

White Paper Series
Electoral Fraud

Assessing Electoral Fraud in New Democracies

A New Strategic Approach

Staffan Darnolf, Ph.D.

March 2011





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I. Introduction

Recent election events around the world show that fraud is undermining the electoral process in both established democracies and transitional societies.¹ Elections to the executive office or legislative body have extremely high stakes. It is essential the development community recognizes that individuals, interest groups and political parties are willing to go to great lengths to ensure that “their” candidate or party acquires or remains in power. If the electoral process is not pro-actively and strategically safeguarded, efforts to combat electoral fraud in an effective and credible manner will be extremely challenging.

To date, election management bodies (EMBs) and other relevant stakeholders have placed insufficient emphasis on combating electoral fraud. A genuine electoral fraud control plan, instituted by the EMB and publically available for review, will allow election administrators to credibly and pro-actively detect, deter, and mitigate electoral fraud. The implementation of an electoral fraud control plan is a clear indicator that the EMB is willing and prepared to honestly assess threats to the integrity of the electoral process and ready to take actions to defend its credibility. Donors can also be both a catalyst and supporter of such actions by EMBs by putting electoral fraud to the forefront in democracy and governance programming. In fact, by formally including the electoral fraud plan among its official indicators, donors would make it abundantly clear to EMBs, other state institutions, observer missions and organizations offering technical assistance that electoral fraud must be combated effectively and continuously.

In the first part of this series, Rafael Lòpez-Pintor makes a useful distinction between *outcome determinative fraud* and *non-outcome determinative fraud*, relevant to the electoral fraud strategies that are currently the norm in most countries.² Based on this dichotomy, we might be led to believe that we only need to worry about the most seriously flawed processes, such as the faulty 2009 and 2010 elections in Afghanistan, in which 20-30% of the ballot papers were fraudulent and thereby could have affected the actual outcome of the election.³ When the extent of the electoral fraud uncovered is neither broad nor deep enough to justify labeling it as outcome determinative, it therefore implies less action and attention.

However, using the current electoral fraud approach, election authorities are only able to make the distinction between non-outcome and outcome determinative fraud once the election has already been held and the votes have been counted. At this stage, it might be too late to salvage the credibility of the poll even if the level of fraud turns out to be “only” non-outcome determinative. Prior to the election, if the public perceives the EMB to be ill-prepared and lacking sufficient

investigative capacity and integrity, then the difference between non-outcome determinative fraud and outcome determinative fraud is almost non-existent. This will occur regardless of how quickly the EMB discharges its adjudication obligations after an election, as it is extremely difficult for an EMB that lacks credibility to transform public perceptions of the institution in a politically charged atmosphere. As a result, the EMB is likely to fail in its attempts to salvage the acceptability of a poll, irrespective of whether it manages allegations of electoral fraud in a professional manner.

In spite of national and international media attention to the issue, and the fascination that electoral fraud holds for political parties and candidates fearful of losing elections due to fraud, scholarly interest in systematic analysis is surprisingly scarce.⁴ Electoral practitioners have shown even less interest in analyzing the reasons why electoral fraud occurs and how to reduce its incidence. As a result, EMBs across the globe continually wrestle with fraud allegations, making desperate attempts to introduce ad hoc fraud-mitigating mechanisms, and often failing in their attempts. This is most unfortunate as EMBs can play a strategic and important role in fighting electoral fraud with appropriate preparation.

The purpose of this paper, therefore, is to outline how EMBs can strengthen their capacity to more effectively combat electoral fraud. The role of other key electoral stakeholders is also discussed to a lesser extent, as election authorities do not operate in isolation.

This paper has two distinct sections. First, it outlines the current and potential roles and responsibilities of the main national and international actors relevant for a strategy to combat electoral fraud. Based on these findings, the second part of the paper introduces a significantly improved electoral fraud model applicable across countries.

II. Roles and Responsibilities of the Main Actors in Combating Electoral Fraud

Successfully fighting electoral fraud require largely the same approach as combating corruption, financial fraud, insider trading or any other form of crime. The ultimate goal is, of course, to prevent fraud in the first place, or at least to significantly reduce the extent and severity of fraud occurrences. One school of thought puts extraordinary emphasis on prevention by advocating severe penalties for electoral fraud, while another stresses the importance of swiftly adjudicating fraud once it has been identified. A third approach highlights a strong investigative capability as a deterrent, given that the likelihood of being caught is significant. Irrespective of focus, practitioners agree that without a comprehensive assessment, the intervention will probably fail.

This paper argues that an assessment of the risks facing an electoral process should be a cornerstone of all strategies to combat electoral fraud. However, we disagree with approaches that stress detection over deterrence, or a focus on mitigation. We strongly believe that only inclusion of *all* four components will allow a country to effectively combat electoral fraud (see Table 1 below).

Table 1: Four components for an effective electoral fraud strategy

Component	Objective
<i>Assessment</i>	Extensive and inclusive assessments of the entire electoral process and its electoral fraud risks are conducted by major stakeholders: EMB and EMB technical assistance organizations, political parties, domestic observer missions and international observers.
<i>Deterrence</i>	Well-crafted and effective fraud deterrence mechanisms are put in place and publicized, resulting in a deterring effect on individuals and entities contemplating defrauding the electoral process.
<i>Detection</i>	Based on the risk assessment, actors must design counter-measures and close loopholes to avoid fraud. However, as this is not always feasible, a protocol must be in place to detect fraud.
<i>Mitigation</i>	Once fraud is detected, the system must be geared to swiftly and effectively handle the situation at hand. If the adjudication is bungled, it may undermine the standing of the organization responsible, as well as discredit the entire electoral process.

The four components mentioned above show that an effective anti-fraud approach involves several actors. The interplay among these actors is instrumental in protecting the electoral process against fraud. This paper will focus primarily on the following six stakeholders and their current and potential roles in combating electoral fraud: election management bodies (EMBs); technical assistance agents to EMBs; political parties; domestic election observation missions; international election observation missions; and international donors.

Election management bodies

When referring to an EMB in this paper, the reference is to the institution responsible for planning and holding elections.⁵ An EMB's explicit legal mandate, as stated in the constitution or electoral law, is almost always not just to simply organize an election, but also to prepare and hold elections that are "democratic," "free and fair," "free, fair and transparent" or any other variation of the same requirement. To fulfill such a mandate, EMBs have the responsibility to inform millions of voters about the various steps of the electoral process (e.g. casting valid ballots, location of polling station) on Election Day. Election Commissions are also charged with identifying, recruiting and staffing thousands of polling stations. They often require organizational capabilities to train many thousands of temporary poll workers. In addition to these many challenges, EMBs are also the first line of defense against electoral fraud.

In spite of the fact that an election authority may lack in-house core expertise in certain areas, EMB commissioners and secretariat staff are ideally positioned to decide on the areas in which reforms are warranted more generally, and to develop the most effective anti-electoral fraud strategy. Not only will EMB commissioners and staff have insider understanding of all of the individual components in the electoral process and how they are interlinked, they will also be familiar with the most vulnerable aspects of the system.

EMBs are not, however, immune to political pressures, bribery and coercion. As a result, the election body must also be cognizant of such threats to the integrity of the electoral process when deciding upon its fraud strategy. Many EMBs are also reluctant to speak in public about allegations of electoral fraud, unless it has already been proven in a court of law. Unfortunately, the internal debate within EMBs is usually not much different. This is a highly problematic starting point for an authority with the mandate to organize a credible election, which requires aggressive pursuit and elimination of electoral fraud. This “wall of silence” culture effectively undermines attempts by EMBs to identify fraud risks and solutions beyond the ones already in the public realm. Without a genuine discourse about fraud risks, mitigating mechanisms will not be implemented, nor will EMB personnel be made aware of how to identify, report and control fraud.

