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Beyond Vote Rigging: Common Patterns in Electoral Malpractices in De-Democratizing Regimes¹

Abstract: For the past decade in many countries in Europe and its close neighborhood we have observed different types of processes which can be named as “de-democratization”. The aim of the article is to analyze the state of elections as the crucial democratic institution which fairness and competitiveness have a substantial impact on the political regime. While Turkey as a “role model” for our analysis remains a main focus of the article, three European countries were selected for a comparison based on their relative similarity to Turkey – Hungary, Macedonia (FYROM) and Serbia. The following questions are posed: Are elections in these countries free, fair and competitive? Can some types of electoral malpractice and irregularities be identified? How does the state of elections in terms of their fairness and competitiveness influence the political regime? The main hypothesis is that in the analyzed countries elections competitiveness limited by incumbents can become a factor deciding about the change within the political regime in the long run (loss of democratic quality) and also change the regime (to a less democratic one).

Keywords: *de-democratization; political regime; electoral integrity; electoral malpractice; Turkey, Hungary; Serbia; Macedonia (FYROM)*

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Introduction

For the past decade in many countries in Europe and its close neighborhood we have observed processes which are often named as “de-democratization” (or “democratic regression”). The term refers generally to the problems of performance of democratic institutions and the rule of law as well as respecting individual rights and freedoms. This phenomenon reveals distancing a country’s politics and society from the European democratic values, rules and procedures (and the weakening EU’s capabilities to react to the changes in political regimes). In practice, it means a reversal of reforms or conducting them without reference to the EU standards of liberal democracy (Aydın-Düzgüt & Kaliber, 2016, pp. 5–6). Surprisingly, it does not concern only the ENP countries or candidates to the EU membership in which a “selective” Europeanization had been diagnosed before (Börzel, Soyaltın & Yılmaz, 2015, p. 223), but also the “new” member states (Sedelmeier, 2014; Agh, 2015).

However, we are still not able to define precisely what is „de-democratization”, although an intensive academic debate on this phenomenon began a few years ago, particularly after the appearance of the first issue of the “Journal of Democracy” in 2015. De-democratization is diagnosed by some scholars as “democracy decline” (Plattner, 2015), while other well-known political scientists speak rather about the crisis and the new “transition” (Schmitter, 2015). It is without any doubt a complex phenomenon – the following variants can be taken into consideration: 1) change of the regime – from the democratic or hybrid to non-democratic (e.g. new kind of authoritarianism), 2) loss of democratic quality and 3) interruption of the democratic transition of non-democratic countries.

The aim of this article is to contribute to the development of the research on the processes of de-democratization by making an analysis of the state of elections in selected countries in Europe and its close neighborhood as the crucial democratic institution. A special focus is the issue of the competitiveness of elections, which is indispensable for the existence of one of the electoral types of regime – democratic or hybrid (competitive authoritarianism at the last resort). It is an interesting case due to the fact that the phenomenon of electoral malpractice – understood as the violation of electoral integrity, which means the violation of internationally accepted standards of elections throughout the whole electoral cycle, that is in the pre-electoral period, during the campaign, on the voting day as well as after the elections² – has been spreading recently, showing a possible dysfunctional role of elections for the democratic character of a political system. This makes it necessary for the political scientists to look inside the box of the institution of elections and electoral practices. It can help to better identify the phenomenon of de-democratization – thanks to a thorough study of one of its aspects, not neglecting at the same time other factors behind the de-democratization, which, admittedly, are not the topic of the article. It can be also useful for

² There is a difference between the notion of “malpractice” and “mispractice” – the flaws in elections that are not made on purpose, but merely result from an unintentional error or other impediments.

a better understanding of the nature of regimes existing nowadays in this region, although the ambition of the authors is not to identify precisely the current political regimes – due to the ongoing processes, which do not allow giving the definite diagnosis of the types of existing regimes.

The following important questions are posed: Are elections in the selected countries free, fair and competitive? Can some types of electoral malpractice and irregularities be identified? How does the state of elections in terms of their fairness and competitiveness influence the political regime? What does it tell us about the EU's impact on political systems of states being EU members or associated members? The main hypothesis is that in the countries in Europe and its close neighborhood elections competitiveness limited by incumbents can become a factor deciding not only about a change within the political regime in the long run (e.g. loss of democratic quality) and but also a change of the regime (to less democratic one).

The analysis is based firstly on the case of Turkey as one of the “hardest” cases to indicate the electoral malpractices and their impact on the political system and as a result – the political regime. The main subject of the analysis includes 2011 parliamentary elections, 2014 local elections and presidential election, two consecutive parliamentary elections in 2015 and 2018 parliamentary and presidential elections³. However, we move one step further and try to investigate recent elections in other countries from the EU neighborhood which are candidates to the EU membership – Serbia (2016 parliamentary elections and 2017 presidential elections) and Macedonia, FYROM (2014 parliamentary and presidential elections, 2016 parliamentary elections) as well as the EU member state which recently is mentioned quite often in the academic debate on the de-democratization, i.e. Hungary (2014 and 2018 parliamentary elections) (Agh, 2015, 2016) – in order to find out if Turkey is, again, a *sui generis* case or if there are more countries in which a similar process concerning elections takes place, revealing some general tendencies important for the political systems and political regimes in Europe and its neighborhood (e.g. gradual emergence of a particular subtype of political regimes balancing between two types of regimes).

Obviously, the aforementioned countries are at different stages of the democratization process. Not all of them belong also to one type of political regime. However, they were selected due to the noticeable similarities concerning the key issue, i.e. malpractices at the different stages of the electoral process. In subsequent elections the ruling party resorts to a plethora of means inhibiting their competitiveness, distorting the “level playing field” by limiting the access of opposition parties to resources, be it media or financial and administrative assets as well as by manipulating the electoral regulations and procedures. Another important selection criterion was common aspects of the political systems of the states,

³ The April 2017 constitutional referendum was not analyzed due to a different characteristics of referendum and elections. However, particular cases of malpractices observed in 2017 (Esen and Gümüşçü, 2017, p. 313–14) were repeated in elections in 2018, therefore they are taken into consideration as well.

relevant for the malpractices and their consequences for the political regimes. It is here first of all about the dominant party (or coalition of parties) who won a landslide victory in subsequent elections (although the case of Macedonia is an intriguing exception, taking into consideration the 2016 elections).

