Horses for courses: electoral system design and the violation of democratic norms in national elections from 27th October 2005 to 28th November 2011.
Abstract

The purpose of this research is to examine relationships among electoral systems and electoral irregularities. I argue that electoral systems are associated with different violations of democratic norms and that these vulnerabilities may be exacerbated by additional relationships that exist among the violations themselves. Based on a dataset of violations observed in thirty-seven elections, I confirm that correlations exist between particular aspects of electoral systems and democratic norm violations. In addition there are substantial correlations between certain norm violation types that tend to form packages of associated violations in the elections in which they are observed. I conclude that awareness of these relationships can contribute to the defence of democracy by informing the selection of electoral systems best suited to each state’s historical experience of transfers of power.
# Table of Contents

Glossary of key electoral formulae ......................................................................................................... 5
1. Introduction ......................................................................................................................................... 7
2. Research Questions ........................................................................................................................... 10
3. Definitions ......................................................................................................................................... 12
4. Previous Research ............................................................................................................................. 14
5. Theoretical Context ........................................................................................................................... 22
  5.1 Unequal Elections ....................................................................................................................... 22
  5.2 The Objectives of Electoral Systems .......................................................................................... 23
  5.3 The Democratic Norm of Equality .............................................................................................. 26
  5.4 Political Equality and the Three Conditions of Democratic Choice ........................................... 27
  5.5 Schedler’s Seven Normative Premises of Democratic Choice ................................................... 28
  5.6 Schedler’s Categorical Advantage .............................................................................................. 30
6. Methodology ..................................................................................................................................... 33
  6.1 Choosing a methodology ............................................................................................................ 33
  6.2 Categorising Electoral Norm Violations ..................................................................................... 34
  6.3 Categorising Electoral Systems .................................................................................................. 36
  6.4 Recording the Categories ............................................................................................................ 39
  6.5 Operationalizing the Findings ..................................................................................................... 40
7. Sources .............................................................................................................................................. 41
8. Findings ............................................................................................................................................ 46
  8.1 Overview ..................................................................................................................................... 46
  8.2 Two-Round System Elections ..................................................................................................... 53
  8.3 First Past The Post (Single Member District Plurality) Elections ............................................... 56
  8.4 Proportional Representation Formula Elections ......................................................................... 58
  8.5 Mixed Formula Elections ............................................................................................................ 60
  8.6 Apportionment ............................................................................................................................ 61
  8.7 Campaign Finance Regulations .................................................................................................. 63
  8.8 Campaign Duration Limits .......................................................................................................... 65
  8.9 Media Coverage Controls .......................................................................................................... 68
  8.10 Election Management Bodies ................................................................................................... 70
  8.11 Correlations between Electoral Norm Violations ..................................................................... 72
9. Conclusions ....................................................................................................................................... 75
  9.1 Introduction ................................................................................................................................. 75
  9.2 Is the nature of an electoral system related to the frequency and typology of democratic norm violations encountered in an election? 75
9.3 Does the observation of one type of norm violation increase the probability of encountering norm violations of another type within the same election? ............................................................... 76
9.4 Limitations and Significance ...................................................................................................... 77

Bibliography ......................................................................................................................................... 81

Primary Sources .................................................................................................................................... 83

Annexes ................................................................................................................................................. Fel! Bokmärket är inte definierat.

Annex 2: Record of Election Reports October 2005 to February 2012..... Fel! Bokmärket är inte definierat.
Annex 3: Consolidated Election Observation Results Tabulation – Polity IV Controlled....... Fel! Bokmärket är inte definierat.

List of Tables and Figures

Table 1 - Schedler's Chain of Democratic Choice and the Menu of Manipulation .....................35
Table 2 - Correlation of two-round cases with verified electoral norm violations.........................55
Table 3 - Correlation of FPTP cases with verified electoral norm violations.................................57
Table 4 - Correlation of PR elections with verified electoral norm violations...............................60
Table 5 - Correlation of unregulated campaign duration with verified norm violations ...............67
Table 6 - Correlations between verified observations of norm violations ........................................72

Figure 1 - Frequency of norm violations by impacted norm (all cases) ..........................................46
Figure 2 - Frequency of norm violations by impacted norm (two-round elections) .......................54
Figure 3 - Frequency of norm violations by impacted norm (FPTP) ................................................56
Figure 4 - Frequency of norm violations by impacted norm (PR elections) ....................................59
Figure 5 - Frequency of norm violations by impacted norm (large constituencies) .......................61
Figure 6 - Frequency of norm violations by impacted norm (small constituencies) .......................62
Figure 7 - Frequency of norm violations by impacted norm (regulated campaign finance) ............63
Figure 8 - Frequency of norm violations by impacted norm (unregulated campaign finance) ........64
Figure 9 - Frequency of norm violations by impacted norm (campaign duration limits) ...............66
Figure 10 - Frequency of norm violations by impacted norm (without campaign duration limits) ...66
Figure 11 - Frequency of norm violations by impacted norm (media coverage regulated) .............68
Figure 12 - Frequency of norm violations by impacted norm (media coverage unregulated) ..........69
Figure 13 - Frequency of norm violations by impacted norm (non-partisan EMBs) .......................70
Figure 14 - Frequency of norm violations by impacted norm (bipartisan and multi-partisan EMBs). 71
Glossary of key electoral formulae

First Past The Post

The First Past The Post (FPTP) formula, also known as the Single Member District Plurality system, chooses winners based on a plurality of the vote achieved within single member constituencies. Often associated with elections in the United Kingdom and the United States, this winner-takes-all formula allocates seats to candidates who receive more votes than any other candidate, without regard to the achievement of an overall majority. Under this formula the voting and seat allocation processes are straightforward and easy to understand. In an FPTP election votes for losing candidates are often said to be ‘wasted’, in that no attempt is made to provide a proportionate level of representation for those who voted for losing candidates. The resulting marginalisation of smaller parties tends to contribute to the collation of disparate interests into two or three dominant parties, often capable of forming governments without the necessity for coalition negotiations. For this reason FPTP is sometimes positively associated with greater accountability, since the programme for government is often the responsibility of a single government party rather than the product of post-election coalition negotiations.

Two Round System

As the name suggests, two-round system elections take place on two separate dates. All but the two leading candidates are excluded after the first round. Sometimes referred to as ‘run-off voting’, two round systems are similar to FPTP systems because the leading candidates are selected on the basis of plurality in the first round (though sometimes a candidate must achieve additional qualifications, such as certain geographical spread of their vote etc.). However two-round systems differ from FPTP because candidates are usually expected to attain an absolute majority in the second round election. Given the requirement to hold an election over two days, the system is resource intensive but it ensures that the winning candidate achieves over fifty percent of the vote. For this reason the system is most often used in presidential systems to ensure that the leader of the executive enjoys the additional legitimacy of a mandate based on an absolute majority. Examples include presidential elections in Egypt and the Czech Republic.
**Proportional Representation**

In elections based on proportional representation (PR), parties compete on a national basis (a single national constituency) or in several multi-member constituencies. Seats are allocated to each party according to the proportion of the vote received nationally or within each constituency. Seat allocation is commonly restricted to parties that receive more than a set minimum share of the vote (the precise threshold for representation varies between jurisdictions). In closed list PR systems the competing parties decide the order of precedence among their candidates in advance of the election; in the open list version voters can influence the order of precedence. PR elections may provide a fairer representation of the diverse interests within a jurisdiction; less positively, they are sometimes regarded as reducing government accountability. Their tendency to produce several relatively small parties can lead to coalition negotiations in which key decisions are made about government policy after the election. Examples include parliamentary elections in Sweden (open list) and Argentina (closed list).
1. Introduction

“The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

The Universal Declaration of Human Rights, Article 21 (3).

As 2007 drew to a close, the European Union (EU) Election Observation Mission to Kenya observed a long list of problems in campaigning and polling for the general elections held on 27th December. Serious breaches of electoral norms included disparities in constituency population and size; irregularities in the registration process for parliamentary candidates; disruption of the right of free assembly; violent assaults on candidates, especially women candidates; misuse of state resources in campaigning by incumbents; pro-incumbent media bias; distribution of money and gifts to voters; and multiple registrations for individual voters. The credibility of the elections was further undermined during the vote counting and consolidation process. The observation mission recorded bias on the part of the (nominally independent) Electoral Commission of Kenya; a lack of transparency and irregularities in the counting of votes and in the aggregation of results; inconsistencies in voter turnout figures for the parliamentary and presidential elections; and inconsistencies between the results announced at constituency level and those announced at a national level.¹ Unsurprisingly, the EU observation mission concluded that the election fell short of international standards for democratic elections. The consequences of the flawed election were catastrophic:

The reaction to the swearing-in was immediate. Nairobi's slums exploded in rage. The poor killed each other. Across the country came a swelling up of tribal violence, sometimes Kikuyu against Mr Odinga's Luo tribe, more often Luo and other tribes against Kikuyu. Hundreds have been killed so far and 80,000 displaced. Gang rapes and mutilations are widespread. Police have orders to shoot to kill. There has been looting in Kisumu, riots in Mombasa and pitched battles in Eldoret. Kikuyu hiding in a church near Eldoret were burned alive by a mob.²

By the time the violence ended the EU had recorded a human toll of 1,200 deaths and 300,000 people displaced from their homes.³ Whatever its virtues, the power-sharing arrangement that emerged from a dialogue led by former UN Secretary General Kofi Annan could not be described as representing the will of the Kenyan people expressed in a democratic election.

¹ European Union Election Observation Mission April 2008. Page references for each of the irregularities cited can be found in Annex 4: Election Observation Report Assessments, report number 13A.
A little over five years later another EU mission observed the Kenyan general elections held on 4th March 2013. On this occasion, the observation mission congratulated the people of Kenya on “a huge society-wide push for peaceful, transparent and credible elections” and noted that the results recorded in polling stations reflected the will of voters.\(^4\) Violent incidents were observed during the campaign, but they never escalated to the mass violence of 2007. While the losing candidate, Raila Odinga, criticised some aspects of the election, he directed his complaints to the Supreme Court and vowed to accept its ruling.

These two elections took place in similar socio-political environments. The ethnic divisions within the electorate were unchanged. Why were the consequences so different for the Kenyan people? Clearly Kenyan society in 2013 had the benefit of lessons learned from the elections held in 2007. A new constitution provided for important changes to the electoral system and related institutions. The potential rewards at stake in the presidential election were reduced by limiting the powers entrusted to the presidency. Executive power was decentralised to other institutions, including to a new senate (Article 96 of the Constitution of Kenya, 2010). In presidential elections the old First Past The Post plurality system (FPTP) was abandoned in favour of a requirement for an absolute majority of votes, with provision for a second round election to be held between the leading candidates if necessary (Article 138). Independent candidates were permitted to stand for election, including for the presidency (Articles 85 and 137). Provision was made for a mixed-member legislature, with some seats allocated on the basis of proportional representation (Article 90). A new Independent Electoral and Boundaries Commission was established to demarcate constituencies and to oversee elections (Article 88). These changes provided the foundations for a different electoral context. The experience of 2007 may also have caused candidates, parties and voters to be both more concerned about electoral irregularities and more reluctant to resort to fraud or violence in defence of their interests. In other words the 2007 elections, their consequences and the measures taken to prevent a repeat, seem to have given rise to a new electoral environment in which irregularities were met with appeals for legal redress rather than reciprocal, and escalating, fraud and violence.

While Kenya provides a useful example of two elections held in similar circumstances with very different outcomes in terms of credibility and social strife, my intention is not to suggest that factors such as levels of development, demographic homogeneity and the role of long-established democratic institutions are insignificant. These factors clearly determine the context within which an election takes place. My argument is that the choice of electoral system

is a vital aspect of a society’s response to the socio-political and demographic context in which an election takes place. Electoral systems are not perfectly neutral; they matter and they have consequences. To choose the features of an electoral system is to choose a set of imperfections. However every imperfection may not be equally damaging in all circumstances. A vulnerability to coercion inherent within a particular electoral system, disastrous in a country emerging from conflict, might be less significant in a country with well-embedded democratic traditions and institutions. The right choice of electoral system can target the vulnerabilities embedded in a particular electoral context. I also argue that there are links between different categories of irregularity that, in the absence of systemic controls adapted to the circumstances of the election, may prompt a spiral of retribution and violence. To target an electoral system effectively, we need to understand what different electoral systems do, how they are related to different irregularities, and what links exist between irregularities that might produce unexpected consequences if ignored in the process of choosing the most appropriate electoral system. The purpose of this research is to identify how electoral irregularities relate to electoral systems, and how they relate to each other.
2. Research Questions

Larry Diamond, co-editor of the Journal of Democracy, has pointed out that, since no democratic system is perfect, “scattered violations do not negate the overall democratic character of elections.” However, this does not make these violations, whether scattered or systematic, uninteresting. On the contrary, an improved knowledge of the comparative frequency of different violations of electoral norms and the circumstances in which they tend to arise will enhance our understanding of the strengths and weaknesses of different electoral systems as mechanisms of power transfer. To this end I propose to conduct an empirical study of violations of democratic norms in recent elections. I will avoid judgement as to whether any particular violation of electoral norms was intentional or sufficiently systematic to undermine the overall democratic character of an election. It is not the general quality of elections but rather the existence of an irregularity, and its associations with aspects of the electoral system and other types of irregularity, that are of interest for my purposes.

My first hypothesis is that certain features of electoral systems are related to the frequency and typology of the norm violations that are encountered in elections. Intuitively I expect some correlation between electoral systems and norm violations. For example, it would seem easier to achieve a particular result by stuffing a ballot box in an FPTP election than by means of the same fraud in an electoral system based on proportional representation, if only because the number of fraudulent ballots required to change the results is smaller. In fact, some studies have suggested that elections under majoritarian rules (such as FPTP) are generally more exposed to fraud. Michael Alvarez, Thad Hall and Susan Hyde report that “institutional factors, in particular the specific mechanisms used for legislative elections (for example, majoritarian versus proportional systems), appear to explain much of the variance in election fraud in Costa Rica, with more fraud occurring under majoritarian rules.” To test this hypothesis I will record certain key features of the electoral systems used in a number of elections between October 2005 and May 2012 and measure the relative frequency with which norm violations occur under different electoral rules.

---

5 Diamond 2002, p.28.
6 Alvarez, Hall & Hyde 2008, p.7
My second hypothesis is that correlations exist in the typology of democratic norm violations encountered in an election. Intuitively I expect the detection of certain forms of misbehaviour or incompetence to be a good predictor of observations of other, related, problems in the same election. So, for example, a government that informally disenfranchises part of its population is quite likely to repress that population in other ways. When electoral fraud occurs in the course of an election I expect to find institutional bias in the judicial system as well, if only to ensure that the victims of fraud do not get a fair hearing. Thus an electoral system shown to have a vulnerability to a certain type of irregularity, perhaps tolerable in the circumstances in which a particular election is held, may be indirectly vulnerable to related irregularities with deeper consequences for stability. To test this hypothesis I will check for correlations between different types of irregularity encountered across the same population of elections.

Accordingly, my research questions are:

Is the nature of an electoral system related to the frequency and typology of democratic norm violations encountered in an election?

Does the observation of one type of norm violation increase the probability of encountering norm violations of another type within the same election?
3. Definitions

I should provide a clear definition of two terms before I proceed further. I have borrowed the term ‘democratic norm violation’ from Andreas Schedler, professor of political science at the Facultad Latinoamericana de Ciencias Sociales in Mexico City. He starts from the assumption that “a coherent set of minimal democratic norms exists that any democratic regime must fulfil.” Not all elections are equal; to qualify as democratic, an election must comply with this set of democratic norms. To the extent that a regime departs from any of these norms in the conduct of an election, that regime has conducted an undemocratic election. Each of the identified norms may be violated in a number of different ways since “the limits of the authoritarian imagination are not logical, but empirical.” Crucially, the violations can be more or less systematic and intentional. As Schedler points out, “much practical knowledge and painstaking methodological analysis have gone toward devising methods that allow monitors to distinguish massive fraud from widespread but unsystematic irregularities, but the results so far are hardly conclusive.” It is not always possible to distinguish between deliberate fraud and unintentional irregularities caused by “deficits in technical capacity or experience.” Even where irregularities can be shown to be systematic, it may not be clear whether they reflect centralised strategic control or institutionalised local expectations. Indeed, whether an irregularity constitutes fraud can sometimes depend on the cultural and political environment in which it takes place. As an example Alvarez, Hall and Hyde point to allegations of fraud in Mexico’s 2006 presidential election that “centred on the use of door-to-door canvassing by one of the political parties and whether such campaigning constituted undue partisan pressure on voters.” By contrast I can confirm that door-to-door canvassing is taken for granted in Ireland, where candidates are expected to call to voters’ doors, preferably in person. In the face of uncertainty and context dependency in defining electoral fraud, we need a concept that captures abnormalities in the conduct of elections without necessarily taking a position as to whether any

7 Schedler 2002, p.38
8 Ibid., p.41
9 Ibid., p.39
10 Elklit and Svensson 1997, p. 38.
11 For example, in a national context in which all previous elections for the past several decades have been subject to fraud, no centralised strategy may be necessary to achieve a further instance of the same violation of democratic norms. Local election administrators may conclude, in the absence of clear instructions, that the unstated expectation is for them to return a result similar to the previous election.
particular instance represents intentional manipulation or fraud. An attractive aspect of Schedler’s formulation is that it communicates little in regard to intention. ‘Democratic norm violation’ has a certain volitional neutrality that permits a focus on abnormalities rather than on the political context behind them. This focus is ideal for my purposes, since it is the existence of the violation of a democratic norm that is of interest, and not the intention, or lack of intent, that informed the violation.

The term “electoral system” can be ambiguous. It sometimes refers only to electoral formulae (proportional representation, plurality systems, etc.). At other times it is used in a broader sense to refer to the entire infrastructure that facilitates the holding of an election, including the formula. When I use the term “electoral system” I mean it in the broader sense. I will follow Kenneth Mori McElwain’s definition of an electoral system to include both “macro-level” elements such as the electoral formula and “micro-level” features such as campaign finance and duration regulations. To avoid “expanding excessively the range of topics to be addressed under the rubric of electoral manipulation”, I will follow Jonathan Hartlyn and Jennifer McCoy in excluding broader elements of democracy (such as respect for human rights and the rule of law), except insofar as they have a direct impact on the electoral process (such as the adjudication of disputes and complaints that have arisen in the course of an election). With these considerations in mind I have chosen to include electoral formulae, apportionment (the allocation of seats in a legislature according to the proportion of the population in different regions or districts), campaign finance regulations, campaign duration regulations, media regulations and election management bodies as the key features of electoral systems for the purposes of this research.

