



**CREATIVE**

# ELECTORAL INTEGRITY FRAMEWORK PROJECT

## Electoral Malpractice Primer: Insights and Priorities

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## Electoral Integrity Framework Project

### Electoral Malpractice Primer: Insights and Priorities<sup>1</sup>

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#### Introduction

Elections are the cornerstone of democracy, and holding high-quality elections is necessary for a country to be considered fully democratic. Unfortunately, most elections held in the world today are marred by some degree of fraud, manipulation or other electoral crime. Although our understanding of such malpractice has increased considerably in recent years, we still lack a clear picture of the severity and causes of different forms of electoral abuse in different contexts.

Electoral malpractice is a problem that afflicts virtually all countries in the world to some degree. Recent years have witnessed a dramatic increase in expertise in this area, following the growth of international election assistance and observation. At the same time, there is still much to be learned about overall patterns of electoral misconduct and the strategies best suited to reducing it.

For the purposes of this paper, *electoral malpractice*, is defined as electoral crimes and sub-standard practices that result in failures or refusals to act (i.e., inability or denial to provide necessary oversight); acts of deception (i.e., providing false or misleading information), acts of coercion (i.e., intimidating or forcing a voter or other electoral participant to behave in an involuntary manner), and/or acts of destruction (i.e., physical violence toward individuals or institutions).<sup>2</sup> Such crimes and practices can be both the intentional and unintentional consequences of a legal and regulatory framework that sets forth the institutional framework, processes and procedures, and enforcement mechanisms.

In order to deepen our knowledge of the prevalence of electoral malpractice in the contemporary world, an expert survey on electoral fraud, crimes and manipulation was carried out in September 2011 to help understand the factors that drive electoral fraud and manipulation. The results of the survey indicate that electoral malpractice is perceived by experts in the field to be a significant problem, even in some long-standing democracies. The survey also demonstrated that while there is variation from region to region in the types of electoral abuse that are most prevalent, the range of strategies commonly employed to distort elections exhibited a striking degree of similarity across the world.

There was a relative consensus among the experts surveyed that electoral fraud, crimes and manipulation were undertaken mainly by governing political forces and mainly with a view to maintaining power. There were differences of opinion among the experts as to the most promising antidote to electoral malpractice, though institutional reforms, domestic election observation and measures to protect media freedom were generally viewed as the most successful strategies.

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<sup>1</sup> This paper is the result of an Expert Survey on Electoral Fraud, Crimes, and Manipulation carried out by Creative Associates International in September 2011.

<sup>2</sup> Based on categories employed by the United States Electoral Assistance Commission, the typology of electoral malpractice presented here was employed by Jeff Fischer, Senior Electoral Advisor, Creative Associates International.

Overall, the results of this exercise suggested that there is considerable commonality to the electoral problems encountered in different parts of the world, and that countries across the globe would therefore benefit from the development of a common toolkit of strategies for dealing with electoral abuse.

This paper will begin by describing the survey methodology used to collect the information. The next section on findings and analysis will explore the motives and actors and the varieties of electoral abuse, and touch upon strategies for reducing electoral abuse.

### Survey Methodology

Expert surveys are one in a range of strategies that can be employed to measure election quality. Other common approaches include formal reports of election-related crimes, the forensic analysis of electoral statistics, and the analysis of election observation reports. Expert surveys are a flexible technique that enables the examination of a wide variety of different types of electoral malpractice (not always the case when relying on forensics or official crime figures), while avoiding the well-known problems associated with 'process-produced data' – i.e. data produced by organizations for other purposes.

In expert surveys, it is crucial to choose relevant experts and to ask them questions on which they have relevant expertise. In the case of this survey, the experts chosen to receive the questionnaire included those who met one of two sets of criteria: either (a) they had to be working at academic or research institutions (or recently required from posts at such institutions), and they had to have published on the topic of electoral fraud and/or manipulation in the past 10 years, or (b) they had to be practitioners in the field of electoral administration and/or electoral observation and assistance. Most of the academic respondents were political scientists (including international relations specialists), though some were also economists.

Efforts were made to ensure that expertise on all parts of the world was represented among experts who received the questionnaire. To this end, at least ten experts were included who were known to have expertise on each of the following geographic areas: Africa and the Middle East, Latin America and the Caribbean, Eastern Europe and the Former Soviet Union, Asia, and Western Europe, North America, Australasia and New Zealand. Some of the experts had no particular regional expertise.

