THE DILEMMA OF COMPLIANCE

POLITICAL PARTIES AND POST-ELECTION DISPUTES

Svitlana Chernykh

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To Iris

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Introduction

The Dilemma of Compliance

But, sir, there is a tradition in this country—in fact, one of the prides of this country—is the peaceful transition of power and that no matter how hard-fought a campaign is, that at the end of the campaign that the loser concedes to the winner. Not saying that you're necessarily going to be the loser or the winner, but that the loser concedes to the winner and that the country comes together in part for the good of the country. Are you saying you're not prepared now to commit to that principle?[1]

—Chris Wallace to Donald Trump during the third
presidential debate, October 2016

Why do some political parties decide to reject and others to comply with electoral outcomes? What determines the choice of strategies they use to contest election results? Specifically, why do some political parties seek legal redress whereas others go outside of the established legal routes to contest election results? These questions are critical for our understanding of democracy and democratic consolidation. Numerous scholars have drawn a direct link between losers' compliance with electoral outcomes and democratic consolidation. Laurence Whitehead, one of the leading scholars of democracy and democratization, referred to disputed or closely contested elections as "cliffhangers," the results of which have "far-reaching implications for the future course of democratic politics" (Whitehead 2007, 15). Democracy institutionalizes when there is "a

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1. Blake (2016).

collective commitment *not to bid for power outside the electoral framework*" (Whitehead 2007, 15). Linz and Stepan argued that "a democratic transition is complete when agreement has been reached about political procedures to produce elected government" (Linz and Stepan 1996, 3). Compliance with electoral results is a direct manifestation of whether or not such an agreement indeed exists among all the political actors.

Since 1989, there has been a large increase in the number of multiparty elections held around the world. Today, there are more elections than ever before (Cheeseman and Klaas 2018). The introduction of multiparty elections in most countries tends to be greeted with excitement by both domestic and international audiences. And yet elections themselves are only the start. Democracy depends fundamentally on the willingness of its participants—voters, interest groups, and, most saliently, political parties—to accept defeat. If participating political parties reject the outcome of an election, the very idea of election-based democracy is undermined. Indeed, Adam Przeworski notes that "democracy is a system in which parties lose elections" (Przeworski 1991, 10). If losing elections gracefully is so important for democratic development, what are the factors that ensure that all political actors comply with electoral outcomes?

The answer to this question is anything but straightforward. Figure 1.1 illustrates the rate of elections rejected by losing political parties and followed by post-election demonstrations between 1974 and 2020, and shows that as high as 31 percent of elections were rejected by political parties in 2017—the highest rate of riots and post-election demonstrations in the developing world since the start of the Third Wave of democracy. Other datasets show similar numbers. For instance, experts agree that political parties challenged the results of more than 25 percent of elections held between 2012 and 2022 (Garnett et al. 2023).

Thus, just as we are entering the sixth decade since the beginning of the Third Wave of democracy, the question of whether election losers will comply with or reject electoral outcomes is becoming more and more pressing. Despite an extensive number of excellent studies of elections and post-election disputes, some important questions still remain unanswered. Furthermore, core aspects regarding electoral compliance remain poorly understood. These are some of the gaps this book aims to address within the scholarly literature. To do this, the book focuses on four main questions when it comes to post-election disputes: How? Who? Why? And with what consequences?
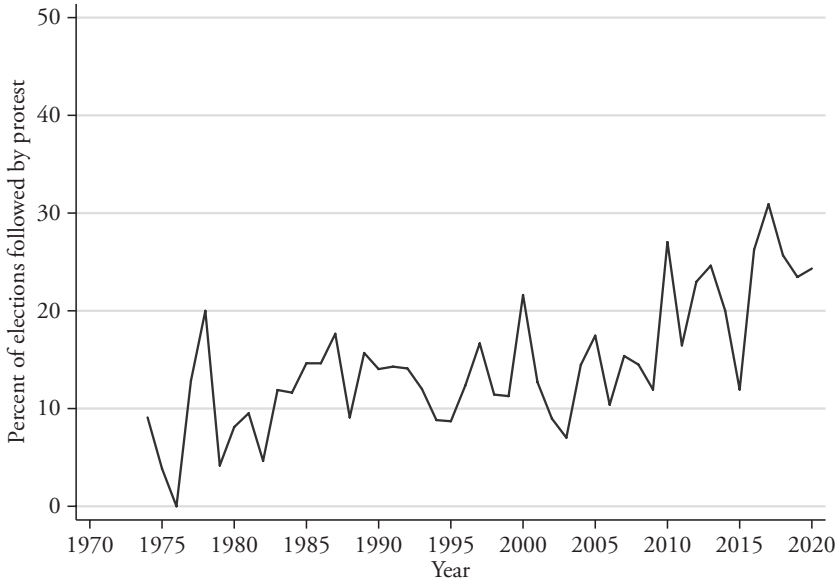
Figure 1.1 Percentage of Elections Followed by Riots and Demonstrations, 1974–2020

Source: National Elections Across Democracy and Autocracy (NELDA) Dataset, 6.0 (Hyde and Marinov 2012; Hyde and Marinov 2021).

How: Defining and Measuring Electoral Compliance

To answer the questions raised above, first we need to be able to define and measure electoral compliance and rejection. However, currently no consensus exists on what constitutes electoral compliance and rejection on the part of political parties, or how to measure it. Moreover, different scholars have pursued different strategies to operationalize compliance. Table 1.1 lists a number of these measures with the focus on empirical studies. The list is not exhaustive, but it is a good representation of different conceptualizations used in main studies of electoral compliance to date.

Building on this scholarship, I devised and collected my own data on electoral rejection. I attempted to overcome several important limitations of existing operationalizations. Different studies use different degrees of precision in defining electoral compliance, which could be put into two categories—broad and narrow.

Table 1.1 Existing Measures of Electoral Rejection

Dataset/Author(s)	Categories
National Elections Across Democracy and Autocracy (Hyde and Marinov 2012)	*Were there riots and protests after the election?* 0. No 1. Yes
Lindberg (2006, 2009)	*Losers' acceptance of results* 0. No, none of the main players 1. Not at first *or* Some but not all 2. Yes; all main players immediately
Schedler (2013)	*Post-election protest* 0. Acquiescence. Explicit or tacit acceptance of defeat by losing parties (or candidates) 0.5. Rejection. Claim that the results were falsified and this failed to reflect the will of the electorate. It may take form of rhetorical rejection or symbolic protest (boycott of presidential election or inaugural session of parliament). Also includes pre-election boycotts 1. Active protest. Collective mobilization of followers in protest against election results
Varieties of Democracy (Coppedge et al. 2018)	*Did losing parties and candidates accept the results of this national election within three months?* (expert assessment) 0. None. None of the losing parties or candidates accepted the results of the election, or all opposition was banned 1. A few. Some but not all opposition parties or candidates accepted the results, and it is unclear whether they constituted a major opposition force or were relatively insignificant 2. Some. Some but not all opposition parties or candidates accepted the results, but it is unclear whether they constituted a major opposition force or were relatively insignificant 3. Most. Many but not all opposition parties or candidates accepted the results, and those who did not had little electoral support 4. All. All parties and candidates accepted the results
Perceptions of Electoral Integrity (Norris and Grömping 2019)	*Parties/candidates challenged the results* (expert assessment) 1. Strongly disagree 2. Disagree 3. Neither agree nor disagree 4. Agree 5. Strongly agree

Dataset/Author(s)	Categories
Electoral Contention and Violence (Daxecker et al. 2019)	*Electoral contention and violence events* Arrest, arson, attack, ban, blockade, bombing, election boycott, coup, clash, intimidation, kidnapping, killing, protest, occupation, raid, riot, shooting, strike

The last decade has seen a rapid development of a large body of research based on the idea that post-election protests best illustrate the rejection of election results. The focus on the occurrence of post-election protests is appropriate for both methodological and substantive reasons. The occurrence of public mass demonstrations is usually a highly salient event, which is well-covered in the news and allows for easy and reliable identification. Thus, coding yields reliable data for systematic quantitative analyses. It also addresses an important phenomenon in real-life politics. Chernykh and Thomson (2018) found a significant increase in the likelihood of mass mobilization during the time surrounding elections when compared to the baseline levels of mobilization in the developing world. Recent research on post-election protests has greatly advanced our understanding of contentious politics and elections (e.g. Tucker 2007; Beaulieu 2014).[2]

Other scholars go beyond post-election protest and include public statements when defining compliance or its absence, which results in a rather broad definition of electoral rejection. For instance, when coding losers' consent, Lindberg coded rejection of election results when "some or all losing parties rejected the results […] as evidenced by public statements or file petitions" (Lindberg 2006, 44).[3] Similarly, the Varieties of Democracy (V-Dem) project uses broader categories for coding whether some, a few, most, or all opposition actors accepted the results. However, the dataset

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2. I recognize though that some studies that investigate post-election protests are not necessarily interested in the questions of compliance or rejection. Some do want to look at the occurrence of post-election protests as a distinct phenomenon.

3. Research on Sub-Saharan Africa, in particular, seems to adopt a broader focus on what constitutes non-acceptance, including protest, outrage, different types of demonstrations, and political violence. But similar to my argument, electoral justice is considered to be a separate, distinct strategy that the election loser can chose to follow (Nkansah 2016).
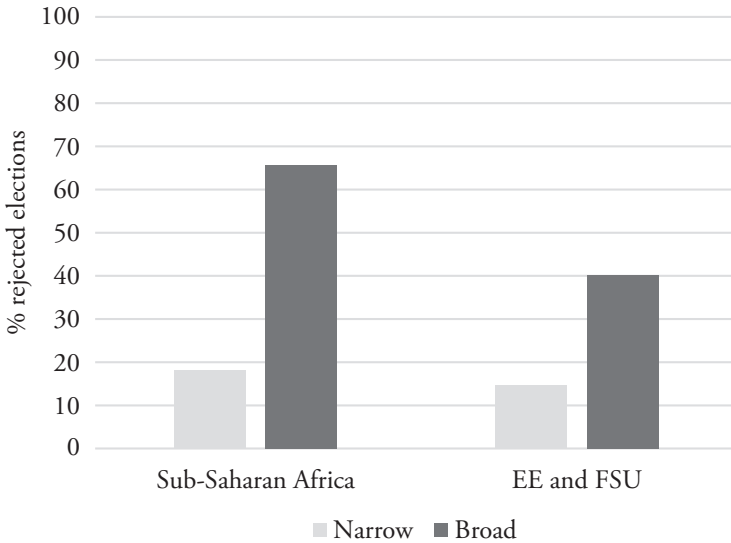
Figure 1.2 Electoral Rejection in Eastern Europe/the former Soviet Union and Sub-Saharan Africa

Source: Narrow definition data on protest is from Hyde and Marinov (2012) for both regions. 1969–2006 for Sub-Saharan Africa and 1990–2015 for Eastern Europe and the former Soviet Union. Broad rejection data for Sub-Saharan Africa is from Lindberg (2009) and for Eastern Europe and the former Soviet Union is from V-Dem.

does not explicitly specify what constitutes acceptance or rejection or which actions exactly were undertaken (Coppedge et al. 2018).[4]

Does the decision to employ broad rather than narrow definitions of electoral rejection make any difference? The answer is a definite yes. When we use a narrow definition of rejection—post-election protest—we find that between 1990 and 2015 opposition parties rejected 15 percent of elections in Eastern Europe and the former Soviet Union countries. However, if we adopt a broad definition, this number goes up to 40 percent. And this is not limited to the region. For instance, I find similar trends in Sub-Saharan Africa. When we use a narrow definition—post-election protest—we find that between 1969 and 2006 opposition parties rejected 18 percent of elections. However, if we adopt a broad definition, this number goes up to 66 percent (see Figure 1.2). This highlights how important the definitional

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4. Furthermore, V-Dem's focus is on the electoral compliance *within three months* of the election in question rather than the immediate response of political parties.

concerns are, as they can produce very different substantive and empirical results. These definitional issues serve as an important indicator that there are still many unanswered theoretical and empirical questions in the study of electoral compliance and rejection.

Both broad and narrow measures of electoral rejection have limitations. By focusing only on post-election protests, scholars overlook many other strategies that opposition parties can use to reject election outcomes such as filing court petitions or refusing to accept the seats they have won. Focusing only on the occurrence of post-election protest may underestimate rejection and lead to misleading coding decisions. The broad definition of electoral rejection can be equally misleading; when losing parties concede defeat, they still frequently make allegations that fraud was committed. Consider this example: former prime minister and leader of the Socialist Party, Fatos Nano, called the results of Albania's 2005 election "politically unacceptable," describing the winners as "illegitimate" and blaming "electoral violence" for their defeat. But on 2 February 2005 (the first day of the new parliament) the Socialist Party formally conceded its defeat.[5] Despite their media appearance denouncing the electoral results and alleging electoral fraud, no further action was taken to alter the electoral outcome during the entire post-electoral period. Thus, a broad definition of compliance can overestimate rejection, which can be misleading. Verbal denunciation of election outcomes cannot be considered non-compliance given its low cost and the prevalence of cheap talk in the political arena.[6] Alleging fraud may not be compliance in the positive sense of graciously conceding defeat, but without any additional action the outcome of the electoral contest is the same—the winner takes office.

However, it is important to note that existing definitions and measures have been selected based on the questions asked in the existing studies and thus carry significant value and have adequately served their purpose. As I noted at the beginning of this chapter, the main research questions of this book focus on the particular strategies political parties use to reject election outcomes and thus require a more precise definition of electoral compliance with particular attention to the actions of political parties.

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5. *Keesing's Record of World Events. Albania* 51 (September 2005).
6. Although see Hernández-Huerta (2019).

Consequently, in this study, I define electoral compliance based on the presence or absence of a concrete action. *A party complies with the results of an election when it explicitly announces that it accepts the outcome and/ or refrains from taking actions that question or seek to overturn the outcome. Rejection occurs when a political party takes explicit action that seeks to overturn the election outcome.* The absence of any action to subvert the outcomes of an election is not an ideal indicator of compliance, especially in developing countries. However, it is the best observable measure available for the study of electoral compliance, which offers the most direct insight into the calculations of individual party strategies following a given election (Eisenstadt 2004).

The concept of rejection can be indicated by any of the following actions: filing a petition to the election commission or court to recount, cancel, partially or completely annul the results of the election; organizing a post-election protest; refusing to accept seats in the newly elected legislature; and boycotting of the second round of elections. Therefore, I acknowledge that post-election protests are an important component of the definition of electoral rejection, but I expand it to include other actions that political parties can take to reject election outcomes.

The decision to use actions to identify rejection and compliance allows more precise measurement of the level of rejection as required for the purposes of this analysis. It allows the coding of concrete actions taken by individual political parties to reject election results, and the ability to distinguish between legal and extra-legal rejection strategies. This increased precision is crucial in order to study election disputes at both election and party levels. At the same time, I recognize that my operational definition of rejection is only possible because I focus on 22 countries in one region— Eastern Europe and the former Soviet Union. Coding the actions of all political parties for all the elections in the world since 1945 would be very difficult. Nonetheless, I hope that the coding scheme and the framework of analysis I have developed can be used to study post-election disputes in other regions.

I argue that, to understand why political parties reject electoral outcomes, it is important to expand our understanding of what constitutes electoral rejection or how exactly parties reject election results. To study electoral compliance systematically, it is important to recognize that post-electoral protest is not always available to a political party. Even

though a party may choose to stage a post-electoral protest, the protest may not materialize due to logistical, communication, or other problems. Political parties that decide to reject electoral outcomes may not be able to assemble enough protesters to have a significant political impact. They may lack organizational resources, or the government may credibly threaten to repress and successfully intimidate losing parties and their supporters. Or the electorate may simply be apathetic.[7]

Unfortunately, threats of repression or successful intimidation of opposition parties and their supporters leave little observable evidence to account for them empirically (Kuran 1995; Hyde 2011). Thus, treating post-electoral protest as the only indication of electoral rejection is problematic. It is both plausible and reasonable that some parties, which are dissatisfied with an electoral outcome, may use strategies other than post-electoral protest to voice their rejection. Boycotting the second electoral round or refusing to take seats in the newly elected legislature are also extra-legal means by which political parties can attempt to overturn electoral outcomes. Accounting for the full spectrum of post-electoral tactics available to political parties draws our attention to the distinction between legal and extra-legal strategies in all their forms. After all, political parties have the option of contesting electoral outcomes in the courtrooms, and some do: this is often unaccounted for in existing studies of mass protest. Thus, one important question to ask is why political parties opt to employ barricades as opposed to barristers.

Furthermore, a distinction must be made between legal and extra-legal actions when political parties respond to electoral defeat. Political parties contemplating rejection of electoral outcomes can take *legal* action directed at changing the outcome of the election, such as filing a petition to ask for a recount, or the cancellation or nullification of electoral outcomes. Or they can take actions outside of the legal framework of dispute resolution, such as organizing a post-electoral mass protest, refusing to recognize the newly elected legislature by not taking its seats, or boycotting the second round of election. Therefore, it is insufficient to focus on why parties reject electoral results and call their supporters to the streets as opposed to complying. Instead, the

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7. A number of studies argue that the communist regime produced citizens characterized by apathy toward politics (Jowitt 1992; Bernhard and Karakoç 2007).
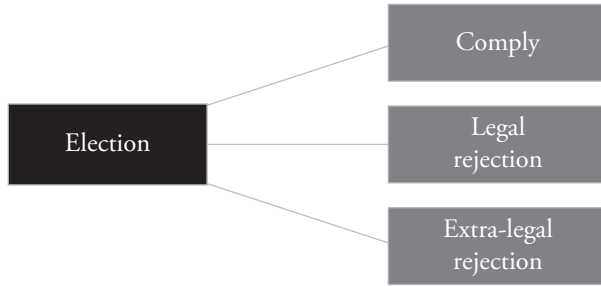
Figure 1.3 The Dilemma of Compliance

key is to understand why some parties decide to use extra-legal means of dispute resolution as opposed to contesting the outcomes in the courtrooms (see Figure 1.3).

Who Rejects Election Results?

Many existing studies dealing with post-electoral compliance have examined compliance from the perspective of the individual citizen. For instance, Nadeau and Blais (1993) used (Canadian) citizens as the unit of analysis to investigate which factors facilitate losers acquiescing to election outcomes. Twenty years later, Beissinger (2013) retained the focus on the individual level of analysis and investigated citizens who participated in revolutionary events and how the participants related to each other.[8] Tucker (2007) also focused on the individual level of analysis, trying to understand the occurrence of post-election protests. He argued that election fraud committed by the incumbent altered individuals' calculus regarding protest participation. Others, like Howard and Roessler (2006), for instance, used "election" as the unit of analysis when trying to explain why certain elections result in liberalizing electoral outcomes. Similarly, Lago and Martinez i Coma (2017) used the election as the unit of analysis and the aggregate of the "parties, candidates" to measure losers' compliance.

While these approaches are useful in answering a number of questions, they cannot help us understand why particular political parties decide to

8. Beissinger (2013) looked at the participants in post-election protests during the Orange Revolution that occurred in Ukraine in 2004.

reject election results and what determines the strategies they use to do so. After all, frequently, it is the political parties that make the decision to accept or reject election outcomes. The benefits of the simplicity of using the "election" or the aggregate of "opposition or losing parties" are undermined by the fact that such an approach leaves many studies essentially without an actor, whose actions election scholars are trying to explain in the first place. Implicitly, this approach assumes that all parties that lost the election adopt the same strategy and have the same goals in mind.

One of my central arguments in this book is that it is insufficient to focus only on how country and election-level characteristics affect political party decisions to contest electoral outcomes outside of the legal dispute resolution system. Instead, it is also important to understand the motivations and capabilities of individual political parties to mount an extra-legal rejection. Political parties vary in terms of their individual characteristics, such as lifespan, ideology, and origin, as well as coalition status and organizational strength. In addition to election-level characteristics, these characteristics may also influence parties' decisions about how to respond to electoral defeat. Thus, this study addresses significant gaps in the scholarly literature. Because of its explicit focus on political parties, it is unlike most research on post-election disputes that take an election-level approach. Although greatly informative of cross-election variation, existing work has been unable to fully account for why some political parties comply with, and others reject, the results of the same election.

Why Do Parties Reject Election Results?

A rapidly growing body of research has increased our knowledge about electoral manipulation (Lehoucq 2003; Magaloni 2006; Schedler 2006; Birch 2007b; Alvarez et al. 2008; Lindberg 2009; Gandhi and Lust-Okar 2009; Simpser 2013; Gehlbach and Simpser 2015; Rundlett and Svolik 2016; Morse 2019), more specifically, why incumbents manipulate elections and what determines their manipulation strategies (Simpser and Donno-Panayides 2012; Simpser 2013), the effect of election misconduct on party system and voter turnout (Donno and Roussias 2012, Simpser 2012), and when governments resort to election violence (Hafner-Burton et al. 2014;

Brancati and Penn 2020) and timing and target of state repression in elections (Davenport 2007; Bhasin and Gandhi 2013). In other words, we know a lot about the winners of elections but little about the losers. Systematic knowledge is still lacking regarding what happens when parties lose elections, how they decide whether to comply with or reject electoral results, what strategy to use to contest the outcomes, and what the consequences of these strategies are. To date, no study has examined electoral compliance across time and space, especially focusing on individual political parties. William Riker, the eminent scholar of democracy, indeed underscores that it is a significant omission, as "the dynamic of politics is in the hands of the losers. It they who decide when and how and whether to fight on […] Losers are the ones who search out new strategies and stratagems and it is their use of heresthetics that provide the dynamic of politics" (Riker 1983, 63).

Early scholarship on electoral compliance emphasized how both political institutions, such as form of government (Linz 1994), and structural factors, such as levels of economic development (Przeworski et al. 2000), could influence stability and change of political regimes. In particular, Przeworski argued that in rich countries all political actors would accept electoral results because even electoral losers have too much to lose by rejecting the outcomes (Przeworski 1991, 2003). Przeworski and his co-authors even determined a threshold above which any democracy is expected to survive and losers to comply with electoral results (Przeworski et al. 2000). One of the later contributors to the topic, Schedler (2013), on the other hand, theorizes that economic development may favor post-election protests and thus rejection of election results. However, he finds little evidence to support his theory, confirming Przeworski's earlier propositions. Whether a country's wealth increases or decreases the probability of electoral compliance, economic development itself does not explain why some parties decide to reject and other parties to comply with the electoral results of the same elections.

More recent literature has generally explained post-election disputes— post-election protests in particular—in one of the following four ways: (1) as a response to election fraud or negative assessment by election observers/ international actors (Thompson and Kuntz 2004; Tucker 2007; Beissinger 2007; Daxecker 2012; Donno 2013; von Borzyskowki 2019a; (2) as a consequence of opposition strength or closeness of the election result (Beaulieu 2014; von Borzyskowki 2019a; (3) as a consequence of diffusion

processes characterized by learning and policy imitation (Bunce and Wolchik 2011; Weyland 2019); or (4) as a response to pre-election violence (Hafner-Burton et al. 2018).[9]

Furthermore, case study literature on election petitions has argued that judicial structures and procedures may be more amendable to providing redress in some elections than others. For instance, Murison (2013) argues that this explains why in Uganda no petitions were filed following the 2011 presidential election, yet 2011 parliamentary elections saw more than 100 claims. These studies provide important insights into the reasons behind post-election disputes. Yet, none provides convincing accounts of why political parties decide to use extra-legal routes to reject election results (street demonstrations) instead of legal channels (courts), nor why some political parties respond differently to losing the same election.

Only two existing studies analyze post-electoral conflict at the level of political parties (Eisenstadt 2004; Magaloni 2006). These studies, however, focus exclusively on Mexico. The advantages of focusing on Mexico are the small number of political parties, the extensive documentation available on elections, and the record of inter-party dynamics over the past several decades. This empirical record makes the deep comparative analyses conducted by Eisenstadt and Magaloni feasible. However, multiple opposition-party electoral disputes were rare. Frequently a municipality was contested either by the National Action Party (PAN) or the Party of the Democratic Revolution (PRD), making it easy to identify the opposition contender in each election (Eisenstadt 2004). As a result, neither of these studies investigates why some parties comply with, and others reject, the results of the same election. Mexico is a logical springboard for beginning to examine the effect that variation in political party characteristics might have on post-electoral disputes. Yet examining the electoral disputes of Mexico alone cannot fully answer the question of how party-level factors affect electoral disputes across the globe. Such an answer necessarily requires expanding the scope of inquiry. Importantly, extant studies fail to provide a unified theoretical framework that would help us to accurately

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9. In addition, literature on election violence also investigated when non-state actor will resort to violence around the election period. In particular, this literature emphasized the impact of capacity building and technical assistance in reducing the probability of election violence (e.g. Birch and Muchlinski 2018; von Borzyskowski 2019a).

identify the relevant key actors and locate the source of political conflict among them, as well as recognize all post-electoral strategies and thereby explain the enormous variation in electoral compliance as well as success and failure of post-election disputes in new democracies.

The existing literature provides important insights into the role of economic development in democratization and democratic consolidation, the role of higher-level institutions—form of government, electoral systems—and how they affect democracy. Existing work has also started to examine the importance of lower-level institutions, such as conflict resolution systems and electoral governance for democratization (Pastor 1999; Birch 2007a; Hartlyn et al. 2008; Chernykh and Svolik 2015). This book contributes to this literature by taking into consideration the broader institutional context in which elections are held and tying it to election-specific and party-specific factors in order to explain what happens when electoral losers face the dilemma of compliance and what the factors that influence their response to electoral defeat are. The proposed argument draws not only on the literature on political institutions but also on the scholarship that examines the strategic calculation behind the actions of political parties in both democratic and authoritarian contexts (Duverger 1954; Cox 1997; Diaz-Cayeros et al. 2016 Gandhi and Reuter 2008).

I underline that political parties are motivated by strategic calculation when responding to electoral defeat. A well-developed body of literature on party behavior in the past 50 years has shown that political parties are strategic actors capable of making decisions based on short-term and long-term expectations. For example, there are theories about how electoral rules condition parties' expectations about winning, such that parties enter electoral competition only when they expect to obtain votes (Duverger 1954; Cox 1997). Scholars have also shown that political parties invest in their core supporters, who would vote for them anyway, because they need to sustain their electoral coalitions overtime (Diaz-Cayeros et al. 2016).

While these studies focus on democratic systems, recent work suggests that a similar underlying logic can be used to predict the behavior of political parties in authoritarian elections as well. For example, the probability of regime transition conditions parties' pre-electoral behavior in such a way that opposition political parties coalesce only when the probability of regime transition increases but is not certain. Once the probability of regime transition approaches certainty, opposition parties

see fewer gains from cooperating, calculating that they can achieve office on their own, eliminating the need to share the spoils after the transition (Gandhi and Reuter 2008). If political parties are motivated by strategic calculations when responding to electoral defeat, what exactly do these calculations entail?

With What Consequences?

A growing literature on post-election disputes examines the impact they have at the country level. In the past decade, a number of scholars have focused their attention on explaining when post-election protests succeed. The interest in the success of post-election protests is often driven by the belief that "successful" protests might lead to the development of democracy. However, studies of the impact of post-election protests have come to radically different conclusions. Qualitative case studies yield mixed conclusions regarding the political changes that result from post-election protests. While some observers believe that post-election protests are a desirable and a sure way to advance democratic development in the country, others have suggested that even successful post-election protests rarely lead to democratic outcomes (Kalandadze and Orenstein 2009).

More recent literature has started to explore the impact post-election disputes have on the public opinion and attitudes toward the ruling party and opposition parties, as well as trust in institutions and government (Sangnier and Zylberberg 2017; Frye and Borisova 2019; Tertytchnaya and Lankina 2019; Tertytchnaya 2020). The literature on election petitions has taken this research agenda further by considering how court rulings on election petitions shape the public perception of quality of elections and court legitimacy (Ojo 2011; Bartels et al. 2019; Kerr and Wahman 2021).

I contribute to this literature by investigating the impact post-election disputes have on the political parties that initiate them. In particular, I am interested in whether political parties benefit from post-election disputes or are punished at the ballot box. Understanding how post-election disputes affect political parties that initiate them is of the utmost importance. If political parties benefit from initiating a post-election dispute, it could help them bring political change. If, however, political parties are punished at the ballot box, the likelihood of political change declines. Most

importantly, understanding the impact of post-election disputes on the political parties that initiate them can help us better understand the impact of post-election disputes at both the country and the individual level.

Contribution

In sum, in this book I put forth a new theoretical framework for the study of electoral compliance, which places political parties at the center of the analysis. That is not to say that political parties have not previously been included in the discussion of electoral compliance, but until recently most large-N empirical analyses have been conducted at the election level. This gap has been explicitly emphasized by prominent elections scholar, Andreas Schedler, who pointed out in his 2013 book that "in the contemporary quantitative study of comparative politics, most of our theoretical explanations focus on actors, yet most of our empirical tests rely on institutional and structural variables" (2013: 179).

In this book, I shift the unit of analysis to political parties, which allows me to probe the role of actor characteristics, in addition to election characteristics, to better understand electoral compliance. In deriving theoretical models centered on a holistic view of electoral compliance as well as political parties as the unit of analysis, I thus clarify and reconceptualize the existing literature in three significant ways. First, I provide a new definition of electoral compliance and rejection based on the concrete and measurable actions of the political parties that lose elections. Second, I offer a theoretical framework that takes into account both election- and party-level factors. Therefore, this book provides the first model that accommodates both election- and party-level factors. Third, I shift the conceptualization of electoral compliance from the traditional binary of protest/no protest to a non-binary understanding, which allows us to take into account all strategies that political parties can use to reject election results, and to distinguish between legal and extra-legal strategies of post-election contestation.