13 McElwain 2008, p. 33
14 Hartlyn and McCoy 2006, p. 45
4. Previous Research

There has been surprisingly little research into the relationships between different electoral norm violations and between norm violations and electoral systems. Considering the paucity of analytically rigorous contributions in this research area, Jørgen Elklit (professor of political science at Aarhus University) and Andrew Reynolds (associate professor of political science at the University of North Carolina) have suggested that election administration issues are “purportedly less fascinating research topics than the development of democratization theory, the study of individual transition processes, the effects of various seat allocation systems, or surveying voters’ attitudes towards new regimes.”15 Andreas Schedler and Shaheen Mozaffar (professor of political science at Bridgewater State College) observe that:

> serious interest in electoral governance is the product of the practical experience of international election monitoring and democracy assistance over the past two decades. Most practitioners and scholars who have participated in these activities and have been concerned with issues of electoral integrity have been more interested in evaluating than in systematically explaining democratic progress.16

This neglect of systematic analysis also reflects the considerable methodological barriers to empirical research in this area. Mozaffar and Schedler point to “the inordinate complexity of electoral processes” and the fact that “assessing both the effectiveness of electoral governance and the democratic quality of elections often requires exploring systematic irregularities that by their very nature are difficult to document.”17 They categorise the limited quantity of existing research according to the approach taken to address these methodological challenges. The four alternative methods are the comprehensive approach, the selective approach, the subjective approach and the indirect approach.

As described by Mozaffar and Schedler, the comprehensive approach to identifying and collecting data on electoral processes is a product of the experience of international election monitoring. Like an observation mission, these scholars advocate a comprehensive checklist of factors that should be evaluated to produce a properly-informed analysis of electoral processes. Elklit and Reynolds are put forward as archetypes of this approach. In a Kellogg Institute working paper from September 2000 these scholars conceptualise the quality of an election as “the extent to which the entire electoral process is seen as legitimate and binding” by an array of

15 Elklit and Reynolds 2000, p.2
16 Mozaffar and Schedler 2002, p.12
17 Ibid., p.17
political actors, such as voters, parties, the media and election observers. Elklit and Reynolds divide the entire electoral process into twelve basic steps, all of which are subdivided to produce a total of forty-seven constituent elements. To systematically analyse an electoral process “it is important that each element is precisely operationalized and the election management system’s performance measured. At a minimum, one should at least be able to say if the performance in relation to a particular element is satisfactory or not.”18 Since the elements are accompanied by (often aggregate) indicators of performance, the resulting schema is both comprehensive and rather complex. Using this approach Elklit and Reynolds conducted a pilot study that aimed to establish a link between the quality of election management and the perceived legitimacy of the election process. The conclusions of the study were based on the perceptions of opposition parties, election observers and commentators in eight sub-Saharan African countries. However the authors acknowledge a need for a greater number of cases and more in-depth data collection if their proposed framework for the analysis of the quality of electoral administration is to be fully utilized and tested.19

Fortunately the comprehensive approach has been applied to produce more extensive datasets focussed on democratic rights. The Freedom of the World Survey conducted by Freedom House measures the extent of political rights and civil liberties accorded to citizens in multiple states and allows for comparisons within a single jurisdiction over time. Political rights are rated according to an assessment of electoral processes; political pluralism and participation; and the functioning of government. Civil liberties are rated based on freedom of expression and belief; associational and organisational rights; the rule of law; and personal autonomy and individual rights.20 Freedom House uses in-house and consultant regional experts to conduct analyses and evaluations of the extent to which basic political rights and civil liberties are afforded to the citizens of each state included in its annual survey. The political rights checklist includes several queries directly related to electoral norms and individual country reports provide insights into the existence or otherwise of a level playing field for democratic elections. The survey frequently uses third-party election monitoring reports to identify headline norm violations in particular elections.21

The Polity IV Project also uses a comprehensive approach and provides an alternative overview of patterns of authority in different nation states over time. For each year of a state’s

---

18 Elklit and Reynolds 2000, p.8
19 Ibid., p.33
21 See for example the country reports on Russia, Ecuador and Egypt in Freedom in the World 2013, accessed 18 March 2013.
existence the Polity IV dataset records “concomitant qualities of democratic and autocratic authority.” Based on these qualities a polity score is assigned based on a 21-point scale ranging from hereditary monarchy (-10) to consolidated democracy (+10). The qualities of political authority that inform the democracy element in polity scores are the openness and competitiveness of executive recruitment; constraints on the chief executive; and the competitiveness of political participation. The calibre of elections held in each state is an element in scoring these qualities. Like Freedom House, the Polity IV Project conducts in-house analyses and uses election monitoring reports from third parties to assess electoral processes. Though both Freedom House and the Polity IV Project take reports of electoral fraud and other irregularities into account, they have a broader focus and neither dataset is sufficiently detailed to provide a basis for testing for correlations between different categories of norm violation or for identifying associations with electoral system type. Nevertheless these datasets, and the Polity IV project in particular, provide valuable information on the political context of the elections examined in the course of this research.

Scholars who adopt the selective approach to researching the relationship between electoral governance systems and the quality of electoral processes attempt to limit the complexity of the task by restricting analysis to a specific topic within the overall field of electoral governance. This kind of research is characterised by a very deep analysis of the chosen topic as observed in a limited number of cases. Peter Burnell of Warwick University and Alan Ware of Oxford University took this approach when they compiled their study of the impact of political party financing on democratisation processes. The authors justify their tight focus on funding issues on the basis that, despite the significant influence of political party funding regimes on the course of democratic development, “the definitive formula for optimizing the funding of political competition eludes even the longest lived and most prestigious of democracies.” Though corruption is not a primary focus for Burnell and Ware, they provide a concentrated analysis of other facets of financing including the sources of party funding, the extent of donor influence and regulatory alternatives.

---

23 A score of -6 or below indicates an autocracy. A score of +6 or above indicates a democracy. Scores between -5 and +5 indicate an anocracy, a mixed or incoherent policy regime typically undertaking an unstable or tentative transition from autocracy to democracy. Special polity codes indicate periods of interruption, interregnum and transition.
26 Mozaffar and Schedler 2002, p.18
27 Burnell and Ware 2007, p.2
28 Ibid., p.10
are compared over time and across different national contexts, based on contributions from a range of scholars with deep, thorough-going knowledge of jurisdictions such as the United States, Germany, Chile, Russia and South Africa. Burnell and Ware generalise from these in-depth case studies to present alternatives for emerging democracies on the management of political finance. Nonetheless they conclude that:

there is not a single model of party financing – either being used in the mature democracies or being developed in emerging democracies – that offers a uniquely best way of meeting the objectives we would expect to be met in a democracy. There are a number of possible devices for generating sufficient funds to establish links with voters, preventing an excessive frenzy in fund raising, and providing for party autonomy; however, there are difficulties with, and disadvantages, to all of them. What may work in one set of circumstances will not necessarily work in another.29

The subjective approach to gathering information on electoral processes and irregularities places great weight on the subjective perceptions of opposition parties. Mozaffar and Schedler settle upon Robert Pastor, professor at the School of International Service of American University and a former US national security advisor, as a scholar who has been “most explicit in renouncing the pretension of assessing electoral processes independently of opposition parties’ own evaluative judgements.”30 In an article from 1999 Pastor explores the research implications of the effects of electoral administration on democratic transitions. Identifying electoral administration as a neglected independent variable influencing the quality of elections in transition countries, Pastor defines a flawed election as

one in which some or all of the major political parties refuse to participate in the election or reject the results. This definition contrasts with a more traditional one that relies on ‘checklists’ to determine whether an election is free, fair and meaningful…Essentially, the challenge of a transition is to negotiate electoral rules that all parties can accept and respect; this requires overcoming a history of distrust. Defining the challenge in this way helps to explain why a free election ought to be one in which the major parties accept the process and respect the results. When that does not occur, a ‘flawed’ election does.31

Thus defined, he identifies 81 flawed elections that occurred between 1989 and 1999. The author acknowledges that the reports upon which these judgements were based are brief and often lack the necessary detail to determine the specific reason for the election’s rejection by opposition parties.32 Nevertheless he concludes that more flawed elections took place in Africa, and fewer in Latin America, than in other developing and post-communist regions. To address the most common problems he calls for research into election administration generally and the

29 Ibid., p.243
30 Mozaffar and Schedler 2002, p.18
31 Pastor 1999, p.15
32 Ibid., p.16
weaknesses of voter registration processes in particular, and for the establishment of election management bodies that are perceived to be independent by all parties.

The subjective approach is a common solution to the methodological problems posed by research into phenomena, such as corruption, that are intentionally hidden from direct observation. In an article from 2005 Jana Kunicová and Susan Rose-Ackerman examined the experience of corruption in different states and the comparative effectiveness of different electoral systems in holding politicians to account for corrupt behaviour during their terms of office. They conclude that plurality systems (such as FPTP) are more effective in holding politicians to account, largely because proportional representation creates additional collective action problems in monitoring corrupt incumbents.³³ Rather than using direct observer reports to measure instances of corruption, Kunicová and Rose-Ackerman rely on corruption data compiled by the World Bank in the form of the Control of Corruption Index and by Transparency International in the form of the Corruption Perceptions Index. Part of the Worldwide Governance Indicators project, the Control of Corruption Index is a composite governance indicator that attempts to measure the extent to which public office is exercised for private gain. Instead of opposition party assertions, it is based on perceptions of corruption aggregated from surveys and from the expert opinions of intergovernmental organisations, Non-Governmental Organisations (NGOs) and commercial business information providers.³⁴ Transparency International’s Corruption Perceptions Index (CPI) attempts to measure levels of public sector corruption in different states on a scale of zero to one hundred (where a zero score indicates extreme levels of corruption). As with the Control of Corruption Index, CPI is a measure of perceptions of corruption aggregated from a variety of intergovernmental bodies, NGOs and think tanks specialised in governance and business climate analysis. In contrast to the Freedom House and Polity IV datasets, both of these indices are based on perceptions rather than direct observations. Though neither index has a focus on elections, they capture corruption on the part of bureaucrats as well as elected politicians and provide a useful measurement of perceptions of the prevalence of corruption across different states.

³³ Kunicová and Rose-Ackerman 2005, p.577. The authors supplement their subjective approach with elements of the selective strategy, focusing on the misuse of public office for private financial gain by elected officials and the effectiveness of electoral formulae as sanctioning mechanisms, rather than on the relationship between electoral systems and irregularities more generally.

³⁴ The World Bank’s Worldwide Governance Indicator project also includes a Voice and Accountability Index. Similar in methodology to the Control of Corruption Index, Voice and Accountability measures perceptions of the extent to which ordinary citizens can participate in the governance of their country. This includes the rights of citizens to express themselves and associate freely.
The final strategy identified by Mozaffar and Schedler is the indirect approach. This methodology evades the requirements to assess the quality of an election directly or to rely on the subjective perceptions of political actors by substituting an objective but indirect measurement of the effectiveness of elections in executive recruitment. For scholars who adopt this approach, even apparently free and fair elections may provide little evidence in regard to a regime’s democratic credentials; unless the incumbent loses, we can never be certain of their willingness to hand over power to the victorious opposition. For these sceptical scholars “if the proof of the pudding is in the eating, the proof of democracy is in the alternation of government.” Barbara Geddes, professor of political science at UCLA, takes this approach in an article that analyses the applicability of a number of generalised hypotheses about vulnerability to regime change to a dataset of actual regime transitions compiled by the author. In the dataset an authoritarian regime was categorised as defunct if:

- either the dictator and his supporters had been ousted from office or if a negotiated transition resulted in reasonably fair, competitive elections and a change in the party or individual occupying executive office. Cases in which elections deemed free and fair by outside observers have been held but have not led to a turnover in personnel are treated here as uncertain outcomes because, until they actually step down, we do not know if long-ruling parties…really will relinquish power.35

Geddes uses her dataset as the basis for an alternative theory of the relative brittleness of personalist, military, single party or composite authoritarian regimes. Each category of authoritarianism is associated with a different pattern of disintegration; these patterns help to explain regional differences in democratic transitions.

Mozaffar and Schedler note that their four approaches to studying electoral governance are subject to pragmatic combinations according to the objectives pursued in the research.36 Sarah Birch, professor at the Department of Government in the University of Essex, uses elements of the comprehensive and subjective approaches in an article that represents an important exception to the general lack of research into the relationships between electoral norm violations and the electoral systems within which they occur. Regretting the almost complete absence of systematic cross-national research on the factors that facilitate manipulation of elections, the author notes that such research “is central to discovering how political practices can be strengthened in new, emerging, and stalled democracies and in semi-authoritarian regimes.”37 Electoral irregularities are embedded in social contexts and practices that are

35 Geddes 1999, p.116
36 Mozaffar and Schedler 2002, p.20
37 Birch 2007, p.1534
exceedingly difficult to alter in the short or medium term; electoral systems, by contrast, are subject to amelioration as much as manipulation. As a contribution to the research needed to support such improvements, Birch produced a dataset of electoral manipulation compiled from the election observer reports of the Organisation for Security and Cooperation in Europe (OSCE). As the source is an organisation with long experience of thorough election observation using standardised checklists, the dataset may be viewed as a meta-analysis of comprehensive election reports. However, since it is fundamentally based on a prioritisation of the perceptions of OSCE observers, to some extent the dataset also represents a subjective approach to gathering the required data. The selected reports were based on the observations of the OSCE’s Office for Democratic Institutions and Human Rights during 55 elections held in 24 post-communist countries since the collapse of the Soviet Union. Each of the observation missions was conducted on the basis of criteria set out in the OSCE’s Copenhagen Document of 1990. Based on this dataset Birch found that the effects of electoral system design go beyond broad political outcomes (such as single-party or coalition governments) to include implications for the conduct of elections. She found that elections held in single member districts under plurality rules (FPTP) were more likely to be subject to malpractice than elections conducted on the basis of proportional representation. While noting that “large N analysis such as that carried out in this article is not ideally suited to testing causal mechanisms”, Birch suggests two reasons why FPTP elections might be more exposed to malpractice. The first relates to the incentives and sanctions for malpractice that may apply to individual candidates:

Parties in PR systems stand together or fall together, both in terms of reputation and overall levels of electoral support. Under these circumstances, party leaders can be expected to make strenuous efforts to prevent electoral malpractice to protect the party’s image. They may do this by imposing sanctions on individual party members who engage in malpractice…

By contrast, in FPTP systems “reputations are separable and sanctions are more difficult for the central party organizations to apply because of the greater autonomy afforded candidates in many political contexts by their local electoral bases.” Thus the individual candidate in an FPTP election may well conclude that there is more to gain, and less to lose, in engaging in malpractice to secure a marginal seat. The other suggested reason for a higher correlation between FPTP election rules and instances of malpractice relates to the mechanics of electoral cheating. FPTP election rules tend to produce large dominant parties that alternate in

---

38 For more on the OSCE Copenhagen Commitments and their relationship to other normative principles of democratic elections, please see Annex 1: A Comparison of International Principles of Electoral Integrity.

39 Birch 2007, p.1538
40 Ibid., p.1539
government, sometimes based on relatively small electoral majorities. The amount of
manipulation required to alter the results of such an election is considerably less that in
proportional representation elections:

In a close contest, only a limited number of marginal seats in an (FPTP) system will need to be
won to swing the election, and often, only a small number of votes will need to be shifted in any
individual district to alter the outcome in that district. In a PR system, by contrast, relatively large
proportions of the national vote will have to be switched to change the overall balance of power
in the legislature.41

Since “fewer votes need to be changed to achieve the same result in terms of seat allocation”, the
risk of discovery and consequent loss of legitimacy is lower.

Birch urges caution in generalising the findings of her study beyond the post-communist
context on which her dataset was based. It may be that patterns of patronage or peculiar
dynamics of hierarchical control of political parties create vulnerabilities and incentives in a post-
communist context that would not necessarily apply in other regions. She concludes by
encouraging further research in other parts of the world to substantiate her findings as a
contribution to the development of best practice in the evaluation of electoral systems and
assistance.

41 Ibid.
5. Theoretical Context

5.1 Unequal Elections

Robert A. Dahl, a leading democratic theorist, identifies elections as one of six necessary institutions of large-scale, nation-state democracy. In Dahl’s perspective elections are necessary to democracy because they provide for effective participation by citizens on an equal basis in decision-making and in holding officials to account. However elections are only constitutive of democracy to the degree to which each citizen has an equal opportunity to vote, and if citizens are to vote on an equal basis, “then clearly elections must be free and fair. To be free means that citizens can go to the polls without fear of reprisal; and if they are to be fair, then all votes must be counted as equal.”

The evidence presented in this thesis will amply demonstrate that many elections in ostensibly democratic regimes are far from ‘free and fair.’ Any individual election can potentially be corrupted to produce only a hypocritical genuflection towards democracy. Andreas Schedler points out that elections can serve many purposes:

The idea of democracy has become so closely identified with elections that we are in danger of forgetting that the modern history of representative elections is a tale of authoritarian manipulations as much as it is a saga of democratic triumphs. Historically, in other words, elections have been an instrument of authoritarian control as well as a means of democratic governance.

Democratic norm violations are not unusual features of elections. In 2012 alone serious concerns were raised about elections held in the Russian Federation, the Republic of Belarus, Ukraine and the Republic of Kazakhstan. In the Republic of Yemen a President was elected on 21st February 2012 in an election in which he was the only candidate. In truth, no election is

---

42 Dahl 2000, p.85. The remaining five necessary institutions are elected officials, freedom of expression, alternative sources of information, associational autonomy and inclusive citizenship.
43 Ibid., p.95.
44 Schedler 2002, p.36
46 Yemen’s election: One vote, one man. The Economist, 25th February 2012.
perfect since, in practice, “democracy has always fallen far short of its ideals.” In the real world inhabited by nation-states it is not possible to delegate all decision-making power democratically; there are practical limits to the frequency of elections; all citizens do not have equal access to the candidates or access to perfect information about the candidates and their policies; ballots will be unintentionally spoiled and election administrators will use their discretion to decipher the voter’s intention or reject the ballot. Accordingly, it is difficult to divide any set of elections cleanly into a group of free and fair elections and a group of flawed elections. Instead any set of elections will fall into a scale of electoral fairness that runs between an imaginary, absolutely corrupt election and a non-existent democratic ideal. Since all elections fall short of the ideal, the relevant question is not ‘which elections were democratic?’ but rather ‘how exactly have elections fallen short of democratic ideals?’

I propose to examine democratic norm violations as prevalent elements of the electoral process, to understand when they arise, how they relate to each other and how they relate to the electoral system. My research questions presuppose that electoral systems may have significance beyond administrative efficiency and that elections can be undemocratic. To appreciate the significance of choosing an electoral system, we need to examine their systemic biases and limitations. To understand the concept of an undemocratic election, we need to consider the dimensions of elections that make them democratic. We can then examine how those dimensions may be subverted to produce an undemocratic election. This should provide the basis for a categorisation of democratic norm violations that will be necessary to answer my research questions.

