

## **Methodology for the Construction of the Index of Electoral Malpractice**

The Index of Electoral Malpractice was constructed on the basis of the reports of election observation missions carried out by inter-governmental organizations between 1995 and 2006 in three regions of the world: Latin America, Eastern Europe and the former Soviet Union, and Sub-Saharan Africa.

Pilot projects undertaken in the summers of 2003 and 2005 on 24 post-communist states facilitated the development of a technique for coding election observation reports. A similar index has been developed here for the entire range of states under investigation (including lower-house parliamentary and presidential elections).

For this purpose, coding has been undertaken of reports produced by international organizations that have carried out large-scale election observation missions in the regions in question according to a standardized methodology in accordance with internationally-recognized best practice. These criteria are fulfilled by missions carried out by the following organizations: the European Union (EU), the Organization of American States (OAS), and the Organization for Security and Co-operation in Europe (OSCE).

Each report was coded independently by three coders according to a schema that distinguishes between the targets of various manipulative strategies: the legislative framework, campaign practices, and various aspects of the electoral administrative process. Coders were asked to code a total of 15 aspects of the electoral process, including an overall assessment of the quality of the election, as reflected in the observation mission's evaluation (see the <Coding Framework for Electoral Malpractice Project> for details).

All coders were fully trained. The coding framework was piloted on a small number of reports, which were coded by all the coders participating in the project. The project team then held a workshop to discuss the coding scheme and problems encountered. The coding framework was then revised prior to use.

The following documents were provided to coders:

- A set of notes: Electoral Malpractice Project: Notes for Coders
- A coding framework: Coding Framework for Electoral Malpractice Project
- A coding form Electoral Malpractice Coding Form
- Observation reports and methodological documents created by the organizations conducting the observation.

## **Electoral Malpractice Project: Notes for Coders**

The aim of the coding exercise is to generate quantitative measures of various aspects of electoral conduct in the elections observed. The reports will all be coded independently by three coders.

Details of methodology of the different monitoring organisations will be made available for you to consult, if necessary. These are all rather long documents, and I do not expect you to read them in full; they should be used rather for reference purposes in case of confusion.

In addition to this note, there are two documents to which you will need to refer when coding reports: the 'Coding Framework for Electoral Malpractice Project' and the 'Electoral Malpractice Coding Form'. The 'Electoral Malpractice Coding Form' is the form you will be completing. You should complete one version of this form for each report you code. Please complete this form electronically and return it to me as an email attachment upon completion.

On this form you will provide:

- The overall score for each question (1-5 or 9 where there is insufficient information in the report for you to make an assessment). Try to make a 1-5 assessment, even if you are unsure of its reliability. In each case, you are to code what the report says about this topic on a scale of 1-5, where 1 = no significant problems and 5 = gross misconduct (9 = insufficient information to code). More precise criteria for each question are indicated on the 'Coding Framework for Electoral Malpractice Project' document.
- An assessment of the reliability of your score, on a 1-3 scale, where '1' indicates a highly reliable judgement and '3' indicates considerable uncertainty.
- A 'yes'/'no' coding indicating whether the topic in question features in the report's concluding 'recommendations'. If the report contains no concluding recommendations, please indicate this in the 'comments' section.
- Comments – if any – on why you provided the information you did. Try to keep these to a minimum. If you have serious difficulties coding an individual report, please get in touch with me and indicate the nature of the problem.

Please remember that your job is to record the assessments made by the monitoring organisations, not your own personal assessments of the elections in question.

### Coding Framework for Electoral Malpractice Project

Question	1 <i>Lowest degree of malpractice</i>	2	3	4	5 <i>Highest degree of malpractice</i>	9 <i>Insufficient information</i>
1. Did the legal framework governing the elections conform to international standards?	The legal framework conformed to international standards		The legal framework deviated in certain respects from international standards		The legal framework was at considerable variance with international standards	
2. Did the electoral authorities demonstrate political independence and impartiality?	The electoral authorities acted in an independent and impartial manner		The electoral authorities exhibited some partiality		The electoral authorities were manifestly under political control and/or were manifestly partial to one or more contestant(s)	
3. Were major contestants banned or did they have their applications to contest the elections refused/obstructed in (evident) violation of the law?	No major contestants were banned or rejected/obstructed in (evident) violation of the law.		Some contestants were banned or rejected/obstructed in (evident) violation of the law.		A significant number and/or major contestants were banned or rejected/obstructed in (evident) violation of the law	
4. Were significant sections of the citizenry refused registration or mis-registered in (evident) violation of the law?	The voter register was reasonably reliable and there were sufficient opportunities for public inspection/correction.		The reliability of the voter register was questionable and/or there were inadequate opportunities for public		There was widespread error in the voter register that affected significant sectors of the electorate, and/or opportunities for	

