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International Political Science Review 2002 23: 69

DOI: 10.1177/0192512102023001004

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Might Cleaning Up Elections Keep People Away from the Polls? Historical and Comparative Perspectives

FREDERIC CHARLES SCHAFFER

ABSTRACT. Many democracies in the developing world have enacted reforms to make their elections cleaner. It is often assumed that such reforms will make elections more participatory. The reality, however, is that we know little about the consequences of current reform efforts on voter turnout. In examining both historical and contemporary cases, this article identifies three mechanisms by which clean election reform today might actually keep potential voters away from the polls: legal disfranchisement, cutting out the go-between, and buying abstention.

Keywords: Disfranchisement • Electoral reform • Secret ballot
Turnout • Voter registration.

Introduction

Electoral fraud and manipulation afflict many democracies in the developing world. In the 1990s, governments in at least sixteen of these democracies implemented, or began to implement, significant clean election reforms.¹ It is often simply assumed that such reforms will enhance electoral participation. The reality, however, is that we know little about the consequences of current reform efforts. At the same time, the history of clean election reform in established democracies teaches us that simple changes in the administration of elections can have a profound and detrimental impact on, among other things, voter turnout. In the late nineteenth and early twentieth centuries, one of the most important electoral innovations was the secret ballot, championed by reformers as a means to reduce bribery and intimidation. But the secret ballot had less salutary effects as well. In the United States, Democrats in the South deployed it to depress the turnout of illiterate voters, and thus keep Republicans and Populists from power.

The goal of this article is to identify specific mechanisms by which electoral reforms designed, or at least publicly promoted, to clean up elections in today's reforming democracies might also disfranchise, demobilize, or otherwise keep potential voters away from the polls. For clues into how such mechanisms might work, we will look to the experience of late nineteenth- and early twentieth-century reform in Europe and the United States, about which much interesting, and I believe pertinent, scholarship has been produced. As this article is intended merely to propose a new set of questions for future research, I take the liberty of presenting evidence on reform today that is more suggestive than definitive. In what follows, I isolate three mechanisms for discussion: legal disfranchisement, cutting out the go-between, and buying abstention.

Legal Disfranchisement

By legal disfranchisement I do not refer to the lawful deprivation of voting rights, as happened, say, to blacks in apartheid-era South Africa. That type of disfranchisement has little to do with cleaning up elections. I have in mind, rather, disfranchisement brought about by the imposition of a new uniform legal requirement, in the name of clean elections, upon people who differ in their dispositions or abilities to comply with that requirement out of shame, laziness, busyness, indifference, distrust, political conviction, lack of education, and the like.

In late nineteenth-century Arkansas, the secret ballot was one such new requirement. Of course in Arkansas, as in the South more generally, the secret ballot was only one of several measures adopted by Democrats to disfranchise black (and poor white) voters. Poll taxes, literacy tests, grandfather clauses, and residency requirements were variously used as well (Kousser, 1974). But unlike other measures, which disfranchisers justified publicly as devices to winnow out "unfit" voters, the secret ballot was hailed, in Arkansas at least, as a mechanism to protect vulnerable voters from intimidation.

Thus the Democrat-controlled Arkansas state legislature included a secret ballot provision in a larger reform package, adopted in 1891, to calm public indignation over a series of widely publicized electoral scandals. The new law provided, among other things, for a uniform ballot and a prohibition against last-minute changes in the location of polling places. Another section of the law made it illegal for friends or party members to prepare the ballot of an illiterate voter. Under the new disposition, only a precinct judge could mark the ballot, and then only after all other electors had vacated the polling place. "Defenders of this procedure," remarked one historian, "argued that it assured secrecy for the illiterates and freed timid Negroes from 'bulldozing' and coercion by arm-twisting employers and aggressive politicians" (Graves, 1967: 212).

Newspaper accounts from the period reveal that the new secrecy provision had less benign effects. Illiterate voters, finding the new system to be degrading and alienating, stayed away from the polls. As one article appearing in the *Pine Bluff Eagle Press* explained, when blacks "who could not read were told to go to the polls and vote, the majority of them declined, some being distrustful of the judges and others not caring to expose their inability to make out their tickets unassisted" (quoted in *ibid.*: 213). In a state where 27 percent of the population was illiterate, the new law thus had a profound impact. The number of votes cast in 1892 was 21 percent less than in 1890 (Heckelman, 1995: 111). While the white vote dipped

from 75 percent to 67 percent, the black vote plummeted from 71 percent to 38 percent (Kousser, 1974: 55).