5.2 The Objectives of Electoral Systems

Electoral systems do not perform their function in isolation; they are linked to “political-party systems, constitutional development, the provisions governing legislative bodies, and other institutional framework issues.” Popular acceptance of the legitimacy of the system is also necessary if the outcome of an election is to be meaningful. Nonetheless electoral systems are powerful tools in their own right. Subtle biases within the system can have profound effects while the elections it produces remain broadly acceptable to the electorate. For example, Kenneth Mori McElwain has calculated that the dominant Liberal Democratic Party of Japan

47 Dahl 2000, p.60.
48 Soudriette and Ellis 2006, p. 16
maintained single party dominance for at least a decade longer than would otherwise have been the case through pro-incumbent manipulation of electoral rules (remarkably, this was accomplished without changing the electoral formula).\textsuperscript{49} David Horowitz asserts that, before choosing an electoral system, “it is necessary to ask first what one wants the electoral system to do.” Different electoral systems do different things. They have different objectives, and different biases:

The fact that each electoral system contains a different array of biases from every other electoral system means that those who decide among such systems can choose, in effect, to prefer one set of biases over another. And to prefer one over another is to make a policy choice. Hence one can speak of the goals of the system, even though the choice of bias is not always consciously made. It follows from this that there are as many potential goals of electoral system choice as there are combinations of biases and systems.\textsuperscript{50}

It may be possible to select a set of biases that contributes to more than one goal. Hybrid electoral formulae may be chosen to, for example, maximise both fairness of representation and accountability of representatives, as in the case of the German Mixed Member Proportional system. Yet no system serves all goals. A decision must be made to prioritise certain goals above others. Therefore the selection of a set of biases ultimately reflects the values of those choosing the system (and, ideally, of those to be served by the system):

(T)he issue of how the electoral system functions has consequences which reflect essentially contested concepts of representative democracy. For the advocates of responsible party government the most important considerations are that elections (not the subsequent process of coalition-building) should be decisive for the outcome. The leading party should be empowered to try to implement their programme during the full term of office, without depending upon the support of minority parties…in contrast, proponents of proportional systems argue that the electoral system should promote a process of conciliation and coalition-building within government…Therefore there is no single “best” system: these arguments represent irresolvable value conflicts.\textsuperscript{51}

Thus, as Pippa Norris explains, proponents of majoritarian formulae typically prioritise government effectiveness, responsiveness and accountability. Advocates of proportional formulae prioritise the values of fairness and social representation.

There are other value alternatives that may be prioritised by those considering the adoption of a new electoral system. Horowitz proposes four more goals that could inform the choice of system. The goal of government durability, ensuring a degree of policy consistency over time, may be best served by the FPTP formula because systems based on plurality formulae

\textsuperscript{49} McElwain 2008, p. 45  
\textsuperscript{50} Horowitz 2006, pp. 3-4  
\textsuperscript{51} Norris 1997, pp. 310-311
“provide inducements for the aggregation or amalgamation of divergent interests into a few parties.” 52 This is a consequence of formulae that distribute seats to parties with a large number of supporters spread evenly across many constituencies, without regard to the number of votes secured by such parties at a national level. Under such circumstances, the production of unwieldy and unstable coalitions tends to become less common than they might be, for example, under a system based on proportional representation (which tends to produce a larger number of parties representing particular interest groups that must negotiate to enter government as elements within a broader coalition). Another goal of an electoral system may be the victory of the Condorcet winner (the candidate who would win a head-to-head contest with any of the other candidates). This goal may be best served by a preferential majoritarian formula like the Alternative Vote (AV) because it allows voters to express second and subsequent preferences (whereas FPTP ignores secondary preferences and list PR formulae are indifferent to the selection of the Condorcet winner). A system may also be designed to facilitate interethnic and interreligious conciliation. AV may serve this goal because it tends to favour moderate candidates (since there is an incentive to seek secondary preferences beyond the core first preference support of the candidate). The final goal suggested by Horowitz is the facilitation of minority office-holding. Not unlike the party-proportionality favoured by PR formulae, the goal here is to achieve group proportionality (if a minority group represents 20% of the population, such a system is intended to secure close to 20% of parliamentary seats to represent that minority). Horowitz suggests the (semi-proportional) cumulative vote formula may be appropriate for this goal. 53 However, since the incentives produced by this formula tend to favour more extreme candidates, it is unlikely that the cumulative vote formula would contribute to the goal of interethnic or interreligious conciliation. In the fraught politics of Northern Ireland minority office-holding was facilitated by proportional representation through the single transferable vote system in the Northern Ireland Assembly, combined with proportional inclusion of parties in an executive grand coalition. 54

As Horowitz points out, any such list of goals is necessarily arbitrary, since any enumeration of goals is “a function of objectives that people living in a given society might wish to achieve and those they might wish to avoid, when matched against the propensity of particular

---

52 Horowitz 2006, p. 9
53 This system allows voters to choose whether to concentrate their vote on a single candidate in a multi-seat constituency.
54 In an article from 2002 Donald L. Horowitz concluded that agreement on these mechanisms of representation in Northern Ireland was a product of conditions conducive to consensus that were unique to Northern Ireland. These mechanisms are unlikely to be transferable to other sites of interethnic or interreligious conflict, but they represent a useful example of choosing an electoral system to address the needs of a specific socio-political environment.
electoral systems to produce results in one direction or another.”

Thus there are many other objectives on the basis of which an electoral system may be chosen, such as the minimisation of the incidence of particular kinds of electoral norm violations. States with embedded democratic institutions may not be equally vulnerable to every type of electoral norm violation. States facing difficult social and political challenges may be vulnerable to more than one kind of violation and thus be forced to choose between two evils. Electoral systems should be designed to take these realities into account. For example, in the case of Northern Ireland an electoral system that facilitated minority office-holding helped the region to emerge from conflict and minimised the danger of institutional bias. Yet such a system arguably breaches the principle of the equality of the vote, effectively reserving elected offices for particular groups within the society. The challenge of electoral system design is to find a system that honours the democratic commitment to an equal voice for all citizens to the degree possible in the particular social and political context within which the system will distribute power.

5.3 The Democratic Norm of Equality

Robert Dahl reserves the term “democracy” for “a political system one of the characteristics of which is the quality of being completely or almost completely responsive to all its citizens.”

If a political system is to be responsive to all its citizens, then each of those citizens must have a voice and some means must be found of allowing that voice to be heard in government decision-making. Considering all the different constitutions that form the basis for democratic decision-making within an association of human beings, Dahl focuses on the principle of equality as the element that they have in common:

…your constitution must be in conformity with one elementary principle: that all members are to be treated (under the constitution) as if they were equally qualified to participate in the process of making decisions about the policies the association will pursue. Whatever may be the case on other matters, then, in governing this association all members are to be considered as politically equal.”

Why is political equality such an elementary principle of a democracy? At this point we approach first principles, an ethical judgment about the dignity of a human being and the nature of society. A society or commonwealth may be understood as a pooling of powers that are

55 Horowitz 2006, p. 4
56 Dahl 1971, p.2
57 Dahl 2000, p.37 (emphasis in the original).
otherwise held individually. In the absence of a commonwealth there is a kind of equality in the ‘state of nature’:

If man in the state of nature be so free, as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to no body, why will he part with his freedom? Why will he give up his empire, and subject himself to the dominion and control of any other power? To which it is obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasion of others: for all being kings such as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very unsecure.  

The equality of the ‘state of nature’ is the equality I enjoy purely on the basis of my humanity and that I can enforce purely by my strength and skill. The free individual’s act of submission to the authority of the commonwealth is an act of trust. Their natural equal right with all others to protect their lives and properties and to exact justice through force is subordinated to a joint project on the understanding that the commonwealth also exists for that individual’s good, for the protection of each individual’s life, security and property. Democracy is one expression of this view of the commonwealth, in which the individual sacrifices the vulnerable kingship of the state of nature for a citizenship of freedom within common laws decided on the basis of the common good:

Political power is that power, which every man having in the state of nature, has given up into the hands of the society, and therein to the governors, whom the society hath set over itself, with this express or tacit trust, that it shall be employed for their good, and the preservation of their property...  

The vindication of this trust involves acceptance of the principle of intrinsic equality, a moral judgement that “one person’s life, liberty, and happiness is not intrinsically superior or inferior to the life, liberty, and happiness of any other.” By extension, “in arriving at decisions, the government must give equal consideration to the good and interests of every person bound by those decisions.”  

5.4 Political Equality and the Three Conditions of Democratic Choice

For a government to be responsive to all its citizens considered as political equals, Dahl sets out three conditions:

---

58 Locke 1980, p.65-66  
59 Ibid., p.89  
60 Dahl 2000, p.65
all full citizens must have unimpaired opportunities:
1. to formulate their preferences
2. to signify their preferences to their fellow citizens and the government by individual and collective action
3. to have their preferences weighed equally in the conduct of the government, that is, weighted with no discrimination because of the content or source of the preference.  

The opportunity to formulate preferences is about access to knowledge. Citizens must have the opportunity to learn about and discuss the policy alternatives at issue. The notion of political equality “assumes that the members are all equally well qualified to participate in decisions provided they have adequate opportunities to learn about the matters before the association by inquiry, discussion, and deliberation.” Signifying preferences is about participation and agenda-setting. Everyone must have the opportunity to address their fellow citizens about the decision at issue and to draw attention to their preferred alternative:

(I)f some members are given greater opportunities than others for expressing their views, their policies are more likely to prevail. In the extreme case, by curtailing opportunities for discussing the proposals on the agenda, a tiny minority of members might, in effect, determine the policies of the association.

Finally, the equal weighing of preferences (or votes) is a self-evident requirement of the consistent application of the principle of political equality:

For example, let’s assume that votes are assigned a weight in proportion to the amount of property a member owns, and members possess greatly differing amounts of property. If we believe that all the members are equally well qualified to participate in the association’s decisions, why should the votes of some be counted for more than the votes of others?

Having developed the principle of political equality into three conditions of democratic choice, how can we operationalize Dahl’s conditions in a manner that permits classification of violations of democratic norms occurring in the course of elections?

5.5 Schedler’s Seven Normative Premises of Democratic Choice

Andreas Schedler has identified seven dimensions of choice and related normative premises that must exist if elections are to fulfil Dahl’s three necessary conditions of democratic choice. These dimensions and normative premises are intended to encompass the whole of the voter’s choice,

---

61 Dahl 1971, p. 2
62 Dahl 2000, p. 39 (emphasis in the original)
63 Ibid.
64 Ibid.
from the initial construction of the choice (the setting of the agenda for decision-making in Dahl’s terms) to the implementation of the people’s choice as expressed in the election (the final confirmation that all preferences have been ‘weighed equally’). The first of Schedler’s normative premises is ‘empowerment’. If all preferences are to be equally taken into account in the conduct of government, then the voters’ choice must have significance for decision-making. The election should identify the decision-maker and their agenda. Empowerment is about “submitting top decision makers to the electoral test.” The second normative premise, ‘freedom of supply’, relates to the citizen’s freedom to signify an alternative choice of policies or candidates to their fellow citizens (the second of Dahl’s conditions). A democratic election must involve a choice between candidates and their platforms and should not be limited to a narrow choice among alternatives that the incumbent government regards as acceptable. The third premise is ‘freedom of demand’. This relates to the voter’s opportunity to formulate preferences through free consideration and discussion of all available options. Without access to information about all alternative preferences, the voter is deprived of this necessary and precious opportunity. Dahl traces the essence of this dimension of choice back to Pericles’ oration commemorating the war dead of Athens in 431 BCE:

Our ordinary citizens, though occupied with the pursuits of industry, are still fair judges of public matters:…and instead of looking on discussion as a stumbling-block in the way of action, we think it an indispensable preliminary to any wise action at all.

‘Inclusion’, the fourth normative premise of democratic choice, can be summarised as the requirement for universal suffrage. Dahl’s three conditions of democratic choice must apply to all full citizens, understood to include “all persons subject to the laws of (the) state except transients and persons proved to be incapable of caring for themselves.” The normative premise of ‘insulation’ relates to the second of Dahl’s three conditions; the voters’ freedom to express their preferences must be unimpaired. Schedler points in particular to the secret ballot as an institution “designed to shield them from undue outside pressures, whether in the form of actual or threatened coercion, bribery, or even just the disapproval of neighbours.” Schedler’s sixth normative premise of democratic choice is ‘integrity’. Dahl’s requirement that all preferences must be weighed equally demands strong institutions capable of neutral and effective administration of the electoral process. Fraud, bias or incompetence in the electoral bureaucracy undermines the equal weighing of votes and, therefore, the legitimacy of the choice expressed in

---

65 Huntington 1991, p.9
66 Quoted in Dahl 2000, p.39
67 Dahl 2000, p.78
68 Schedler 2002, p.40
the election results. An election must be administered in accordance with accepted rules and must be seen by the voting public to be fair, since even unfounded accusations of fraud “can undermine public confidence in the electoral process and complicate an already difficult job.”

The final normative premise, ‘irreversibility’, relates to the third of Dahl’s conditions of democratic choice. For citizens’ preferences to be weighed equally in decision-making, they must impact on the conduct of government. The choice expressed in the election must be implemented and victors must be allowed to exercise their mandate in full:

…a society could choose its leaders through democratic means, but these political leaders might not exercise real power. They may be simply the fronts or puppets of some other group. To the extent that the most powerful collective decision makers are not chosen through elections, the political system is not democratic.

Schedler’s seven normative premises of democratic choice are a refinement of the three conditions of democratic choice postulated by Robert Dahl. But they are not the only available elaboration of electoral norms. Given the existence of authoritative alternatives, how can I justify choosing Andreas Schedler’s normative premises as the means of operationalizing Dahl’s three conditions of democratic choice?

5.6 Schedler’s Categorical Advantage

In 1990 the member states of the Conference on Security and Cooperation in Europe (now the Organisation for Security and Cooperation in Europe or OSCE) negotiated what was to become the Copenhagen Document, a list of commitments in the field of elections, human rights and the rule of law. The Copenhagen commitments articulated a set of international norms for the conduct of democratic elections and, to this day, form the basis for the election observation role of the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR):

In observing elections, OSCE/ODIHR representatives typically analyse whether the jurisdiction’s laws comply with OSCE and universal principles and whether those laws are implemented properly, consistently, and impartially. This legal analysis is important because it reminds us that, although a specific electoral requirement may be established in law, it may still violate a principle associated with the appropriate democratic conduct of elections.

69 Alvarez, Hall & Hyde 2008, p.4
70 Huntington 1991, p.10
71 Hall & Wang 2008, p.40
Another statement of democratic norms is available in the Declaration of Principles for International Election Observation agreed among election observation organisations at the United Nations, New York on 27th October 2005. As Thad E. Hall and Tova Andrea Wang note in their discussion of international principles of electoral integrity, the Declaration goes beyond guidelines for principled election observation to articulate the democratic norms that underpin fair elections. Both the OSCE commitments and the Declaration of Principles “are intended to articulate the features of a legitimate, fair election and how elections should be observed. They provide a set of baseline principles for evaluating when an election is or is not fair.”

In Annex 1: A Comparison of International Principles of Electoral Integrity I have listed, in the form of a table of principles, the core OSCE Copenhagen commitments beside the equivalent principles expressed in the Declaration of Principles for International Election Observation and in Andreas Schedler’s normative premises of democratic choice. The table demonstrates that similar principles run through all these statements of international norms. For example, the Copenhagen commitment to universal and equal suffrage finds an echo in the following demand in the Declaration of Principles:

The will of the people of a country is the basis for the authority of government, and that will must be determined through genuine periodic elections which guarantee the right to vote freely and to be elected fairly through universal and equal suffrage… (Declaration of Principles for International Election Observation, paragraph 3).

We have already seen that this same principle is a requirement under Schedler’s fourth normative premise of democratic choice (inclusion). Similarly, the Copenhagen commitment to respect the rights of citizens to seek political office has an equivalent in the Declaration of Principles:

…everyone has the right and must be provided with the opportunity to participate in the government and public affairs of his or her country…without any unreasonable restrictions. This right can be exercised directly, by participating in referenda, standing for elected office and by other means… (Declaration of Principles for International Election Observation, paragraph 2).

Again, the same principle appears in Schedler’s second normative premise, the requirement for freedom of supply. The similarity among the principles that inform the various statements of electoral norms grants us a certain licence in choosing between them, since we can be reassured that we are not neglecting key requirements of political equality and electoral fairness. But given this equivalence, why choose Schedler’s normative premises in particular?

72 Ibid., p.42.
My purpose in operationalizing Dahl’s conditions is to produce a categorisation of violations of democratic norms occurring in the course of elections. The necessary elements of democratic elections set out in the Declaration of Principles for International Election Observation tend to be expressed in terms that are too general to support a system of classification. More importantly, Andreas Schedler provides a list of strategies of norm violation associated with each normative premise of democratic choice. In effect Schedler’s ‘menu of manipulation’ provides a categorisation of the different means by which the democratic aspects of an election may be undermined, rendering elections undemocratic (or in Schedler’s terms, “authoritarian”).

---

73 It should be borne in mind that the primary purpose of the Declaration of Principles for International Election Observation is to provide a standard of good practice for election observation rather than for elections per se.
6. Methodology

6.1 Choosing a methodology
Electoral processes are complex phenomena. They involve multiple stakeholders and actors and an array of different regulations and conventions. They are dispersed affairs, taking place in multiple sites over the course of an election campaign and on election day. The methodological challenge of researching an electoral process is increased when it includes the need to gather data on norm violations that are often deliberately obscured. Each of the four approaches to this methodological challenge identified by Mozaffar and Schedler has advantages and limitations. The comprehensive approach has the advantage of being based on detailed, direct observation of all the significant aspects of an electoral process. However, as Mozaffar and Schedler point out, checklists do not weigh different aspects of the elections against each other or provide a means of aggregating the data to form meaningful conclusions. In addition, checklists capable of providing a comprehensive picture of an election are necessarily complex. The investment of resources necessary for systematic analysis would not be feasible for individual researchers or small groups. Mozaffar and Schedler conclude that the comprehensive approach is largely unworkable for comparative analysis, raising serious questions about its usefulness for my purposes. By comparison, the selective approach offers analytical depth and comparative breadth. However, achieving this depth and breadth requires an efficient allocation of the researcher’s resources that is achieved by limiting the focus to specific issues. Mozaffar and Schedler consider that a comparison among three countries is close to the maximum useful deployment of this approach. Given my broad definition of an electoral system and the multiple categories of norm violation that are relevant to my analysis, my research questions are too wide for the selective approach to represent a feasible strategy. The subjective approach offers an attractively simple means of analysing a complex election and may be useful as a measure of the general integrity of an election taken as a whole, but relying on the opinions of opposition parties would raise too many issues of bias to be useful as a means of measuring the incidence of particular categories of norm violation. The indirect approach of using executive turnover as a measure of democratic credibility also has the virtue of simplicity as well as greater objectivity, but the approach is not sufficiently sensitive and fine-grained to measure the incidence of norm violations and their relationships to elements of the electoral system.

74 Mozaffar and Schedler 2002, p.18
I need a methodological approach that is sufficiently sensitive and detailed to measure the incidence of norm violations in an analytically useful manner; sufficiently objective to provide credible information; and efficient enough to allow the information to be gathered with very limited resources. For these reasons I have chosen to follow Sarah Birch by mixing elements of the comprehensive and subjective approaches. In my case I use election monitoring reports compiled by a variety of organisations to create a comprehensive and analytically-meaningful account of norm violations in each election (see Annex 4: Election Observation Report Assessments). I aggregate the data into a single table of electoral system design features and norm violations, listed according to the election in which each feature and violation was observed (see Annex 3: Consolidated Election Observation Results Tabulation – Polity IV Controlled). International election monitoring organisations have the resources necessary to send dozens, sometimes hundreds, of trained observers across a jurisdiction to measure performance against (increasingly standardised) checklists. In effect, I conduct a meta-analysis of case studies generated by these organisations. While election monitors are only one among several actors in an election (and my methodology is to that extent subjective), the relevant organisations do not usually have a direct stake in the outcome of an election. In addition, I develop further controls for objectivity in the compilation of my dataset.

