

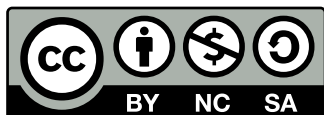
VOTE BUYING

International IDEA Electoral Processes Primer 2



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Contents

Introduction.....	5
Chapter 1	
What is the issue?	9
Chapter 2	
Vote buying and related concepts	11
2.1. Legal framework	13
Chapter 3	
Drivers of vote buying.....	15
3.1. Supply-side drivers.....	15
3.2. Demand-side drivers.....	23
3.3. Institutional enablers.....	26
Chapter 4	
Vote buying in practice	28
Chapter 5	
Design considerations to counter vote buying.....	31
5.1. Constitutional and electoral system reform	32
5.2. Election management reform	33
5.3. Enforcement of legislation.....	35
5.4. Campaign finance regulations	37
5.5. Public information campaigns.....	42
Chapter 6	
Conclusion	44
References.....	46
Further reading.....	50
About the authors.....	51
About the Primer series.....	52
About International IDEA	53

INTRODUCTION

Vote buying is an electoral campaign violation that occurs in many countries, which undermines the integrity of elections and is detrimental to democratic governance. The practice is illegal in over 90 per cent of countries (International IDEA n.d.),¹ yet it persists in large part because of limited state capacity, a lack of political will by political parties to comply with legislation or the politicization of oversight bodies.

Vote buying is defined in this Primer as the offer of financial or material inducements to voters by candidates or political parties during an election campaign period and/or on election day in exchange for electoral support. The financial or material inducements are funded from private resources, as opposed to administrative resources or other public goods. The definition used in this Primer includes the distribution of inducements between the supporters of a party or candidate to encourage their turnout (also known as ‘turnout buying’, Nichter 2008). This practice targeting a group of supporters also entails the contrary practice of paying inducements to the supporters of rival contestants to abstain from voting, sometimes referred to as ‘negative vote buying’ or ‘abstention buying’ (Schaffer and Schedler 2007). The vote-buying practices described here relate to a voter’s willingness to either accept a bribe for their vote or not cast their vote for a specific candidate through forced coercion, such

Vote buying is an electoral campaign violation which undermines the integrity of elections and is detrimental to democratic governance.

¹ Globally, 91.7 per cent of countries have a ban on vote buying; 4.4 per cent do not have a ban; data is not available for 3.9 per cent of countries. Data are correct as of 2020, according to the International IDEA Political Finance Database, Question 38: ‘Is there a ban on vote buying?’ (November 2022).

as intimidation or threats. Furthermore, this Primer focuses on voters casting their vote in a polling station; it does not explore vote-buying practices related to absentee voting, such as postal voting.

This Primer does not cover buying the votes of legislators or lobbying. It defines vote buying as separate from political clientelism, a form of political patronage in which elected public office holders offer (often) asymmetric public goods or public sector employment to groups of voters in exchange for political support cultivated over time. However, vote buying may be practised to sustain a clientelist relationship between elected politicians and citizens.

Many factors beyond electoral politics drive vote buying.

Many factors beyond electoral politics drive vote buying. Such factors influence the 'supply side' (political actors' decisions to engage in vote buying), the 'demand side' (voters' willingness to participate in vote buying) or both. Politicians' efforts to cultivate a clientelist relationship with their constituents by offering exclusive benefits in exchange for political loyalty is among the supply-side drivers of vote buying. The electoral system may enable vote buying, particularly if it has single-member districts or promotes intraparty competition between candidates from the same party in the same electoral constituency, which may incentivize candidates to pursue personal electoral strategies. Voters may also drive vote buying through an expectation to receive money, gifts or other handouts from candidates standing for election to public office, which such voters may regard as a source of revenue.

Vote buying derives from competitive electoral processes, but it often encompasses social and economic cleavages in society. Voters' willingness to accept benefits in exchange for their vote is principally a consequence of poverty and social exclusion. Since the same financial incentive is likely more valuable to poorer voters than to their wealthier counterparts, it costs less for political actors to buy the votes of the poor. Such voters may also be more politically marginalized and therefore more inclined to discount future benefits on which programmatic election campaigns are fought. A further consideration may be that voters who are not interested in politics and do not attach importance to civic values are more disposed to engage in vote-buying offers. Some voters accept electoral handouts because doing so resonates with their sense of social justice.

Acceptance of vote buying may also be rooted in cultural norms, such as the social norm of gift giving, in which an item of value is given without an explicit agreement regarding immediate rewards, but with some expectation of reciprocity. Systemic shortcomings are also significant enablers of vote buying, including ineffective enforcement of legislation banning the practice, inadequate legislation or insufficient protection of secret ballots.

Eliminating or reducing the incidence of vote buying requires understanding the modalities by which it operates. Political actors engaging in vote buying commonly employ networks of intermediaries (brokers) to conduct the transactions with voters. The brokers may be political party operatives or free agents who offer their services to multiple parties and candidates. A candidate may only deal with a trusted group of professional brokers, who manage a group of mid-level brokers, who in turn manage individual brokers. A large-scale vote-buying operation constitutes a significant financial undertaking without a guaranteed return since the political actors have few effective means of monitoring their brokers. Brokers often appropriate a portion of these funds for themselves, which hampers the efficiency of the practice. Typically, brokers are selected for their personal networks and knowledge of their communities, since they have the necessary opportunities to approach people in their social group to accept inducements in exchange for their vote. Vote buying is frequently reported as occurring close to or on election day to minimize the risk that voters will be persuaded by offers from rival candidates' brokers.

Vote buying is notoriously difficult to detect and ban. In certain contexts, this challenge may lessen institutional motivations to mitigate the practice, or even provide disincentives in the form of oversight, control and subsequent law enforcement. The scope of a country's legislative framework and the strength of its regulatory institutions will enhance the enforcement of anti-vote-buying laws and practices. The independence of judicial institutions, electoral management bodies (EMBs), and anti-corruption and political finance oversight agencies should be codified in a country's constitution to place these institutions in the strongest position to deter and defend against political interference. A country's electoral system should also be considered to understand the causes and identify

Eliminating or reducing the incidence of vote buying requires understanding the modalities by which it operates.

solutions related to vote buying. For example, electoral systems that emphasize candidates over parties (i.e. first-past-the-post (plurality), alternative vote or two-round systems (majoritarian), or open list or single transferable vote (proportional)) may incentivize individual candidates between and within parties to pursue personal electoral strategies.

This Primer outlines what vote buying is (and what it is not) and analyses the drivers behind the practice from both the supply side (political actors who engage in it) and the demand side (voters who agree to participate and enter a transaction). The Primer provides insights into vote-buying strategies and practices before considering options for policy interventions to effectively counter the practice. It also offers an analytical framework for a strategic approach to support such efforts to stakeholders seeking to gain comparative insights into vote buying and mitigation.

Chapter 1

WHAT IS THE ISSUE?

Vote buying is electoral corruption; in most countries, it is a criminal offence. It undermines electoral processes but is notoriously difficult to prove. As a form of political corruption that occurs as a transaction that is often conducted through personal contacts and acquaintances, the difficulty of detecting and proving illegal activity further removes vote buying from legal and regulatory oversight. For this reason, legislation has a limited impact in prohibiting the practice. Furthermore, the root causes of vote buying lie deeper in society. Solutions should therefore address voters' willingness to engage in the practice as well as parties' and candidates' tendency to employ it as an election-winning strategy.

One-third of voters in Bulgaria, Indonesia, Kenya and the Philippines, a quarter of voters in the Dominican Republic and Sierra Leone, and one-fifth of voters in Argentina have admitted to being offered cash, food or other goods in exchange for their vote during an election campaign (Transparency International 2020; Muhtadi 2019: 62–63; Stoychev 2016). The actual incidence rate of vote buying is likely to be far higher since voters are unlikely to admit to engaging in the practice because of its unlawful nature or their sense of personal moral conflict for having sold their vote.

Vote buying disproportionately affects the most vulnerable groups in society, such as poorer and socially marginalized voters. Social inequality is therefore placed in the political arena, although not necessarily on the political agenda. Wealthy officeholders who obtain their positions through vote buying are less likely to represent the interests of poorer voters or to be held accountable for their

Solutions should address voters' willingness to engage in vote buying as well as parties' and candidates' tendency to employ it as an election-winning strategy.

performance in office (Hasen 2000; Stokes 2007). Vote buying may also contribute to the persistence of poverty (Gersbach and Mühe 2011), increase rent seeking by politicians (Leight et al. 2020) and keep corrupt politicians in office, leading to a decline in social wealth.

Vote buying occurs in both urban and rural areas, although it is more prevalent in smaller communities. In some countries, individual candidates in specific constituencies engage in the practice. In other countries, it may be highly organized and widespread, deployed as an electoral strategy alongside the misuse of administrative resources and complicit with corruption and serious organized crime. In the latter context, vote buying moves beyond an equal transaction to an asymmetric transaction, underpinned by persuasion and coercion, which at its worst may contribute to electoral violence. Vote buying also has adverse effects beyond the immediate outcome of an election by increasing the cost of electoral campaigns and creating a barrier to entry into politics by individuals without significant wealth (Kramon 2013; Muhtadi 2019).