A section of the questionnaire asked respondents to provide information about their professional expertise. These questions were included as a safeguard to ensure that the surveys had all been completed by suitably-qualified experts. Responses to these questions indicate that all surveys were completed by people who had sufficient experience in the topics under investigation.<sup>3</sup>

The survey instrument was a self-completion questionnaire administered by email in September 2011. It consisted of 16 questions, including a mix of closed- and open-ended question designed to tap: (a) the range of types of electoral fraud, crimes and manipulation in the world today; (b) the severity of the different forms of electoral malpractice; (c) the identify and motivations of those who engage in electoral malpractice; and (d) the best means of overcoming electoral malpractice of the types identified.

Respondents were asked to reply to questions with reference to the countries and/or regions of the world of which they had the greatest knowledge. Each closed question was followed by a space which allowed respondents to offer their comments on the topic in question.

A total of 115 surveys were sent out by email with personalized cover letters. Respondents who had not returned the survey within a week were sent a reminder. A second reminder was sent a week later. Of the 115 people to whom surveys were targeted, eight could not be contacted (the messages sent to them bounced and no alternative email address could be found, or out-of-office replies were received). Of the 107 people who received the survey, 53 returned it, for an overall response rate of 49.5 percent (which is

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<sup>3</sup> There was one case where a respondent rated his own knowledge as poor, but this respondent has published extensively on the topic of election quality and is in fact a leading expert in the field. One must conclude that either this person recorded his self-assessment erroneously, or he was being excessively modest.

impressive for an email survey). A further 11 people promised to return the survey but failed to do so, and six people replied that they were unable to complete the survey.

In addition to identifying experts and contacting them individually, the survey was also disseminated via the ACE Network of electoral experts. A total of 11 surveys were returned through this means.

The total number of surveys returned was thus 64. In accordance with ethical best practice, responses have been fully anonymized for the purposes of reporting.

### **Findings and Analysis**

The results of the survey suggest that electoral malpractice is a serious problem across the world. In reply to a general question about the severity of electoral malpractice, over 70 percent of respondents maintained that they viewed it as an 'extremely serious' or 'serious' problem; no respondent offered the view that it was 'not at all serious'. Of note, there is also some evidence that electoral malpractice is seen as more of a problem in Africa and the Middle East than other regions of the world.<sup>4</sup>

#### ***Motives and actors***

Achieving and retaining power was most often viewed as the most important motive for electoral malpractice. This was true in all regions of the world. It is noteworthy, however, that engaging in rent-seeking and/or corruption was also perceived as a significant motivation in three regions: Africa and the Middle East, Asia and the Former Soviet Union and Eastern Europe. In Africa and the Middle East, quashing dissent and demonstrating the strength of the ruling party were viewed as factors which contribute considerably to fraud as well.

When it came to identifying those responsible for committing acts of electoral fraud, crime and/or manipulation, incumbent politicians were pointed to as the principal culprits. Political parties and the holders of elected office were clearly identified as the most common agents of abuse. Election staff and the security services were also viewed by many as perpetrators of electoral wrong-doing, though as some respondents noted, they often engage in electoral crimes and manipulation at the behest of politicians. It would thus seem that the driving forces behind electoral manipulation appear to be relatively similar in different parts of the contemporary world.

#### ***Varieties of electoral abuse***

The types of electoral fraud, crimes and/or manipulation that were identified as most problematic include vote-buying, the intimidation of voters, candidates and activists (generally by state actors), irregularities connected with voter registration, and irregularities at the polling station. The severity of different forms of electoral malpractice by electoral cycle phase was also examined (see Table 1).

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<sup>4</sup> 83.3 percent of those with expertise in Africa and/or the Middle East reported that electoral fraud was 'extremely serious' or 'serious' in the countries with which they had greatest familiarity.

**Table 1: For each of the following phases of the electoral cycle, please indicate how much of a problem you believe electoral fraud, crime and/or manipulation generally is:**

Phase	Extremely serious	Serious	Somewhat Serious	Not very serious	Not at all serious
Legal framework	26.7%	28.3%	16.7%	16.7%	11.7%
Electoral calendar implementation	1.7%	16.9%	27.1%	37.3%	15.3%
Voter registration	22.4%	34.5%	22.4%	13.1%	6.9%
Electoral campaign	37.7%	27.9%	19.7%	11.5%	3.3%
Voting day operations	28.3%	33.3%	20.0%	13.3%	3.3%
Vote count and tabulation	37.7%	23.0%	23.0%	6.6%	9.8%
Verification/announcement of results	20.0%	28.3%	23.3%	11.7%	15.0%
Electoral disputes adjudication	23.3%	25.0%	28.3%	11.7%	10.0%

