Kofi Annan
FOUNDATION

Towards a **fairer, more peaceful world.**

Confidence in elections and the acceptance of results

A policy brief of the Electoral Integrity Initiative

Policy brief No.1

“Elections are at the heart of democracy. When conducted with integrity, they allow citizens to have a voice in how and by whom they are governed.”

Kofi Annan

Confidence in elections and the acceptance of results by Maarten Halff [1]

I. Why confidence in elections matters

Introduction

In discussing electoral integrity, the Global Commission on Elections, Democracy and Security noted that:

> "[a]t its root, electoral integrity is a political problem. [...] [It] depends on public confidence in electoral and political processes. It is not enough to reform institutions; citizens need to be convinced that changes are real and deserve their confidence. Inclusiveness, transparency and accountability are all fundamental to developing that confidence." [2]

In a series of discussions in the period 2013-2015, a core group of the Electoral Integrity Initiative, meeting under the auspices of the Kofi Annan Foundation, undertook to further develop the notion of public confidence in elections, with a view to offering practical guidance to those involved in international electoral assistance and conflict prevention. It pursued this through the lens of the respective behaviour of winners and losers in an election, particularly in the context of countries coming out of conflict or with a history of violence triggered by elections. The EII considered the questions: how might one strengthen public confidence in an election and increase the likelihood that its outcomes are accepted? In particular, what features of political institutions and processes typically lead political actors to accept electoral losses? What are the circumstances under which electoral contestants are more likely to win magnanimously or lose graciously? The present paper is an outcome of those discussions. It attempts to bring into chart methods that might increase public confidence.

It builds on important and well-known precepts – such as a respect for political rights, a level playing field, transparency, fairness, integrity, and so on – and identifies concrete applications.

The intended innovation of the paper does not lie in the measures or features themselves, but in the scope of its approach: building confidence in elections is about more than ensuring compliance with legal obligations, or the effective performance of the electoral management body, or the absence of electoral malpractice. **The basis for public trust is shaped by the broader political context in which elections take place, not just by the quality of the electoral process itself.** Such an approach has important policy implications. A comprehensive strategy for promoting the acceptance of results and preventing conflict would include a broad range of political and technical measures. A number of these fall outside familiar modes of international electoral assistance and are more often associated with constitutional design processes, strengthening of the rule of law, and political good offices. It is not only election administrators who play a role in facilitating the acceptance of credible election results.

No two situations are alike, and this paper is not a blueprint for a successful election. This paper also does not provide a tool for measuring the quality of an election. Not following one or more of the measures here does not mean that an election will lack integrity or legitimacy. For each situation, a suitable combination of measures – suitable to the specific context and possible sources of conflict – would need to be developed. The paper is intended for those who have an interest in the peaceful outcome of an electoral process, and who are involved in the prevention

and resolution of conflict. This includes members of the broad international community who are supporting national efforts at the request of the country concerned, such as mediators, electoral observers, electoral assistance providers as well as analysts.

Confidence in elections as a political concept

Elections are not an end in themselves. Their purpose, as stated in the Universal Declaration of Human Rights, is to ascertain the will of the people regarding their government. They are processes to confer legitimacy to govern, and to peacefully resolve political competition.
A genuine election is ultimately one in which the outcome reflects the freely expressed choices of the people.

Whether an election and its outcomes enjoy credibility in the eyes of the country's citizens – whether it has achieved its function of giving voice to the will of the people – will depend on the extent to which the democratic principles of universal suffrage and political equality as well as other international obligations [3] are respected, and on the extent to which the election is professional, impartial, accurate and transparent in all stages of its administration.

At the same time, the connection between the technical quality of an election and the legitimacy of its outcomes is complex. [4] Most elections produce results that merit acceptance even in the face of imperfections of varying degrees. In some cases, the numerical results (the vote count) can contain errors or inaccuracies, irrespective of underlying motivations,

which may not affect the outcome. To seek peaceful redress in such situations requires that the contestants and their supporters have confidence – or at least a reasonable hope – that a just outcome can be achieved.

The Global Commission was not alone in highlighting public confidence and in placing technical qualities in a broader approach to electoral integrity. Recent reports of the UN Secretary-General to the General Assembly also noted that an inquiry into confidence building in elections would involve looking beyond the rules and conduct of an election itself, and considering how the electoral stakes are affected by the broader political system and culture of a country. [5] Other practitioners, too, have highlighted public confidence, in addition to technical improvements and respect for citizens' rights, as an important pursuit of electoral administrations, observers, and assistance providers. [6] Members of the international community have made the notion of trust a feature of their engagement with national actors. [7] Furthermore, there is a growing body of scholarly research into the conditions for, or correlates of, trust in an election and the acceptance of outcomes. [8]

A focus on public confidence and practical tools to bring this about presents methodological questions. One is whether deeply subjective notions such as confidence and trust can be broken down into composites. It may not be feasible to isolate individual features or variables. Moreover, confidence and acceptance are not determined in a formulaic way. Many factors will remain beyond anyone's control. A very small election margin, for example, may strain the level of confidence of the losing contestant. Nevertheless, experience – and the scholarly research mentioned above – suggests that there are strong correlations between certain measures or

“Legitimacy is the crucial currency of government in our democratic age … victory without legitimacy is no victory at all”

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actions before and during an election, and popular perceptions about the credibility of its outcomes. These correlations would need to be subjected to systematic verification. This paper is intended as a step towards further analysis and policy discussion in this area.