The key data used in the article come from detailed database of Electoral Integrity Project (Norris, Martínez i Coma, Nai & Grömping, 2015; 2016; Norris, Wynter, & Grömping, 2017). In order to select countries from Eastern and Central Europe for this comparative research, malpractices in three main areas were considered: legal underpinnings and practices in the electoral process; media bias; and overuse of campaign financing rules. They are also the most problematic areas in the case of Turkey. During the analysis of the database of Electoral Integrity Project surveys, the following sections were considered: subsections 1–1 and 1–4 (electoral laws) and subsections 2–3 and 2–4 (electoral procedures); as well as all sub-sections in section 6 (Campaign media) and 7 (Campaign finance). Generally, most indicators have shown a relative similarity to the case of Turkey, however some distinctions have occurred⁴. The details can be found in Tables 1–3 in Annex.

One source of qualitative research are OSCE/ODIHR electoral reports from years 2011–2018. Several other reports prepared by local NGOs dedicated to electoral integrity are further consulted as secondary sources. An additional useful source in the key Turkish case is a set of in-depth interviews with representatives of the international and national organizations monitoring the course of elections as well as the Turkish experts in election law, elections and democratization in Turkey.

The article is structured as follows. To begin with, we offer a snapshot on the understanding of electoral malpractices, underpinning the analysis. It is followed by an empirical part with the analysis of the key case of Turkey. The third part includes the findings from the research on other selected cases. The conclusions summarize all findings, including the question of impact of electoral malpractices on political regimes.

Theoretical Framework of Electoral Malpractice

At the beginning of the 21st century there has been a growing number of states in which elections are held but which do not meet the standards of liberal democracy. This has led to the proliferation of theoretical studies, published e.g. by Adreas Schedler, Sarah Birch, Pippa Norris and Alberto Simpser (Birch, 2011; Schedler, 2002; 2006; 2013; Norris, 2014; 2015, 2017; Simpser, 2013) that focus on the issue of the electoral integrity vs. electoral malpractice, including their conceptualization, indicators and typologies.

⁴ Several other cases were also considered for this comparative research being seemingly similar to Turkey. However, they were abandoned due to a substantial difference in a regime type (Russia, Belarus), although they can serve as control cases or in key areas of analysis (e.g. Montenegro).

Various students of electoral studies have come up with different taxonomies and categorizations of electoral malpractices. For instance, Schedler defines the “menu of manipulation” – various forms of norm violation, such as reserved positions and reserved domains – limiting the scope and jurisdiction of elected offices; exclusion of opposition forces; repression and unfairness as far as access to media and financial resources is concerned; formal and informal disenfranchisement; coercing and corrupting the voters; electoral fraud and institutional bias; tutelage and reversal – preventing the winners from assuming power (Schedler, 2002). Simpser, in turn, enumerates the following incidences of electoral malpractices: stuffing ballot boxes; falsifying results; tampering with voter registration lists; vote buying before and during the election; creating obstacles to voters and candidates registration; intimidating voters before and during elections; intimidating candidates; voting multiple times; voting by those who are ineligible (Simpser, 2013, pp. 35–6).

This article, drawing on the vast scholarship on the theory of electoral integrity gauges the electoral malpractices in Turkey and other selected countries according to Birch’s three-fold categorization (Birch, 2011, pp. 29–38). Being aware of some weaknesses of Birch’s taxonomy (concerning mainly the division into the categories of malpractices and their content), we adopted it for the sake of clarity and practicality of our empirical analysis, as, on the one hand, it aggregates various forms of electoral malpractice, streamlining the complex *problematique*; on the other hand, it eschews the trap of excessive “stretching” of the concept of electoral malpractice. Thus, in this analysis we concentrate on three areas of “electoral manipulation”⁵:

- a) *Manipulation of the law*: here, we look at the manipulation of electoral legislation, such as gerrymandering and malapportionment; additionally, this category could cover the manipulation of the criteria that determine the active and passive right to vote, campaigning as well as standards concerning opinion polls.
- b) *Manipulation of vote choice*: this category pertains to the violation of the right of the voters to have access to adequate information about the policy proposals. Most manipulations of vote choice take place during the electoral campaigns (unbalanced media coverage of electoral campaign favoring the ruling party/candidate), mishandling of resources (breaching of the regulations governing the use of campaign resources), vote buying and voter intimidation.
- c) *Manipulation of the voting act*: this dimension deals with the violation of the principle that all votes must have equal weight. The dimension of “effective aggregation” includes the counting and tabulation of votes and their appropriate conversion into seats. This component may include the obstruction of ballot access by potential candidates; the manipulation of vote choice registration and/or the electoral register; the manipulation of voting and of the process of counting and tabulation of votes.

⁵ The authors of this article have doubts about using the term “manipulation” as the equivalent of “malpractice” but it is used here for the sake of clarity with reference to Birch’s three categories.

Electoral Malpractice in Turkey

Turkey has had quite a long tradition of competitive polls and multi-party democracy starting from 1946, with the decision to hold “regular [...] free and fair elections, a major turning point in Turkey’s recent political history” (Sayarı, 2012, p. 183). However, in the past decade, with the consolidation of Justice and Development Party’s (AKP) grip on power there has been a growing concern about the integrity of elections, particularly since the November 2015 elections.

Most scholars share the opinion that the fairness of elections in the AKP era leaves a lot to be desired (Kalaycıoğlu, 2015, p. 172; Çarkoğlu & Yıldırım, 2015, p. 62). It is reflected in the studies of the Electoral Integrity Project, which take elite opinion as a point of reference. For instance, the presidential elections in August 2014 were ranked 86th of 127 states, with both parliamentary elections in 2015 assessed even more critically – Turkey was ranked 101st among 135 states (Norris, Martínez i Coma, Nai & Grömping, 2015, p. 10 and 17; 2016, p. 22 and 51–53). When it comes to the elements of the electoral process, the lowest scores were given to the content of electoral laws as well as media coverage and campaign financing – the issues included in the two of three categories of malpractices in Birch’s taxonomy, i.e. manipulation of the law and voters (see Tables 1–3 in the Annex).