6.2 Categorising Electoral Norm Violations

According to Schedler, “if the chain of democratic choice is broken anywhere, elections become not less democratic but undemocratic.” I agree that a violation of the dimensions of democratic choice renders an election undemocratic to some extent. However, as stated previously, I also agree with Dahl that there is always a substantial gap between democratic ideals and the reality of electoral practices in a nation state. All modern nation states suffer from some degree of democratic deficit; it is only a question of which dimensions of democratic choice have been violated and how severely. From my perspective Schedler’s strategies of norm violation are more useful as a means of categorising the democratic shortfall in any given election than as a means of categorising regimes (as Schedler intended when he created his “menu of manipulation”). Schedler’s full table of the seven dimensions and related normative premises, labelled “The Chain of Democratic Choice”, is reproduced at Table 1.

---

Footnote:

75 Ibid., p. 41
<table>
<thead>
<tr>
<th>Dimensions of Choice</th>
<th>Normative Premises of Democratic Choice</th>
<th>Strategies of Norm Violation</th>
</tr>
</thead>
</table>
| 1 The object of choice | **Empowerment:** Democratic elections involve the delegation of decision making authority. | • **Reserved positions:** limiting the scope of elective offices  
• **Reserved domains:** limiting the jurisdiction of elective offices |
| 2 The range of choice | **Freedom of supply:** Citizens must be free to form, join, and support conflicting parties, candidates, and policies. | • **Exclusion of opposition forces:** restricting access to the electoral arena  
• **Fragmentation of opposition forces:** disorganising electoral dissidence |
| 3 The formation of preferences | **Freedom of demand:** Citizens must be able to learn about available alternatives through access to alternative sources of information. | • **Repression:** restricting political and civil liberties  
• **Unfairness:** restricting access to media and money |
| 4 The agents of choice | **Inclusion:** Democracy assigns equal rights of participation to all full members of the political community. | • **Formal disenfranchisement:** legal suffrage restrictions  
• **Informal disenfranchisement:** practical suffrage restrictions |
| 5 The expression of preferences | **Insulation:** Citizens must be free to express their electoral preferences. | • **Coercion:** voter intimidation  
• **Corruption:** vote buying |
| 6 The aggregation of preferences | **Integrity:** One person, one vote. The democratic ideal of equality demands weighing votes equally. | • **Electoral fraud:** “redistributive” election management  
• **Institutional bias:** “redistributive” election rules |
| 7 The consequences of choice | **Irreversibility:** Elections without consequences do not qualify as democratic. | • **Tutelage:** preventing elected officers from exercising their constitutional powers  
• **Reversal:** preventing victors from taking office, or elected officers from concluding their constitutional terms |

Table 1 - Schedler’s Chain of Democratic Choice and the Menu of Manipulation

Schedler provides two strategies of violation for each normative premise. These binary divisions may appear arbitrary, given that it would be equally possible to divide the possible strategies into three or four categories in some cases. For example, instead of dividing disenfranchisement strategies according to formal (legal) and informal (practical) suffrage restrictions, it would be possible to categorise disenfranchisement on the basis of the citizens affected (the elderly, the poor, prisoners, people with disabilities, young people, etc.). However, Schedler’s categorisation fulfills the most important requirement: it is comprehensive. The

---

76 Schedler 2002, p. 39
The advantage of Schedler’s dichotomous divisions is that all instances of norm violation fit somewhere in his schema. Disenfranchisement must be either formal or informal; while it may occasionally be difficult to decide which category applies, no third category of hidden strategies has been omitted. Similarly, citizens can only be inappropriately influenced through coercion or corruption; manipulating the object of choice to disempower voters is only possible by restricting the number of offices that are subject to election or by limiting the jurisdiction of elected offices; and the consequences of an election can only be nullified by reversing the outcome or by subjecting the elected candidate to third party control. In the course of studying 48 elections in 25 countries for the purposes of this research, I did not encounter any reported violations that could not be categorised within Schedler’s schema.

The strategies of norm violation listed by Schedler are sufficiently numerous and varied to raise the possibility that a considerable number of elections at national level in any given year might reasonably be categorised as undemocratic. In fact the research conducted for this study bears this out and undermines any complacency among democrats about the spread of democratic waves around the globe.

6.3 Categorising Electoral Systems

My definition of an electoral system includes not just electoral formulae but also the nature of the apportionment of representatives to electors, campaign finance and duration regulations, the nature of election management bodies and the legal framework for the media. I will reflect all these elements in my research but to achieve a clear and simple categorisation, some prioritisation will be necessary. Given its central importance in previous research and in the existing literature on electoral systems, each election will be categorised primarily according to the electoral formula used. There are numerous formulae but the most common are proportional representation (in open and closed list varieties), FPTP (Single Member District Plurality elections), two-round systems (also known as run-off voting) and mixed systems. Mixed electoral formulae are recorded as a category in their own right. However, electoral systems that overwhelming use a particular formula with relatively minor elements of a second formula are recorded as the principle type. All other formulae encountered in the course of this research are categorised as “other”.

77 In the event, only one election in the population fell outside the categories listed. This was the 2006 legislative elections in Fiji which were held under the Alternative Vote (AV) formula. After the application of
The categorisation and measurement of apportionment represents a challenge. The same citizen can be a voter in different constituencies as states may be divided differently for lower house, upper house and presidential elections. This is manageable since, in this research, each such election represents a separate case. However categorisation becomes more problematic when the same citizen can be voter in two or more different constituencies in a mixed-member legislative election. Elections in the Plurinational State of Bolivia in December 2009 provide a good example of the kind of complexity that may be encountered when conducting a cross-national comparison of apportionment. The presidential election was conducted on the basis of a two-round system in a single national constituency. However the national constituency was complemented by Bolivian citizens living in Brazil, Argentina, Spain and the USA who were also given the opportunity to vote, though only in the presidential election and with a ceiling of 6% of the national register of voters. In the senate election, four members were elected on the basis of proportional representation in each of nine departments. For the lower house elections seventy members were elected on a plurality basis (FPTP) in single member districts while fifty-three members were elected in nine multi-member constituencies (corresponding to the nine departments) on a proportional basis. A further seven members were elected on a plurality basis in special indigenous districts. Thus the same citizen was potentially a qualified voter in separate presidential and senatorial constituencies while simultaneously qualified to vote in a single member plurality district and a multi-member proportional district for the Chamber of Deputies. To address the problem posed by overlapping districts, I have based my comparison on the overall ratio of representatives to voters. This secondary classification divides elections into ‘large’ and ‘small’ constituency elections. All single national constituency (SNC) elections are categorised as large constituency elections. Elections with a representative to voter ratio of greater than 1 to 110,000 are also categorised as large constituency elections. Elections with a representative to voter ratio of less than 1 to 110,000 are categorised as small constituency elections. This measurement considers only the average size of the population voting for each seat, remaining indifferent to the mechanics of apportionment (which is already dealt with under electoral formulae) and to the equality of apportionment (which is dealt with separately as a violation of the democratic norm of integrity).
Categorising elections according to campaign finance rules is more straightforward. Campaign finance rules are generally designed to minimise inappropriate third party influence on candidates (rules relating to the sources of funding) and to ensure a level playing field by limiting the amount any particular candidate or party can spend on an election campaign (rules relating to campaign expenditure). In some cases public funding may be used in support of these objectives:

Equitable treatment of candidates and parties during an election as well as the maintenance of an open and transparent campaign environment are important to protecting the integrity of the democratic election process. States are not obliged to provide public funding for parties and candidates. However, there is a growing trend toward providing such funding as a means of ensuring a level playing field, thus fulfilling the state’s obligation to ensure that all citizens have a right to be elected. If such funding is offered, it must be done equitably.80

For example, public funds were provided to defray candidates’ campaign expenses during Constituent Assembly elections in the Republic of Ecuador in September 2007, presidential elections in Georgia in January 2008 and early parliamentary elections in the Republic of Moldova in July 2009. This secondary classification divides elections according to whether robust campaign finance regulations exist or not. In marginal cases where rules exist but are weak or partial in nature, I record that limited controls are in place.

Similarly another secondary classification divides elections according to whether campaign duration regulations exist or not. These regulations are usually designed to contribute to a level playing field among candidates with unequal resources by restricting the period of time available for overt campaigning (such as posters, advertisements and campaign rallies). Campaign duration regulations are also frequently used to insulate voters from the influence of candidates during the final days before the election, creating a decision-making period that should be free of the pressures of the official campaign period.81 A further secondary classification categorises elections according to the existence, or otherwise, of media coverage controls. For this categorisation I examine evidence of regulation of media behaviour during campaign periods. Such regulations may include requirements for balanced and neutral coverage, equality of access or provision of free airtime or space in state-owned media organs. Again, in marginal cases where rules exist but are weak or partial in nature, I record that limited regulation exists.

80 The Carter Center October 2011, p.37
81 Unfortunately campaign duration limits can also be used to introduce bias into an election campaign. For example, incumbents with high public visibility outside the official campaign period may push for a short campaign period that would limit the opposition’s opportunity to counteract the advantages of incumbency. This was a key part of the strategy of the Liberal Democratic Party of Japan to achieve an extended period of single party dominance, as described by Kenneth Mori McElwaine 2008, p.33.
The final secondary classification relates to the nature of election management bodies. Electoral administration may be governmental (as in Algeria, Sweden and the USA), independent (as in Brazil, India and Russia) or mixed (as in France, Portugal and the United Kingdom). However an overwhelming dominance of the independent model of electoral administration is evident in my research. Without exception, every election in my sample was administered by a nominally independent election management body (see Annex 3: Consolidated Election Observation Results Tabulation – Polity IV Controlled). In view of this I have further classified the elections according to whether they were administered by nominally independent election management bodies that were:

a) Non-partisan and observed to be independent;
b) observed to be bipartisan or multi-partisan; or
c) neither bipartisan nor multi-partisan but observed to lack independence.

Since the last category overlaps with the norm violation of institutional bias, I exclude this category from further analysis and confine my comparisons in this classification to elections overseen by nominally independent election management bodies within categories (a) and (b) above.

6.4 Recording the Categories

For each observer report examined in the course of this research I have created a table where I record the key features of the electoral system and provide a very brief description of the observer mission and their overall findings (see Annex 4: Election Observation Report Assessments). I record the mission’s finding under each category of norm violation as ‘observed’, ‘not observed’ or ‘limited’. As I have a minimum of three sources for each election, this means that there are at least three tables for each election in my sample. I consolidate the findings into a single table of results (see Annex 3: Consolidated Election Observation Results Tabulation – Polity IV Controlled). The key features of the electoral systems are generally not in dispute, so categorising the elections in the consolidated table of results is straightforward. Where the sources do not agree on the categories of norm violations that were

83 "Limited" indicates a marginal case where some evidence of the norm violation exists but it is not sufficiently strong to be considered conclusive. In the consolidated table of results these findings are treated the same as “not observed.”
observed, I resolve the differences according to rules set out in the section on sources below. The results are then recorded in the consolidated table in the form of a binary response (a nominal value of ‘1’ has been assigned to norm violations that have been observed and verified; a nominal value of ‘0’ has been assigned to norm violations that have not been observed and verified).

6.5 Operationalizing the Findings

The results of my analysis may be described as a set of observations divided into two clearly-defined divisions, ‘observed’ and ‘not observed’, recorded as nominal values ‘1’ and ‘0’ respectively in my tabulation (see Annex 3: Consolidated Election Observation Results Tabulation – Polity IV Controlled). The phi coefficient was designed to check for correlation in such dichotomous data sets. My first research question queries whether the nature of an electoral system is related to the frequency and typology of democratic norm violations encountered. My primary categorisation of elections is based on the electoral formulae employed. Through a series of separate tests I investigate correlations between the various electoral formulae and the categories of norm violation. Any significant correlations indicate a positive response to my first research question, confirming my first hypothesis that certain features of electoral systems are related to the frequency and typology of the norm violations that may be encountered in the course of any particular election. I use frequency tables to examine the patterns produced by my secondary classifications of electoral systems. The frequency tables allow me to compare the relative integrity of democratic norms in elections conducted under differing electoral rules and institutions.

My second research question asks whether the observation of one type of norm violation increases the probability of encountering norm violations of another type within the same election. I resort to the phi coefficient again to check for correlations between different categories of democratic norm violation across all the elections in the sample. Any significant correlations indicate a positive response to my second research question and confirm my second hypothesis, that correlations exist in the typology of democratic norm violations encountered in an election.
7. Sources

My primary sources are observation reports generated by international election monitoring organisations. As sources these reports have much to recommend them. At its best election observation is:

the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis.84

Observation reports are amassed by multi-member teams committed to recording the very information in which I am interested, namely the presence or absence of electoral irregularities. The observations are undertaken by outsiders who lack a direct stake in the process and who typically have at least a formal commitment to objectivity. Many of the observation missions are comprised of experts with long experience of democratic processes and institutions. These virtues are reflected in the use of these reports as sources for political analyses such as those conducted by Freedom House. However, as Judith G. Kelley pointed out in her book examining the quality of international election monitoring, observation reports are not flawless sources of objective knowledge:

Assessing elections is difficult. Monitors can only cover a fraction of polling stations and can only stay for a limited time at each station. Thus, choices are necessary. They may make pre-election assessment trips or have delegations in countries far in advance, but their resources are still limited, they lack local knowledge, and they may be up against politicians who work to deceive them… (A)ssessing the quality of an election is frequently contentious, and when more than one organisation monitors an election, the monitoring organisations sometimes generate controversy by disagreeing on their assessments.85

In addition to limited resources and unscrupulous politicians, election observation is also exposed to bias. Kelley identifies five major types of bias that can deflect an observer mission from its primary objective of providing an honest assessment of the quality of an election. The glass house bias (named for the phrase ‘people in glass houses shouldn’t throw stones’) refers to political influence from the member states of international organisations that conduct election monitoring. Member states with less than ideal democratic credentials may seek to veto, limit or tone down criticism of neighbouring states for fear that they will be the next state in the

84 Declaration of Principles for International Election Observation 2005, p.2
85 Kelley 2012, pp.7-8
spotlight. Pressure can also be placed on election-monitoring NGOs by means of targeted threats to funding. The second source of partiality is the subtlety bias. This takes the form of an increased probability of endorsing elections with more subtle forms of norm violation when compared with elections with more obvious failings. Judith Kelley’s statistical analysis of preliminary statements issued by international election observation organisations reveals that monitors tend to focus on more obvious irregularities on election day and in the pre-election period, even when the organisation has clearly observed other irregularities:

The focus on overt cheating and legal problems may be because monitoring organisations view these offences as most damaging to the integrity of the election; administrative problems during the pre-election period may be easier to condone, because they can be construed as unintentional and if voters can act freely in the polling booth at least the possibility of choice remains. International election standards are also most direct in detailing the prominent elements of an election…No legal standard speaks directly to how the electoral commission should behave or how voter lists are compiled, though these factors clearly influence the ability of voters to choose freely.86

The special relationship bias refers to the pressures placed on monitoring organisations to be lenient when their sponsors or member states have a direct stake in the election. Sponsoring states may have invested in the state holding the election in the form of development aid, foreign direct investment or by intervening with military force. Monitoring organisations may be urged pointedly to demonstrate positive results from the investment in the form a ‘good news story’. The progress bias refers to the tendency of international election monitoring organisations to be lenient towards states that are making advances towards democratisation, however slow or partial that progress may be. There can be a temptation among observers to understate observations of irregularities for fear of provoking a backlash and in the hope of encouraging a nascent democracy. Kelley’s analysis reveals that this bias is expressed in a disproportionate tendency among observers to endorse elections won by opposition candidates, presumably on the basis that an opposition victory is viewed as a sign of progress.87 Finally, the stability bias takes the form of a tendency among monitoring organisations to play down irregularities when they fear that a negative report may lead to violent consequences. Kelley detects the influence of this bias in a perverse correlation between the extent of pre-election violence and the probability of endorsement by international observers:

86 Ibid., pp.68-69  
87 Ibid., p.71
This relationship was highly robust...the simulation results...show that when pre-election violence increases from the lowest to the highest level, the probability of endorsement increases from 60 to about 78 percent, or an absolute increase of about 18 percent. This is remarkable, because pre-election violence and irregularities are also highly positively correlated and it would therefore be logical if pre-election violence were associated with smaller – not greater – odds of endorsement.  

Based on Kelley’s analysis it is reasonable to conclude that the danger of bias is real. My challenge is to find a means of controlling for bias in any individual election observation report. I will incorporate two controls for bias into the selection of the sources for my analysis. The first control is to limit the selection of sources to observation reports from organisations that have clear standards of objectivity. The Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers commemorated at the United Nations on 27th October 2005 commits international election monitoring organisations to high standards of neutrality in their observations:

No one should be allowed to be a member of an international election observer mission unless that person is free from any political, economic or other conflicts of interest that would interfere with conducting observations accurately and impartially and/or drawing conclusions about the character of the election process accurately and impartially. These criteria must be met effectively over extended periods by long-term observers, as well as during the more limited periods of election day observation, each of which periods present specific challenges for independent and impartial analysis.

All the organisations whose reports are used in this research endorsed the Declaration of Principles in October 2005. All the reports examined were published subsequent to these endorsements, between October 2005 and May 2012. This research is further limited to published reports on national or federal level presidential, parliamentary or constituent assembly elections in states that were members of the UN at the time of the election. Given the different dynamics and institutional structures involved, referenda are excluded. I also exclude reports by organisations engaged in electoral technical assistance or capacity-building support to national electoral authorities prior to the election under consideration because of the increased danger of bias in such observation reports. From the list of organisations that have endorsed the

88 Ibid., p.73  
89 Declaration of Principles for International Election Observation 2005, p.3  
90 The observation reports of CAPEL, the Center for Electoral Promotion and Assistance, are excluded for this reason. Focused on electoral processes in the Americas, CAPEL submits its findings to the organising electoral authority as a form of technical assistance and only publishes its reports with the approval of the authority in question. See http://iidh-webserver.iidh.ed.cr/multic/UserFiles/Biblioteca/CAPEL/3_2010/5cd4331a-21d0-4b93-af48-e2a15b6b0a8d.pdf, p.10
declaration I exclude organisations that provide capacity-building and other assistance for the staging of elections but that do not generally undertake electoral observation exercises.91

The application of this control produces a total of two-hundred-and-twenty-six elections observed by one or more of thirteen international election observation organisations. My second control for bias limits the case studies for analysis to elections that were observed by at least three of the relevant international observation organisations. This produces a total of forty-eight case study elections. To mitigate the potential for bias in any particular report, I review at least three reports on each election and record all norm violations independently verified by at least two monitoring organisations. Observations based on unconfirmed third party allegations are recorded as ‘limited’ observations and treated the same as ‘not observed’ in my analysis. Where two organisations have collaborated in the production of their reports, I will exclude the less detailed of the two reports from the analysis.

