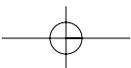
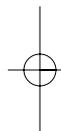
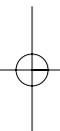
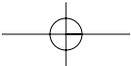
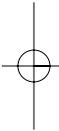
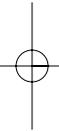
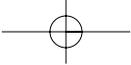


# Part 3

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## Is Reform Possible?





## 9

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## How Effective Are Institutional Reforms?

*Allen D. Hicken*

Vote buying is a widespread practice in democratic polities, as this book demonstrates. Almost as common are attempts to eliminate (or at least curtail) the practice of vote buying. These anti-vote buying campaigns run the gamut from voter education efforts (see Chapter 10), to electoral reform, to efforts to change cultural mores.<sup>1</sup> In this chapter I focus on one particular set of anti-vote buying tools available to election officials and legislators, namely institutional reforms. These are reforms that seek to adjust the incentives and ability to buy and sell votes by altering the political-institutional environment in which voters, candidates, and parties interact.

I argue that institutional reforms can and do have predictable effects on the prevalence of vote buying. However, two factors often limit the efficacy of institutional reform efforts. First, because wholesale, coordinated reform is politically difficult, institutional reform often happens in an ad hoc or uncoordinated manner. When this occurs, reform in one area can be undermined by the lack of reform (or conflicting reforms) in another area—for example, stricter anti-vote buying laws without concomitant enforcement, or greater enforcement efforts without changes to candidate and voter incentives to exchange money for votes. Similarly, if institutional reform occurs in a vacuum—that is, without supporting changes in the socioeconomic or cultural environments<sup>2</sup>—this may reduce the reform's impact.

I begin by briefly reviewing some of the factors, identified elsewhere in this volume, that can support vote buying. In connection with each factor, I discuss institutional remedies that could alter the incentives and the ability of candidates and voters to buy and sell votes. I then turn to the case of institutional reform in Thailand. Vote buying has been a well-known feature of Thai elections since the 1970s. In 1997, Thailand adopted a new constitution with the primary goal of bringing about an end to vote buying and money politics. I analyze how the constitutional reforms may alter the incentives and capabilities of voters and candidates to trade votes for

money. Drawing on evidence from the 2000 and 2001 elections, I argue that some features of the new electoral system, along with greater (potential) monitoring and enforcement of anti-vote buying rules, suggest reduced incentives for vote buying. However, the broader picture is less clear. The new electoral system is not likely to eliminate the incentives for vote buying, and the future role of the Election Commission of Thailand (ECT) is in some doubt. Finally, many of the underlying structural factors that feed vote buying remain unaddressed.<sup>3</sup>

### **Remedies for Vote Buying: A Menu of Institutional Reforms**

Among the factors that facilitate or encourage vote buying are several for which there are plausible institutional remedies. The list below briefly summarizes four factors that can contribute to vote buying, along with possible remedies from the menu of institutional reforms. This list is certainly not exhaustive, but it is representative of the types of problems that scholars have identified and the institutional solutions that have been proposed or applied in countries around the world.

1. *Strong incentives to cultivate a personal vote.* The types of strategies candidates adopt in their effort to win office vary depending on the surrounding institutional and political environment. Candidate-centered electoral systems, especially those with intraparty competition, generate strong incentives for candidates to cultivate a personal vote. One strategy for cultivating such support is via vote buying. Thus, vote buying is more likely in countries with extremely personalized electoral and party systems, and less likely in countries where parties are stronger and party labels are more valuable to voters and candidates (see Chapter 4).

*Institutional remedies.* Reduce incentives to cultivate a personal vote by eliminating intraparty competition. Strengthen incentives to pursue a programmatic campaign strategy and invest in and protect a party label. Possible reforms include restricting party switching, requiring candidates to belong to a political party, adopting a closed-list proportional representation system, or adding a party-list tier to the legislature.<sup>4</sup>

2. *A supply of surplus votes.* As discussed in Chapter 4, electoral systems differ in their propensity to produce a supply of surplus votes. When voters can cast multiple votes, they may discount the value of some of those votes, reserving some for the sincere expression of their preferences while considering others as extra votes that are available for sale. All else being equal, vote buying is more likely where there are multiple and potentially surplus votes, than where voters cast a single vote.

*Institutional remedy.* Reduce the potential supply of surplus votes by moving from a multiple- to a single-vote system.

