

Analysing the Impact of Election Administration on Democratic Politics¹

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The establishment of an Electoral Commission in Britain with fairly broad powers (and the scope for an enhanced role in the future) follows the world-wide trend of moving away from elections solely administered by governmental departments to elections being run by relatively independent and autonomous bodies.

This is a normative good, and it highlights the growing recognition of the fact that election administration (especially in emerging democracies, but certainly also elsewhere) is a highly important and understudied aspect of democratic politics. Good administration – perceived by all stakeholders to be efficient, legitimate, and unbiased – facilitates the wide acceptance of election results. However, when the administration is flawed or perceived to be partisan, criticism of how the elections were run is usually the first refuge of the losers.

Some of the most important questions revolving around elections today fall in the field of administration. How does the way in which an election is administered affect the legitimacy of the results and the resulting democratic consolidation or enhancement? How should electoral management bodies – EMBs – be analysed? Further, how might one approach the nebulous concept of election administration quality?

Some scholars have made a distinction between different EMB models (Pastor, 1999a; b; López Pintor, 2000), while others (Choe, 1997) have restricted themselves to distinguishing between governmental and independent bodies. Perhaps the trichotomy suggested by López Pintor (2000: 13) is the best way of categorising EMBs for analytical purposes. The three categories suggested by López Pintor are:

1. An office or agency within the Civil Service or government structure, most often in the Ministry of Home Affairs (or its equivalent). This model is primarily found in older democracies in Western, industrialised countries (the least numerous category).
2. A model similar to (1) but under some supervisory authority (the second most numerous category), and
3. A more or less independent and self-contained electoral management body (often termed Electoral Commission). This form of EMB is usually established under a board of directors with an implementing secretariat under a Chief Electoral Officer (or the equivalent). This construction is found most often in new democracies but also in some established democracies; e.g., Canada and India. The Australian

Commission described by Michael Maley elsewhere in this issue is a fine example of successful autonomy and independence (there are several variations on this form of EMB, which covers a little more than half of all cases).

As Justin Fisher outlines in this issue, the new British Electoral Commission is something of a mixture of categories 2 and 3: More supervisory than administrative, but relatively independent and self-contained. The Commission is responsible for the drawing of electoral boundaries, the registration of parties and campaign advertising/broadcasting standards. It will also play a role in regulating election spending and promoting public awareness of electoral matters. In sum, it will be supervisory in certain areas, but in taking over the functions of the previous boundary commission it will also possess significant administrative functions.

When comparing the new British commission to electoral bodies elsewhere in the world one needs to take into account contextual social and political factors as well as the internal functioning of the electoral administration. The degree of political stability and acceptance of elections as a mechanism for processing conflict vary widely between established and emerging democracies. In some countries even a fully functioning and appropriate EMB will clearly not be enough to ensure electoral legitimacy, but the internal set-up of EMB's can nevertheless help promote democratic success. The following five aspects of electoral management bodies are particularly pertinent in this regard:

- EMB organisational structure

The organisational characteristics of the EMB have a considerable bearing both on the electoral process and on the results of that process, as demonstrated by Michael Maley in his paper on the experiences of the Australian Commission. How is the relationship between commission and head of staff regulated – what is the day-to-day reality? Are commissioners on good terms among themselves so that they can work as a group, or do internal tensions surface from time to time? Such questions are particularly pertinent if the commission is composed of representatives of the political parties running for office, but also in situations where commissioners may feel some kind of commitment towards some of the political actors – or are seen by others as having such attachment. A similar problem exists when commission members are appointed as representatives of ethnic groups.

- The EMB's degree of independence from the political forces

A perceived (or real) lack of independence, often raised as an issue by unsuccessful electoral contestants in need of a scapegoat, is sometimes so serious that it taints the legitimacy of the entire electoral process. Elections in Kenya have been a particularly evident case in point (Barkan, 1993; Macrory, Elklit, and Mendez, 1992; Throup and Hornsby, 1998; Barkan and Ng'ethe, 1998). Evidently, 'degree of

independence' is a difficult variable to measure, as the necessary evidence is only rarely available for public scrutiny. Perceptions about EMB independence are in any case almost as important as the actual, but indiscernible, level of independence, for perceptions might also be the basis for actions and counteractions of political actors at all levels.