The OSCE reports on subsequent elections in Turkey correspond to these findings. Although the reports acknowledge some positive legal changes concerning different phases of the electoral process (e.g. lowering voting age, giving voting rights to Turkish citizens living abroad, the possibility of the use of other languages than Turkish in the election campaign, etc.), broad-ranging electoral legislation still contains regulations which undermine electoral integrity. Firstly, this pertains to those provisions which are not in accordance with electoral integrity rules (the “institutionalized” ones, e.g. limits put on electoral rights – both voters and candidates, including independent ones or 10 percent electoral threshold, as well as those introduced *ad hoc*, with the regulation on the division of electoral districts being the prime example). Secondly, the lack of certain regulations (e.g. with reference to the use of media in campaign, financial matters, including reporting on campaign expenditures or appealing procedure in the case of the decisions of the Supreme Board of Elections) and ambiguous provisions (e.g. the regulations on competences of election authorities) may undermine the integrity of the elections. The OSCE reports also point out to substantial problems with the use of media and financial resources in electoral campaigns. However, what is even more crucial is that they show that together with the rise of authoritarian tendencies in the AKP era, Turkey experienced a significant increase in the electoral malpractices, limiting fair competition between parties and favoring the ruling party, particularly during the emergency rule introduced after the July 2016 coup attempt (OSCE/ODIHR, 2014c; OSCE/ODIHR, 2016d; OSCE/ODIHR 2018b).

The more detailed analysis carried out in the next part confirms the findings of the aforementioned reports. The most noticeable in the Turkish case are malpractices concerning

the law and first of all manipulations on voters. As far as the manipulation of the vote is concerned, this category was less problematic in terms of election fairness until the April 2017 referendum. By that time the challenge had been mainly drawing a line between the malpractices, which favor the ruling party and unintentional mispractices, which consequences are neutral for the outcome of the elections. Moreover, the AKP actually did not have to manipulate substantially the voting act and procedures connected with it. The tense political atmosphere driven by the AKP shaped the electoral environment, having impact on voting behaviors – to the advantage of the incumbents. Here, we refer first of all to the practice of societal and political polarization, as well as rampant populism of the AKP politicians who tend to manipulate the society by evoking basic fears (e.g. of losing stability) and ideological concerns (nationalism, conservatism). First the April 2017 referendum followed by the June 2018 presidential and parliamentary elections brought new examples of malpractices concerning also the manipulation of the vote – the phenomenon which emerged during the emergency rule and was connected with the need for high support for incumbents and Recep Tayyip Erdoğan to achieve the key political goals (the acceptance of constitutional amendments introducing the presidential system and victory in the first round of presidential race respectively).

Manipulation of the Law

The first group of electoral manipulations as singled out by Birch concerns electoral regulations. It refers in the Turkish case to the 1982 Constitution, the 1961 Law on Basic Provisions on Elections and Voter Registers, the 1983 Law on Parliamentary Elections, the 2012 Law on Presidential Elections, laws concerning local elections and the 1983 Law on Political Parties (we can add also the new Law on the Supreme Board of Elections adopted in November 2017). The ruling AKP adopts or amends these laws as well as uses legal loopholes to boost the support it gets in the elections. The most important malpractices in this category are gerrymandering and malapportionment.

Gerrymandering

The case of gerrymandering, understood as “the establishment of boundaries of voting districts to determine in advance, partially or completely, the outcome of the elections [which] subverts the will of the people by denying them the amount of voting power they should have” (Clark, 2004, p. 13), is the most noticeable from all cases of law manipulation in Turkey. The practice of drawing voting district boundaries has its distinct history in Turkey (see Tunç et al., 2014). Ersin Kalaycıoğlu noted in 2002 that “gerrymandering [...] occupy[s] a prominent place” (Kalaycıoğlu, 2002, p. 55); it has “become normalized as one of the rules of competition in the 1980’s and 1990s” (Türsan, 2014, p. 214). Yet, “AKP surpasses any other effort in this vein in Turkey” (Aygül, 2016, p. 186). Prior to the 2014 local elections, a new, controversial law no. 6360 (Kanun, 2012; Tüzün, 2014a) was adopted by

the parliamentary majority that redrew the boundaries of electoral districts, doubling the number of metropolitan cities. The changes that the ruling party decided to adopt aimed at increasing the weight of rural votes (Aygül, 2016, p. 183), as the AKP, just like its Islamist progenitors – parties of conservative pedigree – have traditionally been supported by the social peripheries.

The opposition parties lambasted (on various grounds, not necessarily the shifting of electoral districts) the AKP for introducing a new municipality law – the main opposition party, Republican People’s Party (CHP) brought the law before the Constitutional Court. Yet, there is no consensus among analysts as to the actual impact of the new law on the election results. Whereas some claim “that the merger of existing districts with metropolitan municipalities changed election results in six metropolises [with the] dissolution of towns and villages alter[ing] election results in one metropolis in favor of the AKP” (Aygül, 2016, p. 182; Tüzün, 2014b), others – usually people somehow connected with the AKP – point out to the rather neutral effect of the Law on the ballot outcome (Çelikyay, 2014). We need to point out to the fact that the primary objective of the new law was to reform the metropolitan municipality system, according to the AKP’s “New Turkey, New Cities” (Yeni Türkiye, 2014) motto, with the shift in voting districts just a side effect, undoubtedly anticipated and intended, by the ruling party.

Malapportionment

When it comes to the malapportionment, we can observe that the seat allocation established in the Law on Parliamentary Elections resulted in “a significant differential of registered voters to seats across constituencies” (OSCE/ODIHR, 2015, p. 6). The number of registered voters per seat ranged from ca. 28,800 voters in Tunceli constituency to ca. 112,500 voters in the Istanbul-1 constituency during the June 2011 parliamentary elections; from 27,059 persons in Bayburt province to 120,877 persons in a constituency in Izmir during the June 2015 parliamentary elections and from 40,303 citizens in Bayburt constituency to almost 165,000 in a constituency in Istanbul in November 2015 parliamentary elections, while according to the Council of Europe’s rules the differences in voting power of citizens between constituencies should not exceed 10 per cent, sometimes max. 15 percent (OSCE/ODIHR, 2011, p. 14; OSCE/ODIHR, 2016d, p. 6). A significant deviation in the number of votes per seat was observed also during the June 2018 parliamentary elections (OSCE/ODIHR, 2018b, p. 4). Though there is no evidence that these regulations have been introduced intentionally to favor the ruling party, the HDP files complaints (rejected by the Supreme Board of Elections) about the manipulation of statistics (on which allocation is based) in some provinces during both 2015 elections (OSCE/ODIHR, 2015, p. 6; OSCE/ODIHR, 2016d, p. 6).