Vote buying weakens the trust that voters and citizens have in their elected representatives and restricts the opportunities for society to protest and examine corruption in a transparent and secure environment.

Furthermore, vote buying weakens the trust that voters and citizens have in their elected representatives and restricts the opportunities for society to protest and examine corruption in a transparent and secure environment. Social acceptance of vote buying over successive electoral cycles can institutionalize the practice, as candidates who win elections with the help of a vote-buying strategy are likely to adopt a similar approach in future elections. Where politicians and citizens tolerate vote buying, this impedes the normative principle that elected representatives are accountable to their electorate.

Chapter 2

VOTE BUYING AND RELATED CONCEPTS

Vote buying is the offer of money, material goods or services to voters by election contestants (political parties or candidates) in exchange for votes. Within this broad concept, there are several fundamental distinctions. The first relates to the timing of vote-buying inducements. Vote buying in this Primer refers to inducements made on election day or during the voting period. To secure an electoral advantage, vote buyers in some countries visit voters the night before or the morning of an election (Schaffer 2007; Muhtadi 2019). Accordingly, the definition excludes handouts outside the electoral period.

It is also necessary to clarify what may be covered by the vote-buying offer. While money is included, some goods and services may not. However, handouts of essential items such as grain, sugar or fuel are no less effective as incentives to vote for a particular candidate than cash. But is the same true of refreshments at campaign rallies? What about transporting voters to the polls? Evaluating the relative strength of incentives is inherently difficult as they have different values for different voters. Guided by the normative ideal of democratic competition between policy proposals rather than contestants' financial ability and willingness to bribe potential voters, the distribution of any inducement should be deemed undesirable and regarded as vote buying.

The extent that any offer of future benefits should be regarded as vote buying is also an important consideration. Candidate promises of benefits made on the campaign trail are not usually considered problematic and are seen as an acceptable campaign strategy.

Vote buying is the offer of money, material goods or services to voters by election contestants (political parties or candidates) in exchange for votes.

However, specific commitments to provide money or other rewards after election day, especially to voters who supply proof of their vote, qualify as vote-buying inducements.

Vote buying may target specific individuals or groups of voters (Nichter 2014). The boundary of particularistic treatment—politicians' favourable treatment of a particular group in society—may be unclear. The benefits of vote buying may be available to a wider variety of voters, for example communities or villages. Goods and services delivered by contestants during election campaigns for community consumption, such as essential services, infrastructure or additional public spending, may also be considered particularistic from the normative perspective. However, such benefits are often delivered without voters' direct participation.

Vote buying necessarily entails a commitment—or, at a minimum, an expectation—that a voter will deliver electoral support in exchange for payment if it is to be a worthwhile endeavour for a candidate to engage in both systematically and across elections (Nichter 2014). While a systematic approach with a tangible benefit may be relevant for vote buying carried out by powerful and organized political parties, it may be less (or not at all) applicable for vote buying by candidates in weak party systems (Kramon 2013; Muhtadi 2019). In this context, it is sufficient for money and other incentives to be offered with the intention to buy a person's vote. The extent to which vote buyers can secure a commitment and monitor voters' compliance varies by context.

The voter's role in the success of any vote-buying strategy should not be overlooked.

The voter's role in the success of any vote-buying strategy should not be overlooked. The transaction requires two parties, and a voter's willingness to engage may be driven by a single factor, or a combination of several factors. Voters will make a rational choice calculation to participate in vote buying to obtain either what they perceive to be a financial benefit that is greater than the value of their vote, or an exchange that forms part of a cultural or social norm. A rational choice calculation could derive from several causes, both conscious and unconscious, such as social marginalization or voter ignorance.

Vote buying should be distinguished from other related concepts. For example, the definition used here does not include the provision of public goods, such as improvements to basic state infrastructure negotiated by a community leader in exchange for electoral support by community members. Furthermore, providing particularistic goods and services in exchange for political support is considered political or electoral clientelism, which is generally defined as a 'lasting personal relationship between individuals of unequal socio-political status' (Hilgers 2011). Vote buying is often associated with the context of political clientelism.

This Primer focuses on vote buying targeted at voters, but the term has also been used in relation to legislators, which is a distinctly different phenomenon. This type of vote buying entails offering inducements to legislators from partisan leaders in exchange for an agreement or 'deal' between legislators to trade their votes for each other's proposals, also known as 'horse trading' or 'logrolling'. Similarly, vote buying by member states in multilateral and international organizations is excluded.

2.1. LEGAL FRAMEWORK

Many countries explicitly outlaw vote buying in national legislation, either in a single law or in multiple laws. Legislation in some countries is limited to banning the offer of money, goods, or services from a candidate or broker in exchange for a person's vote. In other countries, the legislation extends to prohibiting voters from accepting such an offer or selling their vote. National political finance regulations should prohibit candidates from engaging in vote buying during election campaigns. Campaign finance regulations may require candidates and parties to disclose donors' identities, the amount of money donated (any donation or an amount above a specified threshold), and the funds spent during campaigns. Generally, such regulations are designed to promote and ensure a level playing field between candidates, but specific to countering vote buying, transparency in candidate and political party spending allows regulators and law enforcement agencies to ascertain whether a candidate has used campaign funds to bribe voters. For example, in the United Kingdom, 'a voter shall be guilty of bribery if before or during an election he

Many countries explicitly outlaw vote buying in national legislation, either in a single law or in multiple laws.

directly or indirectly by himself or by any other person on his behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting'. Additionally, 'a person shall be guilty of bribery if after an election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting' (Representation of the People Act, 1983, articles 5 and 6).

International obligations

Election-specific treaties and resolutions do not explicitly reference vote buying as an electoral irregularity. However, if election contestants offer voters money, material goods or services in exchange for votes, this is difficult to reconcile with a free and fair electoral process that is underpinned by other international obligations and instruments. The most significant is the principle of a voter's right to cast their ballot in secrecy, which is designed to protect voters from being subject to any corruption, coercion or intimidation while casting their vote.

Secrecy of the ballot guarantees that voters can cast their vote freely.

The United Nations Universal Declaration of Human Rights (1948) obliges signatories to guarantee a 'secret vote', and the UN International Covenant on Civil and Political Rights (ICCPR) states that elections must be held by 'secret ballot'. These obligations are intended to prohibit voters' identities from being connected to their vote before, during or after their ballot is cast. The ICCPR prohibits 'any abusive interference with registration or voting as well as intimidation or coercion of voters'. Secrecy of the ballot guarantees that voters can cast their vote freely. The right to a secret ballot covers the electoral campaign period up to election day. The ICCPR emphasizes that voters should be: 'able to form opinions independently, free of [...] inducement or manipulative interference of any kind' (General Comment No. 25 article 25, paragraph 19) and 'free from any coercion or compulsion to disclose how they 'intend to vote or how they voted' (paragraph 20). It also states that voters cannot waive their right to a secret vote. Furthermore, UN General Assembly Resolution 72/164 (2017) explicitly condemns 'any manipulation of election processes, which should be interpreted to exclude manipulative interference in the form of vote buying'.

Chapter 3

DRIVERS OF VOTE BUYING

Candidates and parties use vote buying as an electoral strategy for multiple reasons, which are often specific to a country or societal context. The practice is driven by supply-side factors (election contestants' motivation to engage in vote buying) as well as demand-side factors (why voters agree to engage in and accept the transaction). The latter are often driven by a voter making a rational choice to sell their vote, or a cultural or social norm related to practices of gift giving. Vote buying is likely to be facilitated by other context-relevant circumstances, referred to as 'institutional enablers', such as inconsistent legislation. However, it is important to reiterate that the drivers behind vote buying are highly context specific, as is their interplay. It is also challenging to determine causality, and any claims of a cause should be made with caution. Necessary generalizations and occasional simplifications should not be interpreted as definitive assertions of causal relationships.

Vote buying is driven by supply-side factors (election contestants' motivation to engage in vote buying) as well as demand-side factors (why voters agree to engage in and accept the transaction).

3.1. SUPPLY-SIDE DRIVERS

Why do electoral candidates engage in vote buying? The simple answer is because it works for them, usually because they have no other cost-efficient means of influencing voters or manipulating election results (Lehoucq 2007). Politicians who seek to gain an electoral advantage through manipulation or coercion will choose the forms of malpractice that are most readily available to them (Birch 2011). If they are not able to manipulate the electoral rules, falsify the voter register, coerce voters, or commit electoral fraud at the ballot box, vote buying may be one of the few remaining options.

In countries that are implementing electoral reforms to enhance the integrity of their electoral processes, the vote-buying incidence may even increase in successive elections. This is because reforms that successfully mitigate electoral irregularities and bad practice may cause candidates to engage in vote buying as one of the few remaining options to illegally influence an election. Such reforms will likely include policies and practices designed to create a transparent and accurate voter registration and verification process, ensure the political and operational independence of the EMB, and eradicate ballot-box stuffing.

Vote buying may be intended to mobilize a candidate's known supporters, attract undecided voters, suppress turnout among an opponent's supporters, or a combination of these and other goals. If political players regard vote buying as a cost-effective way to achieve these aims, it will remain attractive. Therefore, the more complex question is what conditions and factors cause politicians to choose vote buying over other available electoral strategies.