- Internal EMB motivations

Narrow organisational interests can also play a role. These include the interest of commissioners and staff in seeing their organisation prosper and grow, with more staff, more resources, better facilities, more successes – even at the cost of other organisations. This leads to an organisational interest in taking over functions that might just as well be handled by other state agencies, such as the issuing of identity cards, the education of voters, the delimitation and mapping of constituencies, the publication of electoral statistics, etc. New commissions with as yet undefined roles are particularly susceptible to conflicts of this sort. If the new British commission is unclear as to the full range of functions it may eventually assume, and if its remit is somewhat hazy, then disputes might arise between commission and government down the line.

- EMB staff motivations

Individual interests also play a role. There is abundant potential for disagreement over salaries, *per diems*, sitting allowances, other benefits, working hours, etc. The pursuit of such interests can compromise the organisation's ability to perform its management and delivery functions, especially when budgets are restricted and timelines tight.

- EMB transparency

The level of transparency is another factor that is important but often overlooked in analyses and comparisons of EMBs. When parties and voters are given insight into what goes on and the basis for decision-making, they tend to accept EMB decisions more willingly. In Ghana (1996) and South Africa (1994 and 1999) an open policy of information did contribute substantially to the acceptance of the results – and therefore also to the high level of legitimacy (Ayee, 1998; IEC, 1994). Conversely, the Kenyan Electoral Commission's policy in 1992 of non-transparency contributed markedly to the low level of acceptance of that commission's work.

Framework for systematic evaluation of electoral process and administration

| Steps in electoral process | Important elements in step | Provision in case country | Outputs of process | Indicators of performance | Elements to look at to gauge effectiveness/success of step |
|--|---|--|--|---|---|
| 1. Legal framework | <ul style="list-style-type: none"> Constitutional/legal basis Rules & regulations Seat allocation system | <ul style="list-style-type: none"> | <ul style="list-style-type: none"> Written rules in constitution, statutory law, and regulatory law | <ul style="list-style-type: none"> Elections held and on time Wasted votes Least-squares indices* ENEP/ENPPT | <ul style="list-style-type: none"> Is legislation easily available and understandable? Perceived legitimacy of electoral system? |
| 2. Election management | <ul style="list-style-type: none"> EC appointment and independence, including terms of tenure Commission/administration relationship Allocation of resources | <ul style="list-style-type: none"> | <ul style="list-style-type: none"> Functioning EC | <ul style="list-style-type: none"> EC activities Consumption of resources | <ul style="list-style-type: none"> Perceived legitimacy/acceptance of EC by parties & voters Adequacy of resources allocated Accessibility/transparency |
| 3. Constituency and polling district demarcation | <ul style="list-style-type: none"> Relevant body identified and active Principles for delimitation identified Rules about automatic periodical revision Adequate resources available Rules for handling complaints in place | <ul style="list-style-type: none"> | <ul style="list-style-type: none"> Identifiable constituencies (in accordance with the electoral system chosen) and registration and polling districts | <ul style="list-style-type: none"> Accessibility of information about constituencies and lower level districts Malapportionment Compactness Geographical sensitivity Communities of interest | <ul style="list-style-type: none"> Are the boundaries accepted? Are they temporally sensitive? |
| 4. Voter education | <ul style="list-style-type: none"> Timing Quality Outreach Adequate resources available Relationship between EC efforts and efforts by parties and NGOs | <ul style="list-style-type: none"> | <ul style="list-style-type: none"> Voter education sessions conducted % voters exposed to voter education (related to literacy rates and previous voting experience) | <ul style="list-style-type: none"> % of ballots spoiled or invalid Resources per capita spent (related to literacy rates and previous voting experience) | <ul style="list-style-type: none"> Scope/extent/penetration into marginalised communities Adequacy of resources allocated Are voter education efforts by various groups complementary or overlapping? |
| 5. Voter registration | <ul style="list-style-type: none"> Automatic or voluntary registration Appointment and training of registration personnel Adequate time for registration and access to registration stations Rules for public scrutiny of voters' register Complaints procedures | <ul style="list-style-type: none"> | <ul style="list-style-type: none"> Registered voters Co-ordination of voter register with polling districts | <ul style="list-style-type: none"> Registration/VAP+ Pattern of registration/VAP across regions, ethnicity, gender, age, etc. No. of complaints filed % of complaints processed prior to issuance of final voters' register | <ul style="list-style-type: none"> Level of registration Equality of registration across the country Complaints procedures |
| 6. Access to, and design of, the ballot: Nomination of parties and candidates | <ul style="list-style-type: none"> Registration of parties/candidates Rules about independent candidates Mechanisms for ballot paper access Ballot paper design | <ul style="list-style-type: none"> | <ul style="list-style-type: none"> Parties and candidates registered and nominated for participation in the election | <ul style="list-style-type: none"> % of parties registered of those who in good faith sought registration % of candidates nominated of those who in good faith sought nomination Disputes over ballot paper design/spoil ballots | <ul style="list-style-type: none"> Is access to the ballot inclusive of the diversity of political opinions? Were parties and candidates rejected for no obvious, legal reason? Acceptance of ballot paper design? |