Manipulation of Vote Choice

The second cluster of electoral malpractices, i.e. the manipulations of vote choice, underpin the problems with the fairness and competitiveness of elections in Turkey. AKP has been abusing incumbency advantage to the detriment of other parties with limited resources. A number of malpractices within this category are classified as the most problematic for electoral integrity in Turkey. We will follow Birch's division of this category of electoral malpractice into the "manipulation of genuine preferences" and "undue influence". While the former refers to shaping the voter's electoral preferences using biased media, misusing the state financial resources in the election campaign, violating the regulations on campaign financing, conducting smearing campaigns against the electoral rivals and even intimidating candidates, the latter pertains mainly to influencing the vote choice by proffering some rewards to the voters or imposing sanctions on them (Birch, 2011, p. 31).

Manipulation of Genuine Preferences

When it comes to the media bias, different media outlets are not impartial during the election period in Turkey. It is connected with the situation that ever increasing number of media outlets are under the government and *de facto* AKP's control. One would struggle today to find independent TV channels, newspapers or even individual users of social media which dare criticize the government (Yılmaz, 2016).

This creates a substantial problem for the fair competition regarding the use of media in the election period. The incumbents are favored in an increasing number of TV channels and newspapers during this time and other parties and candidates have very often limited access to media (with the worst situation of independent candidates who e.g. have not been granted any free TV airtime) (Kalaycıoğlu, 2015, pp. 161–162; Çarkoğlu & Yıldırım, 2015, p. 77). When it comes to the presidential elections in 2014, we could observe the triple presence in the TV news of the AKP leader in comparison with the main opposition candidate – Ekmeleddin İhsanoğlu. Erdoğan had over 47.000 broadcasting time units, İhsanoğlu – 16.000 units ("Erdoğan medya ile beyin yıkıyor", 2014). In June 2015 the AKP dominated the private advertising in many channels – with such extreme cases as ATV (100 per cent of political adverts) and TRT1 (91 per cent of political adverts). It was possible due to the blurred regulations for the proper implementation of a definition of equal or equitable coverage, limited media reporting and sanction mechanisms as well as the privileged financial position of the governing party (OSCE/ODIHR, 2015, pp. 15–18). The situation did not change in the 2018 elections, with even less opposition media (if any) still working (OSCE/ODIHR, 2018b, pp. 9–10).

The second and third types of electoral malpractice within the manipulations of genuine preferences of voters concern the financial issues. It pertains to the misuse of state resources during the campaign and violation of campaign finance regulations. In the Electoral Integrity Project surveys the campaign financing is the second worst indicator in Turkey (see

Tables 1–3 in the Annex). Erdoğan as the Prime Minister and the presidential candidate in 2014, used his public appearances, some of them state-financed, for electoral purposes. He actually began his campaign before the formal date of the start of the campaign. It was not in accordance with articles 64–66 of the Law on Basic Provisions on Elections and Voter Registers. He managed to take advantage over other candidates beforehand, as they had to wait to raise the funds and make expenditures until 11 July 2014 – the date of the official announcement of the list of candidates (OSCE/ODIHR, 2014c, p. 13).

The AKP as a whole also used its privileged position as the governing party. It “made the most out of its access to state resources in its election campaign: the governing party used public employees to inform and mobilize the voters, its officials travelled in planes and cars belonging to the state, and its campaign activities benefited from free access to the resources of municipal and local governments” (Sayarı, 2016, p. 271). The aforementioned mobilization of voters concerned particularly the neighborhood units (*mahalle*) (Doğan, 2017). The public employees were more eager to help the party in elections, e.g. when they had their permanent status extended (in cases of work on a contract basis) or when they were paid from the public resources for gasoline in the case of travelling on their own to election rallies (Aslan-Akman, 2012, p. 89).

When it comes to the violation of campaign financing regulations, it is usually about overspending and/or failing to declare expenditure or contributions. The financial regulations concerning the August 2014 presidential elections (and the 2018 presidential elections) stipulated that financing candidates by parties or through loans is not possible and that the individual support with the use of special bank accounts is allowed. However, the lack of well-defined limitations (“up to the highest monthly salary of the best-paid civil servant” could not serve as a clear indication) could in practice lead to large disparities between candidates, depending on their “fund-raising” potential. In the 2014 election campaign Erdoğan received much more financial support than other candidates, with the support from companies being a part of the patronage system and the aforementioned public resources. When it comes to the individuals’ support, he received about 24 million Turkish liras while İhsanoğlu – 2.1 million Turkish liras (Rethink Institute, 2014).

The violation of campaign finance regulations is possible also in the case of parliamentary elections due to lack of some important limitations and sufficient reporting on expenditures. Moreover, during the November 2015 elections some parties who were under particular attack from the governing party did not receive on time the state funds they were supposed to receive according to the relevant regulations (following June 2015 elections). HDP politicians got this money for first time after the elections. As authors of the OSCE report rightly states, “it limited their campaign abilities and placed them at a disadvantage compared to parties entitled to state support” (OSCE/ODIHR, 2016d, p. 13).

The advantageous financial position of the AKP having large state and private financial resources (the latter thanks to the developed patronage system in Turkey) is visible during election rallies, which can gather many thousands of people transported with the use of the

party resources. They take part in the mass events during which they can get different free party gadgets, toys for children, or food and drinks. The same refers to the election campaign on the streets of towns. AKP is the most visible party thanks to numerous flags as well as big posters and banners placed almost everywhere, also on special election vehicles – buses or vans. Other parties, though present on the streets, are less visible.