Instead of being pro-active, EMBs of today are mostly reactive and attempt to contain the fraud threat when it emerges. Depending on the type of allegation and investigative *modus operandi* by which the EMB operates, several different actions are taken. They fall generally within one of the three models outlined below.

A. Centralized model

In some very centralized systems, a team from EMB headquarters will be deployed to analyze fraud allegations and collect information and evidence. Members from the provincial or district level EMB might participate as members of the investigative team, but the effort is led by the central management body. Once information-gathering is complete, the team will report back to the commission’s leadership for decision. As is common across EMB’s, this model was frequently used by the Election Commission of Pakistan (ECP) when investigating more serious allegations. However, the ECP also used this model for more mundane complaints, such as verifying which voter registration centers were open. In order to overcome this bureaucratic hurdle, the ECP partially outsourced this task to IFES during the 2008 general election. However, this is neither a sustainable nor an effective model as third parties lack the necessary legal authority to rectify the problems encountered. Hence, the EMB might obtain better and quicker information about the irregularities at hand but the process of implementing corrective measures is still unnecessarily slow under this model. The ECP is currently reviewing and overhauling how it investigates and handles electoral fraud issues.

B. Decentralized model

The reasons for deciding to decentralize fraud investigations are numerous. In some countries it is simply a logistical decision by the EMB. The country is either too vast or its infrastructure too prohibitive for the central election management body to investigate in a timely and/or fiscally rational manner. Second, in other instances the country’s overall political system is based on federalism and the national-level EMB follows suit by employing a state/provincial/district focused model. The third rationale for a decentralized approach is that it is simply the preference of the EMB chairperson and management. Logistical and financial reasoning is often behind this decision, but an urge to be different and demonstrably independent from other national institutions could also be behind the use of this model.

Utilizing a decentralized model is appealing. On the surface it seems highly rationale to allow lower-tier EMB offices to investigate fraud allegations. This would be cheaper and more expedient. However, this would only hold true if field-based EMB offices and officers have the required resources and know-how to actually conduct such investigations. Should these pre-conditions not be in place, a decentralized model could become significantly more costly, both financially and in the use of human resources. However, the most significant risk associated with a decentralized model is not financial but political. Non-uniform adherence to fraud investigative rules and procedures across EMB field offices could easily be misconstrued as a clear sign of political partisanship: why else would the EMB use different techniques and procedures to investigate similar instances of alleged fraud? A further complicating factor is, of course, how to handle accusations of fraud committed by field-based personnel.

C. Pass-the-buck model

Investigating electoral fraud is an extremely delicate matter. In general, EMBs tend to be careful in not overstepping their mandates. They frequently invoke a restrictive interpretation of the boundaries of their roles and responsibilities in the face of fraud allegations. In confidential discussions with a wide cross-section of election commissioners and senior election officials, the author has been given a host of different reasons for this restrictive approach. Some of those are related to the EMB as an institution, while others are personal. A common argument is fear of politicizing election administration should the EMB take a more expansive interpretation of the legal code.⁶ Election administrators also fear being dragged to court and the potential public humiliation should the EMB lose the court case. Needless to say, in some countries EMBs refrain from investigating fraud allegations because EMB officials fear for their personal security and the safety of their families. This is often the case when countries are emerging from war or civil strife.

EMBs have on more than one occasion stated that their electoral fraud approach is based on a rational calculation of available resources. Their overarching task, according to this reasoning, is to organize a “good election.” This translates to an Election Day during which polling stations open on time, trained poll workers are present and sufficient election materials are in place. If the EMB decides to pursue electoral fraud allegations systematically and comprehensively, it will require the reallocation of staff, transportation and financial resources. This can not only threaten the election calendar, but also jeopardize Election Day due to lost time or the inability to pay some of the necessary Election Day contracts. However, by embracing the fraud challenge publically and developing a credible electoral fraud plan early in the electoral cycle, EMBs have the opportunity to include anti-fraud costs in the budget.

Technical assistance providers

The public generally associates international support to an electoral process with election observation, or perhaps political party strengthening. Rarely is technical assistance (TA) to an EMB considered. Given the sensitive nature of supporting an institution charged with organizing the election event that ushers in the next government of a country, organizations offering technical assistance keep a low profile. Holding elections increases the political temperature a few degrees in

most countries. In some countries, nationalistic rhetoric and memories of former colonizers form a tangible backdrop to political campaigns. Foreign support and foreign national advisors to an EMB can suddenly become an integral part of the campaign agenda if not managed with tact and diplomacy. Organizations providing TA to EMBs never hold press conferences, talk to the media or issue reports on the inner workings of host EMBs. Knowledge of this type of election support is not always readily available in the public domain. However, technical assistance providers' knowledge of the unvarnished situation within an EMB, and the system's strength and weaknesses, is often significant.

The technical assistance discussed in this paper refers to the situations in which EMBs are formally and fully responsible for the electoral process, not when the international community is organizing the poll or internationals are tasked with being EMB Commissioners.⁷ The TA discussed here envisages a more traditional form of support involving a modest presence of election advisors to the EMB and an election budget that is, at the most, partially funded by international donors.⁸ The two main actors supplying this kind of assistance for the last 20 years have been UNDP and IFES; the election assistance field is proliferating and now includes commercial American and European companies.

Election advisors to EMBs have significant potential to actively and efficiently assess, deter, detect and mitigate electoral fraud. However, to date advisors have almost exclusively and only indirectly dealt with the fraud challenge.⁹ Instead of recruiting a dedicated fraud advisor, international experts are normally tasked with assisting by "strengthening" and "improving" various parts of the electoral process, such as voter registration, polling procedures, vote counting and the complaints adjudication process. This can involve increased transparency, more stringent ballot paper control, better form designs to avoid changes being made to tally sheets at a later stage in the process and the introduction of ink to reduce double-voting. It is important to note that several of these activities are *de facto* anti-fraud instruments. However, as long as a coherent and complete electoral fraud plan is lacking, it will not be part of an organization-wide priority at the EMB. Therefore, any fraud-combating strategy produced with support from technical assistance providers will be piecemeal, incomplete and ineffective. In short, election advisors inside EMBs are often underutilized assets of strategic importance to assess, deter, detect and mitigate fraud.

The tools currently available to electoral advisors interested in and mandated to focus on electoral fraud are surprisingly few and rudimentary. If an entity is mandated to assist an election authority to develop a strategic plan, there already exists a good platform upon which advisors and organizations can build.¹⁰ Technical support programs to enhance the capacity of Election Commissioners, Senior Secretariat officials and field-based managers on principles of elections, ethics, polling day operations, voter registration, candidate nomination and a range of other relevant and important topics can rely on several different training programs. In the late 1990s, IFES developed a one to two week training program for new election officials (Basic Election Administration Training: BEAT). At around the same time, the Australian Electoral Commission teamed up with several other organizations involved in elections and established BRIDGE (Building Resources in Democracy, Governance and Elections).¹¹ It is by far the most comprehensive training

program for election officials, as it includes 24 modules that each last from three days to a week. Although fraud is a sub-topic touched upon in several of the modules, it has yet to appear as a dedicated topic.

One of the largest online repositories of election-related material – the ACE Electoral Knowledge Network – provides an enormous amount of election documentation, including in-depth articles, global statistics and other data, an election encyclopedia, information on electoral assistance, observation and professional development, region- and country-specific resources, daily electoral news, amongst other things.¹² ACE offers information and access to a large number of topics, but of the 20 mentioned, not one focuses specifically on electoral fraud as a cross-cutting issue. Thus, should an EMB reach out to the international community today and request strategic and comprehensive support exclusively on combating electoral fraud, appropriate resources will be limited.