Approach of this paper

This brief first looks at the broader political system and the stakes involved in an election for the electoral contestants (section II). The focus is on ways of mitigating winner-take-all politics, including through adjustments to the state structure, the foundations of distributing political and economic power, as well as the electoral system. The paper then looks at the electoral process itself and how it is conducted, and considers elements or events that could destabilize or "derail" an election, and measures to mitigate such effects (section III). This includes features relating to the electoral legal framework, the electoral management body (its nature, composition, manner of appointment and internal decision-making processes), the way the electoral process itself unfolds including the announcement of results, as well as the avenues of peaceful legal recourse against contested outcomes. At the heart of section III is material that is extensively dealt with in a significant body of literature on electoral processes as such, including academic studies, policy briefs, handbooks, manuals, compilations of best practices, as well as other tools for practitioners. The intention is not to repeat the valuable material in these publications, many of which are online, but to present these facets of electoral administration as political confidence-building measures.

Throughout this paper, it is assumed that the international community is engaged or about to be engaged in an electoral process, and that it does so at the request, or with consent, of the Member State concerned. The brief does not address, however, what forms such international engagement could take, or how the international community could identify an appropriate "entry point". Briefly put, this can include electoral assistance; electoral observation; good offices; mediation; panels; informal communications with political leaders, coordinated public statements and so on. The appropriate formula will vary from case to case.

There are, of course, other ways to organize the measures mentioned in this compendium. The grouping following here – I) mitigating winner-take-all politics, II) managing events that might "derail" the electoral process – highlights the political dimensions of electoral contests, and also places them alongside technical features, in keeping with the considerations mentioned earlier. But it would also be possible to organize the material, for example, by the entity or persons involved, or by the different phases of an electoral process, often referred to as a cycle.

This is not an empirical paper, in that it does not draw on datasets and public opinion surveys. Nevertheless, to underline the links between policy and academia in this field, the annex provides an annotated selection of recent scholarly work around confidence in elections, showing the current state of research and further work ahead. As the authors of these studies themselves often acknowledge, this is a relatively young field of research.

II. Mitigating winner-take-all politics

The political system

The Global Commission noted that in some countries, "electoral competition is a winner-take-all game in which winners gain wide-ranging political and economic benefits and loses face the threat of persecution and even violence. For elections to have integrity, they must avoid this winner-take-all situation and instead create a political system in which even losers have an incentive to participate." [9] **Simply put, the question is how to minimize the potentially negative effect of losing an election.**

Considerations under this heading typically relate to issues anchored in the constitution of a country: the foundations of state structure and the distribution of political and economic power. They revolve around devising political equilibriums, and mitigating or avoiding winner-take-all politics. They generally call for longer-term efforts, starting long before election day, and often looking well beyond the announcement of results. Suitable measures will reflect an understanding of root causes of divisions and conflict in the country (such as economic and social inequalities, issues over natural resources, land, colonial legacies, human rights violations, poor rule of law, and so on). [10] The Global Commission spoke in this context of building institutions and norms of multiparty competition and division of power ***"that bolster democracy as a mutual security system among political contenders."*** [11]

The higher the stakes in an election, the greater the possibility that results may be mistrusted or challenged. Stakes may be a function of: a) the number of elective seats involved; b) the chances of gaining representation, as shaped by the electoral system; c) the authority

and influence attributed to the elective seat(s) or body; d) financial and other perquisites for individuals holding public office; e) other important issues that may be decided or influenced by the results (eg. access to funding or power for parties that pass a certain threshold) as well as perceptions about the size of groups in contested geographic areas. Stakes can be lowered by embedding an electoral process in a broader framework – including power-sharing structures – in which not all political outcomes hinge on the election itself. Other measures revolve around the electoral system itself. [12]

Each of these measures may have positive and negative effects. A system involving guarantees for a strict balance of power between branches of government or major groups in society, for example, may have merit for its stress on consensual decision-making, but under certain circumstances it can also lead to political stalemate. The context of a country will have to determine whether the benefits outweigh the more negative consequences, and whether this is politically desirable. In some countries, the measures below may be wholly inappropriate and counterproductive in establishing stability or legitimacy.

- **To what extent is political and economic power concentrated at the center of the state and in public offices elected at the national level?** Federal structures, including non-geographic forms of federalism, bicameralism, decentralization and devolution of powers to the regional or local level, can lower the stakes involved in a national election, and address any pronounced demands for a regional dimension of representation. This also includes

strengthening subnational governance, establishing locally elected bodies and transferring authority over state resources from the center. Attention can also be given to strengthening the partition between state resources and personal wealth of public office holders.

- **How is power distributed among the branches of government?** Adjustments might be made to strengthen the principle of the separation of powers and the application of effective checks and balances. These could also give voters an opportunity to cast their votes in such a way that they contribute to a balance of power among major political groups (ie voting differently for executive positions than for legislative ones).

- **What is the political and economic impact, on the candidates and their parties, of losing an election?** Are there ways to guarantee a certain role for leaders or members of the opposition irrespective of election outcomes? This could include executive positions, possibly on a temporary basis, or similar guarantees for seats and roles in the legislature, including as members, and membership or leadership of parliamentary committees. Opportunities to allocate positions might also exist in government administration, justice and law enforcement (ie. in the civil service, judiciary, police and military).

- **What is the impact, on an incumbent office holder, of losing an election?** Democracy depends on the willingness of politicians to leave office when they lose an election (or when they reach their term limit). Personal considerations play an important role here,

revolving around continued career opportunities, financial well-being, historical legacy, and the smooth transition of power. Opportunities may exist to continue in some other public office, including in international and regional organizations, and humanitarian and advocacy initiatives.