Although the most important malpractices in Turkey are the aforementioned fairness of elections leaves, a lot to be desired is also in the case of intimidation of candidates or the obstruction of their campaign activities. We can find the most striking example thereof during the November 2015 elections, with measures taken against HDP, which became main adversary of the governing party following the June 2015 elections. The AKP's aim was to bring the support of the HDP below the 10 per cent threshold, which would give the AKP the sufficient majority to govern alone again. It must be underlined that parties held only limited campaigns at the time of conflict with PKK and terrorist attacks, concentrating their efforts on strategic provinces where they had lost or won seats in the previous elections with slight vote margins, and in large cities that hosted a significant proportion of the electorate. However, the HDP campaign activities were even more limited by different actions against its members. The intensification of negative media coverage was very clear in the pro-government media reporting on HDP, in comparison to the June 2015 elections (OSCE/ODIHR, 2016d, pp. 2–5 and 8). It can be pointed out that from 187 attacks against political parties during the election period, 168 were directed against HDP politicians. More than 5,000 members of this party were taken into custody. This limited substantially HDP's campaigning potential and had also a negative impact on electoral choices in the situation of charges of membership of a terrorist organization against more than 1,000 HDP activists (Çarkoğlu & Yıldırım, 2015, p. 62; Bardakçı, 2016, p. 14).

The situation looked even worse in the June 2018 elections, with many HDP deputies in detention, including the leader and presidential candidate Selahattin Demirtaş. The election campaign took place during the emergency rule. Generally, it meant restrictions on assembly rights and often a need for special permissions from governors to hold public meetings – particularly in the east and southeast. However, apart from this, many cases of attacks on campaign offices and politicians of the oppositional HDP, Felicity Party and Good Party as well of the obstruction of their outdoor campaigning were observed (OSCE/ODIHR, 2018b, p. 8).

Undue influence

The second group within the category of “manipulation of vote choices” is undue influence which has two forms of so the called “carrots” and “sticks.” In the first case it pertains to vote buying, having different forms in the case of Turkey. On the one hand, there are many examples of distribution of goods to citizens, who reciprocate by supporting the benefactor. For instance, during the whole election period in 2015 the AKP government distributed consumer durables, coal and food to the poor, vouchers as well as substantial

agricultural subsidies (Akarca, 2015, p. 88). Shortly before the June 2018 election campaign the parliament with the AKP majority adopted the regulations on financial aid to different social groups. The government decided at this time about tax reductions (Turkish gov't cuts property taxes, 2018; \$6 billion economic handout package, 2018).

On the other hand, there are many examples of the particular forms of vote buying on a larger scale, which epitomizes the patronage system in Turkey. As Ali T. Akarca writes:

“the incumbency advantage involves the ability to indulge in transfer activities such as providing services, subsidies and patronage, and picking locations for government investment and public work projects to attract supporters of other parties. There is a lot of anecdotal evidence of all Turkish incumbent parties, especially those in coalition governments, engaging in such activities. Financial support, interest-free loans and tax advantages promised to women and young entrepreneurs, and reductions in the social security and health insurance premiums promised to small business owners and their elimination for new university graduates, increases in the scholarships given to university students by the AK Party before the November 2015 election are some examples of these” (Akarca, 2015, p. 88).

Thus, resorting to the patronage system has not been an AKP's preserve – a number of other parties had exploited it before. Yet, Erdoğan's party has mastered the use of a particular kind of patronage relationship to its electoral advantage perfectly. A very good example, reflecting both the patronage and clientelism mechanism, is the activity of the Turkey's Mass Housing Administration (TOKİ), with the mechanism of distributing different material means (contracts, jobs and subsidized housing) for consolidating and expanding the electoral strength of the AKP. The construction companies have received contracts from the government and in return are more eager to support and finance the governing party activities and election campaigns. All this leads also to boosting the local economy. Thanks to these mechanisms the incumbents have the regular supporters during the elections (Marschall, Aydoğan & Bulut, 2016; Taş, 2015, pp. 785–786). The patronage networks embrace many groups, including bureaucrats, security officials and judges whose careers depend on support for the AKP. An estimated percentage of votes received by the AKP through clientelism and patronage is about 15–35% of the AKP votes (Interview with Selim Erdem Aytaç, 2018).

The “sticks” in turn concern in the Turkish case voter coercion and intimidation. Citizens ready to express their dissatisfaction with the economic policy of the government were not allowed to do it already in the local elections in 2009, with police clamping down on protesters at the election rallies. Apart from using physical violence or arresting people, the AKP politicians threatened citizens that in case they did not vote in local elections for the AKP candidates the municipalities would be deprived of public services (Eligür, 2009, p. 478). The atmosphere of fear was prevalent among civil servants or public sector

employees, threatened they would lose their job should AKP lose the franchise. For instance, when it comes to the presidential campaign in 2014 Erdoğan and other AKP politicians threatened the conservative electorate that they would be discriminated by the secular elites (Kalaycıoğlu, 2015, p. 169).

Manipulation of Voting Act

As mentioned before, the manipulation of the voting act was not a substantial electoral integrity deficit in the 2011, 2014 and 2015 elections. The AKP did not need it because the other malpractices and the aforementioned particular atmosphere guaranteed the desired result of elections. However, the higher stake in June 2018 elections (and earlier in April 2017 referendum) – the need for 50% of votes or more, led to adoption of the 26-article package of changes of election laws and political parties law which was published in the Official Gazette on 16 March 2018. The new regulations enabled the electoral malpractices during the election day.

The unstamped ballot papers were recognized as valid (during the April 2017 referendum they were accepted after the decision of the Supreme Board of Elections). There is so far no reliable data (only opposition accusations) to what extent it was used during the election day to increase Erdoğan/AKP support. The “relocation” of the ballot boxes was also possible due to “security reasons” (it was tried to be applied during April 2017 referendum). The Supreme Board of Elections had the authority to merge electoral districts and move ballot boxes between districts. It was practiced quite extensively. Just between 24 May 2018 and 13 June 2018 it affected 144,000 voters in 16 provinces (first of all in east and southeast) (OSCE/ODIHR, 2018b, p. 5). It was pointed out by the opposition and ODIHR interlocutors that in many cases the ballot boxes were moved out of districts where the HDP had strong support. Moreover, the definition of area belonging to the polling stations has been changed, creating a possibility of presence of security forces (as it was explained – to avoid intimidation from the PKK side). As the CHP politicians argued, the presence of security forces could make the counting of votes less transparent (OSCE/ODIHR, 2018b, pp. 4–5; Erdoğan approves new election law, 2018).