3. *Small number of votes needed for victory.* The number of votes needed to ensure victory is another variable that may affect the expected utility of vote buying. Where the number of needed votes is small, vote buying may be a viable strategy. But as the number of votes a candidate has to win in order to ensure election rises, candidates face incentives to abandon individual-level strategies such as vote buying and adopt strategies aimed at larger numbers of constituents (e.g., pork barreling, policy position taking, public-goods provision).

*Institutional remedies.* Increase the number of votes needed to secure election by increasing the size of the district electorate. Reduce the number of competitors in a given district by raising barriers to entry. These include requirements that candidates belong to a political party or that parties meet certain thresholds of support (e.g., a minimum vote percentage in the past election, a requisite number of members, candidates, or branches).<sup>5</sup>

4. *Low probability of detection or costly punishment.* The degree to which anti-vote buying regulations exist and are enforced has a direct effect on the expected utility of vote buying. Laws outlawing vote buying are not sufficient to deter vote buying. All three of the following additional conditions must accompany anti-vote buying legislation: a high probability of detection, severe penalties for engaging in vote buying, and a high probability that enforcement of the penalty will be carried out. If any of these three conditions is lacking, anti-vote buying legislation is not likely to deter candidates.

*Institutional remedies.* This area of institutional reform is the most frequent target of anti-voting buying campaigns. Taking the responsibility for monitoring and enforcement out of the hands of politicians and placing it under an autonomous or semiautonomous agency is one common strategy for increasing the probability of detection and punishment. Strict campaign finance regulation and reporting requirements, together with incentives for whistleblowers, can also help raise the probability of detecting violations.

## **Vote Buying and Institutional Reform in Thailand**

Vote buying has been a regular and much lamented feature of national elections in Thailand throughout its (semi)democratic history. In fact, to some vote buying is *the* defining feature of Thai elections. Depending on the survey, 31–70 percent of Thai voters admit to being offered money for their votes (Pasuk et al. 2000). It is nearly impossible to find an analysis of Thailand's political system, either in the popular press or in the academic literature, that doesn't make some mention of vote buying. Several studies

of vote buying in Thailand have focused on the mechanics of the exchange, which by now are fairly well understood (see, e.g., Murashima 1987; Sombat 1993; Arghiros 1993, 1995; Callahan and McCargo 1996; Callahan 2000). Other studies have taken vote buying as an independent variable and used it to explain certain political or policy outcomes. Daniel King (1996) argues that the importance of vote buying as a campaign strategy has increased the influence of big business in Thai politics, while James Ockey (1991, 2000) demonstrates that vote buying can be linked to the growth of organized crime. Efforts have also been made to explain why a market for votes exists in the first place (Arghiros 1995; Callahan and McCargo 1996; Callahan 2000). Explanations tend to focus on a variety of structural and socioeconomic factors, such as pervasive patron-client relationships, low levels of development, and bureaucratic neglect and corruption in rural Thailand. These explanations are especially valuable because they look beyond vote buying as an isolated phenomenon to be outlawed and eradicated. Instead, they treat vote buying as a reflection of an underlying socioeconomic, cultural, and political environment.

Continuing in the latter tradition, I argue that political-institutional factors have played a significant role in shaping the market for votes in Thailand. In the remainder of this section, I explain why Thai candidates in the prereform era had incentive to employ personal (as opposed to party-centered) campaign strategies, and why vote buying was a method of choice for many candidates as they sought to cultivate personal support networks. I then turn my attention to the effects of Thailand's new constitution on this market for votes.

### *The Market for Votes in Prereform Thailand*

As discussed throughout this volume, there is no single root cause of vote buying. Socioeconomic factors, such as income levels, education, and urbanization, along with societal patterns and culture, can affect both the demand and the supply side of the vote buying relationship. Vote buying is also located in a larger political order. In Thailand, numerous scholars argue that vote buying is fueled by the chronic neglect and abuse of rural areas (Nelson 1998b; Sombat 1993, 1997; Anek 1997; Ammar n.d.; Callahan 2002).<sup>6</sup> Another important feature of that political order is the nature of Thailand's electoral and party systems.

For most of its democratic history, Thailand has used a block-vote electoral system. This type of majoritarian electoral system is uncommon.<sup>7</sup> Under the 1978 and 1992 constitutions, Thailand was broken down into 142–156 electoral districts (depending on the election year), which together were responsible for filling 360–393 seats in the House of Representatives.<sup>8</sup> Electoral districts were broken down into one-, two-, and three-seat dis-

tricts. Most Thai districts had a district magnitude of three or two, while a few were single-seat districts. Seats were allocated by province (*changwat*), with each province receiving the number of seats commensurate with its population (one seat for every 150,000 people). See Table 9.1 for a summary of these data for the six elections prior to the new constitution of 1997.