This approach redefines the key research question in the study of electoral compliance, from the dichotomous issue of why parties stage post-election protests as opposed to complying with election results, to a more fine-grained discussion of what determines the choice between

compliance, legal, and extra-legal strategies. I also aim to shed light on the repercussions these choices have for the electoral fortunes of the political parties that make them. Consequently, I seek to move forward the research on electoral compliance, or, to be more precise, to deepen it, providing a much-needed addition to the study of political parties and elections in new democracies.

Why Eastern Europe and the Former Soviet Union?

In order to empirically investigate the causes and consequences of post-election disputes, this book examines national-level elections in 22 countries in Eastern Europe and the former Soviet Union over a period of 25 years (1990–2015).[10] Why do I focus on Eastern Europe and the former Soviet Union? There are important theoretical, empirical, and practical reasons for doing so.

First, most of the electoral revolutions that renewed scholarly interest in electoral compliance or absence thereof took place in Eastern Europe and countries of the former Soviet Union. The region is the birthplace of the so-called Color Revolutions. Color revolutions, some argue, have not only diffused through the region itself but also traveled outside of it to countries in the Middle East and Africa (Beissinger 2007; Bunce and Wolchik 2011). As a result, many scholars and democracy promotion organizations have started to mine the region for lessons that may apply to the Arab Spring transitions and elections in Africa (Carothers 2011; Haring and Cecire 2013; Landolt and Kubicek 2014).[11] These Color Revolutions even led a number of prominent democracy scholars to start reconsidering everything we know about democratic transitions (Diamond et al. 2014). Therefore,

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10. I include the following 22 countries in my analysis: Albania, Armenia, Azerbaijan, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Macedonia, Republic of Moldova, Poland, Romania, Russia, Slovakia, Slovenia, Ukraine.

11. Also see National Endowment for Democracy conference "Reconsidering Democratic Transitions: The Arab Spring and the Color Revolutions," http://www.ned.org/ideas/about-the-forum/reconsidering-democratic-transitions-the-arab-spring-and-the-color-revolutions/ (last accessed on 19 December 2020).

these cases are crucially important to our understanding and explanation of electoral compliance not only in the region but also around the world.

Second, the region offers remarkable variation in electoral compliance across time and space as well as political and economic conditions. In terms of political conditions, countries in the region offer heterogeneity with respect to regime type, electoral systems, organization of electoral management bodies, quality of elections, economic conditions, and other variables that have been hypothesized to affect electoral compliance. At the same time, despite the diversity of communist and post-communist regimes in the region, many scholars agree that there were many internal similarities among them prior to 1989, which allows us to control for a number of unobservable factors (Bunce and Wolchik 2009, 2010; Roberts 2010). Also, all the countries in the region started holding multiparty elections around the same time, shortly after the collapse of the Berlin Wall in 1989. Thus, studying the region allows us to establish a non-arbitrary starting point for analysis, effectively controlling for the duration of the electoral regime by design. Most importantly, including the timing, frequency, and variety of election rejection strategies employed by the political parties in the region allows us to assess not only the factors that lead to their occurrence but also the repercussions of the strategies used.

Finally, data availability is a serious concern. Studying electoral disputes at the level of political parties is challenging, which probably explains the dearth of empirical studies on the topic. There are no cross-national datasets of electoral compliance and rejection at the level of political parties. Furthermore, the proliferation of political parties in new democracies required collecting detailed information on more than 300 political parties in Eastern Europe and the former Soviet Union alone. That said, elections in the region are some of the most documented electoral rejections on record, which, although taking a long time, made the construction of an accurate and comprehensive database of electoral compliance at the party level over the last quarter of a century possible. This task would be very difficult to accomplish in a cross-regional perspective due to lack of information on many key variables in other regions, especially at the level of political parties.[12]

Thus, this book has two objectives. Theoretically, it offers a new conceptual framework for the study of electoral compliance, showing that

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12. I discuss in more detail the issues of data collection in Chapter 2.

parties have a menu of rejection strategies following electoral defeat. The launch of a protest, although clearly an important and consequential method of rejection, is only one of many strategies available to political parties. It is crucial to take into account the other sets of actions that are available, such as refusing to take seats in the newly elected bodies or boycotting second rounds of elections. Accounting for the full spectrum of post-electoral tactics available to political parties, emphasizing the distinction between legal and extra-legal tactics in all their forms, allows us to analyze the conditions under which parties take political conflict off the streets and into the courtrooms. Furthermore, the new proposed framework brings the motivations of political parties to the forefront of electoral compliance and underlines that individual characteristics, in addition to election-level factors, have to be examined when analyzing post-election disputes.

Empirically, the book investigates how political parties choose from the menu of rejection strategies. To do so, the book analyses electoral compliance in Eastern Europe and the former Soviet Union in the period between 1990 and 2015. As the original site of electoral revolutions, which later spread to other regions including the Middle East and Africa (Bunce and Wolchik 2011), the findings have implications well beyond the region. Multiple states and international actors are involved in electoral assistance and the mediation of post-electoral conflicts. Understanding why particular parties rejected electoral results and why they decided to use extra-legal strategies is important because international actors must tailor their electoral assistance and mediation efforts to elections/parties effectively. If we do not understand why parties reject electoral results in the first place, we are unlikely to find a solution to the crisis that follows. This book's findings will not only provide insights into how to target election assistance more effectively, but will also help reduce it by enabling more efficient resolution of post-election disputes, and even preventing them from happening in the future.

Should Political Parties Comply with Election Results?

At this stage, it is important to discuss the assumption that political parties should comply with electoral results. Scholars working on electoral authoritarian regimes may disagree and argue that there are important cases where electoral rejections, political protests in particular,

forced authoritarian incumbents to stand down. Cases such as Ukraine's 2004 Orange Revolution come to mind. The 2004 election in Ukraine was widely considered to be fraudulent after Viktor Yanukovych was declared the winner of the second round of election. The losing parties led by Viktor Yushchenko staged mass demonstrations and protests on the cold November streets of the capital. The results of the run-off were eventually annulled, and a second run-off took place, giving a clear victory to Yushchenko. Perhaps such an outcome makes rejections, and especially mass demonstrations, desirable?

The book does not argue that opposition political parties have to peacefully accept blatantly fraudulent elections. Instead, it investigates why some political parties decide to reject certain elections and what determines the strategies that they use to do so, in particular why they decide to go outside the established legal routes. The reasons for why these questions are important are very similar to those recently proposed in the literature on election violence—democratic theory, rare positive outcomes, and frequently long-term detrimental consequences (von Borzyskowski 2019b).

As previously discussed, losers' compliance with election results is at the very core of the definition of democracy. Even though the way scholars and practitioners define and measure democracy may vary, everyone from Dahl to Przeworski would agree that compliance with election outcomes is one of the key features of democracy, probably the one everyone can agree on. In fact, when it is put into question in established democracies, it is met with complete shock, as the quote at the beginning of this chapter illustrated. During the 2016 election campaign, President Donald Trump mentioned in passing that he might not accept the election results if he lost in 2016. His statement attracted nationwide attention, being broadcast and quoted by many media outlets. The *New York Times* called it a "remarkable statement that seemed to cast doubt on American democracy," whereas his rival, Hillary Clinton, referred to it as "horrifying" and accused Donald Trump of "denigrating" and "talking down" American democracy.[13] This example helps demonstrate the importance of electoral compliance for today's democracies, both theoretically and practically.

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13. Healy and Martin 2016.

Despite rather frequent post-election disputes, positive outcomes such as leadership change in Ukraine are extremely rare. In fact, they are so rare that they explain why the question of successful post-election protests has been studies almost exclusively using case study research design. Many scholars agree that even successful post-election protests rarely lead to democratization (e.g. Areshidze 2007; Tudoroiu 2007; Kalandadze and Orenstein 2009; Haring and Cecire 2013; Pop-Eleches and Robertson 2014, among others). In fact, recent work argues explicitly against the "protest-democracy paradigm, a framework that links the concept of protest to the idea of democratization, leading researchers to structure research design around investigating, for example, whether, how, or when the former produces the latter" (Hale 2019, 2404).

More worrisome, however, are the long-term consequences of contentious elections. Even those elections that end in "successful" revolutions can establish a precedent for resolving electoral disputes on the streets instead of in the courts.[14] The success of past protests can send a signal to future political actors that protest is an acceptable conflict resolution strategy (Eisenstadt 2004). Both contemporary and historical examples show that the danger of setting such a precedent is real. For instance, Georgia's 2003 post-election protest is frequently counted as one of the most successful post-election disputes, which unseated the long-term incumbent Eduard Shevardnadze and the ruling party, The Citizens' Union of Georgia. However, the results of both the 2008 and the 2020 election, were rejected by the losing parties, with the United National Movement Party again on the streets as this chapter was being written (Antidze 2020).

Similarly, the 2005 parliamentary election in Kyrgyzstan were rejected by the losing parties and followed by mass protests. The protests forced a long-term incumbent and his party to resign and flee the country. A new

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14. Some of the latest research suggests that even post-election court challenges can have negative consequences for democratic development and legitimacy of elections. Erlich et al. (2023) find that election losers in Kenya had diverse strategic and non-strategic reasons for initiating post-election litigation. Strategic reasons included improving their reputation and/or securing political positions in the newly elected government. Kerr and Wahman (2021) find that post-election petitions decreased the trust in elections by brining attention to election irregularities and fraud. However, when it comes to Ghana, scholars argue, post-election disputes, when directed to the courts, and subsequent courts decisions, contributed to democratic development and maturity (Adams and Asante 2020; Agbevade and Tweneboah-Koduah 2022).

election was held, bringing one of the leaders of the protest, Kurmanbek Bakiyev, to presidency. However, in 2010, only five years later, Bakiyev himself was ousted after mass demonstrations, in what is frequently referred to as the "Second Kyrgyz Revolution" (Collins 2011). Finally, Sobrevilla Perea (forthcoming) argues that the 1850 contentious elections and accusations of fraud led to political instability not only in Peru but also in the Americas more generally, eventually leading to civil war. From Latin America in the 19th century to Eastern Europe in the 21st, we find few leaders of revolts who stayed in power long after their initial victories. Many have been removed from office in a similar way to how they entered it.

Finally, large-N empirical research is yet to examine the effects of post-election protests on public opinion and attitudes more systematically. However, the findings of recent case study work are not optimistic. For instance, drawing on survey evidence from Russia, Tertytchnaya (2020) finds that even though post-election protests dampened support for the regime, they did not necessarily increase support for the opposition parties that initiated the protests. Instead, post-election protests led to significant disengagement of voters from politics. The demobilization of a large share of population decreases the probability of political change and, as a result, can contribute to authoritarian resilience instead.

Plan of the Book

This chapter has demonstrated the theoretical and empirical importance of electoral compliance. Extra-legal means of disputing election outcomes are becoming an important and rather frequent feature of politics in developing countries. If diffusion theories are correct, this mode of post-electoral responses is expected to increase in frequency as the number of elections in the world continues to grow. Theoretically, there are strong reasons to believe that rejected elections can have lasting negative consequences for democracy and democratic consolidation. Although political parties frequently reject election results, there is limited knowledge as to why some parties use legal strategies to contest election results, whereas others step outside of the legal route. Moreover, all of the analyses so far tend to be at the election level, completely overlooking party-level factors. There is

ample space for a comprehensive approach, which takes both election-level and party-level factors into account.

In the remainder of the book, I put these ideas to the test. In Chapter 2, I develop an overarching framework for analysis focusing on definitions, outcomes, and actors therefore focusing on the "who" and "how" questions. I argue that political parties—the key actors making the decision to either comply or reject election results—have a number of options when responding to election defeat. I claim that electoral compliance research should focus on post-election responses, which entail costs for political parties. Whereas political rhetoric is frequently colorful and salient, it entails little cost for political parties and does not change the outcome of the election. Filing a court petition asking to change or annul election results, refusing to take seats in the newly elected legislature, or asking party supporters to come to the street to protest election results involves real costs for political parties and can affect the results of the elections. I classify these actions into legal (e.g. court petition) and extra-legal (e.g. boycott of second round of election, refusal to take seats, protest), emphasizing the important differences between the two routes of post-election contestation.

Chapter 2 also introduces the new dataset used in the book and discusses the context of elections in Eastern Europe and the former Soviet Union. The dataset includes over 300 parties from 270 elections in 22 countries. I discuss the advantages and limitations of the focus on Eastern Europe and the former Soviet Union and present an overview of electoral compliance and rejection in the region between 1990 and 2015.

Chapters 3–5 constitute the empirical part of the book. Building on years of research on political institutions and recent but rapidly growing empirical literature on the effects of election observers, Chapter 3 looks at the "how" and "why" questions, focusing on the type of factors that make it more likely that political parties will reject electoral outcomes using extra-legal strategies as opposed to legal strategies. The chapter empirically assesses the impact of these factors on political parties' decisions to reject electoral outcomes. In particular, I find that political parties are more likely to use extra-legal means to reject election results when election-related institutions have been changed prior to the election in question, giving the incumbent an advantage. I argue that, because these institutional changes cannot be reverted by any actions possible in response to the legal

rejection, political parties strategically opt for the extra-legal actions. The chapter highlights the importance of the factors that go beyond election quality and monitors' assessments and advances a theory that focuses on the strategic incentives for electoral rejection, allowing us to unpack the black box of electoral manipulation.

Chapter 3 primarily focuses on election-level factors. However, as I note in Chapter 2, substantial variation can be observed in post-election behavior among political parties when they respond to the *same* election. To explain this variation, Chapter 4 examines whether the decision to reject electoral outcomes is associated with a party's individual characteristics, thus focusing on the "who" and "why" questions. The chapter discusses party-level factors that shape the response of political parties to election defeat, and assesses their impact empirically alongside the election-level factors developed in Chapter 2. Thus, Chapter 4 identifies the interplay of election-level and party-level factors that shape parties' responses to election defeat.

A growing literature on post-election disputes examines the impact they have at both the country and the voter levels. Yet, there is no empirical evidence of how post-election disputes impact the political parties that initiate them. As detailed cross-national datasets on political parties and their post-election strategies are hard to find, the impact of post-election disputes on political parties remains poorly understood. As a result, little is known about how different political parties react to election defeat and what impact these strategies have on their future fortunes. To gain empirical traction on this question, I draw on evidence from the region. Tying together evidence from an original dataset comprising more than 120 political parties and two case studies of prominent opposition parties, Chapter 5 examines the future fortunes of political parties that contest electoral outcomes, addressing the "with what consequences" question. I find that few political parties benefit electorally from post-election disputes, and these benefits are frequently limited to the larger parties, which lead the post-election rejection. The survival rates are very similar between the parties that reject election results and those that accept them. The findings of the chapter provide an important glance at the effects of post-election disputes on political parties and have implications for debates about democratization by election and the legacies of post-election disputes.

The last chapter summarizes the points raised throughout the book. In particular, it reflects on the conceptual development and empirical findings presented. It argues that the proposed framework for analysis can be fruitfully applied to studying electoral compliance in other regions, such as Sub-Saharan Africa and Asia. The chapter also discusses the implications of the findings for two prominent policy questions: first, why post-election protests do not usually lead to democratization; second, how post-election disputes can be resolved effectively.

A New Framework for Analysis of Post-Election Disputes

Political parties around the world vary in the way they respond to election defeat. Some vigorously contest the outcomes verbally, but stop short of taking any action to change the results. Others take their concerns to the election commissions and courts. Many political parties take more extreme measures and call on their supporters to take to the streets, instigate violence, boycott the newly elected institutions, and set up shadow governments. In short, electoral rejection comes in many forms. My objective in this chapter is to better understand these forms and processes. However, before moving forward with the substantive arguments and analyses, I begin by first advancing a new framework for studying electoral compliance and rejection.

The main reason I start with the analytical framework is that, despite the recent increase in studies of electoral compliance, few scholars have wrestled with the conceptual difficulties that plague research on post-electoral disputes; few studies have explicitly defined electoral compliance, specified the key actors involved in post-election disputes, or identified the full range of actions that political parties can and do take to reject election outcomes, making it difficult to systematically analyze electoral compliance in a comparative perspective.

The first challenge in analyzing post-election disputes is identifying the actors. When it comes to elections, there are a number of different actors involved, including the incumbent, losing parties, voters,

international observers, and domestic observers. It is absolutely crucial for theory development and empirical analysis to specify who the actors are. Some recent work has shown, in fact, that the same factor may have different impacts on different actors. For instance, looking at the impact of legislatures in non-democratic regimes, Woo and Conrad (2019) find that they have an opposite effect on the mobilization of elites vs voters. This illustrates that the choice of the unit of analysis may have significant implications for both theory and analysis.

The second challenge stems from defining what constitutes compliance and rejection of electoral outcomes. As discussed in the previous chapter, there is no scholarly consensus on how to define electoral compliance and rejection or how to measure it. As a result, different scholars use different definitions and criteria to identify electoral rejection. Some use a minimal criterion of counting parties' verbal refusal to accept election results as rejection. Others utilize a more demanding criterion, such as post-election protests. As a result, some important actions undertaken to reject election results have been overlooked. Even more importantly, scholars have been unable to explain or understand what determined a particular choice of rejection strategy or its consequences. Therefore, it is crucial to clearly define what I mean by electoral compliance and rejection, how I measure electoral rejection across countries and political parties, and who the main actors are.

In this book, the key actors are political parties that lost a particular election. Accordingly, the data used in this book are situated at the three levels of observation: the country level, the election level, and the party level. This choice is guided by both the main research questions and the empirical implications of the theoretical arguments in subsequent chapters. As we shall see, there is variation between parties in how they respond to the results of the same election. This is why I collected detailed data on party characteristics. Data at the party level allows us to evaluate the impact of both election- and party-level factors, and thereby better understand electoral rejection.

I also introduce a new operationalization of rejection based on the type of action taken, which includes compliance, legal rejection, and extra-legal rejection strategies. The latter refers to all the actions taken outside of the framework of legal dispute resolution, including such strategies as refusal to take seats in the legislature, boycott of the second round of elections,

or post-election protests. The causes of post-election disputes as well as their consequences are not only better evaluated at the level of a political party but also require a more fine-grained measure of rejection strategies. This allows us to better understand why parties use different strategies to contest electoral outcomes.

Definitions and Actors

The main aim of the book is to understand why political parties that lose elections decide to comply with or reject electoral outcomes. For this purpose, we need to be able to distinguish between compliance and rejection. I propose a conceptualization that distinguishes between compliance and rejection based on the actions taken (or not) after the election. I use the following definition to distinguish the two: *A party complies with the results of an election when it explicitly announces that it accepts the outcome and/or refrains from taking actions that question or seek to overturn the outcome. A rejection occurs when a political party takes an explicit action that seeks to overturn the electoral outcome.* These actions may include: (1) filing a petition to the election commission or court to recount, cancel, partially or completely annul the results of the election; (2) organizing a post-election protest; (3) refusing to accept seats in the new elected legislature; and (4) boycotting of the second round of elections.

This definition of electoral compliance is restricted to the actions of political parties, which distinguishes this study from most of the existing scholarship. Extant studies of electoral compliance frequently use the "election" or the aggregate "opposition parties" as the unit of analysis. This makes data collection and analysis easier. However, a more simplistic approach such as this results in these studies missing out on the key actors, i.e. political parties, whose actions elections scholars are trying to explain in the first place. Implicitly, this approach assumes that all parties that lost an election adopt the same strategy with the same goals in mind. This assumption, however, is neither supported by historical records nor does it help scholars to explain why a particular party rejected a result. In reality, the acceptance of election results is a decision taken by individual political parties. Focusing on "elections" or the aggregate of "opposition parties" fails to acknowledge the variation in the characteristics of individual

political parties and the role these may play in shaping post-electoral tactics. If the focus is on the election or "opposition parties," then the conditions that lead to a specific losing party's decision will continue to be overlooked or assumed. Yet it is precisely these conditions that scholars should try to specify and understand when conducting research on post-election disputes.

Shifting the unit of analysis away from elections toward political parties raises an issue, however. When discussing post-election events, media and scholarly accounts frequently focus on specific individuals within the party, e.g. the leader. In Georgia in 2003, for instance, it was Mikheil Saakashvili who led Georgia's Rose Revolution. However, it was the United National Movement Party, not Saakashvili, that rejected the electoral results of the parliamentary contest. After all, it was the party that lost the parliamentary election. Saakashvili alone could not carry out attempts to organize a nationwide protest. Like politicians in other countries, he relied on his party to organize and fund protest actions.

Some scholars might suggest that, because public protests would not materialize without people to support them, understanding electoral compliance requires an examination of citizens and not political parties. In fact, a number of studies have explored individual-level determinants of electoral compliance, although their emphasis has been on the degree of the election losers' consent with the winner's policies (Nadeau and Blais 1993; Anderson et al. 2005). Other scholars focused on individual citizens who participated in mass demonstrations. Joshua Tucker, for instance, wrote a seminal article on how major election fraud can serve as a solution to a collective action problem by altering the individual's calculus regarding whether to participate in the post-election protest or not (Tucker 2007). Similarly, Beissinger (2013) analyzed the incentives of the individuals who participated in the post-election protests in Ukraine in 2004. Finally, Aytaç and Stokes (2019) offer the latest theory on why people participate in protests and the role cost of abstention plays in this.

The present analysis does not set out to explain the actions of individual citizens in response to elections—that is, why some individuals participate in public demonstrations whereas others do not. Although an important one, this question has already been addressed in the excellent research mentioned above. Instead, I focus on the actions of political parties, the actors that participated in the elections and that can make a choice

between acceptance and rejection, and between legal and extra-legal routes of dispute resolution.

It is also important to note that a political party is usually not a monolithic actor but consists of many actors that may have heterogeneous preferences. For example, some members of the National League for Democracy (NLD) in Myanmar wanted to participate in the 2010 parliamentary election. Others, including its leader Aung San Suu Kyi, insisted that the party should boycott the vote. Yet, because the fascination with political tell-all is yet to spread to post-communist countries, no reliable, systematic set of sources on internal divisions within parties exists. Thus, I leave aside the questions of internal party politics for future research on political party behavior and focus on the political party as the unit of analysis and the key actor in this study.

However, when it comes to actors, we also need to be able to define who the losers of the election are as it is their responses we are interested in. At first, the answer to who the losers are is an obvious one—the political losers in any election are those political parties that lost. However, situations do arise where the losers retain office. For instance, the NLD won the 1990 general elections in Myanmar. Nonetheless, the National Unity Party, backed by the military, refused to recognize the result and did not allow the winner to take office. After the citizens of Myanmar cast their votes, Aung San Suu Kyi, the leader of the NLD, went on to spend 20 years under various forms of arrest. In this case, the identity of the electoral loser is clear—it is the incumbent, the National Unity Party—yet they retained power. The majority of early work on electoral compliance analyzed similar cases and theorized how the refusal of the incumbent to accept defeat was associated with the breakdown of electoral regime (Przeworski 1991).

In recent years, the menu of manipulation strategies has expanded significantly and many incumbents have begun to manipulate the outcomes of elections well before they take place (Simpser and Donno-Panayides 2012). In such cases the loser could be (1) the incumbent, who might have lost had the election not been manipulated or (2) the political party/parties, which might have won had the election not been manipulated. For instance, incumbent President Mwai Kibaki, leader of the Party of National Unity, was announced to be the winner of the 2007 elections in Kenya, gaining 46.4 percent of the vote against his rival Raile Odinga, who received 44.07 percent. However, given that the election was

marred by widespread reports of fraud, it is likely that some unobserved level of manipulation masked the true winner of the electoral contest. It is not clear how to separate coercion, manipulation, and true support for the opposition and the incumbent (Little 2012; Luo and Rozenas 2018; Przeworski 2022). Even more confounding, there is no way for an observer to know whether or not the manipulation was crucial in changing the electoral outcome or if it simply inflated the margin of victory, a practice that Simpser (2013) argues is quite widespread.

If we adopt the pragmatic, outcome-based approach that I propose above we must acknowledge that the only observable fact about the outcome of the election is the announced result. By this standard, the leader of the Orange Democratic Movement, Raila Odinga was the loser of Kenya's 2007 elections and re-elected President Kibaki was the winner. The advantage of adopting this approach to classifying winners and losers is that it considers only the final political reality on the ground, regardless of the level of election manipulation, which is frequently unobservable. I argue that it is the reality of election outcomes (and other observable acts) that informs political parties' decisions and carries the possibility of provoking non-compliance. Therefore, in this book the term "electoral losers" refers to the political parties that lost the elections according to the announced results, given that these are the very results that they are either accepting or refusing to accept.

Political Parties' Responses to Election Defeat

As a foundation for the empirical work in this book, I devise and collect data on electoral compliance and rejection to overcome the limitations of existing measures. Rather than identifying rejection only by protest or using some ordinal measure of the extent to which political parties (or how many of them) rejected or accepted election outcomes, I identified concrete actions that a party can undertake to reject an election result. I coded five specific actions: compliance, filing of a petition with the electoral commission and/or court, protest, refusal to take seats in the newly elected legislature, and boycott of the second round of elections (see Table 2.1). It is important to note that these actions are not mutually exclusive. Parties may undertake two or more actions listed in Table 2.1 at the same time.

Table 2.1 The Menu of Compliance and Rejection Strategies

1. Comply with electoral results (e.g. Albania 2013)

2. File a petition with electoral commission or/and court (e.g. Ukraine 2010)

3. Organize a post-electoral mass protest (e.g. Armenia 2008)

4. Refuse to take seats in the newly elected legislature (e.g. Georgia 2008)

5. Boycott the second round of elections (e.g. Albania 1996)

The rejection strategies available to political parties will vary across different types of elections. Following a presidential election, political parties are restricted to either contesting the results in court or staging a post-electoral protest. In some cases, a second round may exist that parties can boycott, opening an additional route to rejecting the outcome. All these options are also often available to political parties following a parliamentary contest and, moreover, in the event a party wins seats, it may refuse to take its seats in protest of the election outcome, denying the winner the legitimacy of a full parliament.[1]

The availability of rejection methods will also vary between political parties. A political party that fails to gain any seats in the legislature will not be able to reject electoral outcomes by refusing to participate in the newly elected body. Similarly, a political party whose presidential candidate finished third in the first round of elections will not be able to refuse to participate in the second round. By closely examining how rejections have played out in recent history, it is possible to take a more nuanced view of what rejection decisions look like and how they vary across elections and parties. Below I discuss each post-election strategy in detail, noting the advantages, potential costs, and limitations of each strategy.

Compliance with Electoral Results

The simplest step for a political party to take in the aftermath of electoral defeat is to comply with election results, let the winner take office, and wait to compete in the next election. Complete compliance with election results is not unusual, and many political parties accept electoral defeat without

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1. This strategy is rather costly, and most boycotts of the legislature end before the next election takes place—though some last up to 18 months.

mounting any challenge to election results. For instance, Sali Berisha, the leader of the Democratic Party of Albania, conceded defeat following the 2013 parliamentary elections. "Accepting the results of the election, I wish my opponent good luck," Berisha announced during his concession speech, ending all fears of yet another disputed election in the country.[2] However, as the example of Fatos Nano in Chapter 1 illustrates, some leaders of opposition parties may be not as direct as Berisha and may express doubts or question the results of the election in public or in media appearances but not undertake any action to officially contest the outcomes. For the purposes of my analysis, unless an explicit action is taken to overturn the outcome of an election, these cases are coded as compliance.

Filing a Petition

A political party that decides to reject election results has a number of strategies at its disposal. Filing a petition to the electoral commission and/or court, for instance, is one of the options. A party can ask for a recount, cancellation, or partial or complete annulment of electoral outcomes. The outlet the petition is filed with depends on the election adjudication mechanism in place (if any) in a particular country. Usually, a basic division of labor in election management is that between administration and adjudication, a distinction that corresponds roughly to the election itself and its aftermath. Depending on the electoral system, administration can involve the registration of candidates, the design and printing of ballots, the selection and staffing of polling places, and the collection and counting of ballots.[3] Adjudication, on the other hand, refers to the hearing and resolution of disputes about the outcome, or regarding irregularities that may have affected the outcome (Chernykh et al. 2014).

The authority to adjudicate disputes can reside either with the relevant entity tasked with administration (typically either the electoral commission or an agency within the bureaucracy) or with the courts (see Chernykh et al. 2014). An example of a dual-tasked commission is the Electoral Commission of Thailand, which is granted broad authority to investigate and adjudicate

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2. Koleka 2013.
3. For more, please see International IDEA guidelines.

electoral conflicts. In other countries, electoral commissions serve only as a first instance for election complaints, with their decisions appealable to the courts, thus establishing a two-tier system. For instance, between April and August 2013 in Ghana, the Supreme Court held hearings on a challenge to the 2012 presidential election. This two-tier system has the theoretical advantage of being able to cope with complaints that might be directed at the actions of the electoral commission itself. In Ukraine, for example, complaints about the composition of the electoral commission resulted in a change in the commission's membership after the annulment of the disputed December 2004 contest and before the rerun of the election shortly thereafter. In fact, the leader of the Ukrainian opposition opted to appeal to both the Supreme Court and the parliament. Finally, losing parties sometimes resort to international courts to seek electoral justice. For instance, following the 1996 parliamentary election in Albania, four opposition parties filed their complaints with the European Parliament in Strasbourg.[4] Regardless of the body a petition is submitted to, for the purposes of this analysis, I include all the cases where a political party submits a petition questioning the overall result of either a presidential or parliamentary election.