Political Parties

Political parties are instrumental as defenders of elections. They are obvious stakeholders of the electoral process and thereby have a genuine interest in keeping it clean from abuse and fraud and almost always take an active role in electoral law reform. Individual candidates in particular perform an important indirect fraud-detering function, as their actions leading up to Election Day will to a large degree set the tone of an election. If they choose to run a clean campaign adhering to election legislation and EMB-issued procedures, party activists are also more likely to perform in a similar fashion. Parties also play an important role during the complaints process should they discover incidences of electoral fraud, and thus the professionalism of their legal team is relevant.

However, first, politicians and parties must detect fraud and that is where party agents are particularly significant.¹³ Political parties and candidates running for office almost always have the right to deploy party agents. These agents can assist in identifying systemic problems by collecting information on a larger scale (voter registration centers, polling stations and decentralized counting facilities), as well by patrolling for campaign irregularities.

Training and deploying a large number of party agents can deter other actors who might be contemplating violating electoral laws. This will, however, only be effective if parties also have a workable system to receive, compile and analyze reports filed by their agents. Only on the rarest of occasions has this author actually come across political parties with a structured system in place enabling them to present quantifiable fraud data in a court of law or to the EMB. Rather, the norm has, unfortunately, been a deployment of thousands of party agents, armed with check-lists to collect observations but no communication plan or capacity to analyze the data within the party structure. Instead, party agents generally only record actual polling station results and feed the data to the next party-level in an unstructured manner.

Many parties are, however, well supplied with in-house legal expertise enabling them to professionally analyze and draft alternative legislation or amendments to existing legal codes

governing the poll. In this capacity, they often make vital contributions to closing legal loopholes, which have proven most beneficial in reducing fraud.

Still, we shouldn't shy away from the fact that sometimes political parties are the perpetrators of fraud. Candidates buy votes, political parties create campaign slush funds, prime ministers and presidents abuse public resources to bolster their re-election campaigns, ministers instruct state media to ignore the opposition and incumbents threaten to penalize villagers if they vote for a different political party. Villains are not only found among senior party officials.¹⁴ In both the 2002 Sierra Leonean general election and 2003 Nigerian elections, mid-level party officials in the field sought to prove their dedication to their leaders by delivering a resounding victory. Due to the ad-hoc nature of these incidences of fraud, vote rigging resulted in voter turnout exceeding 100% of registered voters in several constituencies.

Domestic election observation missions

Civil society plays a crucial role in patrolling the electoral process by both deterring and detecting fraud. This function is most commonly assumed by a domestic election observer mission (DEOM), often made up of several smaller organizations joined together under a domestic umbrella entity for this particular purpose. Other CSO entities play equally important and complimentary roles, focusing on human rights violations, political violence monitoring and campaign finance tracking.

DEOMs have several advantages over international election observer missions (IEOM). Domestic observers speak the local language(s), have a much better grasp of the local politics and dynamics, live among the electorate on a daily basis and can be deployed earlier and at a fraction of the cost of internationally-recruited observers.¹⁵ The number of domestic observers deployed by DEOMs is usually an order of magnitude larger than the international observer missions, giving them significantly better geographical coverage. DEOMs also monitor critical post-election events, such as aggregation of final results and the complaints adjudication process, long after international observers have departed. Even under the most complex circumstances, and at huge personal risk, domestic observers have time and again shown remarkable courage and resilience, not the least in places like Zimbabwe, Iraq and Afghanistan. This has enabled DEOMs to operate under the most difficult conditions and give praise where praise is due, but also to reveal abuse, fraud and logistical shortfalls.

Broadly speaking, DEOMs have the very same organizational structure as IEOMs, with a Core Team, long term observers (LTOs) and short term observers (STOs). Although the Core Team tends to be smaller in a DEOM, the field organization is significantly larger than their IEOM counterparts. The biggest challenges facing DEOMs today are related to their perceived professionalism and credibility. Both incumbent and opposition parties have an interest in a neutral domestic observation mission validating their "verdict" and are thereby tempted to infiltrate the organization. As a result, domestic observer organizations constantly struggle with recruiting nonpartisan observers. Even if all observers are neutral, professional and fill out checklists properly, DEOMs have sometimes lacked the logistical capacity to accurately and quickly process

and analyze tens of thousands of forms. This has delayed, or even derailed, the issuance of preliminary statements and the subsequent final reports.

DEOMs have proven more proficient than IEOMs in identifying irregularities and fraud, not only on polling day and the subsequent tallying of results, but more importantly during electioneering stages and voter registration. Unfortunately, as long as their neutrality and professionalism are questioned, neither will their electoral fraud deterrence be optimal nor will their electoral fraud cases be taken at face value by politicians, media and the courts.

International election observation missions

Just like domestic observation missions, IEOMs can fill important deterrence and detection functions. Today, most well established IEOMs have a coherent, comprehensive and public methodology outlining their structure, logistics, public relations strategy and codes of conduct for their observers, among other aspects.¹⁶ They also claim to observe the entire electoral process and, on this basis, issue public statements shortly after Election Day. The rationale behind the IEOM's deterrence capability is that politicians, government officials and EMB personnel are all aware of their presence and therefore are widely expected to refrain from defrauding the electoral process.

Almost without exception, all IEOMs have developed an impressive ability to collect data on polling day operations and counting. A large number of STOs, managed by teams of LTOs, are often able to visit 5-10 polling stations during Election Day, filling out detailed forms that cover the opening, operations, and closing of polling stations, as well as the count process. Fraud and irregularities during Election Day and the count are therefore reasonably well covered by observers. Irregularities during these stages are expected to be detected by international observers. Problems prior to Election Day fall within the purview of LTOs and Core Team members.

However, in spite of all IEOMs recognizing the importance of arriving early in the electoral process and covering critical post-election activities, such as voter registration, results tabulation and adjudication of complaints, this only happens in extreme cases. In fact, IEOMs almost always arrive well after boundary delimitation and voter registration have been completed and almost all observers depart before adjudication of electoral complaints has even begun. As a result, observer missions often downgrade potential fraud associated with voter registration to "irregularities," as they have no first-hand knowledge of the registration process. A compounding factor is that IEOMs often lack the required expertise to actually conduct several of the fraud investigations required by today's electoral processes outside of a polling station and the immediate next level of results tabulation.¹⁷

By fielding IEOMs with an increasingly outdated composition, the IEOMs are undermining their capacity to detect irregularities and fraud and thereby run the risk of endorsing an election they should have severely criticized, had they had the required expertise. If not addressed, this deficiency will not only reduce IEOMs' detection capability but also reduce the deterrence effect, which was the hallmark and rationale for fielding IEOMs in the first place.

Fortunately, improvements are being made to the IEOM formula. Parallel vote tabulation (PVT), quick counts and voter registration audits are utilized by the National Democratic Institute (NDI) and other organizations, which instill confidence for the future. However, to date, these innovations are only sparsely applied and in an ad hoc manner.

Donors

Donors are performing an alternative function in the fight against electoral fraud, as they are not per se actors dealing directly with fraud. Donors are, in fact, potential sponsors of the antidote to election fraud. Over the course of the last two decades, donors have stressed the importance of more transparent electoral processes, the reduction of political violence, increased voter turnout, strengthening the competitiveness of the poll, improved women's participation as candidates and voters and a more credible voter register, among many other goals.

To achieve those objectives, donors support domestic observer missions, fund local civil society projects, deploy international observers, allocate funds to political parties to improve their organizational capacity and send poll watchers to monitor Election Day and the subsequent count. The election authority also often receives technical assistance, in-kind contributions and/or direct financial support. With such powerful tools at their disposal, donors play an important role in defining what the shortcomings are in a country's electoral process and what the priorities should be. In other words, donor decisions can very much shape the focus to or away from electoral fraud based on funding decisions.

