

What mechanisms can electoral administrations and political parties put in place to combat electoral fraud and political corruption?

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Electoral fraud and malpractice

We all have a story



Give credit where credit is due

This presentation draws extensively from IFES colleagues' work on electoral fraud in new democracies

- Rafael López-Pintor. *Assessing Electoral Fraud in New Democracies: A Basic Conceptual Framework*. IFES Conference Paper, February 2011.
- Staffan Darnolf. *Assessing Electoral Fraud in New Democracies: A New Strategic Approach*. IFES White Paper Series: Electoral Fraud, March 2011.
- Chad Vickery and Erica Shein. *Assessing Electoral Fraud in New Democracies: Refining the Vocabulary*. IFES White Paper Series: Electoral Fraud, May 2012.

Defining electoral fraud and malpractice

What exactly are we preventing?

- **Fraud:** Deliberate wrong-dong by election officials or other electoral stakeholders which distorts the individual or collective will of the voters
- **Malpractice:** a breach by an election professional of his or her relevant duty of care, resulting from carelessness or neglect
- **Systemic manipulation:** the use of domestic legal provisions and/or electoral rules and procedures that run counter to accepted democratic principles and international standards, and that purposefully distort the will of voters.

Electoral fraud

Deliberate wrong-dong by election officials or other electoral stakeholders which distorts the individual or collective will of the voters

Possible actors	Election officials, other public officials, voters, political parties, candidates, media
Action	Actor knowingly interferes with the electoral process
Intent	The action or omission is committed deliberately
Result	Distorts the will of the people. This may manifest itself as interference with individual votes, or in overall vote counts that impact the result or results of the election

Electoral malpractice

A breach by an election professional of his or her relevant duty of care, resulting from carelessness or neglect

Possible actors	Election officials (including full-time and ad hoc workers performing official duties related to any stage of the electoral process)
Action	Actor is negligent or careless in carrying out his or her election-related responsibilities
Intent	The interference results from carelessness/neglect (gross negligence may rise to the level of criminal malpractice, regardless of whether intent is proven)
Result	May lead to irregularities in the electoral process, some of which may prevent the election outcome from reflecting the will of the people

Effective electoral fraud and malpractice strategy

- **Assessment** – Where are we vulnerable
- **Deterrence** – How can we prevent fraud/
- **Detection** – How can we find out where fraud has been committed
- **Mitigation** – Once fraud is committed, how can we make sure the effect of the fraud is minimized