- **How far apart are the opportunities to win or regain office?** Constitutionally guaranteed term limits can be an important element of democratic accountability (even if it entails a restriction on the right to run for office), and a useful guarantee that power will not remain in the hands of one person or group, offering at least the possibility to others of winning. This may be of particular importance in presidential systems where the presidency has strong powers. For membership of legislative bodies, staggered tenures can give opposition groups the chance to gain seats "mid-term" as it were, rather than waiting for the end of a full cycle.

- **Do all major issues of state policy hinge on the outcome of the election?** Pre-election agreements between the contestants on key elements of economic policy or the use of state resources, wealth sharing and land distribution, including constraints on central executive power with respect to natural resources, or a commitment to engage in dialogue on these and other matters of national importance after the election, could reduce the negative impact of losing, even before the election takes place.

- **What is the impact of an election outcome on minority groups (not just their leaders and politicians)?**

Legal guarantees for the preservation and protection of minority cultural, language and educational heritage may be crucial elements of confidence for groups who do not form a majority, as would commitments to invest state funding. In some post-conflict contexts, veto rights for groups on decisions affecting their status have been agreed upon as part of post-conflict agreements, mostly as nominally temporary measures.

- **What degree of protection is provided for fundamental rights - in other words, how strong is the rule of law?** Protecting electoral and political rights through constitutional and other legal provisions – and making their amendment subject to consultative processes and qualified decision-making – can offer a guarantee against potential abuse, and mitigate the fear of such abuse on the part of the opposition and its supporters, irrespective of who is in power. The rule of law also calls for strong institutions that can operate independently from the executive branch, whichever party controls it. This is a vast subject area in itself, but includes the strengthening of the judiciary and law enforcement agencies, and appointment processes that will lead to trust in judges and their decisions.

The electoral system

The stakes in an election are also shaped by the electoral system – the formula by which votes are translated into seats – including the manner of defining electoral constituencies. All other things being equal, in particular

the amount of supporters and votes, different electoral systems can have a strong impact on how such support will be turned into electoral success, and hence on the degree of inclusiveness of elected bodies. It also sets the tone for the political system as a whole. Nevertheless, its importance should perhaps not be overstated: an electoral system is rarely the ultimate or only cause of grievances in a society, or the single solution for its challenges. It is only one component of a country's constitutional design.

What are the politically relevant dimensions of identity in a country – political ideology, geography, language, ethnicity, confession or other – and to what extent does the electoral system help bring about political representation along these lines?

Does the system provide incentives for dialogue, conciliation and cross-community political groups that reach across narrowly defined issues of identity? Much has been written about the design of electoral systems and the degree to which they can contribute to creating stable and peaceful political structures. No general recipe can be offered as there is no perfect electoral system, but it is clear that some will produce politically better results in the eyes of an electorate than others, depending on the context of a country. Nevertheless, an important general consideration for the electoral legal framework, particularly in deeply divided societies, is to not exacerbate a winner-take-all structure; at the least, the effects of what may otherwise be an exclusionary majority rule could be mitigated by design features that stimulate inclusion and power-sharing. Ideally, the design or reform of an electoral system would:

A. conform to a country's international obligations and commitments

B. reflect a country's political, legal, social and cultural circumstances

C. be based on a clear understanding among national actors of what the system is intended to achieve politically

D. help create inclusive political processes and eliminate conflict drivers such as systemic discrimination and exclusion

E. be developed through an inclusive, transparent and participatory dialogue

F. not be subject to frequent change, or to change shortly before an election; if necessary, however, it could envisage an agreed review mechanism at a future point in time

G. include, where appropriate, special measures such as quotas or reserved seats for the representation of certain groups, such as women, minorities, marginalized groups etc.

Different electoral systems could be adopted for different houses of the legislative branch, which could help ensure representation along multiple lines of identity, thereby increasing the degree of political inclusion. The definition or demarcation of electoral districts is also a key feature that can build (or undermine) confidence; trust can be enhanced if the demarcation process and the criteria for defining constituencies are clearly set out in law.

An electoral system is rarely the ultimate or only cause of grievances in a society, or the single solution for its challenges. It is only one component of a country's constitutional design.

III. Managing destabilizing factors around an election

This section looks at the electoral process more specifically, and considers factors that can undermine it at different stages. Such factors could be part of the rules of the process, or they can be decisions, actions and other events. Perceptions are important; it is not only the intention or the outcome of such actions that matters, but also how they might be seen by political actors and citizens. The discussion is on ways to prevent or mitigate their potentially destabilizing effect, ranging from long-term efforts to more immediate actions.

The electoral "rules of the game": a level playing field

While "inclusion" and "inclusiveness" remain rather broad and loosely defined terms, a legal framework that limits access to the process, undermines the means to engage in a fair contest, or lacks some minimum rules governing the conduct of all actors in the process, is likely to be seen as a tool to favour the re-election of dominant parties and politicians, and to exclude others. **The less opportunity for groups and candidates of all stripes to participate in an election without hindrance by the government or others, the lower confidence will be.** An election in which incumbents have far greater access to state resources and powers will undermine credibility. Mitigation strategies revolve around providing adequate protection for fundamental rights, placing limits on the benefits of incumbency, and regulating the conduct of electoral contestants.

- Key elements of the formal "rules of the game". While legislative drafting styles will vary from country to country, anchoring certain

aspects of the electoral process into a law can help build trust. These include guarantees for all political rights, including secrecy of vote, freedom of association, expression, equality between men and women, etc., and the removal of restrictions that can be seen as politically biased in particular those on the right to vote and run for office; effective rules governing political and campaign financing; access to the media; guarantees for the participation of domestic (and where allowed) international observers; clear and agreed rules for voter registration, conducted by a trusted body (covering eligibility criteria; easy access; opportunity for redress; requirement to publish the roll; access to observers; audits of voter list); rules governing media coverage; and the grounds for recounts and invalidations of ballots or polling stations.

