Political clubs, parades, and meetings flourished, while voting itself was for many people an all-day event. Many businesses closed on election day as crowds gathered to gossip, drink, and follow the returns (15-49).

Local party workers played a crucial role on election day, for it was their job to distribute ballots—which had the party ticket already printed on them—to voters as they approached the polling place. These workers were, as a result, well positioned to alter the outcome of contests, something they did repeatedly. Factionalism within both the Republican and Democratic parties spurred them to distribute modified party tickets that substituted the names of maverick candidates for those supported by the party leaderships, a practice known then as "knifing" (Reynolds and McCormick 1986).

Leaders of both major parties, consequently, tended to view local operatives as "treacherous." To these leaders, the Australian ballot championed

8. It is helpful here to distinguish between two types of ballot reform. The establishment of ballot secrecy (the secret ballot) is distinct from the state's taking on responsibility for printing and distributing ballots (the Australian ballot). New Jersey introduced both at the same time. For the present discussion, the introduction of the Australian ballot is most salient, so I focus only on that reform.

by outside reformers offered a convenient means to wrest control of elections from the hands of unreliable go-betweens. To the extent that ballots would henceforth be produced and distributed by the state, the role of local party operatives would be diminished. When the Australian ballot measure came up for a vote in 1890, it won unanimous, bipartisan approval in the Senate and all but one vote in the Assembly (Reynolds and McCormick 1986; Reynolds 1988, 64).

Once implemented, the Australian ballot did indeed have its intended effect. Grassroots party workers began to disappear from the scene, and authority within the two major parties became more centralized at the state level. But the disappearance of local party workers also made face-to-face campaigning more difficult, and candidates found themselves having to rely more and more on newspapers instead (Reynolds 1988, 116). Local political clubs faded in importance, attendance at partisan rallies waned, and the number of political parades and events declined (71-73, 108-17). People also began coming to the polls in smaller numbers year after year. Between 1888 and 1900, turnout in presidential elections declined by seven percentage points (McCormick 1953, 185). The *Jersey Journal* captured the changed mood when it reported that the 1906 election was "about as dull as the back side of an ox." The article described the new climate of apathy:

Generally speaking, there is less enthusiasm over an election now than in bygone times, and each year seems to reduce the party feeling and the exuberance. Torchlight processions are now a rarity, and are confined to relatively small bodies. There is no such involvement as characterized the elections of twenty years ago, and it is not a move for the better. The old plan made thousands take an interest, if only to get the best company in line, old and young shared in the interest. The street pageants were interesting and the sidewalks were lined with partisans and critics, all more or less interested. Everybody had a part in the proceedings and party lines were more tightly drawn. (October 25, 1906, quoted in Reynolds 1988, 114-15)

The introduction of the Australian ballot, in short, had consequences beyond reducing incidences of corruption or even centralizing power within the major parties. It also resulted in the decline of both local political activity and levels of voter turnout.<sup>9</sup>

9. Still, over the long haul it is unclear to what extent the demobilizing effect of the Australian ballot depressed turnout relative to other factors such as ballot secrecy, direct primaries, poll taxes, industrialization, diminishing ethnocultural conflict, and, as we saw in chapter 2, personal registration. There is continuing debate about the relative importance of these other factors nationwide among students of American politics such as Key (1949), Burnham (1970), Converse (1972), Rosenstone and Wolfinger (1978), and Rusk and Stucker (1978).



the trust of KMT organizers in one southern county. He was able to follow their activities for a number of years. Prior to the 1995 crackdown, Wang observed, brokers perceived little danger as they went about their business of buying votes. Brokers he interviewed in 1993 from one rural township "had no fear of being caught, since the police were not assumed to be diligent at this task. Also, since almost all candidates . . . conducted vote buying, few feared that they would be singled out" (Wang 2001, 28–29). The situation, however, changed for candidates and brokers in this township in the mid-1990s:

In one local case in 1995, a young prosecutor's investigation managed to keep a powerful legislator from buying 50,000 votes; he only bought 30,000 votes, and was so shaken that he refused to run for reelection again. After the DPP won the 2000 presidential election and announced that it would investigate vote buying actively and seek jail time for brokers during the 2001 elections, some brokers panicked and abandoned vote buying campaigns. Some campaign managers dared not hold broker meetings or discuss vote buying by telephone. (Wang and Kurzman 2007, 72)

Brokers in other parts of the country were similarly deterred, in large part because it was on such go-betweens that prosecutors focused their attention.<sup>16</sup>

It is interesting to note that voter turnout in the township studied by Wang declined sharply after the 1995 crackdown. In the 1993 local election, turnout was above 73 percent. By 1997, it had dropped almost ten percentage points (Wang 2004). This slide mirrored the decline in local election turnout nationwide that began immediately after the crackdown. Between 1994 and 1997, turnout in various local elections dropped by an average of 10 percent and for the most part continued to fall thereafter (see figure 2).