Vote buying is closely associated with political clientelism, which is broadly defined as the provision of particularistic benefits in exchange for political loyalty.

Political clientelism

Vote buying is closely associated with political clientelism, which is broadly defined as the provision of particularistic benefits in exchange for political loyalty. Under programmatic politics, formalized public criteria instead shape resource distribution (Stokes et al. 2013). In addition to private goods and services, clientelist benefits may include employment in the public sector (often referred to as 'patronage') and targeting public spending to constituents (also known as 'pork-barrelling'). Incumbent political actors typically employ these strategies, which require access to public resources.

The relationship between vote buying and political clientelism depends on the definition of both concepts; the terms are often used interchangeably, which contributes to conceptual ambiguity (Nichter 2014). In some instances, vote buying is considered a variation of political clientelism directed at voters instead of patronage targeting party members (Stokes et al. 2013). However, clientelism is usually defined as a lasting relationship (Hilgers 2011) that extends beyond the electoral period. Vote buying and political clientelism are analytically distinct (Hagene 2015), although the former can be deployed as an instrument to sustain political clientelism as a lasting

relationship. It may also be used where a lasting relationship does not exist as a single transaction.

Clientelism is thought to originate in pre-modern social relations, but it also appeared in modern settings, such as Italy following World War II (Warner 2001). Clientelism has strong links with low economic development because it is less costly for patrons (political players) and more attractive to clients (voters) in such settings (Hicken 2011). It has also been argued to result from politicians' inability to make credible policy commitments (Keefer and Vlaicu 2008).

Campaign finance

Political candidates require adequate financial resources to organize their election campaigns, which involves formulating policy, producing advertisement materials and holding campaign rallies. The financial resources a candidate and their political party receives—public subsidies, private donations or both—may be insufficient (or perceived as insufficient) to finance their campaign, thus motivating a candidate to accept unregulated (illegal) donations or loans from donors. Such extra-regulatory donations are often provided with conditionality attached based on the donor's narrow and personal interests. Globally, national legislation exists to level the electoral playing field. Approximately half of countries around the world limit the amount a candidate can spend on an election campaign; parties in one-third of countries routinely receive public subsidies to help finance their operational campaign costs and activities, while those in another third of countries receive no routine direct public subsidies (International IDEA n.d.).²

For example, in Nepal, candidates standing in provincial elections (parallel voting electoral system) are permitted to spend a maximum of NPR 250,000 in a closed-list proportional representation

Approximately half of countries around the world limit the amount a candidate can spend on an election campaign.

² Globally, 33.9 per cent of countries have provisions for regular direct public funding to political parties; 27.8 per cent have provisions for regular and campaign-related direct public funding to political parties; 28.3 per cent do not offer any public funding; 7.8 per cent provide public funds only for campaigns; data are not available for 1.7 per cent of countries. Data are correct as of 2020, according to the International IDEA Political Finance Database, Question 28: 'Are there provisions for direct public funding to political parties?' (November 2022). Additionally, 36.1 per cent of countries limit the amount of money a political party can spend on an election campaign, while 61.1 per cent do not; data are not available for 2.2 per cent of countries. Data are correct as of 2020, according to the International IDEA Political Finance Database, Question 39: 'Are there limits on the amount a political party can spend?' (November 2022).

constituency or up to NPR 150,000 if contesting the election in a first-past-the-post single-member constituency. Candidates regard this sum as insufficient to cover the basic requirements of a meaningful campaign, and therefore illegally draw on their personal finances or raise funds from local business donors. Business owners who provide such donations often seek preferential treatment or particularistic benefits from candidates who are ultimately elected. Elected candidates therefore serve their donors' interests ahead of (and even instead of) their constituents. Breaches of campaign finance regulations are often undetected, and detected violations often go unpunished, creating a self-perpetuating cycle of dependence between business donors and candidates. Furthermore, donors often expect their candidate to win 'at any cost', which strengthens their combined vote-buying strategies in order to win (Nath Mishra, Pandey and Yolkey Rai 2022; Asia Foundation 2017).

The design of the electoral system is often a significant factor driving the use of vote buying as an election strategy.

Electoral system

The design of the electoral system is often a significant factor driving the use of vote buying as an election strategy. For example, Indonesia's change from a closed-list to an open-list proportional representation system spurred intraparty competition in an environment where political parties generally lack solid societal roots and distinct ideologies (see Box 1). Moreover, in highly competitive elections, where contests are decided on narrow margins, vote buying emerges as an effective electoral strategy for candidates who need to cultivate their individual voter base to defeat their opponents and co-partisans.

The example of Indonesia illustrates how electoral systems that only offer voters a choice between political parties cause candidates to rely more heavily on party-centred strategies. By contrast, electoral systems in which voters choose between individual candidates or cast multiple votes tend to encourage candidates to cultivate a personal vote, potentially based on specific incentives (Carey and Shugart 1995; Hicken 2007). Intraparty competition, such as when members of the same party campaign against each other in the same district, makes it more difficult for candidates to distinguish themselves from each other by appealing to a party 'label' and platform. Electoral systems that feature intraparty competition, such as open-list PR, preferential voting and single transferable vote,

Box 1. Indonesia: Electoral system as a structural driver of vote buying

Following the fall of the Suharto regime in 1998, Indonesia experienced exponential growth in the number of political parties: 48 parties contested the 1999 elections. The subsequent tightening of party registration requirements led to a gradual reduction; 12 parties contested the national legislative election in 2014. Except for the Islamist vs. secular orientation, ideological divisions between political parties are not strong, and parties have typically competed on clientelist rather than programmatic grounds. Party loyalty has also declined significantly: whereas 86 per cent of voters identified as being affiliated with a particular party in 1999, only 15 per cent did so in 2014.

For the 1999 elections, Indonesia adopted a closed-list proportional representation (PR) electoral system: voters cast their ballot for a list of candidates, and parties determined each candidate's place on the list. Candidates in winnable positions at the top of the list became known as *nomor topi* (hat number), while lower-ranking candidates were called *nomor sepatu* (shoe number). There was a perception that wealthy candidates were bribing party leaders for top positions on party lists. In 2003, partially in response to these concerns, the electoral system was changed to a semi-open one. Voters were given an opportunity to express their preference for a particular candidate, and candidates who obtained preferences equal to or over the party's full seat quota could be elected regardless of their place on the

list. This high threshold allowed only 2 out of 550 Members of Parliament to be elected through preference votes in 2004. In 2009, the parliament legislated to reduce the requirement to 30 per cent of the full seat quota, but the Constitutional Court annulled this law and introduced a full open-list proportional representation system.

Legislative elections are held in multi-member electoral districts, which in 2014 numbered 77 for parliamentary elections, ranging between 3 and 10 seats. Over 6,600 candidates from 12 parties competed in the 2014 elections, with an average of nearly 12 candidates per seat. As parties rarely win more than two seats in a district, the winning margins are small. In 2014, 69 out of 77 constituencies were decided by margins of less than 4 per cent of votes cast in the district. Seats were decided by no more than 2.5 per cent of the party's vote within each party. The open-list system encouraged candidates from the same party to engage in intense campaigning for personal votes. Many candidates resorted to vote buying to distinguish themselves from their co-partisans and secure individual votes. While the efficiency of vote buying was not estimated to be particularly high (around 10 per cent of voters were thought to cast ballots in response to vote buying), this strategy was nevertheless more efficient and attractive for candidates than the available alternatives.

Source: Muhtadi, B., *Vote Buying in Indonesia: The Mechanics of Electoral Bribery* (London: Palgrave Macmillan, 2019), <<https://doi.org/10.1007/978-981-13-6779-3>>.

thus provide incentives for candidates to pursue personal electoral strategies over, or in addition to, those of their party.

Candidates' strategies to cultivate personal votes are not necessarily limited to vote buying. They may also seek to emphasize their policy differences within the party, rely on personal popularity, use media advertising to increase their appeal, target particularistic benefits to constituents, and even resort to violence and intimidation, among other options (Hicken 2007). However, depending on other factors such as party organization and campaign financing, vote buying may be a more efficient personal strategy for candidates, as was the case in Indonesia.

Historical examples of a decline in vote buying when constituency magnitude is increased suggest that smaller electoral districts may be conducive to a rise in vote buying, such as in the United Kingdom in the 19th century. A fixed amount of money available to a candidate with which to bribe voters would buy a smaller proportion of votes in a larger constituency. The Representation of the Peoples Act 1832, also known as the Great Reform Act, abolished small districts and redistricted seats in the House of Commons to larger metropolitan boroughs in the English West Midlands and North of England. The expansion and redelineation of constituency boundaries limited the extent to which wealthy landowners and prospective Members of Parliament could buy votes by making vote buying too expensive (Cox 1987). The relationship between electoral district size and the prevalence of vote buying is not straightforward and depends on additional factors. Increasing the district size decreases the incentives for personal reputation seeking in closed-list electoral systems, but in open-list systems, the effect is the opposite: larger districts increase intraparty competition, which drives candidates to pursue personal electoral strategies (Carey and Shugart 1995). However, smaller district magnitudes (the number of seats contested in the electoral district) may be associated with an increase in the incidence of vote buying (Jensen and Justesen 2014). This pattern is consistent with examples of contestants engaging in vote buying in nationwide constituencies, for example in presidential elections or legislative elections with a single electoral district.