This type of rejection is especially difficult to code as parties and candidates contest results in many elections. Here, however, the primary interest is when the outcome of the entire election is in question as opposed to the results of an individual constituency or district. For instance, in 2004, Traian Băsescu, presidential candidate of the Justice and Truth alliance in Romania, called on the Central Election Bureau to invalidate the results of both the 28 November parliamentary and presidential election. "We ask for the elections to be cancelled and repeated," requested Băsescu, arguing that he and his party had proof that the election had been rigged. However, he was careful to say that "Romania is not Ukraine. We don't need people to go out in the streets, because we've had our revolution in 1989" (quoted in Razvan 2004). Similarly, in 2013, the Citizens for European Development of Bulgaria (GERB) party submitted an official complaint to the Constitutional Court demanding the annulment of the results of the parliamentary election that year. After examining the complaints, the court ruled that the alleged irregularities were not of a serious nature and therefore did not affect the outcome of the elections (OSCE 2013). These

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4. Election Watch, July 1996 (no. 3).

examples perfectly illustrate the idea of legal contestation, where the results of the entire election are challenged through legal means and no extra-legal rejection strategies are employed.

Organizing a Post-Electoral Protest

This practice is probably the most familiar to the reader thanks to a clustering of protests that have occurred in post-communist countries in the last decade, which were followed by similar events in other regions such as Sub-Saharan Africa and the Middle East (e.g. Kenya 2007, Iran 2009). In this study, I focus only on the cases where the political party that lost the election organized mass post-election protests by explicitly calling their supporters to the streets. Post-election protests are easy to identify, as they happen within a day or two of the election or the announcement of the election results and are explicitly related to the handling or the outcome of the election (Hyde and Marinov 2012). Some protests could attract a large number of people. The *New York Times* reported that, on some days of the Orange Revolution in Ukraine, there were up to 500,000 people demonstrating on the streets of the capital. Other protests may attract fewer people. Even though it is important to understand why people go to the streets to protest election results and why some protests attracted a significantly large number of participants, for the purposes of this analysis the size of the protest is not important. The primary interest is the choice of rejection strategy by the political party rather than the actions of individual citizens.

Existing literature shows that elites have considerable influence on protest in both democratic and non-democratic settings (Robertson 2007; Reuter and Robertson 2015). For instance, although the Orange Revolution in Ukraine would have never happened without the Ukrainians going to the streets to protest the election results, it was the opposition leader, Viktor Yushchenko, and his party, Our Ukraine, who called for a general strike in the country and urged people to come to the streets. In fact, Yushchenko and his ally, Yulia Tymoshenko, carefully planned the protest even before the election (Wilson 2005). Two days before the second round of the election, Tymoshenko even expressed concern about how well-prepared they were: "there will be several days of protest, and then they will crack down […]. We are not adequately prepared for this" (quoted in Karatnycky 2005).

Overall, Eastern Europe and the former Soviet Union is known for peaceful post-election protests. For instance, the 2003 Rose Revolution in Georgia received its name from the roses that were distributed to protesters as a symbol of non-violence, which they held while demonstrating in front of parliament. During the Orange Revolution in 2004, the newspapers were filled with images of Ukrainians camping on the streets of Kyiv for 17 days in sub-zero temperatures in the middle of winter. These protests were also mostly non-violent. In fact, similarly to the roses used in Georgia, Yushchenko's party, Our Ukraine, and its supporters used orange ribbons, which both denoted the color of the party and served as a symbol of non-violence.

Unfortunately, post-election protests are not always peaceful. In fact, many frequently turn into very violent affairs. During the post-election protests in Armenia in 2008, police used excessive force and violence to disperse protesters, which resulted in ten people being killed.[5] In Kenya, disputed elections resulted in at least 1,300 dead and 600,000 displaced in 2008.[6] Armenia and Kenya are not isolated cases. In more than 50 percent of post-election protests, governments used violence against demonstrators. Overall, more than 20 percent of elections worldwide held between 1945 and 2012 were accompanied by significant violence involving civilian deaths before, during or after the elections (Hyde and Marinov 2012).[7] The data, unfortunately, does not specify whether it was the government or the political parties that lost the election that used violence. It is also hard to differentiate whether it was the initial strategy of the political party to employ violence to contest electoral outcomes or whether the party was simply responding to the violence deployed by the government.

Refusing to Take the Seats in a Newly Elected Legislature

Refusing to take seats in a newly elected legislature is also quite common. This is a costly action that can be taken by a political party or parties that won at least one seat in the legislature. It is a form of rejection that does not involve individual citizens directly. The 2009 parliamentary election

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5. Human Rights Watch (2008).
6. De Ferytas-Tamura (2017).
7. Author's calculations from NELDA.

in Albania provides an example that illustrates how political parties can use legislative boycott to reject election outcomes. The Democratic Party of Albania (DP) won the 2009 parliamentary elections. The results of the election were close, with DP gaining 68 parliamentary seats, with its close rival, the Socialist Party of Albania (PSS) winning 65 seats in the 140-seat national legislature. Opposition leader Edi Rama and 64 elected deputies boycotted the parliamentary sessions, halting all legislation that required more than a simple majority of votes to pass for six months.

Boycotting legislative proceedings is usually a temporary option for political parties. Its length will be in many cases determined by constitutional texts, as many impose a limit for how long elected deputies can be absent before losing their seats. In the case of Albania, "the mandate of the deputy ends or is invalid [...] when he is absent for more than six consecutive months in the Assembly without reason,[8] and so PSS members were pressed by the constitutional absence limit to return to parliament on 24 February 2010. However, in spite of this limit, the 2009 parliamentary boycott was not the first one in the history of Albanian elections. Both the 1996 and 2001 elections were followed by the boycott of legislative proceedings.[9] In fact, by 2009, this rejection strategy became one of the most utilized in the country, used more frequently than post-election protest and employed by parties on both sides of the aisle.

Even though frequently overlooked, this is an important rejection strategy for losing parties that reject election results. Similar to post-election protest, it requires complex coordination on the part of the political parties and entails considerable cost. But when implemented, it can serve as an important rejection tool for election losers. For instance, in the case discussed above, boycotts of legislative proceedings posed a serious threat to the prospects of the country gaining membership of the European Union. In Moldova, this strategy proved similarly costly but effective. The president of Moldova is elected by parliament with the approval of three-fifths of the legislature. Boycott of the parliamentary proceedings by the opposition parties in protest of the 2009 elections made this election impossible and forced the dissolution of parliament and a new election to be held.[10]

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8. 1998 Constitution of Albania, article 71.2.e.
9. BIRN (2009, 2010).
10. BBC (2009).

That said, this option brings the most utility only when the opposition party or parties win a considerable share of seats. For parties that do not gain considerable representation in parliament this rejection strategy may offer little payoff. For instance, even though the Armenian National Congress party rejected the results of the 2012 parliamentary elections and staged a post-election protest, the party nonetheless agreed to take its seats in the newly elected legislature. "The bloc's participation in the work of parliament will give new impulse to our struggle," said one of its leaders.[11] The quote suggests that the decision was taken strategically. Given that the Armenian National Congress won only seven seats in a 131-seat parliament, boycotting legislative proceedings would have had little impact.

Boycotting the Second Round of Elections

The final option to reject election results is to boycott the second round of elections. These boycotts are conceptually and empirically distinct from the usual election boycotts. Whereas in the case of usual election boycotts the decision not to participate in the election is taken and announced by political parties *before* the election takes place, boycotts of the second round of elections are announced *after* the election is already underway and the political parties are on the ballots. For instance, in July 2008, three months before the scheduled vote, the opposition bloc Azadliq (Freedom) decided to boycott the presidential election in Azerbaijan. It was later joined by other opposition parties, which announced their decision not to take part in the election before the election campaign even kicked off.[12] These examples can be contrasted with the 1996 elections in Albania, when opposition political parties withdrew from the election after the polling was underway and, consequently, boycotted the second round of elections. As a result, in contrast with Azerbaijan, opposition parties in Albania still won seats in the first round of the election, which they later refused to take.

Although relatively rare, this type of rejection is important to include in the menu of strategies available to political parties. Parties can boycott the

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11. Mkrtchyan (2012).
12. Radio Free Europe (2008); Nichol (2008).

second round of both parliamentary and presidential elections, although in a presidential election, this strategy is available only to political parties with candidates who received enough votes to advance to the second round.

This list of five strategies of responding to election defeat is not exhaustive, however. It is important to note that some parties and candidates use a number of unique rejection strategies to bring attention to electoral injustice, which are not accounted for in the proposed framework. For instance, following the 2013 election in Armenia, the leader of the Heritage party, Raffi Hovannisian, not only submitted a petition to the Constitutional Court contesting the outcome of the presidential election and called his supporters to the streets to protest the results, but he also went on a hunger strike, demanding the resignation of the president, Serzh Sarkisyan. Another example, in contrast to Armenia's outspoken rejection, was the opposition in Congo (Brazzaville), which called for a silent protest. Five of the eight opposition candidates asked their supporters to stay home and observe a "ville morte" (ghost town) as opposed to coming to the streets to protest the election victory of Denis Sassou Nguesso in the 2016 presidential contest.[13] These cases are included under extra-legal strategies due to the use of protest strategy. However, hunger strikes are not included as a separate type in the five response strategies discussed above, due to them being rather rare and usually undertaken by individual candidates rather than parties.[14]

In the empirical analysis that follows in the subsequent chapters, I aggregate these five strategies into three outcomes and distinguish between compliance, legal rejection, and extra-legal rejection. I consider that the party complied with the results of the election if it did not mount any action to question the results. When it comes to rejection, I further distinguish between legal and extra-legal rejection. Rejection is legal when a political party files a petition to the court or electoral commission to contest election outcomes (Figure 2.1, strategy 2). If a political party stages a protest, refuses to take seats in the new legislature, and/or boycotts the second round of elections (strategies 3–5), this is extra-legal rejection. Figure 2.1 summarizes these categories.

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13. Economist (2016).

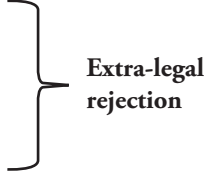14. For more on alternative strategies of election rejection, especially in Africa, please see Ajayi (2010).

1. Compliance with election results ⇨ **Compliance**

2. Filing a petition with electoral commission or/and court ⇨ **Legal rejection**

3. Organization of post-electoral mass protest

4. Refusal to take the seats in the newly elected legislature

5. Boycott of the second round of elections

Extra-legal rejection

Figure 2.1 Menu of Post-Election Strategies

My primary interest is to investigate what determines when parties decide to contest election results outside of the legal routes of dispute resolution, and the choice of coding reflects this approach. I do not set out to explain the choice of rejection strategies within the extra-legal category—that is, why a party may choose to stage a post-election protest versus boycotting parliamentary proceedings or the second round of an elections. I also do not seek to explain why a party might use two or more strategies at the same time.

It is also important to note that legal and extra-legal strategies are not mutually exclusive; often parties adopt both courses of action. In Iran in 2009, for instance, Mir Hossein Moussavi called his supporters to the streets to protest the electoral outcomes, but at the same time lodged an official appeal against the electoral results with the Guardian Council. Similarly, in 2004 in Ukraine, Viktor Yushchenko opted for what Karatnycky (2005) calls a "two-track strategy": one extra-legal, which involved calling his supporters to the streets to protest the outcomes of the second round of elections, and the other legal, by appealing to the parliament and the Supreme Court. However, due to my interest in the question of what determines why parties choose to use legal versus extra-legal rejection strategies, I do not include a mixed strategy as an outcome. Instead, I code legal rejection when a party filed a petition to the electoral commission or the courts but did not undertake any actions from the extra-legal menu of strategies (Figure 2.1, strategies 3–5), and extra-legal rejection whenever strategies 3–5 have been used, whether in combination with a legal strategy or not.[15]

15. However, the dataset, which accompanies the book, offers a disaggregated coding of each variable and thus allows scholars to construct their own variables and to use the data to test their own research questions.

Finally, it is important to note that the term extra-legal might be controversial. For instance, protesting election results may not be an illegal action, unless protests are explicitly banned by the government. I use the term to capture situations when parties contest election results outside of the established legal routes of dispute resolution, which may or may not be specified in the constitution or a legislative act. However, some countries have explicitly outlawed particular rejection strategies. For instance, the Constitutional Court of Albania, a country where parliamentary boycotting became the weapon of choice to contest election results, decided that, from the moment an election is certified and parliament is officially constituted, elected members are required to participate in the normal functioning of parliament to form "the collective mandate of parliament" and "the political will of the voters."[16]

Rejection Strategies and Their Cost

Any analytical framework needs to specify the assumptions made about the motivations of specific actors (Chaisty et al. 2018). This book aims to explain the behavior of political parties following electoral defeat, in particular to understand when they undertake costly extra-legal actions to reject election results. The concept of the cost of electoral rejection helps us limit the scope of analysis. First, I restrict the analysis only to elections that allow opposition parties to participate. Second, I restrict my analysis to parties that obtained at least one seat in the legislature following a parliamentary election and parties/candidates that received at least 1 percent of the vote in the presidential election. These restrictions ensure that political parties included in the analyses have the ability to undertake either the legal or extra-legal actions under consideration. For instance, when it comes to refusing to take seats in the legislature, the strategy requires that a political party has at least one seat in parliament, although, it is important to note, as the case of Armenia has illustrated, that the number of seats may have an impact on the decision.

These restrictions ensure that parties pay at least a minimum cost when deciding to reject or comply with an election outcome. Negative rhetoric about the outcome of elections is relatively costless and, therefore, easy

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16. Westminster Foundation for Democracy (2019).

for political parties. The definition of electoral rejection used in this book is based on taking a particular costly action to reject an election result. Although the magnitude of the cost of the action is important for my analytical framework, the key is the presence of cost.

Given that the main interest of the study is electoral compliance of political parties that participate in elections, I do not include elections that were boycotted by all or almost all opposition parties. Such election boycotts are not very common in Eastern Europe and the former Soviet Union: only seven elections—three presidential and four parliamentary—were boycotted by major opposition parties between 1990 and 2015.

Thus, the final sample includes: (1) elections where at least one opposition party participated; and (2) political parties that won at least one seat in the legislature following a parliamentary election, and parties whose candidates received at least 1 percent of the vote in the presidential election.

Coding Strategy and Data Sources

To code electoral compliance, I began with a list of elections that included the participation of at least one opposition party. To identify the set of elections that took place between 1990 and 2015, I consulted the National Elections Across Democracy and Autocracy (NELDA) dataset constructed by Hyde and Marinov (2012) as well as the Administration and Cost of Elections (ACE) Electoral Knowledge Network created through a collaboration between nine international organizations.[17] For each election, I started with a list of all of the parties that won at least one seat in a national legislative election and a list of all parties that won at least 1 percent of the vote share in a presidential election. For presidential elections, I treated each round as a separate election because different actors may contest different rounds, and this structuring of the data allows us to account for that. In contrast, the outcomes of the parliamentary elections are usually rejected as a whole. I coded multiple rounds of parliamentary elections as one single election and focused on whether different parties did or did not comply with the outcome.

Assembling data on electoral compliance at a party level poses a number of challenges. First, the actions of political parties are not listed along with

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17. https://aceproject.org/ (last accessed on 1 December 2023).

official election results. This omission makes it difficult to quickly compile accurate information about which parties rejected electoral results and what actions they took to contest them. In addition, media coverage varies significantly not only across countries but also across elections. Some elections, such as Ukraine's 2004 presidential election, received a great deal of attention in the media, while others, especially those that took place in early 1990s, were barely reported on.

Second, in some cases it might be difficult to identify who the losing parties are. In this book, I focus on all political parties that lost a given election and have the potential to reject election results. This approach is not perfect. It could be argued that some of the parties that lost would never contemplate rejection as an option. Political parties closely associated with the winning party and those invited to form a coalition and thereby participate in the government are among those parties for which rejection is simply not an option. However, an offer to form a coalition may also follow a rejection threat by a particular party, thus serving as a conflict resolution strategy by the winner. Similarly, the winner may also anticipate rejection, offering a part of the office spoils to some of the losers to prevent a post-electoral conflict from taking place. Therefore, ideally, the study of rejection would also examine the causes of participation in government and the factors that led to its formation. Unfortunately, these events usually take place behind closed doors and away from the eyes of both the public and the media. As a result, reliable data on these processes are not available. Focusing on all political parties which lost a given election allows to control for prior government experience and other related variables, and thus empirically assess their impact.

Finally, the most important challenge in coding electoral compliance and rejection is the absence of a single complete source. Scholars interested in electoral observer assessments can code the reports issued by the monitors and be sure that they have captured all the information contained in each report. In contrast, there is no single complete source that provides information about electoral compliance. Assembling these data requires scouting through news archives and a vast case study literature that analyses elections and political competition. In the case of electoral compliance, an observer report or a news article's failure to mention whether the results of an election were accepted by all participating parties does not guarantee that all political parties complied with the electoral outcomes.

A comprehensive search and analysis of additional news sources, case studies, and other election-related information is required to ensure that an election was in fact accepted by all parties and, if it was not, to identify which parties rejected the electoral outcomes and what actions followed. Even these additional sources frequently provide information only on the most salient rejection indictor—post-electoral protest—but devote little attention to cases where one or more opposition parties rejected electoral outcomes without resorting to staging a mass post-electoral protest. These practical issues associated with collecting data on electoral compliance may explain why I have been unable to locate any complete datasets on the topic.

Elections were coded as accepted or complied with if it was explicitly reported that all political parties accepted the electoral outcomes or if no political party used legal or extra-legal strategies to contest the outcomes. If at least one political party rejected the electoral outcomes, the election was coded as rejected. Even though considerable care has been taken to conduct an extensive search of multiple sources of information, it is still possible that the data may contain some measurement error. However, any such error should be in the direction of underreporting electoral rejection. It is far more likely for an election to be misclassified as accepted than to be wrongly coded as rejected.[18]

Any coding scheme entails some subjective judgements. For instance, because coverage in the media or secondary sources is required, the elections that are included might be more controversial and problematic, and they might also be more recent. To verify my final coding, where possible, I compared my new dataset to the existing datasets. Even though no existing dataset offers an extensive coding of electoral compliance as proposed in this book, a number of existing datasets provide useful points of cross-check. For instance, datasets constructed by Hyde and Marinov (2012), Beaulieu (2014), and Brancati (2016)[19] provide extensive cross-national

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18. Please see the Appendix for a detailed overview of all the sources used to code each country/election included in the analysis.

19. Protest variable from the dataset correlates highly with the NELDA's protest variable (.76). The minor discrepancies that do emerge between the two datasets are due to the focus of NELDA on protests in general, public and party initiated, whereas the dataset in this book focusses only on protests initiated by political parties. Please see more details on datasets comparison in the Appendix.

coverage of post-election protests. V-Dem offers a useful and a more detailed cross-check to confirm the cases where some parties rejected and others accepted electoral results of the same election (Coppedge et al. 2018).[20] Finally, the Perceptions of Electoral Integrity Dataset, although covering only recent elections, offers an informative comparison with expert judgements (Garnett et al. 2023).

Finally, it is important to note that the dataset used in this book includes countries that are considered democratic by conventional measures and some that are not rated as democratic (e.g. Freedom House 2023, Polity IV, Przeworski et al. 2000; Cheibub et al. 2010). Electoral rejection occurs in both democratic and non-democratic countries. However, because elections and electoral compliance are frequently used to classify countries into particular regime types, separating the two without bias can be difficult. Therefore, I do not limit the sample to a particular regime type. Instead, I test the impact of regime type empirically by including it as an explanatory variable.[21] Furthermore, because all the countries in Eastern Europe and the former Soviet Union started holding multiparty elections at around the same time, the region allows us to establish a non-arbitrary starting point for analysis, effectively controlling for the duration of the regime.

Electoral Compliance in Eastern Europe and the former Soviet Union

The sample restriction guidelines discussed above result in a sample of 22 countries in Eastern Europe and the former Soviet Union, 270 elections, and more than 300 political parties between 1990 and 2015. For each

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20. I find a moderate correlation (.56) between the V-Dem data on losers' compliance and the data introduced in this book. The main differences are due to V-Dem recording whether losing parties accepted the results of the election within three months of the election date, therefore having a slightly different focus and interpretation of electoral compliance. The dataset in this book records rejection actions taken by political parties immediately after or in response to the election in question. The book's focus is also only on political parties that gained representation, whereas V-Dem considers all political parties that participated in the election.

21. In her study of the role of opposition mobilization and NGO involvement and their effects on democratization, Donno (2013) finds a similar pattern—flawed elections and executive consolidation occur in both democratic and non-democratic countries, leading her to include "regime" variable as an explanatory variable.

country, I start with the first multiparty election held after the collapse of the Berlin Wall in 1989 for Eastern Europe and the collapse of the Soviet Union in 1991 for the former Soviet Union countries. All countries under investigation held regular multiparty elections, but the number of elections held during this period per country ranges from seven (in Albania) to 20 (in Romania). The presence of directly elected presidents is the main reason for the wide variation in the number of elections that occurred in different countries. Because separate elections are held to fill presidential and legislative offices, the number of elections in countries with direct presidential elections is higher. All of the countries in the region that hold direct presidential elections also require a second round to take place if no candidate obtains a majority in the first round. This further increases the number of elections and electoral compliance decisions made by political parties. A third of the presidential elections examined here went to the second round.

Since the collapse of the Berlin Wall and the introduction of multiparty elections in the region, political parties have questioned the results of 21 percent of all elections held in Eastern Europe and the former Soviet Union. To provide an initial picture of the kinds of electoral rejection taking place, Figure 2.2 shows the frequency of different strategies used to reject elections in the region. Political parties used a variety of
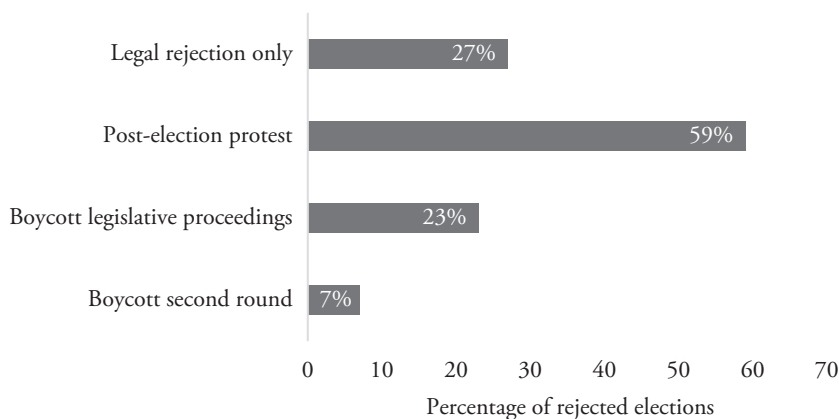
Figure 2.2 Type of Rejection in Post-Communist Countries (1990–2015)
Notes: The percentages do not add up to 100 percent because, in many cases, parties use multiple means to demonstrate their rejection of electoral outcomes, e.g. public protest and refusal to accept seats in the new legislature.

strategies to question the outcomes, among which extra-legal means predominated—73 percent of all rejected elections were followed by one or more actions taken outside of the legal framework of dispute resolution.

The most popular rejection strategy was post-election protest, followed by boycott of legislative proceedings. Political parties organized post-election protests to contest the outcomes in 59 percent of all rejected elections. Political parties refused to take seats in 23 percent of all rejected elections. Finally, in 27 percent of elections, political parties relied on the legal route of dispute resolution, raising the important question of what determines the choice between legal and extra-legal strategies.

As discussed earlier, sometimes electoral losers use multiple strategies to contest electoral outcomes. In 61 percent of all rejected elections, political parties both filed an official petition to the courts (legal) and also employed one or more extra-legal strategies, such as calling their supporters to the streets. In addition, although to a lesser extent, parties also tend to combine multiple extra-legal strategies. For instance, boycott of the second round was always used in conjunction with protest.[22] Boycott of the legislative proceedings, on the other hand, was accompanied by protest in only 40 percent of the elections. As these data show, even though parties frequently resort to post-election protests, other strategies constitute a significant portion of electoral rejections.

To illustrate the time trends in electoral rejection in the region, Figures 2.3 and 2.4 show the percentage of elections that were rejected over time, breaking this down into legal and extra-legal means in the region. Electoral rejection in general, and extra-legal rejection in particular, has been on the rise since countries in the region started holding multiparty elections in 1990. Only 4 percent of founding elections were rejected (see Figure 2.4). This is in a stark contrast to the 56 percent of elections rejected in 2003, the worst year for elections in terms of rejection in the region (see Figure 2.3).

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22. Boycott of the second round of elections, a rare strategy in the region, constitutes only 7 percent of rejected elections, or only four cases. Because it was always used by political parties in conjunction with post-election protest, boycott of the second round make no difference to the empirical results. Although this strategy is rarely used in the region under investigation, one of the aims of the book is to provide a general framework of analysis that can be applied to studies in any region. Therefore, the proposed framework includes all possible strategies regardless of their frequencies of use in one particular region.
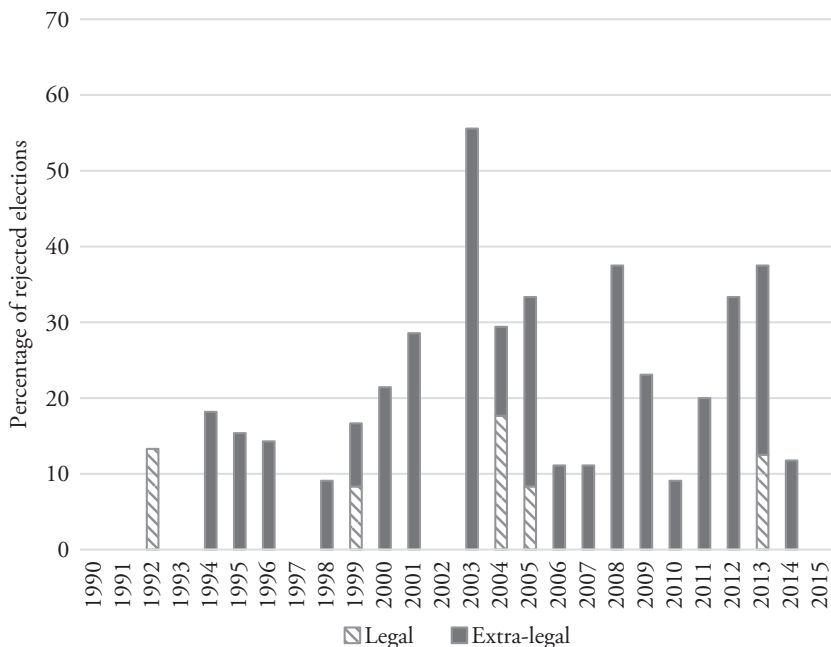
Figure 2.3 Trends in Electoral Rejection Over Time

However, since different countries hold elections in different years, it might be helpful to look not only at the trends by year but also across elections. Figure 2.4 shows the percentage of elections rejected by legal and extra-legal means, taking into account the number of elections each country held. Although it is hard to draw any definitive conclusions from this graph alone, this preliminary descriptive statistic suggests that, as countries hold more elections in the region, at least some political parties tend to embrace legal as opposed to extra-legal means to dispute electoral outcomes. Nonetheless, extra-legal rejection has shown little decline in the region over time. These findings challenge recent claims that elections have a democratizing effect on their own, no matter how dirty they are (Hadenius and Teorell 2007; Lindberg 2009). An important indication of this finding is that disputed elections sometime can have the opposite effect and popularize the notion that contesting electoral outcomes outside of the ballot box is an acceptable option. It could also be suggested that, when it comes to electoral rejection in the region, it may get worse before it gets better.
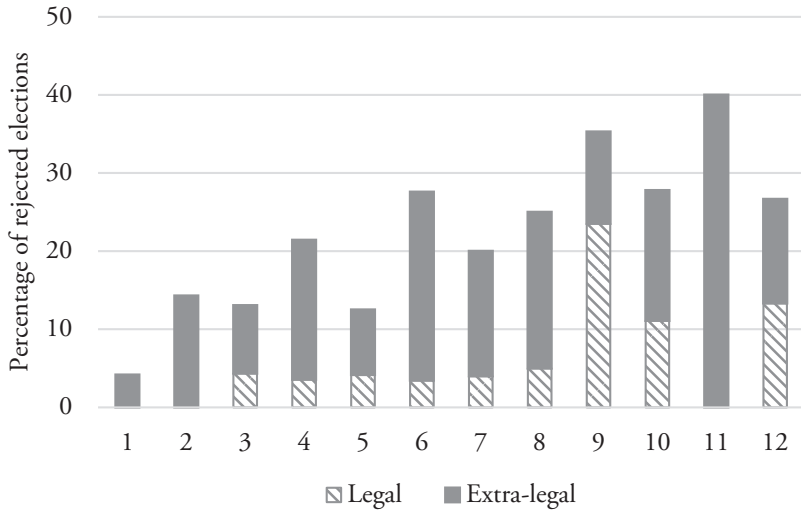
Figure 2.4 Trends in Electoral Rejection
Notes: In this graph, the first and second round of the presidential elections were counted as one election. There were very few countries that held more than 12 elections in the sample.