If a province had a large enough population for more than three seats, the province was divided into more than one district, and the seats were distributed so as to avoid single-seat districts. Single-seat districts occurred only in provinces with a population under 225,000.<sup>9</sup> Voters were allowed to vote for as many candidates as there were seats in a district, and seats were awarded to the top one, two, or three vote getters on the basis of the plurality rule (block voting). Voters could not group their votes on one candidate (no cumulation) but panachage was allowed—voter could split their votes between candidates from different parties. Finally, voters were not required to cast all of their votes—they could partially abstain (known as *plumping*).<sup>10</sup> Parties were required to field a full team of candidates for any district they wished to contest (e.g., three candidates in a three-seat district), and to run a minimum number of candidates nationwide (one-fourth to one-half of the total House membership, depending on the elections year).

What are the implications of the block vote when it comes to vote buying? Thailand's block-vote system undermined the party cohesion and the value of party labels by encouraging factionalized parties and candidate-centered campaigning. One determinant of party cohesion is the degree to which the electoral system allows for intraparty competition (see Chapter 4). Thailand's system did not generate the degree of intraparty competition that occurs in systems where there are fewer seats than copartisan candidates in a given district, such as in single nontransferable vote or single transferable vote systems, but it did pit candidates from the same party against one another.<sup>11</sup> As a result, neither candidates nor voters could rely on party labels to help differentiate between candidates from the same party.

**Table 9.1 Basic Electoral System Data, Thailand, 1983–1996**

	1983	1986	1988	March 1992	September 1992	1995	1996
Total districts	134	138	142	142	142	155	156
Total seats	324	347	357	360	360	391	393
Three-seat districts	65	80	82	85	85	88	88
Two-seat districts	60	49	51	48	48	60	61
One-seat districts	9	9	9	9	9	7	7
Minimum required number of candidates	162	173	178	90	90	98	98

Source: Hicken 2002.

Instead, most candidates worked to develop a personal reputation and personal network of support. The fact that voters had multiple votes—an invitation to split their vote—and that votes were not pooled among copartisans further, strengthened the incentive to pursue a personal strategy.

There is an abundance of quantitative and qualitative evidence in support of the claim that in prereform Thailand, party labels carried little value, and that personal strategies were generally more important to candidates than were party strategies (see Hicken 2002 for a review of this evidence). However, the fact that candidates have strong incentives to adopt personal strategies does not necessarily imply that vote buying will be the preferred vehicle for pursuing that strategy. Indeed, as discussed in Chapter 4, a variety of means and methods can be employed by candidates in an effort to create personal support networks, including targeting particularistic goods and services to a candidate's constituents. In fact, candidates do rely on a mix of methods in Thai elections.<sup>12</sup> Yet vote buying stands out as the method of choice for most candidates, most of the time.<sup>13</sup> One reason is certainly the traditionally lax enforcement of anti-vote buying laws. However, there are other reasons why vote buying is attractive to Thai candidates.

First, the peculiar features of the pre-1997 Thai electoral system, combined with traditionally lax enforcement of vote buying prohibitions, render vote buying a feasible and alluring option for candidates. As discussed earlier, Thailand's block-vote system gave most voters two or three votes. Theoretically, voters might have assigned equal value to each vote. In reality, it seems that voters often treated their second and third votes as surplus votes (Sombat 1993, 1997; Callahan 2000; Party Interviews 1999, 2000). The following stylized account, while not universally applicable, is typical. In each district, voters needed one member of parliament (MP) to whom they could turn if they ran into trouble with the bureaucracy (e.g., if they needed to get a family member out of jail or obtain a permit or license). Usually, this MP was the candidate who had the strongest local ties and who was best known to individual voters—in short, a person whom voters could trust to be responsive to their needs. Even without vote buying, this was the candidate whom voters would most likely prefer. However, voters needed only one MP to perform these services. Thus the second and third MPs were not really “needed” from the perspective of voters. It was the second and third votes, then, that were typically for sale. Who received the second and third votes depended, in large part, on which candidate was willing to pay the most for those votes. Candidates, aware of the supply of surplus votes, designed campaign strategies to make the most of this supply. Voters were encouraged to vote for their most preferred candidate “first,” and then to give their second (or third) vote to the candidate giving the money (Sombat 1997; Party Interviews 1999, 2000).