Unfortunately, donors only rarely label their electoral support as dedicated to combating electoral fraud, and generally only following a flagrantly flawed election. Electoral support is usually focused on avoiding a repetition of previous acts of fraud, rather than on making a comprehensive assessment of all vulnerabilities and including other electoral stakeholders with complimentary mandates, which could contribute to deterring and detecting fraud.

Overall picture of stakeholder electoral fraud strategies

The question we must ask ourselves is if the current electoral fraud strategy is the correct one, or if improvements can be made. The discussions hitherto are summarized in Table 2 and convey a clear picture: a radical shift must occur if we are to drastically and successfully combat electoral fraud in the years to come. Limitations with existing electoral anti-fraud strategies are quite obvious as they are too ad hoc and under-resourced, lack some critical components and are susceptible to closed decision-making processes.

Table 2: Overview of key stakeholders' current focus on combating electoral fraud

Actor	Assessment	Deterrence	Detection	Mitigation
<i>EMB</i>	Low	Low	Low/medium	Low
<i>Technical Assistance to EMBs</i>	Low	Low/medium	Low/medium	Low
<i>Political Parties</i>	Medium	Low	Low	Low
<i>Domestic Observation Mission</i>	Low	Low	Medium	Low
<i>International Observer Mission</i>	Low	Medium	Medium	N/A
<i>Donors</i>	Low	Medium	Medium	Low

Note: International and domestic observers are not permitted to interfere in the electoral process. However, some electoral laws give observers the right to file a complaint and thereby become party to the adjudication process. As a matter of principle, however, IEOMs never do this, even if they are legally allowed. However, in exceptional cases members of IEOMs have been summoned to give evidence in court.

Not only can actors within each of the analyzed categories further strengthen their anti-fraud tools, but more comprehensive, strategic and collaborative efforts among implementers and donors of democracy-promoting programming would significantly improve efforts to combat electoral fraud.

III. An Improved Model for Combating Electoral Fraud

This section of the paper presents some clear and tangible improvements that can be made to the electoral anti-fraud efforts of the stakeholders discussed in the previous sections of this paper. Given the pivotal importance of EMBs in the fight against electoral fraud, and the limited documented knowledge in this area, this last section primarily focuses on presenting how EMBs can radically improve their anti-fraud work.

Election management bodies

The first and best line of defense against electoral fraud rests squarely with the EMB. This is the institution best positioned to assess, deter, detect and mitigate fraud. With this in mind, the scant interest this topic has garnered among EMBs across the globe and the limited technical assistance support provided are particularly disturbing. These omissions can only be overcome if EMB leaders are willing to publically commit themselves to fight electoral fraud. Several actions are outlined below that an EMB could adopt and implement to display its commitment to stamp out electoral fraud now and in the future. These actions are divided into four distinct categories: a) conducting a fraud risk assessment; b) developing a strategic electoral fraud control plan; c) understanding an EMB's operational assets; and d) suggested guidelines for action that can be taken by an EMB to strengthen its anti-fraud portfolio.

A. Conducting a fraud risk assessment

The backbone of a successful electoral fraud plan is an honest and exhaustive risk assessment. If the EMB shies away from politically delicate issues, or is not willing to recognize shortcomings, the assessment may hone in on less critical risks and the election authority will labor under a false sense of security. This will undermine the EMB's ability to deter and detect fraud. It will also undercut the EMB's capacity for mitigation, as scarce financial and human resources will be dedicated to protecting the electoral process against a low-level threat while high-risk areas remain

unprotected. Thus, a poorly conducted electoral fraud assessment could potentially be worse than no fraud assessment at all.

Given a history of electoral fraud, some EMBs cannot wait for the completion of a full risk assessment and development of a subsequent electoral fraud control plan. In such situations the EMB leadership can capitalize on already existing information (such as observer reports and internal memos), or well-defined working groups. Another rationale for not waiting for the arrival of the fraud control plan could be the pending overhaul of a core electoral component, such as voter registration, candidate nomination verification or a results management system. Before introducing any fundamental aspects of the electoral process, the fraud profile of each option should form an integral part of the evaluation criteria used by management.

When conducting a risk assessment it is absolutely essential that all aspects of the EMB's activities and responsibilities are included in the analysis. A starting point would be the legal framework, as it establishes the parameters of the EMB's formal mandate. However, each task specified in a country's constitution or electoral act is often only vaguely defined and thereby requires further disaggregation to be meaningful.

Most organizations tend to turn to their own staff to assist in identifying weaknesses in the electoral processes. This can be an extremely effective tool when unraveling fraud risks, if managed properly. EMBs are often, however, extremely hierarchical organizations with little room for self-reflection. This may lead to inclusion of only EMB Commissioners and Secretariat directors in the process. A more productive approach would be to include a cross-section of EMB officials from various levels at headquarters and in the field, as many of the risks are field-based.

Given the delicate nature of a fraud risk assessment, a common reaction among most organizations is to control access to their vulnerabilities and thus exclude non-EMB individuals and entities from assisting in the risk identification phase. This is a mistake. Political parties, observer groups, scholars, auditors, private sector and traditional prosecutorial or anti-fraud authorities can all be instrumental in identifying shortcomings and vulnerabilities. EMBs could also reach out to relevant regional EMB associations for additional input, such as the Association of Asian Election Authorities (AAEA), the Association of African Election Authorities (AAEA) and the Association of European Election Officials (ACEEEO).

Theoretically, however, by being more inclusive, the risk increases that someone will abuse the information gleaned from the risk identification stage. This should be measured against a much more thorough and improved risk identification process. By involving representatives from a broad swath of society, the message that the EMB is serious about combating electoral fraud will be spread quickly, reinforcing the deterrence mechanism. Furthermore, as this is only the first step in identifying potential vulnerabilities and does not include counter-measures, the information is not particularly sensitive. The greater benefit of including a cross-section of EMB officials and external contributors is that EMBs will learn about a wider array of current risks at headquarters and

around the country. An equally important perspective will be to not limit the focus to current risks, but also to look five years down the road.

As mentioned above, the risk assessment must analyze the entire electoral process. The more generic core areas to be included in the electoral risk assessment matrix are: a) information technology systems (access, reliability, safety and security); b) outsourced tasks; c) tendering processes; and d) physical access to data, material and personnel. Just because a risk has been identified during this review process does not necessarily mean the risk will form part of the electoral fraud control plan.

Two terms are commonly used when deciding the critical nature of a threat: probability and potential impact. Probability is often labeled as *Very High* (almost certain), *High* (probable), *Medium* (could happen) and *Low* (unlikely). The potential impact is frequently categorized as *Very High* (extreme impact), *High* (extensive impact), *Medium* (significant impact) and *Low* (some impact). Based on the likelihood of a risk actually materializing and the potential ramifications from its occurrence, the EMB can work to generate an overall risk rating. The most common categories are *High*, *Significant*, *Medium* and *Low*. Each of these risk ratings determines the type of response required and the person responsible for taking that action at the EMB (see Table 3 below).

Table 3: EMB Risk Strategy Response

Risk Rating	Response
<i>High</i>	EMB senior management must determine how to reduce the risk. Detailed plan and implementing actions required. Continuous monitoring of the situation. Core part of electoral fraud control plan to reduce risk level.
<i>Significant</i>	Senior management oversight. Detailed plan actions required. Integral part of electoral fraud control plan to reduce risk level.
<i>Medium</i>	Identify appropriate management and monitoring responsibilities. If impact is deemed high contingency, plans must be put in place and tested. If probability is high, strengthen daily supervision of the vulnerability. Part of electoral fraud control plan to reduce risk level.
<i>Low</i>	Manage through day-to-day implementation and adherence to existing processes and procedures. Reinforcement of risks via training and dissemination of information to election management staff.