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| <p>7. Campaign regulation</p> | <ul style="list-style-type: none"> • Spending rules • Public funding of party expenditures/campaign costs • Access to public media • Rules for meetings/rallies • Codes of conduct • Rules for handling of violations of code of conduct and campaign regulations | <ul style="list-style-type: none"> • Political parties and candidates having media access to the electorate • A code of conduct, which is accepted by political actors | <ul style="list-style-type: none"> • Air time allocated to and used by the political parties and the independent candidates • No. of substantiated complaints about violations of campaign regulations, spending rules etc. | <ul style="list-style-type: none"> • Acceptable distribution of public campaign funding, if any? • Do funding laws facilitate a level playing field? • Reasonable equal access to public media? |
| <p>8. Polling</p> | <ul style="list-style-type: none"> • Plan for distribution and location of polling places • Appointment and training of polling station personnel • Procurement of polling material • Polling observation by representatives of political parties and candidates as well as by local and international organisations • Security and integrity of polling • Clear rules for assistance to incapacitated voters | <ul style="list-style-type: none"> • Unhindered and reasonable access to voting for all voters | <ul style="list-style-type: none"> • Turnout as vote/registration • Turnout as vote/VAP • % of polling stations operating • % of polling stations which lack integrity • % of constituencies (wards/polling stations) where polling was invalidated • % of re-run elections • % of first-time voters who turned out to vote | <ul style="list-style-type: none"> • Are polling places in place? • Do they function in accordance with their expected role? • Do they function adequately? • Are polling station personnel able to fulfil their role? • Are polling places secure? • Are procedures for observation functioning? |
| <p>9. Counting and tabulating the vote</p> | <ul style="list-style-type: none"> • Counting procedures established (including whether to count at polling station level or at counting centres) • Availability of counting results to party agents and others at the lowest level of counting immediately after completing the count • Access for interested parties to observe the count and request a recount | <ul style="list-style-type: none"> • A complete count of the vote, aggregated according to relevant rules and needs • A complete list of persons elected | <ul style="list-style-type: none"> • No. of complaints • No. of individual recounts undertaken • Time elapsed before the conclusion of the count and announcement of results • Incidence of incorrectly allocated seats | <ul style="list-style-type: none"> • Are ballot papers counted in accordance with the law (including regulations about what constitutes an invalid ballot)? • Are special ballots assessed on their merits? • Is the count conducted without undue delay? • Are observation rules followed? • Are interested parties provided with a copy of the counting tallies? |
| <p>10. Resolving election related disputes and complaints. Verification of final results. Certification</p> | <ul style="list-style-type: none"> • Provisions for a special electoral court and/or adjudication system • Time limits for handling election disputes and complaints • Verification of the final results • Certification of the election | <ul style="list-style-type: none"> • Settling of all election related complaints and disputes not handled by the EC and the electoral administration • Verification of the election • A certification decision | <ul style="list-style-type: none"> • No. and nature of complaints • % accepted • Time elapsed before the last complaint or electoral court case is settled • Elected body having its first meeting at the time foreseen in legislation (if any) | <ul style="list-style-type: none"> • Is an adjudication system available? • Are electoral court cases and complaints handled efficiently and without undue delay? • Does verification follow the guiding law? |
| <p>11. Election result implementation</p> | <ul style="list-style-type: none"> • Procedures for taking office | <ul style="list-style-type: none"> • Seats filled in accordance with results | <ul style="list-style-type: none"> • % of seats not taken by those properly elected | <ul style="list-style-type: none"> • Why do elected candidates not take office? |
| <p>12. Post-election procedures</p> | <ul style="list-style-type: none"> • Provisions for publication of election results at all levels of election administration • Election management body subject to ordinary accounting | <ul style="list-style-type: none"> • Easily accessible and well documented election statistics • Accounting reports | <ul style="list-style-type: none"> • Time before electoral statistics are publicly available • Statement by accountants | <ul style="list-style-type: none"> • Are election results (at all levels) made available to all interested parties and persons without delay? |

