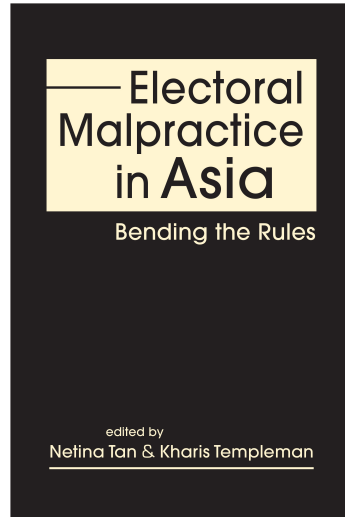


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Electoral  
Malpractice  
in Asia:  
Bending the Rules

edited by  
Netina Tan and  
Kharis Templeman

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# 1

## Electoral Malpractice in Asia: The Menu of Manipulation

*Kharis Templeman and  
Netina Tan*

**THIS IS A BOOK ABOUT ELECTORAL MALPRACTICE IN PACIFIC ASIA.**<sup>1</sup> It is focused on the electorally contested regimes of the region, although the questions that motivate it and the implications of the case studies within it are relevant around the world, in democracies both old and new. The book brings together studies of eleven countries in two regions in Asia: Japan, South Korea, Taiwan, and Mongolia in northeast Asia, and the Philippines, Malaysia, Singapore, Indonesia, Cambodia, Thailand, and Myanmar in southeast Asia.

The chapters covering these cases demonstrate the many ways that the legitimacy of elections has been undermined in the region. The picture is not pretty. Even today, some form of electoral malpractice can be found in almost every country in Asia. This book documents serious problems at every stage of the electoral process, including the pre-electoral phase beginning with the manipulation of the voter rolls in Cambodia and Indonesia; strict campaign rules designed to protect incumbents in Japan and South Korea; arbitrary changes to the electoral system in Mongolia, Singapore, and Malaysia; harassment of candidates or selective exclusion from the ballot in Thailand, Indonesia, and the Philippines; vote buying, ballot stuffing, and fraudulent counting of the votes in Cambodia; and direct military intervention and exclusion of elected officials from power after elections in Thailand and Myanmar.

Nevertheless, the cases in this book also offer some reason for optimism. Electoral malpractice may be common in the region, but its

prevalence also indicates that elections are meaningful and competitive: electoral outcomes are not preordained, and voters can use the power of the ballot box to throw the rascals out. The lengths to which political elites will go to manipulate the electoral game are an indication that the game itself is important. Even when electoral competition is unfair, political conflict is still channeled into a process that is regular, normalized, and rewards the winners with the right to rule. Unfair electoral competition is still preferable to no competition at all, as in closed autocracies such as China, Laos, North Korea, and Vietnam.

Moreover, not all violations of the integrity of the electoral process are equally destructive to political legitimacy and the quality of democracy. Widespread vote fraud, the arrest or murder of opposition candidates, and military coups spell the end for democracy in a way that vote buying and gerrymandering do not. From this perspective, the shift over time in several Asian countries, including Japan, South Korea, Indonesia, and Taiwan, from manipulation that is crude, personalized, and arbitrary to sophisticated, institutionalized, and rules-based, should be viewed as a sign of progress. The converse is also true: the increasingly repressive methods used to keep incumbents in power in Cambodia, Myanmar, and Thailand are manifestations of a deep (and deeply tragic) political regression in countries that once appeared to be on the path to democracy.

## **What Is Electoral Malpractice?**

Electoral malpractice is one of the great threats to democracy today. As Andreas Schedler noted in a foundational article on the topic, for a political regime to qualify as democratic, its electoral process must “offer an effective choice of political authorities among a community of free and equal citizens.”<sup>2</sup> This process-based approach defines electoral integrity as a normative ideal, and it implies that there is a universal set of benchmarks against which individual cases can be evaluated.<sup>3</sup>

Following Pippa Norris’s work, we use the term *electoral integrity* to refer to the set of global norms and international standards which, when maintained through each step of the electoral process, are sufficient to create a level electoral playing field. The integrity of democratic elections is fully maintained when these benchmarks are met before, during, and after election day. Conversely, if any part of the process falls short of international norms and standards, then we have an example of electoral malpractice.<sup>4</sup>

In our book, the term *electoral malpractice* is used broadly to include all activities that lead to a violation of the “level playing field” ideal.<sup>5</sup> But not all malpractice is equally problematic for democracy. What is most concerning is electoral manipulation—the intentional, systematic use of illegitimate means to influence election outcomes in favor of one party, candidate, or coalition over others. Electoral fraud is the most damaging kind of electoral manipulation; it involves deliberate interference with the voting or vote-counting process that violates domestic laws and is intentionally perpetuated by governments, incumbents, electoral officials, or party workers to favor some parties or candidates over others.<sup>6</sup> Examples of fraud include the removal of qualified voters from (or addition of “ghost” or “phantom” voters to) the voter rolls, stuffing or tossing ballots, and falsification of vote tallies.<sup>7</sup> In contrast, electoral maladministration refers to the unintentional mistakes, routine flaws, and mishaps by election officials that occur because of managerial failures, inefficiencies, or incompetence.<sup>8</sup>

The severity of these violations can vary a great deal across electoral regimes and within regimes over time. Some aspects of managing an election, such as creating accurate voter rolls and printing ballots, require basic administrative competence that is sorely lacking in some cases. The integrity of the electoral process may then be undermined without intentionality because of mismanagement or insufficient capacity. However, election management typically improves over time, as voters and candidates gain experience, administrators develop clearer and more consistent procedures to manage the critical functions of elections, and norms and rules become better established. It is also likely to be better, all else equal, in places where state capacity is higher—and this factor can also vary significantly even within countries.