It is also noteworthy that with the 1995 crackdown on vote buying came an explosion of political advertising, especially on television. In the 1992 legislative elections, parties bought a total of 261 minutes of advertising. In the 1996 presidential and legislative elections, it jumped to 12,290 minutes. By the 2000 presidential race it climbed to 33,627 minutes (Fell 2002, 15). Fell explains the partisan context for this sudden rise:

In the [1991, 1992, and 1993] elections the DPP actually invested more in newspaper election ads than the KMT, while since 1994 the KMT has vastly outspent the DPP on newspaper ads and since 1996 on TV ads. In the [2000 election] the KMT had almost double the amount of TV and newspaper ads. This was because in the early 1990s the KMT felt that elections could still be won with what is known as the "organization" battle, which involved mobilizing of KMT affiliated

16. "Anti-Vote-Buying Drive Gets Credit"; "Minister Says That Anti-Vote-Buying Effort Is Successful," *Taipei Times*, December 1, 2001; Göbel (2001, 8); Horing (2003).

groups, such as farmer's associations, local factions, veterans, and vote buying, however, by the mid 1990s even the KMT admitted the need to invest more in the "propaganda" battle (16).

Political advertising had been important to the DPP since the early 1990s, but it became suddenly and increasingly important to the KMT in the mid-1990s, at precisely the moment when vigorous prosecutions made it more difficult for KMT vote brokers to mobilize their supporters with gifts and money.

Observers of Taiwanese politics are in general agreement that vote buying is more important to local elections than to national ones. (This may be because the total number of votes cast in local elections is typically smaller, and thus each vote—and each vote bought—carries more weight.) It is thus not surprising that prior to the 1995 crackdown, as figure 2 shows, turnout in local elections was higher than in national elections. Vote buying, after all, was a more effective mobilization tool in local elections than in national ones. Local elections, in which candidates rely on face-to-face networks of vote-buying brokers, had a higher turnout than national elections, in which candidates relied more heavily on mass media campaigning.<sup>17</sup> After 1994, the situation reversed: turnout for national elections exceeded turnout for local elections. This reversal, I suggest, was due in part to a decline in vote buying that affected turnout in local elections more than national ones and in part to the novelty and drama of presidential elections (1996 was the first), which drew turnouts of 76 percent in 1996, 83 percent in 2000, and 80 percent in 2004.

Both the timing of the decline in turnout and differences in turnout trends between local and national elections map closely onto patterns of vote buying, efforts to curb it, and the rise of mass media political advertising. Still, it is worth considering other possible explanations for the drop in turnout, the most compelling of which is that elections lost their novelty. Just as turnout has declined in established democracies over time, turnout in Taiwan was bound to decline as elections became routine.<sup>18</sup> There are two problems with this explanation. First, it assumes that the decline in established democracies is the natural result of a long experience of voting. But there are other factors involved, among them changes in how elections have been administered and how parties have campaigned. The imposition of cumbersome registration procedures in some places and the rise of impersonal strategies of mobilization

17. The total amount of newspaper advertising bought by candidates in the national 1992 legislative elections, for instance, was more than twice the amount bought by candidates in the local 1993 county magistrate and provincial municipality mayoral elections (Fell 2002, 15).

18. Brown, Moon, and Robinson (1998, 573) lay out the logic of this explanation, though they find the evidence for it mixed.



Disrupting the practice of vote buying has not only lowered the number of voters who turn out to fulfill their end of a vote-buying agreement but has also made face-to-face, personal mobilization less common.