Voters' expectation

Voters' expectations at least partially drive the persistence of vote buying, which is often a response to the demand for it. Voters may expect handouts in clientelist settings, where vote buying may indicate voters' willingness to continue the clientelist relationship (Kramon 2013). Beyond that, voters' expectations of vote buying may be rooted in their sense of entitlement and understanding of social justice.

In the Philippines, many lower-income people view handouts from candidates as a sign of attention and care, an indication of generosity and an exemplification of how 'good' politicians should behave (Schaffer 2008). In Benin, voters who generally assume that politicians are corrupt see the payment of money for votes as a form of reparation for public funds that politicians have stolen, whether or not this is the case (Bratton 2008). In many countries, elections represent one of the few opportunities for poorer voters to benefit from those in power. They expect candidates for public office (who are presumed to be wealthy) to share some of their spoils. Voters' sense of entitlement and demands to receive handouts may be so strong that they border on extortion (Lindberg 2003).

Since vote buying incurs a financial cost to electoral contestants, it would benefit all contestants if the practice did not occur. However, the risk of not buying votes while others are doing so is too high. Candidates and their brokers in Indonesia have claimed that voters often behave opportunistically and take money from different contestants, so they feel the need to outbid their opponents and 'secure' their votes (Muhtadi 2019). In Paraguay, local party operatives acknowledged to international election observers that voters expect to receive cash or basic products (EU EOM 2018). In Ghana, a candidate claimed that not giving gifts to voters during an election campaign would be political suicide (Lindberg 2003).

In some contexts, vote buying is an entrenched feature of electoral campaigns and resembles an accepted norm. For example, in Papua New Guinea, clientelist politics and cultures of competitive exchange are a longstanding aspect of societal relations in the remote Highlands region, but vote buying is now widespread across the country, including in areas without a history of competitive

Voters' expectations of vote buying may be rooted in their sense of entitlement and understanding of social justice.

exchange. Some voters negotiate the price for their vote with candidates' brokers. Papua New Guinea uses a limited preferential voting electoral system for parliamentary elections (voters rank three candidates in order of preference). In the 2007 and 2012 general elections, brokers offered cash payments to voters in descending value for their top three preferences (Haley and Zubrinich 2015). The widespread prevalence of vote buying in Papua New Guinea has been attributed to several possible factors, including a change in the electoral system in 2003 (first-past-the-post to limited preferential voting) and the growth of extractive industries and associated business interests combining with political decision making. In rural districts of Nepal during successive elections, some voters refrained from casting their ballots until approximately an hour before the polls closed; brokers waited outside polling stations to bid for votes.

Public trust in electoral processes and the institutions that administer them is an often overlooked but increasingly important characteristic of electoral integrity and election outcomes.

Trust in electoral process

Public trust in electoral processes and the institutions that administer them is an often overlooked but increasingly important characteristic of electoral integrity and election outcomes. Voters must perceive an electoral process and its outcome as legitimate. Trust in public institutions to function effectively and fairly underpins acceptance of the election results and weakens voters' willingness to engage in vote buying. The legitimacy of elections and electoral integrity more broadly originate from the reliability and ethical behaviour of the institutions that manage them (Coglianese 2016; Drahos 2017)—namely EMBs and other institutions enforcing anti-vote-buying legislation. Elections are high-stakes events due to political actors' short-term interests. Voters may be reluctant to trust an EMB or regulatory and judicial system that is not considered competent, and therefore view an election as an opportunity for immediate and personal gain. Similar concerns may arise if EMBs are perceived as lacking a complete understanding and oversight of the systems in use. However, public institutions cannot uphold trust on their own and are not sufficient to solve more deeply rooted crises of confidence. Citizens must recognize that vote buying breaches the norm of ballot secrecy and 'one person, one vote' in order for the practice to lessen during election campaigns.

Programmatic political parties

The policy offering, or lack thereof, made by political parties and candidates may also make voters more willing to engage in vote buying. Programmatic political parties in a strong party system better represent different groups in society by aggregating their preferences and are therefore accountable to citizens. Parties that commit to implementing a clear set of policies if elected make themselves accountable to the people to deliver on their promises. In many contexts, parties pursue other strategies to secure voters' support, such as vote buying. The legitimacy of representation achieved through vote buying is likely highly contingent on the historical, political and economic context. Citizens often hold political parties with poor policy performance and a lack of accountability in low esteem (Cheesman et al. 2014). In these contexts, voters—particularly those who are poor or socially marginalized—may be more willing to sell their vote.

In countries without a strong political party system, voters may be more attracted to a candidate-focused political landscape, which politicians willing to engage in vote buying can exploit to their advantage. An absence of programmatic political parties and a mutual acceptance by both candidates and voters of vote buying are self-perpetuating and hamper the development of an inclusive and accountable political system.

3.2. DEMAND-SIDE DRIVERS

Poverty and social vulnerability

Vote buying and pervasive poverty are inextricably linked, although not all voters living in financial hardship would necessarily sell their vote. Poor voters are more likely to be offered (and to accept) monetary or other benefits for their votes (Jensen and Justesen 2014; Kramon 2013). The same amount of cash has greater value to a poorer person than to a wealthier one—referred to as the 'diminishing marginal utility of income'. It is thus cheaper for political actors to buy the votes of the poor (Stokes 2007). Poor voters may also be more likely to discount the future benefits on which programmatic election campaigns are built. Since poorer voters are more likely to live at or near subsistence levels, they may be more

Parties that commit to implementing a clear set of policies if elected make themselves accountable to the people to deliver on their promises.

Vote buying and pervasive poverty are inextricably linked, although not all voters living in financial hardship would necessarily sell their vote.

inclined to reward a small welfare transfer made directly to their household with their vote, rather than a promise of the future delivery of public goods (Khemani 2010). Poverty is therefore regarded as one of the key enablers of political clientelism (Hicken 2011).

In countries or electoral districts that have a significant number of voters who are socially, economically or politically marginalized, poorer voters living in densely populated neighbourhoods (or slums) may be regarded as 'vote banks'. Many who live a largely subsistence existence are only concerned with handouts they can receive from politicians during an election campaign. The scale of vote buying in districts with such large numbers of voters has the potential to significantly undermine a democratic election; a polity, particularly at the subnational level, could be captured through actionable 'banks' of voters living in such neighbourhoods (Björkman 2014).

Lower educational attainment, regarded as a proxy for socio-economic vulnerability in developing countries (Çarkoğlu and Aytaç 2015), may increase the potential to be approached by candidates' brokers seeking to engage in vote buying. In the Philippines, vote-buying brokers target low-income voters by leveraging their vulnerability and dependence, including with offers of essential items (Canare, Mendoza and Lopez 2018).

Voters may engage in vote buying due to various civic and cultural or social characteristics.

Civic stance and cultural norms

In addition to socio-economic vulnerability, voters may engage in vote buying due to various civic and cultural or social characteristics. Voters who are uninterested in politics and attach limited importance to civic values may be more prone to agree to vote buying offers (Carlin and Moseley 2015). As noted above, some voters are thought to accept electoral handouts because they resonate with their sense of social justice. They may regard inducements as a rightful claim to the resources of those in higher social strata and an opportunity to achieve a measure of dignity (Schaffer and Schedler 2007).

Acceptance of vote buying may also be rooted in cultural or social norms. For example, in Indonesia, candidates distribute handouts to voters on the campaign trail as part of the social norm of gift giving. Such handouts are not perceived as bribes, but rather as appropriate gestures of generosity and goodwill (Muhtadi 2019). Similarly, vote-

Box 2. Cultural norms and vote buying in kinship-based communities

Some communities in Papua New Guinea and Solomon Islands are structured around traditional *wantok* kin networks. Strong social obligations exist between members of *wantoks*, based on a responsibility to assist and support other members of the group and to share material goods in times of need. A person's obligation to support their *wantok* remains if they assume a position of privilege or enter public life, such as political office (Cook and Winn 2012; Wood 2014).

The intersection between kinship groups and vote buying may be institutionalized through government public policies. In Solomon Islands, Members of Parliament receive annual allocations of discretionary Constituency Development Funds from the Ministry of Rural Development for development programmes in their constituencies. Moreover, a voter can register in any constituency if they either reside there, are eligible to reside there or are a member of a group or tribe indigenous to the

constituency. This legal right permits voters to register in a constituency other than where they usually reside. Incumbent candidates entice voters to register in constituencies other than where they usually reside through promises of gifts, cash or direct Constituency Development Fund benefits, such as the payment of fees for public services including education and healthcare (Batley et al. 2019; NDI 2021).