## What Do We Know?

There has been a great deal of conceptual work on what electoral malpractice is.<sup>9</sup> An especially helpful framework for thinking about the different kinds of malpractice comes from Sarah Birch, who categorizes it based on the *targets of manipulation*: rules, voters, and voting over the pre-electoral, election day, and post-election cycle (see Table 1.1). As Birch notes, these manipulations can also be thought of as taking place at different stages of the election cycle. For example, manipulation of the rules typically occurs well before election day—everything from the choice of electoral system to the number of polling stations and ballot

**Table 1.1** Types of Electoral Manipulation

Manipulation	Pre-Electoral Process	Election Day	Post-Election
Rules and legal framework	Electoral system Exclusionary rules (candidacy) Gerrymandering Malapportionment Campaign finance Independence of election commission	Presence of international election observers	Appeal process Annulment of results Disqualification of candidates
Voters (preference formation or expression)	Pork-barreling Campaign spending Abuse of state resources Vote-buying Media time		Protests Electoral violence
Voting (electoral administration)	Ballot design Location of ballot booths	Ballot-box stuffing Misreporting Bias in electoral voting process Underprovision of facilities in pro-opposition districts Forging voter identification Burning ballot boxes Padding voting totals Indelible ink (multiple voting)	

*Sources:* Birch, *Electoral Malpractice*; Norris, *Why Electoral Integrity Matters*; Schedler, “The Menu of Manipulation,” pp. 36–50.

design usually is decided early in the electoral process. Manipulation of voters typically occurs during the election campaign period, in the months and days leading up to an election. And manipulation of the voting and counting occurs on election day itself—and sometimes beyond, through post-election violence and the annulment of election results.

### *Manipulation of Electoral Rules*

Birch’s first type of malpractice is the manipulation of rules. Political actors can target for manipulation the collection of norms, laws, regulations, and other practices that together define the electorate and structure

the conversion of preferences into votes, votes into seats, and seats into political power. Manipulation at this stage begins with the most fundamental issue of all: who has the right to vote? In most polities, one must be a citizen to enjoy that right. Where the citizenship of a significant share of the population is contested, as with the Rohingyas in Myanmar, it may be rational for incumbents to deny their (valid) claims to be members of the electorate to prevent them from voting. But even if citizenship is not in doubt, the ease of voter registration and access to polling stations can still vary across subgroups within the electorate.<sup>10</sup> In some countries such as the Philippines, voter registration is not automatic, and the hurdles to registering and exercising the right to vote tend disproportionately to affect groups with lower socioeconomic status, resulting in lower turnout among those groups and neglect of their interests by elected representatives. Further, given the high number of overseas workers and expatriates from the Philippines, Thailand, Indonesia, and Myanmar, the right of citizens living abroad to vote is also a common threat to electoral integrity in the region.<sup>11</sup> In most of the other cases in this volume, however, voter registration is automatic, voter rolls are derived from population registers, and the gap between potential and eligible voters is small or nonexistent.

What are more commonly manipulated across the Asian cases are the electoral rules. Manipulation of the rules in the region comes in three forms: malapportionment, or the uneven distribution of elected representatives across constituencies; gerrymandering, or the deliberate drawing of district boundaries to favor one party or coalition's candidates over others; and disproportionality, or the conversion of votes into seats in a way that systematically favors one party (usually the plurality winner) over others.<sup>12</sup> These practices are problematic for democratic representation: by distorting the conversion of votes into seats, they undermine the principle of political equality and ensure that the votes of some citizens are weighted much more heavily than others. They can also undermine democratic accountability if this inequality between voters maps onto partisan competition. In extreme cases, incumbents have won reelection indefinitely with the support of only a minority of the electorate, leading to long periods of one-party dominance.

In Malaysia, severe malapportionment helped keep the dominant coalition led by the United Malay National Organization (UMNO) in power for over five decades—even when, as in 2013, it lost the popular vote to the opposition. It managed this feat by apportioning parliamentary seats so that the average number of voters in districts in the eastern states of Sarawak and Sabah and the rural Malay heartland on



the Malay peninsula was much lower than in urban districts that supported the opposition. Consequently, a vote cast in one of these UMNO stronghold districts could be worth as much as ten times a vote cast elsewhere.<sup>13</sup> Another example of extreme malapportionment comes from pre-1993 Japan, where the number of voters represented by a member of the Diet from an urban district grew to be three or four times those represented by a member in a rural district. This gross inequality of representation gave rural areas disproportionate political influence and helped keep the longtime ruling Liberal Democratic Party (LDP) in power for almost 40 years.<sup>14</sup>

Gerrymandering and disproportionality have also helped incumbents hang onto power across the region even as their popularity has declined. Gerrymandering has had the greatest impact in single-member districts, where the ways boundaries are drawn have sometimes predetermined electoral outcomes regardless of changes in voter preferences. Singapore is an especially egregious example. In the last thirteen general elections, the ruling People's Action Party (PAP) has on average won over 97 percent of the seats with 68 percent of the vote. It has routinely used its control over the Election Department for partisan advantage, changing electoral boundaries and switching back and forth between single-member and multi-member winner-take-all group representation constituencies before every election.<sup>15</sup> The arbitrary manipulation of boundaries and sizes of constituencies has resulted in high disproportionality between vote and seat shares, and PAP nominees have often ended up winning in “walkovers”—uncontested races.<sup>16</sup>

A final class of manipulation of electoral rules targets candidates and campaigns themselves. Throughout Asia, electoral laws and regulations have been enforced in ways that effectively limit who can run for office—for instance, by requiring that large financial deposits be paid or for independent candidates to gather large numbers of signatures to qualify for the ballot. One of the most prominent examples of this kind of manipulation comes from post-2010 Myanmar, where the military junta wrote a requirement into the constitution that the country's president could not have immediate family members with foreign citizenship. This clause effectively barred the opposition leader Aung San Suu Kyi from holding the office. Similar kinds of legal or practical barriers have also been erected elsewhere to prevent competitive new parties from registering and contesting elections, even as multi-party competition was officially permitted. During the so-called New Order period in Indonesia under Suharto, for instance, only three government-approved parties were allowed to field candidates, creating a

kind of closely managed party system that prevented genuine challenges to Golkar, the ruling party. Another example is Singapore's 2017 presidential election. There, the ruling PAP suddenly introduced a constitutional amendment and tightened candidate eligibility rules to reserve the presidential office for an ethnic minority. That institutional manipulation effectively barred all the leading opposition candidates from the competition.<sup>17</sup> Although Singaporeans are used to predictable elections, the election of Halimah Yacob—the first female president in Singapore—through a “walkover” created much unhappiness.

Other more sophisticated forms of manipulation have involved the regulation of campaign activities. The variation in how, when, and where candidates are allowed to campaign is particularly striking across northeast Asia. For example, in Japan and Korea, election law and its strict interpretation and zealous enforcement by regulators and courts have placed severe restrictions on the times and locations of vote canvassing, election rallies, and even campaign billboards. These two cases stand in stark contrast to the *laissez-faire* approach of Taiwan at the opposite end of the spectrum, where there are few limits on campaign activities and speech.