Bias is not the only threat to the integrity of my analysis. Given that I compare the coincidence of electoral systems with norm violations across different elections, it is vital that all the elections in my sample population took place in reasonably consistent circumstances. For example, there is little to be learned from a comparison of electoral norm violations produced under proportional representation in a well-established democracy with those produced under plurality rules in a state emerging from civil war. I control for this variation through the selection of sources. All the observation reports used in my analysis were produced by organisations that have endorsed the Declaration of Principles for International Election Observation. The Declaration commits the endorsing organisations to only send observation missions where there is a reasonable prospect of a democratic electoral process in conditions compatible with the credible deployment of a civilian observation mission.92 However, since standards are not always maintained equally by all organisations, I need an independent mechanism to check the compliance of monitoring organisations with this commitment. Because of the limited resources available, elections in long-established democracies with robust institutions do not typically attract three or more international election observation organisations. Given the commitments in the Declaration of Principles, I do not expect election observation missions to take place in extremely unstable or autocratic political circumstances either. Thus I expect the elections under analysis to take place in circumstances that approximate the democratic margin, a margin that the Polity IV project sets at a score of +6 on a 21-point scale between -10 and +10. A cross-check of my sample against the Polity IV score for the relevant

91 This excludes the UN, International IDEA, the Venice Commission, the IFES, the IPU, Electoral Reform International Services and PIANZEA.
92 Declaration of Principles for International Election Observation 2005, pp.4-5
state at the time of the election in question (see Annex 4: Election Observation Report Assessments) confirms that the majority of the elections took place in states with a Polity score close to the democratic margin, between +4 and +8. However the cross-check reveals five scores indicating states in transition and six ‘outlier’ scores ranging from -1 to -7. These scores identify elections that took place in extreme circumstances with the potential to skew my results. Given the instructive examples that these elections can provide, I sometimes refer to them in my findings. Nevertheless I exclude the outliers and transition scores from the in-depth analysis; verified observations from outlier and transition cases are not included in the frequency tables or correlation tests that I use to check my hypotheses. When the outlier and transition cases are excluded, the total sample comes to thirty-seven cases.

Barbara Geddes has described the positive relationship between economic development and the probability of democratic governance as one of the few theories to have emerged from regime transition studies that has been “empirically established beyond reasonable doubt.” Depicting this relationship graphically as the standard ‘S’ shape expected when the dependent variable is a probability ranging between zero and one, Geddes identifies a “middle ground” where countries on the margins of democracy share middle levels of development:

First, we note that among countries with a certain level of development, the probability of democracy is close to 100%...The probability of authoritarianism is similarly close to 100% below some threshold...The middle area of the graph is in many ways more interesting. Here, the probability of democracy is close to 50%, and we should not be surprised that countries at middle levels of development tend to alternate between different regime types. This is the group of countries in which transitions to both democracy and authoritarianism should be most common.

As Geddes admits, not all countries have the form of government that their level of socio-economic development would suggest; it is a question of statistical probability. While this does not constitute a direct control for socio-economic differences within the sample, it does offer a degree of reassurance that jurisdictions on the democratic margin are likely to share similar levels of socio-economic development. The fact that all the elections in the sample took place in countries that approximate the democratic margin suggests that they also approximate a certain level of socio-economic development. When added to the Polity IV control for variation in political circumstances, the relationship between political and economic development supports the validity of a comparison between the cases in my sample population.

---

93 States in transition are awarded special polity codes outside the normal 21-point scale.
94 Geddes 1999, p.117
95 Ibid., p.119
8. Findings

8.1 Overview

In this section I will discuss at a general level the nature of the violations observed during the thirty-seven elections in the sample and the effectiveness of my methodology in identifying democratic norm violations. I address each democratic norm and the related categories of violation in turn. Figure 1 records the comparative frequency of verified observations of violations according to the norm affected across all the elections in the sample (excluding outliers and transition cases).

![Frequency of observed norm violations October 2005 to May 2012 categorised by impacted norm (37 cases)](image)

In relation to empowerment, Schedler identifies ‘reserved positions’ and ‘reserved domains’ as the relevant categories of democratic norm violation. These violations reduce the significance of the voters’ choice. With only four verified observations, the democratic norm of voter empowerment is one of the least commonly violated norms in the electoral sample. Reserved positions hold back key decision-making posts from exposure to democratic choice. While it may be argued that all regimes are guilty of this to an extent (since certain decisions are inevitably taken within the unelected bureaucracy) some jurisdictions permit undemocratic
appointments to high-level decision-making positions or positions with a representative role. For example, after the Nepalese Constituent Assembly elections of 10th April 2008, twenty-six members of the Assembly (out of a total of six-hundred-and-one) were appointed from among ‘distinguished persons’ and indigenous groups by the Council of Ministers on the basis of consensus.\textsuperscript{96} The Council of Ministers was itself formed on the basis of a political consensus among the various parties to the Comprehensive Peace Agreement of November 2006. Across all the elections surveyed I found only four verified cases of reserved positions, indicating that observation of the violation is relatively rare. In the context of election monitoring, this result is not particularly surprising. Election observation reports are not obvious texts to search for evidence of positions that have been withheld from democratic competition, so I would not expect to find a strong correlation between this norm violation and any element in electoral systems.

‘Reserved domains’ are limits to the jurisdiction of elected officials that constrain the influence of the electorate in key policy areas. Egypt’s recently adopted constitution provides an example of how democratic influence can be curbed in defence and internal security policy. In the new constitution “a privileged role for the military is made disturbingly explicit. The army, headed by a defence minister who must be a serving officer, controls its own budget and operations, retaining a right to arrest and try civilians.”\textsuperscript{97} In the thirty-seven elections in the sample I did not find a single verified case of a reserved domain. This indicates either that the violation is extremely rare or that international election observation missions are ineffective in identifying it. The latter is more probable. By definition reserved domains are not associated with elections, so an election observation mission would only have the opportunity to detect such violations indirectly when observing elections related to other, non-excluded, policy domains. No correlation can be expected between reserved domains and any element in electoral systems.

The categories of violation related to the normative premise of freedom of supply are ‘exclusion of opposition forces’ and ‘fragmentation of opposition forces’. These strategies involve limiting the breadth of choice available to voters. With seventeen verified observations, violations of freedom of supply are much more commonly observed than empowerment

\textsuperscript{96} European Union Election Observation Mission September 2008, p.16. As with many of the norm violations discussed in this study, there are explanations for this deviation from democratic norms that many observers would consider reasonable. However, as previously stated, it is the existence of the norm violation that is of interest here rather than the intention that informed it. Voter empowerment demands that all the seats in the legislature (or, in the case of bicameral jurisdictions, at least all the seats in the principle decision-making chamber) should be subject to the will of the people as expressed in an election.

\textsuperscript{97} Egypt’s Choice: The Founding Brothers. The Economist, 15 December 2012.
violations. Exclusion may be achieved by disqualifying parties or candidates that the incumbent government regards as unacceptable, threatening or simply inconvenient. Alternatively procedural or financial barriers may be employed to discourage unwelcome candidacies. In the Liberian general elections of October 2005 high nomination fees and demanding requirements combined to disadvantage independent candidates from rural areas. In one case a candidate’s withdrawal was secured following the payment of a substantial sum of money by the National Transitional Government of Liberia and the Economic Community of West African States (ECOWAS), ostensibly in respect of costs incurred. All seventeen observed violations of the democratic norm of freedom of supply were in the exclusion category. This suggests that election monitoring missions are relatively effective at detecting this violation. It also indicates that, although not among the most commonly observed categories of violation, exclusion is nevertheless reasonably prominent in my sample.

Opposition parties may also be neutralised through fragmentation, as when a dominant regime encourages dissent inside inexperienced opposition parties or when election rules serve to isolate members of the opposition that are elected. For example, the European Union Election Observation Mission to the December 2009 presidential and legislative elections in the Plurinational State of Bolivia reported that a party was deprived of its legal status for failing to reach a minimum national threshold of votes, despite the constituency victories of two of its candidates. This left its elected members of the House of Representatives to operate without the support of the party for which they were elected. The Bolivian case was not confirmed by the other international observation missions present during the elections and, indeed, no case of fragmentation was verified in my sample. This suggests either that election observation missions are not particularly effective at detecting fragmentation or that it is a category that is rarely encountered. The former is, on balance, more probable. The fragmentation of opposition parties can take place at any point in the electoral cycle and may be very difficult for outsiders to detect amid the cut and thrust of normal political manoeuvring, so observers arriving a few months before polling day may be unaware of the impact of this category of violation.

To cut off the democratic norm of freedom of demand, Schedler identifies violation categories designed to limit citizens’ opportunity to access and consider the policy alternatives presented by democratic competitors. With verified observations in thirty-four elections,
freedom of demand is the most commonly violated democratic norm in my sample. Freedom of demand may be undermined by stifling opposition voices through repressive measures that limit their freedom of speech, assembly or movement. Journalists and other media professionals may also be targeted to ensure that opposition messages never reach the voters. Repression is usually, though not uniquely, carried out by incumbent governments willing to abuse the state’s monopoly of coercive power against their opponents. In the Congolese presidential and parliamentary elections of November 2011 observers reported multiple attacks on freedom of expression, violence directed against the media (including attacks on individual journalists), restrictions and violence aimed at undermining the right to free assembly, abductions and attacks on the homes of opposition members by the Presidential Guard. Women’s participation in the democratic process was effectively excluded due to a dangerous security environment that included a substantial threat of sexual violence. Repression was verified in twenty-nine of the elections in my sample. This suggests that international election monitoring missions are well-placed to detect this violation. Along with informal disenfranchisement, it is the second most commonly observed category of norm violation.

Schedler also identifies a strategy of ‘radical unfairness’ in which the party in government uses the advantages of incumbency to drown out opposition voices and thus limit freedom of demand. State resources, including state-owned media, can be deployed to support incumbent campaigning and to marginalise the campaigns of opponents. In the Georgian presidential election of January 2008 observers from the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) noted widespread misuse of state resources by the incumbent, including distribution of vouchers for utilities and medical supplies to vulnerable groups and the distribution of tractors (with the incumbent’s campaign material attached) to farmers. Recipients of this largesse were sometimes asked to sign undertakings of support for the incumbent president. Unfairness was the single most commonly observed category of norm violation in my sample, indicating that monitoring missions are effective in its detection. It was verified as having taken place in thirty-three out of thirty-seven elections.

Violation of the normative premise of inclusion involves undermining the principle of universal suffrage. Formal and informal disenfranchisement of voters can be used “to control electoral outcomes by controlling the composition of the electorate.” Detected in thirty elections out of a sample of thirty-seven, inclusion is the third most commonly violated

---

100 Mission Electorale de l’Union Européenne en République Démocratique du Congo March 2012, pp.47-54
101 OSCE Office for Democratic Institutions and Human Rights March 2008, pp.10-11
102 Schedler 2002, p.44
normative principle. As Schedler notes, formal disenfranchisement tends to invite domestic and international criticism and has become less prominent as a result. Nevertheless it is still possible to exclude particular groups by oversight or design. An arbitrary (though legal) voter registration cut-off date excluded millions of younger voters in the Bangladeshi parliamentary elections of December 2008.\textsuperscript{103} The deliberate exclusion of certain groups of citizens does not attract the same level of domestic and international concern, as prisoners on remand in Ghana found in the December 2008 parliamentary and presidential elections.\textsuperscript{104} Formal disenfranchisement was only verified in six elections out of my sample, suggesting that it is either quite difficult to detect or relatively uncommon. I think the latter is more probable. Formal disenfranchisement requires the promulgation of rules that should be relatively easy for a monitoring mission to observe. Once observed it usually attracts unwelcome criticism and attention that is likely to prompt either improved compliance with the principle of inclusion or an alternative strategy of violation.

Informal disenfranchisement is a more common phenomenon, perhaps because it occurs as easily through neglect as through design. It often takes place as a result of flawed voter registration procedures, as when thousands of landless, young and migrant citizens were disenfranchised in the Nepalese Constituent Assembly election of April 2008.\textsuperscript{105} Informal disenfranchisement can be as effective as the formal variety in excluding particular groups of voters. The exclusive use of Spanish language ballots and election materials in the Bolivian presidential and legislative elections of December 2009 created an effective barrier for indigenous populations who wished to participate.\textsuperscript{106} Verified in twenty-nine out of thirty-seven elections, informal disenfranchisement is the second most common category of violation along with repression. The high detection rate suggests that monitoring missions are well-placed to observe this practice.

The normative premise of insulation of voters from external pressures can be compromised through coercion or corruption. Detected in twenty-five elections, insulation was the fourth most commonly sinned-against democratic norm in my sample. Voters subject to threats and intimidation are in no position to participate in decision-making as political equals. The Nigerian presidential and legislative elections of April 2007 provide a good example of how this may be achieved. First, vital safeguards were removed. In most polling stations voters could not mark their ballots in secret. In addition, transparent plastic ballot boxes allowed

\begin{flushright}
\textsuperscript{103} Asian Network for Free Elections March 2009, p.50 \\
\textsuperscript{104} European Union Election Observation Mission February 2009, p.14 \\
\textsuperscript{105} The Carter Center May 2009, p.33 \\
\textsuperscript{106} The Carter Center December 2009, p.9
\end{flushright}
completed ballots to be viewed by third parties. As a result, party representatives were able to take advantage of the lack of safeguards to interfere directly with the voting process.\textsuperscript{107} Observations of coercion were verified in twenty-five of the monitored elections, indicating that monitoring organisations are effective in its detection and that the violation is common. Alternatively votes may be purchased. During the Kenyan general election campaign of December 2007 the distribution of money and other goods to voters by candidates was widely observed. Indeed some observers reported “a general expectation that candidates on campaign trails will hand out money and/or goods to the public.”\textsuperscript{108} Corruption was verified in ten of the elections in my sample. Though not one of the most common violations, this suggests that monitoring teams are able to detect corruption and that its prevalence is not insignificant.

Violating the normative premise of integrity is about undermining the principle of democratic equality (specifically, the equal weighing of preferences). This may take place through electoral fraud or institutional bias or through a mixture of both. Integrity violations were observed and verified in thirty-three of the elections in my sample, making it the second most commonly violated democratic norm. Electoral fraud involves tampering with the voting, counting or tabulation processes to secure a bias in favour of a particular result. Tactics may include, inter alia, the stuffing or theft of ballot boxes, multiple and underage voting, voter impersonation, falsification of results protocols at polling station level and alteration of official results during the results consolidation process. For example, during the Nigerian presidential and legislative elections of April 2007 a Commonwealth election observation mission with only ten observers managed to directly observe the stuffing and theft of ballot boxes, failure to seal ballot boxes, underage and multiple voting, the use of an inaccurate register of voters, polling stations without a register of voters, the use of ballot papers without key security features (such as serial numbers) and inconsistencies in recording, transmitting and declaring results.\textsuperscript{109} This category of violation was verified in twenty-eight elections. This indicates that international election monitoring missions can detect the violation and that the violation is common.

Alternatively the rules of the game may be fixed long before the election through institutional bias. Formulas for the conversion of votes into parliamentary seats, thresholds for representation, constituency boundaries and restrictions on the submission of electoral complaints may all be manipulated to create a pro-incumbency bias. For example, during the Fijian legislative elections of May 2006 an EU observation mission noted the existence of

\textsuperscript{107} International Republican Institute April 2007, pp.24-25
\textsuperscript{108} European Union Election Observation Mission April 2008, p.22
\textsuperscript{109} Commonwealth Observation Group April 2007, pp.40-49
ethnically-determined ‘communal’ constituencies that only enfranchised voters with a particular ethnic background. The same report describes an uneven distribution of voters across 71 single-member constituencies. Institutional bias was verified in twenty-two of the monitored elections, indicating that election monitors are able to detect the violation and that this violation was commonly observed.

Finally, the normative premise of irreversibility is about respecting the will of the electorate as expressed in an election. With only two verified observations, irreversibility is one of the least commonly violated norms in the electoral sample. Irreversibility may be violated by nullifying the effect of an election. This can be achieved by placing elected representatives under the supervision and control of unelected decision-makers, such as military guardians who claim to protect the state from irresponsible actions by the civil power. Known as ‘tutelage’, Brian Loveman has described this category of violation as setting “vague formal limits on the scope of legal political activity and reform”:

> It is premised on the notion that people must be protected from themselves and from organisations that might subvert the existing political order. Such efforts toward change, even when legal, must be thwarted at all costs and are subject to repression…society needs guardians to defend (its) “permanent values” against its perceived enemies from both within and without.\(^\text{111}\)

Across thirty-seven elections no case of tutelage was verified. However a single verified case of tutelage was identified in the Ugandan legislative election of 18 February 2011, one of the outlier elections excluded under my Polity IV control. ‘Special Interest Group’ MPs elected by the military were directly accountable to their commanding officers and, ultimately, to the President as commander-in-chief. The existence of this case demonstrates that tutelage is more than a theoretical concern. It may be that the violation is seldom reported because it hard for observers to detect. Tutelage arrangements are typically a post-election strategy and may come into effect long after election observers have left the jurisdiction.

Reversal is an alternative, cruder approach. It may take the form of a coup in which democratically elected representatives are prevented from taking up their mandates or are removed from office before the expiry of their democratic mandate. An unelected official may be installed in an elected post in violation of constitutional requirements. The course of events may vary but reversal always involves the negation of the outcome of the election. A clear example took place after the Fijian legislative elections of May 2006, when a military coup d’état

---

111 Loveman 1994, p.111
deposed the elected government of Prime Minister Laisenia Qarase.\textsuperscript{112} The Kenyan elections of December 2007 provide a less straightforward example. When fraud undermined the presidential election to the extent that it was impossible to decipher the true result of the ballot, the rival candidates eventually agreed a power-sharing deal (an outcome for which nobody had voted).\textsuperscript{113} In my sample of thirty-seven elections only two cases of reversal were identified.\textsuperscript{114} This indicates either that the violation is very unusual or that election monitors have difficulty in detecting it. The latter explanation seems more probable. Like tutelage, reversals often take place long after polling day. Election monitoring missions are usually unable to retain a presence in the jurisdiction for a sufficiently long duration to detect the violation.

Having attained an overview of the comparative frequency with which democratic norms are violated, in the next section I move to the question of how different elements of electoral systems affect the frequency and typology of violations observed. My initial results indicate that election monitoring missions are unable to detect, or are poor at detecting: reserved positions; reserved domains; fragmentation; tutelage; and reversal. Therefore I cannot expect to detect any relationships between these five categories of norm violation and different aspects of electoral systems. Nevertheless I can answer my research questions by testing the impact of the choice of electoral system on the remaining nine categories. I will begin with electoral formulae. As this is the primary categorisation of electoral systems, and because the data will support a correlation test, I have used both frequency tables and phi correlation tests to examine the relationship between formulae and violations.

\textbf{8.2 Two-Round System Elections}

Ten of the elections in my sample (27\%) were conducted using a two-round formula. In Figure 2 I have plotted the frequency with which each democratic norm was violated in these ten elections. Perhaps unsurprisingly, given the detection difficulties, the empowerment and irreversibility norms have largely disappeared from view. A comparison with the entire sample population shows that two-round formula elections generally follow the same pattern of

\textsuperscript{112} This is another of the outlier elections, excluded under the Polity IV control. Though the coup took place seven months after the elections, it nevertheless represents a reversal of the results. The fact that none of the electoral observation reports from the European Union, the Commonwealth and the Pacific Islands Forum mentioned the coup suggests strongly that such reports cannot detect this form of irregularity.

\textsuperscript{113} International Republican Institute December 2007. pp.32-34

\textsuperscript{114} The two cases are the Kenyan presidential elections of December 2007 and the Nigerian presidential elections of April 2007. In the Nigerian case the Independent National Election Commission declared a winner without clear evidence that any candidate had succeeded in meeting the required threshold for election in the first round (Commonwealth Observer Group Nigeria April 2007 pp.44-47).
violations. Freedom of demand and integrity remain the most commonly violated democratic norms. However two-round system elections depart from the pattern of norm violations in the total population through a reversal of the relative prominence of violations of the inclusion and insulation norms. Violations of the principle of insulation (coercion and corruption) are more common among the two-round elections (occurring in 80% of these cases) than in the total sample population (where it occurred in 68% of cases). By contrast violations of the inclusion norm (formal and informal disenfranchisement) have decreased in prominence by 10% in two-round cases compared with the sample population.