The situation today is of course different. Only in a few countries (Senegal, Kenya, Nigeria, and Uganda most notably) has public voting ever been legally sanctioned. Nevertheless, other electoral reforms have a similar potential for legal disfranchisement. Consider the South African government's 1998 decision to allow only citizens with barcoded identity documents to register to vote.²

In South Africa's first post-apartheid elections in 1994, all forms of identity document (ID) were accepted, and voters lacking official documents were issued temporary voters' cards (Independent Electoral Commission, 1994: 10). The lack of a national voter registry, and the issuance of large numbers of temporary cards in the days preceding the election, gave rise to charges of fraud (Johnson, 1996: 325). In early 1998, lingering concerns about forgeries, ghost voters, and double registrations led the Independent Electoral Commission (IEC) to propose a law requiring citizens to possess barcoded identity books to qualify for inclusion on the voters' rolls. The use of these IDs, the commission argued, would make it possible to check the encoded number of each ID against the National Population Register, and thus protect against fraud (Lodge, 1999: 26). The IEC withdrew its support for this proposal in July 1998, however, when a Human Sciences Research Council (HSRC) study it had commissioned reported that one out of every five eligible voters did not have a barcoded ID (HSRC, 1998a: 13).

In mid-August, the HSRC released a regional breakdown of its findings. This new survey revealed that about a third of the eligible voters without barcoded IDs were rural blacks between the ages of 17 and 21, who tended not to possess any form of ID at all (HSRC, 1998b: 2). White, mixed-race ("coloured"), and Indian eligible voters, the report suggested, also possessed barcoded IDs at relatively low rates. This racial dimension can be explained by the fact that the government began to issue (green) barcoded IDs only in 1986. Prior to that date, whites, coloureds, and Indians received blue IDs, blacks received green non-barcoded ones, and residents of Transkei, Bophuthatswana, Venda, and Ciskei (TBVC) received homeland IDs. Only in 1994 did the government begin issuing a common green barcoded ID to everyone. To many blacks, the old IDs were symbols of racial oppression. Consequently, as the HSRC report explained:

Some time after the introduction of the barcoded ID (from July 1986) there was a vigorous movement for the replacement of politically "tainted" documents such as reference books, and TBVC state documents. The result of this replacement is currently reflected in the low rate of possession of these documents, and the high percentage of respondents with barcoded IDs. In effect, this makes it far more likely for Africans to have a barcoded ID if they have an ID at all (HSRC, 1998b: 30).

The implication was that blacks, especially those over the age of 21, possessed barcoded IDs at higher rates than did other racial groups. A few days after the release of these findings, the African National Congress (ANC) National Executive Committee took the position that only citizens with barcoded IDs should be allowed to register. This decision came as a surprise since leaders of the ANC had, prior to the release of the regional survey, expressed their concern about the possible disfranchisement of a large part of the electorate. Nevertheless, in September 1998 President Mandela signed into law a provision requiring barcoded IDs for registration.

Opposition parties, especially the Democratic Party (DP) and the New National Party (NNP), had reason to worry about this development. Both drew their support mainly from nonblack voters, and a survey released in November confirmed that these voters were the least likely to possess barcoded IDs (82 percent of blacks possessed IDs, compared to 71 percent of Indians, 67 percent of coloureds, and 65 percent of whites). These racial differences, the survey further showed, would harm disproportionately the electoral prospects of the DP and the NNP in the national legislative elections. Eighty-two percent of ANC supporters and 84 percent of Inkatha Freedom Party supporters possessed barcoded IDs as compared to only 71 percent of NNP and 65 percent of DP supporters (Opinion '99 Press Release, 10 November, 1998: Voter Participation in the 1999 Elections). These findings led DP leader Tony Leon to charge that "the ANC introduced this requirement of barcoded identity not to have a corruption-free election but specifically to disenfranchise as many minority groups and opposition voters as possible."³ In the weeks that followed, both the DP and the NNP initiated separate court cases challenging the barcode provision. The High Court ruled against both parties, finding that the barcode provision was "salutary" and "reasonable," while the Constitutional Court dismissed the cases on appeal.

Questions remain about the motivations of the ANC in pushing for the barcode legislation. Was it concerned only about fraud or did it also see an opportunity to achieve partisan advantage, as the DP and NNP charged? Those who argue that the ANC's motives could not have been partisan point out that many potentially disenfranchised citizens were young rural blacks, a group likely to support the ANC. Skeptics counter that some administration officials, most prominently the director general of home affairs Albert Mokoena, had argued publicly that the HSRC grossly overestimated the number of young people without identity documents. These political observers speculate that Mokoena was able to convince the ANC leadership that it would not disenfranchise its own supporters.

Be that as it may, internal strategy documents make clear that by April 1998 the ANC was counting on a low turnout of white voters. Survey research was showing rising voter apathy, an expanding floating vote, and the probability of a lower black turnout. A combination of high white and low black turnout would endanger the ANC's chances of winning the two-thirds majority in the National Assembly that the party needed to amend the constitution unilaterally. The barcode provision, the ANC leadership might have reasoned, would give the party a needed boost.

It also seems probable, though the evidence is again only circumstantial, that the ANC calculated that the barcode provision would enhance its prospects in the highly symbolic and hotly contested provincial contest for the Western Cape. In 1994 the National Party, precursor of the NNP and architect of apartheid, won control of the Western Cape provincial legislature. The ANC leadership was, as one scholar noted, "keen to wipe th[ese] last vestiges of National Party government from South Africa" (Reynolds, 1999: 190).