Finally, incumbent parties in several Asian countries have used their control over the legal system to sue or selectively prosecute opposition members and journalists for critical speech. For instance, the PAP in Singapore and UMNO in Malaysia have frequently made use of administrative punishments and legal actions to gain an electoral advantage. In Singapore, opposition challengers such as J. B. Jeyaretnam and Chee Soon Juan were fined for criticizing the government and prosecuted or disqualified for running for office for minor violations of campaign finance reporting requirements.<sup>18</sup> Critics of the PAP government have also regularly been sued for libel or denied tenure at academic institutions.<sup>19</sup> In Malaysia, false allegations of sexual misbehavior were repeatedly brought against former deputy prime minister Anwar Ibrahim and used to disqualify and jail him for years.<sup>20</sup> In Thailand, *lèse-majesté* laws have been used for similar purposes against the opposition and reporters—a legal abuse that has become more common after the most recent military coup in 2014.<sup>21</sup> In Indonesia, a sweeping anti-blasphemy law has enabled Islamist groups to seek to disqualify non-Muslim candidates for office—most prominently the Christian former governor of Jakarta Basuki Tjahaja Purnama (nicknamed “Ahok”) in 2017.<sup>22</sup> In the Philippines, President Rodrigo Duterte's government arrested a sitting senator and leading government critic, Leila de Lima, on trumped up charges of protecting

drug dealers while she was justice minister in the previous administration.<sup>23</sup> Duterte also followed up a year later by having another senator and prominent government opponent, Antonio Trillanes, arrested on charges of “rebellion.”<sup>24</sup>

### *Manipulation of Voters*

Birch’s second type of malpractice is the manipulation of voters. For the integrity of the election to be upheld, voters must be allowed to cast their votes freely and in secret, without either reward or punishment being tied to their voting decisions. This fundamental principle has been violated in many ways across the region. Governmental agencies have appointed only members of the ruling party to government jobs, giving them a direct financial stake in the outcome of an election and exploiting state resources for partisan ends. Civil servants have been forced to join the ruling party and campaign for it, as occurred during Suharto’s rule in Indonesia and Chiang Ching-kuo’s in Taiwan. Public agencies responsible for distributing government benefits have used these payouts as leverage, with bureaucrats responsive to groups or precincts that supported the ruling party’s candidates in the last election while ignoring applications from those suspected of disloyalty. Private companies that received government contracts have limited employee choice, insisting that their workers vote for ruling party candidates or be fired from their jobs.

These are all examples of *clientelism* in elections. Clientelistic exchanges between office-seekers and voters can take many forms, but they are typically characterized by two basic features: government and ruling party resources can be selectively targeted at individual voters; and benefits delivered in this way are contingent and can be withheld in future if voters do not follow through by supporting the party’s candidate for reelection.<sup>25</sup> Many variations on clientelism are found across our cases. One especially illustrative example of how the incumbent party abuses state resources for electoral gains comes from Singapore, where more than 80 percent of the electorate lives in public housing blocks. In 1997, the PAP exploited this feature by promising to prioritize estate lift and facility upgrades for pro-PAP precincts.<sup>26</sup> Voters were also told that their estates would “be left behind” and become “slums” if they voted for opposition parties.<sup>27</sup> Clientelism has also been pervasive in Japan, where support for the LDP in many constituencies was built on government construction contracts; companies that won these contracts in turn mobilized their workers and subcontractors to donate money and turn out

for the party's candidates at election time.<sup>28</sup> Other more coercive forms of clientelist exchange have been common in the Philippines, where large landholders and business owners who wield significant economic power over their tenants and employees have threatened to expel or fire farm or factory workers if they refuse to support the boss's preferred candidate in the election. When these threats have been ineffective, local power-holders have been known to deploy private militias to intimidate anyone attempting to campaign for challengers.<sup>29</sup>

The most extreme form of manipulation of voters is through the overt use of violence, which can suppress participation, change voting behavior, and drive candidates out of the race. Election-related violence has become rare in northeast Asia, but it remains disturbingly commonplace in some parts of southeast Asia, particularly in the Philippines, Thailand, Cambodia, Myanmar, and parts of Indonesia. In the Philippines, political killings have targeted not only candidates for local office but also key supporters, political organizers, and even reporters.<sup>30</sup> In Indonesia, election-related violence has tended to occur in formerly separatist areas and districts with prior ethnic violence, although riots in Jakarta after the 2019 presidential election led to the deaths of six people.<sup>31</sup> Credible reports of election-related violence and voter intimidation also still appear regularly in Cambodia, Thailand, and Myanmar.<sup>32</sup>

Nevertheless, as a tool for electoral manipulation, violence has considerable political downsides: in addition to its deeply immoral nature, it can also be messy, unpredictable, and costly. As a result, many political actors across the region have shifted toward vote buying as their favorite form of manipulation. Vote buying is the exchange around election time of money, food, or other goods for the promise to support a given candidate at the ballot box, and it has historically been practiced to varying degrees in every country in our book except for Singapore.<sup>33</sup> The root causes of this variation are complex, but they include at least the electoral rules, level of competitiveness, turnout, poverty and client-patron relations between candidates and voters.<sup>34</sup> For example, the single nontransferable vote (SNTV) electoral system, which pits multiple candidates from the party against one another over the same blocs of voters, was commonly believed to incentivize vote buying when it was used in Japan and Taiwan.<sup>35</sup> In both cases, the switch to a mixed-member parallel system appears to have contributed to a decline in the incidence of vote buying. Candidates for parliament have faced similar incentives under Indonesia's open-list proportional representation (PR) system, where competition for votes between party members to come

top of the party's list can be fierce, and payments to voters are often necessary even to be viable.

Although it has been widespread in the region, vote buying, too, comes with downsides. Successful execution of a vote buying strategy to win office requires detailed knowledge of a constituency's voters, including who are the candidate's supporters and who can be bought. It also requires solving an enforcement problem: if the ballot is secret, then voters may well be able to defect from any agreement with a campaign, taking their money and voting for who they want without fear of retribution. Vote buying has been most effective in low-salience, low-turnout elections, where getting supporters to show up to vote can be decisive. It has been much less effective in high-interest, high-turnout elections, where a few hundred votes bought through traditional networks may have little impact where the winning totals may be in the millions. In addition, as incomes and living standards have risen, vote buying has become more expensive and uneconomical compared to television and newspaper advertisements, social media campaigns, billboards and sound trucks, and other forms of voter outreach. There are also legal risks to vote buying: if caught, candidates have been struck from the ballot, fined, or jailed for the practice. Thus, the decline of vote buying in some of the cases in this book, notably in Japan, Korea, and Taiwan, should offer some hope that progress is possible to other countries in the region where this electoral scourge remains common, such as Indonesia and the Philippines.