Another possible method for cultivating a personal support network is

to (promise to) direct pork and other particularistic forms of government largesse to a candidate's constituents and supporters.<sup>14</sup> Indeed, this is a form of personal strategy that virtually all candidates for political office employ. Thai elections can be seen as battles over control of the government pork barrel. Once MPs are in power, it is expected that they will use their position to reward their political constituents and supporters (Christensen et al. 1993; Ammar 1997; Likhit n.d.). The flow of pork from elected representatives to their constituents is certainly not unique to Thailand. Pork provision is a feature of nearly every democracy, but especially those with candidate-centered electoral systems (e.g., the US system, and the single nontransferable vote system in Japan). In some of these democracies, the use of particularism is the personal strategy of choice, while the direct purchase of votes is rare. The question for Thailand is: Why, given the prevalence of pork barrel politics, did vote buying remain a major part of most personal strategies?

To answer this question in the context of Thailand, we must view vote buying and pork distribution not as potential substitutes for each other, but as complementary strategies. Pork and patronage and vote buying are the key components that hold together the candidates' personal electoral support network. Politicians use pork and patronage, not as their major tool to win support from voters (though they do some of this), but rather to protect and promote certain business interests (often including their own).<sup>15</sup> However, in order to help and protect these interests, politicians first have to get elected. Business interests cannot directly supply votes in sufficient numbers, so what do they give politicians in exchange? The answer is financial support, which politicians then use to buy votes (as well as fund other campaign activities).

In short, a symbiotic relationship has developed between most politicians and business interests—a relationship made possible through vote buying and pork and patronage. Politicians receive the resources necessary to buy votes and gain office, and in exchange, business interests acquire political connections, insurance against recalcitrant local officials, as well as specific economic benefits (government contracts, special licenses, etc.). Pork distribution, then, is a means by which politicians raise money to fund their vote buying. This relationship between pork and campaign funds is certainly not unique to Thailand. For example, recent research on Brazil supports the idea that the real aim of pork-barrel politics is money, not votes. David Samuels (2002) finds that pork-barrel expenditures are not directly linked to electoral support, but rather to a candidate's ability to raise money.<sup>16</sup>

To argue that pork and vote buying are complementary in the Thai political system is not to say that pork is not or could not ever be used to mobilize voters directly. However, the pre-1997 political system generated incentives against a greater reliance on pork-based voter mobilization. In

order to effectively use pork as a personal strategy, it is not enough to be a member of parliament. The real goal is to be a member of a party within the governing coalition (and, even better, to be a senior minister within the coalition). Parties outside the coalition lack the access to government resources to reward supporters that parties in coalitions have.<sup>17</sup> However, Thailand's multiparty system makes coalition membership an uncertain prospect for any party.

Between 1983 and 1996, more than fifteen parties (on average) competed in each election (see Table 9.2). Of those parties, twelve succeeded in winning at least one seat (on average) in the House of Representatives.<sup>18</sup> Most of those parties present in the legislature were not part of the government coalition—the average size of the coalition cabinet was just over five parties. In other words, only about one in three parties that fielded candidates in an election could expect to win a cabinet seat.

Even when a party is fortunate to become part of the coalition cabinet, its seat at the table is anything but secure. Thailand's multiparty governments are notoriously short-lived.<sup>19</sup> Historically, Thai cabinets have lasted less than thirteen months (on average). Cabinets since 1978 have lasted slightly longer than the historical average—just over eighteen months.<sup>20</sup> (Minor reshuffling of cabinet portfolios among existing coalition members occurs even more frequently). The type of pork-barrel initiatives necessary to win and maintain the support of voters, such as infrastructure projects, take time to bring online. Given the level of government and cabinet instability, there is a very real chance that politicians would lose their access to resources before they could fully distribute and claim credit for constituency pork.<sup>21</sup>

The story that emerges is one of uncertainty. Candidates cannot be certain that their party will be part of the government—most will not. Even if their party joins the cabinet, the time horizon for carrying out pork-barrel projects is likely to be short due to cabinet and government instability. Business interests and voters are aware of this uncertainty and respond accordingly. Companies hedge their bets by funding all of the major parties and seeking favors that politicians can deliver immediately (licenses, government contracts, protection from bureaucratic interference, etc.). For their part, voters do not rely solely on promises to distribute pork once a candi-

**Table 9.2 Party Data, Thailand, 1983-1996**

Average number of parties standing for election	15.3
Average number of parties capturing a seat in the House of Representatives	12.0
Average number of parties in the government coalition	5.3

*Source:* Hicken 2002.

date is in office, and in fact tend to discount such promises.<sup>22</sup> This makes the immediacy of vote buying attractive to both voters and candidates.