			inspection/ correction		public inspection/ correction were routinely obstructed	
5. Were polling arrangements adequate and equitable?	Polling arrangements were adequate and equitable		Polling arrangements were somewhat inadequate/inadequate in significant numbers of places		Polling arrangements suffered from severe inadequacies and/or inequities	
6. Did voting proceed in accordance with the law?	There were no significant irregularities observed		There were some significant irregularities, but not clearly enough to alter the outcome of the election		There were major irregularities noted, such that the outcome of the election was of questionable validity	
7. Did the counting, tabulation and reporting of results proceed in accordance with the law?	There were no significant irregularities observed		There were some significant irregularities, but not clearly enough to alter the outcome of the election		There were major irregularities noted, such that the outcome of the election was of questionable validity	
8. Was the dispute adjudication process conducted in a timely, comprehensive and impartial manner?	Disputes were adjudicated in a timely, comprehensive and impartial manner		There were some concerns with the adjudication of disputes, including delays, failure to consider claims,		There were serious problems with the dispute adjudication process, including failure to consider a substantial number of claims,	

			and/or allegations of partiality		excessive delays, and/or obvious partiality	
9. In practice, were international and domestic observers allowed to observe all relevant aspects of the electoral process?	Observers were generally allowed to observe all relevant aspects of the electoral process without difficulties		(Some) observers faced some difficulties in carrying out their duties due to obstruction or intimidation		(Significant numbers of) observers faced severe difficulties in carrying out their duties due to obstruction or intimidation	
10. Did the media provide balanced coverage of the electoral campaign?	The media provided balanced coverage of the campaign, by and large		There was some media bias in coverage of the electoral campaign		There was severe media bias in coverage of the electoral campaign	
11. Were the regulations governing the use of campaign resources observed?	There were no serious violations of campaign resource regulations reported		There were some significant violations of campaign resource regulations		Campaign resource regulations were routinely ignored or flouted by some or all major contestants	
12. Was vote-buying observed?	There were no reports of vote-buying		Vote-buying was reported in some regions or among some groups, but it was not clear that it altered the result		Vote-buying was reported to be widespread, and/or to have had a significant impact on the result	
13. Were there reports of voters being intimidated or coerced?	There were no reports of voter intimidation or coercion		Voter intimidation/coercion was reported in some regions or among some groups, but it		Voter intimidation/coercion was reported to be widespread, and/or to have had a significant impact on the result	

			was not clear that it altered the result		
14. Were there reports of candidates or party activists being intimidated or coerced, or having their campaign activities unlawfully obstructed?	There were no reports of candidate/activist intimidation, coercion or campaign obstruction		Candidate/activist intimidation, coercion, and/or obstruction was reported in some regions or among some parties, but it was not clear that it was widespread or systematic		Candidate/activist intimidation, coercion and/or obstruction was reported to be widespread and systematic, such that the campaign capacity of the parties/candidates in question was significantly affected
15. How does the report describe the probity of the election overall?	The election was substantially free and fair		There were some violations of the freeness and/or fairness of the election, but not enough to alter the outcome		The freeness and/or fairness of the election was severely compromised, such that the validity of the outcome was in doubt

### Notes

General notes:

You are to code the *evaluations* provided in the reports, not descriptive material. Elections should be conducted in a transparent and impartial manner by electoral authorities, and all contestants (parties, candidates) should observe the regulations governing the conduct of the electoral process. You should give greater weight to evidence of *systematic* bias or violations of the law than to logistical problems, though logistical problems should still be taken into consideration, as they can represent a serious obstacle to free and fair elections, and they increase the possibility of intentional manipulation.

In general, isolated problems suggest a score of '2', widespread problems with pockets of good conduct suggest a score of '4' and problems that are on a scale in between 'isolated' and 'widespread' suggest a score of '3'. If there are no problems or only minor problems you should code '1', whereas comprehensive failure to observe the norms of transparency, impartiality, and rule of law suggest a score of '5'.

If you code '9', there is no need for a reliability score.

You may provide a score of '9' and still put a 'Y' in the 'recommendations' column, as reports sometimes include recommendations that are not based on systematic discussion of a topic in the body of the report.

Notes on specific questions:

1. Legal framework: some election observation organisations (the OSCE, the EU) provide detailed evaluations of the legal framework governing the election on which they are reporting, whereas others (the OAS) tend to restrict themselves to a descriptive account of such provisions. It will therefore not be possible to provide an answer to this question for all reports. Where an evaluation is given, you should attempt to code the report's overall assessment of the legal framework. **If there is no evaluation of the legal framework (only a description or no mention at all), you should code this '9'.**

2. Electoral authority independence: The term 'electoral authorities' refers to those bodies and/or agencies involved in running the election. This typically includes the election management body (electoral commission or election department), as well as the judiciary, in as much as dispute adjudication often involves the courts. Other regulatory and administrative agencies may also be involved in certain aspects of the election. For the purposes of this question, all such bodies are considered electoral authorities when exercising a designated role in the election.