Although some scholars do not consider advantages of incumbency or media control to be forms of malpractice,<sup>36</sup> we think these should be included on the menu of electoral manipulation. The abuse of the government's power to regulate and control information flows is a serious problem in Asia. The integrity of elections rests on voters' free access to information and on the ability of candidates to make direct appeals to voters. When all (or almost all) forms of media are under the government or incumbent party's control, this precondition is no longer met. Opposition challengers will have a hard time getting their appeals across to voters if all television stations are state-owned, party-owned, or incumbent-aligned. The same is true for newspapers and magazines. In some of our cases, strict licensing requirements have been used to shut down critical political reporting; in others, selective enforcement of libel laws has been used to punish daring investigative reporting on powerful political figures. Or, if newspapers and magazines are not shut down, state regulators nevertheless dictate the content they are allowed to publish, assessing stiff fines for printing unflattering sto-

ries about the government, as in Malaysia and Singapore, or simply arresting journalists on trumped up charges, as in Cambodia, Thailand, and the Philippines.

With the advent of the internet, and especially the spread of social media apps accessed via smart phones, some democracy advocates expected that these alternative sources of information would create a more level playing field and erode the power of incumbents to set the terms of campaigns.<sup>37</sup> While the growth of online technology in Asia has allowed voters to access new and more diverse viewpoints and allowed electoral challengers to get around strict limits on offline activities, it is increasingly clear that online media and social media platforms are a double-edged sword for electoral integrity.<sup>38</sup> The absence of editorial discretion, news feed algorithms that prioritize user engagement over accuracy and impartiality of stories, and the speed at which false reports spread on social media make these platforms new sources of information but also of mis- and disinformation that can leave voters distracted and poorly informed about political issues.<sup>39</sup> Sources of falsehood can emerge from state agencies, rival candidates, or foreign actors who wish to influence voting behavior. These actors are increasingly brazen in manipulating the platforms through hired hands or “cyber troops” to alter the information voters receive about their electoral choices.<sup>40</sup> The rise of malicious disinformation is a serious concern for electoral integrity and a topic that needs more study in Asia and globally.

### *Manipulation of Voting and Counting*

Birch’s third category of electoral malpractice is the manipulation of the voting and counting process itself, both on election day and beyond. As noted earlier, malpractice can occur inadvertently and not be intended to disadvantage any particular group, party, or candidate. This malpractice is often a result of a lack of administrative capacity or experience running elections. These problems have typically been most severe in the region in countries holding their first elections after a political transition, when the entire electoral infrastructure may need to be constructed from scratch—from developing accurate voter rolls, designing the ballot, and using indelible ink to prevent double-voting, to figuring out how, when, and where to count the ballots. After a few election cycles, these inadvertent voting and counting problems have tended to go away as poll workers gain experience and routines become established.

Yet the maladministration of voting and counting can also be much more malign, intentional, and persistent. One of the most important obstacles to electoral integrity in Asia at this stage has been the mistrust of election officials. When one party or leader dominates the government and has abused its power, it may be hard for people to be persuaded that election administrators and poll workers will not bend the rules to help the incumbent secure reelection. Without basic trust in the fairness of the process, a host of ostensibly technical, apolitical decisions can take on a nefarious cast. In Cambodia in 1998, for instance, a change to the proportional representation formula used to distribute seats prevented the opposition from winning a majority—a seemingly innocent decision that had serious long-term consequences for the country’s democratic trajectory.<sup>41</sup>

The most dramatic—and traumatic—kind of manipulation of the voting process has been through the threat of violence. Although electoral violence is not common in most of the cases in this book, there are still recent instances in which a campaign’s supporters instigated riots that targeted election administrators (in Indonesia), armed groups seized ballot boxes and destroyed votes they suspected would go for the opposition (in Myanmar), and government-backed thugs roamed the streets targeting suspected opponents for random violence to keep voters away from the polls on election day (in Cambodia).

Nevertheless, it has generally been easier and less dangerous for power-holders in our cases to use subtler methods of manipulation targeting the vote count. One option is ballot stuffing, which has typically involved the addition of “ghost” or “phantom” ballots marked for a particular candidate and added to the polling box at some point during the electoral process. For instance, during the martial law era in Taiwan (before 1987), a favorite trick of the ruling KMT was to cut the lights for a few minutes during the public vote count. When power was restored, the voting trends would change as late-counted ballots put the KMT’s favored candidates in the lead. Though no one could prove that ballot stuffing had taken place during these blackouts, the reason for the repeated pattern across precincts was obvious.<sup>42</sup> Another form of manipulation is ballot spoiling—election workers have simply thrown out and not recorded votes cast for the “wrong” candidate, as occurred in a notorious case in Taiwan in 1975,<sup>43</sup> and more recently at the commune level in Cambodia. A third option is falsification of vote totals after the election count is over, either at the precinct level or centrally, by workers loyal to the government or ruling party, as occurred in the Philippines in 2004. Finally, there is out-

right rigging of the voting results. In New Order-era Indonesia (1966–1998), for example, electoral commission members took advantage of the complicated process of aggregating the vote count from the precinct up to the national level to change numbers so they would hit the vote targets of the ruling party, Golkar.

The manipulation of the actual vote count is among the most blatant forms of electoral integrity violation, but also the hardest to pull off successfully, and the cases in this book offer some useful lessons for how this kind of electoral fraud can be deterred.<sup>44</sup> First, an impartial electoral administration—usually, a public bureaucracy—has been critically important for preventing vote fraud.<sup>45</sup> Politicized electoral management bodies (EMBs) have in many of these cases undermined the legitimacy of elections, even when there was no obvious attempt by electoral commissioners to favor some candidates over others. In contrast, EMBs with both high capacity and high autonomy from the ruling party or government have in general helped bolster the legitimacy of the election winners.