As the new election approached, surveys indicated that a tight race was developing between the ANC and the NNP. In this context, ANC leaders surely read the results of the August 1998 HSRC survey with great interest. They must have noted that the percentage of eligible voters without barcoded IDs was far higher in the Western Cape than elsewhere in the country. And within the Western Cape, people without barcoded IDs were more likely to live in regions where support for the NNP ran strong (Cape Town, Paarl, and George) than in the region where it

ran weak (Nyanga).⁴ Requiring barcoded IDs for voter registration was thus likely to significantly dampen turnout for the NNP within the province, while only moderately affecting turnout for the ANC. One cannot say for sure that ANC leaders pushed for the barcode provision to achieve this effect, but it could not have escaped their notice.

The ANC had cause to be moderately pleased with the results of the 1999 election. It (barely) won its two-thirds majority, and in the Western Cape provincial election, it won 42 percent of the vote against only 38 percent for the NNP, though the NNP was still able to cling to power by entering into an alliance with the DP, which took 12 percent of the vote. Analysts have yet to determine the extent to which the barcode provision contributed to this result. However, survey data reveal that by April 1999, one month prior to the elections, there remained uneven rates of possession. While 92 percent of blacks possessed barcoded IDs, only 85 percent of whites, and 79 percent of coloureds and Indians did. Similarly, 95 percent of eligible voters likely to support the ANC had barcoded IDs, against only 85 percent of likely NNP supporters, and 86 percent of likely DP supporters. And of South Africa's nine provinces, Western Cape had the lowest rate of possession, at 79 percent, while the rate of possession in all other provinces fell between 86 percent and 95 percent (Opinion '99 Press Release, 28 May, 1999: Voter Participation in the 1999 Elections IV).

There are, as of yet, no hard numbers on the impact of the barcode provision on overall turnout rates. While the number of valid votes cast in National Assembly elections dropped from 19.5 million in 1994 to 15.9 million in 1999, and the number of valid votes cast in the Western Cape provincial legislature election fell from 2.1 to 1.6 million, factors other than the barcode provision were certainly important. Nevertheless, these figures, considered in conjunction with the survey data on registration rates, suggest that the barcode provision was not inconsequential, even if its precise effect has yet to be quantified. Commenting on the results of the 1999 Western Cape election, one social scientist thus concluded that "the most notable change since 1994 was the 30 percent decline in voter turnout, confirming the findings of opinion polls on the effects of registration" (Lodge, 1999: 176).

The South African story is by no means universal among today's reforming democracies. Few complaints about exclusion were heard in Mexico, for example, when the government overhauled the registration list and distributed new voting cards in the early 1990s (Carter Center, 1993: 17–22). Nor was disfranchisement a universal consequence of the secret ballot in the late nineteenth and early twentieth centuries. In Michigan, turnout in the first secret ballot election rose by 14.2 percent (Heckelman, 1995: 111). When the secret ballot was introduced in Denmark in 1901, turnout rates in the town of Fredericia jumped by eight percentage points (Elklit, 1983: 260). Participation in Germany rose in the decade following the passage of secret ballot legislation in 1903, as it did in France following the strengthening of secrecy laws in 1913, with the exception of the 1919 election (Suval, 1985: 21–36; Lancelot, 1968: 14–15).

Under what conditions, then, are politicians likely to impose uniform rules that selectively depress the turnout of voters who might vote against them? Strategies of exclusion that rest upon the application of uniform rules would seem most likely to be deployed, for one, only in places where laws guaranteeing political equality are in practice enforced. Where such laws are not enforced, parties inclined to restrict the suffrage of particular groups have extralegal methods at their disposal,

which are often more direct and reliable. In Cambodia, for instance, prospective voters in 1998 were just turned away from registration centers if not accompanied by officials from Second Prime Minister Hun Sen's Cambodian People's Party. Barcode legislation in South Africa, in contrast, had to survive High and Constitutional Court challenges, the outcomes of which were far from certain. Even the heavy-handed disfranchisement laws devised by Southern Democrats in the United States were framed in color-blind terms to keep within the limits of the newly enacted Fifteenth Amendment (Key, 1949: 536–539).

Another factor that would seem to facilitate legal disfranchisement is a free hand in shaping new electoral legislation by a single bloc or party. It was an overwhelmingly Democratic state legislature in Arkansas that passed the secret ballot measure despite opposition by every Republican and Union Labor member.⁵ It was, in addition, a National Assembly dominated by the ANC that passed the barcoded ID provision in South Africa over the objections of the DP and NNP (Lodge, 1999: 28).

Contrast Mexico, where the *Partido Revolucionario Institucional* (PRI) in 1990 needed to build a legislative coalition with other parties to secure passage of its proposed reform of the registration process. That proposal, part of a larger package of electoral reforms, necessitated constitutional change. By law, constitutional amendments require a two-thirds majority in both chambers of congress, which the PRI after 1988 no longer maintained in the lower chamber. Consequently, the PRI had to negotiate with opposition parties over the content of the reforms to win their support (Lujambio, 1998: 171). In the end, the reform package passed only when 63 of 122 National Action Party legislators joined the PRI in voting for it.

