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1

Election Administration and Electoral Studies: Theories, Frameworks and Anomalies

Introduction

For the ancient institution of democracy, 26 February 2007 was a historic day. At 9 a.m. that day, voting began in the parliamentary elections in the small East European state of Estonia. These elections were unique. It was the first time that *binding parliamentary* elections had ever been held through the Internet. Six days before the polls opened as normal, citizens were able to cast their vote from the comfort of their own home using their PC, an electronic smart card reader, their national identity card and a password which had been sent to them. Over 30,275 people did so – about one in 30 registered voters. Internet voting had been tested before in Estonian local elections in October 2005 and other countries had held pilots, but this time the e-votes cast would determine the composition of the national parliament, and the balance of power within Estonia. The public reaction to this historic day appeared positive. A 24-year-old IT worker described the process as being ‘pleasant and simple’. Speaking to a TV news network he said, ‘I moved quite recently so I am still registered in my old home town. This means that to have voted, I would have had to return home’ [*sic*] (Cowan, 2007). Tarvi Martens from the National Electoral Committee which organised the election was the Project Manager of i-voting. According to him, ‘internet voting is [here] to stay ... there is no way back’ (Martens, 2007). Academic observers suggested that the scheme did appear to work well, but this was due to the small size of the state, the high degree of centralisation and the less partisan nature of elections (Alvarez, Hall, and Trechsel, 2009).¹ A citizen casting a ballot paper, in person, at a polling station has been an emblematic image for

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democracy. The innovations in Estonia suggested that this image was under threat.

Estonia at the turn of the twenty-first century represents a case of rapid reform. Estonia is not alone, however. Around the world the way in which elections are run is being changed, or subjected to a new critical review. Radical reforms or experiments have been introduced replacing procedures which have often been in place since the nineteenth century. Brazil and India have introduced electronic voting terminals. Other electronic pilots have taken place in France, the Netherlands and Switzerland. Reforms do not always involve new technology. The UK intends to introduce individual rather than household registration by 2014. In the US voter identification laws have proliferated since 2000. Patterns of change, however, have been uneven and not uniform. Some countries have been sluggish to introduce reform and keen to maintain procedures for much of the twentieth century. So why does reform occur? What explains the choice of election administration?

Electoral laws and institutions are not neutral. They advantage some individuals, groups or interests and disadvantage others (Grofman and Lijphart, 2003; Rae, 1967). If elites are proactive in picking and choosing the rules which govern elections for partisan gain, then it follows that there are consequences for the legitimacy of democracies. How and why electoral laws change is, therefore, central to who has power in the state and Dahl's (1961) question of *'Who Governs?'* There have been some popular and academic claims that politicians have sought to bring about or prevent changes to election administration. Whether political elites strategically manipulate election administration for partisan interest has not been explored in a comparative context, however. Some have accepted the rhetorical claims from politicians' claims that reforms have been introduced to 'save democracy', 'modernise elections' or 'reduce fraud'.

The book attempts to address this gap. It seeks to establish how, when and why the reform of election administration has been led by partisan political interests. The book advances a theoretical model for understanding change in electoral institutions by re-developing the statecraft approach, originally outlined by Jim Bulpitt (1986). This is argued to be a useful organising perspective for understanding change which may offer insights into the reform of other political institutions. This introductory chapter explains what election administration is, why it is important and identifies a number of schools of thought which have sought to explain why it has been reformed.

The understudied domain of election administration

Clearly, before we can begin we require a lucid definition of election administration.² This research area has been the subject of limited academic attention until recently and consequently an operational definition is needed to identify the domain of enquiry for this book. Election administration is *the administrative procedure used for casting votes and compiling the electoral register*. This includes the times available to vote; whether postal, in-person or electronic ballots are used; whether citizens can register online and whether they require photographic identification to do so. As Louis Massicotte et al. note, there is ‘no unique way to conduct free and fair elections’ (Massicotte et al., 2004: 158). While some countries require citizens to provide photographic identification to vote, others do not. While some countries allow electors to post their vote, others make them visit a polling station in person. While some countries update their electoral register³ on a continuous basis, some only update them every electoral cycle.

Election administration is therefore a discreet area of electoral institutions. As Table 1.1 suggests, it can be distinguished from a range of other categories of electoral laws/regulations such as those covering electoral systems, suffrage legislation, electoral boundaries, party finance, ballot initiatives and electoral governance.

The importance of election administration

Election administration may seem like a parochial and unimportant topic for both political science and contemporary politics. When researchers have sought to understand why electoral institutions change they have focused on electoral systems, because these are seen as ‘meta-constitutional’ aspects of the constitution (Flinders, 2009: 19). As a result it has seen less academic attention than the other aspects of electoral rules in Table 1.1. Why is election administration so important?