Second, transparency has been key to building trust in electoral administration and to dispel any suspicions about the voting or counting process. Long term exposure to electoral irregularities undermines citizens' trust and willingness to turn out to vote.<sup>46</sup> To counter these suspicions, in some cases candidates have been able to nominate their own observers (as in Indonesia) or even their own poll workers (as in Taiwan) to be present at every polling station to monitor the voting and counting. Under these conditions, the incentives to follow the rules and call out each other's mistakes have usually been sufficient to ensure a fair and accurate count. Another way to enhance trust has been to hold a public count of the ballots. While more than 59 percent of countries in the world tabulate their votes electronically, in Taiwan and Indonesia, votes are still manually counted in the polling place immediately after the polls close, in the presence of anyone who wants to observe.<sup>47</sup>

Finally, the presence of outside observers may dissuade poll workers from attempting to falsify the count. There is already a large literature on the role and effects of international election monitors in ensuring electoral integrity, mostly in Africa, but also in Cambodia, Mongolia, Indonesia, and Myanmar.<sup>48</sup> As this work shows, observers from outside organizations have in some cases helped document flaws in election procedures and acted as a kind of impartial judge of electoral integrity. But given the size and scope of an election in, for instance, Indonesia, which has 190 million voters spread out over a



giant archipelago of 10,000 islands, the actual deterrent effect of international election monitors on electoral malpractice has not been very important in the region, and out of proportion to the attention they have received in the comparative literature on electoral malpractice. Worse, international election monitors with misaligned objectives have in some cases failed to prevent violence or been used by the winner to give a veneer of respectability to a badly flawed election, as Hun Sen did with observers in Cambodia's 2018 general elections.<sup>49</sup> What has proven more useful for large countries such as Indonesia are procedures that allow local groups to monitor the voting and counting and to report problems themselves.

### *The "Menu of Manipulation"*

All the variations in form, timing, and perpetrators of electoral malpractice in the region highlight a key fact: those who wish to manipulate elections have many choices. There is a continuum of manipulative behavior and practices across our cases, from blatant, heavy-handed violations, to the subtle, surgical changes that are not evident except to the most astute observers.<sup>50</sup> Confident incumbents have also sometimes chosen not to manipulate at all and instead supported robust checks on malpractice.

The reasons political actors have chosen one form of electoral manipulation over another are not always obvious. For instance, vote buying and intimidation of opposition supporters are two means to achieve the same ends, and these practices have appeared at different times even within the same countries. As Andreas Schedler put it twenty years ago:

The chain of choice . . . suggests that authoritarian transgressions are equivalent in practical terms. If this is true we may expect them to work like the tubes of a pipe organ. If some go down, others must go up. But to what extent and under which conditions are authoritarian rulers free to pick from the menu of electoral manipulation? Which combinations and sequences of nondemocratic strategies are viable and which are likely? Unfortunately, scholars of comparative politics do not currently know much about the conditions under which authoritarian actors pursue, or stop pursuing, certain strategies or bundles of strategies.<sup>51</sup>

Much work has been done in the last two decades to document and categorize different forms of electoral malpractice. This scholarship has filled out Schedler's "menu of manipulation" and advanced our understanding of how manipulation can be carried out across a wide array of

different political systems. However, it has not yet advanced nearly as far in explaining how power-holders decide between different types of manipulation. Given that power-holders typically seek to influence elections to achieve desired results—even in robust liberal democracies—what explains the variation in the kinds of electoral manipulation that we observe across different regimes? This question has been surprisingly neglected in the study of electoral integrity, democratic backsliding, and electoral autocracy. Despite rapidly growing literatures in each of these areas, we still know little about what drives the trade-offs between, for instance, stuffing ballot boxes with extra votes versus paying voters to vote a certain way.<sup>52</sup>

Instead, much of the research on electoral malpractice in recent years has focused on explaining the cost or consequences of one particular kind of manipulation in isolation: vote buying,<sup>53</sup> clientelism,<sup>54</sup> malapportionment and gerrymandering,<sup>55</sup> violence and intimidation,<sup>56</sup> and outright fraud such as ballot stuffing or falsifying vote counts.<sup>57</sup> Another line of research on elections in autocracies has put forward elaborate deductive theories of how one kind of electoral manipulation or another is executed,<sup>58</sup> how manipulation is used to signal regime strength,<sup>59</sup> and how incentives to manipulate elections can be affected by the presence of election observers.<sup>60</sup> The question of why power-holders might switch between different types of manipulation, however, does not feature much in this work.

### *Advantages of Case Studies on Electoral Manipulation*

Quantitative comparative research has helped to move forward the literature on malpractice, but it also suffers from some weaknesses that country case studies may be able to overcome. First, there is the problem of assigning causality to statistical associations, between measures of democracy, economic development, social cohesion and division, and regime features, on the one hand, and measures of electoral integrity on the other. The ability to manipulate elections to benefit a ruling party or incumbent candidate is endogenous to the type of regime itself—free and fair elections are part of the definition of democracy. Thus, showing a correlation between certain kinds of manipulation and regime type or level of democracy does not by itself demonstrate a causal relationship between the two. Individual case studies offer a better way to assess causality, if we can trace how a single ruler or ruling party switched from one method of manipulation to another as other aspects of the regime or its external or domestic environment changed.

For example, a common claim about vote buying is that rising incomes and living standards make it a less economical and effective way to manipulate elections, and so it should decline in prevalence as per-capita GDP rises. By looking at political and economic development over time within a single case, we can evaluate this claim more effectively than comparing across many cases at a single point in time. In fact, this is what we find in the cases of Taiwan, South Korea, and Japan in this book: as household incomes have risen, vote buying has become less common. This finding offers some hope that in cases such as Indonesia, Thailand, and the Philippines where vote buying is still widespread, it may become less of a threat to electoral integrity as economic prosperity increases.

Second, there is a potential selection bias problem in most quantitative studies of electoral malpractice. The tendency in this research area is to focus on cases where electoral manipulations have occurred, and then to ask about their consequences.<sup>61</sup> But this approach cannot answer why power-holders commit one kind of fraud and not another, or why they manipulate elections at some times and not others. These are arguably some of the most interesting and important questions about electoral manipulation, but by focusing on only the cases with egregious electoral violations, we risk overlooking the hidden success stories where clean elections happened in unlikely circumstances. Case-study work can heighten our awareness of these instances and help us mitigate this selection bias problem.