When it comes to different types of elections, electoral rejection targets both parliamentary and presidential elections equally. As Figure 2.5 shows, political parties rejected 21 percent of parliamentary elections and 21 percent of presidential elections. What is more striking is that, even when broken down into legal and extra-legal rejection strategies, both legal and extra-legal strategies were used in equal frequency to reject both presidential and parliamentary elections. Many of the existing studies focus solely on presidential elections (e.g. Simpser 2013; Hernández-Huerta 2019). However, this statistic shows that parliamentary elections are an important electoral battlefield and thus require more scholarly attention. While legal rejection and organizing mass public demonstrations to contest electoral outcomes have been employed equally frequently in the aftermath of both parliamentary and presidential elections, boycotts of legislative proceedings and boycotts of the second round of elections have been used primarily to contest the outcomes of parliamentary elections.

How does the region compare with the rest of the world? Although a detailed breakdown of the post-electoral behavior of political parties around the world is not available yet, the NELDA dataset does allows some comparison between my sample and the rest of the world. NELDA
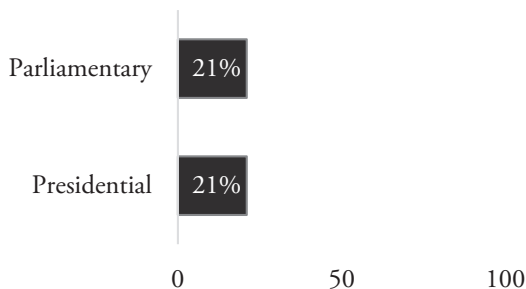
Figure 2.5 Electoral Rejection by Election Type

reveals that in the general population 15 percent of all elections globally in the period between 1990 and 2015 were followed by mass post-electoral protests, closely approximating the levels of protests in the post-communist countries, where a total of 12 percent of all election were followed by post-election protest (Hyde and Marinov 2012).[23] This suggests that the region under investigation is quite representative of the world in general terms of electoral rejection.

Electoral Rejection by Political Parties

Thus far, I have focused on the election level. This means that if at least one political party rejected the electoral outcome, the election was considered to be rejected. However, given the focus on multiparty elections, our understanding and even accurate coding of electoral compliance will be incomplete without looking at the actions of individual political parties. In each election, different political parties can adopt different strategies to respond to election defeat. Identifying whether political parties were united in their responses to election defeat is important because, if different political parties respond differently to election loss in the same election, it means that our analyses of electoral compliance at the election level are incomplete. Furthermore, in this case, coding electoral compliance at the party level is essential because individual characteristics of political parties

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23. This comparison uses NELDA dataset for the world and ECR for the region. If we use NELDA for both, then the rate of protests in the region resembles the global level even closer, with 14 percent and 15 percent, respectively.

may have an impact on the outcomes of interest in the study, namely the choice of strategy to contest election results.

Due to the scarcity of information on different political parties in Eastern Europe and the former Soviet Union, as well as the high level of electoral volatility, researching individual political parties in this region presents additional challenges. For instance, it is sometimes difficult to identify individual parties involved in rejection since often the only information available reports the actions of the rejecting alliance as a whole. For example, following the 1995 parliamentary election in Azerbaijan, the Round Table Group, an umbrella organization of 20 opposition parties, rejected the electoral outcomes and refused to recognize the newly elected legislative body.[24] Another example is the 1995 parliamentary election in Armenia, where the outcome was rejected by the Co-operation for the Sake of Justice, a bloc of nine opposition parties.[25] Even though particular parties are not specified in these cases, when coding I consider all losing parties as united in their decision to reject the election outcomes.

For illustrative purposes, I group losing parties unity into three ordinal values: "One party" when only one political party rejected the electoral outcomes; "Some parties but not all" when some but not all losing parties rejected the electoral outcomes; and "All parties" when all known losing parties rejected the electoral outcomes.[26] These are admittedly crude cuts of the data, but this ordinal grouping helps me to answer the most pressing question in this respect: are parties united in their actions following election defeat?

As previously discussed, 21 percent of the national-level elections were rejected by at least one political party in Eastern Europe and the Former Soviet Union between 1990 and 2015. Figure 2.6 summarizes the pattern of party unity in these disputed elections. As it demonstrates, there is likely to be a problem with employing the aggregate "opposition parties" or losing parties in conducting research on post-electoral disputes. In less than a third of the rejected elections, the losing parties were unanimous in their actions following electoral defeat. Azerbaijan's 1995 election and Armenia's 1995 election are examples of a unanimous losing parties

24. *Keesing's Record of World Events. Azerbaijan* 41 (November 1995).
25. *Keesing's Record of World Events. Armenia* 41 (July 1995).
26. If the results of the second round of elections were rejected by the losing candidate, the election was coded as rejected by all parties (given that only two candidates participated).
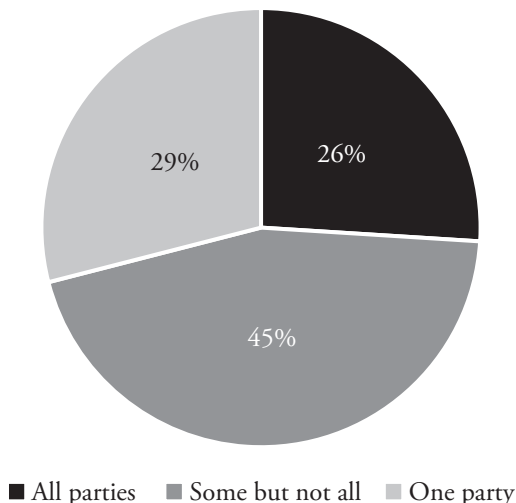
Figure 2.6 Losing Party Unity Following Election Defeat

response to election defeat. In both cases all losing parties rejected the electoral outcomes, refusing to recognize the legitimacy of the newly elected legislative bodies. This, however, was not the typical outcome of contested elections in Eastern Europe and the former Soviet Union.

In over 45 percent of the rejected elections some, but not all, of the losing parties challenged the electoral outcomes. One particularly telling case is the 2003 parliamentary election in Georgia. Immediately following the 2 November elections, both the National Movement and the Burinandze-Democrats claimed victory in the parliamentary election and denounced the ruling party for stealing it. Yet, despite the frenzied extra-legal rejection of the results by the National Movement and the Burjanadze-Democrats all the remaining parties, including Labor, New Rights, and Industry Will Save Georgia, abstained from joining the protests (OSCE 2004a).

Lastly, 29 percent of elections under consideration were challenged by only one losing party, where other parties either explicitly accepted the results or were silent on the matter in the post-electoral period. A good illustration is the 2003 presidential election in Armenia, where only the candidate of the National Unity Party, Artashes Geghamyan, challenged the results of the first round in a field of three candidates.[27] Similarly, the

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27. Three candidates who gathered more than 1 percent of the vote, excluding the winner of the first round.

outcome of the parliamentary election in Kyrgyzstan in 2007 was rejected by only one party—Ata Meken.

Thus, in only a minority of the cases did all parties agree to reject a given election. Much more common is rejection by a subset of parties or a single party, while some or all the other parties opt out of taking any action to reject the electoral outcomes. These findings are not limited to Eastern Europe and the former Soviet Union. Although not an ideal comparison, analysis of the V-Dem data indicates that, in over 50 percent of all elections in the world that were rejected between 1990 and 2015, the losing political parties varied from each other in their responses.[28] This provides further support for the argument that electoral compliance should be studied not only at the election, but also at the party level.

Conclusion

Popular accounts of electoral rejection get carried away by the crowds of citizens rushing to the streets in the aftermath of an elections. As a result, post-election protests are presented as the main concern or phenomenon of interest when it comes to analyzing electoral compliance. However, political parties deploy many other strategies, which are frequently overlooked, to contest electoral outcomes.

A comprehensive dataset of different rejection strategies can help us better understand why political parties reject election results and what determines the strategies they choose to follow. Collecting comprehensive data on post-election responses also forces us to define the actors and the new framework for analysis of electoral compliance more precisely. Although, in some elections, all political parties reject the election results, in many elections there is important variation among political parties' responses to election defeat. This variation at the level of political parties has never been explored because existing work has largely adopted as the

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28. The over 50 percent figure was obtained by adding the percent of elections coded as "a few" and as "some" in response to the question 3.1.16: Did losing parties and candidates accept the results of this national election within three months? Please see the V-Dem codebook for more details on the coding of these categories, available at https://v-dem. net/data/the-v-dem-dataset/ (last accessed 1 December 2023).

unit of analysis the election itself or the individual citizen coming to the streets in protest.

This chapter presents a new framework for the analysis of post-election disputes. It introduces the political party as the main unit of analysis. It also proposes a typology of post-election strategies that political parties can select to reject election outcomes. I distinguish between legal and extra-legal strategies, thus redefining the main dependent variable in the study of electoral compliance. The chapter emphasizes the importance of coding all types of electoral rejection, not only those that lead to post-election protests and mass mobilization. After all, political parties have an option of contesting electoral outcomes in the courtrooms, and some do—a fact unaccounted for in studies of post-electoral protests. One important question that this conceptual framework allows us to ask is why political parties opt to employ barricades as opposed to barristers.

Applying this new framework, I gathered original data on post-election disputes to map electoral compliance in Eastern Europe and the former Soviet Union between 1990 and 2015. The picture painted in this chapter is not an encouraging one. Almost a quarter of the elections were rejected, with extra-legal strategies of contesting electoral outcomes prevailing. The level of rejection does not seem to decline over time. These findings underscore the need for scholars to better understand what drives political parties' decisions to reject election results and what determines the strategies they adopt. I address these questions in the coming chapters.

When Do Political Parties Reject Election Results?

Georgia needs "new energy, new leadership," stated Mikheil Saakashvili, the leader of the United National Movement, the largest opposition party in Georgia, to CNN in November 2003.[1] The party came in third in the parliamentary election, lagging behind two pro-incumbent parties. The party refused to accept the election results. The protesters, led by Saakashvili himself, stormed the first session of the new parliament, forcing the president to flee the building and later resign.[2] The results of the elections were eventually annulled by the Supreme Court and a new election was called for both the president and the parliament.

"This time I will not accept a fraudulent outcome," announced presidential candidate Prabowo Subianto in the aftermath of the 2019 presidential election in Indonesia, the world's third largest democracy.[3] Subianto accused the government of holding a "massive, systematic and fraudulent" election. He, and his party, vowed to challenge the results in the Constitutional Court, and called his supporters to protest the election result peacefully, saying, "We support people's constitutions right [to protest] as long as they are civilized, peaceful, and non-violent."[4]

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1. CNN (2003).
2. Mydans (2003).
3. Reuters (2019).
4. BBC (2019).

These examples illustrate that a variety of strategies are available to political parties in the aftermath of an election loss. As discussed in Chapter 2, the losing party or parties can accept defeat and let the winner take office. Alternatively, they can resort to a legal strategy and contest election results in court. Finally, there is also the option of going outside the legal routes of dispute resolution, such as calling on the supporters to take to the streets to protest election results. These choices are important, especially when it comes to going outside the legal routes of dispute resolution. There are multiple factors at the country and the election level as well as the party level, which may have an impact on these decisions.

In this chapter, I investigate the factors that explain the choice between compliance, legal, and extra-legal strategies. In particular, I focus on election-level factors, but look beyond election quality and consider strategic considerations both on the part of the incumbent and the losing parties. We know that the changing nature of the international environment in the past quarter century has affected the methods of electoral manipulation employed. We also have evidence that trying to avoid international scrutiny, political parties and politicians may change how and when they cheat, selecting methods and timing that are less likely to attract observer criticism. I find that these developments affect the strategies political parties use to respond to electoral defeat. Focusing on pre-electoral institutional changes, I argue that the opposition parties can use pre-electoral changes to evaluate the incumbent's willingness to retain office as well as his/her electoral vulnerability. In this chapter, I outline the implications of this theory and evaluate it empirically using elections in Eastern Europe and the former Soviet Union.

Election Monitoring and Methods of Electoral Manipulation

Since the 1990s, there has been a significant increase in the number of elections monitored by international observers. Parallel to this increase in monitoring has been the potential for increasing international benefits as a result of conducting acceptable elections. For instance, internationally observed and endorsed parliamentary elections in Albania were deemed to be the pre-condition for opening negotiations for the EU membership (EU Commission Memo 2012). Countries under economic sanctions were

allowed to resume bilateral relations only when they held internationally monitored and endorsed elections (Hyde 2011), and the continuation or resumption of foreign aid is also frequently contingent on similar conditions.

The scholarship on election monitoring indicates that the presence of reputable international monitors can help reduce election fraud and increase confidence in the electoral process (Hyde 2011; Kelley 2012; Chernykh and Svolik 2015). However, despite the start of internationally monitored elections in the 1950s, election fraud is still alive and well in the 21st century.[5] Some scholars began to argue that, alongside all the positive effects, the presence of election monitors may also have unintended consequences, such as parties simply changing the type of election manipulation employed. To conduct a sufficiently democratic election that both domestic and international audiences will believe, incumbents have been forced to move away from election day violations to other less-scrutinized stages of the electoral process, like the pre-electoral stage (Hyde and O'Mahony 2010; Simpser and Donno-Panayides 2012), as well as to safer forms of election fraud—those that monitors are less likely to denounce (Kelley 2012).

Analysts have begun to explore how this trend creates new challenges for international election monitoring groups (Bjornlund 2004), alters the incentives of opposition parties to participate in the election (Beaulieu and Hyde 2009; Kelley 2012) and can reduce quality of governance (Simpser and Donno-Panayides 2012). However, we know very little about how this development affects the strategies of losing parties following electoral defeat. As I argue in Chapter 2, political parties that lose elections have a range of options when they decide how to respond to electoral defeat. They can accept electoral outcomes, let the winner take office, and wait to compete in the next election. Alternatively, they can decide to reject electoral outcomes and question the validity of the results in the courts, on the streets, or both. Why do political parties accept electoral results in some elections but refuse to accept defeat in others? More importantly, why do political parties seek legal redress in some elections yet go outside of the established legal routes in others?

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5. According to Hyde (2011), Cuban dictator Fulgencio Batista was one of the first leaders to invite international election monitors in 1958.

Much of the conventional comparative scholarship has focused primarily on election quality or monitors' assessments when trying to explain why losing parties reject electoral outcomes. However, the fundamental difficulty is that election fraud is too broad a concept to have any useful explanation for post-election strategies of political parties. Election fraud may take many forms. Schedler (2002a), for instance, provides an entire "menu of manipulation" that the incumbent can use. Thus, it is frequently unclear which particular manipulation strategy triggered a losing party's decision to reject electoral results. Electoral fraud is also an illicit activity, which makes it difficult to observe it empirically. As a solution, scholars frequently rely on the assessment of election monitors to measure electoral fraud. However, monitors' assessments themselves are a function of many factors and they cannot answer the question of what makes political parties pursue legal avenues for contesting results in some elections yet call their supporters to the streets in others.

I argue that, while incumbent governments have learned to strategically adapt their manipulation strategies to the changing world of monitored elections, this has not gone unnoticed by losing parties. Electoral politics in Georgia and Azerbaijan illustrate that opposition parties pay particular attention to pre-electoral developments when making their judgments about the fairness of electoral contests. Georgian opposition parties, for example, already had an opinion about the quality of the November 2003 elections as early as April 2003, when they organized anti-government rallies demanding free and fair elections and the appointment of a new Central Election Commission (CEC). Similarly, in Azerbaijan, opposition parties held a number of nationwide protests as early as May 1998 against the government's failure to ensure democratic conditions for the upcoming presidential elections scheduled for October of that year.[6] This evidence suggests that we need to examine the politics before elections more closely to understand why political parties reject electoral outcomes and, most importantly, how they do it.

My theoretical framework draws on extant theories of the effects of political institutions. Most scholars agree that election-related rules matter for the behavior of political actors. Electoral institutions have

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6. *Keesing's Record of World Events. Azerbaijan* 44 (May 1998).

been analyzed as important in accounting for a wide range of political phenomena, including the number of parties in a political system (Duverger 1954; Cox 1997), the degree of disproportionality (Lijphart 1994), coalition formation (Golder 2006), government instability (Lijphart 1984; Mainwaring 1993), and women's representation (Norris 2004; Paxton and Hughes 2007), to name a few. Thus, the rules and institutions that govern the electoral process have powerful consequences for political actors—they shape electoral outcomes, thereby influencing a political party's access to the policy-making process. However, there is a paucity of research that explicitly assesses the effects of institutions on the post-electoral compliance of political parties.

Several scholars have examined the dynamics of post-electoral disputes (Way, 2008; Bunce and Wolchik, 2010) and the impact institutions have on the quality of elections (Birch 2007a, 2007b). However, although this body of work has made important contributions to the study of elections, it remains incomplete in two ways. First, most of the literature focuses on when the parties are successful in overturning electoral outcomes rather than on the reasons that led them to reject the results and the strategies they used to do so. Second, and more importantly, despite the clear significance of institutions to electoral outcomes and election fraud, few empirical studies explicitly include institutions to account for post-electoral rejection.

My theory of post-electoral compliance also shares key features with Schedler's (2002b) nested game theory. An important advantage of my theoretical model of institutions and compliance is that it yields testable empirical predictions about the relationship between political institutions, post-electoral compliance, and electoral outcomes in developing countries. It also helps to explain not only why political parties reject electoral results but also the strategies they choose to do so.

Institutional Changes as Assessment Devices

The literature on election monitoring indicates that election monitors pay close attention to what happens on the election day itself (Carothers 1997; Elklit and Svensson 1997; Hartlyn and McCoy 2006; Kelley 2009). As a result, the pre-electoral stage represents the ideal time to make changes that

could improve an incumbent's chances of victory without attracting the same barrage of criticism incurred by ballot box stuffing. Bjornlund (2004) captures the observer's failure to effectively reconcile pre-electoral stage violations and a clean election day in Cambodia's 1998 election: "Despite protestations to the contrary, in the end the standard methodology, even with the presence of long-term monitors and preelection engagement, once again simply focused too much on election day, thus diverting attention from the preexisting flaws" (Bjornlund 2004, 177). While there are a number of areas that can be affected by pre-electoral manipulation, such as the media, administrative effectiveness, and rule of law (Kelley, 2012; Simpser and Donno-Panayides 2012), in this chapter I focus on three main types of election-related rules. These define the main framework within which every election takes place, and thereby structure the chances that political parties will have to win: (1) rules governing the electoral system; (2) rules governing the operation of electoral bodies that oversee elections in the country; and (3) rules governing the powers of the executive.

Why election-related rules? During the pre-electoral stage election rules "constitute one of the major points of contention among opposition elites and incumbents" (Lust-Okar and Jamal 2002, 340). Electoral rules are chosen by the political actors they govern. Because political actors understand the significance of electoral regulations, they bargain hard for favorable rules and vigorously fight against changes that might hurt their chances of winning elections or accessing the policy-making process. Most importantly, once changed, electoral rules can be indefinitely enforced, carrying their consequences from one election to the next. Thus, political parties have good reasons to concern themselves with the changes to institutions or rules as, once in place, these will have not only short- but also long-term consequences for their political health and survival.

Losing Parties and Pre-electoral Institutional Changes

The most important aspect of the explanation of electoral rejection is how the losing parties perceive institutional changes and how they shape their subsequent post-electoral responses. Institutional changes prior to elections are signals of the incumbent's willingness to alter the institutions, if necessary, to retain office. Moreover, an abrupt electoral law reform by the

incumbent government is also likely to be seen as an indication of electoral vulnerability. In other words, under the current electoral arrangements, the incumbent party would lose, or at least not gain, its desired majority. Thus, the pre-electoral changes to electoral rules will generate doubts that the incumbent is willing to play fair and may signal to the losing parties that the incumbent party feels vulnerable.[7]

Importantly, however, I argue that this type of manipulation affects not only whether parties reject electoral outcomes but also the strategies they adopt to do so. Let us first consider the possible remedies offered by the legal dispute resolution framework. Electoral disputes can be resolved in three main ways: (1) by providing a formal remedy, which annuls, modifies, or acknowledges the irregularity; (2) by imposing a penalty on the perpetrator, entity, or person responsible for the irregularity, such as election-related administrative and criminal liabilities; and (3) via some alternative mechanisms for electoral dispute resolution that are voluntary for the parties in dispute and frequently informal (Orozco-Henriquez 2010).

When a political party chooses a legal route to contest electoral outcomes it files a legal petition, which triggers the first mechanism (modifying/acknowledging an irregularity), and possibly the second mechanism (imposing a penalty). The options available for electoral grievances in the case of formal remedies are limited to modification of the electoral results. Though results are occasionally annulled in their entirety and the winner is changed, such instances are very rare. In most cases, a legal complaint triggers a partial recount of the votes with little change to the electoral outcome. The punitive mechanism may result in the punishment of a person responsible for electoral violations. However, such punishments, when they happen, rarely affect candidates or political parties directly unless the candidates themselves are jailed.

None of the triggered mechanisms discussed above—except for complete annulment of the election—include a pathway to remedy the effects of pre-electoral manipulation, such as an institutional change, or a credible commitment to conduct the next election under more competitive conditions. The fact that the incumbent was able to change election-related institutions prior to an election reinforces the incumbent's control

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7. For an alternative explanation, see Simpser (2008).

of the institutional framework making the outcomes discussed above even less likely to happen. This use of power by the incumbent will reduce the losing parties' faith in any legal mechanism of contestation. Furthermore, if the motivation for rejection comes from some source beyond electoral defeat, i.e. the electoral framework, then appealing to the legal mechanism of dispute resolution will not be enough to achieve a desired outcome. Therefore, I argue that, if an incumbent has changed the rules governing elections prior to an election, losing political parties will be more likely to resort to extra-legal means when contesting the outcomes of that election.

What possible benefits can a rejection of electoral outcomes bring for a political party? Perhaps, most directly, rejection can force the incumbent to change the election-related rules or improve the conditions under which the next election is conducted. In effect, opposition parties can trade their acceptance of the current electoral outcomes for future changes to the rules or conditions under which elections are held. However, even if the incumbent cannot or will not implement the changes or credibly commit to improving electoral conditions in the future, rejection might still pay off indirectly. Beyond winning institutional concessions, the losing parties may use rejection to improve their policy-making position between elections. These changes—while far short of an institutional change—at least offer the losing parties some influence over whether the incumbent is able to quickly or easily create more disadvantageous rules or electoral conditions in future elections.

Once the election period is over, losing political parties know that it will be difficult to change the status quo before the next round of elections. The political parties disadvantaged by the new status quo will not only have lost seats, or votes, or access to policy-making in the current election cycle; like interest on an unpaid debt, the deleterious effects of the new status quo can steadily accrue over successive elections, weakening a party and threatening its long-term viability.

Thus, I contend that losing parties can use elections and immediate post-electoral contest to express dissatisfaction with the existing institutions and laws that govern the elections themselves and, in particular, that the political parties disadvantaged by the existing electoral laws are aware of the facts that the provisions cannot be easily changed. Outside of the election period the losing parties are unlikely to be able to focus as much attention on the issue of institutional unfairness or clearly demonstrate the effects of it as in the period immediately following the election. Importantly, by

rejecting the electoral results, political parties can exert pressure on the incumbent to bargain over the framework of future elections.

If these arguments are correct, this may help to explain why political parties that do not have a chance of winning sometimes decide to reject electoral results. Their objective might not be to simply delegitimize the winner, as is frequently suggested by scholarly and journalistic accounts (Hartlyn et al. 2008). Rather, a party's rejection could be aimed at the institutional framework threatening to permanently shut them out of influencing policy-making and reduce their electoral prospects in current and future cycles.[8] Most importantly, this argument may also help explain why parties in some elections pursue legal mechanisms for contesting electoral outcomes, yet in others take their supporters to the streets. Street protests and other extra-legal measures are, I argue, more likely when far-reaching institutional changes are made.

Electoral Rejection—The Dependent Variable

In Chapter 2, I discussed the possible ways political parties can respond to electoral defeat. The party can: (1) comply with electoral outcomes; (2) file a petition to the electoral commission and/or court and ask for recount, cancellation, or annulment of electoral outcomes; (3) stage a post-electoral mass protest;[9] (4) refuse to recognize the newly elected legislature by not taking its seats; (5) boycott the second round of elections.

In the empirical analysis, I simplify the choice of available strategies down to three: comply, legal rejection, and extra-legal rejection. To briefly recap, the election is coded "comply," when all parties either explicitly announce that they accept the outcome and/or refrain from taking actions that question or seek to overturn the outcome. The election is coded "legal rejection" when at least one political party files a legal petition (strategy 2 above). The election is coded "extra-legal rejection" when at least one

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8. By influence over policy I mean both the ability to affect political decisions and/or create hurdles for further changes in the institutional setting.

9. Here I only code cases where political parties explicitly called their supporters to the streets and led the mass demonstration. Existing literature has shown that elites have considerable influence on protest in both democratic and non-democratic settings (Robertson 2007; Reuter and Robertson 2015).

political party responds using any of strategies 3–5 above. It is important to recall that legal and extra-legal strategies are not mutually exclusive. Therefore, election is coded as "legal rejection" only when a party files a legal petition and does not employ any of strategies 3–5 above.

There are two potential challenges to such a coding scheme. First, it is possible that different losing parties will adopt different strategies following the same election. Some parties may reject whereas other may accept electoral defeat either due to lack of voter support or co-optation on the part of the incumbent (Magaloni 2010). I address the question of why some parties reject electoral outcomes and others comply in the same election in Chapter 4. However, more relevant to this analysis is the possibility that parties that rejected the same election followed different strategies for doing so (i.e. one party used a legal strategy, whereas another party used an extra-legal strategy). I examined the data and found only one election in which opposition parties followed different post-election strategies. After electoral defeat in the 2008 presidential elections in Georgia, three candidates rejected electoral outcomes, but only one called his supporters to the streets to protest the outcomes. This election is coded as rejected by extra-legal means.

Second, extra-legal strategies vary in cost, and some parties might be able to pursue some strategies but not others. So ideally we would divide the extra-legal strategies into further categories. I do not pursue this approach for three reasons. First, there was a relatively small number of rejected elections to begin with. Second, the extra-legal strategies are not mutually exclusive. A party may stage a post-election protest and also reject seats it won in the election. But, most importantly, my main theoretical argument focuses on the decision to resort to extra-legal versus legal means of electoral rejection, but it does not provide an in-depth explanation for why a particular party might choose a particular extra-legal strategy.

Independent and Control Variables

Measuring Institutional Changes

I focus on three main aspects of election-related rules: (1) rules governing the electoral system; (2) rules governing the operation of electoral management bodies; and (3) rules governing the powers

of the executive. I code each case for the presence (1) or absence (0) of a restrictive change in a particular aspect of the rule that was enacted prior to the election.

Electoral Formula

In the case of electoral rules, I code the change as more restrictive if a law has been enacted that increases the number of seats elected under majoritarian rules, restricts opposition access to public finances, disqualifies opposition candidates or disenfranchises certain groups of voters on arbitrary grounds (Roberts et al. 2012; Simpser and Donno-Panayides 2012).

For instance, in 1995 in Albania, a commission appointed entirely by the ruling Democratic Party adopted two laws: the Law on Genocide and the Law on Verification of Moral Character. The Law on Genocide prohibited those who "collaborated" with the communist regime from holding office until 2002. Such laws are not unique in post-communist countries (Nalepa 2010). However, the commission that made the decisions about which candidates could be disqualified was completely under the control of the ruling party and did not act in a transparent manner. Importantly, the laws directly targeted key members and leaders of the leading opposition party, the Socialist Party, many of whom, as a result, were disqualified from running in the election (Krisafi 2004; Biberaj 1998).

In addition, four months prior to Albania's 1996 election, the Democratic Party changed the electoral system as well. The parliament of Albania is comprised of 140 deputies and, in 1992, 100 of those deputies were directly elected in 100 single-member districts, with 40 chosen proportionally according to the votes received by party lists. The voters had one vote, which at the district level went to the candidate and at the national level went to the party.[10] Changes enacted in February 1996 raised the number of deputies elected from the single-member districts from 100 to 115, while the number of deputies elected from the party lists was reduced to 25. Importantly, the law took away the compensation between direct and proportional mandates. According to article 3 of the

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10. Law No. 7555, 4 February 1992, to Amend Law No. 7491, 29 April 1991, on Major Constitutional Provisions, article 6.

amendment, the voters had now two votes –one for the candidate and the other for the party.[11]

A third example is the electoral change that was enacted in Azerbaijan prior to the 2003 legislative election. In August 2003, the ruling party of Azerbaijan, the New Azerbaijan Party, changed the electoral system by eliminating the proportional list component of legislative elections, so that all 125 deputies were elected from single-member constituencies in a single round (OSCE 2006a).

It is important to note that frequently multiple changes to electoral systems have been enacted together. For example, laws disqualifying opposition candidates from the election on arbitrary grounds are frequently enacted at the same time as a change in the electoral formula, as Albania's example above illustrates.

Coding as restrictive laws that disqualify opposition parties from participating in the election on arbitrary grounds is not controversial. However, it is hard to objectively judge changes in an electoral formula as more or less restrictive, since no particular electoral formula is considered to be universally superior or more democratic than others. My decision to focus on the changes in the share of seats elected in single-member districts is primarily motivated by the existing research on electoral systems and electoral manipulation discussed below.