Fraud and malpractice risk assessment – the process

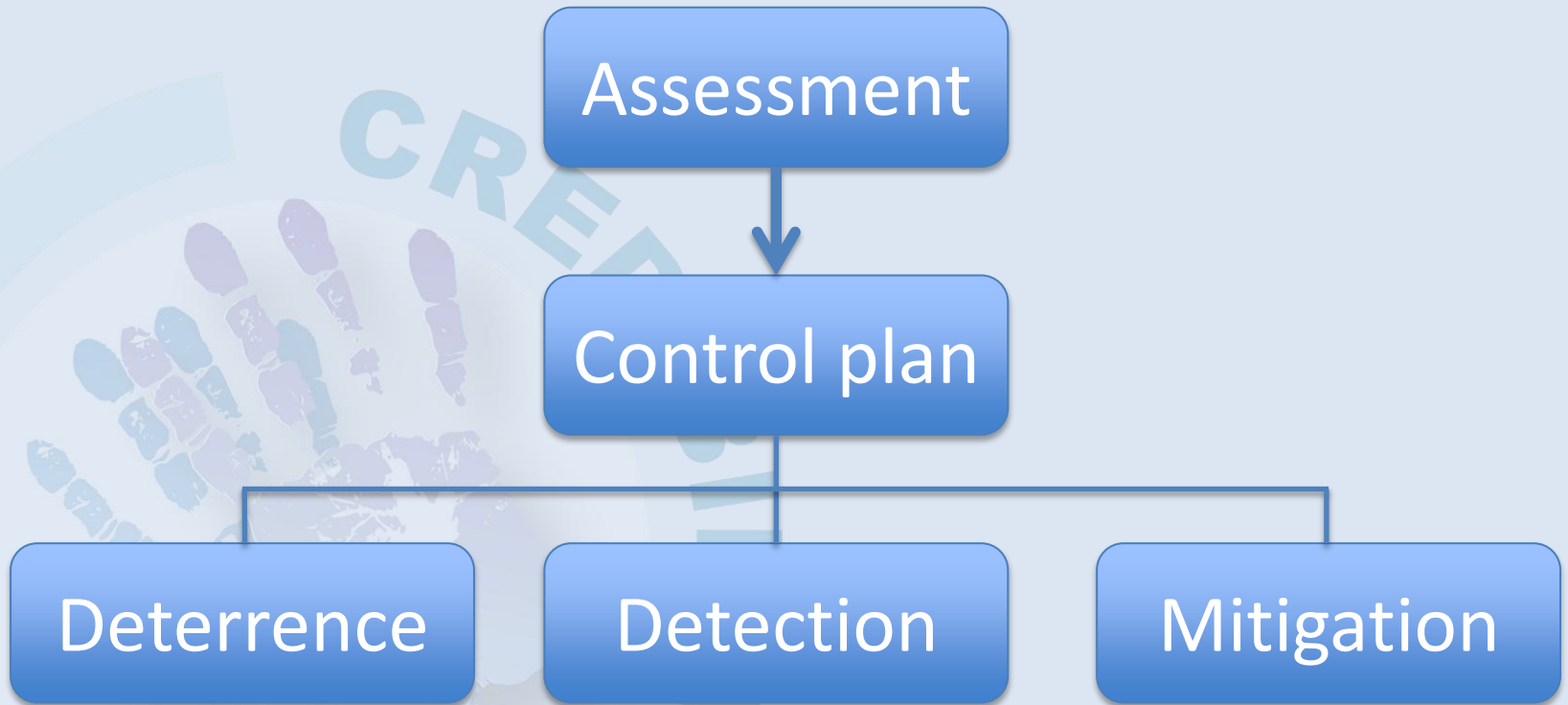
- **Honest and exhaustive assessment** that recognizes shortcomings and deals with politically sensitive issues.
- Include **all aspects** of the EMB's activities and responsibilities
- Include **all levels of staff** – many of potential fraud risks are field based
- Include **stakeholders** in the assessment – political parties, observer groups, scholars, auditors, anti-fraud authorities. This would help to indicate seriousness of EMB

Fraud and malpractice risk assessment

Deciding on the critical nature of a threat



Fraud and Malpractice Control Plan



Measures to prevent potential fraud and malpractice

Good Electoral Administration

- Independence, professionalism of EMB staff
- Training and awareness courses
- Appropriate procedures for voter registration, candidate registration, polling, counting and results tabulation
- Supervision to ensure uniform application of procedures
- **TRANSPARENCY**
- Public information: Voters, political parties and candidates should understand the rules
- Fraud and malpractice penalties (Job loss, suspension, fines, criminal prosecution)
- Enforcement of penalties

Measures to increase chances of detecting fraud and malpractice

- Tracking election sensitive materials (barcodes, serial numbers, tracking procedures)
- Recording of appropriate data and information during voter registration, polling, counting and results processes
- Trigger mechanisms for investigation
- Investigative capability
- Internal whistle blower policies
- Fraud, complaints hotlines

Mitigating the effects of fraud or malpractice that took place

- Adjudication of complaints happen under intense media and public scrutiny – Extreme pressure on EMB
- **Procedures** for timely and uniform processing of complaints and responding to plaintiffs
 - Action plan
 - Training of staff
 - Allocating sufficient resources
- **Act in time** – do not wait until the problem becomes too large. Be mentally prepared for the fact that fraud may happen
- **Engage stakeholders** to involve them in lessons learned, and improve understanding of the processes of fraud prevention.
- **Possible actions:** Amending election results, calling new elections, restoration of infringed rights.

- Political parties are stakeholders with a genuine interest in keeping elections clean from abuse and fraud.
- Party agents have large role in detecting fraud.
- Identify systematic problems by collecting information (voter registration, campaign, polling, decentralized counting).
- Need systems in place for parties to present quantifiable fraud data in a court of law or to EMB. Better data collection may lead to more successful complaints.
- Successful complaints mitigate the effects of fraud and malpractice, and may help deter future instances.
- Party legal advisors can make vital contributions to closing legal loopholes most beneficial to preventing fraud.