Electoral Malpractice in Other Countries

In this section, we investigate selected countries from Central and Eastern Europe, i.e. Macedonia (FYROM), Serbia and Hungary in order to compare them with the Turkish case. In the article we present initial findings from a comparative study based mainly on the database of Electoral Integrity Project *Perceptions of Electoral Integrity, (PEI-5.5)* (Norris, Wynter, & Grömping, 2017) and OSCE/ODIHR Election Observation Mission reports. These findings are supported by a literature review.

Electoral law and practice

Hungary

In Hungary electoral laws are said to be in favor of the incumbent, while additionally – according to EIP – election proceedings are not in accordance with the law. Analysis of the OSCE/ODIHR report from parliamentary elections in 2014 also shows several flaws in the electoral law. First of all, among all countries compared with Turkey, Hungary is the only one where accusations of gerrymandering and malapportionment (OSCE/ODIHR, 2014a, pp. 6–7) have been made, since the constitution and several other legal acts regulating the electoral process were amended before the elections. Aside from manipulation of constituencies, also electoral system has been changed in order to promote FIDESZ in the upcoming elections (Bíró-Nagy, 2017, p. 39). While Hungarian elections are inclusive in terms of participating candidates, several limitations on voters registration have been mentioned as disenfranchising significant groups of citizens being country residents and, furthermore, citizens living abroad (OSCE/ODIHR, 2014a, pp. 5–6) as well as restrictions on the participation of civil society organizations (OSCE/ODIHR, 2018a, p. 5). Finally, campaigning and financial rules are also unclear and restrictive, and in several cases they have been abused by the incumbent, also in terms of appointing and functioning of election administration (OSCE/ODIHR, 2014a, pp. 9–13; OSCE/ODIHR, 2018a, p. 5).

Macedonia

The EIP data presents Macedonian electoral law as moderately fair and not influencing incumbent's chances to win to such an extent as in Turkey or Hungary. Yet, several issues are pointed out by observers, especially malapportionment of domestic and foreign voters and general distrust in voters registry (OSCE/ODIHR, 2014b, pp. 7–11, 2016c, pp. 7–14). Also, early parliamentary elections that were part of a Przino Agreement, scheduled for June 2016, due to the boycott of the opposition as well as some strict electoral laws and decisions regarding candidates registration, were supposed to be non-competitive (OSCE/ODIHR, 2016c, p. 14). However, this crisis was solved by postponing the early elections (OSCE/ODIHR, 2016b, p. 4). The Przino Agreement and its later implementation (despite the attempt at non-competitive elections), alongside with several other amendments in the field of electoral laws (OSCE/ODIHR, 2016b, p. 5), have been mediated by institutions of the European Union and OSCE, positively influencing the quality of elections in Macedonia (Less and Gjoni, 2016).

Serbia

According to EIP data, the Serbian electoral law seems to be, in contrast to Turkey's and Hungary's, much less in favor of the incumbent, yet the rules are much more abused: formal rules are in this case not as important as 'a high degree of informality in policy making' (Mikucka-Wójtowicz, 2016; Petsinis, 2017). The analysis of OSCE/ODIHR reports from the

Serbian parliamentary elections in 2016 and the presidential elections in 2017 reveal that the most influential malpractices appear in terms of voter candidate registration, which imposed severe restrictions and requirements, such as a possibility of endorsing only one candidate/party list, with additional need for paid notarial/court certification (OSCE/ODIHR, 2016a, pp. 7–8). Additionally, a lack of sufficient resources and guidelines for electoral committee influenced transparency and impartiality of verification of signatures, nevertheless the Committee still denied registration of several contestants and accused them of fraud (OSCE/ODIHR, 2016a, p. 8). Also, in the case of snap presidential elections, the report points to the limitations of time for candidates to register and start the campaign (OSCE/ODIHR, 2017, p. 7), especially considering the aforementioned restrictive regulations. In terms of campaign financing, the lack of financial resources of the opposition parties also favored the incumbent, while providing little oversight of expenditures (OSCE/ODIHR, 2016a, p. 9). Some legal underpinning of electoral process also provided the incumbent's candidate with considerably more ballot space than other candidates (OSCE/ODIHR, 2017, p. 7).

Media Bias

Hungary

Media in Hungary, contrary to the Turkish case, are indicated by the EIP survey as having a vastly more fair coverage provided by journalists, but in other analyzed subsections the results are very similar. OSCE/ODIHR report indicates that the biggest problems in terms of media bias in Hungary are: a decline in media pluralism due to their ownership structure; media coverage favorable to the incumbent in majority of media outlets, particularly public TV, in comparison to more pluralistic social media (OSCE/ODIHR, 2014a, pp. 2–3; OSCE/ODIHR, 2018a, p. 20; Wilkin, 2018, pp. 24–25) and also recent changes in law further restricted access to information (OSCE/ODIHR, 2018a, p. 5). Contrary to Turkey, media bias is not achieved by journalists intimidation and prosecution, but rather through network of ownership or clientelism (Furtak, 2017, p. 2), however cases of mass dismissal of employees, outright forgery and manipulation have also been noted (Bozóki, 2014, pp. 13–14).

Macedonia

The EIP data reveal that while media in Macedonia are – compared to other cases – not favoring the incumbent in the political news, they do not provide fair access and coverage. The major problem for unbiased media coverage is a large influence of the state on the advertising market, which is a frequent cause of media self-censorship or denial of advertising space/time to minor parties (OSCE/ODIHR, 2014b, p. 16; Grabbe, 2015). The state media did not provide sufficient information and coverage of political events during campaigning, therefore they did not help citizens make a well-informed choice (OSCE/ODIHR, 2016b, p. 18).

Serbia

In Serbia, newspaper coverage and fair access to media outlets are indicated by EIP report as much more fair than in Turkey, while TV coverage and fair access to the media are seen as similarly favorable to the incumbent. The OSCE/ODIHR reports point to several malfunctions that jeopardize the integrity of elections. The first and biggest problem in Serbia, that has been also noted by some state anti-corruption bodies, is the fact that almost all media, both public and private, are *de facto* controlled or strongly influenced by the government, resulting in a strong media bias in favor of the incumbent (OSCE/ODIHR, 2016a, pp. 12–15). In the case of presidential election, public television RTS1, which in its broadcast predominantly focused on the activities of the Prime Minister, raised prices for election-related advertising compared to other forms of advertising, discouraging the opposition parties from broadcasting their messages. Additionally, media present a low-quality content, resulting in a lack of analytical debates that makes it difficult for voters to make a well-informed choice (OSCE/ODIHR, 2017, p. 11).