With the exception of electoral calendar implementation, virtually all aspects of the electoral process were viewed as objects of considerable manipulation. The worst affected, according to our respondents, were the election campaign (65.6% viewed electoral fraud, crimes and manipulation to be ‘extremely serious’ or ‘serious’ in this domain, and most of those chose the ‘extremely serious’ option), voting day operations (61.6% viewed misconduct in this sphere to be ‘extremely serious’ or ‘serious’ with responses approximately evenly split between the two labels), and vote count & tabulation (60.7% saw this as an area where voter fraud was ‘extremely serious’ or ‘serious’). It is noteworthy that with the exception of electoral calendar implementation, those opting for the ‘not very serious’ or ‘not at all serious’ responses were in no case greater than 30%.

There were discernable regional variations in these results.<sup>5</sup> Of particular concern to those with knowledge of Africa and the Middle East were: manipulation of the voter registration process, the electoral campaign, and vote count/tabulation. In Asia as in other regions, the election campaign, voting day operations and the vote count/tabulation were seen as particularly problematic. Areas identified as especially problematic by those with experts in Eastern Europe and the Former Soviet Union include: voter registration, the electoral campaign, voting day operations and vote count/tabulation. Interestingly, these experts did not appear to view dispute adjudication as a special problem. Finally, voting day operations and dispute adjudication were identified as areas of concern in the established democracies of Western Europe, North America, Australia and New Zealand as well as those with expertise in Latin America. These regional variations are intriguing and warrant further investigation.

Respondents identified specific forms of electoral malpractice within each phase of the electoral cycle. As noted earlier, such identified incidences of electoral malpractice can be both the intentional and unintentional consequences of a legal and regulatory framework that sets forth the institutional framework, processes and procedures, and enforcement mechanisms (See table 2).

A common thread that ran through the descriptions of legal framework manipulation was the restriction on competition that results from regulations which make it difficult for opposition candidates and parties to gain ballot access. Another common complaint was bias on the part of those who are in charge of running elections, a bias that was in some cases seen as having its origin in the mode of appointment of electoral management bodies (EMBs). In some regions (particularly those more developed), restriction on the participation of eligible electors was also noted as a problem. The manipulation of the legal architecture subtending elections was thus viewed mainly as a means of controlling *who* takes part in elections.

**Table 2: Legal and Regulatory Framework Deficiencies Identified by Survey Respondents**

- Restrictions on candidacy
- Lack of independent EMBs
- Campaign finance system defects
- Lack of clear rules
- Lack of rule of enforcement
- Lack of adequate appeals procedure during voter registration
- Weak institutions for challenging results
- Partisan judiciary

<sup>5</sup> Since the number of respondents with expertise in each of these geographic areas is small, caution needs to be exercised in interpreting these findings.

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Other incidences of electoral malpractice have been categorized both by type – failures or refusals to act, acts of deception, acts of coercion, and acts of destruction – and by electoral cycle phase – electoral calendar implementation, voter registration, electoral campaign, voting day operations, vote count and tabulation, verification/announcement of results, and electoral dispute adjudication. (See table 3).

**Table 3: Incidences of Electoral Malpractice Identified by Survey Respondents**

Category	Electoral Cycle Phase	Illustrative types of Incidences noted
<b>Failures or Refusals to Act</b>	<b>Electoral calendar implementation</b>	Timetable not followed, delays
		Unrealistic timetable
		Manipulation of deadlines
		Partisan EMBs
		Manipulation of districting
		Discretionary implementation of rules
	<b>Voter registration</b>	Manipulation of voter registration qualification requirements
		Restriction on/obstruction of registration of opposition supporters
		Lack of publication of registers
	<b>Electoral campaign</b>	Patronage spending
		Campaign finance abuses
		Breaches of codes of conduct
	<b>Voting day operations</b>	Ballot box stuffing
		Multiple voting
		Polling stations not open on time
		Insufficient polling materials
		Failure to supply polling stations with election material
		Untrained polling staff
		Poor electoral administration
		Carousel voting
		Manipulation of OCV voting
	Manipulation of ballot secrecy	
	<b>Vote count and tabulation</b>	Alteration of results
		Falsification of results
		Addition of fake ballots
	<b>Verification/announcement of results</b>	Failure to verify the results properly
		Lack of transparency
		Premature announcement of results
Delays in announcement of results		
Disputes with EMBs over announcement of results		
Refusal of party agents to sign the results off		
<b>Electoral dispute adjudication</b>	Lack of transparency	
	Refusal of adjudicators to consider claims	
	Unrealistic timeline for claims	
	Lack of timeliness of adjudication	
	Partisan judiciary	
<b>Acts of Deception</b>	<b>Voter registration</b>	Submission of false claims
		Padding of registers (with 'dead souls')
		Duplicate registrations
		Registration of minors
		Illicit removal of names from registers
		Lack of voter education
		Use of fake documentation in registration process
		Intentional (spelling) mistakes in register
		Manipulation of out-of-country (OCV) registration
		Declaration of registration invalid on spurious grounds
Illicit transfer of names between districts		