As Table 3 outlines above, a risk with low impact and limited probability will naturally not play a prominent role in the action plan. However, no other state institution is scrutinized by the media, political parties and civil society to the same extent as an EMB. This intense level of attention, experienced by few outside of the electoral field, can sometimes mean that even smaller, innocuous issues can escalate and become a tangible risk if not dealt with in a timely and professional manner.

B. Developing a strategic electoral fraud control plan¹⁸

The absence of a corporate electoral fraud control plan is not purely a phenomenon found among EMBs in democratizing societies. It is a widespread shortcoming. In fact, it is extremely rare to find an EMB anywhere in the world with an electoral fraud plan worthy of its title.¹⁹ The Australian

Electoral Commission (AEC) is one of the few exceptions to this rule. The AEC, just like all other Australian Public Service agencies, is legally obligated to develop a fraud plan; however, the AEC looks at both potential financial fraud against the commission *and* electoral fraud. The latter is partially a result of inquiries by the Joint Standing Committee on Electoral Matters, a Parliament of Australia committee.²⁰

Reasons for the limited existence of EMB fraud plans among democratic states could be twofold. First, the document might not be public, as it contains information that could theoretically facilitate attempts to defraud the system. Second, democratic countries tend to think that their electoral systems are immune to electoral fraud and therefore see no need for such a document. Should EMBs be in possession of a fraud plan but only share it with a select few individuals within its own organization, they will effectively undermine the rationale for producing a fraud plan in the first place, by stifling both its deterrence and detection effects. For a fraud plan to be effective it must form an integral part of all aspects of the election authority's operations – from the national management level down to the individual polling station – and this can only be achieved if all staff understand and follow the anti-fraud strategies and actions outlined in the plan. Keeping the fraud plan in a safe will only keep it safe from implementation. If no one knows of the fraud plan's existence, its deterrence factor will almost certainly be reduced to nil.

The more plausible rationale for the limited existence of fraud plans among election management bodies in Western democracies is no doubt complacency. These countries often believe that their democratic institutions are strong, and all of their citizens, interest groups and political parties are firm believers of the power of representative democracy and elections, and therefore would not attempt to defraud the electoral process. Sweden is a case in point. The country has one of the world's most aggressive policies against corruption and financial crime and fraud, but the national Election Authority (EA) has no electoral fraud plan. In fact, EA almost exclusively relies on the quality of its laws and regulations governing the event, which meet international standards, to ensure that polling day is a beacon of democracy. A fallback is to rely on party agents present at the polling stations and self-policing among polling officials.²¹ Relying on laws and regulations as foolproof, temporary workers, party agents and the general public to police the election can hardly be regarded as a realistic electoral anti-fraud strategy. In fact, this attitude resembles the approach taken by election authorities in the United States up until the problematic 2000 Presidential Election when a large number of vulnerabilities were revealed. If a proper electoral fraud control plan is in place, most weaknesses and risks should be identified and controlled prior to Election Day.

Fighting electoral fraud requires a coherent, written strategy that is well-known among all EMB personnel. The outcome of the electoral fraud assessment will constitute the foundation on which the electoral fraud control plan is developed. If the EMB, after completing its exhaustive risk analysis, finds only a small number of low risk areas, the electoral fraud control plan will subsequently be modest in scope. Should the electoral fraud assessment identify several significant or high-risk areas, the scope and urgency of the control plan could be vastly different.

It is important to stress that the ultimate goal of the electoral fraud control plan is to eliminate the number of fraud risks in the highest top three categories. In the short term the goal is to put in place mechanisms enabling an EMB to manage the risks and move forward with the election. The electoral fraud control plan should not solely focus on known fraud risks. It should also present EMB staff with tools to continuously analyze and report on potential threats not previously detected and/or expected.

A fraud control plan can vary in content and design. We will briefly present what we regard as the essential components that *must* form part of such a plan. Before discussing the various sections, it is important to emphasize *how* the information is presented. Although the plan is an official document and the primary audience is EMB staff, it is absolutely essential that legalese be kept to a minimum. The understanding of abstract concepts and legal jargon is hardly a useful tool for the EMB officers tasked with detecting and mitigating electoral fraud in the field.

Two pivotal messages must be made immediately evident to readers of the electoral fraud control plan. If not, they are likely to regard it with skepticism or treat it like just another of the many manuals and memos from senior management. The executive needs to convince readers why it is worth studying this plan carefully. This can only be achieved by clearly and unambiguously stating that the electoral process is exposed to several electoral fraud risks and that it is the responsibility of the EMB to manage such risks. Furthermore, in words *and* actions, the EMB leadership intends to combat electoral fraud. This plan in itself is not only a tool for EMB personnel to manage fraud risks, but should also serve as a deterrent to internal fraud. The latter will only be achieved if the document sends a clear message that EMB executives are fully behind the effort to combat fraud and will act accordingly.

Cynics in the organization will immediately decipher the leadership's commitment by the hierarchical status of the office tasked with combating electoral fraud and resource allocation. A kneejerk reaction would be to declare that the Chairperson will personally take responsibility for the electoral fraud plan. This would be less than astute, as most Chairpersons cannot dedicate enough attention over a sustained period of time to effectively manage such a program. The Chairperson often lacks the required skill set for such a task. Having said that, it is pivotal the Chairperson takes a personal and public interest in the organization's fraud strategy and that it remains on the leader's top five issues to track continuously. If this is the EMB's first electoral fraud control plan, it is strongly recommended a taskforce be established, led by a senior EMB official to oversee the development and implementation of risk assessments and the subsequent electoral fraud control plan. Once the plan has become an integral part of the organization's culture and behavior, a dedicated Fraud Control Office would suffice in most cases.

The office charged with implementing an electoral fraud control plan can only be directly responsible for parts of its implementation (often *High* risk category), while at the same time managing the EMB's overall adherence to the plan. Many of the identified *significant/medium* risk issues can only be managed at provincial or lower administrative levels, as they need to be attended to on a daily basis in voter registration centers or during candidate nomination phases, for instance.

All fraud control plans, but especially the ones with a clear decentralized profile, must have designated officers responsible for managing specific risks. These officers must not only be aware of this responsibility but also fully grasp what is expected of them. Managers must ensure these key individuals have both the required time to dedicate to the new task as well as the necessary resources. In some instances, officers will also require specialized training before taking on such a responsibility.

Supervisors of the electoral fraud control plan, tasked with ensuring that it is on track, can only fulfill their responsibilities if the plan includes a stringent yet manageable reporting mechanism. Without regular, clear and concise feedback to the managing office, a fraud plan quickly becomes an unwieldy endeavor destined to fail. However, it is equally important that the national fraud supervisor's office be capable of giving timely and relevant feedback to individual risk managers. Without this, they might unintentionally make decisions undermining an overarching anti-fraud strategy.

EMB efforts to manage risks can only be successful if the organization as a whole is focused on combating fraud. This corporate ambition is usually achieved through training programs and internal information campaigns. All staff members, irrespective of position in the organization, must, at a minimum, know how they can report suspected attempts to defraud the electoral process. A fraud awareness program should be included in the induction course for all new employees and refresher courses for staff should be required to maintain a culture of fraud risk awareness. Specialized trainings for officials charged with leading the EMB's quest against known and future electoral fraud is not only a reasonable investment, but often an effective personnel retention policy.

