Elite Statecraft and Election Administration:

Bending the Rules of the Game

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List of Abbreviations

DOJ   U.S. Department of Justice

EC   Electoral Commission

EONI   Electoral Officer for Northern Ireland

EPLE   European Parliamentary and Local Elections (Pilots) Act

FPTP   First-Past-The-Post

HAVA   Help America Vote Act 2000

HI   Historical Institutionalism

NI   New Institutionalism

NIR   Northern Ireland

NRG   Natural Rate of Governability

NVRA   National Voter Registration Act 1993

OPCS   Office of Population Census Surveys

OLS   Ordinary Least Squares

ROPANI   Representation of the People Act (Northern Ireland)

RPA2000   Representation of the People Act 2000

PPS   Personal Public Service Number

Chapter One

Election Administration and Electoral Studies: Theories, Frameworks and Anomalies

Introduction

The 26th of February 2007 was a historic day for the ancient institution of democracy. At 9am that day, voting began in the parliamentary elections in the small East European state of Estonia. These elections were unique. It was the first time that *binding parliamentary* elections had ever been held through the *internet.* Six days before the polls opened as normal, citizens were able to cast their vote from the comfort of their own home using their PC, an electronic smart card reader, their national identity card and a password which had been sent to them. Over 30,275 people did so – about one in 30 registered voters. Internet voting had been tested before in Estonian local elections in October 2005 and other countries had held pilots, but this time the e-votes cast would determine the composition of the national parliament, and the balance of power within Estonia. The public reaction to this historic day appeared positive. A 24-year old IT

worker described the process as being 'pleasant and simple'. Speaking to a TV news network he said that: 'I moved quite recently so I am still registered in my old home town. This means that to have voted, I would have had to returned home' (sic) (Cowan 2007). Tarvi Martens from the National Electoral Committee which organised the election was the Project Manager of i-voting. According to him: 'internet voting is [here] to stay… there is no way back' (Martens 2007). Academic observers suggested that the scheme did appear to work well, but this was due to the small size of the state, the high degree of centralization and the less partisan nature of elections (Alverez, Hall, and Trechsel 2009).[1] A citizen casting a ballot paper, in person, at a polling station has been an emblematic image for democracy. The innovations in Estonia suggested that this image was under threat.

Estonia at the turn of the twenty-first century represents a case of rapid reform. Estonia is not alone, however. Around the world the way in which elections are run is being changed, or subjected to a new critical review. Radical reforms or experiments have been introduced replacing procedures which have often been in place since the 19th century. Brazil and India have introduced electronic voting terminals. Other electronic pilots have taken place in France, the Netherlands and Switzerland. Reforms do not always involve new technology. The U.K. intends to introduce individual rather than household registration by 2014. In the U.S. voter identification laws have proliferated since 2000. Patterns of change, however, have been uneven and not uniform. Some countries have been sluggish to introduce reform and keen to maintain procedures for much the twentieth century. So why does reform occur? What explains the choice of election administration?

Electoral laws and institutions are not neutral. They advantage some individuals, groups or interests and disadvantage others (Grofman and Lijphart 2003; Rae 1967). If elites are proactive in picking and choosing the rules which govern elections for partisan

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[1] There was a later backlash against e-voting in Estonia. See: (Rikken 2011).

gain, then it follows that there are consequences for the legitimacy of democracies. How and why electoral laws change is, therefore, central to who has power in the state and Dahl's (1961) question of *'Who Governs?'*. There have been some popular and academic claims that politicians have sought to bring about or prevent changes to election administration. Whether political elites strategically manipulate election administration for partisan interest has not been explored in a comparative context, however. Some have accepted the rhetorical claims from politicians' claims that reforms have been introduced to 'save' democracy', 'modernise elections' or 'reduce fraud'.

The book seeks to address this gap. It seeks to establish how, when and why the reform of election administration has been led by partisan political interests. The book advances a theoretical model for understanding change in electoral institutions by re-developing the statecraft approach, originally outlined by Jim Bulpitt (1986). This is argued to be a useful organising perspective for understanding change which may offer insights into the reform of other political institutions. This introductory chapter explains what election administration is, why it is important and identifies a number of schools of thought which have sought to explain why it has been reformed.

The understudied domain of election administration

Clearly, before we can begin we require a lucid definition of election administration.[2] This research area has been the subject of limited academic attention until recently and consequently an operational definition is needed to identify the domain of enquiry for this book. Election administration is *the administrative procedure used for casting votes and compiling the electoral register*. This includes the times available to vote; whether postal, in-person or electronic ballots are used; whether citizens can register online and whether they require photographic identification to do so. As Louis Massicotte et al. note, there

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[2] 'Election administration' is the term used in the U.S. This is often known as 'electoral administration' in many other English speaking countries such as the U.K. The U.S. term is used for the remainder of this book.

is 'no unique way to conduct free and fair elections' (Massicotte, Blais, and Yoshinaka 2004, 158). While some countries require citizens to provide photographic identification to vote, others do not. While some countries allow electors to post their vote, others make them visit a polling station in person. While some countries update their electoral register[3] on a continuous basis, some only update them every electoral cycle.

Election administration is therefore a discreet area of electoral institutions. As table 1.1 suggests, it can be distinguished from a range of other categories of electoral laws/regulations such as those covering: electoral systems, suffrage legislation, electoral boundaries, party finance, ballot initiatives and electoral governance.