- **How might the potential advantages of incumbency on an election, or the possible misuse of state power and resources by incumbent politicians, be mitigated?** This could include setting limitations on the powers of government after an election has been called, as well as restrictions on the use of state resources by candidates in their campaigns. A small number of other countries have more stringent measures built into their legal framework, calling for the appointment of an interim or caretaker administration to replace the sitting government, shortly before election day.

- **What mechanisms can be adopted to ensure the responsible conduct of political leaders and other candidates?** In addition to building enforceable rules into the electoral law, parties or leaders may agree to adopt an inter-party code of conduct, or otherwise

express their mutual commitment to an orderly process. This could include the explicit rejection of violence, a commitment to hold their candidates and supporters to responsible behaviour, as well as agreement to refrain from announcing unverified and unofficial results. Monitoring and self-enforcement mechanisms, and the creation of dialogue or consultation forums for parties and candidates are critical, facilitated if suitable by the electoral management body. The formalities around such agreements are often equally important, for example through a public signing ceremony by political leaders.

- **Is there an accepted and effective framework for electoral security and the role of security forces?** This would include, for example, the adoption of rules on the presence and role of military and security forces around campaigns and elections. A particularly difficult issue, in addition, is the role of private armies and militias, and their connection to political actors, which lies beyond the scope of this short paper. Briefly put, the disarmament, demobilization and/or cantonment of irregular forces associated with political actors is generally a key factor in confidence and voter participation.

The electoral management body

The ICCPR requires states parties to ensure the EMB can act independently, that is, free of influence of the government and without favouring a particular party or candidate, but there is no internationally prescribed model for electoral management bodies. Irrespective of the type, an EMB must be able to act independently, without favour or bias towards any

group. As the Global Commission noted, "[t]he key is not formal independence, but true independence of action." [13]

- **What mechanisms can help ensure a trusted and broadly representative composition of the election commission?** If there is an independent election commission, trust is needed in its members and the chair, but also in the commission as a collective: it cannot afford to be seen as being dominated by a group that has an interest in the outcome of elections. Irrespective of the formal appointing authority, a key element to creating such confidence is a broadly consultative process on candidates and nominees with political actors, including the opposition. Similarly, the establishment and dissemination of objective selection criteria, a public application process, the creation of an inclusive selection/advisory committee, the publication of information about the selection process, and the involvement of civil society groups as observers can be helpful in creating transparency. In addition to a representative composition, the codification of internal decision-making rules for the board of commissioners in a law – including quorum and majority requirements – can be useful to protect and balance political interests.

- **What legal mechanisms can strengthen a commission's formal independence?** The law itself cannot guarantee independence of action, but it can offer a degree of protection against interference. The degree of independence is often a function of appointment processes (covered above) but also the conditions under which commissioners may be removed from office; a commission's autonomy in budgetary and staffing decisions; its accountability and

reporting lines to branches of government, if any; and its formal powers including the authority to make use of state resources.

The conduct of elections

Technical measures to increase the integrity of elections are well covered by existing literature, and revolve around principles such as professional competence, accountability, transparency and timeliness. Only a few elements are highlighted here.

Voters and candidates must be able to rely on the assumption that electoral staff will apply the same standards throughout the country. Consistency and predictability is key. These are helped by the adoption and wide dissemination of rules and procedures, and the formation of a professional cadre of personnel who are thoroughly trained in their application. Similarly, a lack of transparency – in particular in the handling of election results – will inevitably result in a loss of confidence. There are multiple aspects. One could be the country-wide presence of observers, monitors, party agents and media. An international presence can also be an important source of confidence. Another aspect is the relationship between the EMB and candidates and parties. Successful election commissions regularly communicate with contestants on an even-handed basis, offering information on the process and listening to concerns. Transparency also involves informing voters of the electoral process and how they can participate. Delays in completing an electoral process will also create doubts. This is particularly true if deadlines for announcing results are not met, without reasonable explanations offered to the public.

- **What measures are in place to ensure proper internal administration, professionalism and accountability?**
  This can include a broad range of steps, such as: adopting and publishing a strategic vision; adopting and publishing a code of conduct for the EMB and it staff; establishing a core cadre of permanent election officials; developing professional development and training programmes, including on professional ethics; institutionalizing a culture of learning and self-reflection, maintain institutional memory; institutionalizing a culture of ethical behaviour, including internal discipline methods; ensuring that polling officials are not related or connected to candidates; implementing a mechanism for the randomized assignment of polling officials to polling locations; assigning polling officials to stations outside their district; standardizing EMB processes and electoral procedures to ensure consistent treatment, particularly for polling and counting; and developing an anti-fraud strategy covering deterrence, detection and resolution, while balancing this with the importance of maximizing enfranchisement.

- **To what degree does the EMB communicate regularly with all its stakeholders and how does it provide information about its processes and the results?** The following have been used by election commissions as effective ways to build confidence: regularly communicating with political actors, civil society, media; institutionalize liaison mechanism; consulting stakeholders on key decisions, publicizing them widely; adopting policies to provide open access to electoral information; encouraging and facilitating the presence of party agents at all polling stations and other electoral sites; giving broad and equal access to party agents to

all electoral activities; providing training and thorough information to party agents on electoral processes; engaging in active voter education and information, targeting in particular women and marginalized groups, to equip citizens with complete and accurate information; establishing accessible means of communication with the electorate at large, including through internet website, social media, call center, radio as appropriate to the context; establishing and publishing ex officio processes to strengthen the integrity of results (quality control measures; audits; discrepancies that trigger such measures); setting reasonable timelines for the release of results, adhering to that schedule and offering clear explanations if the timeline cannot be met; posting results at each polling station, issuing copies of result sheets to party agents and publishing the results for each polling station widely, including on its website.