The main distinction I make in the electoral formula is between elections held in single-member districts (SMD) and elections run in multiple-member districts under the rules of proportional representation (PR). Because the opposition parties in many transitional countries are frequently weak and/or fractionalized, they tend to favor laws that promote representation for smaller parties such as multi-member districts and PR.

SMD, on the other hand, has long been associated with magnifying the success of large parties and is not conducive to an alternation in power. In fact, second-largest parties frequently gain less than 20 percent of the seats under SMD, leaving the opposition weak, at times powerless, against the electoral winner. The system is particularly harmful for countries new to multiparty elections, where the party system is frequently geographically heterogeneous and poorly entrenched. In such situations SMD will encourage a large number of small, poorly organized and inexperienced

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11. Law No. 8055 on Elections of the People's Assembly of Republic of Albania, article 3.

parties and even independents to run in the legislative elections. Consequently, only one party, frequently the authoritarian successor, will be able to fully benefit from the "large party effect" of the system (Lust-Okar and Jamal 2002; Birch 2005).

In her recent work, Birch (2007a) also found a connection between the electoral formula and electoral manipulation. Elections held in SMDs are more likely to be the object of electoral manipulation than elections run under PR rules for two main reasons: (1) there is more to gain from individual efforts to manipulate elections than in the case for candidates in PR; and (2) if employed, electoral manipulation is more efficient under SMD rules since the number of votes that need to be altered to change the outcomes is lower than it is under PR.

Importantly, in all the cases under consideration I find that the opposition parties always resist changes to the electoral system that increase the number of seats elected in SMDs, perceiving it as advantaging the incumbent party. For instance, liberals and the national democratic opposition vigorously opposed the majoritarian, first-past-the-post electoral system adopted by the Ukrainian parliament on 18 November 1993. They argued that the law would favor the communist deputies and declined to vote on the law, walking out of the parliament in defiance (CSCE 1994). Similarly, opposition parties in Armenia in 2002 widely criticized a new electoral law that increased the number of parliamentary seats based on single-mandate constituencies from 37 to 56, and decreased from 94 to 75 the number of seats elected on a proportional party-list basis.[12]

The electoral systems in the post-communist countries under investigation take three types: the pure SMD system, the mixed system, and the pure PR system. Mixed systems vary considerably in the proportion of two types of seats—those elected in the SMDs and multi-member districts, ranging from 12.9 percent in Bulgaria in 2009 to 87 percent in Kazakhstan in 1999. This allows me to operationalize electoral formula as the proportion of SMD seats in the system. If a pure PR has 0 percent SMD seats and a pure majoritarian system has 100 percent SMD seats, we can readily obtain a measure of the proportion of SMD seats that ranges from 0 percent to 100 percent.

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12. *Keesing's Record of World Events. Armenia* 48 (August 2002).

Electoral Management Bodies

In the case of electoral management bodies (EMBs), a restrictive change is coded as "1" if it led to the establishment of control or an increase in control by the incumbent party over the appointment of the members of the central electoral commission (CEC). For example, in May 1998 the Milli Majlis, Azerbaijan's legislative body, approved a law on the CEC that designated that 12 members were to be appointed by the president and 12 members by the parliament, which was controlled by the president's party. The opposition vigorously opposed the law and fought for having an equal representation on the CEC, where the president would appoint 12 members and the opposition would appoint the remaining 12.[13] Their concern understandably was that the law would grant total control over the CEC to the president. Changes such as these directly threaten the electoral future of losing parties.

Similarly, prior to the parliamentary election in Georgia in 2003, the ruling party implemented changes to the Unified Electoral Code (UEC). Amendments adopted in August 2003 provided for a 15-member CEC comprising: five members appointed by the president, three by Revival, two by the Industrialists and one each by New Rights, the United Democrats, National Movement, and Labor. Unusually, the UEC stipulated that the president would appoint the chairperson from nominations made by the Organization for Security and Cooperation in Europe (OSCE). While the formula ensured a plural party representation in the administration, a tactical alliance between the five presidential appointees and the five members appointed by Revival and the Industrialists gave this grouping a de facto two-thirds majority and control of the CEC (OSCE 2004a).

The importance of the independent electoral bodies that oversee the electoral process has been recognized by scholars over the past decade, starting with the seminal article by Pastor (1999). In the article, Pastor was one of the first to bring attention to the administration of elections, and the electoral commission in particular, as a crucial factor in explaining success and failure of democratic transitions. Since then, scholars found

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13. *Keesing's Record of World Events. Azerbaijan* 44 (May 1998). Another source suggests that the opposition demanded 17 out of 24 be representatives of political parties.

EMBs to have an important independent effect on political legitimacy and democratic consolidation in new democracies, as well as a positive impact on election quality (Elklit and Reynold 2002; Hartlyn et al. 2008). More recent work finds that public trust in elections increases with EMB autonomy and that EMB performance has an impact on public perceptions of electoral integrity (Kerr 2014; Kerr and Luhmann 2017).

I argue that opposition parties also recognize the importance of the independent electoral commission in ensuring the fairness of the electoral contest. For example, in their reaction to the new election law that changed the composition of the electoral commission prior to the 1996 election in Albania, opposition party leaders claimed that the new structure of electoral commissions amounted to a "coup d'etat" which would allow the Democratic Party to freely manipulate the election process (IRI 1996).

In fact, many electoral disputes between the incumbent and the opposition parties center on the composition of electoral commissions. Opposition parties in Georgia expressed their concern with the composition of the electoral commission and the fairness of the upcoming election prior to the events of the Rose Revolution. In Ukraine, the composition of the electoral commission was changed after the annulment of the December 2004 contest as part of the measures to ensure that the rerun of the elections would be held under free and fair conditions.

To track the changes in the structure of the electoral oversight bodies, I begin by coding who is able to appoint vote-carrying members of the CEC in each country, and how many they appoint each. This information is drawn from multiple sources, including electoral laws and laws on the CECs as well as election observer reports.[14] In addition, where necessary I consult the websites of the electoral commissions, national constitutions, and reports of election monitors to verify the fact that a given election was conducted under the specified composition. I also use these sources to double check the dates and entry into force of any particular change to the structure of a commission.

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14. I use the following sources to locate the relevant laws: the World Law Guide, Political Transformation and the Electoral process in the Post-Communist Europe project based at the University of Essex, and the Electoral Knowledge Network. For a full list of sources please see the Appendix.

Executive Dominance

Lastly, I code constitutional changes that increase the powers of the executive. Such changes include abolition of term limits, granting the president the right to dissolve the legislature, and subjecting decisions of the judiciary to presidential veto. For instance, in November 1996, Belarus held a referendum, initiated by President Aleksandr Lukashenko, on the increase of presidential powers and term limits; it was passed, and allowed the president to issue legally binding decrees at will, provided significant powers of appointment to the judiciary and the new legislature, and extended the term end date from 1999 to 2001.[15] This effectively removed opposition parties and the judiciary from the policy-making process. The majority of these changes required a constitutional amendment making them easy to identify and code.[16]

In April 1995, President Nursultan Nazarbayev of Kazakhstan dissolved the parliament and held referenda to extend his term length by another five years and increase his presidential powers. In early August, President Nazarbayev announced that the Constitutional Court, with which he had recently been in conflict over the dissolution of parliament, would be replaced with a constitutional council whose decisions would be subject to a presidential veto. Critics claimed that this measure would give undivided power to Nazarbayev, who had already successfully extended his term in office until 2000.[17]

Presidential term limits, in particular, have recently come under attack by the incumbents in several countries. But how do term limits affect the electoral chances of the opposition parties? Analysts document that non-incumbent elections pose serious challenges to the ruling parties by creating succession battles, as well as resulting in more transparent and fair elections, which are thus more likely to lead to a transfer in power (Maltz 2007; Cheeseman 2010). Analyzing elections in electoral authoritarian regimes between 1992 and 2007, Maltz confirms this trend. Incumbents

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15. *Keesing's Record of World Events. Belarus. Referendum on Constitutional Change* 42 (November 1996).

16. I use data from the Comparative Constitutions Project, http://www.comparativeconstitut ionsproject.org/ and Donno (2013).

17. *Keesing's Record of World Events. Kazakhstan. Constitutional Referendum* 41 (August 1995).

retained power in 93 percent of the elections that they contested, while their successors won only 52 percent of the time (Maltz 2007).

Once all the changes have been coded and categorized, I create a dichotomous variable—institutional change—that is coded as "1" if any restrictive law has been enacted in any of the three areas discussed above. A change that occurred any time after the previous election and before the current elections is coded as affecting the current election. If a country held presidential and parliamentary elections in the same year, and the change was enacted prior to these elections, both elections are coded as having been preceded by the change.

Ideally, we would have three separate independent variables for each of the rules. But I find that different types of changes are frequently enacted together, making it difficult to assess the impact of each of the types separately. For instance, I have found that losing political parties rejected every single election preceded by a change in rules governing the electoral commission. This is a very important finding, which suggests that changes in the rules governing electoral commissions are a sufficient condition for electoral rejection. This is not surprising since such changes are highly salient, directly affecting a political party's chances of winning. Additionally, the fact that the electoral commission experienced a change that placed it further within the control of the incumbent party would make legal challenges futile. However, in 10 out of 11 cases, changes to the CEC regulations were also accompanied by changes to other areas of the electoral regulations. Therefore, it is hard to determine whether it is changes to the rules governing the CEC alone or the combinations of changes that have such a strong influence on the decision of political parties to reject the electoral outcomes.

Other Variables

To test the hypothesis on the impact observers' assessments have on parties' post-electoral strategies, I use the Dataset on International Election Monitoring (DIEM) (Kelley 2012).[18] It codes preliminary statements

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18. DIEM's coverage ends in 2004; I extend the original coding to post-2004 elections using the same coding rules.

issued by the observers immediately after the polls close. It is coded as "0" if the monitors endorsed the outcome. It is coded as "0.5" if the monitors' statement about the election was ambiguous, or if the mission openly stated that it has no opinion, or simply was silent. When election monitors explicitly stated that an election did not represent the will of the voters, was not free and fair, or otherwise condemned the election, the election is coded as "1".[19]

Observer missions usually issue two types of reports. First, they issue statements immediately after the election, called post-election or preliminary statements, in which they provide a summary of their assessment of the election. These initial statements are usually followed by a longer, more detailed report issued months later. The focus on the first type of report rather than the second is warranted due to their timing. When political parties reject electoral outcomes, they frequently do so immediately after the election. Thus, if the decisions of political parties are indeed influenced by the reports of the observers, they will have been shaped by the summary assessments issued shortly after the polls close rather than the longer, full reports, which are published long after the post-electoral battles have begun.

I found that monitors have endorsed around 59 percent of the elections that took place in the region since 1990. Of the remaining 41 percent, they openly rejected 18 percent of elections that took place in the region, and in 23 percent of the cases monitors either issued an ambiguous verdict or disagreed among themselves regarding the assessment. This is important because existing theories of electoral quality do not consider what happens when monitors issue an ambiguous verdict, refusing to openly endorse or criticize an election.

The quality of elections in the region approximates to election quality levels in the rest of the world, where 66 percent of elections were declared by international monitors to be free and fair. The distribution of ambiguous and negative assessments differs. In Eastern Europe and the former Soviet Union, 23 percent of the observers' assessments were ambiguous, compared to only 7 percent worldwide. This discrepancy suggests that election

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19. If the election was monitored by more than one organization, I use the "max" variable that denotes the highest value given by an organization. For more details on the variable see Kelley (2012).

monitors in this region are more hesitant to issue a definitive verdict. This spike in ambiguous verdicts results in fewer negative verdicts (18 percent) than observed worldwide (27 percent).[20]

In addition to the variables discussed above, I include a number of substantively important variables to account for other factors that may encourage or dissuade political parties from rejecting electoral outcomes, as well as affect their mode of rejection. First, I count the number of consecutive victories by the incumbent. In established multiparty competition, political parties have some reasonable expectations of winning an election or at least of becoming a part of the government at some point. Often these expectations are based on experience since "in established democracies, most of today's losers were already yesterday's winners and vice versa" (Moehler and Lindberg 2009, 1451).

These expectations are different in new democracies, where political parties often have been prevented from competing or even forming under previous regimes. When parties enter multiparty politics in new democracies the temporary nature of these disadvantages is not always evident, at least not until the alternation in power is established on a regular basis. Until this happens, the more elections that are won by the incumbent, the less likely the opposition is to believe that it has a chance of winning in the future. Therefore, political parties may reject electoral outcomes not in response to what the incumbent did prior to the election, but rather due to a history of incumbent party dominance.

There is an established body of literature that posits that in rich countries all political actors will accept electoral results because even election losers have too much to lose by rejecting the outcomes (Przeworski 1991, 2003). Thus, in order to control for the effect of economic development on political parties' post-electoral behavior, I take into account per capita GDP. Since elections take place in different months in different countries, I use the per capita GDP from the year prior to the given election.

I also control for the quality of the judiciary using a measure of de facto judicial independence (Linzer and Staton 2015; Staton et al. 2019).

20. Author's calculation using DIEM (Kelley 2012). DIEM is the only dataset to my knowledge to code "ambiguous" verdicts instead of coding assessments as a dummy variable. Given the high number of such verdicts in the region, I consider the dataset to be more appropriate than others.

Judicial independence reflects "the ability and willingness of courts to decide cases in light of the law without undue regard to the views of other government actors" (Melton and Ginsburg 2012, 6). Quality of judicial institutions in the country may affect the willingness of political parties to pursue legal challenges. It is also reasonable to suggest that extra-legal rejection will be more likely in countries with a history of such rejections. Therefore, I include an indicator variable coded as "1" if a previous election in the country was rejected by opposition parties using extra-legal strategies.

I also include a measure for human rights abuses to account for the possibility that rejection on the part of political parties is a form of social movement where parties use the post-electoral period to contest broader social problems and express anti-regime sentiment, as opposed to as a response to any election-related factors. Eisenstadt (2004), for instance, finds that the Party of the Democratic Revolution (PRD) in Mexico used elections as an opportunity "to contest broader social ills" and initiated post-electoral conflicts in response to the history of social conflict rather than election-related factors (Eisenstadt 2004, 158). On the other hand, it is also important to account for the possibility that human rights violations may serve as a proxy for repression by the government and may deter political parties from rejecting electoral outcomes. Rights violations or repression may also affect the ability of political parties to stage mass post-electoral protests. In an environment of heavy-handed government repression, citizens will be less likely to rush to the streets in support of political parties that lost.

Thus, it is hard to predict ex ante the effect that government repression will have on the rate of rejection. These two reasonable arguments result in contradictory hypotheses. What is clear, though, is that a record of political repression could reasonably affect the political calculations of opposition parties and should be included as a statistical control.

Recent work, however, finds that one particular act of physical repression—political imprisonment—is most likely to increase the probability of post-election protest. Political imprisonment can impact post-election protests, and therefore the probability of extra-legal rejection in general, more than other human rights violations due to three main dimensions. First, political imprisonment carries lower costs for protesters than other types of frequently coded human rights violations

such as torture, disappearances, and judicial killings. Thus, it is likely to generate grievances but not necessarily deter rejection. Second, political imprisonment can be easier to connect to election outcomes. If the main opposition candidate or candidates have been imprisoned prior to an election, then this is bound to have direct consequences for who wins the election (Bell and Chernykh 2019). And, finally, the imprisonment of individuals for political purposes can be more directly tied to the decisions of the sitting government (Bell et al. 2013). Therefore, in my model, I also control for political imprisonment in the country (Cingranelli et al. 2018).

A final factor to consider is the level of democracy. Scholars argue that democracies are fundamentally different from dictatorships, which in this case directly affects parties' post-electoral strategies. Therefore, I include a democracy variable measured using Polity V scores (Marshall and Gur 2020).

Explaining Electoral Rejection

Because rejection is an unordered three-level variable, I use a multinomial logistic regression. I first fit a simple "observer" or "election quality" model (see Table 3.1). The sample in this model is limited to elections observed by election observers between 1990 to 2015 and where a report with an assessment verdict was available, resulting in missing values for some cases. In some countries, like Poland and the Czech Republic, international observers did not monitor some elections since it was assumed that they would be free and fair. At the other extreme, some countries did not allow observers to monitor their elections or observers decided to withdraw because of hostile regulations imposed on them by the host country. For instance, OSCE cancelled its election observation mission to Russia in 2008 due to restrictions imposed both in terms of arrival timing of the mission as well as the refusal to grant visas to some members of the mission.[21] Missing values can thus indicate two cases: (1) elections were free and fair and, given the history of quality elections in the country, monitors no longer observe the electoral process; or (2) elections were not free and fair since the monitors either withdrew prior to or were not

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21. Vucheva (2008).

Table 3.1 Predicting Electoral Rejection

Variable	Comply vs Legal		Extra-Legal vs Legal	
	(1)	*(2)*	*(1)*	*(2)*
Institutional Change	-	.17	-	2.62**
		(1.39)		(1.22)
Consecutive Victories	-	-.41**	-	.47***
		(.17)		(.13)
De facto Judicial Ind $_{t-1}$	-	7.52***	-	6.69**
		(2.27)		(2.67)
Economic Development $_{t-1}$	-	-1.06	-	-.00***
		(.00)		(.00)
Political Imprisonment	-	-.79	-	-1.3**
		(.58)		(.56)
Extra-Legal $_{t-1}$	-	-.00	-	.49
		(.93)		(1.06)
Democracy $_{t-1}$	-	-.19*	-	-.01
		(.58)		(.11)
Observer Assessment	-1.78*	-	2.25**	-
	(.919)		(.96)	
Constant	2.66***	1.6	-.27	.42
	(.61)	(1.04)	(.83)	(.81)
N	191	221	191	221
Wald χ^2	22.12	2025.41	22.12	2025.41
Prob< χ^2	.00	.00	.00	.00
Pseudo R^2	.22	.41	.22	.41
Log Likelihood	-113.71	-90.58	-113.71	-90.58

Notes: Cells contain coefficients. *p≤..1; ** p≤..05; *** p≤.01.
Robust standard errors, clustered on country, are in parentheses.

allowed to be present in the first place.[22] This means that the sample was reduced to 191 elections.

The results of the first model suggest that observer assessment of the election has an impact on the decision of political parties to reject electoral outcomes via legal routes as opposed to complying. Negative monitors'

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22. Data was also unavailable for seven elections that took place in 1991 in seven post-Soviet republics.

assessments are also positively associated with higher probability of extra-legal rejection vs legal rejection strategies. These findings are consistent with other research that finds that observer condemnation increases the probability of electoral rejection more broadly by lending legitimacy to their challenges and facilitating mass mobilization of their supporters (Hyde and Marinov 2014; von Borzyskowski 2019a).

However, as I discuss above, the region has a number of elections where observers issued ambiguous verdicts or refused to either endorse or condemn an election. How do the parties interpret the absence of this crucial signal? This is an important variable that makes us question the causal mechanism behind the relationship between observer assessments and electoral rejections. Furthermore, since observer assessments seem to have an impact on both the choice between legal avenues of dispute resolution vs compliance and the choice of extra-legal strategies vs legal, what is it about the election that makes the parties find themselves in one scenario vs the other?

Finally, there is also a possibility of endogeneity. Kelley (2009), for instance, has shown that electoral observer missions may act strategically and sometimes endorse questionable elections to avoid potential crises.[23] During the 1996 electoral crisis in Albania, the Socialist Party accused electoral observers of endorsing openly fraudulent elections; at the same time, Western observers justified their decision to avoid criticizing the elections by saying that their goal was to avoid violent instability: "the Albanian people would not be served if we bring them turmoil, as we surely would if we criticize this election" (Gumbel 1996). In 2009 presidential elections in Afghanistan, Western observers were similarly "in a delicate spot."[24] Despite the obvious evidence of vote-rigging, observers were hesitant to reject the election outcomes, fearful it might delegitimize President Hamid Karzai and create political upheaval in a country that was already highly unstable. Furthermore, damaging Karzai's credibility risked making his cooperation with the United States more problematic in the future. Even though it was suspected that Karzai did not actually receive the majority reported in the first round, he would still have been a likely winner if the second round had been held.

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23. But see Hyde (2011).
24. Landler and Cooper (2009).

At the same time, however, election monitors must be concerned with their own credibility. Therefore, once they realize that a positive assessment will be unable to turn around the growing probability of violence or post-electoral protest, they may criticize the election to preserve their credibility. This suggests that the causality between the monitors' verdict and parties' rejection of electoral outcomes may at times be reversed (Kelley 2009).

The second model estimates the probability of observing different types of rejection—compliance, legal rejection, or extra-legal rejection—if changes have been made to election-related institutions prior to an election. The model also includes a number of covariates to account for other plausible important factors that might affect parties' choices discussed above. The results from the model suggest that institutional change provides an important cue for political parties. Consistent with the theory proposed in this chapter, a change in election-related rules increases the likelihood that political parties will use extra-legal means of rejection as opposed to pursuing only legal means. Institutional change, however, has no impact on a political party's decision to either comply with electoral outcomes or seek legal redress. Other factors, such as de facto judicial independence, the number of consecutive victories, and the level of democracy are more important in predicting this outcome.

The higher number of consecutive victories reduces the odds of compliance compared to legal rejection. The longer the incumbent party stays in office the more likely opposition parties are to reject electoral outcomes. This has an even more statistically significant impact on a party's decision to reject election results via extra-legal means as opposed to legal means. This finding is not surprising. As I suggested earlier in this chapter, the longer the incumbent party stays in office the more it is able to consolidate its power, consequently reducing the likelihood that the opposition party will come to office via electoral means in future electoral cycles.

De facto judicial independence increases the odds that political parties will comply with electoral outcomes as opposed to contesting them in the courts. It also increases the probability that political parties will contest electoral results via extra-legal as opposed to legal means. Both results are a bit counterintuitive. First, we would expect judicial independence to have a positive impact on the decision of political parties to seek legal redress.

That said, judicial independence may affect the conduct of the elections themselves, which would explain the decision to comply as opposed to seek legal redress. Second, we would expect to see a negative impact of judicial independence on the probability of extra-legal (as opposed to legal) protest, but the opposite seems to be the case. This relationship needs further research.

The level of democracy also proves to be significant. However, it affects only the choice between compliance and legal rejection; it proves to be insignificant in explaining the choice between legal and extra-legal strategies. One possible explanation for this insignificant result is that the measure of democracy is affected by many factors, which may include pre-electoral institutional changes.

Model 2 also controls for economic development, previous rejection, and political imprisonment. The results suggest that an increase in economic development reduces the odds of extra-legal rejection. This means that political parties in poorer countries are more likely to contest elections using extra-legal rather than legal means, providing further support for Przeworski's (1991) hypothesis discussed above. Lastly, the results also suggest that political imprisonment increases the odds of extra-legal rejection as opposed to legal rejection, providing support for Bell and Chernykh's (2019) hypothesis about the impact of political imprisonment on a party's decision to call their supporters to the street to protest election results. This finding further broadens their argument beyond post-election protest to include other extra-legal strategies.

One possible challenge to the main finding is that it is not clear what an absence of institutional changes before an election means. On the one hand, it could indicate that the incumbent intended to have a clean election. On the other hand, the lack of institutional change may indicate that the incumbent has already perfected the electoral institutions in previous elections and therefore had no need to make any changes before the election in question. For instance, once an incumbent has eliminated term limits from the constitution, no further changes will be needed to continue to run in the elections and, consequently, stay in power indefinitely. However, I do not think that this affects the main findings; instead it means that I actually underestimate the impact of pre-electoral changes.

Conclusion

This chapter extends the empirical scholarship on electoral compliance. Experts on elections have recently noted that, to escape the barrage of criticism of election monitors, incumbent governments intent on manipulating an election often shift their efforts away from election-day violations to other less scrutinized stages of the electoral process. This chapter sought to evaluate the impact particular factors at the pre-electoral stage have on the post-electoral behavior of opposition parties. I have argued that taking into account pre-electoral institutional changes may help explain not only why political parties decide to reject electoral outcomes but also the strategies they adopt to do so.

I find that the institutional changes initiated by an incumbent prior to an election are central to accounting for the decisions the opposition parties make after the election. To understand the phenomenon of post-electoral rejection we must expand our analysis beyond the election day to account for the whole electoral process, from the pre-electoral actions of the incumbent to the institutional framework that governs the election itself. Only by taking this wider view can we truly hope to capture the causal sequence that leads political parties to reject an election. However, the results in this chapter make an argument not only for paying close attention to the pre-electoral events and institutional framework of the election, but also, perhaps more importantly, for paying careful attention to the motivations and decision-making processes of political parties.

The results of this chapter also suggest that international and domestic actors seeking to advance democratization should prioritize institutional conditions for free and fair elections, such as independent electoral commissions and enforced term limits. Perhaps one way to keep incumbents' hands off the institutional scales might be to include election-related provisions in constitutions. But commitment and stability may come at the expense of flexibility, making it difficult to change the rules in light of experience. Perhaps studies examining the impact of constitutionalization of election-related institutions on electoral compliance will enhance our understanding further.

CHAPTER 4

Who Rejects Election Results?

Chapter 3 has shown that institutional changes initiated by an incumbent prior to an election are central to accounting for the decisions the losing parties make after the election. However, these changes—along with other election-level factors—are present for all parties in a given election. Therefore, it remains unclear why some parties reject and others comply with the results of the same election. This chapter focuses on this very question, which has received virtually no attention in the existing literature.

Opposition unity is a popular concept in the study of elections. A unified opposition, it is commonly theorized, possesses an almost supernatural ability to combat fraudulent elections. Most work on the success of post-electoral protests credits opposition unity as the key to winning both elections and post-electoral disputes (van de Walle 2006; Bunce and Wolchik 2007). Bunce and Wolchik (2007) argue that a united opposition is a critical part of the "electoral model" used to win power. Most frequently the concept of opposition unity is used to refer to coalition building among opposition parties done in advance of elections (Gandhi 2008; Gandhi and Reuter 2013). But how frequently are parties united in their actions after the elections?

I define unity in the post-election period as when all losing political parties agree on post-electoral actions, such as accepting or rejecting election outcomes, and then filing a claim to contest electoral outcomes

in the courts, or jointly contesting electoral results via extra-legal means, such as refusing to take seats in the legislature or launching street demonstrations.

The question of losing parties' unity during a post-electoral dispute is important both for theory-building and empirical testing. If losing parties are not always united in their response to electoral defeat, then using an aggregate of the "opposition" in analysis of post-election disputes is problematic because it predicts the same behavior for all actors when in fact that behavior may vary across parties. The problematic nature of this discrepancy extends to the proxies used to study electoral compliance. For instance, it might be inaccurate to use the aggregated percentage of seats won by all losing parties to calculate the margin of victory between the "opposition" that rejected and the incumbent party that won, especially if some losing parties accepted the electoral outcomes.

The question of opposition unity during the post-electoral disputes is also important theoretically. Post-electoral conflict is frequently viewed as the government against the opposition, thus assuming that all or most losing political parties act in unison. Until now, however, no one has conducted a study of electoral defeat in order to determine whether parties do in fact show a united front following an election. What if scholars' common assumption of a monolithic opposition crumbles and we observe a variety of responses to electoral defeat by individual political parties? If this is the case then the appropriate question to ask, and one I attempt to address herein, is what characteristics of political parties, if any, affect their decision to reject election outcomes?

As I discuss in Chapter 2, available data shows substantial variability in post-electoral behavior across political parties in Eastern Europe and the former Soviet Union. Losing parties were unanimous in their response to election defeat in only 26 percent of rejected elections. In the remaining 74 percent, either only one party rejected the election results (29 percent) or some, but not all, parties challenged the outcome (45 percent).

To explain why some political parties decide to reject and others to comply with the results of the same election, I propose an actor-centric approach to the study of post-electoral disputes, in which the political parties that reject electoral results are theoretically central and are therefore the unit of analysis. Developing this party-centric approach should provide more accurate predictions of electoral compliance, as well as new

and interesting predictions of the electoral behavior of political parties, the actors most intimately bound up in the electoral process.

In this chapter I argue that both election- and party-level factors shape political parties' response to electoral defeat. To test this argument, I analyze the post-electoral responses of over 300 political parties in Eastern Europe and the former Soviet Union. Using hierarchical linear modelling that captures the impact of both election and party-level characteristics on political parties' response to electoral defeat, I show that both individual characteristics of political parties and contextual factors have a significant effect on a party's decision to either comply with or reject electoral outcomes.

Parties and Post-Election Strategies

Two prominent studies of Mexican politics have analyzed post-electoral disputes at the level of the political party. In the first, Eisenstadt (2004) finds that the two main opposition parties during the period of PRI (the Institutional Revolutionary Party) rule in Mexico—the National Action Party (PAN) and the Party of the Democratic Revolution (PRD)—used divergent strategies when responding to electoral defeat. These strategies were affected by a number of factors, including the margin of victory in the election in question, the level of party organization in the particular localities, and other differences between the two parties. Furthermore, Eisenstadt argues that the two opposition political parties were differently affected by the same circumstances. For example, the PAN was less likely to stage post-electoral conflicts in municipalities with stronger electoral institutions, whereas the PRD was more likely to mobilize in localities with stronger electoral institutions. Eisenstadt (2004) contends that the underlying reasons for staging post-electoral conflicts for the two parties were very different. The PAN's strategies were driven by the perception of electoral fairness, whereas the source of the PRD's actions was embedded in broader underlying social tensions.