Category	Broad Scope	Example Key Works
Election administration	The administrative procedures used for casting votes and compiling the electoral register.	Piven and Cloward (1988, 2000) ; Massicotte et al., (2004) Wolfinger and Rosenstone (1980)
Suffrage legislation	The criteria for who is legally enfranchised to vote.	Uggen and Manza (2002)
Electoral boundaries	The number, shape and size of electoral constituencies.	Handley and Grofman (2008)
Electoral finance	The rules for how political parties are funded in elections.	van Biezen (2004)
Electoral systems	The formulae for rules how votes are converted into seats.	Rae (Rae 1967), Farrell(2011), Renwick (2010)
Ballot initiatives	The circumstances under which referenda can take place on a policy issue and/or citizens can remove an elected representative from office.	Parkinson (2001), Qvortrup (2005), Schlozman and Yohai (2008).
Electoral governance	The institutional legal-political *regulation* of electoral institutions. For example, does an independent electoral commission exist? Does it run or just regulate elections? Or does no such body exist?	Mozaffer and Schedler (2002), Hartlyn et al. (2008) Lopez-Pinter (2000)

Table 1.1: Aspects of electoral institutions

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[3] Often referred to as the 'register of electors' in some countries.

The importance of election administration

Election administration may seem like a parochial and unimportant topic for both political science and contemporary politics. When researchers have sought to understand why electoral institutions change they have focused on electoral systems, because these are seen as 'meta-constitutional' aspects of the constitution (Flinders 2009, 19). As a result it has seen less academic attention than the other aspects of electoral rules in Table 1.1. Why is election administration so important?

Firstly, as problems in a number of high profile elections testify, administrative errors in election administration can compromise faith and trust in democratic institutions. Most famously, in the 2000 U.S. Presidential election, problems with the design of the ballot in one area of Florida caused voters to inadvertently cast their ballot for the wrong candidate. Elsewhere in the state, huge numbers of ballots were rejected because administrators were not able to agree whether the punch card machine had adequately marked their ballot. Later American elections, such as the Presidential election in Ohio, revealed other controversies (Fitrakis, Rosenfeld, and Wasserman 2006). Bruce E. Cain et al. recently cited a 2006 survey in the U.S. which revealed the levels of distrust in elections. Some 32 percent of unregistered voters had little or no confidence that their vote would be accurately cast if they were to have voted in the November election of that year. Nor should we think this to be a purely American problem.

Secondly, some procedures *systematically* make fraud more likely. For example, in the U.K., some have claimed that household registration has made fraud more likely (see Chapter 4). Electronic voting systems have been criticised for being 'unsafe' or prone to hacking. If this is the case then such election administration could compromise the integrity of the election and eventually the legitimacy of the democratic system.

Thirdly, election administration can affect levels of political participation. There have been many changes in patterns of political participation in established democracies over

recent decades. In particular, there has been an overall downturn in voting turnouts at elections across Western Europe and North America. Such has been the downturn in participation that some theorists have questioned whether we are witnessing a 'crisis of democracy' or asked whether states are plagued by 'democratic deficits' (Hay and Stoker 2009; Norris 2011; Putnam 2000). Chapter 2 shows election administration can raise or lower electoral turnout. It is not the only determinant of voting since trends in political participation result from a range of complex political and social processes. In many states electoral participation changed dramatically during the twentieth century but election administration remained constant. We therefore should not expect election administration to single-handedly reverse any democratic malaise. However, it is an important area of study for scholars interested in democracy and democratic institutions.[4]

Fourthly, under some circumstances, election administration can affect electoral outcomes. This happens when procedures are implemented unevenly and unfairly. Most famously, election administration determined the result of the 2000 U.S. Presidential election (Mebrane 2004). There is good evidence that election administration can affect electoral outcomes by increasing turnout. This higher turnout may affect the relative share of the vote gaining by particular parties or candidates. More research is needed here as well, but it seems that the chances of election administration affecting an election are much higher in plurality voting systems, where there are few parties and where the electoral contests are close. Additionally, higher turnout may also affect policy outcomes or the political agenda. Higher turnout, for example, has been correlated with higher spending on social welfare.

A fifth point follows on from this. In representative democracies elections are the main mechanism through which citizens can hold the government to account to ensure that it

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[4] There is a rich literature on the determinants of whether an individual might cast their vote. It is not, by any means, suggested here that election administration is the only determinant. For an overview of the literature, see Geys (2006).

acts in their interests, rather than its own. If a government has the ability to manipulate and change these voting procedures then the democratic legitimacy of the state is undermined. By making it easier or harder to vote, a government can influence turnout and therefore the result by enfranchising particular elements of the electorate. Election administration can thus be seen as a policy instrument through which elites can manipulate the political system to maintain power and ensure elite renewal. Election administration is therefore an important area for study since it is a key site of struggle between elites and citizens for power.

Existing approaches to election administration

How has election administration been studied so far and what does this book add to the subject? By and large, election administration has been overlooked. In most countries, outside of the U.S., the area is given very little attention with most texts on elections entirely ignoring the topic. There is also a lack of comparative analysis. This chapter now outlines some of the existing approaches that have been taken to election administration, before outlining some of the weaknesses of the existing literature. The existing work can, broadly speaking, be categorised into scholarship from the perspective of 'old' institutionalism; behaviouralism; technological determinism; cultural anthropology; the 'radical' theorists; and the rational choice approach. Combining aspects of some of these approaches, this book later makes the case for a critical realist approach to understanding change in electoral institutions. Having reviewed the existing approaches, this chapter outlines the book ahead and the research methodology used.

'Old' institutionalism and constitutional contentment

From the turn of the twentieth century until the 1950s, the study of politics was divided into two core camps: political philosophy and the study of institutions (Leftwich 1984, 16). Indeed, the empirical tradition was dominated by a study of institutions to such an extent that institutionalism *was* political science. Political scientists were engaged in a

process of 'describing constitutions, legal systems and government structures, and their comparison over time and across countries' (Lowndes 2002, 90). Key theorists included Walter Bagehot (1967 (1876)) Herman Finer (1932), Woodrow Wilson (1956) and Nevil Johnson (1975). These scholars used an approach that was descriptive-inductive, formal-legal and historical-comparative (Rhodes 1995, 42-57). The approach, retrospectively titled 'old institutionalism', would describe and compare different institutional arrangements around the world and make normative prescriptions about the desirability of one set of institutions over another.