Nepal also has strong family kinship groups with expected obligations between members. In many rural Hindu communities that are socially and economically marginalized, extended family kinship groups form the basis of established political and economic alliances. Before an election, the leader of a kin group will meet with candidates' brokers to negotiate a cash fee for an agreed number of votes. The fee paid in local and provisional elections in 2017 and 2022 was approximately NPR 2,000 for 50 votes (Nath Mishra, Pandey and Yolkey Rai 2022).

buying brokers visiting voters in their homes in Thailand offer their gifts in the culture of respect for the host, where guests would be considered impolite if they came empty handed (Schaffer 2007).

Reliance on such norms embeds vote buying in the context of reciprocity, engendering a sense of obligation on the part of the voter to return the favour. Communities based on traditional kinship systems may be particularly susceptible to vote buying, since the practice may be considered an extension of an established network of support for extended family, 'tribe' or 'clan' members.

Vote buying is prohibited by law in most countries, yet inadequate law enforcement frequently enables its persistence.

3.3. INSTITUTIONAL ENABLERS

Lack of law enforcement

Vote buying is prohibited by law in most countries, yet inadequate law enforcement frequently enables its persistence. An inclination by criminal justice systems, particularly the police, to allow vote-buying activities to occur in some countries permits brokers to engage in the practice with few obstructions. For example, Taiwan's ruling party has a history of blocking the investigation and prosecution of its politicians for vote buying (Wang and Kurzman 2007). A country's procedural framework may also render its legal prohibition ineffective. For example, in Kyrgyzstan, the police and prosecutors have not investigated vote buying because the law categorized this offence as a matter of 'private prosecution'. A case could only proceed if the victim of vote buying submitted the complaint and evidence against the perpetrator directly to the court (OSCE ODIHR 2018).

In addition to police investigations, vote buying may also be detected through the rigorous enforcement of comprehensive campaign finance regulations, including the reporting, auditing and scrutiny of campaign donations and expenditure. Expensive vote-buying operations may be difficult to hide where political finance reports are correctly submitted to the responsible regulator and subsequently audited. Campaign finance expenditure reports may reveal cash disbursements or the procurement of supplies used in vote buying. However, opaque campaign finance legislation and weak enforcement in some countries make vote buying difficult to detect and do not deter candidates from circumventing reporting requirements.

Insufficient safeguards of ballot secrecy

Vote buying is a more attractive electoral strategy to candidates who view disbursements to voters as beneficial to their electoral success. The secret ballot was historically devised as a safeguard to protect voters' freedom of choice from bribes and intimidation. Political actors may use a variety of approaches to undermine ballot secrecy to allow them to monitor voters' compliance with the vote-buying bargain. Party agents use their community connections to observe voter behaviour, accompany voters to polling stations, assist voters

who falsely claim to be illiterate, pre-mark ballots and ask voters to photograph ballot papers with mobile phones. Some polling arrangements may facilitate these efforts. In Argentina, where party-produced ballots were in use, brokers would supply voters with such pre-marked ballots, which voters could not easily replace without being detected (Brusco, Nazareno and Stokes 2004).

Vote-buying operatives may also benefit from a perception among voters that their ballots are not secret; candidate or party agents may spread false information to this effect. Where voters are ill-informed about their right to ballot secrecy, some candidates and their agents capitalize on this to persuade or intimidate voters to believe their votes are not secret (Cruz 2019). Historical or other societal considerations can also influence this perception, for example where there is a history of credible accounts of voter fraud in previous elections or new electoral systems or voting practices have been introduced with limited public awareness or understanding of such changes.

**Vote-buying
operatives may
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Chapter 4

VOTE BUYING IN PRACTICE

Vote-buying operations may differ between political actors, depending on their strategy and resources, even in the same election.

Vote buying is difficult to accurately identify in practice, primarily due to its illicit nature. The intended outcome—a vote for a candidate or party engaging in the practice—is difficult to prove because of the principle of ballot secrecy. Furthermore, vote-buying operations may differ between political actors, depending on their strategy and resources, even in the same election.

Vote-buying transactions differ depending on the societal and political context, the extent of enforcement of the law by the police and judicial institutions, and the electoral administration arrangements. For example, when a voter is compensated with cash or larger items of high value, the payment is usually made in advance. Agreements between a broker and a voter, and the subsequent transaction, will be made in person, often when a broker cannot verify that a voter cast their ballot for the promised candidate. In contexts where a broker has greater control over a voter honouring their commitment to vote for a particular candidate, either genuine or perceived, the payment may be made in two instalments, one in advance and the other after election day. This strategy may be deployed if the broker can verify (to a certain level of accuracy) that a voter indeed cast their ballot for the candidate they promised. Prior to election day, voters may share their personal data with the broker and be subject to in-person visits at their address reminding them to honour their agreement. The broker may also monitor the polling station to witness a voter cast their ballot, or require voters to photograph their completed ballot paper with their mobile phone.

Box 3. Implicit vote-buying strategies

Vote-buying strategies are not always possible to definitively identify, especially if benefits or gifts are provided in kind and without voters' direct participation in the transaction. The vote-buying transaction in this circumstance is implicit, yet not necessarily any less effective than when voters directly engage in a transaction.

Political parties and candidates campaigning across Lebanon in parliamentary elections in 2022 distributed essential food items and medical supplies, as well as generators and fuel. In some of the poorest districts in rural Nepal, several candidates held private parties offering attendees meat, rice and alcohol

(items beyond attainment for people living in poverty in Nepal) during campaigns for the parliamentary elections in 2017 and local elections in 2022. Candidates also provided financial contributions and in-kind benefits, such as electricity generators, refrigerators and food to community and social groups, such as women's institutions, with the implied intent that group members cast their vote for their candidate in return. The benefit is not intended, or received, as payment for social development or a gesture to suggest that such community groups would be supported if the candidate were elected, but simply as inducement for a vote in the forthcoming election.

Sources: Nath Mishra, I., Pandey, C. and Yolkey Rai, B., International IDEA mentors in Nepal, participation in a workshop with a co-author, 30 May 2022; European Union Election Observation Mission (EU EOM), 'Nepal, House of Representatives and Provincial Assembly Elections, 26 November and 7 December 2017, Final Report', 2017; EU EOM, 'Lebanon, Parliamentary Elections, 15 May 2022, Preliminary Statement', 2022.

Electoral candidates engaging in vote buying generally operate through networks of intermediary brokers who transact with voters. Brokers may be party operatives or free agents who offer their services to multiple parties and candidates. In some contexts, candidates may only deal with a trusted group of top-level brokers, who each manage a group of mid-level brokers. For example, in Taiwan in 1993, at a county election with approximately 21,000 voters, a party recruited 26 top-level, 99 mid-level and 522 ground-level brokers, each of whom was responsible for procuring approximately 24 votes for the party (Wang and Kurzman 2007). In Indonesia in 2014, candidates for provincial legislative elections were estimated to employ between several dozen and several hundred brokers (Muhtadi 2019). These examples demonstrate that a large-scale vote-buying operation can be an expensive endeavour requiring a significant level of effort. Vote buying also carries a financial risk for political players engaging in the practice, since they have few

Box 4. Nigeria: Political agents enforcing vote-buying transactions

Vote buying is illegal in Nigeria (Electoral Act 2010, article 130, supplemented by anti-money laundering legislation, Money Laundering Act 2011, amended 2012), but widespread in several electoral districts. Unenforced legislation often results in vote-buying political parties and candidates operating with impunity, not requiring the use of brokers' services, and publicly viewing voters' completed ballot papers in polling stations.

During the country's 2022 gubernatorial elections, political party agents paid voters NGN 1,000–10,000 for their vote, depending on the size of the political party paying. Voters displayed their completed ballot paper to party agents inside the polling station to demonstrate they voted for the candidate of the vote-buying agent.

Source: Centre for Democracy and Development, 'Fact check: Did APC not engage in vote buying as Ekiti Governor-elect claimed?', 21 June 2022, <<https://cddwestafrica.org/fact-check-didnt-apc-engage-in-vote-buying-as-ekiti-governor-elect-claimed>>, accessed 28 June 2022.

effective ways to monitor their brokers. Appropriation of funds by brokers contributes to the inefficiency of vote buying.

Political parties or candidates often select a broker for their personal networks and knowledge of their community. Brokers approach people in their close social networks, such as relatives, friends, neighbours, co-workers or colleagues in other social activity groups. Buying strangers' votes is less common, but the strategy adopted depends heavily on the specific country and societal context. Vote buying generally occurs close to or on election day to minimize the risk that rival brokers will offer voters other deals. However, recruitment may be less well structured in contexts where vote-buying practices are conducted in public settings or anti-vote-buying legislation is not enforced. For example, brokers may be poorly educated young men with limited skill sets or meaningful or sustainable employment opportunities.

Chapter 5

DESIGN CONSIDERATIONS TO COUNTER VOTE BUYING

Vote buying may be rooted in the systemic shortcomings of political institutions and the socio-economic environment, which pose a daunting challenge for even the most ambitious policy interventions to enact reform. A significant factor behind the success of vote buying in numerous contexts is poverty, social, economic and political marginalization, and entrenched social or cultural norms, which will require a longer-term whole-of-society approach to overcome. In the short to medium term, vote buying is an expensive electoral strategy for candidates; they risk being caught performing an illegal act, and it is often ineffective. Political actors should acknowledge this, even as some benefit from the status quo.