Firstly, as problems in a number of high-profile elections testify, administrative errors in election administration can compromise faith and trust in democratic institutions. Most famously, in the 2000 US Presidential election, problems with the design of the ballot in one area of Florida caused voters to inadvertently cast their ballot for the wrong candidate. Elsewhere in the state, huge numbers of ballots were rejected because administrators were not able to agree whether the punch card machine had adequately marked their ballot. Later American elections,

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Table 1.1 Aspects of electoral institutions

Category	Broad scope	Example key works
Election administration	The administrative procedures used for casting votes and compiling the electoral register.	Piven and Cloward (1988b, 2000); Massicotte et al. (2004) Wolfinger and Rosenstone (1980)
Suffrage legislation	The criteria for who is legally enfranchised to vote.	Uggen and Manza (2002)
Electoral boundaries	The number, shape and size of electoral constituencies.	Handley and Grofman (2008)
Electoral finance	The rules for how political parties are funded in elections.	van Biezen (2004)
Electoral systems	The formulae for rules how votes are converted into seats.	Rae (1967), Farrell (2011), Renwick (2010)
Ballot initiatives	The circumstances under which referenda can take place on a policy issue and/or citizens can remove an elected representative from office.	Parkinson (2001), Qvortrup (2005), Schlozman and Yohai (2008)
Electoral governance	The institutional legal-political <i>regulation</i> of electoral institutions. For example, does an independent electoral commission exist? Does it run or just regulate elections? Or does no such body exist?	Mozaffer and Schedler (2002), Hartlyn et al. (2008) Lopez-Pinter (2000)

such as the Presidential election in Ohio, revealed other controversies (Fitrikis, Rosenfeld, and Wasserman, 2006). Bruce E. Cain et al. recently cited a 2006 survey in the US which revealed the levels of distrust in elections. Some 32 per cent of unregistered voters had little or no confidence that their vote would be accurately cast if they were to have voted in the November election of that year. Nor should we think this to be a purely American problem.

Secondly, some procedures *systematically* make fraud more likely. For example, in the UK, some have claimed that household registration has made fraud more likely (see Chapter 4). Electronic voting systems have been criticised for being ‘unsafe’ or prone to hacking. If this is the case then such election administration could compromise the integrity of the election and eventually the legitimacy of the democratic system.

Thirdly, election administration can affect levels of political participation. There have been many changes in patterns of political participation in established democracies over recent decades. In particular, there has been an overall downturn in voting turnouts at elections across Western Europe and North America. Such has been the downturn in participation that some theorists have questioned whether we are witnessing a 'crisis of democracy' or asked whether states are plagued by 'democratic deficits' (Hay and Stoker, 2009; Norris, 2011; Putnam, 2000). Chapter 2 shows that election administration can raise or lower electoral turnout. It is not the only determinant of voting since trends in political participation result from a range of complex political and social processes. In many states electoral participation changed dramatically during the twentieth century but election administration remained constant. We therefore should not expect election administration to single-handedly reverse any democratic malaise. However, it is an important area of study for scholars interested in democracy and democratic institutions.⁴

Fourthly, under some circumstances, election administration can affect electoral outcomes. This happens when procedures are implemented unevenly and unfairly. Most famously, election administration determined the result of the 2000 US Presidential election (Mebrane, 2004). There is good evidence that election administration can affect electoral outcomes by increasing turnout. This higher turnout may affect the relative share of the vote gaining by particular parties or candidates. More research is needed here as well, but it seems that the chances of election administration affecting an election are much higher in plurality voting systems, where there are few parties and where the electoral contests are close. Additionally, higher turnout may also affect policy outcomes or the political agenda. Higher turnout, for example, has been correlated with higher spending on social welfare.

A fifth point follows on from this. In representative democracies elections are the main mechanism through which citizens can hold the government to account to ensure that it acts in their interests, rather than its own. If a government has the ability to manipulate and change these voting procedures then the democratic legitimacy of the state is undermined. By making it easier or harder to vote, a government can influence turnout, and therefore the result, by enfranchising particular elements of the electorate. Election administration can thus be seen as a mechanism through which elites can manipulate the political system to maintain power and ensure elite renewal. Election

administration is therefore an important area for study since it is a key site of struggle between elites and citizens for power.

Existing approaches to election administration

How has election administration been studied so far and what does this book add to the subject? By and large, election administration has been overlooked. In most countries, outside the US, the area is given very little attention with most texts on elections entirely ignoring the topic. There is also a lack of comparative analysis. This chapter now outlines some of the existing approaches that have been taken to election administration, before outlining some of the weaknesses of the existing literature. The existing work can, broadly speaking, be categorised into scholarship from the perspective of ‘old’ institutionalism, behaviouralism, technological determinism, cultural anthropology, the ‘radical’ theorists and the rational choice approach. Combining aspects of some of these approaches, this book later makes the case for a critical realist approach to understanding change in electoral institutions. Having reviewed the existing approaches, this chapter outlines the book ahead and the research methodology used.