Electoral authorities are meant to operate in an impartial and transparent manner, regardless of how they are selected. This question refers to whether the electoral authorities in practice exhibit independence and impartiality. It is *not* a question to do with the composition of the authority, and the presence of party members on electoral commissions is not a cause for concern, provided they perform their role in a professional and impartial manner.

Noteworthy violations of impartiality include instances where (one or more of) the electoral authorities are clearly under the control of (or pressure from) the incumbent government or some other agent (the military, a foreign power, etc). Lesser violations include noted bias in favour of one or more electoral contestants. Though the report may not address this question explicitly, the text will generally give some indication of the degree of impartiality of the electoral authorities. **If, however, there is no mention of (im)partiality, and no indication of any problems in this sphere, you should code this '1'.**

3. Candidacies: Open contestation is crucial to electoral integrity. When eligible candidates and/or parties are denied access to the ballot paper, this constitutes a fundamental irregularity. Noteworthy violations include the arbitrary and/or spurious denial of candidate/party registration, the removal of candidates/parties from contestation on spurious or arbitrary grounds, or the obstruction of candidate/party nomination/registration. This question does *not* refer to the campaign activities of contestants, but only to ballot paper access. **If there is no mention of any irregularities in this sphere, you should code this '1'.**

4. Voter registration: Accurate and comprehensive voter registration is another key feature of free and fair elections, though it must be recognised that the maintenance of a full and accurate electoral roll is a difficult and resource-intensive task. Noteworthy violations include the systematic failure to register certain categories of people, the existence of numerous non-eligibles ('dead souls') on the register, gross inaccuracies in the data maintained in the register, widespread failure to correct known inaccuracies, and refusal to allow public inspection of the register. Significant logistical problems affecting the accuracy and/or completeness of the electoral register are also grounds for concern, though greater weight should be given to evidence of systematic attempts to manipulate the register than to insufficient logistical capacity (in as much as it is possible to distinguish between these sources of inaccuracy). **If there is no systematic account of electoral registration in the report, you should code this '9'.**

5. Polling arrangements: This refers to the provision of opportunities for voting. Polling places should be provided in sufficient number that all voters have a reasonable opportunity to exercise their franchise. They should be located relatively conveniently, and the facilities provided should enable voters to cast a ballot without waiting an excessive amount of time. Ideally, special provision should be made for certain categories of voters, such as the disabled/infirm, and those living in remote locations. The ability of the electoral authorities to facilitate voting will to some extent depend on their own resources, as well as on geographical considerations. Noteworthy violations include polling arrangements that are manifestly inadequate (too few, located too far from where many people live, or too poorly resourced - such that voters have to wait for long periods of time to vote), or provisions that are clearly biased against particular regions or groups (for example, too few polling stations in opposition strongholds). Failure to open polling stations on time or to keep them open for the designated period is also a common problem. Greater weight should be given to evidence of systematic bias than to logistical problems, though logistical problems are also grounds for concern. **If there is no systematic account of polling arrangements in the report, you should code this '9'.**

6. Voting: 'Free and fair' voting entails unhindered and equal access to voting for all voters, and the safeguarding of ballot secrecy. Noteworthy violations include denial of access to voting opportunities in polling places, ballot box stuffing, violations of ballot secrecy (including open voting, family voting, illegal proxy voting, or voting under the observation of unauthorised persons), and lack of transparency in the organisation of voting. Greater weight should be given to evidence of systematic bias than to logistical problems, though logistical problems are also grounds for concern. **Some missions (especially some of the OSCE missions) do not include full polling-day observation. If this is the case, you should code this '9'.**

7. Counting/tabulation/reporting: Once the votes are cast, they must then be counted, tabulated (aggregated) and reported accurately. Many of the most traditional forms of electoral fraud occur at this stage in the process. This question refers to reported irregularities in the processing of votes. Noteworthy violations include miscounting, inaccurate tabulation, and the mis-reporting of results; failure to report results in a timely manner is also a cause for concern, as is lack of transparency in the process of counting,

tabulation and/or reporting. Greater weight should be given to evidence of systematic bias than to logistical problems. **If there is no systematic account of counting/tabulation and reporting, you should code this '9'. If only one or two of these are assessed in the report, you should code those assessments and make a note in the 'comments' column on the absence of information on the other topics.**

8. Dispute adjudication: Following an election, there are virtually always legal disputes over some aspect of the process. The timely and impartial adjudication of these disputes can in many cases be crucial to the overall quality of electoral conduct. Noteworthy violations in this domain include failure to consider significant numbers of claims, undue delay in processing claims, and clear bias in deciding individual cases. **If there is no systematic account of dispute adjudication in the report, you should code this '9'.**