Similarly, Magaloni (2006, 2010) focuses on the two main opposition parties in Mexican politics in her study of the survival of the PRI. Magaloni argues that the nature of the parties' voter bases is one of the key factors in understanding their post-electoral strategies. She shows that if

an opposition party's base consists largely of radical voters it will be more likely to reject electoral outcomes. Conversely, if the majority of a party's supporters are moderate, the party will be more likely to comply with electoral outcomes.

This argument is intuitively appealing because the incentives of political parties to appeal to, as well as be constrained by, their voters is a conceptual relationship long established in the political party literature. What both Eisenstadt and Magaloni do is use this intuition about party-level variation (i.e. different parties have different supporters with different motivations) to generate predictive theories of the PAN and PRD's post-electoral behavior.

More recent work has considered political parties and their involvement in the "For Fair Elections" movement in Russia in the aftermath of the 2011 elections. Russia experienced its largest post-election protests since the collapse of the Soviet Union in the aftermath of the 2011 legislative election.[1] Protests reached such record proportions that they transformed into an entire movement. Focusing on seven political parties in Russia, Semenov et al. (2015) found that, in addition to system-level factors, such as political competition and electoral integrity, party-level characteristics played a role in determining a party's involvement in the 2011 post-election protests. In particular, these included the level of party institutionalization and the extent to which the party had been co-opted into the system—measured by seat share held by the party in the national and regional legislatures. Similarly, Reuter and Robertson (2015), in their analysis of these protests, argue that the opposition was rarely a unitary actor. For example, they find a variation across Russian political parties in terms of their participation in post-election demonstrations, as the supporters of political parties with representation in regional legislatures were less likely to participate in demonstrations.

These studies contribute greatly to our understanding of electoral compliance and, at a minimum, make a compelling case for the promise of actor-level explanations in the case of Mexico and Russia. The drawback to these analyses is that we are left wondering whether actor-level theories of political party compliance would be equally successful beyond the borders of Mexico and Russia. Most importantly, a theory based on Mexico's

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1. BBC (2011).

long-standing three-party system may only in part apply to multiparty systems with high levels of party volatility, like many countries in Eastern Europe and the former Soviet Union. Reuter and Robertson's analysis offers an excellent starting point for applying a party-level framework to the region, but tells us little about what other characteristics of political parties might play a role in their decision to reject or comply with election outcomes. In this chapter, therefore, I explore the possible party characteristics of political parties, which may help us understand a party's decision to reject election results.

Determinants of Electoral Compliance

Rejection of election results is commonly attributed to election-level and sometimes even country-level characteristics, such as election fraud, a monitor's assessment, the level of democracy in the country, and economic development (Przeworski 1991; Tucker 2007; von Borzyskowki 2019a). While certainly important, these factors alone cannot fully account for the electoral compliance or non-compliance of political parties, especially when it comes to the variation in parties' responses to the same election. I argue that, in addition to election-level factors, a party's individual characteristics influence its ability and propensity to reject electoral outcomes. In particular, in this chapter I investigate the impact of a party's age, ideology, historical origin, coalition status, and vote share.

Party Age

Parties are born and parties die; some grow large, others split into multiple new parties; and others simply wither away or merge with other parties. Even in well-established two-party democracies like the United States political parties have come and gone, the Whig Party (1833–1856) being just one of several examples. One characteristic that might affect a party's decision regarding the rejection of electoral results is its age. A new party is commonly defined as one that runs in an election for the first time. New parties might be either genuinely new (created from scratch after the last election) or have recently split from an existing party (Hug 2001; Tavits 2007).

The emergence of new parties is an integral part of electoral competition in countries that begin holding multiparty elections (e.g. the countries of Eastern Europe and the former Soviet Union). An average of 5.6 new parties have emerged in each election held in post-communist democracies since 1990, as opposed to only one party in Western European countries between 1945 and 1991 (Tavits 2007).

Cox (1997) and Tavits (2007) have explored the determinants of new party emergence and success in established and new democracies. They argue that new political parties are more likely to emerge when the cost of entry into the electoral arena is low, the benefits of office high, and the probability of attracting votes is good. The last of these is particularly high when the voters are disappointed with the performance of the existing parties and lack an acceptable alternative in the system.

Although the question of emergence of and support for new political parties has been explored in the existing literature, we still know very little about the nature and electoral dynamics confronted by new, or more broadly young, political parties in the political arena. For instance, do new or young political parties differ from more established, older political parties in their reaction to electoral defeat?[2] Does the age of a political party affect its decision to use extra-legal means to reject electoral outcomes?

So far, the only answers to these questions have been primarily developed at the level of the individual voter. Anderson et al. (2005) argue that the supporters of new parties that lose elections are more likely to have a positive view of electoral democracy, as they might not have an expectation to win the first time around. However, they find only moderate support for this theory. At the same time, they find that supporters of new parties are the most critical when it comes to evaluating the fairness of an electoral contest. They are more likely to view elections as being unfair compared to the voting base of older political parties.

These theories developed at the individual level suggest two contradicting hypotheses. On the one hand, that we should expect younger parties to be more likely to comply with electoral outcomes than older parties, as their short-term strategy may be to build their support and, consequently, they do not expect to win in their first or second election. On the other hand,

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2.   The age of political parties is often used as an indicator of institutionalization (Mainwaring and Scully 1995; Mainwaring 1998; Resnick 2011).

we should expect younger political parties to be less likely to comply with electoral outcomes for two reasons. First, because their supporters tend to be more critical of the quality of the electoral contest, a view we could infer that leaders of such parties might share. Second, even if the party leaders do not internalize the views of their voters, they possess a more receptive audience for launching, or attempting to launch, a mass electoral protest, so, *ceteris paribus*, they might more readily opt to do so because the obstacles to incentivizing participation might be lower.

Ideology

The political ideology of a party may also play a role in its decision to reject electoral outcomes. Research on established democracies has shown that political parties care about both winning office and influencing policy. However, it has been suggested in the literature that political parties in post-communist countries tend to be more office-seeking. Therefore, these political parties might be better placed along a regime/anti-regime continuum, rather than within any ideological space. If this is true, we should expect that ideology would play no role in an opposition party's decision to reject an electoral outcome. If the ideology of political parties matters, however, there may be political parties with specific ideologies that are more likely to reject electoral outcomes than others.

When it comes to ideology, we know more about it at the individual level than at the party-level. Existing research on Western democracies has consistently found that citizens with left-wing ideology are more likely to engage in protest behavior than right-wingers (Berhagen and Marsh 2007). In their seminal article on party ideology in post-communist Europe, Tavits and Letki (2009) find that, at least when it comes to economic spending, left-wing political parties seem to pursue traditionally rightist policies in the region. This suggests that the traditional left–right division might be reversed in the region.

More recent work on Eastern and Central Europe finds that the political right is more likely to engage in protests as this was the traditional force that participated in protests against authoritarian rule in the region. Kostelka and Rovny (2019) argue that it is the overlap of ideology with historical legacies that shapes protest behavior in Eastern and Central

Europe. However, the article also suggests that the relationship may vary across countries in the region based on the presence of ethnic minorities and cultural liberalism, and thus be independent of traditional economic policy preference.

To my knowledge, no one yet has tested the relationship between ideology and post-election rejection at the level of a political party. Drawing on the existing work at the individual level, we may have two opposing expectations. We can expect that left-wing political parties will be more likely to reject electoral outcomes. Or we may also suggest that right-wing political parties, or nationalists, will be more likely to reject election results in the region. Given Kostelka and Rovny's (2019) findings, however, these are not necessarily contradictory: a different dynamic may simply be in play in different countries.

Historical Origin: Communist Successor Parties

In addition to ideology, political parties in Eastern Europe and the former Soviet Union vary in terms of their historical origin (Druckman and Roberts 2007). Political parties with one particular type of historical origin stand out in this region: communist successor parties (CSPs). Many new political parties were formed in Eastern Europe and the former Soviet Union after the collapse of the Berlin Wall. However, the old regime did not completely disappear; instead a number of political parties associated with the old regime were formed. Contrary to the initial expectation that CSPs in the region would disappear quickly, these parties proved to be surprisingly durable. More than 20 years after the collapse of the Berlin Wall, almost all countries in Eastern Europe and the former Soviet Union still had at least one active CSP (Bozóki and Ishiyama 2002).

There has been a growing interest in the fate of CSPs following the collapse of communist regimes in the region. The existing work on CSPs has primarily focused on two main questions. First, what explains the success of CSPs in some countries and not others? Second, how does the existence of CSPs affect political dynamics in the country—coalition formation and government survival in particular? (Ishiyama 1999; Grzymala-Busse 2001; Bozóki and Ishiyama 2002; Druckman and Roberts 2007; Tzelgov 2010, to name just a few.)

Druckman and Roberts (2007), for instance, find that CSPs are in general disadvantaged when it comes to coalition formation. Even when CSPs are included in the government, they are frequently allocated less than their proportional share of cabinet positions. Furthermore, Grzymala-Busse (2001) has shown that political parties that form coalitions with CSPs are later punished at the polls, which may explain their resistance to forming such coalitions in the first place. Tzelgov (2010), however, finds that government coalitions that include CSPs last longer than governments that do not include these political parties. Moreover, government composition affects the likelihood of government termination depending on economic conditions: governments that include CSPs are more likely to dissolve in periods of positive economic performance, whereas governments that do not include CSPs are more likely to break down when the economy is performing poorly.

No work, however, looks at what role, if any, CSPs play in electoral compliance. On the one hand, if CSPs are discriminated against in government formation then we should expect these parties to be more likely to reject electoral outcomes. On the other, it might be reasonable to expect CSPs to be less likely to reject electoral outcomes because their reputations have already been damaged by the transition, with many CSPs having suffered from lustration laws that prevent them from fully participating in electoral politics (Nalepa 2010).

Pre-Electoral Coalitions

Gandhi and Ong (2019) divide the literature on pre-electoral coalition into two strands. The first strand focuses on the impact pre-electoral coalitions can have on democratization, government formation, voter turnout, and the probability of unseating a long-standing incumbent (Golder 2006; Howard and Roessler 2006; Resnick 2011; Wahman 2011, 2013; Tillman 2015).

Analyzing the effects of pre-electoral coalitions in Western Europe, Golder (2006) finds that being a part of a pre-electoral coalition increases the probability that a political party will enter government, will be able to overcome an existing electoral threshold, or take advantage of electoral bonuses in a system with disproportional electoral rules. Furthermore,

government coalitions based on pre-electoral coalitions tend to be more ideologically compatible, take less time to form, and last longer than governments not constrained by pre-electoral pacts. Howard and Roessler (2006) and Wahman (2013) argue that the strategic choice of entering into a coalition alliance on the part of the opposition parties is often responsible for increasing the chance of opposition political parties winning an election or at least producing liberalizing electoral outcomes.

Resnick (2011), however, finds little support for the positive impact of pre-electoral coalitions on incumbent defeat in Africa and argues that they rarely contribute to democratic consolidation in the region. He argues that political parties are office-seeking and rarely succeed in generating a loyal constituency base over time. Gandhi and Ong (2019) also focus on voters and find that pre-electoral coalitions that consist of ideologically distant parties often fail to gain the expected public support at the ballot box, as many voters are hesitant to engage in cross-party voting.

Some of this work above overlaps with the second strand of literature, which focuses on the incentives of opposition political parties and the political conditions that facilitate the creation of pre-electoral coalition alliances (Golder 2006; Gandhi and Reuter 2013; Wahman 2011, 2013). However, none of the existing studies considers what happens when coalition partners lose elections. In particular, how do pre-electoral coalitions affect political parties' post-election strategies in response to election defeat? Pre-electoral coalitions are important because they have an impact on electoral outcomes. One of the primary purposes of forming a pre-electoral coalition is to increase parties' chances of electoral victory. In fact, Wahman (2011) finds that political parties are more likely to form pre-electoral coalitions when they believe that electoral victory will be realistic. Therefore, I argue that political parties that enter into a pre-electoral coalition should be more likely to reject electoral outcomes for two reasons.

First, political parties that join pre-electoral coalition have higher expectations of winning an election, which comes from the very fact that they entered into the coalition agreement. For instance, if multiple opposition parties agree on one presidential candidate, their expectation of defeating the incumbent increases. This sets a higher expectation for the electoral performance of the joint candidate with a subsequently sharper or more contentious reaction should that candidate fail to win.

Second, political parties that enter into a pre-electoral coalition have to reach some agreements before the election about a number of questions, including who gets to run, the division of offices or positions if they win or get representation, and policies they will pursue in the aftermath of the election (Gandhi and Ong 2019). We can expect that they will also consider their possible responses to an election defeat. If not, we can still expect a speedier resolution of coordination problems in rejecting an election among political parties that have entered a pre-election coalition agreement than those that have not. By lowering the transaction costs of negotiating how to react to an unfavorable outcome, the parties have effectively made rejection a more attractive option than if they had not negotiated beforehand.

Vote Share and Organizational Strength

The organizational strength of political parties has recently received increased attention in the election literature. In his study of opposition parties in Zimbabwe, Zambia, and Kenya, LeBas (2011) argues that organizational strength made electoral success and survival possible for opposition parties in these countries. In the context of Eastern Europe, Tavits (2013) provides a well-argued and detailed account of the relevance of organizational strength for the electoral success of political parties in the Czech Republic, Estonia, Hungary, and Poland. She proposed the use of four indicators to measure party organizational strength: membership, network of branch offices, professional staff, and organizational strength of the local party. Two more recent large-N studies have also emphasized the importance of party organizational strength at the country level to explain economic growth and the occurrence of election violence (Bizzarro et al. 2018; Fjelde 2020). However, no large-N comparative study has yet examined the relationship between political party organizational strength and electoral rejection.

We should expect parties with a considerable percentage of votes to be more likely to reject electoral outcomes because they can make a more credible claim for having won an election. Large, better organized political parties with national support will be more capable of attracting a large number of votes and mounting an electoral rejection. I am including

vote share in my explanation here for two reasons. First, vote share or margin of victory has long been at the heart of election studies (Simpser 2013). Second, due to the lack of large-N cross-national data on the organizational strength of opposition parties, many studies have used election results, vote or seat share, as a proxy for opposition strength and support (Beaulieu 2014).

The latest evidence on the relationship between vote share and post-electoral challenge, however, is mixed. Von Borzyskowski (2019b) argues that strength at the ballot box is linked to strength on the streets—the more votes the opposition receives in the election, the more people will be likely to come out to support them on the streets. However, she also finds that while higher vote share increases the probability of post-election challenge by the opposition in Africa, it does not in Latin America. Using a global dataset, Daxecker et al. (2019) find that, as the margin of victory increases, we are less likely to observe incidence of election violence, confirming expectations about the relationship between competitiveness and the strength of the loser and the risk of violence in unconsolidated regimes.

Existing cross-national analysis have relied on either the vote share of all opposition parties or the difference between the second-place finisher and the winner to evaluate whether it has an impact on the decision to reject election results (Beaulieu 2014; von Borzyskowski 2019b; Daxecker et al 2019). However, I would like to investigate whether the vote share of the individual parties has an impact on their decision of how to respond to election defeat.

Data

Due to limited data availability, the analyses in this chapter include all elections and political parties between 1990 and 2009 in Eastern Europe and the former Soviet Union. As I mention in Chapter 2, finding the necessary information at party level is extremely difficult. This explains why the majority of the existing work at party level in the region has been limited to case studies or small-N analysis (Grzymala-Busse 2007; LeBas 2011; Tavits 2013). However, this original dataset still includes more than 300 political parties and over 85 elections that took place

in Eastern Europe and the former Soviet Union. This allows us to test whether the characteristics of political parties, in addition to election-level factors, contribute to the decision of political parties to reject election results.

Identifying Losing Parties

I begin identifying the losing parties by considering all the political parties that lost a given election. However, this approach has the danger of ignoring the more complicated reality that some of the parties that lost would never contemplate rejection as an option. Political parties closely associated with the winning party and those invited to form a coalition and thereby participate in the government are among those parties for whom rejection is simply not an option. However, an offer to form a coalition may follow a rejection threat by a particular party, thus serving as a conflict resolution strategy by the winner. Similarly, the winner may also anticipate the rejection, offering a part of the spoils to some of the losers to prevent a post-electoral conflict from taking place. Therefore, ideally the study of rejection would also examine the causes of participation in the government and the factors that led to its creation. Unfortunately, these events usually take place behind closed doors and away from the eyes of both the public and the media. As a result, reliable data on these processes are not available. Therefore, I include all parties that lost a given election in the analysis, but create a control variable for whether the party was a part of the government before the election.

I use data collected by Conrad and Golder (2010) to code cabinet compositions for 11 Eastern European countries. Unfortunately, detailed data on cabinet composition for many former Soviet Union republics is not yet available. As a result, they are frequently omitted from studies that use cabinet composition variables (Müller-Rommel et al. 2004; Conrad and Golder 2010). Therefore, I code these data myself using a variety of sources that included newspapers, *Keesing's Archive of World Events*, election monitoring reports, and secondary academic literature.[3]

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3. Please see the Appendix for a list of sources for each country.

Dependent Variable: Electoral Rejection

My dependent variable in this chapter is electoral rejection. It is coded as "1" if a political party rejected the election results and "0" if it complied with them. I use the definition of electoral compliance I proposed in Chapter 1. A party complies with the results of an election when it explicitly announces that it accepts the outcome and/or refrains from taking actions that question or seek to overturn the outcome. This does not include verbal allegations of fraud that have not been followed by any action.

Political Party Characteristics

Age of a Political Party

There are a number of different ways to operationalize new parties. According to the conventional definition, a new political party is one that runs in an election for the first time (Hugs 2001; Tavits 2007). Anderson et al. (2005) extend the number of elections to two, and consider any political party that participates in an election for the first or second time to be a new party. I am, however, interested not only in the number of times the political party has participated in an election but also the number of years it has been in existence. Therefore, for each party I code the year it was created and calculate the years it has been in existence up to the election in question.

For instance, the Azerbaijan Popular Front Party was founded in 1989. Therefore, it had existed for six years when it participated in the 1995 parliamentary elections in Azerbaijan; so its age is coded as six years for that election (CSCE 1996). Another example is the Country of Laws (Orinats Yerkir), a political party in Armenia, which was created in 1997. By the 2007 election it was ten years old (Mkhitaryan 2007) and was coded accordingly for that election. The reason for doing this is to examine how many electoral opportunities and disappointments the party might have already endured to temper its response.

Collecting data on the age of political parties in Eastern Europe and the former Soviet Union poses some challenges. First, the data on some

parties in the region are still not available. A second challenge comes when an election is reported to be rejected by a unified opposition: under such circumstances, the parties taking part in the coalition cannot always be clearly identified. Lastly, in many presidential elections, candidates frequently run as independents. If they decide to reject electoral outcomes and are not affiliated with any political party, identifying the age of the rejected party is not possible.

With the measurement issues and data availability discussed above, I was able to identify the age of 57 parties that rejected electoral outcomes and 290 parties that accepted electoral outcomes.[4] I included all political parties that participated in the elections under consideration, which gained at least 1 percent of the vote and for which information was available.

The age of the political parties was coded by starting from the year a given political party was registered under its current name. Many political parties have changed their names throughout their years of existence. For instance, many communist parties changed their names after the collapse of the communist regime. Every time a political party changes its name, in this analysis it is considered to be a new political party and its age clock is reset. In addition, many political parties existed either before World War II or before the establishment of the communist regime. They were either disbanded or prohibited during the communist years and then re-established after the collapse of the communist regime. To deal with this situation I consider these political parties as newly founded on the day of their registration following the collapse of the communist regime. Finally, political parties frequently compete as coalitions in which blocs of parties receive joint votes and seats, but parties in the bloc still remain separate and issue separate programs. When a coalition was dominated by one opposition party, the age of the dominant party is used. If no particular party dominated the coalition, the age is coded as missing.

As Table 4.1 shows, the average age of political parties that rejected electoral outcomes is 6.5 years. In established democracies this may be considered to be a relatively young party. However, the oldest possible age of a party in the dataset would be 20 years at the end of 2009—and that would only be if it was created at the very onset of regime transition

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4. Three independent candidates rejected the results of the presidential election; information for five other parties that rejected the results was not available.

Table 4.1 Party Age and Electoral Compliance

	N	Mean	Std. Dev.	Min	Max
Parties that Rejected	57	6.5	4.4	0	18
Parties that Accepted	290	7.2	5.4	0	20

Source: Author's calculations.

in 1989. A party of around seven years old in these countries in this period would have existed for a third of the span of post-communist politics, and therefore cannot be considered very young relative to the political context.

The age of political parties that rejected electoral outcomes ranges from zero (when the party is born in the year of the election) to 18 years old (i.e. the Socialist Party of Albania). As the standard deviation figures indicate—and as we might expect given the range of party ages associated with rejection—there exists substantial variation in the age among political parties that reject elections.

The age of political parties that accepted electoral outcomes ranges from being created the year of the election to 20 years. As Table 4.1 shows, the average age of a political party that accepted electoral outcomes was 7.2 years. As the standard deviation again suggests, there is substantive variation in age among political parties that accept electoral outcomes as well. As a result, I do not find a significant difference in the age at which political parties are willing to accept or reject electoral outcomes.

Ideology of the Political Party

To capture the ideology of political parties in Eastern Europe and the former Soviet Union, I use Armegion and Careja's (2004) coding of parties. This measure classifies political parties in Eastern Europe and the former Soviet Union into one of 12 party types: communist, post-communist, left-socialist, socialist, pensioners, greens, ultra-right, ethnic, regional, alliance, protest, and no-label or independent. I coded a very small number of parties not included in the original dataset myself. I also added a number of categories to account for nationalist and personalistic political parties, and made one modification to the coding of Armegion and Careja (2004): I created a coding rule for political parties that competed

as coalitions in which a bloc of parties received joint votes and seats but where individual parties remained separate parties with independent issue programs. Mirroring my party age coding decision, when a single party dominates the bloc, I use the dominant party's ideology as the ideology for the coalition. If the coalition is not clearly dominated by a single party, I retain the original code of "alliance".

As Table 4.2 shows, two types of political parties account for the majority of rejected elections in post-communist countries under consideration: socialist and nationalist parties. Not surprisingly, the ethnic, regional, and green parties in the sample did not reject a single election. These parties have limited and frequently geographically concentrated support and thus often lack national appeal to mount a credible rejection. In addition, these parties may not expect to win a national election. Lastly, it is also possible that the constituencies of these political parties are moderate and do not necessarily favor mounting post-electoral disputes. This also seems to be in line with Kostelka and Rovny's (2019) argument that these parties were the traditional force behind democratization in the region.

To determine whether a party was a CSP I use information found in Bozóki and Ishiyama (2002), Bugajski (2002), and Druckman and Roberts (2007) as well as other sources. It is important to note that a party's classification as a CSP does not signify its current ideology, but rather reflects its origin (Druckman and Roberts 2007). In fact, as Table 4A.1 in the Appendix shows, CSPs in the sample hold a range of ideological views from socialist and left-socialist to communist and post-communist.

Table 4.2 Political Ideology and Electoral Rejection

Party Ideology	Percentage	N
Socialist	37.3%	22
Communist	6.8%	4
Liberal	16.9%	10
Post-Communist	3.4%	2
Nationalist	27.1%	16
Independent	5.1%	3
Alliance	3.4%	2
Total	100%	59

Note: Information on the ideology of six parties that rejected the electoral results was not available.
Source: Author's calculations

Coalition Status and Strength of the Political Party

Following Wahman (2013), I code a political party as being a part of
the pre-electoral coalition when: (1) it is part of a highly formalized pre-
electoral alliance with a joint list or one agreed-upon presidential candidate;
or (2) when a political party is part of a less formalized coalition, where
parties run on a separate list but announce their intention of forming
a coalition government after the election. The variable is dichotomous.
A party is considered to be a part of a coalition if it is a part of either type
of coalition alliance discussed above. I collected these data myself using
a variety of sources that included newspapers, *Keesing's Archive of World
Events*, election monitoring reports, and secondary academic literature.

Finally, unfortunately, information on party organization and national
membership is not available on a consistent basis for parties in Eastern
Europe and the former Soviet Union and the Varieties of Democracy (V-
Dem) country-level data used in large-N studies is not appropriate for the
purposes of this study.[5] Therefore, following von Borzyskowski (2019a),
as a proxy I use election results for each party measured by the percentage
of the vote received. I collected these data using the websites of national
election commissions, the PARLINE database on national parliaments,
and election monitoring reports.

Multivariate Analysis

Making use of advances in multilevel modelling techniques (Raudenbush
and Bryk 2002), in this section I examine the extent to which a political
party's decision to reject or accept electoral results is influenced by party-
level factors and electoral context. The data used here have a hierarchical
structure, wherein observations of political party characteristics are nested
within an electoral context.

At the election level, I include five variables I have found to have a
significant impact on parties' decisions to reject election results (see
Chapter 3): institutional changes, number of consecutive victories, de
facto judicial independence, economic development, and the level of

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5. The only exception is Tavits (2013) but, unfortunately, the data is limited to political
    parties in the Czech Republic, Estonia, Hungary, and Poland.

democracy. At the party level, I include six independent variables: age, party membership in a pre-electoral coalition, ideology (separate variables for nationalist and socialist parties), party participation in government right before the election, whether or not a party is a CSP, and party vote share.

The results of the hierarchical logit model are reported in Table 4.3. Model 1 includes all the variables discussed above. At the election level, political parties are more likely to reject electoral outcomes if election-related rules have been changed prior to an election. The number of consecutive victories also increases the odds of electoral rejection. The longer the incumbent party stays in office the more likely opposition

Table 4.3 Hierarchical Logit Estimates of Electoral Rejection

	Model 1	Model 2	Model 3
Level one effects:			
Intercept	3.36 (3.62)	3.13 (3.68)	-3.63*** (.60)
Government	-2.09** (.98)	-2.13***(1.03)	-2.74*** (.94)
Pre-electoral coalition	1.28*** (.48)	1.44***(.48)	.97** (.43)
Age	-.01 (.04)	--	--
Vote	.02 (.02)	.02 (.02)	.03* (.02)
Socialist party	.80* (.48)	.72 (.45)	.94** (.41)
Nationalist party	1.19** (.58)	1.19** (.54)	1.41*** (.51)
Communist successor party	-.04 (.65)	--	--
Level two effects:			
Institutional change	1.38*** (.53)	1.47*** (.54)	--
Consecutive victories	.49*** (.16)	.52*** (.16)	--
DF judicial independence	-3.08 (4.42)	-3.57 (4.41)	--
Economic development	-.81 (.49)	-.79 (.50)	--
Democracy	.16* (.08)	.18** (.09)	--
Monitor's assessment	--	--	1.86*** (.68)
b	1.17[a]	1.39 [b]	1.79 [c]
Number of level one units	297	334	334
Number of level two units	84	89	89

Note: The above coefficients are hierarchical logit estimates of electoral rejection. Robust standard errors are in parentheses.

[a]χ^2_{78df}=111.12, $p<0.01$ [b]χ^2_{83df}=123.58, $p<0.01$ [c]χ^2_{87df}=128.04, $p<0.01$

*$p<0.1$, **$p<0.05$, ***$p<0.01$

parties are to reject electoral outcomes. The level of democracy also proves to be significant, though in an unexpected direction. The higher the level of democracy the more likely a party is to reject electoral results. Contrary to prior work, economic development is not significant in this model. Similarly, de facto judicial independence does not have a significant impact on electoral rejection.

Even controlling for election-level characteristics, four factors at the party level have a statistically significant impact on the post-election decisions of political parties. As we would expect, a political party was less likely to reject election results if it was a part of the government prior to an election in question. Being a part of a pre-electoral coalition increases the likelihood that a party will reject an election. This indicates that the political calculus of rejecting electoral outcomes likely depends on the incentives of individual parties and the availability of allies with which to share the burdens of rejection.

I also find that socialist and nationalist political parties are more likely to reject electoral outcomes than other types of political parties. However, what ideology really means in these regimes and what socialist and nationalist parties look like given the history and the development of the party systems in the region in the last quarter century is an important question. After all, many countries in the sample were still in the process of building their party systems. And many political parties in the system were still in the process of developing their programs during the period under investigation. For instance, Chaisty and Chernykh (2020) find that Ukrainian parties started properly to make party pledges and write coherent party programs only after 2006. And it took another 13 years for these parties to produce party programs with a sufficient number of pledges to at least approximate their counterparts in the established democracies. It is reasonable to suggest that parties in other countries in the sample had similar developments. Therefore, further work is necessary to determine what ideology means in these types of regimes and what makes parties with a particular ideology more motivated to reject election outcomes.

Lastly, neither the age nor historical origin nor vote share of political parties appears to impact the likelihood of a party rejecting electoral outcomes. The majority of the missing data are in age and CSP variables. If we exclude these variables from the analysis (Model 2) the sample increases to 89 elections and 334 political parties. However, the substantive results

remain the same. To check for the robustness of the results, I also fit a simple "observer" or "election quality" model, in which I include monitors' assessments at the election level (Model 3). As expected, monitors' assessments have a significant impact on whether political parties reject electoral outcomes. However, so do a number of other factors at the party level. Both prior government participation and coalition status retain their significant impact, as does party ideology. In addition, the percentage of vote a political party received in the election also becomes significant. The higher the vote, the more likely the party to reject electoral results.

However, it is reasonable to suggest that the relationship between the vote and rejection would vary by the type of election. There are not enough observations to break the sample into separate models for presidential and parliamentary elections; therefore, I present only descriptive statistics here. The average vote share of a political party that rejected a presidential election was 19.2 percent, whereas the average vote share for parliamentary elections was 6.6 percent. These results definitely make sense if we think about the dynamic of presidential and parliamentary elections.