Similarly, in Denmark at the turn of the century the Conservatives held a safe majority in the upper house (*Landsting*) while the Liberals held a secure majority in the lower house (*Folketing*). The secrecy issue was debated from 1887 until 1900, and was settled only when all parties in parliament came to an agreement, which was necessary to get it through both houses (Jørgen Elklit, personal communication, 24 June 2000). In Germany, too, secret ballot legislation had long been debated. It only passed when the National Liberals joined the Center-Left Liberals, and Social Democrats in supporting the reform (Anderson, 2000: 242–244). A similar process of debate and coalition-building unfolded in France (Garrigou, 1988) as well as in Michigan (Fredman, 1968: 35).

One final factor merits discussion. Legal disfranchisement would also seem to be facilitated when opposition voters can be singled out easily (because they are illiterate, or because they possess certain kinds of identity documents, etc.) under the guise of universal legislation. Where such markers are difficult to identify, or perhaps more to the point, where it is difficult to craft legislation to exclude people based on those markers, exclusionary provisions are less obvious choices for parties seeking partisan advantage when drafting clean election laws. It is in part for this reason that the PRI in Mexico never even appeared to consider new exclusionary provisions in the series of electoral reforms it implemented. It may have been simply too hard for the party to figure out how to disfranchise through the application of uniform laws the educated urbanites who were most likely to vote against it. That the PRI had nothing in principle against keeping its opponents away from the polls can be seen in its stance on voting rights for Mexican adult citizens residing outside the country. The party has long resisted extending the franchise to these expatriates, who number more than 6 million, because they

tend to take a dim view of the ruling party. As late as 1999, when Mexico was already deep into the reform process, the PRI-dominated senate voted down a proposal approved by the opposition-controlled lower chamber to grant the vote to Mexicans abroad.

To conclude, legal disfranchisement would appear to require a rather special set of circumstances: a dominant party that is constrained by the rule of law but unfettered to craft election legislation, as well as a demographic profile that would permit that party to put up special obstacles to the electoral participation of opposition supporters. Few reforming democracies appear to have this particular mix of conditions. Some of the ingredients do, however, seem to be present in Namibia. First, with a two-thirds majority in both houses of the legislature, the ruling South West Africa People's Organization (SWAPO) has firm control over the legislative process, and has already used that majority to pass a constitutional amendment allowing President Sam Nujoma to seek, and win, a third term in 1999. Second, the rule of law is reasonably well respected (the country received the rating of "free" by the 1998–1999 Freedom House survey). Third, partisanship runs along ethnic and regional lines, with SWAPO drawing its support mainly from the Ovambo in the north. Finally, registration reform is on the political agenda. International election monitors are convinced that the voters' roll is flawed due to a provision allowing registration by means of sworn statements. International organizations and opposition parties have thus been calling upon the government to establish a national population register to serve as the basis for a new roll. Should the government decide to move ahead on registration reform, and should SWAPO find a way to exploit the regional pattern of party support, a possibility of legal disfranchisement exists.

Cutting Out the Go-between

Clean election reforms are often designed to achieve multiple goals. In Arkansas, as we have seen, secret ballot legislation was crafted not only to do away with (certain) dirty election practices, but also to disfranchise illiterate voters. In other US states, leaders of incumbent parties used the secret ballot to achieve different ancillary goals. Party leaders in New Jersey, for instance, saw the secret ballot as a way to shore up their position relative to their own local workers. If ballot reform in Arkansas had a directly partisan intent, reform in New Jersey was fashioned to tighten intraparty discipline, with similarly negative consequences for voter turnout.

By the late nineteenth century, New Jersey had become one of the most urban and ethnically diverse states in the country. According to the 1880 census, over half of the state's population lived in towns and cities, and over one-third was foreign born (Reynolds, 1988: 8). Pre-reform politics were dominated, as a result, by ethnic city machines which sought aggressively to bring out the vote, which they did with great success. Political clubs, parades, and meetings flourished, while voting itself was for many people an all-day event. Many businesses closed on election day as crowds gathered to gossip, drink, and follow the returns (*ibid.*: 15–49).

Local party workers played a crucial role on election day. They distributed tickets, lined up last minute vote-sellers, and monitored ballot casting to be sure their investments paid off. These workers were, as a result, well positioned to alter the outcome of contests, something they did repeatedly. Factionalism within both

the Republican and Democratic parties spurred them to distribute modified party tickets that substituted the names of maverick candidates for those supported by the party leaderships, a practice known as “knifing” (Reynolds and McCormick, 1986).

Leaders of both major parties, consequently, tended to view local operatives as “treacherous.” To these leaders, the secret ballot championed by outside reformers offered a convenient means to wrest control of elections from the hands of these unreliable local party workers. To the extent that ballots would henceforth be produced and distributed by the state, the role of local party operatives would be diminished. When the secret ballot measure came up for a vote in 1890, it won unanimous, bipartisan approval in the senate, and all but one vote in the assembly (*ibid.*; Reynolds, 1988: 60).