- **How can civil society engagement be strengthened, in particular in observing and monitoring the election?** [14] International donor support is often applied to help election commissions and civil society in: establish long-term observation mechanisms; developing the capacity of national as well as regional observation groups; developing and investing in citizen monitoring groups, including mechanisms to track and report incidents of violence; developing crowd-sourcing mechanisms, including hotlines, mapping tools; engaging civil society in civic and voter education campaigns; develop a media monitoring programme and other mechanisms to promote media accountability; training conflict mediators to help resolve disputes at grassroots level; establishing peace committees at the national and local level, including political actors and civic

leaders, eminent persons, religious leaders, academics etc., to instill conciliatory messages and help mediate in disputes; developing a credible programme of parallel vote tabulation mechanisms by domestic groups and provide thorough training.

Electoral justice

- **What are the avenues of legal recourse, and how credible are the processes for adjudicating disputes?** The key element here is to offer an effective remedy against the alleged violations of rights. **Voters and contestants will have greater confidence in a process in which there is an opportunity to review the outcomes** (or other decisions affecting them), **preferably by a body that is independent of both the government and the election commission, and through a process that is accessible, fast and transparent.** Again, a considerable amount of literature exists on the topic, from which a few themes can be highlighted: appointing judges through non-partisan mechanism; developing the capacity of judges, lawyers, prosecutors and courts, including knowledge of electoral procedures, operations and offences; establishing effective means for voters, candidates, agents to challenge EMB actions and decisions, preferably in at least two instances (by the EMB itself, followed by a judicial or other external review body); enabling citizens to raise concerns when they arise, and enable polling officials to resolve problems as much as possible within their authority; including information about dispute settlement mechanisms in voter education and public awareness

materials; setting time limits for appeals and decisions; promptly publishing decisions taken on appeals; legislating electoral offences and deterrent sanctions, and consistently enforcing them, including the possibility of holding offenders to account internationally.

IV. Annex, Select bibliography

The following is a selection of academic publications in English related to confidence in elections and the acceptance of electoral loss. Many of the studies reflected here acknowledge that research into the question of voter confidence is still at an early stage. Not surprisingly for a relatively new field of inquiry, many of the articles pay attention to methodological issues in defining and subsequently measuring trust. Similar methodological questions are raised with respect to the variables (that is, the factors which, according to the hypothesis being tested, might impact on confidence), and the ways to code such factors for the purpose of statistical analysis. Many studies present evidence confirming what are perhaps intuitive findings: low confidence is likely to lead to low turnout; applying quality controls and measures by the electoral management body can lead to higher confidence; confidence in an election management body leads to confidence in the election; and so on. In some cases, findings point to opposite conclusions (for example, the correlation between a proportional representation system and public confidence). There is as yet very little cross-country study; much of the research focuses on particular context of one country only. Policy briefs or practitioners' handbooks – which focus on the prevention of violence and conflict around elections, and on tools to identify and manage related risks – are not referenced here.

Alvarez, Michael, Lonna Rae Atkeson and Thad E. Hall (eds.), Confirming elections: creating confidence and integrity through election auditing, New York (2012)

This volume focuses mostly on the technical details of audit processes, and draws exclusively on case studies from the USA. One of the chapters

(Traugott, Michael, and Frederick Conrad, Confidence in the Electoral System: Why We Do Auditing), however, discusses original research undertaken on the impact of audits, and the manner in which their results were presented to participants, on confidence in elections. The results suggest that audits whose results are widely disseminated to the public can produce higher levels of confidence.

Anderson, Christopher J., André Blais, Shaun Bowler, Todd Donovan and Ola Listhaug, Losers' Consent: Elections and Democratic Legitimacy, Oxford (2005)

Using multi-country data from several survey projects, this book examines the impact of election outcomes on differences in attitudes between losers and winners ("winner-loser gap"). It does so exploring two avenues of inquiry: the country's political context and its institutions, and voters' own attitudes and predispositions. Among many other findings, the analyses suggest that losers' evaluations are more positive in established democracies than in non-established democracies; supporters of parties that have never been in power are most critical of representative democracy; more highly educated losers are more satisfied with the functioning of democracy and more positive about the fairness of election. Moreover, the authors find that the winner-loser gap in attitudes about the system is smaller when the electoral rules are more proportional, when the political system has a greater number of "veto players", and when power is shared within the political system. They also find that federalism is an effective institution in allowing losers some say in the system.

Anderson, Lisa, "The Ex-Presidents", in Journal of Democracy 21 (2010), pp. 64-78

Even though "democracy depends on the willingness of its most faithful servants to abandon their roles", scholars and democracy advocates have largely ignored the personal sacrifices of politicians made on behalf of democratic institutions. Drawing on the experiences of 35 US Presidents and some leaders from other countries, the article examines the opportunities and considerations after leaving office. Democratic leaders' main preoccupations are generally: financial well-being, historical legacy, and the smooth transition of power. Few leaders fully retire. Some find opportunities in the private sector, although this is an option "enjoyed disproportionately in the West". Many continue in some other public office, either appointed or elected (eg. Nicephore Soglo of Benin elected mayor). The article highlights the growing opportunities in international and regional organizations (eg. Mary Robinson to UNHCHR; special envoys like Ahtisaari and Chissano), and humanitarian and advocacy initiatives (eg. Carter Center, Mkapa HIV Foundation). It finds that, increasingly, media, the nature of public issues, and a growing web of global ties provide new opportunities for visibility and influence (eg. the Club of Madrid, the Elders). The realization that there is a global market for their experience after stepping down will shape leaders' behavior in office. But markets that are not well-regulated or transparent will not always provide as powerful an incentive for honesty.