‘Old’ institutionalism and constitutional contentment

From the turn of the twentieth century until the 1950s, the study of politics was divided into two core camps: political philosophy and the study of institutions (Leftwich, 1984: 16). Indeed, the empirical tradition was dominated by a study of institutions to such an extent that institutionalism *was* political science. Political scientists were engaged in a process of ‘describing constitutions, legal systems and government structures, and their comparison over time and across countries’ (Lowndes, 2002: 90). Key theorists included Walter Bagehot (1967 (1876)) Herman Finer (1932), Woodrow Wilson (1956) and Nevil Johnson (1975). These scholars used an approach that was descriptive-inductive, formal-legal and historical-comparative (Rhodes, 1995: 42–57). The approach, retrospectively titled ‘old institutionalism’, would describe and compare different institutional arrangements around the world and make normative prescriptions about the desirability of one set of institutions over another.

In British political science, certainly most work on election administration has traditionally fitted this description. In the nineteenth century a number of scholars wrote mostly legal works which described the law and practice of elections at the time, occasionally within the

context of a historical narrative (Carter, 1890; Clark, 1857; Mattinson and Macaskie, 1883; Warren, 1852). Among these was a book by Herbert Asquith (1884), who, as a barrister in 1884, prior to becoming a politician, published a text on the proper conduct of elections. Meanwhile, Gross (1898) documented the historical origins of the secret ballot, arguing it to be more widespread than originally thought and dating it back to the fourteenth century.

In the twentieth century, Charles Seymour (1915 [1970]) and Cornelius O'Leary (1962) published narratives of the reforms to British electoral practice during the Great Reform Acts which sought to eliminate corrupt practices and extend the franchise. David Butler (1963) and Martin Pugh (1978) provided accounts of later changes from 1906 to 1948. In 1995, Robert Blackburn noted the paucity of academic interest in electoral law in the UK and attempted to provide 'both a description and an evaluative study of the electoral system' (1995: xiii). Described by Lord Plant as 'the best study of the British electoral system' the book exhaustively details every aspect of the electoral process from the timing of elections and process of campaigning to arguments about electoral reform. The approach is mostly hyper-descriptive of the electoral process as it was in 1995, but includes some prescriptive arguments for reform (and continuity) and fragments of historical background on some aspects of electoral practice. More recently, Bob Watt (2006) provided an account of a number of aspects of UK law. This is descriptive of current practice, but also provides some historical narrative of the evolution of the law and some recommendations for reform.⁵ In all of these accounts the focus is on a range of electoral institutions, not just election administration.

In the US too, many historical-legal studies have outlined the procedures and legal framework used for elections at various points in time. A significant number cluster around the turn of the twentieth century. For example, McCrary (1875) provides mostly a legal work aimed at providing 'aid [to] the bar and bench in the preparation, trial, and decision of cases of contested elections, but also to diminish the number of such contests by furnishing information both to election officers and to voters, as to their respective powers, right and duties' (p. v). Harris' (1934) seminal study documents the election administration used at the time, provides a historical context and makes recommendations for reform. McCauley (1916) provided a strong critique of contemporary provisions and made the case for tightening procedures to prevent fraud, warning that 'Revelations in Terre Haute, Indianapolis and elsewhere prove conclusively that a great deal of ballot thievery is going on'

(p. 4). Bishop (1893) provided an historical account of elections in the American colonies and McKinley (1905) provided an historical account of suffrage legislation.⁶

A great deal of literature charts the developments leading to the adoption of the Australian ballot system. Most of these studies focus solely on the US (Albright, 1942; Evans, 1917; Fredman, 1968), or even states within the US (Dana, 1911), however, in some cases the process of policy transfer from Australia and Britain is charted through a number of cross-national studies (Wigmore, 1889). Saltman (2006) provides a historical account of the use of various different forms of technology in election administration in the US. However, as in the UK, most recent reviews note the absence of much contemporary literature on election administration (Hayduk, 2005).

Studies less frequently occur from Ireland, with academic literature on the Irish political system seemingly bypassing election administration until the merits of the registration system began to be discussed relatively recently. Most typical books on individual elections or Irish democracy make no or very little reference to the actual procedures used to vote (Gallagher and Marsh, 1993, 2008; Gallagher, Marsh, and Mitchell, 2003; Marsh and Mitchell, 1999; Sinnott, 2005), although in some cases passing reference is made to this as one, among many, factors which might affect electoral turnout (Lyons and Sinnott, 2003). One recent chapter on the rules of the electoral game in Ireland makes no reference to election administration at all (Sinnott, 2005). Instead, more attention is given to the mechanisms through which votes are transferred to candidates in the transferable vote electoral system (Sinnott, 1995: 199–208). Some further literature discusses the merits of this voting system as a whole and the case for reform (Laver, 1998).