The structure of media ownership in Serbia has also been impacted by recent reforms in order to favor the incumbent. The privatization of local and regional media outlets did not bring more transparency, but rather resulted in creating influential ‘empires’ with strong ties to the government, therefore being much more likely to present biased views (Belgrade Center for Security Policy, 2016, s. 19–20).

Violation of Campaign Finance Regulations and Misuse of State Resources*Hungary*

In Hungary, campaign financing looks relatively fair in comparison to Turkey. However, an interesting case of extensive use of campaign materials almost identical to governmental advertising has been reported. The government financed information and ad campaigns, the rights were later sold to incumbent’s party for about 1.5% of its net worth and then used despite the court’s ruling – the alleged gains exceeded 1 million euros (OSCE/ODIHR, 2014a, pp. 13–15). The information campaigns of the government served the elections campaign purposes also during the April 2018 elections (OSCE/ODIHR, 2018a, p. 17). As already mentioned in the previous section, the incumbent’s close ties to several businessmen contributed to an uneven playing field. However, all those malfunctions were difficult to report and dispute, since the electoral law lacks sufficient means of control over campaign finances⁶.

⁶ However, some malpractices have been revealed by Transparency International in Hungary, showing that seats-winning parties – including FIDESZ – were able to spend more than allowed, without disclosing this fact in post-election reports (Ligeti, Mucsi, & Hortobágyi, 2014, p. 36).

Macedonia

While the financial regulations for campaigning in Macedonia are assessed positively in accordance to good practices, the supervising body does not have enough resources to effectively monitor campaign spending of candidates and parties (OSCE/ODIHR, 2016c, p. 15). Together with an indirect influence of clientelist networks (especially on media and public administration), it creates a situation in which the incumbent controls resources that are giving him a strong advantage over other parties.

Serbia

The elections in the Republic of Serbia are subdued to strict financial limitations, which effectively favor the incumbent, making it the most visible party in the campaign (OSCE/ODIHR, 2016a, p. 11). The lack of proper measurements for financing control made it impossible to properly control the reported cases of abuse of state resources in favor of the incumbent and donations from questionable sources (OSCE/ODIHR, 2017, pp. 9–10). Other reports also suggest that the dominance over financial measures and state resources is one of decisive elements of unfair campaigning in Serbia (CRTA – Citizens on Watch, 2016; CRTA – Citizens on Watch, 2017).

Conclusions or What All of This Means for Political Regimes

As we have shown in our study, Turkey under the AKP has witnessed different types of malpractices. Most of them refer to the manipulation of the law and manipulation of the vote choice (in the latter case with a particularly negative role of the use of media coverage and campaign resources), although the unique 2018 elections (presidential and parliamentary elections taking place at the same time during the emergency rule) prove that there are also some important malpractices concerning the manipulation of the voting act. These most important electoral malpractices are usually connected with the activities of the single-party governments of the AKP, which uses the incumbency advantage in order to keep the support of the electorate or even to increase it and at the same time restrict the area of party competition and electoral chances of the opposition. These malpractices are going much beyond the time of the official election campaign and even the whole election period. They also include long-term measures taken during the whole legislative period, such as the strengthening of clientelistic and patronage networks, including a growing number of social groups dependent on the incumbent and, therefore, forced to vote for the AKP.

We also found out that Turkey is not a *sui generis* case in the analyzed context. The research on electoral integrity in selected countries from Central and Eastern Europe, being not only candidates to the EU membership (Macedonia, Serbia) but also EU members (Hungary), reveals that in these countries we can observe a number of mispractices and malpractices concerning different stages of the electoral process. There are differences in details when it comes to the scope of the electoral malpractices in the chosen areas as well

as their use by incumbents to keep the support of the electorate or even increase it. It is visible in the area of electoral laws, where the malpractices are rather discreet and gradual (salami tactics) and the recommended amendments to improve electoral integrity are usually ignored. However, those malpractices usually do not aim at the direct gain of incumbents, but they rather make the electoral process more difficult for their opponents. On the other side, a deliberate limiting access to resources – especially media and financial resources – for other parties, has also been observed and it is much more rapid than changes in the law.

Although in the past all these countries made a relative progress in the democratization process (certainly to a different degree in each case), which was influenced also by the European Union within the mechanism of conditionality (see: Pridham, 2007), the current phenomenon concerning the elections and their integrity reveals that the EU is in another crisis. This time, it concerns both its role of a normative power exporting the democratic values to the neighborhood and a structure that stabilizes politically the “newcomers”, which existed not such a long time ago in a different political regime. It must be underlined that the aforementioned malpractices refer to the case of the basic democratic institution – elections, whose fairness and competitiveness is a starting point in the talk about democratization. What is noted by many authors in this context, is that as long as the rule of law is kept in order to preserve the stability of economy – and therefore of foreign investments, mainly from big companies situated in core-countries of the world-system – the violation of democratic standards is more likely to be unnoticed in the EU. This is the case for Hungary (Ágh, 2014; Jenne & Mudde, 2012) and for Serbia or Macedonia (Belgrade Center for Security Policy, 2016; Less & Gjoni, 2016; Šišovski & Kolozova, 2018; Stavrevska, 2015)⁷. Even if the case of Macedonia suggests that European institutions – when combined with an effort of political opposition and citizens – can still have a positive impact on electoral integrity and solving political crises, their failure to secure democratization in other cases (bigger, richer and more developed countries) reveal their diminishing influence.

From the point of view of this process, it is even more worrying that the electoral malpractices are contributing substantially to shifting the party system to the dominant party model. In the main case of Turkey it is the next phase of the long-term process of strengthening majoritarianism after the 1980 military coup in Turkey – through such measures as the introduction of a 10 percent electoral threshold in general elections and regulations of Law on Political Parties (Aslan-Akman, 2012, p. 81)⁸. The AKP era developed the aforementioned malpractices connected with incumbency advantage, leading to a growing domination of the governing party in the party system (together with a gradual marginalization of the opposition) and the political system as a whole (Musil, 2015, pp. 88–89). The June 2018 parliamentary elections has not changed much in this context. The AKP has to cooperate with

⁷ Aside from EU, also the role of IMF or World Bank is criticized in similar way.