In British political science, certainly most work on election administration has traditionally fitted this description. In the nineteenth century a number of scholars wrote mostly legal works which described the law and practice of elections at the time, occasionally within the context of a historical narrative (Carter 1890; Clark 1857; Mattinson and Macaskie 1883; Warren 1852). Amongst these was a book from Herbert Asquith (1884), who, as a barrister in 1884, prior to becoming a politician, published a text on the proper conduct of elections. Meanwhile, Gross (1898) documented the historical origins of the secret ballot, arguing it to be more wide spread than originally thought and dating it back to the fourteenth century.

In the twentieth century, Charles Seymour (1915 [1970]) and Cornelius O'Leary (1962) published narratives of the reforms to British electoral practice during the Great Reform Acts which sought to eliminate corrupt practices and extend the franchise. David Butler (1963) and Martin Pugh (1978) provided accounts of later changes from 1906-1948. In 1995, Robert Blackburn noted the paucity of academic interest in electoral law in the U.K. and attempted to provide 'both a description and an evaluative study of the electoral system' (1995, xiii). Described by Lord Plant as 'the best study of the British electoral system' the book exhaustively details every aspect of the electoral process from the timing of elections, and process of campaigning to arguments about electoral reform. The approach is mostly hyper-descriptive of the electoral process as it was in 1995, but

includes some prescriptive arguments for reform (and continuity) and fragments of historical background on some aspects of electoral practice. More recently, Bob Watt (2006) provided an account of a number of aspects of U.K. law. This is descriptive of current practice, but also provides some historical narrative of the evolution of the law and some recommendations for reform.[5] In all of these accounts the focus is one a range of electoral institutions, not just EA.

In the U.S. too, many historical-legal studies have outlined the procedures and legal framework used for elections at various points in time. A significant number cluster around the turn of the twentieth century. For example, McCrary (1875) provides mostly a legal work aimed at providing 'aid [to] the bar and bench in the preparation, trial, and decision of cases of contested elections, but also to diminish the number of such contests by furnishing information both to election officers and to voters, as to their respective powers, right and duties,' (*ibid*: p.v). Harris' (1934) seminal study documents the election administration used at the time, provides a historical context and makes recommendations for reform. McCauley (1916) provided a strong critique of contemporary provisions and the need to tighten up to prevent fraud, warning that: 'Revelations in Terre Haute, Indianapolis and elsewhere prove conclusively that a great deal of ballot thievery is going on' (p.4). Bishop (1893) provided an historical account of elections in the American colonies and McKinley (1905) provided an historical account of suffrage. [6]

A great deal of literature charts the developments leading to the adoption of the Australian ballot system. Most of these studies focus solely on the U.S. (Albright 1942; Evans 1917; Fredman 1968), or even states within the U.S. (Dana 1911), however, in some cases the process of policy transfer from Australia and Britain is charted through a number of cross-national studies (Wigmore 1889). Saltman (2006) provides a historical

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[5] Also see: (Rawlings 1988)

[6] See also: Lewis & Putney (1912) and Lynch (1831) and Ludington (1911)

account of the use of various different forms of technology in election administration in the U.S. However, as in the U.K., most recent reviews note the absence of much contemporary literature on election administration (Hayduk 2005).

Studies less frequently occur from Ireland, with academic literature on the Irish political system seemingly by-passing election administration until the merits of the registration system began to be discussed relatively recently. Most typical books on individual elections or Irish democracy make no or very little reference to the actual procedures used to vote (Gallagher and Marsh 1993, 2008; Gallagher, Marsh, and Mitchell 2003; Marsh and Mitchell 1999; Sinnott 2005), although in some cases passing reference is made to this as one, amongst many, factors which might affect electoral turnout (Lyons and Sinnott 2003). One recent chapter on the rules of the electoral game in Ireland makes no reference to election administration at all (Sinnott 2005). Instead, more attention is given to the mechanisms through which votes are transferred to candidates in the transferable vote electoral system (Sinnott 1995, 199-208). Some further literature discusses the merits of this voting system as a whole and the case for reform (Laver 1998).

The behavioural revolution and American behavioural political science
A second broad approach to political science, which has influenced work on election administration is behaviouralism. The origins of behaviouralism as an analytical movement lie before 1945, but it was the post-war era of the 1950s and 1960s when it began to assume an important position in political science. At least in part, it must be understood as a revolt against the approaches to politics that had dominated up until then, and which focussed on either narrow institutional sites, largely using historical description, or the history of ideas, using normative speculation. Its emergence was also in the context of the development of economics and psychology as predictive sciences. Behaviouralism thus set out to develop an inductive science of politics capable of

generating predictive hypotheses on the basis of the quantitative analysis of human behaviour at an aggregate level (Sanders 2002).

Behaviouralism still dominates political science and electoral studies in particular. As Chapter 2 shows, most studies of the *effects* of election administration adopt a quantitative-positivist approach. However, there have been relatively few direct attempts to explain election administration change through a behaviouralist lens. One key application of the behaviouralist method to election administration reform is from Fitzgerald (2001). She analyses the statistical relationship between election administration reform at the state level and a range of cultural and demographic factors (population density, population size and population diversity). Each of these, she argues, is positively and significantly related to election administration reform. Some 18 out of the 20 Frontier states have used some form of alternative voting technique, compared to 8 out of the remaining 27. These states, she claims, have a reputation for being "pioneers" in administrative reform. States with lower population density are more than three-times more likely to have alternative voting methods – the logic being that voters have further to travel to polling booths. Population size is also reported to be significant: 70% of the states with the largest population had used alternative methods compared to only 30% of the lowest (Fitzgerald 2001: 80-5).