A range of measures may decrease the attractiveness of vote buying relative to other electoral strategies. This section outlines different entry points for such measures, from constitutional and electoral reform to law enforcement efforts to public information campaigns. The effectiveness of each entry point depends on the country context. A combination of complementary interventions may have a greater cumulative effect than each separate action. For example, in India's 2014 general election, approximately 120,000 federal police were deployed to prevent the procurement and transportation of resources for vote buying, which included enforcing bans on the sale of alcohol and limits on cash withdrawals, installing vehicle checkpoints and shadowing candidates in their campaign activities.

A significant factor behind the success of vote buying in numerous contexts is poverty, social, economic and political marginalization, and entrenched social or cultural norms, which will require a longer-term whole-of-society approach to overcome.

5.1. CONSTITUTIONAL AND ELECTORAL SYSTEM REFORM

Relevant electoral campaign and anti-corruption legislation may be codified in a national constitution, which therefore may require amendment. Constitutional reform is by no means a straightforward undertaking for any government. However, implementing significant reforms offers opportunities to transform the design of institutions with the aim of reducing, and ultimately irradicating, vote buying. The independence of courts, EMBs, and anti-corruption and political finance oversight agencies, and guarantees of impartial law enforcement need to be adequately safeguarded in the constitution. For example, in Costa Rica, generating the political will to improve electoral integrity began with the establishment of the Supreme Tribunal of Elections, codified in the Constitution (article 9) as the sole body responsible for the organization of elections, tabulation of votes and interpretation of electoral law (Lehoucq and Molina 2002). Establishing institutions in a constitution rather than in statutory law highlights their value and better insulates them from present and future political interference.

Since electoral system reform affects the nature of political competition and political institutions, reform efforts should also consider the compromises involved in the choice of different electoral systems

The choice of electoral system adopted by a country or other jurisdiction may also affect the prevalence of vote buying. Electoral systems that encourage intraparty competition provide incentives for candidates to pursue personal electoral strategies, as occurred in Indonesia. Reverting from an open-list to a closed-list proportional representation system would therefore remove an important supply-side driver of vote buying (Muhtadi 2019). It is important, however, to consider how a policy intervention to counter one irregularity (vote buying) may, without appropriate legislation and enforcement, facilitate other irregularities (intraparty corruption to obtain a higher position on the closed list). Since electoral system reform affects the nature of political competition and political institutions, reform efforts should also consider the compromises involved in the choice of different electoral systems (see also Reynolds, Reilly and Ellis 2005).

Changes to institutions' design should be grounded in the socio-economic context. The 1997 Constitution of Thailand provides a cautionary insight into a failed anti-corruption reform attempt.

The Constitution aspired to end corrupt politics and vote buying. It introduced several measures designed to strengthen executive power and political parties, at the expense of individual politicians and their factions. The electoral system for Members of Parliament was changed from a bloc vote to a mixed system of single-member plurality and list proportional representation. Voting was also made compulsory. A new directly elected upper chamber, the Senate, was designed to be impartial and above the often-contentious nature of party politics. Senate candidates could not belong to a political party and were restricted in their ability to campaign. The Senate's impartiality was intended to guarantee the selection of the best qualified candidates for the newly established regulatory and oversight agencies—the Constitutional Court, National Counter-Corruption Commission and Election Commission (Kuhonta 2008).

Prior to the first elections held under Thailand's new Constitution in 2001, Thaksin Shinawatra, one of the country's wealthiest businessmen, used his personal wealth to establish the Thai Rak Thai Party (TRT) in 1998, which exploited the new constitutional rules to its electoral advantage, winning in the three general elections it contested. Vote buying was less prevalent in the 2001 election than in previous elections, but it adopted new practices, such as TRT canvassers paying voters to join the party. The new Senate was not impartial, and Shinawatra used his influence to capture the regulatory agencies. His increasingly authoritarian rule ended with the 2006 military coup (Kuhonta 2008). The 1997 Constitution did not address the root causes of vote buying—such as corruption in the public administration and the inequitable distribution of resources to rural areas (Callahan 2005).

5.2. ELECTION MANAGEMENT REFORM

Vote buying is more attractive to political actors if they can monitor compliance and are confident that a majority of voters who committed to a vote-buying bargain will uphold their pledge. Voters' commitments can be monitored by exploiting weaknesses in the polling process that undermine ballot secrecy. For example, several countries do not use a single integrated ballot paper, but separate ballot papers for each party or candidate. In some countries, political

Vote buying is more attractive to political actors if they can monitor compliance and are confident that most voters who committed to a vote-buying bargain will uphold their pledge.

parties are permitted to print and distribute individual ballot papers before election day and outside polling stations on election day (e.g. Argentina, France, Panama, Spain, Sweden). This approach can jeopardize the principle of ballot secrecy and helps brokers monitor voters' compliance with vote-buying deals. The model allows brokers to accompany voters to the polling station with their pre-filled ballot papers and to monitor, or even enforce through intimidation, voters as they queue to cast their vote. While the polling booth remains accessible only to the voter, who could replace the ballot paper provided by the broker with a different party ballot, the opportunity for a voter to do so is likely to be limited (Brusco, Nazareno and Stokes 2004). In Bosnia and Herzegovina, allegations of vote buying have been reported in several federal and local elections; international election observers have reported that voters frequently do not mark their ballots in secret, groups of voters vote together and party agents monitor voters leaving polling stations (OSCE ODIHR 2019). While this evidence may be construed as incidental, these actions are consistent with vote buying.

Where brokers lack the capacity or need to monitor individual voters, the former may resort to aggregate monitoring. In Colombia, vote buying has been more frequent in polling stations with fewer registered voters. The lowest level of aggregated ballots and published results (at the polling station level) gave brokers a more accurate estimate of voter compliance. Knowing that brokers monitor these results, voters in small polling stations had more reason to fear the negative consequences of reneging on their vote-buying deal (Rueda 2017).

The process of designing policy interventions to counter vote buying should include an assessment of the election administration.

The process of designing policy interventions to counter vote buying should include an assessment of the election administration. Specifically, polling procedures should be reviewed to strengthen the protection of ballot secrecy. A single integrated ballot paper should be printed and distributed only by the EMB, on election day or during the legal voting period in the polling station (excluding absentee voting such as postal or proxy voting), to the registered voter. Additional regulation of partisan agents' activities in and around polling stations should also be considered. Increasing the number of voters assigned to each polling station could provide an additional measure of protection against vote-buying monitoring and

effectiveness. Alternative methods of allocating voters to polling stations could also make it more difficult for brokers to monitor them. In Colombia, voters residing in an electoral district are assigned to polling stations alphabetically based on their name rather than their address. The benefits of aggregating and reporting results at a level higher than a single polling station (for example, pairing polling stations for counting and reporting results) should be considered, but weighed against the possible shortcomings. Furthermore, the use of cameras inside polling stations should be made illegal to empower polling station staff to stop voters photographing their completed ballot paper, which brokers request as evidence of compliance with a vote-buying commitment.

Brokers also benefit from voter perceptions that their ballots are not secret. Moreover, brokers are known to spread false information, particularly among socially vulnerable or marginalized voters. Public information campaigns launched by EMBs and other actors should counter such misinformation and utilize every opportunity to instil and maintain confidence among voters that ballot secrecy is protected, both legally and in practice.

5.3. ENFORCEMENT OF LEGISLATION

The pervasiveness of vote buying, despite legislation in multiple countries banning the practice, suggests that the relevant legislation and its enforcement is inadequate. Legislation should remain relevant to different vote-buying methods and strategies deployed by brokers and political candidates. These strategies, and their relationship to a particular societal context, constantly evolve. A review of existing bans may reveal a need for their modification or the consideration of additional prohibitions. Such considerations may include the type of payment that brokers offer to voters, such as a decline in cash and an increase in specific material goods, or an increase in voters live filming (vs. photographing) a completed ballot paper with a mobile telephone to circumvent legislation prohibiting photography in polling stations.

Vote-buying strategies are often highly context specific, varied and potentially difficult to prove as a breach of anti-vote-buying

legislation. For example, during a 2011 gubernatorial election campaign in Mexico, a candidate offered voters personal access to state services if they won the election. Brokers provided pre-payment or ATM (automatic teller machine)-style cards to voters with a guarantee of credits deposited onto the card to be used to access state-wide programmes that the candidate vowed to initiate if they won the election. The programmes included healthcare support, food provision, scholarships, pensions, home improvement projects and agricultural subsidies. The candidate's campaign distributed more than 2 million payment cards (Stokes et al. 2013). In Moldova in 2021, a political party was promoted through a chain of discount grocery shops targeted at socially vulnerable voters (Box 5). It is important to note that while these examples fit the Primer's definition of vote buying, these practices were legal under the respective countries' anti-vote-buying legislation.

Box 5. Moldova: If it looks like vote buying, is it?

A wealthy businessman and founder of a political party named after himself, Ilan Șor, funded a parallel project of 'social shops' called MeriȘor. An expansive chain of shops throughout Moldova, MeriȘor stores offer groceries and household goods and target socially vulnerable groups, including the poor, the elderly and people with disabilities. Holders of MeriȘor loyalty cards receive discounts in the shops. The Șor Party promotes MeriȘor shops on its website as exemplifying its social responsibility. MeriȘor shops feature the Șor Party's logo, and during election campaigns, additional mobile 'pop-up' shops operate from trailers across the country.