Third, much of the recent scholarship on electoral manipulation begins with deductive theory-building: the authors make some simplifying assumptions about key actors, preferences, and institutional constraints and capabilities, and then work to derive nonobvious predictions from those assumptions.<sup>62</sup> It is striking that many of these models are inspired by just one or two prominent cases of electoral fraud, such as in Russia under Putin. The wide range of places and times in which electoral manipulation has occurred, and the diverse ways in which elections are managed around the world, should raise skepticism about the generality of these models and the insights that they can provide. For example, elections do not always determine who governs, and we should consider other reasons power-holders might choose to allow contested elections. Elections also take place in regimes where the supreme authority is beyond the reach of the electorate, as in Iran, Jordan, Morocco, and Kuwait—and among our cases, Myanmar, Thailand, and martial-law-era Taiwan. Additional case study work can help us better understand the motivations and stakes involved in elections that do not

affect who rules but do matter for other ruling party goals, including distribution of spoils, recruitment, information-gathering, and signaling strength to elites and voters.

Finally, recent work on electoral malpractice has focused disproportionately on a few prominent cases: Mexico in Latin America;<sup>63</sup> Russia<sup>64</sup> and other post-Soviet and post-communist regimes in Eastern Europe;<sup>65</sup> and a handful of sub-Saharan African countries<sup>66</sup>—especially Kenya and Zimbabwe. There is also a large literature on electoral manipulation in the United States, though it has developed in almost complete isolation from scholarship in the comparative politics subfield.<sup>67</sup> Thus, our understanding of electoral manipulation would benefit from looking at a wider distribution of cases across the world's electorally contested regimes.

## **About the Book**

We aim in this book to add to the current literature by examining electoral malpractice in northeast and southeast Asia. Cases in this region have been underrepresented in comparative scholarship on pre-election intimidation, electoral fraud, election-management bodies, election observers, vote buying, and postelection protests and violence. Good descriptive work by knowledgeable country experts can bring these cases to a wider audience that may not be familiar with Asia but is interested in the comparative study of the conduct of elections.

To this end, this book features case studies of all the major countries in Pacific Asia that hold (or have recently held) contested, multi-party elections—a region that contains over 600 million people. These include Japan, South Korea, Taiwan, and Mongolia in northeast Asia, and Singapore, Malaysia, Cambodia, the Philippines, Indonesia, Cambodia, Myanmar (Burma), and Thailand in southeast Asia. Each case is covered by a contributor who is an expert in the politics and electoral practices of that country. This distribution, we think, hits the happy medium that is most promising for comparative case-study research: countries that share a broadly similar geopolitical and economic context, but nevertheless exhibit enormous variation in regime histories and in their contemporary political systems.

Two important patterns are immediately apparent across this set of cases. First, a diverse array of political actors are involved in electoral manipulation across the region, including ruling and opposition parties, individual candidates, local power-holders, the military, electoral

management bodies, and even foreign governments. Second, the same manipulators have in many cases employed different strategies at different times. As some types of electoral manipulation have become more costly—as when international observers are introduced, foreign aid is at stake, an economic crisis hits, or an election management body becomes more independent—those in power have ordered up substitutes from the menu of manipulation, most often switching from cruder to more subtle forms of manipulation. The simplest manipulation strategy for power-holders is simply to ban real opposition parties and candidates, as in, for instance, Taiwan during the martial law era, or Cambodia after 2013: one cannot lose an election that has only one name on the ballot. But this can come at a high reputational cost to autocrats: it undercuts any claim to being fairly and legitimately chosen by the people to rule. In Asia, this cost rose near the end of the Cold War. As the political value of winning elections increased, some of the same political actors who had previously banned electoral competition found it in their own interests to implement fair elections free of intimidation and vote fraud, believing they were popular enough to win an election outright without cheating, or that the electoral institutions were set up in a way that was already so advantageous to the incumbent that electoral defeat was nearly impossible.

This change over time within the same country is a central focus of the case studies. They collectively expand our understanding of not only how political elites have made these trade-offs but also how institutional features can limit or expand the menu of options for manipulation. For example, among the high-capacity states of South Korea, Taiwan, Malaysia, Japan, and Singapore, a diverse array of tactics is used to manipulate elections. In Singapore and Malaysia, gerrymandering and selective enforcement of rules and regulations to the incumbent party's benefit have been the most serious forms of electoral violations, and while oppositions can contest elections, they are campaigning on an electoral playing field tilted strongly against them. By contrast, in Japan and Korea, the tool of choice has been strict legal limits on campaign activities. These restrictions have been applied relatively evenly, appearing to provide the “level playing field” that is so conspicuously absent in much of Southeast Asia. But here there is a subtler strategic logic: incumbents benefit more from strict campaign limits than the challengers, as they are already well-known to the electorate while challengers are not. Thus, the legal limits provide a kind of hidden incumbency advantage that is more sophisticated but also more dependent on the state's capacity to enforce campaign restrictions.

At the other end of the spectrum are the low state capacity regimes of the Philippines, Cambodia, and Myanmar, each of which has suffered from widespread violations of electoral integrity throughout the electoral process. All three have been characterized as “flawed” democracies or worse by Freedom House, despite holding regular, contested elections. In these cases, power-holders have focused more on manipulation of voters and campaign processes than the electoral rules themselves. For decades, incumbents in Cambodia, Thailand, Indonesia, and Mongolia have used state resources for vote buying and patronage as a central part of their campaign strategies. These violations of electoral integrity have not prevented ruling party turnover, which has occurred in all these countries except Cambodia. However, this pattern of manipulation has also contributed to deep distrust of the electoral process by the losing camps—and in the Thai case, an explicit rejection of democratic politics altogether by a large part of the royalist elite.

These case studies also allow us to explore the sources of variation in electoral practices across countries that experienced political liberalization at around the same time. For example, South Korea and Taiwan are both notable for improvements in election management that occurred well before their respective transitions to democracy began in the 1980s. Consequently, the independence and professionalism of election management bodies was not a serious worry when they democratized. Together with Japan, they are the highest-quality democracies in the region today. The contrast with Indonesia is instructive: in the pre-democratic New Order period, the Suharto regime practiced systematic fraud during the vote count and aggregation, and so a critical issue after democratization was how to prevent these practices from reoccurring. The solution there has been to create multiple overlapping oversight bodies: one to manage the elections, a second to oversee the election management body, and a third to investigate the other two. This fragmented system has largely succeeded in rooting out the widescale fraud of the Suharto era, but at the cost of many delays and inefficiencies in the vote count, including disputes over the results in individual localities that drag on for months or even years.