Fitzgerald also suggests factors such as the previous experience of states are also important. Some citizens in Kansas, for example, were forced to wait 2-3 hours at the polls in the 1992 presidential election. As a result there was a political consensus to force through early voting procedures. At this stage, her analysis appears to move beyond behaviouralism towards a focus on history and ideas. The support of key legislators and administrators is also an important factor, she claims.

One other key work on election administration is that of Louis Massicotte et al. (2004; 2001). They undertook a comprehensive survey of procedures used for 63 established

democracies by reviewing constitutional and legal documents and undertaking interviews with experts in each country under study. This included both franchise rights and election administration. They provided a topographical analysis of the data which reflected the state of procedures in 1999. According to them, some individual procedures correlate with whether or not a state was a British colony and the length of time over which the democracy was established. However, broadly speaking they stress the diversity in the procedures that are used and a lack of obvious patterns. While this is the most comprehensive study of election administration to date, one clear conclusion of their research was the need for future enquiry.

New Institutionalism

New Institutionalism emerged as a reaction to behaviouralism that had came to dominate political science by the 1960s and 1970s. New institutionalist theories were critical of behavioural approaches for seeing institutions as nothing more than 'aggregated interests'. Institutions are not passive objects or merely a site of conflict, new institutionalists claimed, but have a dynamic and causal role of their own over policy outcomes. They argued that 'the organisation of political life makes a difference' (March and Olsen 1984, 747) and therefore that political analysis should bring the 'bring the state back in' (Skocpol 1985). However, new institutionalism also wrote in reaction to 'old' institutionalists who defined institutions narrowly as 'the rules, procedures and formal organisations government' (Rhodes 1997, 68).[7]

One sub-discipline with political science, which the rise of new institutionalism, is associated with is public administration. There are the beginnings of a 'public administration turn' in the study of U.S. election administration. Robert S. Montjoy (2008a, 2008b) has suggested that theories from public administration could be used to explain and solve problems with election administration. There are a number of key

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[7] For a discussion on some of the problems often identified in new institutionalism see: James (2011).

examples of this approach. For example, Moynihan (2004) draws from 'normal accident theory' to suggest that some high-technology solutions to election administration may be error prone. Alvarez and Hall (2006) suggest that problems with the implementation of election administration can be understood through a principal-agent approach. Alvarez and Hall (2008) suggest that procedures could be improved by using standard operating procedures. Strict chains of custody for election materials, they argue, could ensure greater transparency and confidence in the process. Hale and Slaton (2008) suggest that exploring the capacity of networks involved in election administration for identifying and solving problems. This approach offers a significant opportunity to advance our understanding of election administration. It also marks a radical departure in how electoral procedures are studied. Yet, there are only a few applications of the approach so far. Moreover, it doesn't yet directly the question of why procedures are reformed.

Technological determinism: computer scientists and the e-government agenda

One further explanation, implicit in some recent scholarship, is that advances in technology have brought about change in election administration. A number of scholars have noted how governments have been using new technology to reform the delivery of public services electronically (Dunleavy and Margetts 2006; Hudson 2002). Some scholars have suggested that these same technologies have opened opportunities for new forms of democratic participation (Norris 2002). Internet voting has become a reality because of an increase in the diffusion of access to the web. International companies, such as Diebold, have therefore used new technologies to produce and market new voting machinery to governments worldwide. As will be noted in Chapter 2, research on the use of technology in election administration has become a rapid growth area with a range of studies and research centres being dedicated to i-voting and e-voting schemes (Alvarez, Hall, and Hyde 2008; Hall and Alvarez 2004).

The purpose of these studies is not to explain change. Artificially implanting a 'straw-model' of change within this scholarship would therefore be unfair. There are also scholars who suggest that technology will *not inevitably* drive change because some technologies are inherently unsuitable for the task of administering elections. These scholars therefore advocate alternative voting systems which have more robust security measures. This is often paper forms of voting (Everett 2007). We should remember that there are many scholars who warn against attributing a too causal role to technology in social change as the resulting analysis would otherwise be overly deterministic (Bijker 1995; MacKenzie and Wajcman 1999; Street 1992). Technology is culturally, political and economically mediated as a causal force.

Overall, this research provides important insights into election administration since it helps practitioners to develop more robust and advanced equipment to administer elections by pointing out important flaws. But there is often an assumption that technology is paramount in driving change.

Cultural, anthropological and interpretive studies

Theorists as such Sabatier (1998), Hall (1992) and Rhodes and Bevir (2002, 2003; 2003) have recently argued that an understanding of ideational domain politics is essential to explaining policy change. These writers have often stressed the utility of ethnographic methods – by understanding the meaning that agents attach to their actions we can be better positioned to explain change. One application of this broad methodology to election administration is undertaken by Bertrand et al. (2007), who consider how the particular 'technology' of the secret ballot emerged and became embedded in democracies. They consider cases as diverse as nineteenth century Britain and America, late-Colonial Tanganyika, Post-Suharto Indonesia, and end of the twentieth century rural Mexican-Indian communities. The juxtaposition of these cases, they claim, enables the decentring of the concept of the secret ballot which is often 'fetishised' as the 'self-

evident tool of representative democracy'. Organisations such as the World Bank and the IMF present the secret ballot as essential to their efforts to spread 'good governance'. However, the case studies suggest to them that a different set of historical trajectories, ideas and combinations of interests are important to explain why some procedures are valued and others are not. For example, in Britain a debate followed about whether the mechanism would be able to prevent electoral fraud; in the southern states of the USA the secret ballot was a mechanism to effectively disenfranchise large proportions of the lower-class black vote; while in France 'the emphasis on individual choice and freedom emerged from the mutual interest of state and political entrepreneurs in standardising the ballot, rather than the other way around' (2007, 2). The secret ballot therefore has a complex genealogy which will vary by case study and can be best understood ethnographically. They introduce the idea of 'cultures of voting' 'to counter the idea that there is such no thing as a universal or a-cultural way of voting realised in the institutions of representative democracy in general and by voting by secret ballot in particular' (2007, p. 6). Researchers should therefore focus on understanding the meaning that agents involved in reforming institutions attach to these, since they will vary. To understand why election administration changes, we should try to understand the meanings attached to different procedures.