In the final analysis, vote buying stood out as one of the most effective ways for candidates to pursue personal strategies in pre-reform Thailand. The electoral system ensured a ready supply of surplus votes available for purchase. The lack of enforcement, whether out of fear, negligence, or collusion, meant that the risk of being penalized for vote buying was negligible (Callahan 2000). Finally, an alternative strategy for mobilizing a personal support network—pork-barrel politics—worked best in tandem with vote buying.

### *The 1997 Constitutional Reforms*

In 1997, Thailand adopted a new constitution. While the drafters had many goals, it is fair to say that they designed the constitution chiefly to combat vote buying and reduce money politics (McCargo 1998; Connors 1999; Prawase 2002; Sombat 2002).<sup>23</sup> To do this, the drafters overhauled the electoral system and election administration, and worked to “sever the link between elections and government ministries” (Callahan 2002, 4). By one measure they succeeded—the 2001 House elections did indeed see a reduction in the overall amount of vote buying (McCargo 2002; Croissant and Dosch 2001). In addition, a record number of candidates were charged and punished for vote buying. Yet the overall results of the reforms were mixed. Vote buying by no means disappeared, and candidates and parties exhibited impressive flexibility by adapting their vote buying to the new electoral environment (McCargo 2002; Croissant and Dosch 2001). For example, voters were paid to become party members, to join a candidate’s “club” (it’s interesting to note that the number of members recruited to the Thai Rak Thai Party [11 million—most of whom received some form of monetary reward for joining the party] approximates the number of votes for the party’s list—11,634,495 [Nelson 2002, 7]). It is impossible to predict future trends based on just one election, and I will not attempt to do so here. Instead I will briefly discuss how the implementation of many of the reforms discussed earlier in the chapter affected the market for votes, and I will offer preliminary evidence from the 2000 Senate and 2001 House elections.

Consistent with the anti-vote buying campaigns in other democracies (e.g., Taiwan), one of the hallmarks of the Thai effort was reforms to increase the probability that vote buyers would be detected and punished. The new constitution created the Election Commission of Thailand to organize and oversee elections. Before 1997, elections administration was the job of the Ministry of Interior, which at times was far from neutral in its behavior (Callahan 2000). The ECT was designed to be an independent

body, free from political and bureaucratic pressure. Not only was it charged with carrying out election organization and administration, but it was also empowered to investigate violations of electoral rules and to disqualify offending candidates (*Constitution 1997; Organic Law 1998*).<sup>24</sup> In both the 2000 Senate elections and the 2001 House elections, the ECT acted forcefully to disqualify candidates who were guilty of vote buying, and to hold new rounds of elections in districts where electoral fraud was particularly widespread.<sup>25</sup> In several districts, multiple rounds of elections over several months had to be held before the ECT would certify the results. Despite these successes, the ECT was criticized by those who felt it was overzealous, and by those who felt the ECT's emphasis on countering vote buying had come at the expense of other aspects of election administration (e.g., vote counting) (Croissant and Dosch 2001). Some complained that the ECT's anti-vote buying efforts merely caused candidates to switch "their energies away from risky vote-buying activities" in favor of simply buying local election officers (McCargo 2002, 250). In later elections (2005 and 2006) the ECT was less active and generally viewed as more beholden to the ruling party than in 2000 and 2001 (Somroutai 2002).

The 1997 constitution also overhauled Thailand's electoral system. Gone is the block-vote system. Following a growing trend (see Shugart and Wattenberg 2001), the constitution drafters established a mixed-member or two-tiered system in Thailand. Four hundred seats were elected from single-seat districts on a plurality basis. One hundred additional seats were elected from a single nationwide district via proportional representation. Each party was required to submit a list of candidates for voters to consider, and voters cast two votes: one vote for a district representative and one for a party list. Candidates chose between either running in a district or running on the party list.<sup>26</sup> The constitution also provided for an elected Senate, the first in Thailand's history. Finally, the constitution put new restrictions on party switching and made voting compulsory for all eligible voters.