In a presidential election, if the reported vote share of the political party is small, it would be hard for a political party or candidate to improve its standing by requesting a recount or any other means of dispute resolution short of annulling all the results. In the case of a high vote share, the winner could potentially be changed as a result of a rejection: the challenge would have more legitimacy in the eyes of supporters making it easier to organize post-election demonstrations. In contrast, a legislative election with a high vote share will indicate that the party has gained a significant share of seats and may be satisfied with the results. A low vote share, on the other hand, may incentivize a political party to increase its share of seats as a result of a rejection, or secure a role in the government coalition in exchange for compliance with the results.[6]

Therefore, in presidential elections, political parties are more likely to reject election results when they have a higher vote share or when the margin of victory is smaller. In parliamentary elections, on the other hand, political parties are more likely to reject electoral outcomes as the margin of victory increases. This may explain why the vote share variable is not

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6. An offer to join the governing coalition may come right after the election (or even before) to avoid conflict.

significant in some of my models, which include both types of elections. These findings emphasize the importance of considering the variation in impact different variables may have across different types of elections, instead of assuming a uniform effect across all elections.

Conclusion

In this chapter, I argue that political parties are central to the game of electoral rejection and are crucial for our understanding of electoral compliance. The political parties that lose an election are not always, or even often, united in their responses to defeat. Specifically, I find that in only a third of the elections in Eastern Europe and the former Soviet Union did political parties present a unified front in rejecting elections. In more than 45 percent of the elections under investigation, political parties varied in their responses to election defeat in the same election.

Furthermore, the unity of losing political parties following defeat varied by type of election. Single-party rejection occurred in 45 percent of presidential elections. Only a quarter of presidential elections were rejected by all losing political parties. In contrast, the overwhelming majority of parliamentary elections displayed at least some coordination between parties—in 50 percent of the parliamentary elections some but not all losing parties rejected the election results, with single-party rejections being relatively rare, at just over 13 percent. This illustrates that political parties are more likely to agree on post-electoral strategy following parliamentary elections than presidential elections. This indicates that the political calculus of rejecting electoral outcomes likely depends on the incentives of individual parties and the availability of allies with which to share the burdens of electoral rejection.

This chapter has shown that, by differentiating between types of parties and measuring individual party compliance, as well as other characteristics, we are able to tell a more accurate tale of electoral rejection. Using multilevel linear modelling, I find that a number of factors increase the probability that a political party will reject election results. First, being a part of the government before the election reduces the probability of rejection, as we would expect. Second, I find that socialist and nationalist parties are more likely to reject election results. This puts into question

the argument that ideology does not matter in the region. More research, however, is needed to better understand what makes these particular parties more likely to reject election results. Third, political parties that are part of a pre-electoral coalition are more likely to contest electoral outcomes. Finally, some preliminary results suggest that vote share also plays a role in parties' decision to reject election outcomes, but its impact may vary by type of election. Therefore, political parties do not exhibit a universal, Pavlovian reaction to electoral defeat. Instead, their decisions to reject elections are based on individual party characteristics, as well as on the electoral context.

This chapter highlights the variation in electoral rejection and compliance that exists at the party level, as well as proposing new opportunities for further research. It is worth noting that building theory on faulty assumptions, like a unified opposition, can and often does result in inaccurate predictions and fundamental misunderstandings of electoral politics. To this end, this chapters calls into question the assumption of a unified opposition in a way that shines a light on the pressing questions that present themselves at the party level, questions that scholars of electoral compliance will likely need to wrestle with in the future.

The Fates of Political Parties
after a Dispute

There is an influential body of literature that recognizes the threat post-election disputes—opposition protests in particular—pose to the stability of non-democratic or partially democratic regimes. At the country level, researchers expect that post-election protests will lead to democratic gains, a proposition that has received mixed empirical support (Kalandadze and Orenstein 2009; Pop-Eleches and Robertson 2014; Brancati 2016). However, evaluating the impact of post-election disputes at the country level can be difficult due to a large number of intervening variables. To address this problem, scholars have begun to examine the effect of post-election disputes at the voter level. Existing research shows that opposition protests could undermine popular support for incumbents, but may not necessarily increase support for opposition parties (Hollyer et al. 2015; Hale and Colton 2017; Tertytchnaya 2020). However, few studies provide empirical evidence of how post-election disputes impact the political parties that initiate them. As detailed cross-national datasets on political parties and their post-election strategies are hard to find, the impact of post-election disputes on political parties remains poorly understood. As a result, we know very little about how different political parties react to election defeat and what impact these strategies have on their future fortunes.

Understanding how post-election disputes affect political parties is important. On the one hand, if parties benefit from post-election disputes,

then their action can contribute to bringing real political change. On the other hand, as existing research reminds us, contentious elections may lead to political instability. A review of 19th-century elections in Latin America, for instance, shows that contentious elections frequently led to political instability. Referring to the 1850 elections in Peru, Sobrevilla Perea argues that accusations of election fraud cast such doubt over the legitimacy of the regime that they eventually led to civil war: "In this way, the 1850 Peruvian elections are an excellent example of how contested results led to political instability in the Americas" (forthcoming, 1). More recently, Laurence Whitehead has also argued that "the systemic consequences of an unaccepted defeat can do lasting and cumulative damage" (Whitehead 2007, 24). Finally, von Borzyskowki (2019b) has shown that losers' rejection frequently leads to election violence. The answers to the question of whether it leads to democratization are still unclear, however, as the relationship is yet to be examined in more systematic ways.

The party is the political actor that has remained largely understudied when it comes to post-election disputes. Understanding how election disputes affect political parties is important, as it can help shed light on whether and why post-election protests largely failed to deliver on democratic expectations and what the long-lasting legacies of post-electoral rejections are.

Drawing on the evidence in the region, this chapter studies the future fortunes of political parties that reject election results. I propose that losing parties' rejection of election results does not necessarily result in future gains at the ballot box and does not necessarily increase the probability of survival for these political parties. In line with existing research, I argue that some voters might be invigorated by political parties' rejection of election results. However, these voters may not necessarily side with these parties in the next election. In addition, even though frequently framed as democracy-promoting events, I argue that post-election disputes are not set up to deliver democratizing outcomes as quickly as citizens may expect. Therefore, political parties that mount post-election disputes may benefit from these events in the short term, but these benefits are unlikely to carry on in the long term.

To systematically evaluate these propositions, I use the dataset introduced in Chapter 2 of political parties that rejected election results

in Eastern Europe and the former Soviet Union between 1990 and 2009. In addition to post-election disputes, I also create a dataset that traces the subsequent electoral trajectories of these political parties. The combination of these two datasets allows me to evaluate the impact post-election disputes had on the political parties that initiated them. I find that few parties benefitted from post-election disputes at the ballot box and even fewer were able to survive past two subsequent electoral cycles following the rejected election. Political parties that do benefit and manage to continue to compete in the elections tend to be larger, or what I refer to as leader parties. I discuss four potential reasons that may help better understand these outcomes: (1) the unrealistically high expectations placed on the political parties that reject election results; (2) the organizational and programmatical weakness of political parties; (3) the fact that political parties that reject election outcomes are likely to attract negative attention from the ruling parties; and (4) the public support for the ruling party that electoral losers protest against.

This chapter sheds light on the possible effects of post-election disputes and contributes to broader research on elections, party development and institutionalization, and democratization. To the best of my knowledge, this is the first cross-national attempt to study the political parties that initiate post-election disputes. Findings highlight the importance of including not only structural conditions and individual citizens in the analysis of post-election disputes, but also political parties. They also suggest that, in trying to better understand democratization, and especially the legacies of electoral revolution, we ought to pay greater attention to political parties and the strategies they use to contest election outcomes.

Rejection of Election Results: What Do We Know?

Large demonstrations led by opposition parties, taking their supporters onto the streets in the aftermath of an election, have forced some incumbents to relinquish power. These events demonstrate that incumbent leaders can be overthrown even in the seemingly most stable regimes (Bunce and Wolchik 2011; Pop-Eleches and Robertson 2014). Initially, academics and policy-makers not only praised post-election protests in countries where they took place; they also encouraged other states to follow. On a tour of

the Caucasus in May 2005, US President George W. Bush visited Georgia, calling it a model for others to emulate:

> [O]ur most important contribution is your example. In recent months, the world has marveled at the hopeful changes taking place from Baghdad to Beirut to Bishkek. But before there was a Purple Revolution in Iraq, or an Orange Revolution in Ukraine, or a Cedar Revolution in Lebanon, there was the Rose Revolution in Georgia. Your courage is inspiring democratic reformers.[1]

However, subsequent research has become more skeptical about the transformative power of even successful post-election disputes. There is a growing body of opinion that post-electoral disputes, even when successful, are often ineffective in advancing democratization (Tudoroiu 2007; Kalandadze and Orenstein 2009; Haring and Cecire 2013) and, in some cases, may even be detrimental to the process of democratic consolidation (Areshidze 2007). Taking stock of the mid-term effects of electoral revolutions in the 21st century, Pop-Eleches and Robertson (2014) discuss both the possibilities and the limitations of this mode of change in power by reviewing four prominent cases: Serbia 2000, Georgia 2003, Ukraine 2004, and Kyrgyzstan 2005. Although they note some significant improvement in some countries, they point out that other countries fell far short of the initially high expectations that surrounded these electoral revolutions, forcing us to consider whether the study of democratization and protest should be divorced from one another (Hale 2019).

Leveraging evidence from survey and protest data, recent studies have also documented the significant effects of opposition protests on the political attitudes of individual voters (Sangnier and Zylbergberg 2017; Frye and Borisova 2019; Tertychnaya and Lankina 2019; Tertychanaya 2020). This literature has examined the impact of not only successful but also unsuccessful post-election disputes. These studies propose that the impact of protest on attitudes is not uniform and may vary depending on a number of factors. Tertychnaya (2020), for instance, finds that

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1. President's Address and Thanks Citizens in Tbilisi, Georgia, 10 May 2005 http://georgewbush-whitehouse.archives.gov/news/releases/2005/05/20050510-2.html (last accessed 2 December 2020).

while opposition protests dampen support for the ruling regime, they do not necessarily increase support for the opposition. Furthermore, despite initial support for protests, regime media coverage and the use of repression against protesters can influence public opinion and turn it away from supporting the protests (Tertychnaya and Lankina 2019). In addition, opposition protest not only seems to have a negative impact on the support for and trust in the ruling regime, but also on the monitoring institutions, such as the electoral commission and the courts (Sangnier and Zylbergberg 2017). However, post-election protests may also have the opposite effect and increase trust in government when the opposition is officially allowed to hold protests (Frye and Borisova 2019).

Although parties frequently enter into our explanations of post-election dispute and protest success, they have received little systematic treatment in the literature. To date, existing studies have not provided direct evidence of how post-election disputes affect the future of political parties themselves. Relatedly, the overall effect of electoral rejection has been subjected to little empirical cross-national testing. This is surprising given that political parties are frequently the primary actors that initiate rejection of the election results and make the decision about what strategies to use to contest them. The focus on individual political parties allows us to avoid two paradigmatic tendencies, which have been identified as being especially problematic when it comes to the study of post-election disputes: always linking protests to democracy, and pitting "the state" against a set of actors (Hale 2019).

Conceptualizing and Measuring Future Fortunes

Developing systematic ways in which to evaluate the impact of post-election disputes on political parties is not straightforward for a number of reasons. First, it is unclear what should be the exact outcome of interest. When it comes to individual citizens, we can look at public opinion or public attitudes (Sangnier and Zylbergberg 2017; Frye and Borisova 2019; Tertychnaya and Lankina 2019). When it comes to the election or country level, we can look at changes in the levels of democracy, election-related reforms, or improvements in particular institutions—such as electoral processes, judicial independence, media freedom or corruption (Kalandadze

and Mitchell 2009; Beaulieu 2014; Pop-Eleches and Robertson 2014; Brancati 2016). But what outcomes should we pay attention to in order to evaluate the impact of post-election disputes on political parties?

One obvious outcome that comes to mind is whether a political party manages to come to power as a result of a post-election dispute. This is something that the literature tends to refer to as a "successful" post-election dispute or "electoral revolution." It happens when an initial result is overturned, and a new election is held where a political party that initiated the dispute eventually assumes office or forms a government. However, these cases are very rare: only in four elections in Eastern Europe and the former Soviet Union were the electoral outcomes overturned as a result of post-election dispute—Serbia 2000, Georgia 2003, Ukraine 2004, and Kyrgyzstan 2005 (Kalandadze and Orenstein 2009; Bunce and Wolchik 2011; Pop-Eleches and Robertson 2014). Focusing on successful post-election disputes leaves us with a very small number of already closely studied elections, and will tell us very little about other political parties and post-election disputes in the region.

Therefore, instead, I begin my investigation by considering two other outcomes. First, I investigate the impact of electoral rejection on parties' future electoral success. Does rejecting an election increase the electoral chances of the political party in the next election? I focus on seats gained and votes received, depending on the election type, parliamentary election and presidential election, respectively. I argue that analyzing parties' future electoral fortunes can help us better understand the impact of post-election challenges and better connect them with the individual-level studies I discuss above. Many of these studies use survey data to assess the impact of post-election protests on public opinion and opposition support (Sangnier and Zylbergberg 2017; Frye and Borisova 2019; Tertychnaya and Lankina 2019; Tertychnaya 2020). This chapter can help us to start linking public opinion to the actual ballots cast. If post-election disputes have a positive impact on political parties, we should be more likely to observe an increase in their vote share in the next election.

Second, I focus on parties' ability to survive post-election disputes. I follow Meng (2021) here and not only try to evaluate the impact of post-election disputes but also try to indirectly evaluate the strength of these political parties. However, defining survival in this case is difficult. When it comes to ruling authoritarian parties, Meng (2021) focuses on survival

as the number of years that a party is able to remain in power. However, what does survival mean for political parties that are not in power? I define survival here by looking at whether the party continued its participation in the subsequent elections, alone or as a part of a coalition, and was able to get at least one seat in the legislature or over 1 percent of the votes in presidential elections. I consider two subsequent electoral cycles after the rejected election.

These two variables can give us a glimpse at the trajectories of political parties after they initiate post-election disputes and help us better understand not only the short-term but also the long-term consequences of electoral compliance for the party system.

As I discuss in Chapter 2, collecting data at the level of the political party presents a number of challenges, thus frequently limiting our ability to develop a comprehensive set of indicators of the impact post-election disputes may have, as well as to test the impact empirically with controls. For instance, a party's organizational strength is an important variable that may have an impact on both its ability to mount a post-election protest and its lifespan as well as electoral success (Tavits 2013). Unfortunately, as I discuss in Chapter 4, the data on this variable is not available for many parties, which may require the use of frequently imperfect proxies.

Furthermore, even the most straightforward outcomes, such as electoral success, pose some real challenges, as official results in many countries with flawed electoral processes may not reflect actual electoral support in some elections (Meng 2021). However, I still argue that we can use electoral performance to give us an idea of the impact post-election disputes may have on political parties.

Operationalizing Post-Election Disputes

In this chapter, I focus only on political parties that rejected election results. I follow the same definition and operationalization of post-election disputes proposed in Chapter 2. In particular, I include all political parties that participated in the election and rejected election outcomes using one or more of the following strategies: legal rejection by filing a petition to the court or electoral commission, post-election protest, refusal to accept seats in the legislature, or boycott of the second round of elections. I also

consider the type of rejection strategy used, including legal vs extra-legal actions taken by the political parties, as defined in Chapter 2. The unit of analysis, therefore, is election-party.

Eastern Europe and the Former Soviet Union

As I discuss in Chapter 1, Eastern Europe and the former Soviet Union is a fruitful region for the study of post-election disputes. In this section, I want to further elaborate on both the benefits and the limitations that come with focusing on this region when it comes to looking at the impact of post-election disputes.

Eastern Europe and the former Soviet Union was the origin of the so-called electoral virus, which later spread to other regions of the world and influenced political developments well beyond its borders (Bunce and Wolchik 2011). For instance, scholars have found that the symbols and rhetoric of the Orange Revolution in Ukraine were later used in contentious elections in Lebanon and Kenya. Although the jury is still out on whether protests really diffuse across borders, the existing literature argues that strategies first tried out during elections in this region were later borrowed by opposition parties in Zimbabwe, Togo, Ethiopia, Mexico, and Iran (Bunce and Wolchik 2011; Brancati and Lucardi 2019; Hale 2019). Since many of the existing theories of post-election disputes originated in this region, and the strategies undertaken by political parties here have been imitated in other countries, it makes the region a fruitful setting for research on the effects of post-election disputes.

The region has already attracted a lot of scholarly attention. Focusing on electoral processes, media independence, the judicial framework and corruption, Pop-Eleches and Robertson (2014) have documented the effects of protest on democratic governance in the region; Frye and Borisova (2019) have documented protests effects on trust in government; and Tertytchnaya and Lankina (2019) have examined the effects of protests in Russia on support for the protestors. In this chapter, I join these studies in revisiting the impact of post-election protests and extend that agenda theoretically and empirically to consider how post-election disputes influence the future fortunes of the political parties that initiate them.

Therefore, although a number of excellent studies have already been published focusing on the region, my approach is different from the existing work as I am interested in studying how post-election disputes affect political parties' success at the ballot box. This allows me to focus on different political parties and consider outcomes outside of the protest–democracy paradigm (Hale 2019). Moreover, rather than focusing solely on post-election protests, I consider all the actions that political parties can take to reject electoral results, as outlined in Chapter 2.

There are a number of limitations of the analysis that need to be acknowledged upfront. First, there are well-documented high levels of electoral volatility in this region, where parties change frequently and their survivability is low on average (Sikk 2005; Tavits 2005; Epperly 2011; Powell and Tucker 2014; Crabtree and Golder 2017). Therefore, many parties may come and go regardless of their participation in a post-election dispute. However, evaluating parties' survivability in this arguably difficult electoral environment can still give us important information and help us better understand the types of parties that reject election results as well as the impact these rejections may have.

Second, smaller parties may make a decision about their post-election response based on other, larger political parties rather than their own calculations. The present analysis will not be able to distinguish between the two. However, given that the main interest is the impact of post-election protests on the future of any political party that initiates or participates in them, it should not affect the analysis. I do, however, differentiate between larger opposition parties and smaller ones in the analysis below.

Finally, as in any comparative analysis, we do not have information about a counterfactual situation, in other words what would have happened if a political party had not rejected the election results. All we can observe is the response to election defeat and the future of the political party.

Descriptive Evidence

Using the data introduced in Chapters 2 and 4, I identify political parties that rejected and accepted election results in Eastern Europe and the former Soviet Union between 1990 and 2009.[2] I limit the sample to

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2. The data here is limited to 1990 to 2009 to allow to track the results in the two subsequent electoral cycles.

rejected elections only. For every election and party in the sample, I code election result in the election as well as track the party's future performance. This includes: (1) vote share and seat share in parliamentary elections and vote share in presidential elections; (2) whether a political party was the leader in terms of the vote or seat share in the post-election dispute; and (3) finally, whether the party survived for the next two electoral cycles. As I discussed above, survival is defined by a political party receiving at least one seat in the next two electoral cycles or over 1 percent of the vote in the presidential election.

I have been able to locate the necessary information for a total of 120 political parties. This includes 55 parties that rejected election results and 65 that accepted.[3] As Figure 5.1 shows, 27 percent of political parties that accepted election results were able to increase their vote share in the next election, and 20 percent improved their seat share. When it comes to political parties that rejected election results, the numbers are higher. 35 percent of such political parties were able to gain a higher share of votes in the subsequent elections and 36 percent improved their seat share.
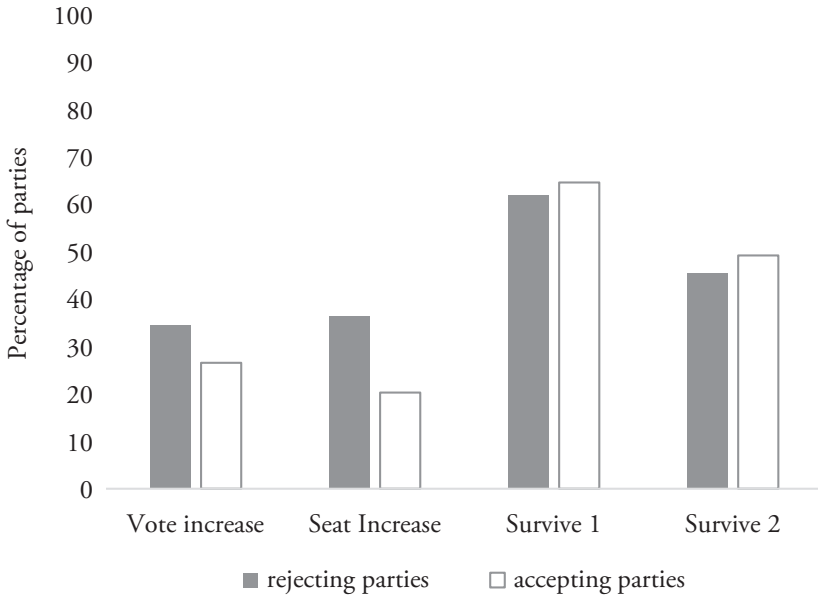
Figure 5.1 Electoral Future of Political Parties After a Dispute

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3.   Please see Appendix for the codebook.

However, when we break down these results for rejecting political parties by leader and follower parties, it is the leader parties that benefitted the most. Of the 19 parties that increased their vote share in the election following the post-election dispute, over 73 percent were leader parties—parties that led the post-election rejection or were the largest party. Similarly, when we look at the seat increase, over 70 percent of parties that increased their seat share were leader parties. Thus, less than half of all political parties that participate in post-election disputes are able to improve their electoral standing in the subsequent elections and, of these, it is disproportionally leader parties that are likely to benefit.

Although the improvement of electoral numbers is encouraging, I find that this electoral success does not last, and the rates of survival are very similar for parties that reject and accept election results. Overall, 62 percent of parties survived post-election disputes, went on to compete in the next election, and were able to secure at least one seat or over 1 percent of the vote in the presidential election. However, this number goes down to 45 percent when we extend it to a second electoral cycle. These numbers are very similar to the survival rates of the political parties that accepted elections results, confirming high electoral volatility in the region. Moreover, when I break down the numbers by leader/largest party and follower/smaller parties, I find that leader parties are more likely to survive—leader parties constituted over 64 percent of the parties that survived the first post-dispute electoral cycle and over 65 percent in the second electoral cycle.

As I mention above, these analyses are primarily based on election results, so they should be treated with caution. On the one hand, election results may truly represent a failure on the part of political parties to obtain voter support—less than half of the political parties involved in post-election disputes benefitted at the ballot box, or even managed to survive past two subsequent electoral cycles. On the other hand, it may also mean that the results might have been falsified by the incumbent government specifically targeting all opposition parties or the particular parties that initiated post-election disputes in the past as a retaliation strategy.

Illustrative Cases: Ukraine and Georgia

To explore the coding and the context in more detail, in this section I take a closer look at two political parties that rejected election results in Ukraine in 2004 and Georgia in 2003, respectively. A number of excellent

academic and journalistic accounts already exists that provide an overview and analysis of these elections, the subsequent demonstrations, and the Supreme Court decisions to order the elections to be rerun (e.g. Fairbanks 2004; Wilson 2005; D'Anieri 2007; Bunce and Wolchik 2011). First, I examine the post-2004 trajectory of Our Ukraine, a political party that led one of the most prominent post-election disputes in the country in the aftermath of the 2004 presidential election. Second, I look at the United National Movement, a political party that contested the outcomes of the parliamentary election in Georgia in 2003. My objective in this section is not to retell the events. Instead, I focus on the future of the political parties that led these post-election disputes.

I focus on Ukraine and Georgia for three main reasons. First, both are successful cases in the sense that the election outcomes were overturned as a result of the post-election disputes and the opposition then came to power. This helps to address the problem of making inferences based on possibly fraudulent election results, as we can expect that at least the next election held after these disputes would reflect the true voter support for these parties. And, indeed, international observers did endorse both elections that followed the post-election disputes in Ukraine and Georgia (OSCE 2006b, 2008). Second, the cases provide variation in terms of both the type of the election and the political parties involved. In Ukraine, the focus is on a presidential election and a political party that failed to survive. In Georgia, the focus is on a parliamentary election and a political party that remains one of the dominant parties in Georgian politics today. Thus, the cases offer variation in terms of post-dispute trajectory and help to better illustrate the possible subsequent electoral successes and failures of political parties.

Ukraine 2004—Our Ukraine Party and the Election

Ukraine is probably one of the first countries in the region that comes to mind when one thinks about post-election disputes. Nestled between Russia and the West, the country carries geopolitical significance for Europe and democracy in the region. However, following its independence in 1991, the country struggled to make democratic gains. This is why the events of the 2004 election were welcomed domestically and abroad as a clear sign of strong steps toward regime change in the country, and were considered to have "shifted politics in a decidedly more democratic

direction" (Bunce and Wolchik 2010, 44–45). To this day, the events of the so-called Orange Revolution are widely praised by international observers as one of the factors that have shaped 21st-century geopolitics (Dickinson 2020).

Ukraine graced international newspapers in November 2004 with pictures of hundreds of thousands of people camping on the cold streets of the Ukrainian capital Kyiv to protest what is widely believed to have been a fraudulent election. Below, I trace the electoral performance of the Our Ukraine party, starting from the 2002 parliamentary election through subsequent presidential and parliamentary elections, which took place after Viktor Yushchenko was declared the winner of the 2004 presidential election.

The Our Ukraine Bloc was initially created in January 2002 in preparation for the parliamentary election and consisted of ten political parties, including the Our Ukraine party led by Yushchenko. The bloc was successful in 2002 and came first in the proportional half of the election, gaining 23.57 percent of the vote. It was the first time that the Communist Party had lost the proportional vote. In total, Our Ukraine Bloc received 112 seats.[4]

In March 2003, the Our Ukraine Bloc held a conference with the goal of forming a broad coalition of opposition parties to help Yushchenko win the presidential election. It has been reported that more than 700 people representing different political parties attended the conference. And, although not every party wanted to formally join the bloc and support Yushchenko as the only presidential candidate, overall parties agreed to work together towards the creation of a broad political coalition. Yushchenko summarised the outcome of the conference in his closing speech: "I'm certain that we've emerged with a new, strengthened sense that only together can we achieve the goal we dream of: to change the Ukrainian government and install a Ukrainian democracy" (Krushelnycky 2003).

Viktor Yanukovych, leader of the Party of Regions and the chosen successor of President Leonid Kuchma, was declared the winner of the 2004 presidential election on 22 November. Yushchenko and Our Ukraine immediately challenged the results and called their supporters to

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4. Central Election Commission of Ukraine, https://www.cvk.gov.au (last accessed 23 November 2020).

the streets. He was joined by other opposition parties, including Bloc Yulia Tymoshenko. After days of mass demonstrations, on 27 November the parliament declared the results of the election invalid. Six days later, the Supreme Court annulled the results and called for a new election to be held in December. On 26 December, a so-called 'third round' of elections was held, observed by the largest contingent of international observers in history. Yushchenko was declared the winner of the election with 52 percent of the vote (Karatnycky 2005; Byrne 2013). He took office in January 2005.

Yushchenko lost, contested, and then won the 2004 election with the support of Our Ukraine and other political parties. However, what followed was far from what anyone would have expected. Figure 5.2 offers a brief overview of Our Ukraine's electoral performance in the parliamentary elections held between 2002 and 2012.

As Figure 5.2 shows, the bloc started to lose its electoral support almost immediately after the 2004 protests. In the 2006 parliamentary
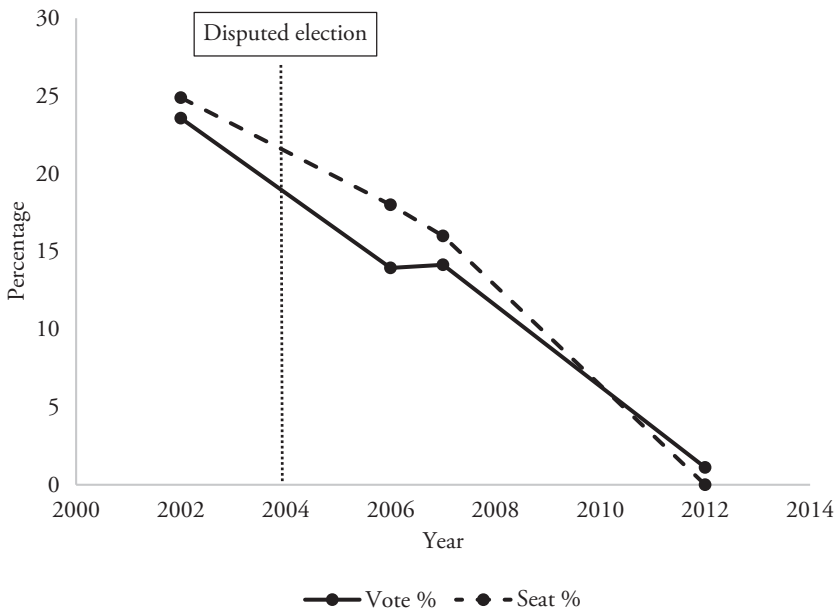
Figure 5.2 Electoral Performance of Our Ukraine Party/Bloc 2002–2012

Source: Central Election Commission of Ukraine, https://www.cvk.gov.au (last accessed 23 November 2020).

election—the first election after the 2004 Orange Revolution—Our Ukraine received less than 14 percent of the vote, and its seat share decreased to 81 (18 percent). One of the intriguing features of the 2006 elections was that the Party of Regions, led by Yanukovych, the rival candidate in the 2004 election, came first with 186 seats. Although the "orange" parties still outnumbered the Party of Regions with 243 seats,[5] the election showed declining support for Our Ukraine.