Figure 2 - Frequency of norm violations by impacted democratic norm (two-round elections)

I can only speculate as to the reasons for the relative prominence of insulation violations in two-round elections. Coercion and corruption are consciously applied strategies; they are not the kind of violation that can happen by accident or oversight. As a majoritarian electoral formula, two-round systems share some of the ‘winner-takes-all’ characteristics of FPTP elections. Accordingly the stakes are very high. Competition tends to be fierce as each competitor tries to reach the second round or, better still, to achieve victory in the first round. If a second round takes place, the competition will be no less fierce and may become worse if the
two-way divide polarises the electorate. The additional motivation may increase the probability that a competitor will engage in intimidation and bribery as a means of gaining an edge over opponents. Inclusion violations (disenfranchisement) are as often an expression of indifference or incompetence as they are conscious strategies. It may be that the intense competitiveness and polarisation that can accompany two-round elections have the positive effect of encouraging all sides to ensure that their potential supporters are registered and empowered to vote regardless of age, disability, levels of education, etc. Again, this is speculation as my data only supports the deduction of relationships, not causation. In addition, the differences in violation frequency between two-round cases and the sample population is very slight, with differences of 12% or less across the most significant values. I confirmed this impression using a phi correlation test, in which two-round system elections are awarded a nominal value of ‘1’ and all other formulae are awarded a value of ‘0’. Norm violations are awarded a nominal value of ‘1’ in respect of each election in which a verified observation took place and a value of ‘0’ in respect of each election in which no verified observation was recorded. The results at Table 2 confirm that two-round system elections are not significantly correlated with any category of norm violation.\textsuperscript{115}

Excluding reserved positions (for which the number of cases was too low to provide a reliable result), the values for the phi coefficient are all below 0.2, indicating trivial to low correlations.

<table>
<thead>
<tr>
<th>NAME</th>
<th>Two_round</th>
<th>Res_positions</th>
<th>Exclusion</th>
<th>Repression</th>
<th>Unfairness</th>
<th>Formal_disenfr</th>
<th>Informal_disenfr</th>
<th>Coercion</th>
<th>Corruption</th>
<th>Electoral_fraud</th>
<th>Institutional_bias</th>
<th>Reversal</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>Two_round</td>
<td>1</td>
<td>-0.2119</td>
<td>-0.0726</td>
<td>0.024</td>
<td>-0.1801</td>
<td>-0.1026</td>
<td>-0.1239</td>
<td>0.1616</td>
<td>0.0407</td>
<td>0.0613</td>
<td>-0.1173</td>
<td>0.1237</td>
</tr>
<tr>
<td>Res_positions</td>
<td>-0.2119</td>
<td>1</td>
<td>0.203</td>
<td>0.1829</td>
<td>0.1212</td>
<td>0.083</td>
<td>-0.0286</td>
<td>-0.1307</td>
<td>-0.0159</td>
<td>-0.0055</td>
<td>0.1102</td>
<td>-0.0832</td>
</tr>
<tr>
<td>Exclusion</td>
<td>-0.0726</td>
<td>0.203</td>
<td>1</td>
<td>0.2209</td>
<td>0.321</td>
<td>-0.4056</td>
<td>0.2209</td>
<td>0.0569</td>
<td>0.4159</td>
<td>0.1435</td>
<td>0.209</td>
<td>0.2593</td>
</tr>
<tr>
<td>Repression</td>
<td>0.024</td>
<td>0.1029</td>
<td>0.2208</td>
<td>1</td>
<td>0.4514</td>
<td>0.053</td>
<td>-0.1164</td>
<td>0.4776</td>
<td>0.3196</td>
<td>0.4673</td>
<td>0.2349</td>
<td>0.1256</td>
</tr>
<tr>
<td>Unfairness</td>
<td>-0.1801</td>
<td>0.1212</td>
<td>0.321</td>
<td>0.4514</td>
<td>1</td>
<td>-0.083</td>
<td>-0.1829</td>
<td>0.3166</td>
<td>0.2119</td>
<td>0.4112</td>
<td>0.4216</td>
<td>0.0832</td>
</tr>
<tr>
<td>Formal disenfr</td>
<td>-0.1026</td>
<td>0.083</td>
<td>-0.4056</td>
<td>0.053</td>
<td>-0.083</td>
<td>1</td>
<td>0.053</td>
<td>0.1482</td>
<td>-0.1026</td>
<td>0.0765</td>
<td>0.2139</td>
<td>-0.1052</td>
</tr>
<tr>
<td>Informal disenfr</td>
<td>-0.1239</td>
<td>-0.0286</td>
<td>0.2208</td>
<td>-0.1164</td>
<td>-0.1829</td>
<td>0.053</td>
<td>1</td>
<td>-0.2236</td>
<td>0.3196</td>
<td>-0.1448</td>
<td>-0.0325</td>
<td>0.1256</td>
</tr>
<tr>
<td>Coercion</td>
<td>0.1616</td>
<td>-0.1307</td>
<td>0.0595</td>
<td>0.4776</td>
<td>0.3166</td>
<td>0.1482</td>
<td>-0.2236</td>
<td>1</td>
<td>0.4216</td>
<td>0.8163</td>
<td>0.2511</td>
<td>0.1656</td>
</tr>
<tr>
<td>Corruption</td>
<td>0.0407</td>
<td>-0.0159</td>
<td>0.4159</td>
<td>0.3196</td>
<td>0.2119</td>
<td>-0.1026</td>
<td>0.3196</td>
<td>0.4216</td>
<td>1</td>
<td>0.345</td>
<td>0.1307</td>
<td>0.3928</td>
</tr>
<tr>
<td>Electoral fraud</td>
<td>0.0613</td>
<td>-0.0055</td>
<td>0.1435</td>
<td>0.4673</td>
<td>0.4112</td>
<td>0.0785</td>
<td>-0.1448</td>
<td>0.8183</td>
<td>0.345</td>
<td>1</td>
<td>0.0451</td>
<td>0.1355</td>
</tr>
<tr>
<td>Institutional bias</td>
<td>-0.1173</td>
<td>0.1102</td>
<td>0.209</td>
<td>0.2349</td>
<td>0.4216</td>
<td>0.2139</td>
<td>-0.0325</td>
<td>0.2511</td>
<td>0.1307</td>
<td>0.0451</td>
<td>1</td>
<td>0.1974</td>
</tr>
<tr>
<td>Reversal</td>
<td>0.1237</td>
<td>-0.0832</td>
<td>0.2593</td>
<td>0.1256</td>
<td>0.0832</td>
<td>-0.1052</td>
<td>0.1256</td>
<td>0.1656</td>
<td>0.3928</td>
<td>0.1355</td>
<td>0.1974</td>
<td>1</td>
</tr>
</tbody>
</table>

Table 2 - Correlation of two-round system cases with verified electoral norm violations

\textsuperscript{115} Norm violations which have no verified observations in the sample population are excluded from the phi correlation tests presented here because of the lack of data.
8.3 First Past The Post (Single Member District Plurality) Elections

Sixteen of the elections in my sample (43%) were conducted under FPTP rules. In Figure 3 I have plotted the frequency with which each democratic norm was violated in these sixteen elections. I note that most of the few cases of empowerment violations (reserved positions and reserved domains) that were verified took place in FPTP elections. Violations of the freedom of demand norm (repression and unfairness), always common, took place in every FPTP election, compared with 92% of the sample population and 90% of two-round system cases. However the most interesting result concerns violations of the principle of freedom of supply (exclusion and fragmentation). These violations are strikingly prominent, occurring in 69% of FPTP cases compared with 46% of cases in the sample population and 40% of two-round system cases.

![Figure 3 - Frequency of norm violations by impacted democratic norm (FPTP)](image)

I conducted a phi correlation test to measure the relationship between FPTP election rules and the various types of electoral norm violation. For this test FPTP elections were awarded a nominal value of ‘1’ and all other formulae were awarded a value of ‘0’. Once again, norm violations were awarded a nominal value of ‘1’ in respect of each election in which a verified observation took place and a value of ‘0’ in respect of each election in which no verified
observation was recorded (violations with no verified observations in the sample population are excluded from the test). The test reveals a phi coefficient of 0.3994 between FPTP elections and observations of exclusion, a moderate to substantial correlation. The chi-square test result for this statistic is 5.9. Since this exceeds the critical value of chi for one degree of freedom (3.84), we can conclude that the result is statistically significant with 95% confidence. The test also reveals a statistically significant moderate correlation between FPTP elections and repression.116 These results confirm Sarah Birch’s conclusion, in her article from 2007, that elections held under plurality rules (FPTP) are particularly vulnerable to malpractice and, in addition, identify the particular forms of malpractice that are most strongly associated with FPTP elections (exclusion and repression).

<table>
<thead>
<tr>
<th>NAME</th>
<th>FPTP</th>
<th>Res_posit</th>
<th>Exclu</th>
<th>Repress</th>
<th>Unfair</th>
<th>Frm_disenfr</th>
<th>Inf_disenfr</th>
<th>Coercion</th>
<th>Corrupt</th>
<th>Fraud</th>
<th>Inst_bias</th>
<th>Reversal</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>FPTP</td>
<td>1</td>
<td>0.2232</td>
<td>0.3994</td>
<td>0.3259</td>
<td>0.3039</td>
<td>-0.236</td>
<td>-0.0716</td>
<td>0.022</td>
<td>0.2056</td>
<td>0.1134</td>
<td>0.0541</td>
<td>0.0326</td>
</tr>
<tr>
<td>Res_positions</td>
<td>0.2232</td>
<td>1</td>
<td>0.203</td>
<td>0.1829</td>
<td>0.1212</td>
<td>0.083</td>
<td>-0.0298</td>
<td>-0.1307</td>
<td>-0.0159</td>
<td>-0.0055</td>
<td>0.1102</td>
<td>-0.0832</td>
</tr>
<tr>
<td>Exclusion</td>
<td>0.3994</td>
<td>0.203</td>
<td>1</td>
<td>0.2208</td>
<td>0.321</td>
<td>-0.4056</td>
<td>0.2208</td>
<td>0.0595</td>
<td>0.4159</td>
<td>0.1435</td>
<td>0.206</td>
<td>0.2593</td>
</tr>
<tr>
<td>Repression</td>
<td>0.3259</td>
<td>0.1829</td>
<td>0.2208</td>
<td>1</td>
<td>0.4514</td>
<td>0.053</td>
<td>-0.1164</td>
<td>0.4776</td>
<td>0.3196</td>
<td>0.4673</td>
<td>0.2348</td>
<td>0.1256</td>
</tr>
<tr>
<td>Unfairness</td>
<td>0.3039</td>
<td>0.1212</td>
<td>0.321</td>
<td>0.4514</td>
<td>1</td>
<td>-0.083</td>
<td>-0.1829</td>
<td>0.3166</td>
<td>0.2119</td>
<td>0.4112</td>
<td>0.4216</td>
<td>0.0832</td>
</tr>
<tr>
<td>Formal disenfr</td>
<td>-0.236</td>
<td>0.083</td>
<td>-0.406</td>
<td>0.053</td>
<td>-0.083</td>
<td>1</td>
<td>0.053</td>
<td>0.1482</td>
<td>-0.1026</td>
<td>0.0785</td>
<td>0.2138</td>
<td>-0.1052</td>
</tr>
<tr>
<td>Informal disenfr</td>
<td>-0.0716</td>
<td>-0.0286</td>
<td>0.2208</td>
<td>-0.1164</td>
<td>0.1829</td>
<td>0.053</td>
<td>1</td>
<td>-0.2236</td>
<td>0.3196</td>
<td>-0.1448</td>
<td>-0.0326</td>
<td>0.1256</td>
</tr>
<tr>
<td>Coercion</td>
<td>0.022</td>
<td>-0.1307</td>
<td>0.0595</td>
<td>0.4776</td>
<td>0.3166</td>
<td>0.1482</td>
<td>-0.2236</td>
<td>1</td>
<td>0.4216</td>
<td>0.8183</td>
<td>0.2511</td>
<td>0.1656</td>
</tr>
<tr>
<td>Corruption</td>
<td>0.2058</td>
<td>-0.0159</td>
<td>0.4159</td>
<td>0.3196</td>
<td>0.2119</td>
<td>-0.1026</td>
<td>0.3196</td>
<td>0.4216</td>
<td>1</td>
<td>0.345</td>
<td>0.1307</td>
<td>0.3928</td>
</tr>
<tr>
<td>Electoral fraud</td>
<td>0.1134</td>
<td>-0.0055</td>
<td>0.1435</td>
<td>0.4673</td>
<td>0.4112</td>
<td>0.0785</td>
<td>-0.1448</td>
<td>0.8183</td>
<td>0.345</td>
<td>1</td>
<td>0.0451</td>
<td>0.1355</td>
</tr>
<tr>
<td>Institutional bias</td>
<td>0.0541</td>
<td>0.1102</td>
<td>0.209</td>
<td>0.2349</td>
<td>0.4216</td>
<td>0.2139</td>
<td>-0.0325</td>
<td>0.2511</td>
<td>0.1307</td>
<td>0.0451</td>
<td>1</td>
<td>0.1974</td>
</tr>
<tr>
<td>Reversal</td>
<td>0.0326</td>
<td>-0.0832</td>
<td>0.2593</td>
<td>0.1256</td>
<td>0.0832</td>
<td>-0.1052</td>
<td>0.1256</td>
<td>0.1656</td>
<td>0.3928</td>
<td>0.1355</td>
<td>0.1974</td>
<td>1</td>
</tr>
</tbody>
</table>

Table 3 - Correlation of FPTP cases with verified electoral norm violations

Again I can only speculate as to why the democratic norm of freedom of supply is so sinned-against in FPTP elections. We already know that all seventeen observed violations of the democratic norm of freedom of supply involved the exclusion of opposition forces from the electoral arena. It is possible that the ‘winner-takes-all’ competitiveness of this type of election encourages incumbents to take measures to exclude their major competitors. However I suspect that the pattern relates to the tendency of FPTP election rules to produce two-party systems. Since votes for third parties are seen as ‘wasted’ votes in these elections, neither the politicians in the two dominant parties nor the majority of the electorate are inclined to make demands for greater freedom of supply, permitting and even justifying high entry barriers for third forces. As to the correlation between FPTP elections and repression, this may reflect the strong incentives

116 While the phi coefficient for unfairness was similar to that for repression, the chi-square test for the statistic indicates that the correlation falls within the zero range, i.e. we cannot be confident of its statistical significance.
to discourage opposition voters in a marginal single member district. The costs involved in repression are high in terms of resources expended and reputational damage, but the potential rewards are substantial when a relatively small number of votes can change the result. In regard to the relative prominence of empowerment violations, all such violations in my sample involved reserved positions. It is possible that the direct association of a particular representative with a particular geographic interest group under FPTP rules makes the representation of other interest groups (such as the executive) less likely to be challenged, despite the undemocratic nature of such appointments.

8.4 Proportional Representation Formula Elections

Eight of the elections in my sample (22%) were conducted under proportionally representative (PR) formulae. In Figure 4 I have plotted the frequency with which each democratic norm was violated in these eight elections. No violations of the democratic principles of empowerment or irreversibility were observed in elections conducted under PR rules. Violations of the freedom of supply norm (exclusion and fragmentation of opposition forces) were noticeably less prominent in PR elections (occurring in 25% of cases) when compared with the total sample population (46%). This norm was violated in 40% of two-round electoral systems and 69% of FPTP elections. My conjecture is that the relatively low incidence of freedom of supply violations reflects the lack of incentives to exclude opposition parties from PR elections. We know that all verified violations of the democratic norm of freedom of supply were cases in which opposition forces were excluded from participation. PR formulae tend to give rise to multi-party systems. Excluding one party from such an election carries reputational costs which may be punished through the transfer of their vote to another, perhaps more threatening party. In any case there is no guarantee that the incumbent party’s proportion of the vote will increase as a result of a strategy of exclusion.

Violations of the principle of voter insulation (coercion and corruption) were also considerably less common in PR elections. Coercion or corruption took place in only 50% of PR elections compared with 69% of FPTP elections, 80% of two-round elections and 68% of the sample population. This probably reflects the practical difficulty of applying strategies of coercion and corruption in PR elections. These strategies carry very high costs. To have an effect in a PR election, the required resources would have to be spread across the entire electorate, decreasing the effectiveness of the strategy or increasing its costs to enormous levels.
By comparison, in an FPTP election, the required resources may be concentrated in a small number of swing constituencies, potentially impacting the overall result while limiting the costs involved. As for two-round systems, these are often used in presidential elections to bolster the legitimacy of the highest office with an absolute majority mandate. Accordingly, the stakes are higher, potentially motivating the deployment of the kind of resources required to support widespread coercion or corruption.

![Figure 4 - Frequency of norm violations by impacted democratic norm (proportionally representative elections)](image)

By contrast to two-round and FPTP elections, it is striking that violations of the inclusion norm (disenfranchisement) are the most commonly reported irregularities in the PR elections in my sample. The inclusion norm was violated in 100% of the PR elections observed, compared with 92% of the sample population, 70% of two-round elections and 75% of FPTP elections. It is possible that the relative disconnect of candidates from the electorate in PR electoral systems reduces the incentive for candidates to defend any particular citizen’s right to vote from attack or oversight and to ensure that ‘their’ voters are registered. This disconnect is particularly evident in the closed list PR system that was most commonly employed in my sample.

60
Violations of freedom of demand (repression and unfairness) are somewhat less common than in FPTP elections and otherwise this norm was no more prominent in PR elections than in two-round elections or in the sample population. Violations of the democratic norm of integrity are just as prominent in PR elections as they are in other categories.

I conducted a phi correlation test to measure the relationship between PR formulae elections and different categories of electoral norm violations (see Table 4). For this test PR elections were given a nominal value of ‘1’ and all other formulae were given a value of ‘0’. The results indicate a phi coefficient of -0.294 between PR elections and observations of corruption (a violation associated with the democratic norm of voter insulation). Such a result would indicate a moderate negative correlation between these two variables, apparently confirming that violations of voter insulation are relatively less common in PR elections. However, the chi-square test result for this statistic is 3.198. Since the result of the chi-square test does not exceed the critical value of chi for one degree of freedom (3.84), we cannot have confidence in the statistical significance of this negative correlation. Given that this was the strongest correlation identified in this test, none of the other results can be regarded as statistically significant.