#### CONDITIONS THAT FACILITATE CUTTING OUT THE GO-BETWEEN

What conditions facilitate cutting out the go-between? To answer this question it is helpful to pose two more specific questions. First, what kinds of parties and candidates rely most heavily on personal mobilization and grassroots workers, and in what kinds of contexts? Second, under what conditions do parties sometimes support reforms that cut out go-betweens, reforms that undermine the parties' own ability to get out the vote?

As we have seen, face-to-face contact has become relatively unimportant in many industrial democracies today. Not all parties rely heavily on personal modes of mobilization and legions of grassroots workers. In determining which ones do, it is helpful to distinguish between electoral campaigns that are "programmatic" and those that are "clientelist" (Kitschelt 2000). Programmatic campaigns appeal to voters on the basis of policy achievements and promises of future programs. They distribute benefits to the electorate at large or to generic categories of voters (e.g., health insurance for the elderly, tax cuts for the middle class). Clientelist campaigns, in contrast, attract voters by distributing more targeted benefits (jobs, money, services) to individual voters. While programmatic campaigns tend to use television ads, speech making, and mass mailings to publicize policies and programs, clientelist campaigns must rely instead on networks of grassroots campaign workers to personally deliver material rewards. In other words, clientelist campaigns tend to require more face-to-face contact than do programmatic ones; they are thus more personal than programmatic campaigns. Why do parties and candidates rely more heavily on clientelist campaigns in some places than in others? Space permits only a few cursory remarks on this large topic. Much interesting work has been produced in recent years on the types of electoral rules that promote personal election strategies such as clientelism. One factor that appears salient, for instance, is strong intraparty competition, which prevents candidates from using party achievements (policies, programs) to differentiate themselves from other candidates. Intraparty competition, in turn, is often the product of particular electoral systems, such as the single nontransferable vote (SNTV), in which each voter casts one ballot for only one candidate in a multiseat district. SNTV is used, for instance, in Taiwan (Liu 1999).

Also salient is the size of electoral districts. The smaller the district, the less costly it is to distribute rewards to individual voters. When districts are large, the distribution of individual benefits becomes more costly, and candidates may

turn to programmatic appeals, which are more cost-efficient. Indeed, it is for this reason that clean election reformers in some countries have sought to enlarge the electorate as a way to reduce vote buying. In Thailand, for instance, voting was made compulsory in 1997. Reformers reasoned that an expanded electorate would make buying votes prohibitively expensive (Schaffer 2004, 85). Similarly, in nineteenth-century England "when Parliament sought to deal with bribery that had become too extensive, their method was often to expand the offending boroughs so as to include more electors" (Cox 1987, 56). The importance of district size also helps explain why clientelist practices such as vote buying are often more important for local elections than for national ones. In the Philippines, for instance, candidates who run in local districts (for positions such as mayor, city councilor, or House district representative) are far more likely to offer gifts and money to supporters at election time than are candidates, say, for the Senate, who run in districts that are nationwide.<sup>20</sup>

It is, nevertheless, important to note that even within electoral systems shot through with clientelism, not all parties depend on it in equal proportions. Often, opposition parties unable to compete with rich incumbents in the distribution of material rewards adopt programmatic strategies (Hicken 2007a). In Taiwan, the KMT has been much more reliant on clientelism than has the DPP, at least until recently. In the 1992 Kaohsiung City survey, for instance, KMT candidates were found to be ten times more likely than DPP candidates to offer gifts and fourteen times more likely to offer money (Ho 1995, tables 14 and 15). The same is true in Brazil, where the Brazilian Workers' Party relies on clientelism less than other parties do. Because it "was not linked to government, was not formed from within the Congress, did not have an established team of well-known politicians, and generally lacked financial resources, it could not compete on the same turf as the other parties by using similar tactics" (Samuels 1999, 512).

Brazil is also interesting because levels of electoral clientelism vary considerably across subnational units with nearly identical electoral institutions. In wealthy Brasília clientelist mobilization was nearly nonexistent in the 1990s, while in poverty-stricken Piauí it was common. In this case, socioeconomic factors appear to have been more important than institutional ones in explaining the importance of clientelist forms of electoral mobilization (Desposato 2007).

Cultural factors, such as preexisting norms of gift giving, may also be important. In Taiwan, for instance, a culture of benevolence has made the distribution

20. According to the Pulse Asia survey module 1 commissioned (see chapter 2, note 38), 51 percent of the material offers made in 2001 came from candidates for mayor, 24 percent for city councilor, and 20 percent for House district representative, but only 6 percent for senator.