Atkeson, Lonna Rae and Kyle L. Saunders, "The Effect of Election Administration on Voter Confidence: A Local Matter?", in Political Science & Politics 40:4 (2003), pp. 655-60

Focusing on a single measure of voter confidence (confidence whether one's ballot would be counted as intended), this article explores the effect of a number of variables from US mid-term elections in 2006: the voting experience itself, attitudes towards the voting machine used, attitudes towards the poll workers, party identification, as well as a variety of demographic factors. Study findings include: voters' direct experience (complexity of ballot, length of lines, helpfulness of officials etc.) with the voting process influences their confidence; absentee voting or early voting results in less voter confidence; a positive evaluation of a local county election official is associated with more confidence in the electoral process; the stronger the identification with the Republican party the greater the voter confidence; income is positively related to voter confidence, but education is not. The authors conclude that citizen confidence in the election system is dependent on procedural consistency and perceived fairness and accountability, but that it is also affected by exogenous events in the political context.

Birch, Sarah, "Electoral institutions and popular confidence in electoral processes: A cross-national analysis", in Electoral Studies 27 (2008), pp. 305-320

Noting that little is known about what motivates citizen confidence in the electoral process, this article is a preliminary attempt to model the factors that shape perceptions of electoral conduct in a cross-national context, by studying perceptions of fairness measured through opinion surveys for 28 elections. The hypothesis is that factors that level the playing field and those that increase transparency will enhance confidence in the electoral process. The study assumes that "a level playing field" is most likely to be

associated with a) systems like proportional representation because PR "is most obviously fair" to parties, b) public funding of political parties, since this seeks to ensure equal opportunities, and c) EMB independence (or perceived independence), since independent central election commissions "have come to be regarded as the hallmark of accountable electoral administration". The study concludes that proportional electoral systems and the public funding of parties have positive impacts on confidence, while the formal independence of EMBs is negatively associated with this variable (this finding may be the result of how the study defined autonomy, or the case selection). The study also notes that contextual variables (political and economic development) and individual variables (income, sex, level of political knowledge etc.) have an impact on perceptions of electoral fairness. For future studies, the author recommends integrating the analysis of confidence in elections into the broader study of political support, developing a measure of actual EMB independence (as has been done for judicial independence), and investigating the role of campaigns and media coverage in perceptions of electoral conduct.

Birch, Sarah, "Perceptions of Electoral Fairness and Voter Turnout", in Comparative Political Studies, 43.12 (2010), pp. 1601-1622

The principal argument is that confidence in electoral conduct has an important and previously understudied impact on the likelihood that voters will go to the polls: when voters are confident that an election will be free and fair, they are more likely to vote, all else being equal, than is the case when they have reservations about the ability (or willingness) of those conducting the election to maintain democratic standards of electoral integrity. The study tests and confirms this hypothesis in a

multilevel analysis of 31 elections held between 1996 and 2002 in established and new democracies. The study also suggests that suggesting that confidence in the electoral process is in fact one of the more important factors conditioning propensity to participate in electoral politics. The study further suggests that party identification with a loser does not prove significant for turnout or perceptions of electoral fairness. The study also provides limited evidence that the impact of perceptions of electoral fairness on turnout is stronger in established democracies than it is in newly- and semi-democratic states.

Craig, Stephen, Michael Martinez, Jason Gainous and James Kane, "Winners, Losers and Election Context: Voter Responses to the 2000 Presidential Election", in Political Research Quarterly, 59: 4 (2006), pp. 579-592

The article analyses US election date from 1964 to 2004, as well as surveys from Florida and the nation following the 2000 election, and finds that losers exhibit lower levels of political trust, satisfaction with democracy, and confidence that the government is legitimate, and that they are more likely to be less satisfied with the choice of candidates and to perceive the election as unfair. The article concludes that the legitimizing function of elections is a far from universal phenomenon.

Hall, Thad, J. Quin Monson and Kelly D. Patterson, "The Human Dimension of Elections: How Poll Workers Shape Public Confidence in Elections" Political Research Quarterly 62:3 (2009), pp. 507-22

The authors examine the relationship between voters' perceptions of poll worker job performance and measures of voter confidence. The evidence gathered through their study of exclusively US elections indicates that the evaluation by voters of poll workers is a significant predictor of voter confidence. Confidence in this study is defined through two questions: how confident are you that the election produces fair outcomes; how confident are you that your ballot was counted accurately? The authors argue for paying attention to the recruitment and training of competent poll workers, whom they see as belonging to the category of "street-level bureaucrats" who interact directly with citizens.

Kerevel, Yann, "Election Management Bodies and Public Confidence in Elections: Lessons from Latin America", IFES (2009)

This study uses public opinion data from 18 Latin American countries, as well as aggregate data on the institutional design of EMBs, to examine how attitudes towards EMBs and the nature of EMBs influence individual perceptions of election quality and political participation. (Confidence is operationalized by the survey question whether elections are believed to be "clean or fraudulent"). The article finds that individuals tend to have greater confidence in EMBs that are non-partisan, independent and professional, although the relationship is not strong. (The article rejects the finding by Birch (2008) that formally independent EMBs are related to lower levels of voter confidence). The study also finds that confidence in EMBs is a strong predictor of voter confidence in election outcomes. Knowledge of vote buying – and hence an EMB's ability to control vote buying – is significantly related to lower levels of voter confidence. Support for the winning party in the last election leads to significantly higher

levels of confidence. Future research will need to determine what explains confidence in EMBs, but this is probably related to election administration performance and to media coverage of partisan bias or conflict within the decision-making forums of an EMB.