Key to abbreviations: * Least-squares indices (LSQ Ids) = used as an indicator of the degree of disproportionality/proportionality in an electoral system.

+ ENEP/ENPP = Effective number of electoral parties/effective number of parliamentary parties.

VAP = Voting age population.

Seeing elections as multi-stage processes

Following Kimberling (1991), we find it useful to subdivide the electoral process into twelve basic steps, which are both systematic and largely chronological. These twelve steps can also be used as a framework for studying and comparing electoral processes and election administration under different political conditions in different parts of the world.

For this purpose we divide most steps into a number of elements which can be as many as six. For the purpose of systematic analysis and comparison of electoral processes and the impact of election administration, each element must be precisely operationalised and the election management system's performance measured. As a minimum, one should at least be able to say if the performance is satisfactory in relation to a particular element. The table on pages 6-7 presents our framework for the systematic evaluation of electoral administration and the electoral process. The framework is intended to be general, so it can be used as a basis for scrutinising the work of election management bodies in all kinds of elections and all kinds of democratic and non-democratic regimes.

The first two columns of the table give the twelve basic steps in the electoral-administrative process as well as the 47 elements into which we subdivide these steps. The fourth column seeks to identify the specific outputs of each step, that is, it identifies the immediate, identifiable objective of the particular activities. The fifth column lists the various indicators of performance one might study, while the sixth and final column identifies indicators for gauging the effectiveness – or the success – of the various steps and the explanatory factors related to each of them. The formulations and terminology of the table – as well as its specific content – will probably continue to be a matter of discussion and challenge, but we believe we have identified the crucial elements.

One striking feature of the table is that what many see as the quintessential act of elections – polling itself – is only Step 8. This illustrates that the eventual outcome of the polling process depends on the way in which the seven preceding steps have been conducted. This fact has only recently begun to be understood by democratisation support policy-makers and election advisors, and the same holds true for the election monitoring industry. Indeed, having a level playing field in place well in advance of polling is a decisive element in achieving something that might look like a free and fair election (Elklit and Svensson, 1997; Boneo, 2000).

The evolution and construction of the Australian Commission and the way in which it functions demonstrates how far it is possible to go if the difficulties facing electoral administrators are well understood and there is a willingness to solve them. The law in which the new British commission is rooted suggests it has the potential to become a very important body. But assuming responsibility in a polity as old and traditional as the British requires a high degree of support from the other institutions within the Westminster system.

Conclusions

The administration of elections has a dramatic impact upon democratic legitimacy in new democracies, but even in established democracies election administration quality is potentially a crucial factor. We are convinced that the establishment of independent electoral commissions can significantly affect the dynamics of the political process. We also claim that policy formulation and design as well as implementation behaviour are of paramount importance for the actual conduct of elections and the election management quality achieved. They are also vital in shaping perceptions of electoral process, and thus for the broad legitimacy of the election process. If it is successful, the new British commission will no doubt enlarge its role, and decisions now taken by ministers, civil servants, and local government officers will begin to be taken by election commissioners and their staff.

Election management is a complex cluster of variables that need to be integrated into future studies of democratisation. This means that in-depth studies and analyses of individual electoral processes and their administration are needed to validate and enrich the broader comparative studies of democracy and electoral legitimacy. We strongly believe that the preliminary model we offer here is a useful starting point for researchers and practitioners alike.

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Note:

- 1 For an elaborated discussion of the study of electoral administration, see Jørgen Elklit and Andrew Reynolds (2000) 'The Impact of Election Administration on the Legitimacy of Emerging Democracies: A New Research Agenda,' (University of Notre Dame, Kellogg Institute Working Papers in International Studies No. 281).

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