Once implemented, the secret ballot did indeed have its intended effect. Grass roots party workers began to disappear from the scene, and authority within the two major parties became more centralized at the state level. But the ballot had other effects as well. Most notably, people began coming to the polls in smaller numbers, while local political clubs faded in importance (*ibid.*: 71–73, 108–117). The introduction of the secret ballot, then, had consequences beyond reducing incidences of corruption, or even centralizing power within the major parties. It also resulted in the decline of both local political activity and levels of voter turnout.⁶

Parties in many of today’s reforming democracies—from Brazil to Senegal to the Philippines—are similarly decentralized and machine-like. Elites in these places are thus also dependent on local operatives to get out the vote. In the Philippines, to focus on just one case, this dependence is exacerbated by the use of blank write-in ballots. The government introduced this type of ballot during the early postwar era as a way to increase the independence of voters who, under the old block system of voting, were encouraged to vote for party slates (Landé, 1996: 99). The blank ballot, however, had other unforeseen consequences. Many ordinary citizens had a difficult time remembering the names of all the candidates for whom they wanted to vote (some elections call for voters to write in more than forty names). Candidates, in response, began to produce “sample ballots” that people could take into the voting booth to use as guides when voting. Exit polls indicate that a large number of voters today rely on these sample ballots: about half of those surveyed reported using them in the 1998 elections.⁷

The process by which candidates get their names listed on a sample ballot is complex. As Carl Landé, an expert on Philippine elections, explains:

Typically, a senatorial candidate pays for the printing of sample ballots listing his own name—usually in extra-bold letters—as well as the names of other national candidates whom he wishes to help. These may or may not be the names of fellow candidates of his party. At this stage, the spaces for candidates for provincial and local offices are left blank. The senatorial aspirant must then find influential political leaders in as many provinces as possible, who are willing to pass on his ballots to the local leaders in all the municipalities of the provinces. Before distributing them downwards, each provincial and local leader can have printed onto these ballots the names of the provincial and local candidates whom he chooses to support. If and when the ballots finally reach the voters, they may show the distinctive type fonts of several printing presses (Landé, 1996: 100).

The blank ballot, and the use of sample ballots to which it has given rise, has the effect of strengthening the position of sub-national leaders vis-à-vis elected officials at higher levels of government who must rely on these sub-national leaders to get their sample ballots into the hands of voters (*ibid.*: 101). The distribution of sample ballots also requires politicians to hire many grass roots workers, especially in the vote-rich, densely populated, lower-class urban precincts in and around metro Manila. An ex-congressman with many such precincts in his district, for instance, reported to me that he employed about 6000 workers each electoral season. In each precinct, which typically contained about 215 registered voters, he would place between one and five workers.

National political figures in the Philippines, to draw out the comparison even further, have reason to regard the local agents that they rely upon as unreliable. As in turn-of-the-century New Jersey, factional rivalries motivate local officials and campaign workers to alter sample ballots. "By the time the ballots reach their final recipients," Landé explains, "the name of the national candidate who had paid for the initial printing may have been blocked out and replaced by that of one of his rivals" (*ibid.*: 100).

In 1997, the government enacted a law that mandates the replacement of blank write-in ballots with machine-readable pre-printed ones. Since the law has yet to be implemented (the plan is to introduce it in 2004), we do not yet know what consequences that will have. However it seems possible, if the case of New Jersey is any guide, that the introduction of pre-printed ballots may alter the relationship between national candidates and local operatives, with negative consequences for voter turnout. To the extent that the pre-printed ballot reduces the importance of sample ballots to voters, national candidates may find themselves less dependent on local intermediaries, and freer to use their resources to run mass media campaigns targeted directly at voters, especially in media-saturated urban areas.⁸ Without grass roots workers to get out the vote, turnout in these areas may decline.⁹

In other reforming democracies, local officials and party workers have been more directly the object of reform. In Taiwan, as in the Philippines and turn-of-the-century New Jersey, operatives who broker votes sometimes defect to the campaigns of rival candidates (Rigger, 1994: 143–144, 177). It was on the activities of these vote brokers, known locally as "table legs" (*tiau-a-ka*), that prosecutors cracked down most vigorously in the mid-1990s. In South Korea, the 1994 electoral reform decreased from 200 to 20 the number of paid campaign workers each candidate is allowed. To what extent these reforms have impacted on turnout is unknown, though, perhaps not coincidentally, parliamentary elections following the 1994 reform in South Korea were marked by unprecedented rates of abstention (Shin, 1999: 208). Pending further study, all we can say is that electoral reforms affecting the activities of local party workers are today being implemented. Whether they result in less vigorous grass roots mobilization and lower turnout rates is a question that deserves the attention of country specialists.