Kerr, Nicholas N., "EMB Performance and Perceptions of Electoral Integrity in Africa", in Pippa Norris, Richard W. Frank and Ferran Martínez i Coma, Advancing Electoral Integrity (2014), pp. 189-210

Drawing on survey data from the Afrobarometer – representing the views of approximately 40,000 citizens in 18 countries between 1999 and 2008 – the author finds support for his thesis that opinions of integrity are based on the performance of election management bodies, the incidence of election malpractices as well as respondents' affiliation with winning parties and level of political awareness. The author points to evidence of an emerging norm among African citizens by which credible elections – and hence the legitimacy of an election – are equated with the effective functioning of EMBs.

Llewellyn, Morgan H., Thad E. Hall and R. Michael Alvarez, "Electoral Context and Voter Confidence: How The Context of an Election Shapes Voter Confidence in the Process", Caltech/MIT Voting Technology Project Working Paper No. 79 (2009)

Using surveys conducted around the USA mid-term elections of 2006, this study provides evidence to support the hypothesis of the "winner's effect": that voters who voted for the winning candidate are more confident that their ballot was counted correctly relative to those who voted for the

losing candidate. The study also finds that voters who cast ballots on an electronic voting machine with a paper audit trail device exhibit higher rates of confidence when compared to electronic voters who do not have access to such devices. Based on their findings, the authors argue that voter confidence can only be fully understood in light of the context and issues surrounding a specific election, such as recent changes in election administration, election specific controversies, media stories, and the election outcome.

McCann, James A. and Jorge I. Domínguez, 1998, "Mexicans React to Political Fraud and Corruption: An Assessment of Public Opinion and Voting Behavior", in Electoral Studies 17.4, pp. 483-503

The principal question underlying this study is whether electoral fraud and corruption – widely alleged and particularly poignant in Mexican elections in the 1990s - matter to Mexican voters. How doubtful are citizens about the authenticity of electoral outcomes? Does this affect their likelihood of turning out to vote, and do beliefs about fraud prompt voters to back opposition candidates? The authors find that doubts about the honesty of the elections did not automatically lead to support for opposition parties, but that they did affect outcomes by making it less likely that opposition supporters turned out to vote.

Norris, Pippa, Why Electoral Integrity Matters (2014)

The first of three planned volumes of the Electoral Integrity Project. Of particular interest to the present paper, Norris examines the "instrumental consequences" of flawed elections. The study presents evidence that the

procedural quality of elections affects attitudes, and that public perceptions of electoral integrity and malpractices are strongly associated with feelings of political legitimacy. But she also highlights challenges in drawing conclusions about causality, noting the "complex web of attitudes between perceptions of integrity and feelings of legitimacy" (p. 132).

Norris, Pippa, "Ballots Not Bullets: Testing Consociational Theories of Ethnic Conflict, Electoral Systems, and Democratization", in Andrew Reynolds (ed.), The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy, Oxford (2002), pp. 206-47

The study compares political attitudes and behaviour among a diverse range of ethnic minorities in countries using majoritarian, proportional and mixed electoral systems. The results suggest that there is no simple relationship between the type of electoral system and majority-minority differences in political support. In particular, the study finds no evidence for the proposition that PR party-list systems are directly associated with higher levels of support for the political system among ethnic minorities, but posits that the relationship may be indirect, pointing to intermediary conditions such as the geographical clustering of the minority populations and their level of politicization as a group.

Norris, Pippa, Richard W. Frank, and Ferran Martinez i Coma, "Assessing the Quality of Elections", Journal of Democracy 24.4 (2013), pp. 124-35

This paper presents the first results of the Electoral Integrity Project, an effort by the University of Sydney and Harvard University to develop sources of evidence that would make possible "authoritative and rigorous assessments" of the quality of elections worldwide. The authors argue that this is important a) for scholars, to identify when, where and why elections fail to meet international standards; and b) for practitioners, to determine priorities, diagnose problems, and come up with effective solutions. Central to the pilot study is a survey of "experts'" perceptions of electoral integrity, measured along 49 separate aspects of an electoral process, and applied to 20 countries. The paper concludes that, when triangulated with other evidence, the methodology can address many research issues, such as how best to classify electoral autocracies, as well as helping policymakers evaluate "what works" to strengthen electoral integrity. The article addresses the possible objection that expert judgments are not a legitimate reflection of public opinion in each country: by drawing on results from the "World Values Survey", the study concludes that experts and the general publics in the countries under study overwhelmingly agree in their evaluations of electoral integrity.

Oliva, Fabio, "'Learning to lose': accepting electoral outcomes", in United Nations System Staff College, The Role of Elections in Peace Processes, Turin (2010), pp. 19-32

The paper discusses academic studies around the acceptance of electoral loss. "Learning to lose" is defined as a process that involves accepting the "finality" of the electoral outcome and thereafter granting support to political institutions until the next election. The author notes that loser support is possible when the system is able to guarantee predictable

timeframes, provide concrete post-election rewards (e.g. a recognized role for the opposition or power-sharing mechanisms) and produce positive perceptions about the electoral process (e.g. unrestricted participation, open competition and procedural fairness). The paper lists "conditions and incentives for losers' compliance in disputed elections", based on practices in countries where the post-election handover was smooth despite a close result. Turning short-lived, contingent democratic commitment by leaders and citizens into sustained and unconditional support can occur only, the author argues, if all stakeholders respect a set of detailed, non-amendable and even-handed prerequisites – including recognized status for the opposition, vibrant parliamentary activity and the potential for political turnover.