The overall effect of electoral reforms on vote buying is ambiguous. Some of these reforms could potentially reduce candidates' incentives and ability to buy votes, while others push in the opposite direction. First, the drafters hoped that compulsory voting would expand the size of the electorate and make it too expensive to buy enough votes to win office. They were somewhat successful in this regard. Turnout for the first round of the 2001 election was higher than turnout for the 1996 election, but the effect of this expansion on vote buying is unclear. The number of votes bought seems to have declined, but the amount of money spent buying votes actually increased.

Another change was the move from block voting to single-seat, single-vote constituencies. This eliminated the ready supply of surplus votes that was available to candidates before 1997. Reducing the supply of votes also

drives up the price of a voter's remaining vote, thus increasing the cost of vote buying (Party Interviews 2000). This may account for why, despite the reported decline in the number of votes being bought and sold in 2001 relative to previous elections, the estimated amount of cash spent on vote buying was actually higher than in previous elections (Kamol 2002). Thai banks reported that the increase of currency in circulation during the election campaign (a proxy for vote buying) was 25 billion baht (roughly US\$1 billion), 5 billion baht more than during the 1996 election (Tasker and Crispin 2001).<sup>27</sup> In short, candidates bought fewer votes, but the votes they did buy were more expensive.

The drafters of the Thai constitution also adopted several institutional reforms designed to encourage candidates to abandon personal strategies (such as vote buying) in favor of more programmatic or party-oriented strategies. The move to single-seat districts brought an end to the intraparty competition that had helped fuel the need for personal campaign strategies. The constitution also placed new restrictions on party switching in an effort to encourage party building and party discipline.<sup>28</sup> Finally, the drafters also included a national party-list tier—hoping to encourage voters and candidates to place party before person. The effect of these reforms was already evident in the 2001 election. For the first time in recent memory, political parties, led by the new Thai Rak Thai Party, moved away from relying solely on personal strategies, in favor of coordinated, party-centered strategies.<sup>29</sup> Parties developed the beginnings of serious policy platforms and actually campaigned on those policies (Nelson 2002). However, this shift from personal strategies to nascent party-centered strategies was largely confined to the campaign for party-list seats. Campaigns for the 400 constituency seats generally remained candidate-centered affairs (Nelson 2002). Indeed, this is not surprising given the electoral system. Single-seat districts still generate strong incentives to cultivate personal support networks, (although somewhat less than the block vote) (Carey and Shugart 1995). Over time, party-centered campaigning and party-centered voting may gradually have spilled over into constituency elections, but given the 2006 coup and uncertainly over what the next constitution will look like, we may never get an opportunity to find out.<sup>30</sup>

Another reason that personal strategies such as vote buying persisted in Thailand in constituency elections is that the reforms that the drafters of the constitution adopted did not all push in the same direction. Two sets of reforms, chosen for reasons apart from a concern about vote buying, may actually have undermined the constitution's anti-vote buying reforms. The first was a sharp net reduction in the number of votes needed to win a seat. The drafters hoped that smaller constituencies would allow candidates to develop loyal relationships without having to resort to vote buying (Borwornsak and Burns 1998). However, the combined effect of adding

more seats to the legislature and switching from block voting to single-seat, single-vote districts was a dramatic reduction in the number of votes that candidates needed to win election (this despite the higher voter turnout in 2001). In the 1996 election, the average winning candidate garnered over 93,000 votes. In 2001, candidates won seats with an average of just under 33,000 votes—a 65 percent reduction in the number of votes needed to gain a seat. As discussed earlier, the use of personal strategies tends to be negatively correlated with the size of a district's voting population and the number of votes required to win an election. Fewer voters means that a fixed amount of money, patronage, or influence will buy a larger portion of the total votes, all else being equal.<sup>31</sup>

A second feature of the new constitution that suggested the continued importance of personal strategies in Thai election is the electoral procedure for the Senate. Senators were elected from districts comprising one to eighteen seats. Each voter cast a single vote, and seats were awarded via the plurality rule. This electoral system, known as the single nontransferable vote, is the epitome of a candidate-centered electoral system (see Carey and Shugart 1995; Grofman et al. 1999). Candidates in such a system must typically create personal support networks in order to win. However, Thailand's version of this electoral system went beyond most other examples. Senate candidates were constitutionally prohibited from belonging to a political party. They are also not allowed to campaign for office. The aim of the constitution drafters was to create a legislative body that would remain above the petty political squabbling that characterizes the House (Suchit 1999). The reality was very different. Candidates could not rely on party labels to distinguish themselves from other candidates, nor could they campaign on programmatic policy differences—no campaigning was allowed. Instead, they had to create personal support networks similar to those used by House candidates (many of the successful candidates were family members of prominent politicians and so were able to rely on existing support networks [Nelson 2002]). In fact, the reliance on personal strategies, specifically vote buying, was so common in the first Senate election that it took five months and several rounds of disqualifications, followed by new elections, to fully seat the Senate.