Monnoyer Smith (2006) also uses an anthropological perspective. She considers the cultural construction of voting in France and how the introduction of e-voting interacts with this. Vital to the notion of democracy in France is the voting booth, which is a symbol of political legitimization in the contemporary nation-state. She argues that e-voting, introduced through pilots for the purposes of convenience and efficiency, requires a 'rethink of the relevance of the symbolism of the pre-existing procedures'. In many cases it will be seen as 'pure sacrilege' against the popular conception of democracy. The result is that new procedures are difficult to embed into political culture and will therefore face political resistance from the electorate. Overall, this body of research is useful for reminding us of more positivistic perspectives such that

meaning is important and needs to be understood when we consider institutional change.

Rational choice theory

The rational choice (RC) approach has not been applied to election administration reform, as far as the author is aware, but a number of theorists have sought to use a pure RC model to explain electoral *system* reform. Examples include Bueno de Mesquita's (2000) study of electoral system reform in Israel and Sakamoto's (1999) study of reform in Japan. Benoit (2004, 363), meanwhile, uses rational choice theory to construct his own theory of change. According to him:

> …Electoral Laws will change when a coalition of parties exists such that each party in the
>
> coalition expects to gain more seats under an alternative electoral institution, and that also has
>
> sufficient power to effect this alternative through fiat given the rules for changing electoral
>
> laws (Benoit 2004, 363).

The approach however has a number of critics (Andrews and Jackman 2004; Rahat 2008). According to Rahat, for example, the approach focuses too narrowly on the role elites play at the expense of other extra-parliamentary forces and oversimplifies the complexities involved such as 'unstable preferences, non-unitary actors, imperfect and biased information' (Rahat 2004, 461-2).

'Radical' work on election administration

A number of studies which chart the process of the evolution of election administration can be separated from those outlined so far on the grounds that they see the rules used to govern elections as a site of political struggle. In contrast to previous work, they, broadly speaking, see the procedures as mechanisms through which elites can maintain political rule. Either implicitly or explicitly, these studies criticise the liberal democratic

conception of the state in which the rules of the game are politically neutral. The research methods used to establish this are mostly historical. This 'school' provides a number of key insights which depart from the existing literature and in many senses form the platform from which this book is launched.

These works began with the pioneering research of Piven and Cloward (1983; 1988, 2000). In the seminal text *Why Americans Don't Vote*, they claimed that members of the political elite, both past and present, had deliberately sought to use election administration in order to minimise turnout amongst particular groups in society; the groups that they were concerned about being minority and lower economic and education groups, mostly blacks and working class whites. Such deliberate demobilization is undertaken to eliminate any potential electoral threat and according to them, both the Republicans and conservative Democrats were guilty of such strategies. In *Why Americans Still Don't Vote: And Why Politicians Want It That Way* the authors updated their argument to take into account contemporary debates regarding the proposed motor voter legislation on which they were actively campaigning.

Their work inspired a number of further studies. Groarke (2000) charts the evolution of the National Voter Registration Act in the U.S. She notes how Republicans vehemently opposed the bill since they thought it would enfranchise voters more likely to vote Democrat. Meanwhile many Democrats, especially from the Democratic National Leadership, were also opposed to the legislation on the grounds that they wished to move the party towards the centre and that they would be 'hurt' by over-associating with campaigns to add African American, Latino and urban and working class voters to the roll. Elsewhere, Hayduk (1996; 2005) charted the evolution of election administration in the state of New York from the mid nineteenth century through to the 2004 elections. He suggests that there has been a long history of electoral disenfranchisement through election administration. This disenfranchisement, Hayduk argues, has three complementary explanations: the financial and legal constraints

imposed upon electoral administrators; bureaucratic inertia, inefficiency and incompetence; and, very frequently, the partisan actions of incumbent politicians seeking to maintain power. Election boards are not neutral arbitrators of interests but have their *own* interests and the procedures they control are a site of hegemonic struggle (p.7-8). Meanwhile, Minnite (2000) considered the case of redistricting in New York to emphasise the highly politicised nature of election boards. Piven et al. (2009) argue that politicians have repeated sought to depress the Black vote in the U.S. and Minitte (2010) shows how politicians have sought to make false claims about electoral fraud as a way of introducing laws to achieve this. Keyssar (2009) provides a historical narrative of the movements towards and away from full voting rights in the U.S. Changes in election administration are inseparable from this. The key force driving enfranchisement was war and the key force preventing it was class struggle.

Collectively, these texts provide important insights into explaining election administration reform since they emphasise a) its highly political nature in a way that is not done so by much of the literature (particularly that which ignores it as a legitimate area of study); b) the role of entrenched interests in resisting reform; and, c) the role of elite agents in triggering change for reasons of political pragmatism rather than ideology or national interest.

Problems with existing accounts of change in election administration

It is argued here that there are a number of problems with the literature trying to explain why election administration is reformed and there is therefore a need for a new theoretical model. Not all of these problems have been apparent in every approach to election administration, but each has one or more, which provides the space for a new approach: one based in critical realist accounts of institutional change.

No explanation of change?

Firstly, many accounts do not spend much explicit time trying to *explain* why particular electoral institutions come into being in the first place and why they might change. This is certainly the case with the literature on election administration described above as being of the 'old' institutionalist school. For those within this field the aim is to provide descriptions of particular institutional procedures and some recommendations for reform. There is no attempt to use the empirical material to develop broader generalisations about politics that could predict change. At best, there are some narratives available of the course of events leading up to change (such as Butler and O'Leary) but providing an overarching explanation of change is not the aim.