Table 4 - Correlation of PR elections with verified electoral norm violations

<table>
<thead>
<tr>
<th>NAME</th>
<th>PR</th>
<th>Res_posit</th>
<th>Exclu</th>
<th>Repress</th>
<th>Unfairness</th>
<th>Form_disenfr</th>
<th>Infl_disenfr</th>
<th>Coercion</th>
<th>Corrupt</th>
<th>Fraud</th>
<th>Inst_bias</th>
<th>Reversal</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>PR</td>
<td>1</td>
<td>-0.1682</td>
<td>-0.1684</td>
<td>-0.2492</td>
<td>0.1682</td>
<td>0.1619</td>
<td>0.0861</td>
<td>-0.1076</td>
<td>-0.294</td>
<td>-0.0478</td>
<td>0.1178</td>
<td>-0.1156</td>
</tr>
<tr>
<td>Res_positions</td>
<td>-0.1682</td>
<td>1</td>
<td>0.203</td>
<td>0.1829</td>
<td>0.1212</td>
<td>0.0834</td>
<td>-0.0286</td>
<td>-0.1307</td>
<td>-0.0156</td>
<td>-0.0056</td>
<td>0.1102</td>
<td>-0.0832</td>
</tr>
<tr>
<td>Exclusion</td>
<td>-0.1684</td>
<td>0.203</td>
<td>1</td>
<td>0.2208</td>
<td>0.321</td>
<td>-0.4056</td>
<td>0.2208</td>
<td>0.0595</td>
<td>0.4159</td>
<td>0.1435</td>
<td>0.209</td>
<td>0.2593</td>
</tr>
<tr>
<td>Repression</td>
<td>-0.2492</td>
<td>0.1629</td>
<td>0.2208</td>
<td>1</td>
<td>0.4514</td>
<td>0.053</td>
<td>-0.1164</td>
<td>0.4776</td>
<td>0.3196</td>
<td>0.4673</td>
<td>0.2349</td>
<td>0.1256</td>
</tr>
<tr>
<td>Unfairness</td>
<td>0.1602</td>
<td>0.1212</td>
<td>0.321</td>
<td>0.4514</td>
<td>1</td>
<td>-0.083</td>
<td>-0.1829</td>
<td>0.3166</td>
<td>0.2119</td>
<td>0.4112</td>
<td>0.4216</td>
<td>0.0832</td>
</tr>
<tr>
<td>Formal disenfr</td>
<td>0.1619</td>
<td>0.083</td>
<td>-0.4056</td>
<td>0.053</td>
<td>-0.083</td>
<td>1</td>
<td>0.053</td>
<td>0.1482</td>
<td>-0.1026</td>
<td>0.0765</td>
<td>0.2139</td>
<td>-0.1052</td>
</tr>
<tr>
<td>Informal disenfr</td>
<td>0.0861</td>
<td>-0.0286</td>
<td>0.2208</td>
<td>-0.1164</td>
<td>-0.1829</td>
<td>0.053</td>
<td>1</td>
<td>-0.2236</td>
<td>0.3196</td>
<td>-0.1448</td>
<td>-0.0325</td>
<td>0.1256</td>
</tr>
<tr>
<td>Coercion</td>
<td>-0.1076</td>
<td>-0.1307</td>
<td>0.0595</td>
<td>0.4776</td>
<td>0.3166</td>
<td>0.1482</td>
<td>-0.2236</td>
<td>1</td>
<td>0.4216</td>
<td>0.8183</td>
<td>0.2511</td>
<td>0.1656</td>
</tr>
<tr>
<td>Corruption</td>
<td>-0.294</td>
<td>-0.0159</td>
<td>0.4159</td>
<td>0.3196</td>
<td>0.2119</td>
<td>-0.1026</td>
<td>0.3196</td>
<td>0.4216</td>
<td>1</td>
<td>0.345</td>
<td>0.1307</td>
<td>0.3928</td>
</tr>
<tr>
<td>Electoral fraud</td>
<td>-0.0478</td>
<td>-0.0055</td>
<td>0.1435</td>
<td>0.4673</td>
<td>0.4112</td>
<td>0.0785</td>
<td>-0.1448</td>
<td>0.8183</td>
<td>0.345</td>
<td>1</td>
<td>0.0451</td>
<td>0.1356</td>
</tr>
<tr>
<td>Institutional bias</td>
<td>0.1178</td>
<td>0.1102</td>
<td>0.209</td>
<td>0.2349</td>
<td>0.4216</td>
<td>0.2139</td>
<td>-0.0325</td>
<td>0.2511</td>
<td>0.1307</td>
<td>0.0451</td>
<td>1</td>
<td>0.1974</td>
</tr>
<tr>
<td>Reversal</td>
<td>-0.1155</td>
<td>-0.0832</td>
<td>0.2593</td>
<td>0.1256</td>
<td>0.0832</td>
<td>-0.1052</td>
<td>0.1256</td>
<td>0.1656</td>
<td>0.3928</td>
<td>0.1356</td>
<td>0.1574</td>
<td>1</td>
</tr>
</tbody>
</table>

8.5 Mixed Formula Elections

As there are only three cases in my sample, it is impossible to form any firm conclusions about elections under mixed electoral formula. For this reason I will confine myself to recording that violations of the principle of inclusion (disenfranchisement) were observed and verified in all three cases; violations of freedom of demand (repression and unfairness) were verified as having taken place in two cases; violations of the insulation norm (coercion and corruption) took place in two cases; and violations of the principle of integrity (fraud and institutional bias) were also
observed in two cases. There was also a single case in which the empowerment norm was violated.

8.6 Apportionment

Leaving behind the categorisation of elections according to the electoral formula used, I now turn to the secondary classifications of elections, beginning with apportionment. This is a dichotomous classification of elections based on the average ratio of representatives to voting population. Twenty-three of the cases in my sample (59%) were large-constituency elections, conducted in single national constituencies or in constituencies with a representative to voter ratio of greater than 1 to 110,000. In Figure 5 I have plotted the frequency with which each democratic norm was violated in large-constituency elections.

![Figure 5 - Frequency of norm violations by impacted democratic norm (large constituencies)](image)

No violations of the democratic principles of empowerment were verified in large-constituency elections. Otherwise the resemblance to the frequency graph of the sample population is clear. The frequency of electoral norm violations in small-constituency elections depicted in Figure 6 reveals a similar pattern (with a slightly lower incidence of insulation.
violations). As a general conclusion, this indicates strongly that the ratio of representative to voting population has little impact on the nature of the violations encountered in an election. However, it is remarkable that all violations of the democratic norm of empowerment took place in small-constituency elections. Since we know that all such cases in my sample involved failure to expose the allocation of positions of power to democratic choice, this indicates that reserved positions tend to exist in jurisdictions that hold small-constituency elections. With only four instances of this kind of violation in the sample, it is not possible to form a definitive conclusion on this matter. However, a close examination of the verified observations of reserved positions reveals that three of the four cases took place in FPTP elections, while the fourth took place under mixed rules with a strong element of FPTP. In all four cases special interest groups were appointed to seats in a legislative or constituent assembly on the basis of interest group representation (indigenous groups, traditional leaders and the executive). Given the tendency in FPTP systems to directly associate representatives with particular (geographic) interest groups, I suspect that this result is more related to the choice of electoral formula than to the ratio of representative to voter.

**Figure 6 - Frequency of norm violations by impacted democratic norm (small constituencies)**

![Frequency of observed norm violations in small-constituency elections, categorised by impacted norm (14 cases)](chart)

63
8.7 Campaign Finance Regulations

The next secondary classification of elections is a dichotomous split between elections conducted with regulation of campaign finances and those conducted without such regulations. Campaign finance was regulated in seventeen of the cases in my sample (46%). Figure 7 illustrates the frequency with which each democratic norm was violated in elections conducted with regulation of campaign finance.

![Frequency of observed norm violations in elections conducted with regulation of campaign finance, categorised by impacted norm (17 cases)](image)

**Figure 7 - Frequency of norm violations by impacted democratic norm (regulated campaign finance)**

Compared with the sample population, the most notable result is the greater relative prominence of inclusion violations (disenfranchisement). Disenfranchisement took place in 100% of elections with campaign finance rules, as against 81% of elections in the sample population and only 65% of elections without campaign finance rules (see Figure 8). A closer examination of the data reveals that in all except one of the regulated elections, informal disenfranchisement took place. A possible explanation is that, in a more regulated environment, the undemocratic options for undermining a competitor’s vote tighten, leading unscrupulous candidates to resort to measures that evade formal regulations (such as informal disenfranchisement). However there is little support for this conjecture in the sample. In the
2007 legislative elections in Nigeria (conducted under FPTP rules in a state with deep ethnic and religious regional divides) there were large regional disparities in the proportion of adults registered to vote.\textsuperscript{117} Yet this irregularity was accompanied by no shortage of alternative undemocratic strategies. More generally, across the sample population informal disenfranchisement is often accompanied by other irregularities, both formal and informal. A closer look at the relevant elections reveals that the most common cause of informal disenfranchisement was a flawed voter register. A better explanation of the prominence of these violations may lie in limited financial resources; parties with regulated (and therefore limited) campaign funds may not have resources to expend in encouraging registration and defending their supporters from deliberate attacks or bureaucratic oversight in regard to their right to vote.

Violations of the democratic norm of insulation (coercion and corruption) took place in only 53\% of elections with regulated campaign finance, as compared to 68\% of the sample population and a remarkable 80\% of elections conducted with unregulated finance. A possible explanation of the low incidence of insulation violations is that threats and bribery are inefficient means of securing additional votes. It is expensive to employ thugs and to pay bribes. Since resources are limited as a result of regulations, such strategies may not be viable in many cases.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure8.png}
\caption{Frequency of observed norm violations in elections conducted without regulation of campaign finance, categorised by impacted norm (20 cases)}
\end{figure}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure8.png}
\caption{Frequency of norm violations by impacted democratic norm (unregulated campaign finance)}
\end{figure}

\textsuperscript{117} Commonwealth Observation Group April 2007, pp.22-23
Violations of freedom of supply (exclusion and fragmentation) were more uniformly spread; exclusion was observed in 41% of regulated elections, against 46% of the sample population and 50% of unregulated elections. Freedom of demand violations (repression and unfairness) were confirmed in 82% of elections with campaign finance rules, compared with 92% of the sample population and 100% of unregulated elections. Just as with insulation violations, repressing opposition parties, the media and civil society consumes resources that may be in short supply when campaign finance is regulated. Even unfair use of state resources may be more difficult in regulated conditions. Integrity violations (electoral fraud and institutional bias) took place in 76% of regulated elections, compared to 89% of the sample population and 100% of unregulated elections. Once again, any explanation I offer can only be based on conjecture. However, a closer inspection of the unregulated elections reveals that fraud was the more common of the two violations, occurring in all but two unregulated cases. A possible explanation is that electoral fraud requires organisation and resources that may be in short supply in regulated conditions. As for institutional bias, the lower incidence may reflect a higher degree of institutional development in states with more regulated elections.

In broad terms, the lower incidence of norm violations (with the notable exception of disenfranchisement) in elections conducted without regulation of campaign finance offers a complementary finding to Burnell and Ware’s general conclusion in their study from 2007, that the best model of party financing depends on the circumstances within which the model will be applied. My findings (and several of their case studies) indicate that, in most circumstances, a model of party financing that includes some element of formal regulation is likely to be associated with a lower incidence of corruption and, specifically, a lower incidence of democratic norm violations.118

8.8 Campaign Duration Limits

The next classification of elections requires an examination of the impact of campaign duration limits on the violation of democratic norms. Campaign duration limits were set in twenty-nine of the cases in my sample (78%). Figure 9 illustrates the frequency with which each democratic norm was violated in elections with campaign duration limits. The resemblance to the frequency graph for the sample population is clear. The difference in relative prominence of the impacted norms is never more than 6%. Given the very large proportion of the sample with campaign

118 Examples of case studies that support this conclusion include Brazil and East Asia. See D’Alva Gil Kinzo 1998 and Ferdinand 1998.
duration limits, this similarity is perhaps not surprising. Turning to the population of elections conducted without campaign duration limits, I found some interesting variations. These elections represent a small proportion of the sample (22%), so any conclusions based on this categorisation of elections must be treated as tentative at best. It appears that freedom of supply violations (exclusion and fragmentation) are less prominent (verified in 25% of cases) when compared with either the sample population (46%) or the population of elections with campaign duration controls (52%). Elections conducted without campaign duration limits also had a noticeably higher incidence of insulation violations (87%) compared with the sample population (68%) and the population of elections with campaign duration limits (62%).

Given the small population of elections conducted without campaign duration limits, I decided to test the strength of the correlations between this category and the incidence of norm violations. On this occasion I allocated a nominal value of ‘1’ to elections conducted without campaign duration limits and a value of ‘0’ to elections with campaign duration limits. The results are recorded at Table 5. The phi correlation test indicates a low to moderate negative correlation between the unregulated duration campaigns and exclusion. Low to moderate positive correlations are indicated for coercion and corruption (insulation violations). The test indicates that elections conducted without campaign duration limits correlate most strongly with
electoral fraud (0.2978). However the chi-square test result for the electoral fraud statistic is 3.28. Since the result of the chi-square test does not exceed the critical value of chi for one degree of freedom (3.84), we cannot have confidence in the statistical significance of this correlation. Given that this was the strongest correlation identified in the phi correlation test, conclusions based on apparent correlations in this categorisation of elections are unreliable.

Figure 10 - Frequency of norm violations by impacted democratic norm (without campaign duration limits)

Table 5 - Correlation of unregulated campaign duration with verified norm violations
8.9 Media Coverage Controls

The next secondary classification divides elections conducted with regulation of election coverage in the media from those conducted without such regulations. Media election coverage was regulated in thirty of the cases in my sample (81%). Figure 11 illustrates the frequency with which each democratic norm was violated in elections conducted with media regulation.

![Figure 11 - Frequency of norm violations by impacted democratic norm (media campaign coverage controlled)](image)

Given the size of the category of elections with media controls, it is not surprising that Figure 11 closely resembles the frequency graph for the sample population. Since there are only seven cases of electoral campaigns without media coverage controls, once again we have to treat any results related to this categorisation with considerable caution. Nevertheless there are two variations that are sufficiently large to warrant mention. The first relates to freedom of supply violations (exclusion and fragmentation). These occurred in 36% of elections conducted with media coverage controls (and in 46% of the sample population). While the small size of the population probably exaggerates the difference, violation of this norm was observed in 85% of elections in which media coverage was unregulated (see Figure 12). The second interesting difference between Figure 11 and Figure 12 relates to insulation violations (coercion and...
corruption). These violations occurred in 77% of elections conducted with regulated media coverage (and 68% of the sample population) compared with only 29% of elections without media controls.

However, a phi correlation test to measure the strength of the relationships between these factors is not viable in this case because a closer examination of the seven cases that comprise the subpopulation reveals that four of the relevant elections took place in the same country (Zambia). A correlation test would not be meaningful on a population with such strong interdependence, while a chi-square test presumes a random distribution of variables. Unfortunately this means that the subpopulation of elections conducted without media coverage controls cannot support conclusions about the relationship between media coverage controls and democratic norm violations.

Figure 12 - Frequency of norm violations by impacted democratic norm (media coverage unregulated)
8.10 Election Management Bodies

The last secondary classification of elections divides elections according to the nature of the Election Management Body (EMB) that was responsible for administering the elections. All the EMBs in my sample were nominally independent, so my categorisation divides EMBs that were constituted on the basis of non-partisan independence; EMBs that were constituted on the basis of bi- or multi-partisanship; and EMBs that were observed to lack any real independence from the incumbent government (partisan). Though this is a trichotomous categorisation, I am chiefly interested in comparing EMBs that were observed to be non-partisan with those that were observed to be bipartisan or multi-partisan. Sixteen of the elections in my sample (43%) were overseen by EMBs that were observed as non-partisan. Figure 13 illustrates the frequency with which each democratic norm was violated in elections administered by non-partisan EMBs.

Figure 13 - Frequency of norm violations by impacted democratic norm (non-partisan EMBs)

---

119 As explained under methodology, I have set aside EMBs that were observed as lacking independence because of the strong cross-over between this category of EMB and the category of institutional bias among the norm violations. In effect this amounts to the imposition of an additional control on the sample population for the purposes of this categorisation of elections, since the inclusion of covertly partisan EMBs would be likely to skew my results.
Figure 13 resembles the frequency graph for the sample population quite closely. The only significant variation relates to insulation violations (coercion and corruption). These occurred in 50% of elections administered by a non-partisan EMB compared with 68% of the sample population. However the same norm was violated in 64% of elections administered by bipartisan or multi-partisan EMBs (see Figure 14). Since this frequency is also lower than the sample population, the incidence of these violations in the sample population must be strongly influenced by my ‘hidden’ category of partisan EMBs. In view of this influence, a direct comparison between non-partisan EMBs and bipartisan or multi-partisan EMBs may be more meaningful. Eleven elections in the sample (30%) were administered by bipartisan or multi-partisan EMBs. A comparison of the two frequency graphs at Figure 13 and Figure 14 reveals that freedom of demand, inclusion and insulation violations are all 14-19% more common in elections administered by bipartisan or multi-partisan EMBs than in elections administered by non-partisan EMBs.\textsuperscript{120} This suggests that bipartisan and multi-partisan representation in EMBs is less effective in safeguarding these democratic norms than non-partisan administration.

\textsuperscript{120} Integrity violations are also 25% more common in elections administered by bipartisan or multi-partisan EMBs. However, since this category of violations includes institutional bias, a comparatively low incidence in elections administered by non-partisan EMBs ‘observed as independent’ is not a very significant result.
The most significant deviation from this trend relates to freedom of supply violations (exclusion and fragmentation). Because we know that no observation of fragmentation was verified in the sample population, a comparison of Figure 13 and Figure 14 indicates that exclusion is more than twice as common in elections administered by non-partisan EMBs than in elections conducted by bipartisan or multi-partisan EMBs. A possible explanation for the lower incidence of this violation among bipartisan and multi-partisan EMBs is that the partisan representatives in these election administration authorities are more aware of the need to protect their sponsors’ right to participate in elections and more alert to attempts to undermine the democratic norm of freedom of supply. My suspicion is that rival representatives police each other more effectively in this respect than an independent referee ever could. This form of policing may be less effective in detecting other categories of norm violation that are outside the immediate control of EMBs.

8.11 Correlations between Electoral Norm Violations

My second research question asks whether the observation of one type of norm violation increases the probability of encountering norm violations of another type within the same election. To address this question I have conducted a phi correlation test across the total sample population of 37 elections. Norm violations are awarded a nominal value of ‘1’ in respect of each election in which a verified observation took place and a value of ‘0’ in respect of each election in which no verified observation was recorded. Reserved domains, fragmentation and tutelage results are excluded from the test because there were no corroborated observations of these three categories of violation in the sample population. The results are recorded at Table 6.