## **The Manipulators: Ruling Parties and Everyone Else**

The chapters that follow are divided into two groups of case studies based on who has historically done the manipulating. In the first group, which includes Japan, South Korea, Taiwan, Mongolia, Singapore,

Malaysia, and Cambodia, a ruling party has historically been the most important power-holder and electoral manipulator. In all these cases, ruling parties have manipulating the electoral rules with the aim of keeping themselves in power. In Chapter 2, Kenneth McElwain and Tomoshi Yoshikawa explore Japan's long postwar history of elections, detailing how governing parties and incumbent politicians have strategically altered and violated electoral laws. They argue that partisan motivations and a passive judiciary have tilted the electoral playing field in the incumbent LDP's favor. Similarly, in Chapter 3, Jong-sung You shows that both conservative and liberal parties in South Korea supported strict electoral rules and prosecution of campaign violations, and he demonstrates how these rules have undermined electoral fairness. Taiwan presents a stark contrast; in Chapter 4, Kharis Templeman traces the rise of a professional central election commission under electoral autocracy there and argues that the ruling KMT was incentivized to eliminate electoral fraud and support a relatively liberal electoral regulatory environment. In Chapter 5, Michael Seeberg highlights how a multiparty system and semipresidential regime helped to preserve institutional checks and balances and to strengthen electoral integrity in Mongolia. In Chapter 6, Netina Tan demonstrates how Singapore's ruling PAP has regularly relied on litigation, co-optation, and pre-electoral manipulation of rules via a compliant election commission to restrict political competition. In Chapter 7, Kai Ostwald shows how the previously hegemonic UMNO-led coalition in Malaysia engaged in a wide range of manipulations to maintain its parliamentary majority prior to its unexpected defeat in 2018. In Chapter 8, Max Grömping maps out the time, space, and tactics used by Hun Sen and the CPP to manipulate elections in Cambodia.

In the second group, which includes Indonesia, the Philippines, Myanmar, and Thailand, other actors have more often been the most important manipulators of the electoral game. In Chapter 9, Seth Soderborg shows how overlapping and independent watchdog institutions in Indonesia have made the once-routine, large-scale electoral manipulation of the Suharto era all but impossible. Today, local candidates rather than the incumbent party are the most likely to attempt to manipulate elections. In Chapter 10, Cleo Calimbahin demonstrates how electoral integrity in the Philippines is persistently undermined by strong dynastic politics, electoral violence, and weak campaign finance regulation, although the move to automate the vote count has been a recent bright spot in an otherwise dismal picture. In Chapter 11, Elin Bjarnegård documents how the military-backed party Union Solidarity and Develop-

ment Party (USDP) in Myanmar has attempted to use “invisible” forms of violence such as intimidation and psychological coercion to change election outcomes. In Chapter 12, Joel Selway traces how the military-backed government in Thailand has moved toward manipulation of the electoral system as the efficacy of more traditional tools of vote buying, political assassinations, and clientelism has declined.

Finally, in the concluding chapter, we attempt to draw some generalizations from the case studies. We tackle three tasks there. First, we note variation in the broad patterns of electoral manipulation across the region and over time. Second, we highlight several key factors that appear to be associated with this variation, including the party system, independence of courts, structure of electoral management bodies, and broader international context. Third, we highlight some remaining questions that deserve further attention in the literature on electoral malpractice.

## Notes

1. By this term we mean the traditional regions of northeast and southeast Asia, but not South Asia (the Indian subcontinent), Central Asia, or Oceania.

2. That is when elections (1) empower citizens to choose their leaders, (2) provide voters with a “free supply” of competing alternatives to choose from, (3) allow these alternative candidates and parties to appeal freely to voters’ demands, (4) ensure all citizens have equal access to the vote, (5) allow voters to express their preferences freely and anonymously without individual repercussions, (6) reflect an accurate count of the votes freely cast, and (7) ensure that the winners of that count are able to assume office and exercise power for the length of their terms. Schedler, “The Menu of Manipulation,” p. 37.

3. Pre-electoral manipulation includes forms of manipulations that occur during the early steps of the electoral cycle prior to the polling. That can include manipulation of election laws; electoral procedures; electoral boundaries; voter registration; party and candidate registration; campaign media and campaign finance. Van Ham, “Getting Elections Right?”; Norris, *Why Electoral Integrity Matters*.

4. Norris, *Why Electoral Integrity Matters*, pp. 21, 34.

5. It refers to an “activity that is likely to be engaged in by incumbent political actors (though not necessarily or exclusively those who hold the offices up for election in the contest in question), either directly or through pressure put on electoral and administrators at various levels.” Birch, “Electoral Systems and Electoral Misconduct,” *Comparative Political Studies*, pp. 3–4.

6. Simpson, *Why Governments and Parties Manipulate Elections*, p. 14.

7. Lehoucq, “Electoral Fraud”; Alvarez, *Election Fraud*.

8. Norris, *Why Electoral Integrity Matters*, p. 36.

9. For example, Cheeseman and Klaas, *How to Rig an Election*; Alvarez, *Election Fraud*; Schedler, “The Menu of Manipulation.”