Even the most professional and well-respected anti-fraud team can sometimes fail to identify a new risk, or become complacent. It is therefore wise to seek external assistance for a second opinion, whether it comes from the private sector, fellow EMBs in the region, regional EMB associations or organizations involved in election technical assistance.

C. Understanding an EMB's operational assets

Successfully combating electoral fraud is not a one-year push. It requires vision, persistence and sometimes significant resources. An appropriately-resourced electoral fraud control plan will no doubt be cheaper in the long run for the election authorities. An EMB that does not tackle electoral fraud throughout the organization could waste the entire election budget if the election results are genuinely challenged due to fraud that should have been identified and controlled at an earlier stage. The seven main components in an anti-fraud budget are as follows:

1. Costs associated with electoral fraud assessment.
2. Development of the electoral fraud control plan.
3. Design, production and dissemination of an internal EMB anti-fraud program.
4. Preparation and roll-out of an internal EMB fraud training program.

5. Public outreach activities to political parties, civil society and media explaining the EMB's fraud fighting strategy and actions.
6. Establishing and running costs for the EMB's fraud control office, including specialized trainings for its staff.
7. Readily available funds to investigate previously unforeseen threats.

D. Suggested guidelines to further strengthen EMB anti-fraud actions²²

This part of the paper seeks to give EMB officials some guidelines and practical tools in their work to fight electoral fraud, in addition to conducting regular fraud assessments and an electoral fraud control plan. The recommendations include deterrence, detection and mitigation actions election officials can pursue internally, or in collaboration with external partners.

Deterrence

Discouraging electoral fraud from taking place in the first place is, of course, the best approach. EMBs themselves have a surprisingly large influence over the organization's deterrence capability. In fact, the factors outlined below have proven to be extraordinarily effective when obtaining the much sought after deterrence capability.

Independence and professionalism: The EMB's commissioners should be independent, and its secretariat staff should be professional. Ad hoc staff persons manning voter registration centers, polling stations and results tallying facilities must be properly trained and thereby able to adhere to procedures.

Appropriate procedures: The EMB's procedures governing the electoral process should not be too complex, as officials will either not properly understand procedures or find ways to work around the procedure to get the job done. For instance, voter registration for the very first municipal election after the war in Kosovo (in 2000) was so complex that there were 64 different acceptable combinations of identification(s) that potential voters could bring to the registration center. In Afghanistan, on the other hand, the rules for registration in 2004 required no forms of identification. Procedures in both cases were inappropriate and created a highly flawed voter register. This problem often derives from the EMB's organizational culture. Election administrations are often highly centralized operations with headquarters responsible for designing, developing and deciding on most aspects of its operations. Field-based components of the organization are rarely consulted and almost exclusively "only" charged with implementing most activities. Their observations and recommendations are infrequently solicited and most often ignored. A more inclusive management style would strengthen an EMB's ability to further reform its policies, procedures and forms.

Supervision: Irrespective of the extent of decentralization, EMB headquarters has a strong supervisory responsibility. Unfortunately, due to resource constraints and shortage of staff, supervision of the lower administrative tiers is lacking. This results in increased risk of non-uniform adherence to rules, which is fodder for politicians attempting to discredit the election authority by accusing it of being politicized and thus favoring certain constituencies over others. A

strong field operations department that is sufficiently resourced to monitor and correct provincial and district-based operations would reduce this risk. Close supervision of tallying centers is crucial during this delicate part of the electoral process when emotions are running high and rumors are plentiful.

Transparency: Inviting comments from political parties, the legal community and civil society when developing procedures and deciding upon policies is an effective tool to dispel rumors and accusations of partisanship. By showing transparency and inclusiveness, EMBs are sometimes able to build the necessary confidence and trust between the election authority and its core constituencies. If transparency is applied selectively by inviting comments on rudimentary issues only, it could become counterproductive. The big ticket items like voter registration, candidate nomination, ballot design, polling procedures and results management systems should all be on the table for consultative meetings.

Public information: Developing highly effective rules and regulations is important, but it is less likely that they will be followed if the electorate, political parties and candidates do not understand the rules of the game. Equally important, the fraud deterrent effect would be minimal. DEOMs and IEOMs must also be informed. This enables them to properly prepare for observation and to learn what types of irregularities and fraud attempts are most likely to be attempted.

Fraud penalties: The penalties associated with electoral fraud are linked to the level of deterrence. The correlation is not absolute, so one cannot obtain 100% deterrence by simply imposing extreme penalties. Still, if the punishments associated with an offence are negligible, the deterrence factor is reduced drastically. Anecdotal evidence from discussions with political party leadership and candidates running for office indicates that a hefty fine is rarely an effective punishment, while the risk of being banned from running for office again is a deterrent. Such a penalty must be handled with great care so as to not violate the fundamental human rights of individuals standing for office.

Enforcement of penalties: The threat of a harsh punishment is only effective if the target audience is aware of the punishment in question. Equally important as a deterrent is the enforcement of punishments for electoral fraud violations. Some countries have very severe punishments for electoral fraud, of which parties and candidates are well aware. However, in some countries electoral crimes are rarely investigated by the prosecuting authorities and even less frequently appear on a court docket. Therefore, the risks associated with committing an electoral fraud are acceptable.

Detection

Detection is the most well-known aspect of combating fraud, since examiners holding up ballots while looking for hanging chads or questionable marks makes for compelling television footage. Many of those actions are quite subjective as election officers are rarely, if ever, trained on using such systems to determine the intention of the voter before the crisis has erupted. Once the electoral dispute is in the open insufficient time exists to design, develop and organize trainings. All of the following detection techniques require substantial advance planning in order to be effective.

Barcoded sensitive election material: Keeping track of thousands of voter registration kits and polling station materials is a major challenge for even the most experienced election specialists. Losing track of a single ballot box, even if it is empty, can be construed as an election administration in disarray. Closely controlling exactly where materials sent where is of enormous importance to an EMB when investigating fraud accusations. By bar-coding material and storing information in a database, EMB investigators can quickly determine if the voting material found in a particular polling station is “alien” and if further investigation is warranted.

Serial numbers on ballots: Imprinting serial numbers on ballot papers and the counterfoil is a powerful tool to manage the distribution of key sensitive material to polling stations. The same mechanism can be utilized for voter registration forms and results sheets. Concerns have been raised about the secrecy of the vote being compromised by printing a unique serial number on the ballot paper. This can be overcome by only printing the number range of ballots included in the booklet of ballot papers in question, which was done for the 2010 Parliamentary election in Afghanistan. This would still enable investigators to determine if the ballots found inside a ballot box belong to the polling station in question.

Professional investigative capability: If EMBs are not willing to admit that the electoral process has potential weaknesses and could be prone to abuse, they will not be inclined to review the process and look for loopholes and improvements. EMBs will therefore be unprepared for any instances of fraud that may materialize. Allocating funds to an anti-fraud unit would *de facto* recognize that the system has weaknesses. EMBs rarely develop and train fraud investigators at any of their offices. At most, simple checklists might exist, but they seldom include more information than the original voter registration, polling, counting and tallying manuals. Hence, significant room for improvements exists at many EMBs when it comes to their internal investigative capacities.

Results management system: The database used for tallying and tabulation of election results should be coded with several trigger points. At a minimum, the system should warn election managers about unusual voter turnout numbers and abnormally skewed results. In addition, software specifications should include a host of more sophisticated analytic points that result in further investigations by EMBs when triggered.

Internal whistle-blower policy: Given the number of individuals involved in orchestrating systemic fraud, it is difficult for the actions to remain covert, at least in the long run. A whistle-blower policy could enable EMBs and prosecuting authorities to learn about systemic fraud attempts in time to counter the attempts. Whistle-blower policies rarely work unless pro-actively promoted and supported by the organization’s executive leadership. Policies must also include safeguards for the whistle-blower’s security, both physically and financially. Employees will rarely risk their careers, or the well-being of their families, if no credible safety mechanisms are put in place.