Buying Abstention

The secret ballot had other unintended consequences that adversely affected turnout. Ballot reform in nineteenth-century New York, for instance, was crafted to prevent the treachery of urban machine operatives, as it was in New Jersey. And as in New Jersey, it had a similar effect of cutting out the go-between (Bass, 1961;

Reynolds and McCormick, 1986). In rural New York, however, the secret ballot had a different, apparently unanticipated effect. Because it made it more difficult for people to supply proof to vote-buyers of how they voted, the reform pushed rural operatives from both Republican and Democratic parties to rely more heavily on negative vote-buying strategies. Instead of paying for votes, operatives paid their opponents' supporters to abstain (Cox and Kousser, 1981). As a turn-of-the-century New York Democratic state chairman explained, "under the new ballot law you cannot tell how a man votes when he goes into the booth, but if he stays home you know that you have got the worth of your money" (quoted in *ibid.*: 656).

A question worth exploring is whether the introduction of new balloting measures in reforming democracies today may similarly alter the strategies of political entrepreneurs. Evidence from Guyana suggests that they might. For the 1997 general election, the elections commission required voters, for the first time, to present picture voter identification cards at the polling station. The response of agents campaigning for the ruling party was to buy the cards of the opposition's supporters, paying as little as \$30 each.

Countries such as India, Brazil, Venezuela, and the Philippines are introducing even more fundamental changes to the process and technology of voting. In the Philippines, these changes involve machine-readable ballots and automated vote-counting machines. Advocates of the system argue that it will reduce or do away with tallying errors and vote padding. They also claim it will eliminate the ability of vote-buyers to monitor how people cast their ballots.¹⁰ Pilot-testing has provided evidence to support this latter claim (COMELEC, 1997: 30).

Whether the new balloting system will decrease vote-buying or simply cause operatives to turn from positive to negative vote-buying is an open question. Ominous is the fact that vote-buying is a staple of Philippine elections. A 1998 nation-wide survey of 1156 people found that 50 percent reported having been offered money by candidates, and 70 percent of that number admitted that they accepted the cash.¹¹ Also worrisome is the fact that negative vote-buying is already known in the Philippines. Party workers in past elections have hired buses to take voters on out-of-town excursions on election day, or paid registered voters to disqualify themselves from voting by dipping their index fingers in indelible ink.

From this discussion it should not be concluded that a decline in turnout should be anticipated wherever new voting technologies are deployed. In fact, anecdotal evidence from India suggests that the use of new electronic voting machines (EVMs) in various elections since 1998 has had the opposite effect, at least in the short run. Journalists have noted the enthusiastic response of voters in several parts of the country to the new technology. Local election officials, moreover, have observed that inquisitiveness about the new machines lured some people to the polls who would not have bothered to go otherwise. As one voter explained, "I was feeling lazy about walking out of the house on a Sunday. But we heard so much about the EVM, and I was curious."¹²

Piqued curiosity may also boost turnout, at least temporarily, in the Philippines. But the impact of the new technologies on the tactics of political entrepreneurs is likely to differ, with divergent implications for longer-term trends in electoral participation. While the automated ballot in the Philippines makes it more difficult for political operatives to monitor how people vote, the EVM in India, to the extent that it is has any effect, will likely make such monitoring easier. Votes under the new system are tallied for each polling booth, thus allowing candidates and their workers to identify voting patterns at that level. Beforehand, ballots from

an entire constituency were typically pooled before counting to protect the privacy of voters and prevent outbursts of violence. The decreased ability to monitor votes that provided the incentive for negative vote-buying in New York, and perhaps in future Philippine elections, does not appear to be a probable consequence of the EVM in India.

The case of England after the passage of the Ballot Act of 1872 reveals another possible condition for post-reform negative vote-buying. As in rural New York, vote-buying was common in certain English boroughs prior to reform. And as in New York, the secrecy provision of the Ballot Act, once implemented, had the effect of making it more difficult for party operatives to observe how people voted. The response of operatives in these English boroughs was, however, unlike that of their counterparts in rural New York. As one historian of electoral reform in England noted:

The chief effect of the [secret] ballot was merely to decrease the price of votes, which in some places fell from five pounds to five shillings. In constituencies of this type . . . every election was conducted upon corrupt methods, and the evil rather increased after 1872. The Macclesfield commission reported in 1881 that while it seemed doubtful whether any election in the borough had been fought on really pure principles, 'the corruption of the last election was far more widespread and far more open than had been the case at any previous parliamentary election, at all events of recent years, though the bribes were in most cases trifling in amount.' . . . At Boston, the agents felt it necessary to make more corrupt bargains than had previously been the case, when the exact number that could be counted upon was known (Seymour, 1915: 434–435).

Electoral agents newly constrained by the secrecy law adopted a probabilistic method of vote purchasing: they spread money widely hoping for a return on some portion of their investment. New York party agents chose instead a strategy that would provide a guaranteed return. What accounts for this difference?

