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Trends and Challenges in Election Monitoring

Innovations Case Discussion:
National Democratic Institute

Election-monitoring organizations (EMOs) have shown a great deal of courage, expertise, and ingenuity in their work around the world. Trained observers have closely watched polling stations under difficult circumstances and with limited resources. They have reported incidents of voting rights violations and circumstances that may have compromised election results. Data analysts who have gathered and collated information coming in from remote voting districts have had to deliver high-quality intelligence in very little time. Leaders of EMOs have had to communicate the results of their monitoring activities to government officials and to the international community at large—reports that have not always been welcome.

Monitoring elections is, in short, a difficult task but an important one. Even in the most seasoned democracies, there is always concern for the fairness of the process. EMOs contribute to safeguarding that fairness in at least two ways. First, their mere presence may prevent election irregularities and fraud, and second, EMOs provide an assessment of the integrity of the election process. This assessment, if positive, may increase the credibility of the election results and the legitimacy of the newly elected mayor, parliament, or government.

The cases described by NDI show that monitoring elections involves much more than observing and reporting alone. Election monitoring is most effective if and when it gains legitimacy both among the population and with the government. One way to gain legitimacy, as the article argues, is to present an accurate and representative picture of the whole election process, preferably before the results are officially announced by the government or election committee. In order to do that, a lot of information must be gathered in very little time from a number of places. Information and Communication Technologies have given EMOs new opportunities to improve this process. In developing countries in particular, traditional telecommunications infrastructure, including land lines, is often far from reliable. Using mobile communication technology, like radio transmitters and cell phones, enables observers to report incidents in real time. Advanced software (Geographical Information System, or GIS) allows data analysts in the EMO head-

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quarters to combine the data and draw conclusions from the emerging information. In Sierra Leone, Jordan, and Montenegro, EMOs have experimented with short message system (SMS) reporting. SMS proved to be a more efficient and effective use of the available cell phone technology. Short text messages, which contain codes for a variety of incidents and situations, not only cost less than phone conversations, they also don't use up phone capacity in the headquarters and they allow data to be collated more easily. Although the NDI article mentions that EMOs are still struggling with some of the technological aspects, one can clearly see a set of highly significant monitoring techniques emerging from these experiences. Observers are now better equipped with tools to monitor and report disenfranchisement and fraud in the field.

In this article, I discuss the innovations in election monitoring in the broader context of realizing rights. I argue that the benefits of election monitoring could be expanded if more factors impeding access to the electoral process are taken into account and if more people are involved in election monitoring. The very innovations (SMS-aided reporting systems and GIS-powered data interpretation) that have made election monitoring more efficient in the first place could be employed to make it more effective and legitimate as well. In this article, I first discuss how broadening the scope of election monitoring influences its effectiveness. I then discuss how involving more people in the monitoring process may increase its legitimacy.

REALIZING THE RIGHT TO VOTE

A citizen's right to vote is one of the fundamental rights in a democracy and an internationally recognized human right.[1] Voting systems may vary from country to country, but a democracy that doesn't allow its citizens to vote is inconceivable.[2] The right to vote implies an equal opportunity for everyone to participate in the electoral process. Unfortunately, in many countries, this formal right is hardly materialized to the full extent for everyone.

Effective participation in the electoral process is dependent on several factors. First, to cast a vote, one must be able to know when, where, why, and how elections are held. This may seem obvious to people who have voted all their lives in stable democracies, but citizens need to know what the election is about and how the procedure works. Voting is an act that requires both electoral officials and voters to obey certain rules. If these rules are not followed—for example, with respect to secrecy or proper use of the ballot or voting machine—it may result in an invalid vote. Knowing where, when, and how to vote is crucial information, especially for first-time voters in nascent democracies. Second, access to the polling station is an essential factor. Are the polling stations within reasonable distance of the voters? Is the capacity of the polling station big enough to handle all who show up on election day? Do voters have sufficient opportunity to go to the polling station, for example, before or after work or during lunch breaks? Is there a provision for absentee voting for those who are ill, disabled, caring for children, or traveling?

Third, while in the polling station, voters should feel safe and free to cast their vote anonymously and discreetly. Are the election administrators trustworthy and is the counting and reporting process adequately overseen? If and when irregularities occur at any time before, during, or after the voting process, voters should be able to file complaints and have their stories heard.