Here, however, the difference between New Jersey and Taiwan is more apparent than real, especially after the focus of prosecution shifted from politicians to voter brokers in subsequent elections. In Taiwan, operatives who broker votes sometimes defect to the campaigns of rival candidates, just as they did in New Jersey (Rigger 1994, 143-44, 177). Vote brokers also embezzle money or distribute it to family and friends, even to those who have no intention of voting for the candidate (Wang and Kurtzman 2007). Candidates often complain privately that they cannot afford the high cost of vote buying and that they are unable to trace where the money goes. Still, they feel pressure to continue the practice because voters expect it. Many politicians have thus welcomed the crackdown on vote brokers as long as their own campaigns are not singled out for investigation (Hornig 2003). In this context, it is interesting to recall, first, that prosecutors in Taiwan have gone after vote brokers more vigorously than they have candidates or vote sellers, and second, that the crackdown was directed, from 1995 to 2000, by a KMT minister of justice and netted many brokers for KMT candidates.

National political figures in the Philippines, to cite another example, also have reason to regard the local agents that they rely upon as unreliable, and this suspicion of local agents may have been one factor in building political support for reforms that may cut them out. As in late-nineteenth-century New Jersey, factional rivalries motivate local officials, *liders*, and campaign workers to shift their loyalties, and even to alter sample ballots. "By the time the ballots reach their final recipients, Landé explains, 'the name of the national candidate who had paid for the initial printing may have been blocked out and replaced by that of one of his rivals' (1996, 100). I myself collected dozens and dozens of sample ballots doctored in this way during the 2001 and 2004 elections.

In this environment, national leaders find it necessary to constantly exhort local party officials and workers to support the national ticket. Shortly before the 2001 elections, for instance, the coalition party of President Gloria Macapagal Arroyo, LAKAS NUCD UMPD, took out newspaper ads with a message from the secretary general of the party:

ATTENTION!  
ALL  
LAKAS NUCD UMPD  
OFFICIAL CANDIDATES NATIONWIDE

On this last week of the campaign for National and Local elective officials, may I enjoin all of our LAKAS NUCD UMPD official candidates nationwide to close

ranks by in turn enjoining your organizations, constituencies, supporters, and voters to vote for a complete and straight ticket of all of our LAKAS NUCD UMPD official candidates. . . .

#### FOR YOUR COMPLIANCE.

Holerson T. Alvaraz

More private forms of entreaty and coercion are used as well.

National politicians in the Philippines have also considered various legislative measures to discipline local officials, operatives, and workers or to diminish their roles in election campaigning. There are draft bills in circulation, for instance, to provide state assistance to political parties so that they become less dependent on the funds of large donors and, more to the point for this argument, the organizations of local bosses. Other measures have already passed into law. In 2001, Congress crafted legislation to lift the ban on political advertising in the mass media, enabling politicians to reach voters directly. Even more salient to the themes of this book, in 1997 the legislature passed a law that mandates the replacement of blank write-in ballots with machine-readable preprinted ones. The primary objective of the law was to reduce opportunities to manipulate the vote tally by speeding up the counting process. But the introduction of preprinted ballots also promises to alter the relationship between national candidates and local operatives. To the extent that these ballots reduce the importance of sample ballots to voters, national candidates may find themselves less dependent on unreliable local intermediaries and freer to use their resources to run mass media campaigns targeted directly at voters.

To date, the preprinted ballots and counting machines have not yet been used, except for a few limited pilot tests. The original plan was to introduce them nationwide for the 1998 elections. For political, bureaucratic, and financial reasons, implementation was pushed back to 2001, then to 2004, and then still again to 2010. Since the law has yet to be implemented, we do not know what consequences it will have. However, it seems possible, if New Jersey is any guide and if automated counting is indeed adopted, that fewer grassroots workers will be deployed to get out the vote, and turnout as a consequence may decline.