Nor does much of the literature in the other schools of thought try to explain change. A great deal of public research has sought to establish which procedures are 'best' in terms of efficiency, accuracy and security. This is especially the case with those scholars writing about the use of technology in the voting process and to date, the new institutionalism. However, there appears less of a need to try to explain why a given set of procedures are used and what factors might prevent reform.

'Bloodlessness'

Election administration can have considerable effects on the electoral and political system but its political nature is not always reflected in the literature on electoral institutions or theories offered to explain change. Often election administration is ignored by the literature because it focuses on more 'important' electoral rules such as electoral systems. As a result, there is arguably a tendency to understate political variables in the analysis. Thus, Fitzgerald's analysis focussed on demographic and related factors rather than say, the political party in power. Massicotte et al. (2004) explore factors such as whether a given state has a history of colonial rule and how democratic the country is. However, they do not consider the political and ideological characteristics of previous governments. Conversely, the role of ideas is often overstated with the effect that the role of politics and power are underestimated. For

example, Bertrand et al. (2007) discuss the cultural aspects of voting, but perhaps underplay the importance of power politics involved in the debate. New Institutionalist have often been criticised for overlooking power in their analysis of change (Hall and Taylor 1996). Power politics is not the focus of the work on election administration from within public administration. In the U.K., only Curtice (2003) attempts to consider, briefly, whether reform has been the result of party political interest or demographic and societal change. Much more in-depth, systematic and comparative analysis of this type is needed in order to understand and explain change and continuity.

The absence of theorisation

Thirdly, there is often a lack of *theorisation* in providing an explanation of change. Many writers within the tradition of old institutionalism are reluctant to extrapolate from their historical studies towards generalisations about human behaviour. Nor is there much explicit theorisation in some of the more power-centred work from Piven, Hayduk, Minnitee and Groake. These scholars suggest that laws cannot be separated from the political context from which they are created and remain sites of political struggle. They suggest that there are therefore some inherent problems with a liberal democratic conception of the state. However, what rival theory should be provided in their place? In short, perhaps the key is to seek to develop theoretical models which are sensitive to the unique historical trajectories of each country.

The lack of comparative focus

Fourthly, there is also a lack of comparative focus in the literature. Comparative analysis enriches political science by allowing researchers to assess whether phenomena in one country are found elsewhere and therefore have some wider generalisability for the study of politics. However, to date, most studies have been almost exclusively either, for example, American or British. Mendez and Trechsel (2004) do provide a cross-national account of some e-voting schemes within the E.U., but this is limited to

this one particular technology amongst an array of different forms of election administration.

Imprecise agents

A fifth issue with much of the literature on election administration (and on electoral reform in general) is that it is imprecise on who the key agents are in the reform process. For example, when reform is enacted, who exactly was key to pushing this reform? Often the role of political leaders, cabinets and the party within the legislature are conflated into one actor. Blais and Shugart (2008, 190-1) note, in their analysis of electoral system reform, that there is merit in being more precise on who the actors under discussion are since their interests and roles may often be in conflict.

Structure and agency

A sixth problem, which sweeps across much of the literature, is a lack of analytical balance in the attention given to the role of agents and structures. Broadly speaking, too much priority is given to objective structures and social processes. Institutions, demographic features and social processes such as technological innovation are suggested to bring about change. However, there is no accompanying theory of agency. Individuals or agents (such as politicians or key civil servants) are often not given a causal role themselves in determining political outcomes or controlling institutions. Such a theory of agency would assist in explaining why, with all of these ongoing social processes, agents in one country might take a particular route over another. In contrast, there are those which offer too much agency to individuals and thereby fail to offer sufficient analysis of the context in which decisions are made. One way of illuminating this problem is through the debate on structure and agency. This debate concerns:

> …the extent to which we as actors have the ability to shape our own destiny as against the
>
> extent to which our lives are structured in ways out of our control; the degree to which our
>
> debate is structured by external forces. Agency refers to individual or group abilities

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(intentional or otherwise) to affect their environment. Structure usually refers to context; to

the material conditions which define the range of actions available to actors (McAnulla 2002,

271).

The case for structure put forward by Althusser, for example, is that the economic

determines the political so that agents are only 'bearers' of structures. According to him:

> The structure of the relations of production determines the places and functions occupied and
>
> adopted by the agents of production, who are never anything more than the occupants of
>
> these places (Althusser and Balibar 1970, 180).

The case for agency (or 'intentionalism') is that individuals remain reflective,
independent agents who have some ability to choose their own course of action. In its
purest form individuals ultimately control structures which are of their own making
(Bevir and Rhodes 2003).

This discussion has been important to social scientists for some time, but attention has
grown in the field of political science. More recent and advanced analysis in the
literature on structure and agency, however, suggests that the two are mutually
involved in a dialectical relationship, both capable of exerting influence over each other.
For Giddens (1979, 1984) structures constrain what individuals can do, but also enable
particular actions. For example, membership of the EU means that citizens are subject to
particular rules, but also able to benefit from particular mechanisms such as directives
on working conditions. Structure and agency are treated as two sides of a coin.
Meanwhile Jessop (1990) develops the 'strategic-relational' approach and Hay (2002;
1996, 89-134) the 'context versus conduct' approach. They argue that actions take place
in strategically selective terrain which favours some strategies over others. Thus no
context has a level playing field and actors have to formulate strategies on the basis of

limited structural knowledge. However, it is possible to develop strategies to overcome these particular structures. As Hay (1995, 189) notes 'every time we construct, however tentatively, a notion of social, political or economic causality we appeal, whether explicitly or (more likely) implicitly, to ideas about structure and agency'. In short, when considering why electoral institutions do or do not change we need to have an understanding of the forces of both structure and agency. Most existing accounts do not provide this.