9. Electoral observation: The elections included in this study are by definition ones in which international election observation has played a role. Nevertheless, election observation missions are commonly impeded in a variety of subtle and not-so-subtle ways. Noteworthy problems in this area include failure to grant observers access to aspects of the electoral process they are entitled to observe, intimidation of observers, and obstruction of their activities. Note that this question refers to both domestic observer groups (where they exist) and international observation missions (though the absence of domestic observer groups is not a cause for concern *per se*). **If no problems are reported, you should code this '1'.**

10. Media: Balanced media coverage is an important component of any fair election. Though fully equitable media reporting is virtually unachievable, blatant biases in campaign reporting represent a serious obstacle to the supply of effective voter information. This question is designed to tap the degree of bias in media coverage, and, in particular, the extent to which the media provided more coverage of, or was more favourable to, particular contestants. Particular attention should be given to the state media. **If there is no systematic account of media coverage in the report, you should code this '9'.**

11. Campaign resources: Virtually all states regulate the use of campaign resources in some way, though the nature and extent of regulation varies considerably. This question is intended as a means of assessing the extent to which parties and candidates complied with the resource regulations in force in the state in question. Noteworthy violations include the abuse of state resources (i.e. the use of state resources for partisan campaigning purposes), known over-spending (campaign spending in excess of a limit established in the law), fundraising from illegal sources, and failure to supply required information on use of resources/campaign finance. **If there is no mention in the report of the use of campaign resources, you should code this '9'.**

12. Vote-buying: The purchase of votes is common in many states, though electoral observers are not often well placed to monitor this sort of activity. Nevertheless, if vote-buying is widespread, it is often commented upon in election observation reports.

Of relevance is the extent and magnitude of this practice, as well as its likely impact on the outcome of the election. **If there is no mention of vote-buying in the report, you should code this ‘1’.** (NB: due attention will be given in the analysis of these data to the fact that observation missions are not always well-placed to observe vote-buying).

13. Voter intimidation/coercion: The above comments on vote-buying are largely relevant to intimidation also (as the intimidation of voters is an alternative to the provision of particularistic rewards through vote-buying). This question refers to the intimidation and/or coercion of voters by any agent. Inappropriate involvement of the military or police in the electoral campaign should normally be coded as a form of intimidation; this would include cases where military officers instruct their subordinates how to vote (bearing in mind that the proportion of the electorate serving in the military is typically small). **If there is no mention of voter intimidation/coercion in the report, you should code this ‘1’.**

14. Candidate/activist intimidation/coercion/obstruction. Candidates and party activists should be able to carry out lawful campaign activities unhindered by state authorities, by the representatives of other parties, or by other agents. If candidates and activists have their campaigning unlawfully obstructed, or if there is evidence that they have suffered personal intimidation or coercion (including attacks on campaign offices or equipment), this is a serious violation of campaign standards. When there are reports of intimidation or obstruction, it is often unclear who is responsible for these actions (particularly when they involve violence). This question refers to intimidation, coercion, and/or the unlawful obstruction of campaigns through violent or non-violent means by *any* agent – be it a state body, another political party, groups of voters, or unknown persons. Such events should be coded only if the evidence suggests an intent to affect campaigning capacity; mishaps such as accidents and robberies that do not appear to have a political motive should be disregarded (though interpretations of such events often vary – you should code the interpretation given by the report). The obstruction of campaigns by electoral authorities could include the unequal application of certain aspects of the law, including authorisation for campaign meetings and rallies. If there is evidence that the meetings and rallies of one or more parties are systematically being denied authorisation on spurious grounds, this represents obstruction. **If there is no mention of candidate/activist intimidation/coercion/obstruction in the report, you should code this ‘1’.**

15. Overall probity of the election: This question is designed as a summary measure of the overall quality of the election, as indicated in the report. This assessment may well differ from that which you might reach on the basis of an evaluation of the detail presented in the report. This question should be answered in relation to the overall assessment of the election that is provided in the executive summary and/or the conclusion of the report. If there is no summary evaluation provided in the report, you should nevertheless attempt to code this question on the basis of your sense of the report’s overall assessment of the election. You do not need to code ‘recommendation’ for this question.

### Electoral Malpractice Coding Form

Country	Year	Election type (pres/parl)	Monitoring organisation	Name of coder	Date coded	Time taken to code

Question	Score (1-5,9)	Reliability (1-3)	Recommendation (Y/N)	Comments
1. Legal framework				
2. EA independ.				
3. Contestants				
4. Registration				
5. Polling arr.				
6. Voting				
7. Counting/ tabulation /reporting				
8. Dispute adjud.				
9. Observers				
10. Media				
11. Resources				
12. Vote-buying				
13. Voter intimidation				
14. Candidate intimidation				
15. Overall			XXXXXX	

General comments: