

Institution: University of Essex
Unit of Assessment: 21 – Politics and International Studies
Title of case study: Reducing electoral corruption in new and established democracies
<p>1. Summary of the impact</p> <p>Essex research on electoral administration has informed the development of practical measures to reduce electoral corruption in a number of different countries. Work led by Professor Sarah Birch has contributed significantly to promoting good practice in elections both in the UK and in a number of new and semi-democracies. In the UK, Birch's research played an important role in shaping the Electoral Administration Act 2006, which led to a significant reduction in postal voting abuse in the 2010 General Election. In Macedonia, Birch's research was used to inform a UN Development Programme project on proxy voting that fed directly into strategy documents from the State Election Commission and a Code of Conduct signed by all parties. Following the project, 'family voting' in Macedonia declined 17 per cent in the 2011 parliamentary elections. Birch extended her work in a series of training projects on parliamentary strengthening in Lebanon and Mozambique as part of a £5 million programme funded by DFID and the FCO and implemented through the Westminster Foundation for Democracy. In addition, her research regularly informs the practical work of various international organisations involved in the organisation and monitoring of elections.</p> <p>2. Underpinning research</p> <p>Birch studied electoral administration and electoral malpractice in the Department of Government at the University of Essex between 2000 and 2013, where she was successively Lecturer, Senior Lecturer, Reader, and Professor. Her research programme involved a constant interaction with policymakers, with the early findings of her research informing the policymaking process, both in the UK and internationally. These interactions with policymakers, in turn, informed her major publications in this field, most notably <i>Electoral Malpractice</i> (2011). The corpus of work presented in Section 3 summarises the results of her developing work over the period. It shows the ways in which electoral corruption can occur in 'advanced' as well as in new democracies and recommends clear, practical strategies for countering such malpractices.</p> <p>One of the main focuses of Birch's research on electoral malpractice has been ballot secrecy, which is a key human right, enshrined in numerous international legal instruments including the European Convention on Human Rights (ECHR). Indeed, ballot secrecy and freedom from torture are the only rights in the ECHR from which there can be no derogation. Protection of this fundamental right is essential for ensuring a healthy democracy. However, there have been cases where the right to ballot secrecy has been seen to conflict with other values and aims. Birch's research has focused on ways in which these concerns can be addressed while also maintaining ballot secrecy, even within the confines of close relations such as the family.</p> <p>Birch's research on family voting identified the legal and normative importance of the secret ballot, even within the domestic context. The research showed that patriarchal power relations among family members in some cultures can undermine ballot secrecy by pressuring female family members to reveal their vote choice to male family members (typically fathers) and/or allow male family members to vote on their behalf. The research explored the social and political dynamics of this problem: female family members tend to prioritise their domestic roles over their civic roles, so while they may be reluctant to allow male family members to vote on their behalf, they may be in a position where, for psychological, economic and cultural reasons, they cannot afford to prioritise their civic duty to safeguard the secrecy of their vote. This makes them vulnerable to abuses of ballot secrecy, which they may collude in enabling. Family voting can occur both through postal voting where it is conducted in the privacy of the home or, in some cases, in the polling station where family members may enter the polling booth together.</p> <p>Much of Birch's work has focused on elections and electoral (mal)practices in the UK and in emerging democracies. In 2004 Birch produced an article for <i>Political Quarterly</i> (co-written with an Essex lawyer, Bob Watt) that considered family voting in the context of remote electronic voting and postal voting. This paper highlighted the potential problems with remote voting, including the loss of ballot secrecy and the possibility of undue influence. Birch and Watt argued that away from the secrecy of the polling station there was greater potential for malpractice and that attempts to</p>

introduce widespread remote voting methods in England should be brought before the courts. The paper was submitted as written evidence to the House of Commons Office of the Deputy Prime Minister: Housing, Local Government and the Regions Select Committee Inquiry into Postal Voting. Birch remained in close contact with policymakers and, as described below, the key recommendations of the paper were incorporated into legislation in 2006.

Birch's work, however, has always been concerned to explore empirical applications beyond the UK. Her work has been genuinely and extensively comparative (Birch 2007, 2008, 2010). As part of a British Academy-funded project, in 2007 Birch produced a dataset on electoral malpractice in new and semi-democracies. This dataset, which has been regularly updated since 2007, was developed using an Index of Electoral Malpractice (IEM) that involved the coding of election observation reports along 15 indices. This quantitative method enables comparison between states and comparison within a state over time. Following from her analysis of elections in a large number of states, Birch has also produced a typology of electoral malpractice (Birch, 2011). This typology is not only a useful academic heuristic for understanding malpractice, but it also serves as a means of categorising malpractice in the field and, crucially, of evaluating actual cases of malpractice.

3. References to the research

Birch, S. (2003) *Electoral systems and political transformation in post-communist Europe*. Basingstoke, UK: Palgrave Macmillan. ISBN 0333987659

Watt, B. and S. Birch (2004) Remote electronic voting: Free, fair and secret? *Political Quarterly*, 75: 60-72. DOI: 10.1111/j.1467-923X.2004.00572.x

Birch, S. (2007) Electoral systems and electoral misconduct. *Comparative Political Studies*, 40: 1533-56. DOI:10.1177/0010414006292886

Birch, S. (2008) Electoral institutions and popular confidence in electoral processes: A cross-national analysis. *Electoral Studies*, 27: 305-20. DOI:10.1016/j.electstud.2008.01.005

Birch, S. (2010) Perceptions of electoral fairness and voter turnout. *Comparative Political Studies*, 43: 1601-1622. DOI:10.1177/0010414010374021

Birch, S. (2011) *Electoral malpractice*, Oxford: Oxford University Press. ISBN 0199606161

Dataset

Electoral malpractice and electoral manipulation in new and semi-democracies (first published 2007): <http://www.essex.ac.uk/government/electoralmalpractice/data.htm>

Research funding

Birch, S. *Explaining electoral malpractice in new and semi-democracies*. British Academy, 01.04.07 to 31.3.08, £7,256.

Birch, S. *Implementation of electronic voting*. European Commission (via De Montfort University), 01.08.01 to 31.03.02, £12,950.

4. Details of the impact

Birch's work on electoral malpractice has had documented impacts in various geopolitical contexts, including the **UK, Macedonia, Mozambique, and Lebanon**. In addition, Birch's work regularly informs the work of various **international organisations** involved in the organisation and monitoring of elections.

Impact in the UK

The Select Committee Inquiry into Postal Voting incorporated findings from Birch and Watt's (2004) paper, including the analysis of the threat of close personal influences on vote choice, into its report. The report explicitly cited Birch and Watt's argument about the loss of secrecy leading to the possibility of a market for votes developing [corroborating source 1]. The Government accepted the findings of the report and this led to the drawing up of a White Paper and a change in the law in 2006 on postal voting. Part 14 of The Electoral Administration Act 2006, which came into force in 2007, included the introduction of stricter measures to prevent the abuse of postal vote fraud through the requirement, among other things, of individual voter signature and signature verification for postal voters, and this has led to a reduction in the abuse of postal voting since its introduction.

The major impact in the UK of Birch's research has been its contribution to the reduction of postal-voting fraud. This was most evident in the 2010 General Election – the first opportunity for the new measures to be in force at a national election. There is clear evidence that postal vote fraud decreased considerably after the introduction in 2007 of the new laws that Birch and Watt's research helped to inform. First, the Electoral Commission itself is convinced that the measures of

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the 2006 Act improved electoral integrity and provided a deterrent to fraud. Analyses of elections held in 2008, 2009 and 2010 confirmed that since the passage of the Electoral Administration Act 2006 there has been no repeat of postal vote abuse on the scale encountered prior to that time [corroborating source 2]. Second, official statistics from the 2010 General Election show that the absolute number of ballots rejected under the new system was 220,000 or 3.8% of the total postal votes cast [3]. This compares with 2.5% of postal votes that were rejected in the 2005 General Election. Whilst the number of ballots rejected is undeniably far larger than the number of voters seeking to commit fraud, the reduction in ballot fraud between 2005 and 2010 demonstrates that more stringent checks were being made and postal voting was held up to greater scrutiny in the 2010 election. A useful by-product of these changes was the considerable increase in voter confidence in electoral integrity. In 2005 research found that 46% of the population believed postal voting to be unsafe; by 2011, this figure had dropped to 20% [4].

Impact in Macedonia

The most significant direct impact of Birch's research on the threat of family members to ballot secrecy has been on policymaking and electoral administrative practice in Macedonia. In its report on the 2006 parliamentary elections, the Organisation for Security and Co-operation in Europe (OSCE) reported that the practices of illegal proxy, family and group voting were "widespread". Birch's work helped to reduce family voting in the 2011 Macedonian parliamentary elections.

In March and April 2007, Birch served as a consultant on a United Nations Development Programme project entitled 'One Voter – One Ballot: Addressing Proxy and Family Voting in Macedonia'. She was engaged in this project at the initial stages, and her role (as part of a three-person team of experts) was to use her research expertise to help design a strategy for reducing illegal proxy and family voting to be implemented as part of the three-year UNDP project. This involved specifying the types of family members who were most likely to be vulnerable and those who were most likely to be culpable of abuse, clarified the nature of the problem, and helped to identify this problem as a serious breach of international human rights commitments.

The project in turn funded a number of civil society initiatives and training programmes for electoral administrators. It also fed directly into the State Election Commission of Macedonia's 'Strategy Against Family and Proxy Voting of the State Election Commission', published in 2010, which mentions the influence of the UNDP project explicitly on three occasions (pp. 7, 11, unnumbered Annex), demonstrating that the project played a central role in the development of this policy instrument [5]. The project was also influential in drawing attention to the problem of proxy voting, such that efforts to eliminate it figured prominently in the National Democratic Institute-sponsored Code of Conduct signed by political parties in advance of the 2011 elections held on 5 June 2011 [6].