Fraud/complaints hotline: As a complement to its whistle-blower policy, EMBs can establish a hotline to which the general public can report fraud-related observations and suspicions.

Mitigation

Adjudication of electoral complaints is a delicate business often conducted under immense time-pressure and in the midst of a media storm. This puts an enormous strain on even the most professional and well-resourced institution. As many EMBs have the responsibility to investigate complaints at the first instance, EMB must have procedures in place allowing for timely and uniform processing, decision-making and responding to plaintiffs. This responsibility can only be honored if the institution develops an action plan, trains relevant staff and allocates sufficient resources to conduct adjudication. EMB leadership must also be mentally prepared to recognize the existence of potential fraud that may challenge the outcome of an election and thus activate the electoral fraud control plan. If EMB management waits too long to “push the button,” the plan’s effectiveness could be compromised.

During the less controversial part of the electoral cycle, well before and after Election Day, EMBs and non-EMB adjudication agencies could hold mutual lessons-learned workshops and joint trainings to develop protocol for collaboration during the more tense months of electioneering, polling day and results aggregation. Such activities would not only strengthen their bond and understanding of respective roles and responsibilities, but the institutions can also exchange ideas on more effective and credible adjudication techniques, technologies and procedures.

Technical assistance providers

With an emboldened electoral fraud stance taken by EMBs, organizations charged with offering technical assistance must undergo their own internal reforms to better meet this new demand. The following improvements are therefore suggested:

1. Strategic electoral fraud planning tools should urgently be developed, with a special focus on the electoral fraud control plan.
2. Organizations charged with managing BRIDGE should develop a new cross-cutting electoral fraud module focusing on EMB Senior Management and field-based permanent and ad hoc staff.
3. ACE project leaders should actively identify existing studies and reports on electoral fraud and make this information readily available in a user-friendly format on the ACE website.²³
4. Coordination and communication should be significantly improved between election fraud scholars and practitioner.
5. Technical assistance-providing organizations must introduce a new advisor profile focusing on the electoral fraud challenge.
6. Technical advisors attached to EMBs must take a more proactive role to ensure that all four components of the electoral fraud strategy are covered (fraud risk assessment, deterrence, detection and mitigation).
7. Organizations offering technical assistance to observers, parties and EMBS must recognize that electoral environment and technologies evolve rapidly and follow suit accordingly.

Political parties

Political parties dedicate time, focus and resources to reviewing laws governing electoral systems and electoral processes, thereby making important contributions to closing fraud loopholes. However, the deterrence factor is often compromised by the inability of parties to effectively patrol the implementation and adherence to electoral codes and procedures. The following improvements are therefore suggested:

1. Parties must re-double their efforts to capitalize on the observation and information collected by party agents in the field and convert this into actionable data to be used by party leadership during the evaluation of polling day, counting and tallying of results.
2. Party agents should also be utilized during other critical national electoral events, like voter registration and boundary delimitation, to increase the deterrence and detection capabilities of parties.
3. With an improved data-collecting capability, the ability of parties to file successful complaints to relevant adjudicating bodies would increase, thereby assisting in mitigating alleged fraud.

Domestic election observation missions

Just like international observer missions, domestic election observation groups have become increasingly more professional. Still, many of these organizations are perceived as partisan and unprofessional by local political parties, thereby negatively affecting their deterrence factor. Three changes could reduce these vulnerabilities and strengthen the anti-fraud contributions of DEOMs:

1. Improved screening of observers to reduce the risk of recruiting party activists. EMBs have been facing the very same problem and have therefore developed strategies to reduce this risk, which DEOMs could do well in reviewing and adopting.
2. Inclusion of special expertise to assist in expanding their data collection and analysis beyond Election Day, counting and tallying.
3. As the election administration of elections becomes more technologically advanced, the observation methodologies of DEOMs should be adjusted accordingly, requiring new tools and an amended Core Team profile.

Establishing an open and direct communications link with reputable organizations with credible methodologies would facilitate electoral fraud detection. EMBs could proactively support those activities by lending support to their development of appropriate fraud detection mechanisms.

International election observation

IEOMs in general have achieved an impressive status in the electoral arena. During the crisis following the second round of presidential voting in Ivory Coast in November 2010, for instance, the competing parties both referenced EUEOM findings to support their positions. The well-established institutions that run international election observation missions should not, however, rest on their laurels. The methodology used to assess electoral processes needs to evolve with the election authorities and the increasingly more high-tech solutions chosen by EMBs to communicate,

create the voter register and aggregate results, to mention but a few processes. To improve IEOMs' abilities to detect and deter electoral fraud, the following adjustments should be made:

1. IEOMs' Core Team member expertise must better reflect the new technologies introduced by election administrators during the past ten years.
2. Missions must include a larger portion of the electoral cycle in their methodology, requiring earlier deployment and later departure from the country in question.
3. Overhauling the IEOM mission set-up and duration will take time, as its methodology needs to be modified and additional funds secured. An intermediary solution could therefore be a closer collaboration between IEOMs and DEOMs, whereby domestic observer missions function as whistle-blowers that identify serious flaws. IEOMs could then build on these efforts. By making joint statements, the two missions would reinforce the organizations' respective comparative advantages.
4. IEOM recommendations should have a clearer link to and follow up by EMB technical assistance.

Donors

Donors need to refocus their strategic approach to combating electoral fraud. This new approach would include several key pieces:

1. The single most effective donor decision would be to introduce electoral fraud combating activities among aid program indicators.
2. Support to EMBs should include the development of an electoral fraud control plan (if none exists) or a revision and update.
3. Commission case studies and comparative research should be conducted on how various electoral fraud challenges can best be controlled.
4. Donors need to be upfront about the purpose of the electoral support program. If host governments and recipient EMBs are not interested in the program's electoral fraud profile, donors are advised to take stock and potentially reconsider their overall support to the country's electoral process.
5. Donors should ensure that all electoral support components have a clear anti-fraud strategy and that it is relevant for the country in question, and not a rehash and/or a rerun of the very same program implemented during the previous election.

IV. Concluding Remarks

Time and again, attempts to defraud voters, candidates and political parties of the proper results of a genuine election are unearthed. Unfortunately, EMBs today are generally ill-prepared to overcome the fraud challenge. The single most important omission is the electoral fraud control plan. The sooner EMBs are willing to recognize that their own systems can also be exposed to electoral fraud, and develop and implement such a plan, the sooner they can ensure that the outcomes of their elections express the will of the electorate.

Technical assistance providers to EMBs must strengthen their abilities to match this new focus on combating electoral fraud. Electoral fraud experts should be available and training programs for EMB staff on electoral fraud should be developed, especially on how to conduct fraud assessments and develop electoral fraud control plans.

Political parties and domestic and international observer missions all perform important anti-fraud functions. However, this paper has shown that they currently do not excel in their tasks to detect and deter electoral fraud. Only by improving how they operate and becoming more professional will they fulfill these important functions.

Donors need to upgrade the fight against electoral fraud to the strategic-level in their democracy and governance portfolios by introducing anti-fraud activities among their aid program indicators. Such a decision would send a strong and clear message to all actors on the electoral scene that fraud is no longer acceptable.