The contribution of this book

This book aims to make empirical-descriptive and theoretical contributions to the existing literatures. An *empirical-descriptive* contribution is made by providing in-depth case studies of continuity and change in election administration in three democracies: the U.S.A., U.K. and Ireland. The above literature review has identified a number of pieces of research which chart some of the changes made during discreet periods of time in some countries.[8] This book gives a detailed picture of the reforms made and events leading up the reforms. It identifies when and where partisan interests have influenced the behaviour of politicians in each case. Significant evidence that election administration is a tool of partisan interest was found in the U.S.A. and, since 2000, the U.K. Less evidence was found in the U.K. before 2000, and in Ireland. This evidence is from hereto unpublished primary evidence including private interviews which were conducted as part of the research and from archival searches of cabinet minutes and discussions. The book therefore offers new accounts of the reform.

The book also seeks to make a number of significant theoretical contributions. Firstly, it offers new conceptual practical-analytical vocabulary for election administration. It claims that forms of election administration can be categorised as being either *expansive*,

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[8] As far as the author is aware, this book is the first to chart the changes made in Ireland. There are some accounts of limited periods of change in U.K. and the U.S.A.,

restrictive, or neutral effects on participation.[9]   In their pioneering text on electoral laws, Massicotte et al. suggest that 'as with the study of electoral systems, scholars need to start by defining relevant dimensions and categorizing each set of rules on those dimensions' (2004: 158–9). This article makes such a categorization. These concepts and the continuum is a useful tool for practitioners seeking to identify the likely effects of proposed reforms. It is also useful for political scientists who are interested in political participation.

Secondly, it is the first major comparative study into why election administration might change. Inspired by the major changes in electoral systems in Italy, Japan, New Zealand and Israel in the 1990s, research has proliferated on why electoral reform occurs and the role that elites play (Benoit 2004; Blais 2008; Lundell 2009; Rahat 2008; Renwick 2010; Renwick, Hanretty, and Hine 2009). Electoral systems were previously thought to only change in established democracies during moments of great exogenous shock such as after the Second World War or during the Algerian crisis (Katz 1980, 123). However, the literature has primarily focussed on explaining electoral *system* reform and overlooked other electoral rules. In their review of the literature on 'electoral reform' Leyenaar and Hazan, suggest that adopting a more comprehensive definition of electoral reform is necessary to 'advance the study of electoral change' (2011, 448). According to them:

> 'there is no reason, nor has there ever been, why changes in legislation regarding the (financing of) campaigns, pre-voting and smart voting systems, ballot access or polling, etc. should not be defined as electoral reform and included within the scope of research on this topic' (2011, 447).

This book is such a study. This is important not only because it fills such a gap, but because, as will be shown, the reform process for different electoral institutions *interact*. Understanding the reform process for election administration may therefore increase our understanding of electoral system reform.

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[9] This continuum is also produced in James (2010)

Thirdly, it offers a new layered framework to understanding the causes of policy reform in election administration from an elite perspective. This model may be applicable to other electoral laws. The new model is derived by identifying patterns of how, when and why elites use election administration for partisan reasons. It argues that elites have often sought to use election administration to (dis)enfranchise and (de)mobilise various aspects of the electorate to win elections. Typically, left-wing elites have sought to introduce expansive procedures while right-wing elites have sought to introduce restrictive procedures, foremost for the purposes of political expediency. They have also proposed reforms to election administration as alternatives to more radical overhauls of constitutional systems which might threaten their power base. These behaviours, however, are often dependent on political and institutional environments. Firstly, an issue trigger may be required to bring election administration on to the elite's policy agenda. Five such triggers are extrapolated from the cases. Secondly, the systemic institutional features of the political systems shape and refract the (non)politics of election administration by altering the incentives, opportunities for and constraints upon elite action. Elite interest in and action on election administration is influenced by the electoral system, party system and constitutional control over procedures. Thirdly, the elite's strategy on election administration is influenced by the reform process of other electoral institutions. These findings are significant because they change our understandings of electoral systems.

Lastly, the book proposes and re-develops a leading approach that can be used to study political elites. This is the statecraft approach, as originally developed by British academic, Jim Bulpitt. It is argued that this offers a critical realist account of institutional change which overcomes a number of problems in the existing literature by focusing attention on the interests of key political actors in the process of change. The book adapts the theoretical model so that it can be used for the studying of how political institutions change. The revised statecraft approach, it is argued, provides a useful organising perspective for understanding change and a theory of elites.

As such, the book breaks new ground in our understanding of political elites, elite theory and comparative electoral laws.

Research methodology

Explaining change in electoral institutions using macro-scopic quantitative analysis can provide important insights.[10] However, they are best accompanied with case study research of particular countries. Case study research can identify local dynamics and processes which are not apparent in macro-scopic studies. Macro-scopic quantitative studies are also not sensitive to theories of agency and meaning. Through case studies we can establish who the key actors are in pushing or preventing change and the meaning that they attach to their actions. Chapters 4, 5, and 6 provide longitudinal comparative case studies of reform. These include the use of primary data collected through in-depth qualitative interviews with key agents, extensive newspaper report searches, use of legislative documents, cabinet meeting minutes and a range of other commentaries. Access to the relevant documents and secondary literature was made possible through an ESRC institutional visit to Trinity College, Dublin and a Scholarship at the Library of Congress in Washington, D.C.

Case studies were chosen on the basis of a 'most-different' research design. The U.K. was chosen on the basis that this was the polity which the statecraft approach was built to explain. Ireland and the U.S.A. were selected on the basis that they had entirely different constitutional structures from that of the U.K. If the statecraft approach was capable of explaining change here too, it would be proved to be a strong model. An inability to explain change in these different contexts would suggest that the geographical reach of the approach was limited.