To conclude, there are circumstances in which partisan legislative leaders may support or even initiate clean election reforms that disrupt the electoral campaigns of their own grassroots workers. Specifically, legislators are more likely to go along with, or help craft, plans to curtail the activities of local agents when they perceive these local agents as unreliable.



polls predict a tight race, it is easy for them to buy 500, 600, or 800 identity cards to modify the results. . . . Some candidates have said with much cynicism "I prefer to keep my millions of bolivars for the purpose of buying 800 or 1000 or 1500 identity cards than to pay for newspaper inserts or radio campaigns that do not produce the same results." (Kornblith 2002, 12. My translation)<sup>24</sup>

Under such circumstances the demobilization of a small number of voters is more cost-effective than trying to mobilize support through the mass media.

Buying identity documents is also practiced in several African countries. In the 2002 presidential election in Kenya, one reporter observed that "if a . . . candidate finds his campaign lagging, he typically sends his agents out with a stack of cash to buy up the voting cards of people inclined to vote for his opponent. The going rate varies but can be as little as \$1.50."<sup>25</sup> In Zambia, party operatives have also bought up the voter cards of opposition supporters and then returned them once the polls were closed (Gwenani 2001, 7). During a by-election in one Lusaka constituency, election monitors from Transparency International found that about 10 percent of all vote buying took the form of purchasing abstention—though the monitors did not report the overall level of vote buying they detected (TIZ 2001). Data are somewhat better for Malawi. There, a university research center surveyed 767 people from five constituencies in different regions of the country. When nonvoters were asked their reasons for not participating in the 1993 referendum on the introduction of multiparty democracy, more than 5 percent of the voting-age respondents reported that they had sold their voter certificates (Mvula and Kadzandira 1998, 50).

There are, it is worth noting, other election safeguards that vote buyers have used to gain some assurance that once paid, opposition voters will stay away from the polls. To prevent double voting, for example, voters in many countries are required to dip their fingers in indelible ink after casting their ballots. In the Philippines, party workers have exploited this requirement by paying registered voters to disqualify themselves from voting by staining their index fingers with ink prior to the opening of the polls.

There is little evidence, however, that this strategy is used widely in other countries, perhaps because of the many cases around the world of voters reportedly being able to remove the ink stains with bleach, abrasives, or just soap and water. Allegations of removal have been made in Kenya, Mexico, Pakistan, Djibouti,

24. This statement was made in January 2001, when 1 million bolivars was worth a little more than \$1,400. Consequently "millions" of bolivars equaled "thousands" of dollars.

25. "Panel Tries to Keep Kenya Vote Aboveboard," *New York Times*, December 23, 2002.

Sri Lanka, Panama, Namibia, Guatemala, Afghanistan, and Papua New Guinea, among other places. It is also something I observed personally as an election monitor in Senegal in 1993.

Where candidates and operatives have doubts about the indelibility of ink, they may find preelection staining to be a relatively risky strategy when other means to keep voters away from the polls are available. Even in the Philippines doubts about ink indelibility are voiced periodically, which may explain why party workers who want to keep opposition voters away from the polls often prefer to hire buses to take them on out-of-town excursions on election day.<sup>26</sup>

Buying identity documents is superior to ink staining in another way. When a candidate or agent pays a registered voter to stain prior to election day, it reduces turnout for the opposition by one vote. When a candidate or agent buys a voting credential, that credential can then be used fraudulently (something that happens frequently in Venezuela, for instance). Consequently, this method subtracts one vote for the opposition and at the same time adds a vote to one's own total.

#### CONDITIONS THAT FACILITATE BUYING ABSTENTION

Two conditions that facilitate postreform negative vote buying are particularly important to single out for discussion: uncertainty about the vote buying contract and knowledge about the partisanship of voters.

*Uncertainty.* Particular conditions must prevail for vote buying (in either positive or negative forms) to be a worthwhile strategy for candidates and their agents to pursue. In the first place, vote buyers must have confidence that vote sellers, or some proportion of them, will in fact vote as they were paid to do. Actually monitoring how each voter casts his or her ballot provides one means.