Electoral agents in England chose a probabilistic strategy, it seems, because they knew little about the preferences of the many people newly enfranchised by the Reform Act of 1867, which nearly quadrupled the size of the electorate (Helmore, 1967: 7). Candidates and their agents had not yet, by the 1870s, figured out how these new voters were likely to cast their ballots. In this environment, as one historian remarked, electoral agents "might think twice before spending large sums on doubtful voters but would not mind risking a few shillings" (O'Leary, 1962: 102). Rural New York party agents, in contrast, had intimate knowledge of their electorate. Communities were stable, party workers were themselves community residents, and these workers were able to conduct thorough pre-election canvasses. With these canvasses in hand, party agents could identify exactly which voters they needed to keep at home (Baker, 1984: 179, 190 n. 55).

We might expect negative vote-buying in today's reforming democracies, then, only in places where parties can easily identify rival supporters. The fact that voting in Guyana is largely race-based certainly facilitated that kind of identification. Electoral agents of the Indo-Guyanese ruling party could easily pick out Afro-Guyanese supporters of the opposition. As for the Philippines, negative vote-buying might be expected to increase most in stable rural communities, and least likely to increase in transient urban districts populated by new immigrants from the provinces. In these urban districts, reform may instead fuel the kind of probabilistic, steeply discounted vote-buying witnessed in England.

Conclusion

In his landmark study of Southern disfranchisement, J. Morgan Kousser stated that our view of electoral reform “needs to be altered to take account of the fact that election laws can be and have been employed to limit the suffrage” (1974: 5). This article has explored how that assertion might apply to clean election laws in today’s reforming democracies. While evidence is at best suggestive, the article has identified three mechanisms by which such laws might indeed restrict suffrage. First, a dominant party may craft universal laws that put up obstacles to the electoral participation of citizens likely to turn out against it. Second, leaders of decentralized parties may use clean election laws to shore up their authority by targeting for reform the activities of potentially unreliable local officials and grass roots campaign workers, and thereby unintentionally eliminate an important means of getting out the vote. Third, electoral agents may begin buying abstention where reforms strengthen vote secrecy (as in New York) or present some new opportunity (as in Guyana), as long as they have adequate knowledge about the electorate to do so effectively. Lowered turnout may thus be either an unintended consequence or an intended effect of clean election reforms. And when disfranchisement is intentional, it appears to be premised on the ability of party leaders or agents to identify and act against opposition supporters. How widespread or how consequential these three mechanisms are today remains unknown, since scholars have yet to fully understand or trace the consequences of new clean election laws in today’s reforming democracies. If history is a guide, however, these innovations warrant closer inspection.

By way of conclusion, let me raise a few normative considerations. To begin, it should be stated explicitly that a decline in turnout statistics, in itself, does not bode ill for democratic participation. Such a drop may, after all, simply reflect a reduction in fraud: vote padding and ballot-box stuffing might have been curtailed; dead people, ghost voters, and pets might have been removed from the voters’ rolls, and the like. Fewer people may be recorded as coming to the polls, but those who are recorded are actually casting ballots. An examination of turnout statistics alone, therefore, cannot speak directly to the quality of participation in reforming democracies. For this reason, it is important to understand the specific mechanisms at work. The implications for democracy would appear more serious if lowered turnout were a result of intentional disfranchisement, negative vote-buying, voter demobilization, or similar mechanisms than if it were just a statistical artifact of a less fraudulent vote.

One might argue, however, that even if turnout were demonstrably depressed through such mechanisms, the impact on the quality of democratic participation would be beneficial. None of these mechanisms, after all, makes it impossible for people to vote. They simply make it inconvenient or costly to do so. Following this line of reasoning, abstainers do not vote because they do not care enough about the outcome of the election to get to the polls. And in the words of John Stuart Mill, “a man who does not care whether he votes, is not likely to care much which way he votes; and he who is in that state of mind has no moral right to vote at all” ([1861] 1975: 313). Those who make it to the polls, in contrast, are willing to suffer inconveniences or absorb costs because they take an active interest in the election. The electorate might be smaller, the argument might go, but it is of a higher caliber.

I personally find the individualistic logic implicit in this type of argument to be

obscuring. Conceiving the decision to vote as a matter of individual preference masks the fact that those who stay away from the polls as a result of the mechanisms described here are not likely to be distributed evenly throughout society. In the American South they were illiterate; in South Africa they were white; in Guyana they were poor and black. To restrict the suffrage of such groups is to compromise distressingly the inclusiveness of the resulting democracy.

To raise the possibility that clean election laws may restrict democratic participation should not, however, be taken as an argument that such reforms should simply be abandoned. For one, a perception of pervasive fraud may itself depress voter turnout. Such appears to have been the case in Mexico, where a 1991 public opinion survey found that 59 percent of the respondents "said that they believed that many people did not vote in elections because the elections were not perceived to be honest or clean" (Domínguez and McCann, 1996: 159).

Furthermore, other consequences of clean election reforms are clearly beneficial. The defeat of entrenched ruling parties is but one advantage. Clean election reforms also make it more likely that losers will accept as legitimate the electoral outcome and the democratic rules of the game, and thus contribute to domestic peace. They may also help regimes gain the international credibility necessary to attract higher levels of aid and investment.