Moldova's penal law prohibits vote buying, which is defined as 'an offer or provision to

a voter of money, property, services or other benefits, to induce the voter to exercise electoral rights or refrain from exercising such rights during parliamentary, presidential, local elections, or a referendum'. MeriȘor shops are operated by a business entity that is legally separate from the Șor Party. Party representatives are confident that the arrangement does not breach any laws. In the snap parliamentary elections held in July 2021, the Șor Party was one of only three election contestants to cross the electoral threshold, gaining 6 seats in the 101-member legislature. Complaints of vote buying by other parties made to the Central Election Commission and to law enforcement bodies have not been pursued due to a lack of evidence the law was broken.

Sources: Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights, 'Republic of Moldova, Early Parliamentary Elections of 11 July 2021. Final Report of the OSCE ODIHR Election Observation Mission, Warsaw', 22 December 2021.

Even well-designed and well-drafted anti-vote-buying legislation will be ineffective if law enforcement bodies do not pursue investigations and prosecute offenders. A lack of enforcement may be the result of multiple causes. In some contexts, law enforcement bodies may be cautious of the political consequences of rigorously pursuing vote buyers. This may be due to a lack of political independence in law enforcement bodies, a fear of accusations of political interference or a combination of both. These risks are more pronounced in competitive political environments. For relevant legislation and enforcement to be effective, strong political support to counter vote buying is needed.

Even well-designed and well-drafted anti-vote-buying legislation will be ineffective if law enforcement bodies do not pursue investigations and prosecute offenders.

The successful investigation and prosecution of vote buying require cooperation with voters as informants and witnesses. If selling votes is a punishable offence, which is often the case, victims and witnesses have few incentives to cooperate with law enforcement bodies. The benefits of criminalizing vote selling should therefore be weighed against the negative impact on the effectiveness of law enforcement efforts. In Taiwan during the 1990 election, an important aspect of the successful crackdown on vote buying was rewarding private citizens for information leading to the conviction of vote buyers (Box 6).

5.4. CAMPAIGN FINANCE REGULATIONS

Campaign finance regulations may be regarded as providing limited scope to counter vote buying because of the obvious criminal nature, but importantly because the practice is usually highly personal, taking place between a broker and a voter in a private space. Since vote buying is illegal, it would not be expected to be reflected in accounting records and political party or candidate campaign finance reports. However, a functional framework of campaign finance rules that encompasses specific electoral law as well as other anti-corruption and anti-money laundering legislation, and their oversight, should contribute to detecting and investigating vote buying as parties and candidates require resources to buy votes. The transfer of (often large amounts of) financial resources or the unexplainable procurement of goods and services may be detectable through financial audits conducted by campaign finance oversight bodies. An

Box 6. Taiwan: Decisive law enforcement action against vote buying

Vote buying was widespread in Taiwan in the early 1990s. Surveys estimated that at least a quarter of voters accepted cash or goods from candidates and their brokers. In 1993, President Lee Teng-hui appointed a justice minister who declared fighting electoral corruption his highest priority. The minister oversaw the indictment of 436 politicians for vote buying within 5 months; half were convicted. The political signal was particularly powerful since nearly all those indicted belonged to the ruling Kuomintang (KMT) party.

Between 1995 and 1998 prosecutors won 4,375 convictions for vote buying in southwest Taiwan alone. Political interference reportedly led higher courts to overturn the convictions of several prominent KMT members, but most were upheld on

appeal. The campaign against vote buying gathered even greater momentum after the election of opposition candidate Chen Shui-bian of the Democratic Progressive Party (DPP) as president in 2000. He appointed a new minister of justice, widely respected for his integrity. On the new minister's watch, prosecutors frequently used wiretapping and forensic accounting techniques and rewarded private citizens for information leading to the conviction of vote buyers. During the first three years of the DPP administration, the number of vote-buying cases prosecuted almost quadrupled compared to the previous three years. Opinion polls and election observers noted a marked decline in vote buying. Some observers assessed the 2001 election as the cleanest in the country's history.

Sources: Schaffer, F. C., *The Hidden Costs of Clean Election Reform* (Ithaca, NY: Cornell University Press, 2008); Wang, C.-S. and Kurzman, C., 'The logistics: How to buy votes', in F. C. Schaffer (ed.), *Elections for Sale: The Causes and Consequences of Vote Buying* (Boulder, CO: Rienner Publishers, 2007).

oversight body with field monitoring capacity should identify signs of vote buying, such as the offer of services or goods, during visits to campaign offices and events.

Sanctions against violations of campaign finance regulations will serve as an additional deterrent to vote buying by raising the cost of being caught. For example, in Mexico, political parties can be sanctioned with a reduction of 50 per cent of their allocated public funds (General Law on Electoral Institutions and Procedures, 2020, article 456). In the Republic of Korea, political parties and candidates face a financial penalty up to KRW 10 million or imprisonment and are forbidden from standing for public office for 10 years following conviction (Political Funds Act, 2021, articles 45 and 57). Wide-ranging electoral reform in Mexico in 2014 included constitutional

reform to encourage stringent adherence to campaign finance regulations. For example, a winning candidate found to have violated political finance rules, such as exceeding the spending limit or obtaining illegal funding, required the annulment of an election and a new election to be organized. The candidate that won the annulled election (and was proven to have breached campaign finance regulations) would not be permitted to run in the new election (Constitution of Mexico, article 41 (VI)).

Enforcing campaign finance regulations is a challenge for many oversight bodies, as determining whether money or gifts in the possession of a suspected vote-buying broker are destined to buy votes is difficult to prove and must be balanced against an individual's personal liberty in a democratic society. In India, ahead of parliamentary elections in 2019 and State Assembly elections in 2022, the Electoral Commission of India (ECI) and several state electoral commissions deployed 'flying squad teams, static surveillance teams and video surveillance teams' during the election campaign period. The 'flying squads' were mandated to seize cash from any individual carrying more than INR 50,000; cash seized by these squads was deposited in the State Treasuries. The ECI set a campaign expenditure limit of INR 308,000 for each candidate and established a monetary value for 150 items that could be used in a vote-buying transaction. A no-cost telephone line and mobile telephone apps were established for voters to report instances of vote buying to the flying squads (*The Tribune India* 2021; *The Hindu* 2022; *The Indian Express* 2022).

Enforcing campaign finance regulations is a challenge for many oversight bodies.

Campaign finance regulations that prohibit vote buying comprise three components: (a) implementation of transparency and accountability measures to restrict the source of donations to political parties and candidates; (b) the amount of money a political party or candidate can accept; and (c) the amount they can spend on an electoral campaign.

Additional campaign finance regulations include a ceiling on campaign expenditure made by political parties and candidates and the extension of this regulation to donors, or 'third-party' campaigners—an organization or person that supports a political party or candidate but does not stand for election. A ceiling on

campaign expenditure could be imposed to facilitate equity between candidates in an election, prohibit undue influence, and limit the increase in the cost of election campaigns for parties and candidates, while strengthening provisions to regulate campaign finance.

Globally, approximately 50 per cent of countries limit the amount of money a candidate can spend on an election campaign and 45 per cent do not (International IDEA n.d.).³ Limiting the cost of electoral politics can also help reduce the barriers for less well-financed political players to contest an election, irrespective of the strength of their support among the electorate. (See Box 7 for an example of campaign finance expenditure regulation in the United Kingdom.)

A ceiling on campaign expenditure alone may have minimal effect on mitigating vote buying, as spending on the practice would be unreported because of its illegal nature. However, the requirement for all campaign expenditure transactions to be conducted electronically through a bank account and a ban on cash-based transactions would enhance the ability of campaign finance oversight bodies to monitor compliance with regulations.

Campaign finance regulations may offer solutions for ‘marginal’ cases where vote-buying bans are ineffective or specific regulation is missing. For example, the legal frameworks do not always expressly address charitable activities by political parties and candidates. Such activities may have to be regarded as campaign spending and be subject to the same requirements, including reporting and spending limits. For example, in Armenia’s 2012 parliamentary elections, a company affiliated with a businessman who was also the leader of the Prosperous Armenia Party (PAP) distributed approximately 500 tractors to rural communities as part of the PAP’s campaign. Following an investigation, the Central Election Commission did not find that any laws had been breached, but the tractors were not accounted for in the PAP’s campaign expenses, raising legitimate questions about the effectiveness of campaign spending limits (OSCE ODIHR 2012). In some countries social expectations and cultural norms related to gift giving make the identification of vote buying challenging, even within a legal framework. An appropriate

3 Nearly half (49.7 per cent) of countries limit the amount of money a candidate can spend on an election campaign, while 45.8 per cent do not; data are not available for 2.8 per cent of countries. Data are correct as of 2020, according to the International IDEA Political Finance Database, Question 41: ‘Are there limits on the amount a candidate can spend?’ (November 2022).