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Category	Electoral Cycle Phase	Illustrative types of Incidences noted
	<b>Election campaign</b>	Purchase of registration cards
		Abuse of state resources
		Incumbent media domination
		Media bias in favor of incumbent
		Slander
		Use of hate speech
		Misinformation about candidates/party
		Dissemination of false information about electoral procedures
	<b>Voting day operations</b>	Voter impersonation
		Biased electoral observation
		Abuse of state resources
		Illicit campaigning
		Lack of transparency
	<b>Vote count and tabulation</b>	Delays in announcement of results
		Inadequate audit trail
	<b>Verification/ announcement of results</b>	Falsification of results (or results announced differ from those calculated)
Premature announcement of results		
<b>Acts of Coercion</b>	<b>Electoral campaign</b>	Violence and intimidation of voters
		Violence and intimidation of activists
		Violence and intimidation of candidates
		Vote-buying and treating
		Obstruction of opposition campaign
	<b>Voting day operations</b>	Violence and intimidation
		Obstruction of observers
		Illegal transport of voters to polling stations
		Denial of right to vote for women
		Vote buying
		Failure to open polling stations in opposition strongholds
	<b>Vote count and tabulation</b>	Manipulation of access to the polls
		Obstruction of election observers
	<b>Electoral dispute adjudication</b>	Intimidation of would-be complainants
Obstruction of adjudication		
<b>Acts of Destruction</b>	<b>Voting day operations</b>	Polling station capture
		Violence and intimidation
	<b>Vote count and tabulation</b>	Destruction, spoiling of ballots
		Stealing of ballots
	<b>Electoral dispute adjudication</b>	Violent protest

These incidences identified by the respondents are also discussed with initial findings analyzed more fully as they relate to the electoral cycle phase in which they occur:

- Electoral Calendar Implementation:** Most of the survey respondents failed to note problems with Electoral calendar implementation which could be due to the fact that respondents did not see this as a particularly problematic area, or because not all respondents understood what this term included. Of those respondents who did provide comments tended to emphasize efforts by the ruling party (and EMBs acting at the behest of the ruling party) to obstruct opposition campaign activities and to maximize ruling party advantage. One respondent suggested intriguingly that leaders might undertake this type of manipulation if they had lost the appetite for more brazen manipulation of the electoral law.
- Voter Registration:** There are a wide variety of different measures commonly employed to manipulate the voter registration process. It is also evident that many of the same strategies are

employed in different regions of the world. One interesting point to emerge from this question is that the manipulation of voter registration is a strategy available to and used by a wide range of actors, including the incumbent power-holders, but also opposition parties and voters themselves.