The right to vote, in other words, may be a necessary condition for democratic participation but it is by no means a sufficient condition. There are many factors that influence citizens' ability to cast a vote. Some of these factors are related to people's own capabilities, others are related to the way elections are conducted. An extreme example of the former is someone who isolates himself completely from the outside world and has no way of knowing that an election is going on. Conversely, if the government does not adequately publicize the information voters need about the election, many people will not be informed in time to vote. In real life, situations are rarely as extreme as these examples. A lack of access to the electoral process often stems from a combination of factors related to people's capabilities and the way elections are organized. For example, someone who is not able to walk can't go to the polling station, and if the election rules do not allow her to have someone represent her or to cast an absentee vote, her access is impeded just as much as by the institutions (the law, the administration, election officials) as by her own disability.[3]

Access to the polls may be understood as the match between the institutional capacity to deliver the right to vote and the citizen's capacity to enjoy that right. Unfortunately, around the world we often notice a mismatch between the two—a mismatch, so to speak, between principles and practice in democratic elections. This mismatch may both be caused by and result in societal inequalities.[4] Those less able than others to participate in an election might easily be disadvantaged or even disenfranchised in an electoral process that doesn't take their limitations into account. The illiterate are disadvantaged if information can only be obtained in written form. The rural poor are disadvantaged if polling stations are scarce and traveling is expensive. Ethnic minorities are disadvantaged when they feel intimidated by hostile environments dominated by the ethnic majority in or around polling stations. Women are disadvantaged if it is culturally or socially not acceptable for women to exercise their right to complain.[5] Fair and free elections are not guaranteed by a lack of irregularities and explicit violations alone. Therefore, if election monitoring is to guarantee people's right to vote, it should not only focus on proper application of the rules but also examine the fairness of the rules themselves. It should not only focus on the performance of the system but also on the extent to which the system is designed to be equitable.[6]

Assessing the "fairness" of the voting system requires in-depth analysis of demographics and sociogeographic data, as well as an examination of all aspects of the election administration. This would have to be done long before the election. Having the aggregate data ready and loaded into the GIS that some EMOs already use would enable election-monitoring officials to combine relevant social statistics with incidents as they occur during the election. For example, a lack of adequate
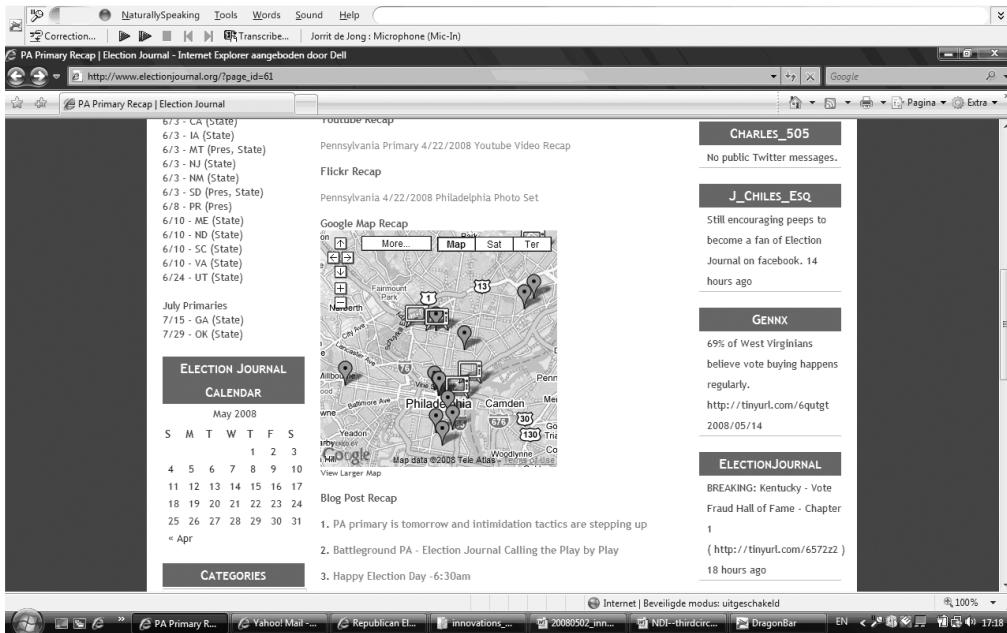
Figure 1. Screenshot from ElectionJournal.org.

information about the election in areas where many illiterate people live may be noticed. Or, a lack of polling stations in areas where people lack the money to travel to distant polling stations may be noted. Obviously, in every country, other sets of statistics may be relevant. This will again depend on both the characteristics of the population and the characteristics of the electoral system.[7]

VOTERS AS WATCHDOGS

During the 2008 presidential primary elections in Pennsylvania, a citizens[8] initiative called Election Journal combined the benefits of Google Maps (free Internet-based cartographic applications), Twitter (a system enabling users to upload pictures and text on a Web page), YouTube (a free website hosting short user-generated movie clips), and Flickr (free storage for digital photos) with cell phones, blackberries, digital cameras, and laptops. Concerned about voter disenfranchisement and election fraud, the organizers invited voters to report any irregularities in Philadelphia voting districts via one of the Web applications. On the initiative's website,[9] all reports appeared on a Google Map of Philadelphia (see Figure 1 above).