Box 7. United Kingdom: Regulating candidate campaign finance expenditure

Campaign expenditure is regulated in the UK during the period before an election. The length of this 'regulated' period for individual candidates depends on the type of election, but it covers the period that an individual is formally a candidate. For general elections, this period starts the moment the former parliament is dissolved, which is usually approximately five weeks. The amount candidates can spend on campaigning is limited and restricted to certain activities. In the regulated period prior to the 2019 general election, the spending limit for candidates was GBP 8,700.00 plus GBP 0.06 per registered voter in urban constituencies and GBP 0.09 per voter in rural constituencies. Expenditure on advertising—including posters, television and online adverts, leaflets sent to voters, public rallies, and operational and administration costs—are regarded as 'candidate spending' and must fall within the limit and be declared to the Electoral Commission.

Political parties' campaign spending is regulated by separate rules, as is spending by non-political party (or candidate) campaigners—third-party' campaigners on behalf of a party or candidate. Parties, candidates and third-party campaigners must all be registered with the Electoral Commission. Expenditure by political parties or other groups on activities that support a candidate is generally regarded as candidate spending.

The regulated period for party spending is longer, usually beginning 365 days prior to a

general election. All expenditure for regulated activities must be reported to the Electoral Commission within three months of an election if a party spent less than GBP 250,000 or within six months if it spent more. Furthermore, donations and loans to candidates and political parties above GBP 500 can only be made by a defined type of donor and must be reported to the Electoral Commission.

Political parties in the UK are eligible to receive an annual direct public subsidy through the Policy Development Grant, paid by the UK Parliament and disbursed through the Electoral Commission. The grant consists of a total of GBP 2 million to be spent across all eligible political parties. The subsidy supports parties to develop policy to be included in their manifestos. It is only available to political parties with two or more seats in the lower chamber of the Houses of Parliament. The amount each party is allocated has a ceiling. Payments are split: 75 per cent of the grant is paid at the beginning of a financial year, and the remainder is disbursed upon the submission and verification of a report outlining a party's final and eligible expenditure. Parties and candidates also receive regular public subsidies for ordinary operational costs but not electoral campaign costs. Basic financial assistance, known as 'short money', is paid to opposition parties in the lower chamber. These funds are paid to parties that won either two seats, or one seat and more than 150,000 votes in the previous general election.

Sources: Political Parties, Elections and Referendums Act 2000; Elections Act 2022; The UK Electoral Commission, 'Public funding for political parties', [n.d.], <<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/financial-reporting/donations-and-loans/public-funding-political-parties>>.

solution in such circumstances is to define what constitutes an acceptable contribution from a political party or candidate to prospective voters. The defined contribution would be reported to the campaign finance oversight agency as a campaign expenditure.

Public information campaigns are a common intervention to address the demand side of vote buying.

5.5. PUBLIC INFORMATION CAMPAIGNS

Public information campaigns are a common intervention to address the demand side of vote buying. The messaging strategy may differ, but usually resembles one of two variations. In the first, campaigners may seek to convince voters not to accept money or other offerings from parties and candidates. The second urges individuals to vote with their conscience and not to allow money and gifts to sway their judgment. For example, a Ugandan public information campaign against vote buying conducted during the 2016 general election by a coalition of non-governmental organizations (NGOs) advised voters to ‘eat widely but vote wisely’. While the choice of the messaging strategy is context-specific, it should convey messages that resonate with the recipients.

While the campaign did not decrease the extent of vote buying, with regard to either offers or their acceptance, it appeared to influence voters’ attitudes to reciprocity and empowered more voters to make their choice regardless of the gifts they received. While the social norm of refusal was not established, the social norm of reciprocity appeared to have been weakened. In addition, the campaign empowered new and opposition candidates to challenge the advantage of incumbent candidates by campaigning more widely (including through vote buying) and in the incumbents’ strongholds. The campaign’s effect was thus increased support for new candidates challenging incumbents and a reduction of the incumbency advantage (Blattman et al. 2019).

In India, during the 2014 general elections, several radio advertisements with dramatized conversations between voters conveyed the message that vote-buying parties were less likely to deliver on their promises of public services and urged citizens to vote for non-vote-buying candidates. The radio campaign reduced the vote share of vote-buying parties by 4–7 per cent. Its effects were more

pronounced in areas with more non-vote-buying parties (Vasudevan 2019). The campaign was conducted primarily during the 'silent period' before election day, giving parties little or no time to adapt their strategies. In the Philippines, during municipal elections in 2013, voters were provided with information about the mayoral candidates' spending plans for public funding in their area, which helped them compare candidates' policy proposals. Incumbent mayors responded to this information campaign with intensified vote-buying efforts (Cruz, Keefer and Labonne 2016).

As with most public policy, context is significant for its success. Public information campaigns should reflect an understanding of the social norms that are likely to inform voter behaviour and different voters' perspectives in society. Campaigns against vote buying that have had only limited success may be the result of differences between voters' attitudes. For example, voters concerned with anti-corruption efforts in an election may regard vote buying as an outcome of the ignorance of voters who engage in this practice. Voters who sell their vote may regard it as a commodity that they can sell to corrupt politicians. Additionally, some voters may believe clientelist politicians understand their socio-economic position or desire for enhanced dignity (Schaffer 2008). Furthermore, public information campaigns should be conducted in conjunction with the exposure of political actors to the electoral practices and conduct of political parties in countries regarded as having limited incidences of vote buying. For example, through international political party or parliamentary exchange programmes to facilitate the transfer of global anti-vote-buying norms and knowledge (Mccoy 2001).

An important consideration in the design and implementation of any public information campaign is to determine why voters are willing to engage in vote buying. Where vote buying is the consequence of a cultural or social norm, any public information campaign must seek to shift the narrative regarding societal relations and practices of interaction between community members, particularly regarding ballot secrecy and the act of casting a vote, which may contribute to an acceptance of vote buying.

Public information campaigns should reflect an understanding of the social norms that are likely to inform voter behaviour and different voters' perspectives in society.

Chapter 6

CONCLUSION

This Primer offers an overview of vote buying, including its causes and how to design effective strategies to address the practice and improve the integrity of electoral processes. The ambition and scope of any strategy will necessarily depend on the legal powers, and financial and human resources at the disposal of politicians, law enforcement bodies and regulatory institutions, as well as their collective political will.

Political actors engage in vote buying if they believe it works better than other strategies to win an election.

Political actors engage in vote buying if they believe it works better than other strategies to win an election. The attractiveness of vote buying will decrease by making it less reliable and subject to rigorous enforcement and appropriate punishment. A government-devised action plan can afford to be more ambitious than an EMB or an NGO coalition in enacting reforms to mitigate electoral fraud. However, unless the social, cultural and economic conditions in a society that drive corruption are addressed, efforts to reduce vote buying will be curtailed. Decision makers devising strategies to counter vote buying may consider the following framework to identify weaknesses and design relevant policy interventions.

- A political or electoral system that is less conducive to making vote buying an attractive electoral strategy, such as an electoral system that encourages intraparty competition and produces narrow margins of victory or has small electoral districts.
- Remove procedural or institutional weaknesses that can be exploited to undermine ballot secrecy. For example, politicians or agents engaging in vote buying may exploit specific electoral

procedures to monitor voters' compliance or create a perception among voters that their ballot is not secret.

- Focus anti-electoral-fraud legislation on the organizational structures of vote buying and remaining relevant with the various vote-buying schemes employed. Inadequate law enforcement may be due to structural barriers such as political influence on law enforcement bodies. It may also be due to procedural deficiencies or a lack of resources. Consideration should include the perspectives of the law enforcement personnel responsible for investigating and prosecuting vote buying.
- Rigorous enforcement of adequate campaign finance regulations that includes penalties that exceed the benefit of engaging in vote buying for political actors. Registration of third-party campaigners with the EMB or political finance oversight agency according to the same rules as political parties and candidates. Expenditure by political parties or third-party groups on campaign activities that support a candidate is regarded as candidate spending. The body mandated to enforce campaign finance regulations, as well as the sanctions for non-compliance, should be an independent legal entity with adequate powers, financial resources and the human capacity to fulfil its purpose.
- Develop and promote public information campaigns prior to and during the pre-election period, as well as in the post-election period. Public acceptance of vote buying may be rooted in cultural or social norms or voters' expectations of how politicians should behave. Understanding how these attitudes vary among different social strata, and how they are formed by voters' experiences, may enable more effective deployment of public information campaigns that shift publicly held views about voting in elections.
- Identify alternative measures to reduce the attractiveness of vote buying as an electoral strategy. For example, during an electoral campaign period, election contestants should be provided with equal and no-cost access to TV and radio, as well as online platforms.

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Vote buying is an electoral campaign violation that occurs in many countries, which undermines the integrity of elections and is detrimental to democratic governance. Many factors beyond electoral politics drive vote buying. Such factors influence the 'supply side' (political actors' decisions to engage in vote buying), the 'demand side' (voters' willingness to participate in vote buying) or both.

This Primer outlines what vote buying is (and what it is not) and analyses the drivers behind the practice. It provides insights into vote-buying strategies and practices before considering options for policy interventions to effectively counter the practice. It also offers an analytical framework for a strategic approach to support such efforts to stakeholders seeking to gain comparative insights into vote buying and mitigation.