<table>
<thead>
<tr>
<th>NAME</th>
<th>R_positions</th>
<th>Exclusion</th>
<th>Repress</th>
<th>Unfair</th>
<th>Frm_disenfr</th>
<th>Inf_disenfr</th>
<th>Coercion</th>
<th>Corrupt</th>
<th>Fraud</th>
<th>Inst_bias</th>
<th>Reversal</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
<td>37</td>
</tr>
<tr>
<td>Res_positions</td>
<td>1</td>
<td>0.203</td>
<td>0.1829</td>
<td>0.1212</td>
<td>0.083</td>
<td>-0.0286</td>
<td>-0.1307</td>
<td>-0.0159</td>
<td>-0.0055</td>
<td>0.1102</td>
<td>-0.0832</td>
</tr>
<tr>
<td>Exclusion</td>
<td>0.203</td>
<td>1</td>
<td>0.2208</td>
<td>0.321</td>
<td>-0.4056</td>
<td>0.2208</td>
<td>0.0595</td>
<td>0.4159</td>
<td>0.1435</td>
<td>0.209</td>
<td>0.2593</td>
</tr>
<tr>
<td>Repression</td>
<td>0.1829</td>
<td>0.2208</td>
<td>1</td>
<td>0.4514</td>
<td>0.053</td>
<td>-0.1164</td>
<td>0.4776</td>
<td>0.3196</td>
<td>0.4673</td>
<td>0.2349</td>
<td>0.1256</td>
</tr>
<tr>
<td>Unfairness</td>
<td>0.1212</td>
<td>0.321</td>
<td>0.4514</td>
<td>1</td>
<td>-0.083</td>
<td>-0.1829</td>
<td>0.3166</td>
<td>0.2119</td>
<td>0.4112</td>
<td>0.4216</td>
<td>0.0832</td>
</tr>
<tr>
<td>Formal disenfr</td>
<td>0.083</td>
<td>-0.4056</td>
<td>0.053</td>
<td>-0.083</td>
<td>1</td>
<td>0.053</td>
<td>0.1428</td>
<td>-0.1026</td>
<td>0.0785</td>
<td>0.2139</td>
<td>-0.1052</td>
</tr>
<tr>
<td>Informal disenfr</td>
<td>-0.0286</td>
<td>0.2208</td>
<td>-0.1164</td>
<td>-0.1829</td>
<td>0.053</td>
<td>1</td>
<td>-0.2236</td>
<td>0.3196</td>
<td>-0.1448</td>
<td>-0.0325</td>
<td>0.1256</td>
</tr>
<tr>
<td>Coercion</td>
<td>-0.1307</td>
<td>0.0595</td>
<td>0.4776</td>
<td>0.3166</td>
<td>0.1482</td>
<td>-0.2236</td>
<td>1</td>
<td>0.4216</td>
<td>0.8183</td>
<td>0.2511</td>
<td>0.1656</td>
</tr>
<tr>
<td>Corruption</td>
<td>-0.0159</td>
<td>0.4159</td>
<td>0.3196</td>
<td>0.2119</td>
<td>-0.1026</td>
<td>0.3196</td>
<td>0.4216</td>
<td>1</td>
<td>0.345</td>
<td>0.1307</td>
<td>0.3928</td>
</tr>
<tr>
<td>Electoral fraud</td>
<td>-0.0055</td>
<td>0.1435</td>
<td>0.4673</td>
<td>0.4112</td>
<td>0.0785</td>
<td>-0.1448</td>
<td>0.8183</td>
<td>0.345</td>
<td>1</td>
<td>0.0451</td>
<td>0.1355</td>
</tr>
<tr>
<td>Institutional bias</td>
<td>0.1102</td>
<td>0.209</td>
<td>0.2349</td>
<td>0.4216</td>
<td>0.2139</td>
<td>-0.0325</td>
<td>0.2511</td>
<td>0.1307</td>
<td>0.0451</td>
<td>1</td>
<td>0.1974</td>
</tr>
<tr>
<td>Reversal</td>
<td>-0.0832</td>
<td>0.2593</td>
<td>0.1256</td>
<td>0.0832</td>
<td>-0.1052</td>
<td>0.1256</td>
<td>0.1656</td>
<td>0.3928</td>
<td>0.1355</td>
<td>0.1974</td>
<td>1</td>
</tr>
</tbody>
</table>

**Table 6 - Correlations between verified observations of norm violations**
The most immediately striking result arises between electoral fraud and coercion (0.8183), indicating a very strong correlation between these two categories of violation. The chi-square test result for this statistic is 24.7757. Since this exceeds the critical value of chi for one degree of freedom (3.84), we can conclude that the result is statistically significant with 95% confidence.

In speculating as to why this correlation is so strong, it may be worth considering the coincidence of actors, timing and location involved in the two violations. Based on the elections reviewed for this research, coercion and electoral fraud are usually very direct forms of interference that take place on election day and near polling stations. Those implicated in the violations often have officially-sanctioned roles in or near polling stations on election day. In other words, they are typically unsophisticated, polling station-level violations that lack the efficiency of subtle institutional bias, exclusion or fragmentation of inexperienced opposition parties. For example, an EU mission observing presidential elections in the Democratic Republic of Congo in October 2006 recorded that, as well as violence directed against areas traditionally opposed to the incumbent president, coercion took the form of arson targeting polling stations and inappropriate influence by party witnesses during polling.\textsuperscript{121} The same mission recorded fraudulent practices involving staff of the Commission Électorale Indépendante and party agents; evidence of ballot stuffing; and post-election destruction of ballots and voting records.\textsuperscript{122} Similarly during the Ukrainian legislative elections of September 2007 the OSCE’s Office for Democratic Institutions and Human Rights recorded an intimidating police presence inside polling stations and isolated attempts to influence voters on polling day.\textsuperscript{123} The same mission observed fraud in the form of isolated cases of ballot-box stuffing, irregularities in counting and two cases of falsification of results protocols.\textsuperscript{124}

However a broader pattern of correlations is apparent in Table 6 that suggests a more complex package of associated violations, not limited to those that take place at polling stations on election day. As well as their very strong mutual correlation, both electoral fraud and coercion have statistically significant, moderate to substantial correlations with repression. Repression is a more sophisticated violation in the sense that it does not need to target voters or votes directly and may take place at any point in the electoral cycle or act as a constant restraint. A freedom of demand violation, it limits voters’ access to information by targeting opposition candidates, campaign workers, the media, NGOs or any other body that might provide an

\textsuperscript{121} Mission Electorale de l’Union Européenne en République Démocratique du Congo February 2007, pp.39-52
\textsuperscript{122} Ibid., pp.50-54
\textsuperscript{123} OSCE Office for Democratic Institutions and Human Rights December 2007, pp.22-23
\textsuperscript{124} Ibid., pp. 23-24
alternative account of political realities to that presented by the incumbent. Repression is also correlated with unfairness. The only remaining phi coefficient above 0.45, this is a statistically significant, moderate to substantial correlation. Unfairness is another freedom of demand violation, limiting voters’ access to information through monopoly control of media and resources.

With the inclusion of these violations my conjecture about a package of polling station-level, election day violations is replaced by a broader, more sophisticated, high-cost and high-control strategy. Repression, unfairness, coercion and fraud are all very resource-intensive violations that together target both the election campaign and election day. When one of these norm violations is observed, it is reasonable to suspect that incumbents (often the only actors with sufficient access to resources, including state resources) are pouring significant resources into a broader strategy designed to control every aspect of the election. To return to my examples, a closer look at the December 2006 presidential election in the Democratic Republic of Congo confirms that repression was also observed, in the form of government interference in opposition campaigns, arbitrary arrests, unequal treatment of campaign materials by the customs authorities and intimidation of journalists.¹²⁵ Unfair access to state resources and pro-incumbent bias in the state-owned media were recorded too.¹²⁶ Similarly, in the 2007 Ukrainian legislative elections the European Network of Election Monitoring Organisations reported isolated cases of destruction of campaign materials; violence directed at campaign activists; and harassment during campaigning.¹²⁷ In terms of unfairness, the same mission observed campaigning by government officials and misuse of state resources for campaigning purposes.¹²⁸

In addition to this web of correlations Table 6 reveals a number of weaker but still statistically significant relationships between violations that are worth mentioning. These include a moderate positive correlation between exclusion and corruption and a moderate negative correlation between exclusion and formal disenfranchisement. Besides exclusion, corruption also has moderate to substantial correlations with coercion and reversal. Unfairness has additional moderate to substantial correlations with electoral fraud and institutional bias.

¹²⁵ The Carter Center Statement of 12 July 2006
¹²⁷ European Network of Election Monitoring Organisations 2007, p.10
¹²⁸ Ibid., pp.2-10
9. Conclusions

9.1 Introduction

In chapters 1 and 2 I argued that the right choice of electoral system can target the vulnerabilities inherent in a particular electoral context; inversely, the wrong choices can expose a society’s greatest vulnerabilities to undemocratic forces. This argument was based on my hypothesis that the choice of electoral system is related to the nature of the democratic norm violations encountered in an election. Furthermore I argued that the choice of electoral system carries secondary associations, based on my second hypothesis that certain categories of norm violation are related to each other. In this section I relate the findings in chapter 8 directly to the research questions I posed at the end of section 2:

Is the nature of an electoral system related to the frequency and typology of democratic norm violations encountered in an election?

Does the observation of one type of norm violation increase the probability of encountering norm violations of another type within the same election?

9.2 Is the nature of an electoral system related to the frequency and typology of democratic norm violations encountered in an election?

My investigation of monitoring reports from thirty-seven elections reveals that the choice of electoral formula is associated with measurable differences in the incidence of norm violations. This confirms that Sarah Birch’s main finding described in her article from 2007 (that the effects of electoral system design include implications for the conduct of elections) can be generalised beyond the post-communist context on which her dataset was based. Birch found that FPTP elections were particularly associated with malpractice. Because my methodology differentiates between categories of electoral norm violation, my findings advance this research further by identifying the particular categories of norm violation that are most commonly associated with FPTP elections. These elections are moderately to substantially correlated with exclusion, a violation of the democratic norm of freedom of supply. FPTP elections are also moderately correlated with repression, a violation of the freedom of demand norm. There is also some evidence that PR elections are associated with a lower incidence of violations of freedom of supply (exclusion), a lower prevalence of violations of the insulation norm (coercion and corruption) and a higher incidence of inclusion violations (disenfranchisement); however the
evidence in this regard in inconclusive. Despite limited evidence of a relatively higher prevalence of insulation violations and a somewhat lower frequency of inclusion violations, I found that two-round elections were not significantly correlated with violations of any category of democratic norm. My findings in regard to mixed formula elections were also inconclusive due to the small population of such elections in my sample.

My methodology is built, in part, on a broad definition of the term ‘electoral system’ that facilitates different election classification systems. As a result it can detect correlations that remain hidden from research limited to classification by electoral formula alone. In regard to my secondary classifications of elections, I found that regulated campaign finance seems to be associated with a higher prevalence of inclusion violations (disenfranchisement) and a lower incidence of insulation violations (coercion and corruption). I also found that violations of the norms of freedom of demand (repression and unfairness), inclusion (disenfranchisement) and insulation (coercion and corruption) were somewhat more common in elections administered by bipartisan or multi-partisan election management bodies. Meanwhile elections administered by non-partisan election management bodies revealed a considerably higher incidence of freedom of supply violations (exclusion). Apportionment (measured according to the ratio of representatives to voting population) does not appear to be significantly correlated with democratic norm violations. The distribution of the elections in my sample according to the imposition of campaign duration limits did not support any conclusions in regard to a relationship between this factor and the incidence of norm violations. Similarly I was unable to form meaningful conclusions in regard to media coverage controls.

Based on my findings in regard to the influence of electoral formula, campaign finance controls and composition of electoral management bodies, the answer to my first research question is that certain features of the electoral system are related to the frequency and typology of electoral norm violations encountered in an election. I therefore consider my first hypothesis proven.

9.3 Does the observation of one type of norm violation increase the probability of encountering norm violations of another type within the same election?

The advantages of a methodology that differentiates between different categories of electoral norm violation are not limited to the detection of correlations between electoral systems and violations. This approach also opens up new investigative possibilities in terms of the relationships between categories of violations considered independently of the electoral system
employed. My findings reveal a number of significant correlations between different categories of democratic norm violation. These include a very strong correlation between electoral fraud and coercion, moderate to substantial correlations between each of these violations and repression, and a moderate to substantial correlation between repression and unfairness. Based on these correlations, the answer to my second research question is that the observation of certain types of norm violation increases the probability of encountering other, specific, types of norm violation within the same election. I therefore consider that my second hypothesis is proven.

9.4 Limitations and Significance

My findings and conclusions are built upon the relative prominence of norm violations under different electoral rules and on the measurement of the strength of the relationships that exist between various categories of violation and electoral systems. Proof of the existence of a relationship does not support an argument based on causation; such correlations may hide hidden causes and are silent in regard to the direction of causation. I have proved only that the different categories examined vary together or that insufficient evidence exists to assert a correlation. Accordingly, all discussion in chapter 8 about the reasons why various factors are correlated amount to conjecture. Individual examples may lend some support to such speculation, but they are never conclusive. At a higher level, this raises the possibility that the choice of electoral system is determined by the violations commonly encountered during elections in the relevant state. For example, an autocrat who is accustomed to certain strategies of violation may choose an electoral system that reinforces those strategies. However, even in such a case, the correlation between system and violation retains its significance; jurisdictions seeking a new start would be well-advised to break the link regardless of the direction of causation. Both the system and the associated violations could also be determined by some unidentified third factor. This problem can be addressed through the imposition of controls on the sample population. Nevertheless, my findings are tailored to my hypotheses and research questions as stated; I have proved nothing more.

There are two principle means of applying controls to a correlation analysis to exclude extraneous factors. Mathematical adjustments to the findings, based on certain assumptions about confounding factors, may be used to create a hypothetical ‘clean’ case. Alternatively, controls may be applied directly to the sample population by excluding extreme cases that fall
outside parameters chosen to reflect certain assumptions about ‘normality’, the bounds within which external third factors are judged to have little effect, or a reasonably equal effect, across all cases in the sample. I have chosen the latter course by applying selection controls intended to limit observer bias and to exclude elections held in extreme circumstances. The result is a new methodological approach. Though I follow Sarah Birch in combining elements of the comprehensive and subjective methodological approaches, the insertion of controls in the selection of the sample population offers additional opportunities to address the problem of observer bias. My methodology also provides for alternative categorisations of electoral systems, to include elements additional to electoral formulae. By using Schedler’s normative premises to categorise violations, I have achieved a more detailed, fine-grained consideration of the incidence of norm violations and the relationships between them than has previously been attempted. My approach also has the advantage of basing all my findings on real elections as observed; in some senses, a hypothetically ‘clean’ election is no more realistic than a perfectly corrupt or perfectly democratic election.

Nevertheless the approach has some drawbacks. The controls, particularly in relation to observer bias, are quite severe. The requirement for three observer reports from organisations committed to the standards demanded by the UN Declaration of Principles for International Election Observation, combined with a Polity IV control on the environment in which the elections took place, limited the number of elections in the sample population. This undermined the applicability of correlation analysis to some subpopulations, since the relatively small number of elections in some categories could not support the analysis. On the other hand, the requirement for a second confirmed observation means that my findings err on the conservative side; I recorded many more observations of violations than were ultimately verified by a second observation mission. Accordingly my conclusions, based on a conservative estimate of the incidence of violations, are unlikely to be exaggerated. As time passes and the relevant organisations observe more elections, the available population for analysis should grow.

More importantly for future analyses, my general impression is that observation reports are gradually converging in quality and approach. This is based on an examination of over one hundred election monitoring reports published since October 2005. If my impression is correct, the observation reports of increasingly professional election monitoring organisations are rising in value as a resource for researchers interested in the relationships between different elements in the process of transferring power through elections. It may be practicable to apply

---

129 The tables for individual election reports in Annex 4: Election Observation Report Assessments include very brief assessments of the quality of each report.
less severe controls for observation bias in future research as compliance with international standards, such as the UN Declaration, becomes more uniform.

Finally, perhaps the most important lesson to emerge from this research is the need to design electoral systems to protect and defend democracy. Rather than conceiving of elections as a regular triumphal demonstration of democratic credentials, elections in all democracies are better understood as moments of weakness, public exposures of vulnerability to incompetence and fraud. Writing in 1835, Alexis de Tocqueville recognised that an election represented a crisis moment in any democracy:

Whatever the prerogatives of the executive power may be, the period which immediately precedes an election, and that during which the election is taking place, must always be considered as a national crisis, which is perilous in proportion to the internal embarrassments and the external dangers of the country. Few of the nations of Europe could escape the calamities of anarchy or of conquest every time they might have to elect a new sovereign.130

This vulnerability is a characteristic of all democracies, no matter how strong the state or well-established the constitution. Far from being confined to recently-emerged states or authoritarian states with democratic pretensions, “(t)he potential for election fraud overshadows elections in all election-holding countries, even long-established democracies.”131 Consider the United States of America, that long-established democracy where Alexis de Tocqueville sought “the image of democracy itself, with its inclinations, its character, its prejudices, and its passions.”132 As recently as 2000, serious flaws in the election administration turned an American presidential election into a legal quagmire. Supreme Court Justice Antonio Scalia assessed the danger to American democracy as grave:

The counting of votes that are of questionable legality does in my view threaten irreparable harm to petitioner, and to the country, by casting a cloud upon what he claims to be the legitimacy of his election. Count first, and rule upon legality afterwards, is not a recipe for producing election results that have the public acceptance that democratic stability requires.133

Between 2000 and 2005 Delia Bailey, a researcher into federal election fraud in the United States, recorded nine cases involving the prosecution of multiple individuals:

If we examine only the cases brought by the US Department of Justice, we find that ninety-five individuals were charged with election fraud during this time and fifty-five were convicted. The charges against eight individuals were dismissed by the government, and five defendants were acquitted. Of the ninety-five persons charged with some form of election fraud, one was charged with ineligible voting, nineteen were charged with noncitizen voting, seventeen were charged with

130 De Tocqueville 1998, p.60
131 Alvarez, Hall & Hyde 2008, p.1
132 De Tocqueville 1998, p.11
133 Supreme Court of the United States 9 December 2000, p.2.
registration fraud, one was charged with ballot forgery, forty-seven were charged with vote buying, five were charged with double voting, two were charged with voter intimidation, and three were charged with civil rights violations.\textsuperscript{134}

Given universal vulnerability, democracies need electoral systems that are chosen in response to the historical trends and wounds that chisel and scar a state’s capacity to transfer power peacefully, matching the grain of the political wood unto which democratic elections will be grafted. For example, my research suggests that existing vulnerabilities in a state with a history of repression may be exacerbated by the adoption of an FPTP electoral formula. Since repression is in turn associated with electoral fraud, coercion of voters and unfairness, such a state may become exposed to the high-cost, high-control strategy of democratic subversion I described at the end of chapter 8. All other things being equal, jurisdictions with a long history of excluding opposition voices but wishing to make a fresh start should consider a bipartisan or multi-partisan election management body rather than opting for a non-partisan alternative. By such means the designers of electoral systems can defend the democracies they serve by undermining the relationships between institutions and democratic violations and complicating deliberate strategies of democratic subversion. No democracy is forever secure. But nor are democracies helpless victims in the face of their own histories. They have room to manoeuvre and to adopt the right tools to defend themselves in their particular circumstances:

I am aware that many of my contemporaries maintain that nations are never their own masters here below, and that they necessarily obey some insurmountable and unintelligent power, arising from anterior events, from their race, or from the soil and climate of their country. Such principles are false and cowardly; such principles can never produce aught but feeble men and pusillanimous nations. Providence has not created mankind entirely independent or entirely free. It is true that around every man a fatal circle is traced beyond which he cannot pass; but within the wide verge of that circle he is powerful and free; as it is with man, so with communities. The nations of our time cannot prevent the conditions of men from becoming equal, but it depends upon themselves whether the principle of equality is to lead them to servitude or freedom, to knowledge or barbarism, to prosperity or wretchedness.\textsuperscript{135}

\textsuperscript{134} Bailey 2008, p.91

\textsuperscript{135} De Tocqueville 1998, p.374
Bibliography


**Primary Sources**

**Cases**

George W. Bush et al. v. Albert Gore, Jr. et al. On application for stay, 00-949 (00A504) (Supreme Court of the United States December 9, 2000).

**Observation Reports**


**Other Reports and Declarations**