## **Conclusion**

Vote buying does not exist in isolation. It is best understood as a product of a polity's underlying socioeconomic, cultural, and political environments. In this chapter I have focused on the prospects for institutional reform as a weapon in anti-vote buying campaigns. Both theory and evidence suggest that changing institutions can alter actor incentives and ultimately behavior.

However, in the case of combating vote buying, institutional reforms are not a quick fix. The reform of any particular rule or institution must be considered in light of the incentives produced by other rules and institutions, and by the broader political, socioeconomic, and cultural environments. The case of Thailand supports this view.

Thailand's prereform political institutions, especially its electoral system, provided candidates with strong incentives to pursue vote buying strategies. Significant portions of the 1997 constitution and the accompanying electoral reforms were designed to reduce these incentives. Nonetheless, the reforms had a mixed effect on the incentives and capabilities of voters and candidates to trade votes for money. The move to single-member districts decreased the supply of surplus votes, and compulsory voting increased voter turnout, consistent with decreased incentives for vote buying. In addition, the adoption of a party list, restrictions on party switching, and an end to intraparty competition combined to make party-centered strategies more appealing. However, incentives to pursue personal strategies still existed in the form of single-seat districts, a candidate-centered electoral system for the Senate, and a reduced number of votes needed to win a seat.

The most visible factor in the decline of vote buying during the 2001 elections was more stringent enforcement of campaign rules by the Election Commission of Thailand. However, even if the ECT had remained an active and independent agency (which was not certain), it could not be the sole solution to the problem of vote buying. Enhanced detection and punishment of vote buying, if not accompanied by serious attention to the underlying environment, are only partial solutions. Without deeper structural changes to the political, socioeconomic, and cultural factors at the root of vote buying, greater enforcement will merely be a catalyst for greater creativity as candidates and parties work to find ways around the law.<sup>32</sup> While the constitutional reforms brought about some changes in the underlying political environment, many issues remained unaddressed. Until efforts are made to tackle factors such as the socioeconomic gulf between Bangkok and rural Thailand, or the extreme centralization of political and bureaucratic authority, vote buying is likely to continue in one form or another.

## Notes

1. In an attempt to change the cultural norms that support vote buying in Thailand, specifically the norm of reciprocity, a senior Buddhist monk declared that it was not immoral to take money from one candidate and vote for another.

2. Or if these changes take time to develop.

3. A military coup in September 2006 did away with the 1997 constitution, thus bringing an end to the episode of reform discussed in this chapter.