When balloting is secret, however, uncertainty is introduced, and vote sellers are forced to fall back on other strategies. One such strategy is to monitor the aggregate turnout of villages or neighborhoods. This strategy is especially relevant in places where candidates or their agents offer material incentives to entire villages or neighborhoods, as happened in parts of England after the introduction of the secret ballot in 1872, and in Thailand in the 1990s (Seymour

26. Buying voting credentials is not a viable option in the Philippines, for there is no single document or form of identification that voters are required to produce when voting, and poll workers often do not request any form of identification at all.



of identification. Electoral agents of the Indo-Guyanese ruling party could easily pick out Afro-Guyanese supporters of the opposition. Similarly, partisanship in Kenya, Zambia, and Malawi tends to run along ethnic or regional lines (Wiseman 2000, 638; Burnell 2003, 390–91; Ndegwa 2003). The demographics of partisanship and its relationship to negative vote buying are more complex in both Mexico and Venezuela, though scattered evidence suggests that indigenous communities, where partisanship and ethnic identity tend to overlap, are particularly prone to having abstentions bought (Kornblith 2002, 14; Hernández Carrochano 2003, 2).

It should be noted, however, that strong regional patterns of partisanship may also limit the magnitude of negative vote buying. When opposition partisans are clustered in discrete geographic locales, buying abstention can be dangerous for the operatives who are actually charged with seeking out people willing to sell their voting credentials, since it requires venturing into towns or villages that may be hostile to them and their party. In Kenya, armed youths in one constituency assaulted six agents of the then-ruling Kenya Africa National Union days before a by-election. As reported by the BBC, the agents “were believed to have been offering people money in exchange for their voting cards when they were attacked.”<sup>28</sup> In another incident, a Nairobi politician was almost killed during the 2002 election campaign “when a mob beat him for allegedly buying voters cards” (CDU 2002, 42).

### Other Cases of Partisan Demobilization?

In the 1991 to 2006 data set of clean election reforms, I discovered no instances of partisan demobilization beyond the cases I have discussed in this chapter. I suspect, though, that there may have been instances that went unnoticed by the journalists and election observers whose accounts I surveyed. It is, after all, the *response* of parties to clean election reform that causes this form of vote depression. Because of this indirect impact on turnout, partisan demobilization—especially in its unintended form—may be more obscured from view than either legal disenfranchisement or administrative exclusion. Certainly it is a phenomenon to which we should be more attentive.

Candidates are often forced to alter their campaign strategies when new clean election measures are undertaken. Sometimes the new strategies they adopt have a demobilizing effect. This demobilization can be either intentional

28. “Violence at Kenya Polls,” BBC News, January 12, 2001.

or unintentional. It is intentional when candidates choose to keep the supporters of their opponents away from the polls. It is unintentional when candidates are forced to shift from more effective strategies of personal, face-to-face mobilization to less effective strategies of impersonal mobilization that rely heavily on the mass media.

These two forms have different facilitating conditions. Intentional demobilization—buying abstention—tends to occur when other vote-buying guarantees prove ineffective and when candidates can easily identify supporters of rival candidates. Like the intentional variants of legal disenfranchisement and administrative exclusion, buying abstention requires in-depth knowledge about voters. All three intentional variants, in addition, tend to occur where there is organizational strength, be it in the legislature, administration, or political party.

In contrast, unintentional demobilization—cutting out the go-between—is most likely to occur where reforms restrict or disrupt personal mobilization strategies; and these reforms are most likely to be acquiesced to, or pushed, by parties that have weak control over their local officials and workers. Like the unintentional variant of administrative exclusion, then, cutting out the go-between is most likely to occur where there is organizational weakness—in this case, indiscipline within the party.

Focusing exclusively on such differences, however, obscures important points of commonality. One theme implicit in the discussion of both the intentional and unintentional variants of partisan demobilization is thus worth articulating explicitly: parties do not necessarily have an interest in high turnout. This is self-evident in the case of negative vote buying, but it is sometimes also true when one's own potential supporters are kept away from the polls. As Wattenberg (2000, 76) explains:

As individual office-seeking organizations, there is unfortunately little reason for parties to be concerned about poor turnout levels. In fact, it is more efficient for a party to win an office with fewer votes. This would be akin to General Motors making just as much money with the sale of fewer cars.

The intuition here is that parties may well prefer lower aggregate turnouts and smaller electorates when having fewer voters translates into substantially lower campaign costs. This is particularly true in places where voter mobilization relies heavily on the widespread distribution of gifts and money.

While low turnout may be in the interest of parties, it is important to emphasize that it not good for the legitimacy of parties, for the vibrancy of the party system, or for the inclusiveness of participation. Does this chapter, then, argue in defense of dirty but mobilizing electoral practices such as vote buying?