The report and the associated strategy had, in turn, a direct impact on the practice of family voting in the Balkan republic. The OSCE's official report documented that the practice declined 17% in subsequent parliamentary elections in June 2011 [7].

Impact in Lebanon and Mozambique

Birch was engaged in a series of training projects on parliamentary strengthening in which her work on electoral malpractice and democracy in general formed much of the substantive content. The projects were part of a larger £5 million programme on parliamentary strengthening and democracy funded by the Department for International Development (DFID) and delivered by the Westminster Foundation for Democracy between 2008 and 2013. Birch delivered her training in Lebanon (itself governed by a complicated and confessional system of representation across its many religious groupings) and Mozambique, a country which features in her Index of Electoral Malpractice dataset and which she addresses in *Electoral Malpractice* (2011).

The aim of the programme was to assist parliamentary staff in understanding the role of parliament in modern democracy, how elections convert votes to seats, and how the population of a parliament as well as its dispatch of legislative functions must be based on free and fair electoral procedures. The final report for the programme submitted in late summer 2013 claims that "One of the major achievements of the global TWC programme is the establishment of Parliamentary Study Centres (PSCs) in Uganda, Mozambique and a regional Arab Institute for Parliamentary Training and Legislative Studies (AIPTLS) in Lebanon" [8]. Birch's work contributed to the development of the centre in Lebanon, while she was able to share her insights about electoral malpractice in Mozambique with the Parliamentary Studies Centre in the parliament building in Maputo.

Contributing to the work of international organisations

In October 2012 Birch gave a presentation to the European Parliament's Directorate-General for External Policies of the Union workshop on 'The situation in Ukraine ahead of the 2012 parliamentary elections and the preparation for these elections'. The presentation drew heavily on her research, most notably a case study on the country in *Electoral Malpractice* (2011), and addressed both the background to the electoral system and the contemporary issues in Ukraine. Her presentation focused largely on the problems of malpractice and the measures taken to ensure free and fair elections [9].

Birch's work is cited regularly in the publications and presentations of major international organisations. For instance, a 2011 Overseas Development Institute paper on electoral systems relies heavily on Birch's work in its analysis of electoral malpractice, especially her dataset on new and semi-democracies [10]. In addition, a July 2012 presentation from Andrew Ellis, Director for Asia and the Pacific at the International Institute for Democracy and Electoral Assistance, drew on Birch's research. This presentation expounds what Ellis terms "the Birch methodology" and addresses how Birch's categorisation of malpractice can be applied. He cites how Birch's Index of Electoral Malpractice has been used by the Papua New Guinea Election Study to code the reports of domestic electoral observers [11].

5. Sources to corroborate the impact

All documents are available from HEI on request.

- [1] House of Commons ODPM: Housing, Planning, Local Government and the Regions Committee, *Postal Voting Seventh Report of Session 2003–04, HC 400–I*. See p. 35.
<http://www.publications.parliament.uk/pa/cm200304/cmselect/cmmodpm/cmmodpm.htm>
- [2] The Association of Chief Police Officers and the Electoral Commission (2010) Analysis of cases of alleged electoral malpractice in 2010. London: The Electoral Commission.
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0013/109012/Integrity-report-FINAL-no-embargo.pdf
- [3] The Electoral Commission (2010) Report on the administration of the 2010 UK General Election. London: The Electoral Commission. See p. 49.
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0010/100702/Report-on-the-administration-of-the-2010-UK-general-election.pdf
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- [6] National Democratic Institute for International Affairs (2011) Code of conduct for free and fair parliamentary elections: Macedonia 2011. NDI Macedonia <http://www.ndi.org/macedonia-2011-code-of-conduct>
- [7] Organisation for Security and Co-operation in Europe (2011) The Former Yugoslav Republic of Macedonia early parliamentary elections 5 June 2011: OSCE/ODIHR election observation mission final report. Warsaw: OSCE. See p. 15.
- [8] Delta Partnership (2013): Strengthening human resource development in southern parliaments: Final evaluation of the programme of the Westminster Consortium. See p. 24.
- [9] European Parliament Directorate-General for External Policies of the Union (2012) The situation in Ukraine ahead of the 2012 parliamentary elections and the preparation of these elections. Workshop: 11.10.12. http://www.iris-france.org/docs/kfm_docs/docs/observatoire-pol-etrangere-europe/workshop-31-10-2012-est78655.pdf
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<http://www.odi.org.uk/publications/6057-electoral-systems-incentives-governance>
- [11] Ellis, A. (2012) The cycle of electoral manipulation and its links to electoral justice systems. Presented at Challenges to Electoral Integrity Pre-IPSA Workshop, Madrid, 7 July 2012.
<http://www.idea.int/resources/analysis/the-cycle-of-electoral-manipulation-and-its-links-to-electoral-justice-systems.cfm>