⁸ A similar process of emerging majoritarianism has been observed since the mid-1990s in Hungary (Ilonszki, 2007).

Nationalist Action Party (MHP) in the parliament but is still the major party (similarly to FIDESZ in Hungary). Besides, within the new presidential system the government composition is not dependent on the parliament but the president – thus the AKP still dominates the new administration (the president is at the same time the AKP chair).

The domination of the governing party poses a challenge to unconsolidated democracies, particularly when the electoral malpractices entail the use of clientelistic networks and are accompanied by a populist policy (Musil, 2015, pp. 80–81). We can observe a similar process in other analyzed cases (Petsinis, 2017; Wilkin, 2018). In Central and East European countries, similarly to Turkey, liberal reforms influenced the structure of economy through creating powerful clientelistic networks (Anastasakis, 2017; Bozóki, 2014; Fazekas and Tóth, 2016; Stark and Vedres, 2012). Together with a constant disappointment with democratic opposition, this sets a background for current actors (incumbents) to extend and further abuse those networks in creating a non-competitive political environment, particularly during the elections.

A negative impact of the electoral malpractices and of the domination of the incumbents in the political system on the political regime is twofold – short-term and direct as well as long-term and indirect. The electoral malpractices are themselves manifestations of problems in the democratization process. If it means democracy decline or crisis, it is too early to say. We can only admit that in the analyzed countries the processes favorable for democracy, at least when it comes its liberal model, have been negatively influenced by the problems with the electoral integrity – be it about the loosening quality of democracy or interruption of transition into a more democratic political regime.

However, the long-term indirect effect of malpractices on the political regime is even more dysfunctional. An ever increasing domination of incumbents in the party and political system consolidated as a result of subsequent elections as well as more and more restrictive political “level playing field” have an adverse effect on the political regime due to specter of “tyranny of majority.” According to such authors as Leah Gilbert and Payam Mohseni, when the competitiveness is minimized, the political regime is becoming authoritarian (Gilbert & Mohseni, 2011). In this context a possible process in the long run may be not only a change within the political regime but also the change of the political regime for a less democratic one, in most analyzed cases at least (Turkey is already in 2018 close to this change). It can be a result of the increasingly unlimited and uncontrolled power of incumbents whose policy and actions are strengthening the authoritarian tendencies observed in a particular country.

This all shows that the de-democratization is a complex phenomenon and can mean something else in a different time perspective, depending on the question of duration of factors dysfunctional for the democratic character of the political system. When we take into consideration a long-term process, we can observe in the analyzed case of electoral malpractices a clear example of the feedback mechanism (being a part of the classical Eastonian model) in relationship between these malpractices and the political regime. Subsequent elections won by the incumbents with the use of various electoral malpractices

enable a gradual change, opposite to democratization, in the political (party) system and political regime – mainly as a result of adoption of legal acts, including the constitution. Each change as a result of the feedback mechanism has in turn the impact on the increasing scope of electoral malpractices used by incumbents who strive for achievement of political undemocratic goals (at least from the point of view of the liberal model of democracy), led by consolidation of power by the dominant party and pushing the opposition on the sidelines. As a consequence of this long-term process, the change of the political regime to less democratic can be a reality. The Turkish case is not so far from this stage; other analyzed countries may follow Turkey if the current process becomes more advanced. However, the question of the impact of electoral malpractices on the political regimes in Turkey and states in Central and East Europe, particularly their possible change, requires a more thorough study, with the use of a complex methodology (a combination of quantitative and qualitative methods). This article gives a solid basis for the future research on this topic embracing possibly also states from other regions, e.g. Latin America.

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Annexes

Table 1. Electoral laws and procedures

Country	lawsunfair	favoredin- cumbent	laws	fairofficials	legalelec- tions	procedures
Turkey	4,394444386	4,105555534	44,76311111	3,138383865	3,533333302	70,26767476
Hungary	4,125	4,375	44,18875122	3,5625	4,0625	74
Macedonia	3,763888836	3,083333254	52,14714432	3,032679677	3,111111164	60,99264717
Serbia	3,093915383	3,5750916	50,06365204	3,180555582	3,551282088	60,24305471

Source: Norris, Wynter, & Grömping, 2017.

Information: *lawsunfair* – 1–1a. Electoral laws were unfair to smaller parties (1–5; 1 – strongly disagree to 5 – strongly agree); *favoredin-cumbent* – 1–2a. Electoral laws favoured the governing party or parties laws; electoral laws section in general, *fairofficials* – 2–3. Election officials were fair; *legalelections* – 2–4. Elections were conducted in accordance with the law procedures; electoral procedures section in general.

Table 2. Media bias

Country	newspapers	tv	fairaccess	faircoverage	socialmedia
Turkey	1,555555542	4,488888899	1,572222193	1,799999992	3,916161617
Hungary	2,066666603	4,400000095	1,600000024	2,466666698	3,571428537
Macedonia	1,833333373	4,027777672	2,138888896	1,861111045	3,767973781
Serbia	1,896011432	4,432692289	2,098290642	1,902777791	3,544973612

Source: Norris, Wynter, & Grömping, 2017.

Information: *newspapers* – 6–1. Newspapers provided balanced election news; *tv* – 6–2a. TV news favored the governing party; *fairaccess* – 6–3. Parties/candidates had fair access to political broadcasts and advertising; *faircoverage* – 6–4. Journalists provided fair coverage of the elections; *socialmedia* – 6–5. Social media were used to expose electoral fraud.

Table 3. Campaigning finances

Country	subsidies	donations	accounts	rich	resources
Turkey	2,202525218	1,800356547	1,630249858	2,853801171	4,655555725
Hungary	3,25	2,642857075	1,733333349	3	4,1875
Macedonia	2,705882311	2,297794104	2,166666746	3,444444418	4,354166746
Serbia	2,638888915	2,25757575	1,814393957	3,027777751	4,233766238

Source: Norris, Wynter, & Grömping, 2017.

Information: *subsidies* – 7–1. Parties/candidates had equitable access to public political subsidies; *donations* – 7–2. Parties/candidates had equitable access to political donations; *accounts* – 7–3. Parties/candidates publish transparent financial accounts; *rich* – 7–4a. Rich people buy elections; *resources* – 7–5a. Some state resources were improperly used for campaigning.