Finally, clean election reform need not ineluctably result in disfranchisement. Had the Democratic Party in Arkansas not wished to disfranchise blacks by means of the secret vote, it could have permitted the inclusion of symbols or pictures on the new ballot. This addition would have enabled illiterate citizens to vote without exposing their inability to read, or forcing them to rely upon the assistance of suspect precinct judges. Had the ANC in South Africa been more disquieted by the potential disfranchisement of white voters, it could have enacted legislation to phase in more slowly the barcoded ID requirement. Also, it could have directed home affairs officials to adopt more aggressive measures to get the new IDs into the hands of potential white voters.

It would be a mistake, then, to frame the issue as a choice between clean elections and lowered turnout. The real issue is how to make elections both clean and inclusive. For this reason, it is important to understand the nature of specific turnout-lowering mechanisms, and the conditions under which they get triggered. Such information should assist legislators and election officials, or the activists in civil society who watch over them, in finding ways to achieve both goals simultaneously.

Notes

1. The sixteen reforming democracies are Bangladesh, Botswana, Brazil, Dominican Republic, Guyana, India, Jamaica, Mexico, Namibia, Philippines, Senegal, South Africa, South Korea, Taiwan, Thailand, and Venezuela.
2. Burdensome personal registration laws adopted by most American states between the 1870s and the 1910s disfranchised many working-class, immigrant voters by including provisions that made it more difficult for people who worked long hours or were naturalized citizens to register. It might thus be asked why, in this article, the discussion of American reform focuses instead on the secret ballot. Would not a focus on registration in both the United States and South Africa provide more consistency in the independent variable? The short answer is no. The focus here is on disfranchisement brought about by the imposition of a *universal* legal requirement. That requirement can take a variety of forms, including both registration procedures (as in South Africa in the

late 1990s) and secret voting (as in Arkansas in the 1890s). The problem with focusing on registration reform in the United States is that it was not universal. In most states, only urbanites had to register in person (Harris, 1929: 78–79, 93, 98–99). Such urban registration provisions were often passed by Republican legislators in hopes of suppressing turnout for Democrats, who drew much of their support from urban working-class immigrants (Keyssar, 2000: 151–159). This “geographic” mechanism is not too relevant for today’s reforming democracies where new voting requirements and procedures tend to be uniform in geographic scope (though clean election reforms in some countries are today being phased in incrementally, and thus arrive earlier in some parts of a country than in others).

3. “One in Five Lack Proper IDs to Vote,” *Electronic Mail and Guardian*, 10 November 1998.
4. The rate of nonpossession for South Africa as a whole was 20 percent. Cape Town, George, and Paarl were the three regions in the country with the highest percentages of nonpossession, at 41 percent, 38 percent, and 38 percent respectively. The rate of nonpossession in Nyanga was 25 percent (HSRC, 1998b: 17, 25).
5. “Opposed to Fair Elections,” *Arkansas Gazette*, 14 March 1891.
6. There is, nevertheless, continuing debate among Americanists about the importance of the secret ballot in depressing turnout rates nationwide, and over the long haul, relative to other factors such as direct primaries, poll taxes, personal registration, industrialization, and diminishing ethnocultural conflict. Important contributors to this debate include Key (1949), Burnham (1970), Converse (1972), and Rusk and Stucker (1978).
7. “Characteristics of the Vote,” *Manila Standard*, 25 May 1998
8. A ban on political advertisements was lifted in 2001.
9. The importance of face-to-face contact has been demonstrated empirically, in the United States at least, by a field experiment conducted by Gerber and Green (1999). It found that door-to-door canvassing increased voter turnout in New Haven by about 6 percent.
10. The most common way for a buyer to monitor how people vote in the Philippines is to give one voter a fake or stolen filled-in ballot before entering the polling station. The voter casts the filled-in ballot, and gives the blank official ballot he or she received in the polling station to another voter waiting outside. This voter then fills out the official ballot to the buyer’s satisfaction, goes into the polling place, and repeats the process. The practice, called *lanzadera* (Spanish for “shuttle”) in the Philippines, was known in nineteenth-century Australia and United States as the “Tasmanian dodge.” The new Philippine balloting system has two features designed to prevent it. First, the counting machines are able to detect fake ballots or ballots assigned to other precincts by reading the magnetic bar code of each ballot. Second, polling station officials are required to verify that the serial number on the ballot placed by the voter into the ballot box is the same as the serial number of the ballot given to the voter before entering the voting booth.
11. “A More Conscientious Electorate in ’98,” *Business World*, 16 January 1998.
12. “Voting Machines Steal the Show,” *Statesman*, 3 October 1999.

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Acknowledgements. I would like to thank David Art and Jessica Piombo for their excellent research assistance. I am also grateful to Jørgen Elklit, Richard Katz, Chappell Lawson, Andreas Schedler, Ashutosh Varshney, and David Woodruff for their thoughtful comments.