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[10] For an the application of this approach to electoral system reform see: Lundell (2009).

Organisational structure

The arguments which follow are organised into the following chapters:

Chapter two seeks to establish in more detail why election administration matters, but more importantly, why election administration might matter for researchers of elite statecraft. It is argued that different forms of election administration have different effects, not only on electoral turnout but also on electoral outcomes in close elections. The chapter conducts a meta-analysis of research on election administration and voter turnout to show that it is possible to generate a continuum on which procedures can be placed, ranging from those that have an expansive effect on participation to those that have a restrictive effect. This continuum is argued to be of significant utility for researchers and policy makers as it can act as a heuristic device in locating the likely effects of particular reforms on participation. This could therefore assist policy-makers in the proposal of reforms. The chapter identifies the circumstances under which higher turnout, caused by higher electoral participation, might affect electoral outcomes. Using the existing literature, some hypotheses are then suggested to predict the behaviour of political elites towards election administration. These will be returned to in Chapter 7.

Chapter three offers a new organising perspective for understanding how elites interact with electoral rules. The chapter begins by outlining the Statecraft theory in the context of classic and contemporary theories of elites. It discusses its shortcomings and argues that the approach requires greater theoretical development to move from a largely descriptive model of British politics to an abstract explanatory model capable of understanding politics, leadership and political change in the field of comparative politics. The chapter proposes a way in which it can be adjusted for this purpose.

Chapters four, five and six then provide three historical-comparative case studies charting the evolution of reform. Chapter four explains how the Victorian foundations of election administration in the U.K. represented a political compromise and also that

from 1918 to the 1980s, election administration was rarely a partisan issue. This changed a little under the Wilson and Thatcher administrations. The latter reduced the number of citizens on the electoral register indirectly through the introduction of the 'poll tax'. This reduction was disproportionately high amongst Labour supporters. However, it was under New Labour that substantial reform was initiated, and this reform was very often inspired by partisan interests. The Blair government introduced a series of innovative pilot schemes, whilst permanent changes brought in more expansive procedures. The chapter provides original evidence that the elite thought that Labour would gain politically from these. Moreover, some proposals for more restrictive procedures, which would increase security, were rejected by government elites since it was felt that they might undermine the party's future electoral prospects.

Chapter five shows how the U.S. has a much longer history of elites seeking to manipulate election administration for political advantage. Republicans and Southern Democrats often saw election administration as an alternative mechanism through which specific ethnic and economic classes could be excluded from the franchise when the right to vote was gradually extended across the country. Civil rights campaigners were successful in fighting some of the most discriminatory practices in the 1960s as part of a broader civil rights campaign. However, many of these practices remained in place and the political struggle for their removal continued into the 1970s and 1980s, despite attempts at reform by President Carter. Republican politicians (and Presidents) resisted further reforms. However, Bill Clinton facilitated the passage of the National Voter Registration Act of 1993 when he came to power. This effectively extended the franchise to citizens thought to be more likely to vote with the Democratic Party. Election administration drifted from the national policy agenda after the mid-1990s but the 2000 Presidential election re-ignited national interest in the policy area. Republicans in Washington, during this period, tried to prevent '1960s style' legislation being passed that would establish strong federal control over election administration. Republican networks in the Justice Department also co-coordinated efforts to insert politically

friendly State Attorneys into state governments to help to prevent the voter registration drives being organised by opponents of the Bush administration. Before coming to power, President Obama had vehemently campaigned for more expansive forms of election administration.

Chapter six argues that Ireland does not demonstrate the same historical of a battle over electoral procedures that occurred in the U.K. and U.S.A. The issue has historically been a technocratic one which has attracted little public or high level political attention. Since 2000, the issues of electoral registration and electronic voting have become politicised. In this case, it is difficult, however, to sustain the view that changes were made for party political reasons. Instead, in time, they become issues of competence, with the opposition parties criticising the government on the grounds that they felt they could gain political capital by claiming that Fianna Fáil were mismanaging EA. That said, some original evidence is presented that recent reform of the voter registration system was a response to the electoral threat posed by Sinn Fein. Original evidence is also presented of Republican politicians manipulating the electoral register at the inception of the Irish Free State.

Chapter seven returns to the key research questions in the light of the case studies. It reviews the evidence of elite manipulation of election administration in each case. It considers the conditions under which political elites will use election administration as a means of achieving political statecraft. In so doing, it builds new meso-level concepts for the statecraft approach. The ebb and flow of elite interest across the cases is explained by a new innovative framework for conceptualising the *elite policy agenda*. Firstly, an issue trigger may be required to bring election administration on to the executive's policy agenda. Five such triggers are identified in the cases. Secondly, the systemic institutional features of the political systems shape and refract the (non)politics of election administration by altering the incentives, opportunities for and constraints upon elite action. Executive interest in and action on election administration is

influenced by the electoral system, party system and constitutional control over procedures. Thirdly, the executive's strategy on election administration is influenced by the reform process of other electoral institutions. These findings have implications for our understanding of the policy process, the effects of different electoral systems and need for more research on electoral governance.

Chapter eight reviews the conclusions from the book. It suggests that the redeveloped statecraft approach sets a research agenda for applying it to the reform of other electoral institutions and political institutions.

Conclusions

The way in which elections are being run is changing. All around the world, states have reformed their procedures or have put them under critical review. However, there has been a systematic failure to examine why election administration changes in democracies. Empirically, this book seeks to contribute towards the international literature on election administration by outlining the changes that have been made to election administration in three established democracies. Theoretically, it offers a new conceptualisation of electoral procedures. It also proposes a new approach for understanding how political elites interact with electoral institutions and establishes when and where elites may be more interested in election administration. The book first turns to establish why election administration is so important.

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