V. About the Author

IFES Senior Advisor Dr. Staffan Darnolf currently serves as Country Director in Zimbabwe and has extensive experience in election administration and strengthening the capacity of EMBs to plan and organize democratic elections. Dr. Darnolf previously worked as IFES' Country Director in Cambodia, Moldova, Pakistan and Nepal. He also established IFES' work with the Electoral Commission of Uganda, and spent two years working in Afghanistan as a senior advisor to the Interim Afghan Electoral Commission. He was also an international election commissioner seconded by IFES to the Joint Electoral Management Body. In addition, he has served as an election adviser on IFES projects in Iraq, Kosovo, Nigeria, Zambia and Sierra Leone. Dr. Darnolf holds a BA in Public Administration and a Ph.D. in Political Science from Goteborg University, Sweden.

Endnotes

¹ Allegation of electoral fraud is, of course, not proof of real fraud. Many losing candidates and parties seem to routinely use the electoral fraud card to save face, which is most unfortunate. As a result, cases with real or alleged electoral fraud are numerous. Costa Rica 2010, Sweden 2010, Ivory Coast 2010, Afghanistan 2010, and Uganda 2011 are but a few recent cases.

² Rafael Lopez-Pintor (2010) *Assessing Electoral Fraud in New Democracies: A Basic Conceptual Framework*. Electoral Fraud White Paper Series. International Foundation for Electoral Systems. Washington D.C., page 7.

³ Martine van Bijlert (2011) "Untangling Afghanistan's 2010 Vote: Analysing the electoral data". Afghanistan Analysts Network. Briefing Paper 03/2011.

⁴ For a more in-depth analysis of existing research on electoral fraud, please see Lehoucq, Fabrice. 2003. "Electoral Fraud: Causes, Types, and Consequences," *Annual Review of Political Science* 6: pp. 233-56; Michael Alvarez, Thad E. Hall and Susan D. Hyde, eds. (2008) *Election Fraud Detecting and Deterring Electoral Manipulation*. Brookings Series on Election Administration and Reform. Brookings Institution Press.

⁵ For his seminal work on the importance of EMBs and the various models, please see Rafael Lopez-Pintor (2000) *Electoral Management Bodies as Institutions of Governance*. Bureau for Development Policy. United Nations Development Programme. New York

⁶ See for instance Darnolf, Staffan (2010) Pakistan's Justice Sector: Defending or Diluting the Constitution? In Persson, Sune and Elisabeth Özdalga (Eds) Contested Sovereignties Constitutional Arrangements and their Relevance for Democracy: European and Middle Eastern Perspectives. Swedish Research Institute, Istanbul; Lepsch, Peter; McDermott, Ronan; Kippen, Grant and Staffan Darnolf (2008) Preliminary Report: Pakistan Election Tribunal Monitoring Project – Phase One, February – June 2008. IFES, Washington DC

⁷ The United Nations and the Organization for Security and Co-operation in Europe have on several occasions had the official mandate of preparing and holding the elections in full, or partially. This was the case in, for instance, Namibia 1990, Cambodia 1994, East Timor 1999 - 2002, Bosnia 1996 – 2000, Kosovo 2000 – 2004, Iraq 2003 – 2005 and Afghanistan 2004 – 2005.

⁸ Election advisors to EMBs are often seasoned election officials from their respective native countries, or individuals with an extensive exposure to elections in a large range of countries for various organizations. These advisors have over the years performed a host of tasks for national election authorities. The most common ones are civic and voter education, polling and counting procedures, training of polling officials, election day logistics, voter registration, and procurement. As of late, ICT, results system management, campaign finance supervision, and complaints adjudication have increasingly become requested support activities. However, what is in the end offered to EMBs is a matter of negotiation between what the election authority would want, what donors are willing to pay for and what the TA-supplying agency is comfortable offering.

⁹ The most recent case where international advisors were tasked directly by donors and openly worked with an EMB to integrate electoral fraud measures was in Afghanistan. Following the highly controversial and problematic Presidential poll, both donors and the Independent Election Commission of Afghanistan worked jointly with UNDP and IFES to develop safeguards for the 2010 Parliamentary poll. However, such cases are few and far between.

¹⁰ One of the first and most quoted books on strategic planning for EMBs is Joe Baxter's text (1999) "Strategic Planning for Electoral Organizations: A Practical Guide for Conducting a Strategic Planning Exercise." International Foundation for Electoral Systems. Washington D.C.

¹¹ The five BRIDGE partners are the Australian Electoral Commission (AEC), International IDEA, International Foundation of Electoral Systems (IFES), United Nations Development Program (UNDP) and the United Nations Electoral Assistance Division (UNEAD).

¹² ACE was established in 1998 as the ACE (Administration and Cost of Elections) Project by IDEA, IFES and UNDESA. In 2006 the name was changed to the ACE Electoral Knowledge Network. ACE is now a collaborative effort between nine organizations: IDEA, EISA, Elections Canada, the Federal Electoral Institute of Mexico (IFE), IFES, UNDESA, UNDP and the UNEAD. The European Commission is an ex-officio member. For more information, see www.aceproject.org.

¹³ NDI has produced very instructive manuals outlining how party agents can monitor distinct parts of the process, such as voter registration, quick count and newer technologies. For additional information, see <http://www.ndi.org/elections?page=0%2C1#PoliticalPartyPollwatching>.

¹⁴ Of course, political parties and politicians are not the only ones orchestrating electoral fraud. Cases abound in which national and local state officials, security organizations, and traditional and religious leaders have engaged in fraud. EMB themselves are far from immune from this menace.

¹⁵ For a discussion on the role and responsibilities of domestic election observers, please see Nevitte, Neil and Canton, Santiago A (1997) *The Role of Domestic Observers*, *Journal of Democracy* - Volume 8, Number 3, July, pp. 47-61.

¹⁶ See for instance EU (2008), *Handbook for European Union Election Observation*, 2nd Edition, Brussels: European Commission; ODHR (2010), *Election Observation Handbook*, 6th Edition, Warsaw: OSCE Office for Democratic Institutions and Human Rights. However, it is worth noting that the Commonwealth and the Carter Center have yet to publish an observation methodology in which they analyze the electoral process.

¹⁷ For a more detailed discussion, see Darnolf, Staffan (2011) "International Election Support: Helping or Hindering Democratic Elections?" Paper presented at the IPSA-ECPR Joint Conference, February 16 - 19, 2011, Sao Paulo.

¹⁸ This section relies extensively on the following documentation: Attorney General's Department (2002) "Commonwealth Fraud Control Guidelines 2002," issued by the Minister for Justice and Customs, Australia; Australian Electoral Commission (2004) "Electoral Control Fraud Plan 2004 - 2006," Canberra, Australia; HM Treasury (2003) "MANAGING THE RISK OF FRAUD: A Guide for Managers," London, UK; Attorney-General's Department (2004) "Fraud Control in Australian Government Agencies: Better Practice Guide," Canberra, Australia.

¹⁹ Fractions of documents can be found, such as a "Pocket guide on election fraud and offences" (2006), Leaflet for police officers on election fraud and offences, Local elections, May 2006, The Electoral Commission, UK.

²⁰ The Parliamentary Joint Committee on Electoral Matters conducts inquiries into matters referred to it by the House of Representatives or a Minister of the Commonwealth Government.

²¹ Email communication from the Election Authority, 29/12/2010.

²² The below discussions and recommendations are largely based on Staffan Darnolf's presentation, "Anti-Fraud Provisions during Elections," at IFES, 16 April, 2010, Washington DC.

²³ The ACE Electoral Knowledge Network was formed by IFES, IDEA, and UNDESA to promote credible, and transparent electoral processes with an emphasis on sustainability, professionalism and trust in the electoral process. ACE offers a wide range of services related to electoral knowledge, assistance and capacity development. The network comprises of a global, thematic component (the [ACE Practitioners' Network](#)) and a regional component (the [ACE Regional Electoral Resource Centers](#)). The ACE website, available at <http://aceproject.org/>, is an online knowledge repository that provides comprehensive information and customized advice on electoral processes.

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