The behavioural revolution and American behavioural political science

A second broad approach to political science that has influenced work on election administration is behaviouralism. The origins of behaviouralism as an analytical movement lie before 1945, but it was the post-war era of the 1950s and 1960s when it began to assume an important position in political science. At least in part, it must be understood as a revolt against the approaches to politics that had dominated up until then, and which focused on narrow institutional sites, largely using historical description, or the history of ideas, using normative speculation. Its emergence was also in the context of the development of economics

and psychology as predictive sciences. Behaviouralism thus set out to develop an inductive science of politics capable of generating predictive hypotheses on the basis of the quantitative analysis of human behaviour at an aggregate level (Sanders, 2002).

Behaviouralism still dominates political science and electoral studies in particular. As Chapter 2 shows, most studies of the *effects* of election administration adopt a quantitative-positivist approach. However, there have been relatively few direct attempts to explain election administration change through a behaviouralist lens. One key application of the behaviouralist method to election administration reform is from Fitzgerald (2001). She analyses the statistical relationship between election administration reform at the state level and a range of cultural and demographic factors (population density, population size and population diversity). Each of these, she argues, is positively and significantly related to election administration reform. Some 18 out of the 20 frontier states have used some form of alternative voting technique, compared to 8 out of the remaining 27. These states, she claims, have a reputation for being 'pioneers' in administrative reform. States with lower population density are more than three times more likely to have alternative voting methods – the logic being that voters have further to travel to polling booths. Population size is also reported to be significant: 70 per cent of the states with the largest population had used alternative methods compared to only 30 per cent of the lowest (Fitzgerald, 2001: 80–5).

Fitzgerald suggests that factors such as the previous experience of states are also important. Some citizens in Kansas, for example, were forced to wait 2–3 hours at the polls in the 1992 presidential election. As a result there was a political consensus to force through early voting procedures. At this stage, Fitzgerald's analysis appears to move beyond behaviouralism towards a focus on history and ideas. The support of key legislators and administrators is also an important factor, she claims.

One other key work on election administration is that of Louis Massicotte et al. (2001, 2004). They undertook a comprehensive survey of procedures used for 63 established democracies by reviewing constitutional and legal documents and undertaking interviews with experts in each country under study. This included both franchise rights and election administration. They provided a topographical analysis of the data which reflected the state of procedures in 1999. According to them, some individual procedures correlate with whether or not a state was a British colony and the length of time over which the

democracy was established. However, broadly speaking they stress the diversity in the procedures that are used and a lack of obvious patterns. While this is the most comprehensive study of election administration to date, one clear conclusion of their research was the need for future enquiry.

New Institutionalism

New Institutionalism emerged as a reaction to behaviouralism that had come to dominate political science by the 1960s and 1970s. New institutionalist theories were critical of behavioural approaches for seeing institutions as nothing more than ‘aggregated interests’. Institutions are not passive objects or merely a site of conflict, new institutionalists claimed, but have a dynamic and causal role of their own over policy outcomes. They argued that ‘the organisation of political life makes a difference’ (March and Olsen, 1984: 747) and therefore political analysis should ‘bring the state back in’ (Skocpol, 1985). However, new institutionalism also wrote in reaction to ‘old’ institutionalists who defined institutions narrowly as ‘the rules, procedures and formal organisations government’ (Rhodes, 1997: 68).⁷

One sub-discipline within political science, which the rise of new institutionalism is associated with, is public administration. There are the beginnings of a ‘public administration turn’ in the study of US election administration. Robert S. Montjoy (2008a, 2008b) has suggested that theories from public administration could be used to explain and solve problems with election administration. There are a number of key examples of this approach. For example, Moynihan (2004) draws from ‘normal accident theory’ to suggest that some high-technology solutions to election administration may be error prone. Alvarez and Hall (2006) suggest that problems with the implementation of election administration can be understood through a principal-agent approach. Alvarez and Hall (2008a) suggest that procedures could be improved by using standard operating procedures. Strict chains of custody for election materials, they argue, could ensure greater transparency and confidence in the process. Hale and Slaton (2008) suggest exploring the capacity of networks involved in election administration for identifying and solving problems. This approach offers a significant opportunity to advance our understanding of election administration. It also marks a radical departure in how electoral procedures are studied. Yet, there are only a few applications of the approach so far. Moreover, it does not yet directly answer the question of why procedures are reformed.

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