Among the reported irregularities were incidents of machine failures, illegal campaigning and flyering near polling stations, and perceived intimidation of voters. The website encourages citizen observers to report any kind of irregularities, from broken machines to fraud and dirty tricks, from long lines to intimidation.

Election Journal is not a licensed EMO. Even though it may subscribe to all the values and codes of conduct that officially certified EMOs subscribe to,[10] this citi-

zens initiative cannot officially be held accountable or sanctioned for the integrity of their conduct or the validity of their reports. In fact, both the technology and the content are provided by other parties. Election Journal simply provides a forum that seeks to enhance transparency. It empowers the public at large and "concerned citizens" in particular to take responsibility in safeguarding fair elections. Like any open Internet platform, Election Journal can never claim representation or even the validity of the reported claims. In that sense, the initiative has serious limitations as an EMO. On the other hand, it opens up new potential for election monitoring that addresses some of the limitations that established and official EMOs face.

First, EMOs are committed to using expert monitoring officials who are trained and have taken a pledge. The problem is that they are limited in number, making it impossible to have observers in every single polling station in any national election. EMOs can at best provide a representative and fairly accurate picture of the election process. Involving the general public in reporting irregularities dramatically increases the observing capacity. Voters may be less informed than official observers and perhaps partisan in their reporting, but they are literally everywhere and may be able to provide information that the officials miss out on. The reports filed by citizens may be followed up on and investigated by official observers.

Second, EMOs have been struggling with the technological aspects of the monitoring and reporting systems. Election Journal shows that smart combinations of readily available free software can produce amazing results. Combining the facilities of Twitter, YouTube, GoogleMaps, and other websites with the equipment that more and more people own reduces costs and the risk of unreliable home-built software. Another advantage of using public-domain platforms is that the monitoring process itself becomes transparent. The NDI article indicated that the legitimacy of the EMOs depends on the extent to which they can be accurate, quick, and transparent.

CONCLUSION

In this article I have argued that election-monitoring organizations have been very successful in developing innovative techniques to do their important work. The use of SMS technology in combination with GIS has increased efficiency and effectiveness of election-monitoring operations. This in turn is likely to increase the legitimacy of EMOs.

I also discussed the opportunities that these new techniques and technologies provide to unlock new potential for EMOs. Including more data about the population in the analysis will enable observers to interpret incidents and patterns of incidents before, during, and after the election. We have argued that an evaluation of real access to the polls cannot be based solely on observations with regard to violations of rules. The capabilities of individuals or circumstantial groups should be taken into account in order to establish whether an electoral process is fair or

not.

Another opportunity that new media have provided for election-monitoring purposes is empowering the public at large. Although election monitoring requires knowledge and skills and an accountability structure, its strength very much depends on the reporting capacity available. Using public-domain Internet applications in combination with equipment that many citizens own, like cell phones and digital cameras, may result in many more reports of incidents, or at least a more vigilant electorate. Furthermore, if Internet platforms like GoogleMaps, YouTube, and Twitter are used by EMOs, the monitoring process itself may be monitored by the electorate. This will increase transparency and, arguably, legitimacy.

Endnotes

1. Article 21.1 Universal Declaration of Human Rights, adopted and proclaimed by United Nations General Assembly resolution 217 A (III) of 10 December 1948.
2. Some groups, however, like criminals, aliens, and children, may be deliberately excluded from the voting process for reasons that legislators have considered justifiable.
3. Taking into account people's real capabilities in the evaluation of institutions and policies instead of judging institutions merely on the basis of their inherent characteristics has been a central argument of the "capabilities approach" as advocated by, among others, Sen (1999) and Nussbaum (2006).
4. For a further elaboration of the concept of "access," see Rizvi and De Jong (2008).
5. For cases illustrating the impediments to these specific groups, see www.ImprovingAccess.org.
6. Inequalities in society may not only result in unequal participation in the electoral process, but also in other forms of democratic participation. There are high correlations between social status and (the effect of) democratic participation, as shown in research by Verba, Lehman Schlozman, and Brady (1995).
7. An election-monitoring system that is able to detect mismatches between people's capacity to enjoy their right to vote and the institutional capacity to guarantee that right would be a powerful tool for social justice. It is conceivable that governments would consider it too powerful, since it could reveal deeper patterns of social inequality which, if made explicit, might not only affect the way elections are administered but also raise questions about how other institutions of the state are designed and managed.
8. The "brains of the initiative" is, according to the website, Mike Roman, a Republican strategist acting on his own behalf. He states that a motivation for the effort to bring about more transparency is that "if an election is worth winning, then there is someone willing to steal it."(Quote from <www.electionjournal.org/>).
9. <http://www.electionjournal.org/pa-primary-april-22/, accessed on May 10, 2008.>
10. Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, Commemorated October 27, 2005, at the United Nations, New York.

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