- **Electoral Campaign:** There are a variety of strategies employed to manipulate the electoral campaign, and many actors make use of such strategies, including incumbent power-holders, but also opposition forces. The principal tools used to manipulate electoral campaigns tend to fall into one of two categories: (1) the illicit use of resources of various kinds (state resources, private funds, information) and (2) obstruction (violence and intimidation, the obstruction of opposition campaign activities, the obstruction of information dissemination, etc.). In terms of regional variations, violence is a particular concern in Africa and the Middle East, while campaign finance abuse appears to be virtually universal in electoral campaigns across the world.
- **Voting Day Operations:** Techniques in use in the manipulation of electoral procedures in the aim of altering who votes and how they vote vary widely. There are also a large number of different actors engaged in such activities, from parties to EMBs and other state officials as well as voters themselves. There is again an evident tendency for more violent strategies to be employed in Africa and the Middle East, while polling station capture is a technique that appears to be particularly widespread in Asia. There is thus again evidence that the abuse of resources is more common in more developed societies whereas the use of violence more widespread in less developed countries, though reports of election-day intimidation come from all regions of the world, including established democracies.
- **Vote Count and Tabulation:** The abuse of counting and aggregation processes appears to be more tightly controlled by incumbent power-holders and electoral administrators than is the case with polling day operations. In most regions of the world, abuses largely revolve around the direct alteration of vote totals. The lack of transparency can also be a notable problem, as the blatant falsification of results benefits from secrecy. Finally, problems also rest in election staff being compensated financially for committing abuse on behalf of partisan actors.
- **Verification and Announcement of the Results:** Typical problems included lack of transparency, delayed and premature announcements of the results, as well as outright falsification with partisan electoral administrators as the perpetrators of misconduct. However, many respondents who commented on other aspects of the electoral process left this section blank. This suggests that either verification and announcement are seen as less of a problem than other phases of the electoral cycle, or, possibly, that respondents were not always able to distinguish between wrong-doing that occurs during the counting and tabulation processes and that which takes place during verification and announcement.
- **Electoral Dispute Adjudication:** The manipulation of dispute adjudication appears to be a problem in all parts of the world. It is also an aspect of the electoral process in which multiple actors are believed to engage in abuse, including ruling parties and oppositions as well as state institutions. Finally, there is a relative consistency in the techniques employed across world regions, including failure to consider claims, failure to adjudicate claims in time, the submission of false claims and partisan decisions.

### ***Strategies for Reducing Electoral Malpractice***

While no measure clearly stood out as the most effective, there was a tendency to view institutional reforms as a better means of reducing electoral malpractice than other measures. Following such reforms, domestic election observation and measures to protect media freedom appear to also be effective. Voluntary codes of conduct, however, were seen as particularly ineffective, as was international electoral assistance. A summary of responses to this question is presented in Table 4.



**Table 4: Effectiveness of Strategies for Reducing Electoral Malpractice**

Response	Average score on 0-5 scale where a higher score corresponds to greater perceived effectiveness						
	All	Africa and the Middle East	Asia	Eastern Europe and the Former Soviet Union	Western Europe, North America, Australia and New Zealand	Latin America	More than one region
International election observation	2.60	2.72	2.33	2.33	3.33	2.83	2.54
Domestic election observation	2.85	3.06	2.90	2.89	3.33	2.50	2.54
International election assistance	2.12	2.06	2.20	1.63	1.33	1.50	2.92
Reform of electoral legislation	3.16	3.59	3.00	3.13	3.67	2.33	3.00
Reform of the judicial system	2.74	2.94	2.11	2.75	2.50	2.67	3.00
Reform of electoral management bodies	3.47	3.82	2.67	2.89	4.33	4.17	3.46
Voluntary codes of conduct for political parties	1.62	2.06	2.22	1.13	1.33	1.50	1.08
Measures to protect media freedom	2.67	2.67	2.22	1.88	1.67	3.33	3.38
Regime change	2.32	2.53	2.22	2.86	0.33	2.17	2.36
Economic development	2.52	2.76	3.22	1.86	1.00	1.00	3.17

Institutional reforms were generally viewed as most effective by experts on the more developed countries of Western Europe, North America, Australia and New Zealand and Latin America, but also by those whose expertise lies largely in Africa and the Middle East. Not surprisingly, economic development was seen as having little potential by those with expertise in the more developed countries. It is noteworthy that those with knowledge of Eastern Europe and the Former Soviet Union viewed international election observation and international assistance as less able to improve election quality than those whose expertise lies elsewhere.

## Conclusion

It is possible to draw several conclusions on the basis of these findings: (1) the principal motive for electoral malpractice is partisan advantage; (2) wrong-doing often appears to involve collusion between political parties and state actors, especially EMBs; (3) certain types of fraud and manipulation are undertaken largely by and at the behest of the ruling party – electoral legislation manipulation, distortion of electoral calendar implementation, abuse in the counting and tabulation of results, and in the verification and announcement of results; other forms of malpractice involve actions by a wider variety of actors, including those associated with the opposition – voter registration manipulation, electoral campaign manipulation, the abuse of voting day operations and (to a lesser degree) electoral dispute adjudication problems.

It is also evident from these findings that there is variation across world regions in patterns of electoral abuse; it seems that the use of violence is more common on Africa and the Middle East, whereas the manipulation of resources appears to be more common in the more developed democracies of Western Europe and the Americas. That said, there is also a striking consistency across the world in the underlying range of tactics employed to undermine democratic electoral processes. This suggests that a general toolkit for reducing malpractice would be useful in many different settings.