4. On the latter, see Shugart and Wattenberg 2001.
5. Lowering district magnitude while keeping the size of the electoral constant would also increase the number of votes needed to win, all else being equal. However, the effect of changing district magnitude on incentives to cultivate a personal vote is conditional on the type of electoral system in use (see Chapter 4, and Carey and Shugart 1995).
6. For an analysis of the power relationships that underlie vote buying, see Callahan 2002.
7. Most majoritarian systems use single-seat districts in which voters have only one vote. Other countries that have used electoral systems similar to Thailand's include Mauritius, nineteenth-century Great Britain, the Philippines (Senate elections), and the United States (some local elections).
8. Thailand has a bicameral legislature consisting of an elected House and (until the 1997 constitutional reforms) an appointed Senate.
9. Each additional 75,000 people above 150,000 were counted as an additional 150,000. A province with 200,000 people would receive one seat, while a 225,000-person province would receive two seats.
10. See Cox 1997, 42–43, for a general discussion of cumulation, panachage, and plumping.
11. See Hicken 2002 for more details.
12. On the use of pork, see Christensen et al. 1993; Ammar 1997. On the use of patron-client relationships, see Arghiros 1993, 1995, 2000. On violence and intimidation in elections, see Ockey 1991, 2000; Callahan 2000; Anderson 1990.
13. As for why more voters don't accept money from one candidate and then vote for whomever they wish anyway, see the discussion of surplus votes later, and the literature on the cultural norms and social structures that support vote buying in Thailand (Arghiros 1993, 1995, 2000; McVey 2000a). For a critique of some of these arguments, see Nelson 1999. Candidates also attempt to devise methods for minimizing such defection (Sombat 1993, 1999).
14. I use Gary Cox and Mathew McCubbins's definition of pork (2001). They divide pork into public goods that are directed or allocated on the basis of political rather than economic calculations (morsels), and rents that are extracted from the government.
15. Former prime minister Banharn Silapa-acha, a rural businessman who grew rich off of state contracts, stated that he could not afford to be out of government and quipped, "those in the opposition are certain to be starved" (Banyat 1992).
16. For the story of why and how this relationship between pork-barrel politics and vote buying developed in Thailand, see McVey 2000a; Hicken 2002; Pasuk and Baker 2002.
17. Until 1998, each MP had access to an MP development fund that could be used to finance projects in the MP's constituency. Each MP, including opposition MPs, received the same amount of funds (about 20 million baht per MP in 1997) (Hicken 2003).
18. The average effective number of legislative parties is six over the same period. The effective number of parties (ENP) is defined as 1 divided by the sum of the weighted values for each party. The weighted values are calculated by squaring each party's seat share ( $s_j$ ):  $ENP = 1 / (\sum s_j^2)$  (Laakso and Taagepera 1979).
19. As are constitutions. Constitutions have an average life expectancy of four years, three months (Hicken 2002).
20. Cabinet duration figures are my calculations, based on data from Chaowana 1998.

21. On the other hand, rapid cabinet and government turnover mean that all parties have a reasonable chance of being in government. The fact that no party faces the prospect of being shut out of government for an extended period of time may explain why one or more disciplined, programmatic national parties did not emerge in pre-1997 Thailand. In other candidate-centered democracies (e.g., Japan, Italy, Brazil), there is often at least one party that rejects the norm of candidate-centered campaigning in favor of a party- and policy-oriented strategy. However, these parties have usually been those that, having been shut out of power for extended periods of time, lack the resources necessary to cultivate personal votes. See Chapter 4 for more details.

22. There is variation on this point. Some candidates have developed reputations for consistently being able to win a seat at the table (often through the strategic use of party switching) and then using their position to bring home the pork. For example, the province of Suphan Buri is sometimes referred to as “Banharn Buri,” after former prime minister Banharn Silpa-archa. This is due to the large number of pork-barrel projects (many bearing his name) that he has brought to his constituency over the years.

23. Ironically, reforms adopted in the late 1970s and early 1980s designed to clean up elections and restructure parties are actually credited with exacerbating the problem of vote buying (McCargo 2002, 7). For more on the frequent attempts in Thailand at reform via constitutional change, see Girling 1981; McCargo 1998.

24. Actually, the ECT’s authority to disqualify was ambiguous, and there was considerable debate on the point. A backlash against the ECT’s disqualification of candidates for the 2000 Senate elections eventually culminated in a decision by the Constitutional Court that the ECT did not have the power to disqualify candidates (Nelson 2000). The ECT eventually found a way around this, by relying on its ability to disfranchise those guilty of electoral violations (*Organic Law* 1998, sec. 85/1). According to Sections 109(3) and 106 of the Organic Law, those who are disfranchised cannot stand for election (see Nelson 2002, 15, for more detail).

25. For details on the ECT’s activities during the 2000 and 2001 elections, see the ECT website, <http://www.ect.go.th>, and Nelson 2002.

26. The two tiers are not linked in any way—that is, votes from one tier don’t transfer to the other tier.

27. Using the change in currency in circulation as a proxy for the extent of vote buying in an election is worth exploring as a means for more throughout comparisons of vote buying in the future. See Anusorn 1995 for a discussion of the usefulness of this proxy.

28. The constitution suspended this rule for the inaugural 2001 election.

29. This does not mean they abandoned more traditional campaign strategies, as the earlier account of Thai Rak Thai membership recruitment suggests.

30. As the recent experience of Japan demonstrates, it is also possible that the personalism of constituency races can bleed over into the party list race (McKean and Scheiner 2000).

31. Note that this greater purchasing power may be partially offset if, as argued earlier, the price of votes has risen due to a decreased supply.

32. There were numerous examples of such creativity in the 2001 election (see Croissant and Dosch 2001; Nelson 2002).