Rosas, Guillermo, "Trust in elections and the institutional design of electoral authorities: Evidence from Latin America," in Electoral Studies 29 (2010), 74-90

Relying on survey questions that tap into the credibility of elections, the article examines the role of EMBs, and their formal design, in explaining varying levels of trust in electoral process among elites and citizens across Latin America. The study looks at two characteristics of EMBs: "professional autonomy" (secure tenures, ample financing, professional civil service) and "partisan autonomy" (little to no involvement of parties in selecting members and staff). It does not look at independence from the executive, the role of electoral tribunals in public trust, or measures of actual EMB performance. The study presents evidence that among political elites elections are judged more trustworthy where EMBs have

formal autonomy, but that this effect is muted in the case of citizens. The article also suggests “tentative evidence” that EMBs appointed by political parties reduce elite and popular confidence in countries with low levels of democracy, but may increase trust among political elites in countries with high levels of democracy.

V. Indication of sources for this brief

1 United Nations Electoral Assistance Division. The views expressed in this paper are those of the author, and do not necessarily reflect those of the United Nations. **2** Global Commission on Elections, Democracy and Security, Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide (2012), para. 28 / 29. **3** For the international normative framework, see in particular International IDEA, International Obligations for Elections – Guidelines for Legal Frameworks (2014), as well as The Carter Center's Database of Obligations for Democratic Elections, *http://electionstandards.cartercenter.org* and the accompanying Carter Center Election Obligations and Standards Assessment Manual available at *http://www.cartercenter.org/resources/pdfs/peace/democracy/cc-OES-handbook-10172014.pdf* **4** The Electoral Integrity Project, a six-year research project launched in 2012, provides the most thorough examination of this question so far. Interim results are discussed, among other publications, in Pippa Norris, Why Electoral Integrity Matters (2014). Norris presents extensive data to support the proposition that public perceptions of electoral integrity and malpractices are strongly associated with feelings of political legitimacy. But she also highlights challenges in drawing conclusions about causality, noting the "complex web of attitudes between perceptions of integrity and feelings of legitimacy" (p. 132). For an earlier discussion, see Jørgen Eklit and Andrew Reynolds, "A Framework for the Systematic Study of Election Quality" in Democratization, 12 (2), 2005. **5** United Nations document A/66/314, para. 54 and A/68/301, para. 30. **6** For example, the former chairman of the South African IEC, Johann Kriegler, "Electoral Dispute Resolution: A Personal Perspective", in David Gillies (ed.), Democracy in Dangerous Places, (2011). Another example is the EU briefing paper by Richard Atwood, How the EU can support peaceful post-election transitions of power: lessons from Africa (2012), elements of which are incorporated in the present paper. Earlier studies focusing on elections and the prevention of conflict include Jeff Fisher, Electoral Violence and Conflict: A Strategy for Study and Prevention (IFES), (2002). **7** For example, when the Election Commission of Nigeria decided to postpone the presidential elections for a number of weeks, Mr. Kofi

Annan, in a statement issued on 9 February 2015, noted that while this postponement may have been necessary for security reasons, it also ran "the risk of eroding the trust of the electorate". **8** See the select bibliography on confidence in electoral processes in the annex. **9** Report of the Global Commission, para. 52. **10** This paper does not discuss how to identify such root causes or the stakes involved in a particular election, which will differ from context to context. For conceptual and practical tools for such analysis, see the IFES paper already referred to under footnote 6 above, as well as the more recent electoral risk management tool developed by International IDEA: *http://www.idea.int/elections/ermtool*. **11** Report of the Global Commission, para. 33. Italics in the original. **12** Useful publications among a significant body of literature on power-sharing arrangements and electoral systems include: Andrew Reynolds, Designing Democracy in a Dangerous World (2011); Andrew Reynolds (ed.), The Architecture of Democracy (2001); Sid Noel (ed.), From Power Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies (2005); Jarrett Blanc, Aanund Hylland and Kåre Vollan, State Structure and Electoral Systems in Post-Conflict Situations (2006); Nils A. Butenschøn, Øyvind Stiansen and Kåre Vollan, Power-Sharing in Conflict-Ridden Societies. Challenges for Building Peace and Democratic Stability (forthcoming, 2015). **13** Report of the Global Commission, para. 42. **14** For a more detailed discussion, see the NDI guidance document for the Global Network of Domestic Election Monitors, Monitoring and mitigating electoral violence (2014), as well as other NDI handbooks.

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What makes the contestants in an election accept its outcome? This policy brief puts forward the notion that confidence is a key factor, and that this is shaped by the broader political context in which elections take place, not just by the quality of the electoral process itself. A comprehensive strategy for promoting the peaceful acceptance of election results should therefore include a broad range of political and technical measures – not limited to electoral assistance – as catalogued in this brief. An annex presents an annotated selection of recent scholarly publications, to highlight connections between policy and academia in this new field of research.

The Electoral Integrity Initiative in brief

Elections are the established mechanism for the peaceful arbitration of political rivalry and transfers of power. In practice however, many elections actually prove deeply destabilizing, sometimes triggering conflict and violence. This series of policy briefs is part of the Kofi Annan Foundation's Electoral Integrity Initiative, which advises countries on how to strengthen the integrity and legitimacy of their electoral processes and avoid election related violence. Looking beyond technical requirements, the Foundation focuses on creating conditions for legitimate elections, making it possible to govern in a climate of trust and transparency.

For more information about our ongoing project visit
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