10. For voter registry fraud in Japan, see Fukumoto and Horiuchi, “Making Outsiders’ Votes Count.”



11. Thousands of overseas migrants did not receive their ballots and were excluded from Myanmar's 2020 general elections. Nyein, "Thousands Excluded."
12. Coma and Lago, "Gerrymandering in Comparative Perspective"; Johnston, "Manipulating Maps and Winning Elections."; Grofman and Handley, *Redistricting in Comparative Perspective*.
13. Ostwald, "How to Win a Lost Election."
14. Hickman and Kim, "Electoral Advantage."
15. Tan, "Pre-Electoral Malpractice."
16. Tan, "Manipulating Electoral Laws in Singapore."
17. Osman and Waikar, "The People's Action Party and the Singapore Presidency"; Rodan, "Singapore's Elected President."
18. Thio, "Singapore," p. 516.
19. For example, see George, "Reputational Risk."
20. Chin, "Malaysian Politics."
21. Harsono, "Indonesia to Expand Abusive Blasphemy Law."
22. Setijadi, "Ahok's Downfall."
23. Villamor, "Leila de Lima."
24. Villamor, "Second Philippine Senator Who Defied Duterte."
25. Hicken, "Clientelism."
26. Huat, "Constituency Delimitation and Electoral Authoritarianism."
27. Richardson, "Blunt Message Sets Scene for Singapore's Election."
28. Reed, "Patronage and Predominance."
29. Patino and Velasco, "Election Violence in the Philippines."
30. Hicken, Aspinall, and Weiss, *Electoral Dynamics in the Philippines*.
31. Harish and Toha, "A New Typology of Electoral Violence."
32. Ibid.
33. Aspinall et al., "Vote Buying in Indonesia"; Callahan, "The Discourse of Vote Buying and Political Reform"; Hicken, "How Do Rules and Institutions Encourage Vote Buying?"
34. Hicken, "How Do Rules and Institutions Encourage Vote Buying?"
35. Schaffer, *Elections for Sale*; Wang, *Democratization and the Breakdown of Clientelism*.
36. Cheeseman and Klaas, *How to Rig an Election*, p. 6.
37. See especially Diamond, "Liberation Technology."
38. Tan, "Electoral Management of Digital Campaigns and Disinformation."
39. Persily, "Can Democracy Survive the Internet?"
40. For disinformation threats from China in recent election campaigns in Taiwan, see Blanchette et al., "Protecting Democracy in an Age of Disinformation."
41. Brown, "Election Observers in Cambodia."
42. Su, "Angels Are in the Details." Eventually, Taiwan's election laws were changed to allow each candidate for office to nominate their own poll workers at each station; to deter fraud during these blackouts, these workers carried flashlights with them so they could monitor the ballot boxes and continue the count in the dark.
43. Su, "Angels Are in the Details."
44. Mares and Young, "Buying, Expropriating, and Stealing Votes"; Simpser, *Why Governments and Parties Manipulate Elections*.
45. Kerr and Lührmann, "Public Trust in Manipulated Elections"; Carolien van Ham and Staffan Lindberg, "When Guardians Matter Most."
46. Carreras and Irepoglu, "Trust in Elections, Vote Buying, and Turnout"; Rosas, "Trust in Elections."

47. Data from IDEA shows that Bangladesh, Cambodia, Indonesia, Myanmar, Nepal, Singapore, Sri Lanka, and Thailand are some of the countries in Asia that still rely on manual vote-counting methods. IDEA, "Are Official Election Results Processed by an Electronic Tabulation System?"

48. Hyde, *The Pseudo-Democrat's Dilemma*; Kelley, *Monitoring Democracy*; OSCE/ODHIR, *Handbook for the Observation of Voter Registration*.

49. "Election Monitoring Groups in Cambodia."

50. For example, Cheeseman and Klaas highlighted six categories of electoral manipulation: gerrymandering, vote buying, repression, digital hacking, ballot-box stuffing, and playing to the international community. *How to Rig an Election*, pp. 6–7.

51. Schedler, "The Menu of Manipulation," p. 46.

52. Exceptions include Collier and Vicente, "Violence, Bribery, and Fraud"; Schedler, *The Politics of Uncertainty*; van Ham and Lindberg, "Choosing from the Menu of Manipulation."

53. Schaffer, *Elections for Sale*; Aspinall et al., "Vote Buying in Indonesia"; Callahan, "The Discourse of Vote Buying and Political Reform."

54. Allen, "Clientelism and the Personal Vote"; Aspinall, "When Brokers Betray"; Corstange, "Clientelism in Competitive and Uncompetitive Elections"; Kitschelt and Wilkinson, *Patrons, Clients, and Policies*; Stokes, "Political Clientelism."

55. Grofman and Handley, *Redistricting in Comparative Perspective*; Samuels and Snyder, "The Value of a Vote"; Hickman and Kim, "Electoral Advantage, Malapportionment, and One-Party Dominance"; Batto, "Sources and Implications of Malapportionment"; Coma and Lago, "Gerrymandering in Comparative Perspective."

56. Wilkinson, "Votes and Violence"; Hafner-Burton, Hyde, and Jablonski, "When Do Governments Resort to Election Violence?"; Collier and Vicente, "Violence, Bribery, and Fraud"; Birch and Muchlinski, "The Dataset of Countries at Risk of Electoral Violence."

57. Simpson, *Why Governments and Parties Manipulate Elections*; Harvey, "Changes in the Menu of Manipulation."

58. For example, Gehlbach and Simpson, "Electoral Manipulation as Bureaucratic Control"; Rundlett and Svolik, "Deliver the Vote!"

59. For example, Simpson, *Why Governments and Parties Manipulate Elections*; Miller, "Elections, Information, and Policy Responsiveness"; Little, "Fraud and Monitoring in Non-Competitive Elections."

60. Chernykh and Svolik, "Third-Party Actors and the Success of Democracy"; Hyde and Marinov, "Which Elections Can Be Lost?"

61. For instance, did the introduction of strict voter identification laws in some US states disproportionately disadvantage minority voters and hurt the Democratic Party? For examples, see Sobel and Smith, "Voter-ID Laws Discourage Participation"; Valentino and Neuner, "Why the Sky Didn't Fall"; Grimmer et al., "Obstacles to Estimating Voter ID Laws' Effect on Turnout."

62. Simpson, *Why Governments and Parties Manipulate Elections*, pp. 32–34.

63. Cantú, "The Fingerprints of Fraud"; Diaz-Cayeros and Magaloni, "Mexico"; Eisenstadt, *Courting Democracy in Mexico*; Langston and Morgenstern, "Campaigning in an Electoral Authoritarian Regime"; Magaloni, *Voting for Autocracy*; Rundlett and Svolik, "Deliver the Vote!"; Simpson, *Why Governments and Parties Manipulate Elections*; Ugues and Vidal, "Public Evaluations of Electoral Institutions in Mexico"

64. Bader and van Ham, "What Explains Regional Variation in Election Fraud?"; Harvey, "Changes in the Menu of Manipulation"; Frye and Borisova,

“Elections, Protest, and Trust in Government”; Rose and Mishler, “How Do Electors Respond to an ‘Unfair’ Election?”

65. Bunce and Wolchik, “International Diffusion and Postcommunist Electoral Revolutions”; Kuntz and Thompson, “More Than Just the Final Straw”; Mares, Muntean, and Petrova, “Economic Intimidation in Contemporary Elections”; Sjoberg, “Bring the Party Back In”; Tucker, “Enough!”

66. Asunka et al., “Electoral Fraud or Violence?”; Bratton, “Vote Buying and Violence”; Bratton, Dulani, and Masunungure, “Detecting Manipulation in Authoritarian Elections”; Collier and Vicente, “Violence, Bribery, and Fraud”; Goldring and Wahman, “Fighting for a Name on the Ballot”; Cheeseman, Lynch, and Willis, *The Moral Economy of Elections in Africa*; Kerr, “Election-Day Experiences.”

67. For an exception, see White, Nathan, and Faller, “What Do I Need to Vote?”