The new parliament in 2006 was short-lived. Our Ukraine decided to leave the governing coalition, the Coalition of Unity, causing a stand-off between the president and the parliament and eventually prompting an early parliamentary election in September 2007. The outcome of this election was even more disappointing for Our Ukraine. The party's seat share further decreased to 72.[6]

But the most devastating defeat came in the 2010 presidential election. President Yushchenko lost in the first round, coming fifth with only 5.45 percent of the vote. In yet another unprecedented turn of events, his 2004 rival, Viktor Yanukovych, won the election, becoming the fourth president of Ukraine. What had frequently been referred to as a "sharp political break with the past" (Bunce and Wolchik 2010, 44–45) was quickly slipping away just five years later. In the subsequent 2012 parliamentary election, the Our Ukraine party did not recover. The party managed to get only 1.11 percent of the vote, failed to clear the electoral threshold, and did not get any seats, effectively disappearing from political arena only eight years after the Orange Revolution.

Georgia 2003—The National Movement and Burjanadze-Democrats

Almost exactly a year before the events of the Orange Revolution, in November 2003, Georgia—a small country in Central Asia—was also unexpectedly thrown into the international spotlight. A group of political parties that supported Georgia's long-standing leader, Eduard Shevardnadze, won the 2003 parliamentary election. Immediately following the 2 November elections, two opposition parties, the United National Movement

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5. This included Our Ukraine, Bloc Yulia Tymoshenko and the Socialist Party.
6. Both elections were held under pure proportional representation electoral rules.

and the Burjanadze-Democrats, claimed victory in the parliamentary election and denounced the ruling parties for "stealing" the election, calling their supporters onto the streets. Starting on 4 November, the two parties launched mass demonstrations on the streets of the capital Tbilisi.

These demonstrations prevented the convening of the new parliament on 22 November and forced President Eduard Shevardnadze and his Citizens' Union of Georgia (CUG) party to resign the next day. On 25 November, the Supreme Court of Georgia annulled the results of the proportional component of the 2003 parliamentary election. A repeat of the proportional component and a new presidential election were scheduled, to be held in 2004 (OSCE 2004a).

In the 2004 parliamentary election, the National Movement and Burjanadze-Democrats joined forces into a National Movement-Democrats and received 66 percent of the vote with 65 percent of the seats. The party and its leader, Mikheil Saakashvili, also won the 2004 extraordinary presidential election with more than 96 percent, becoming, at 36, the youngest president in Europe at that time.

In contrast to Our Ukraine, the United National Movement and Saakashvili were able to succeed in the next electoral cycle as well. In the 2008 parliamentary election, the party received 59.18 percent of the vote and 79 percent of the seats. Saakashvili was also re-elected as president in the first round with a more modest but still high 54 percent of the vote.

As Figure 5.3 shows, however, the party's electoral numbers started to decline after 2008. The party lost in the 2012 parliamentary election to Georgian Dream, a new party created by businessman Bidzina Ivanishvili. Georgian Dream also won the presidency in 2013.

Despite declining numbers, the United National Movement party continues to participate in parliamentary elections. Even though it lost its ruling position, as of 2020 it remains the largest and strongest opposition party in the country. The peaceful alternation of power between the United National Movement and Georgian Dream has been widely praised as "truly remarkable" (Fairbanks and Gugushvili 2013, 112). However, a tradition of election rejection seems to have taken hold in the country. The results of both the presidential and parliamentary election in 2008 were contested by the opposition parties. Furthermore, a new post-election protest was unfolding in Georgia as this chapter was being written. The
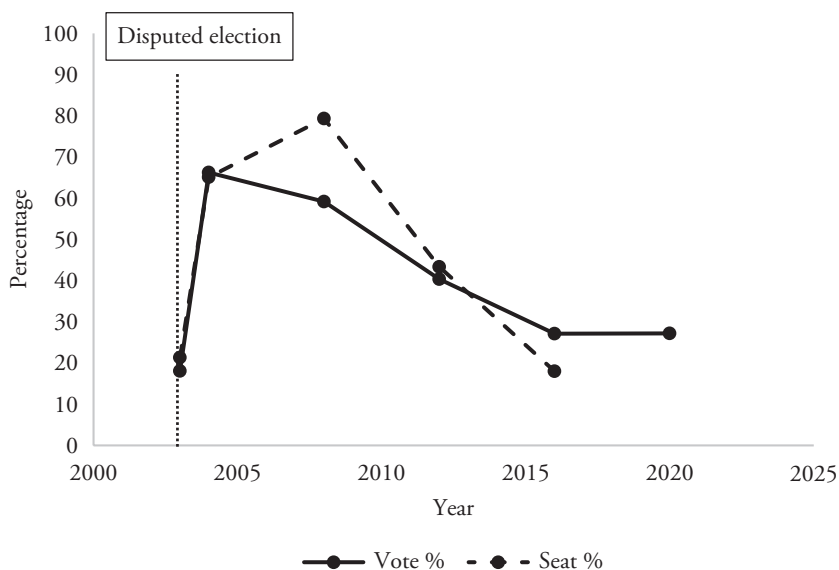
Figure 5.3 Electoral Performance of the United National Movement

Source: OSCE reports (various years) and Central Election Commission of Georgia.

United National Movement was yet again on the streets protesting the results of the 2020 parliamentary elections won by the Georgian Dream party. The party was demanding the resignation of the Central Election Commission and a new parliamentary election.[7] All opposition parties that gained seats in the new parliament signed a joint statement stating that they would not accept their seats.[8]

To summarize, the data and two case studies reveal two important lessons. First, immediately following post-election dispute, it is difficult to predict the democratization potential of the event. The data underscores how difficult it is for political parties in this region to survive past two electoral cycles after a dispute. The fact that the majority of political parties fail to improve or even sustain their electoral performance and disappear after one or, at most, two electoral cycles calls into question whether political parties that initiate post-election disputes can deliver lasting democratizing benefits.

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7.   Radio Free Europe/Radio Liberty (2020).
8.   Jam News (2020).

Second, the leader or larger opposition parties are most likely to benefit from post-election disputes. However, even these parties are not immune from failure and, as the Our Ukraine case illustrates, may fail to improve electorally, or even survive, despite leading a successful post-election dispute.

Discussion and Substantive Implications

What are some of the substantive implications found by tracing the future electoral fortunes of political parties that reject election results? The preceding sections have demonstrated that political parties that mount post-election disputes are unlikely to benefit from them electorally in the subsequent electoral cycles, and many effectively disappear from the political arena after one or two electoral cycles. This includes not only unsuccessful post-election disputes, but also parties that eventually came to power following election results that have been overturned. What might be the reason for this and, most importantly, what are the substantive implications of these findings for our understanding of post-election disputes in general and their consequences in particular?

It is useful to consider four possible explanations. The first explanation emphasizes the contextual factors—in particular, a combination of difficult political conditions and extremely high expectations that accompany post-election disputes. These expectations are frequently so high that no political party would be able to meet them. Post-election disputes, successful disputes in particular, are frequently described as a "break from the past" and "democratic breakthroughs," promising dramatic political and economic change. However, breaking from the past and democratizing may take more than one election. Progress toward democratization takes time—much more time than citizens seem to allow in these cases.

Even in the case of successful post-election disputes, new democratic leaders tend to inherit difficult political, economic, and cultural conditions. For instance, in the case of Our Ukraine, the party inherited a country that ranked among the most corrupt in the world. In 2003, Ukraine was ranked 106 out of 133 countries, with a score of 2.3, right behind Zimbabwe.[9]

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9. Transparency International Corruption Perceptions Index, https://www.transperancy.org/en/cpi/2003 (last accessed 12 February 2024).

A public opinion survey conducted in Ukraine in 2003 by the International Foundation for Electoral Systems found similarly high perceptions of corruption among Ukrainian citizens. When asked about corruption levels in six institutions (including healthcare, the police, education, the courts, customs, and the tax authorities), more than 60 percent of respondents thought that corruption was a very serious or somewhat serious problem. Similarly, when asked about the economy, more than 60 percent of respondents thought that the economic situation in Ukraine was somewhat or very bad. Most importantly, however, the survey found that many Ukrainians associate economic well-being and security with democracy. Over 50 percent of respondents mentioned economic issues when asked about the meaning or prerequisites for democracy.[10]

However, solving issues of corruption and improving economic well-being frequently takes more than a couple of years. Given the connection with democracy, we can begin to understand why political parties that come to office as a result of post-election protest, but that fail to make immediate progress on these issues, might be voted out of office very quickly.

The second possible explanation is that regime change and democratization require strong, organized parties. In her analysis of party organization in post-communist countries, Tavits (2013) finds that organizationally strong parties are more likely to succeed electorally. She also argues that organizationally strong parties are more likely to survive long term as well as cope with environmental shocks. However, what this chapter has shown is that frequently political parties that initiate post-election disputes struggle to survive past two election cycles; this suggests that these political parties may be organizationally weak.

Furthermore, as discussed in Chapter 4, I find that some types of parties—socialist and nationalist in particular—tend to reject election results more than other parties. However, a cursory look at political parties in the region also shows that some parties tend to be centered on one particular individual (e.g. the Yulia Tymoshenko Bloc in Ukraine, the Burjanadze-Democrats in Georgia, or even Our Ukraine in Ukraine, which was not named after, but was still centered on, its leader, Viktor Yushchenko). Therefore, some of these parties are at risk of disappearance if their leader loses an election, as the example of Our Ukraine has

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10. Sharma and Van Dusen (2003).

demonstrated. This further suggests that some of the parties might be organizationally as well as programmatically weak.

Kitschelt and Kselman (2012) propose three criteria to evaluate a party's programmatic messages: coherence, salience, and polarization. They argue that voters can choose programmatically among parties only when "(a) politicians speak roughly with the same voice on (b) the issues that are relevant for voter choice and on which (c) they take positions distinct from that of other parties" (p. 1463).

Analyzing party electoral pledges in Ukraine, Chaisty and Chernykh (2020) find that political parties were indeed programmatically weak in 2002. However, the situation started to gradually change in 2007 when political parties began making significantly higher numbers of pre-electoral pledges. These pledges were distinct from each other, making it easier for voters to differentiate between political parties. However, only in 2014 did party pledges start to address voter-salient issues. This shows a gradual development of programmatic parties in Ukraine over time; something that may not have been in place during the 2004 post-election dispute.

Ukraine is, of course, one of not only the most famous but also the most paradoxical cases of post-election disputes. It is the only known cases where a political party that initiated a post-election dispute managed to overturn the results of the election, only to subsequently lose to the very same party and candidate whose victory was disputed and who were accused of fraud in the previous election. However, it highlights the volatile nature of post-election disputes and the unpredictability of outcomes even in cases that are considered among the most successful. Organizational weakness is not a result of post-election disputes, of course. Rather, organizational weakness helps us better understand why parties may fail to deliver democratizing outcomes.

Third, it is possible to suggest that losing political parties that reject election results attract particular attention from the ruling parties. Mindful of the danger these parties may present at the subsequent election, these parties in particular may become the targets of the regime that tries to remain in power. Having experienced post-election protest, the ruling parties may try preemptively to reduce the odds of a repeat at the next election. This could be done in a number of ways, from banning the leaders and political parties from participating in the next election, to falsifying the election results for these parties. This may or may not

lead to repeat protests, but can affect election outcomes and, therefore, election gains and survivability of the political parties as it is measured in this chapter.

Finally, it is important to consider that the ruling regime, even if considered to be repressive, manipulative, or undemocratic by the losing parties, may still have considerable public support. Even if considered non-democratic by part of the population, the leaders and political parties in power, even if they manipulate elections or change election rules, still do govern and make an effort to provide what people value (Przeworski 2022). They not only govern, but also improve their governance in response to information they receive as a result of the election, even if these elections are not seen as free and fair by the rest of the world. Miller (2015) finds that regimes that have a history of competitive authoritarian elections respond to public pressure and provide important developmental outcomes. In fact, these regimes have better outcomes on health, education gender equality, and basic freedoms than non-electoral autocracies. Therefore, we should not assume that a ruling party whose election win attracts a post-election protest does not have public support of its own.

It is also important to recognize that, in analyzing the impact of the 2010–2011 Arab Spring protests, El-Mallakh (2020) finds that greater exposure to protest led to a higher share of votes for the candidates of the former regime and greater recognition of the importance of order and stability. In other words, those voters who were exposed to the violence of the protests were willing to trade human rights for security. Although elections in the region under investigation did not experience high levels of violence, the onset of post-election protests could have been unsettling to many citizens who may not have been politically involved and who may have preferred the security and certainty of the ruling regime to the uncertainty of the protests. In fact, a Pew Research Centre Survey conducted in the region between 2015 and 2016 found that a significant proportion of citizens had positive and even nostalgic views toward the Soviet Union and its autocratic leaders, such as Stalin. As expected, these feelings are more prevalent among the older people, who could have found instability and uncertainty of democratization difficult.[11]

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11. Masci (2017).

It is important to note that some existing work has also suggested that the study of post-election disputes should not be linked to the study of democratization at all (Hale 2015, 2019). Hale (2015) points out that many post-election protests originated from elite splits and may not necessarily be directed at delivering democratizing outcomes at all. Therefore, he argues that it is not that post-election protests failed to deliver democratizing outcomes, it is that they did not try in the first place. To support his argument, Hale (2019) points out that many revolutionary leaders and political parties emerged from previous regimes. For instance, Mikheil Saakashvili was former justice minister for President Eduard Shevardnadze, who he unseated as a result of the Rose Revolution. Similarly, Viktor Yushchenko, the leader of Our Ukraine, famously served as prime minister under President Leonid Kuchma. If this argument is correct, then the failure of political parties to succeed at the ballot box after the post-election dispute may be attributed to the differences in expectations between these political parties and voters, who expected democratizing outcomes.

It is important to note that I am not necessarily making a causal argument here. I am simply taking an established debate about the impact of post-election disputes and showing descriptively that many political parties do not seem to benefit from initiating post-election disputes and frequently fail to survive. This provides some additional evidence for why the majority of post-election disputes fail to deliver highly anticipated democratizing outcomes.

Conclusion

A large body of literature recognizes that even successful post-election disputes rarely lead to the democratizing outcomes that many scholars and practitioners hope for. However, why this is the case has remained poorly understood. Existing work has considered the impact post-election disputes have on country-level indicators, as well as on opinions and attitudes of individual citizens. However, the impact of post-election disputes on the political parties that initiate them has remained largely understudied. Detailed datasets on political parties that initiate post-election disputes, like the one presented in this book, are not easy to find. This may explain

why there have been no empirical studies that looked at the impact of post-election protests on the electoral future of the political parties that initiated them.

Leveraging evidence from new party-level data on post-election disputes in Eastern Europe and the former Soviet Union, this chapter sought to fill in gaps in our understanding of the possible impact post-election disputes may have on the electoral success and survival of political parties after a dispute. Do parties gain more electoral support in the next election? Post-election disputes are costly and difficult, and we are yet to have any systematic evidence whether they pay off for political parties, and for democracy more generally.

Results suggest that political parties rarely benefit from post-election protest electorally. And, when they do, it is usually leader parties that experience an increase in their support at the ballot box. Furthermore, many political parties appear to be organizationally weak and frequently fail to survive past two electoral cycles after the dispute. Although this is not surprising in a region with high electoral volatility, what is surprising is that post-election disputes seem to carry few short-term benefits and even fewer long-term benefits for the political parties that initiate them. This applies not only to unsuccessful but also successful post-election disputes. However, further research is needed to better understand the place, if any, disputed elections have in the democratization process at the level of both political parties and individual voters.

This chapter additionally offers some explanations for the limited success of post-election disputes for parties. However, just as this chapter brings attention to the importance of including political parties more systematically in the study of post-election disputes, it also brings attention to the lack of key data necessary to do that thoroughly. Therefore, as scholars continue to develop new datasets on elections and post-election disputes, they should include political parties as a unit of analysis in addition to elections and individual citizens. Some possible indicators could include measures of party organizational strength such as membership size, organizational presence, and professionalization as well as measures of party programmaticity. Finally, researchers could also collect more precise data on the lifespan of political parties. Doing so will help scholars to better test existing theories, develop new theories, and discover new empirical trends in post-election disputes.

Conclusion

Political Parties and Post-Election Disputes

The causes and consequences of post-election disputes have been among the most rapidly growing topics of research in political science in the last 20 years and not without good reason. In 2017, 31 percent of elections held in developing countries were rejected by losing parties (Hyde and Marinov 2012). This number has not decreased in the years since. Political parties challenged the results of more than 25 percent of elections held between 2012 and 2022 (Garnett et al. 2023). Just as we are entering the sixth decade since the start of the Third Wave of democratization, the question of whether election losers will comply or reject election outcomes is becoming more and more pressing (Huntington 1991). In this book I looked at who, how, why, and with what consequences political parties reject election results. Focusing on the election and party levels, the content of this book has been largely empirical. I have illustrated how political parties reject election results, investigated why they use legal vs extra-legal strategies, and the consequences that post-election disputes had for those parties that initiated them. In this concluding chapter, I consider the proposed framework for analysis as a whole, and place my findings into a theoretical and comparative perspective.

The chapter is divided into five sections. The first section revisits the new framework for the study of electoral compliance proposed in this book. In the second section, I revisit my empirical findings on electoral rejections, focusing on the questions of who rejects election results, how

they do it, why, and with what consequences. In the third section, I discuss the broader implications of my findings. The fourth section illustrates how the framework and my findings can travel beyond Eastern Europe and the former Soviet Union to other regions, such as Sub-Saharan Africa, Asia, and Latin America. In the final section, I consider the future of empirical research on electoral compliance.

Electoral Rejection and Compliance: A Framework

This book deployed both descriptive and causal approaches to depict how political parties reject election results and to understand why they do it. The introduction of multiparty elections in most countries tends to be greeted with excitement by both domestic and international audiences. And yet elections themselves are only the start. Democracy depends fundamentally on the willingness of its participants—voters, interest groups, and, most saliently, political parties—to accept defeat. The dilemma of electoral compliance is neither an idle nor inconsequential concern for voters, political actors, scholars, and practitioners.

Both descriptive and causal argumentation are important in comparative politics (King et al. 1994; Gerring 2012). Therefore, in this book, I have not only described post-election disputes and tried to understand why they occur, but have also proposed a framework for studying and analyzing them. I have offered a definition, unit of analysis, and a set of propositions that focus on the questions of who, how, why, and with what consequences, which can be used to analyze post-election disputes comparatively.

In this book, I have expanded on the unit of analysis at the center of the study of post-election disputes by drawing attention to political parties as the key actor that make the choice between compliance and rejection. Existing work on post-election disputes has focused primarily on the country or election-level when analyzing election disputes (e.g. Bunce and Wolchik 2011, Schedler 2013; Hafner-Burton et al. 2014; von Borzyskovski 2019a). Some recent work has moved beyond this level of analysis, to include individual citizens, arguing that it is important to ask why they come to the streets to protest election results as well as what impact post-election protests have on public opinion and attitudes (Beissinger 2013; Hale and Colton 2017; Tertychnaya and Lankina 2019;

Tertychnaya 2020). I have added one more level of analysis, stressing the role of political parties as the key actors that make the decision about the response to election defeat. The focus on political parties allows us to investigate whether individual party characteristics play a role in the decision to reject election results. Furthermore, it allows us to evaluate the impact post-election disputes have on the political parties that initiate them. The focus on political parties requires extensive additional data collection—especially challenging in a cross-national large-N context. Yet, methodologically, it is advisable to avoid the dichotomy of ruling party vs opposition, frequently used in existing studies (Hale 2019).

I have defined electoral rejection based on the presence or absence of a concrete action that seeks to overturn election results. Other scholars may prefer a different operationalization, but I have explicitly focused on observable actions that political parties can undertake in response to election defeat. I have also expanded the list of strategies beyond post-election dispute, to include legal as well as other extra-legal strategies, such as refusal to accept seats in the newly elected legislature in protest of election results. This strategy has proven to be not only frequently used but also effective. Cases where no action was undertaken despite political parties' public statements or allegations of fraud have been classified as compliance. I argue that this definition provides the best observable measure for the study of post-election disputes.

The idea of different post-election strategies is detailed in Chapter 2. Post-election protest, one of the rejection strategies, has long been the focus of scholars studying post-election disputes. However, I have argued that an extended definition of electoral rejection and inclusion of other post-election strategies, in addition to post-election protests, provides a better understanding of post-election disputes than a focus on post-election protests alone. This operationalization also requires extra data collection, which is again challenging when it comes to large-N research. However, again it is methodologically advisable, as political parties frequently use other strategies, not only mass demonstrations and protests, to reject election outcomes.

In Chapter 1, I used the examples of Sub-Saharan Africa and Eastern Europe and the former Soviet Union to illustrate the difference the definition and operationalization of post-election disputes make. If we focus only on post-election protests, according to the existing data we

will conclude that, between 1969 and 2006, opposition parties rejected 18 percent of elections in Sub-Saharan Africa. However, if we include public statements, petitions, and other strategies, then this number increases to 66 percent.[1] Similarly, if we focus only on post-election protests between 1990 and 2015 in Eastern Europe and the former Soviet Union, the rate of rejection is 15 percent.[2] If we use a broader definition, the rate goes up to 40 percent. However, if we include other rejection strategies discussed in this book (but not public statements), the rate of rejection is 21 percent of elections. This shows the importance of properly defining and measuring electoral rejection. These differences above are non-trivial and not limited to one region. The way we define and measure electoral rejection has serious implications for theoretical and empirical conclusions.

I have also drawn attention to the distinction between legal and extra-legal strategies. I argue that, when political parties face election defeat, they need to make a decision between compliance, legal rejection, and extra-legal rejection. Therefore, it is not enough to focus on the questions of why political parties reject election results and call their supporters onto the streets. We must also ask why some parties reject election results using legal means of disputes resolution whereas others go outside of the established legal routes. The expansion of the menu of rejection strategies proposed by the analytical framework in this book allows us to ask, and try to answer, this question, as well as evaluate the consequences of each strategy.

My framework has portrayed political parties as strategic actors. This is hardly controversial, but I argue that political parties face not only a choice between compliance and rejection. Instead, when facing defeat in the election, political parties have to make a choice between compliance, legal, and extra-legal rejection strategies. As Chapters 3 and 4 illustrate, their choice will depend on both election and party-level factors. Whether the parties are the key actors when it comes to post-election disputes could be questioned. I have provided some evidence for treating them as such

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1. Author calculations. Protest data are from Hyde and Marinov (2012); the more extended definition is from Lindberg (2009).
2. Author calculations from V-Dem (Coppedge et al. 2018).

in the introductory chapter. However, few would disagree that political parties are the actors that should be considered, among others, when we study post-election compliance.

As the first cross-national large-N study of post-election disputes, my model is not exhaustive. Yet, the framework used in this book provides a new definition, unit of analysis, and a set of propositions that can be refined as the scholars further engage in the study of post-election disputes. It also allows us to ask new, previously unexplored, research questions, as well as offering an example of the data collection efforts necessary to answer them.

Findings: Who, How, Why, and With What Consequences?

The empirical findings presented in this book shed light on: (1) the patterns of deployment of different rejection strategies; (2) the factors that shape the usage of these strategies; and (3) the impact of these strategies on the future of political parties.

Deployment Patterns of Rejection Strategies

In Chapter 2, I documented the trends in electoral rejection in Eastern Europe and the former Soviet Union between 1990 and 2015. I noted three important findings. First, the rejection of election results is an acquired strategy, which political parties began to use more and more over time. Only 4 percent of the first elections were rejected in the region, which were held mostly in the early 1990s. This number has increased dramatically, reaching as high as 40 percent for the 11th consecutive election. Political parties tend to embrace both legal and extra-legal strategies.

I find no difference in rejection rates or strategies when it comes to different types of elections. This might be surprising, as presidential elections are frequently portrayed as high stakes elections and, as a result, have received the majority of the attention when it comes to the existing literature (e.g. Simpser 2013; Hernández-Huerta 2019). However, this finding underscores the importance of including parliamentary elections

in our analysis of electoral rejection as they represent an important battleground when it comes to post-election disputes.

Looking at the patterns of different strategies, I also find that, when contesting election results, political parties tend to use a variety of strategies—legal routes and extra-legal routes. Political parties tend to resort to extra-legal means more frequently than legal: 73 percent of all rejected elections were followed by one or more actions taken outside of the legal framework of dispute resolution. As expected, post-election protests are used most frequently. However, political parties in the region also use other strategies to question election results. In particular, they refuse to take their seats in the newly elected legislature, thus denying it legitimacy and, frequently, the ability to function.

Finally, Chapter 2 also finds that losing party unity is rare in the aftermath of election defeat, putting into question whether it is appropriate to use "the opposition" as the unit of analysis in the study of electoral compliance. The chapter shows that, in 45 percent of elections under investigation, parties varied in their response to election defeat in the *same* election. This variation is not surprising as we cannot expect all political parties that lose an election to respond in the same way. This provide support for the argument that, when analyzing electoral rejection, we ought to look not only at the election and individual level but also the party level.

Factors Shaping Strategies

If we assume that political parties make strategic choices when they make a decision about how to respond to election defeat, we need to identify the factors that shape these choices. Therefore, in Chapters 3 and 4, I propose a number of factors that may affect these decisions. I classify them into two levels: election level and party level. At the election level, institutional changes, the number of consecutive victories by the incumbent, de facto judicial independence, economic development, and political imprisonment were important factors that affected parties' decisions to resort to extra-legal strategies as opposed to legal strategies. At the party level, the coalition status, party vote share, and ideology are all important predictors of rejection.

These factors further confirm the strategic nature of political parties' decisions about how to respond to election defeat. While investigating extra-legal rejection, I found that the reasons for not going to court are many, but at the front of the pack is parties' concern about institutional changes enacted *before* the election; changes that affect the likelihood of their success not only in the current election but for electoral cycles to come. In pulling apart elections by type, I also discovered the importance of the vote share and how it varies across presidential and parliamentary elections. It seems clear that political parties that lose are interested in more than a free and fair election day. This study provides evidence that electoral losers value the opportunity to win in future electoral cycles, and to influence policy-making between cycles. These values inform the decisions of political parties to accept or reject electoral outcomes. Together with other factors at the election level, this approach helps us to advance other explanations of post-election disputes beyond election quality and to better understand what it is about an election that affects parties' decisions to call their supporters onto the streets instead of going to the courts.

Additionally, I have advanced a unique, albeit preliminary, study of the actors that actually make the post-electoral decision to reject: political parties. I find that examining the political actors central to the game of electoral rejection is crucial for our understanding of electoral compliance. Despite its prevalence, the view that losing parties are united in their response to post-electoral defeat is not a fact. Thus, the best question to ask to understand electoral compliance is not why "the opposition" rejects electoral outcomes. Instead, we should ask why individual political parties decide to reject the outcome of an election.

In Chapter 4, I showed how this decision depends on both election-level factors as well as the individual characteristics of political parties. In addition to the election-level factors, I find that being a part of a pre-electoral coalition increases the likelihood that a political party will reject electoral outcomes, whereas political parties that are in government at the moment of the election are less likely to reject the outcomes. Furthermore, socialist and nationalist political parties are more likely to reject the outcomes than other parties. Future work should investigate what particular characteristics of the socialist and nationalist parties make them more prone to electoral rejection. Though much work remains to be done,

I find persuasive evidence that future research on electoral compliance will benefit from focusing its scholarly attention on the motivations and decision-making process of political parties.

Post-Election Disputes and Party Future

My analysis has shown that political parties that initiate post-election disputes: (1) are unlikely to benefit from them electorally in the future; and (2) usually do not survive past two electoral cycles. This is not to say that all political parties that participate in post-election disputes are doomed to disappear. However, at least in my preliminary descriptive analysis, I do not find evidence that post-election disputes are beneficial for the future of political parties. However, the parties that do increase their electoral success at the ballot box following post-election disputes tend to be larger leader parties.

This last point brings us full circle back to the original question that attracted initial scholarly, practitioner, and public attention to the phenomenon of post-election disputes—what guarantees the success of post-electoral protest once the decision to reject the electoral results has been made? The interest in the success of post-electoral disputes is often driven by the belief that "successful" disputes may lead to the development of democracy. Over time, this view has become equally popular among academics and policy-makers. In the wake of the so-called Color Revolutions, which took place in a number of post-communist countries in early 2000s and later spread to the Middle East, academics and policy-makers not only praised post-electoral protests in the countries where they took place, but also encouraged other states to follow. Scholars, however, have been surprised to find that even successful post-election disputes rarely deliver the anticipated positive outcomes and have often failed to bring about the sort of widespread, systemic change hoped for by both scholars and practitioners. As a result, the original question was quickly followed by asking why do post-election protests usually not lead to democratization?

My findings about the lifespan of the political parties that initiate post-election disputes, as well as their electoral histories, help to provide some preliminary answers to this question, which I detailed in Chapter 5. In

particular, I offer four key possible explanations: (1) the difficult political conditions and extremely high expectations; (2) organizationally and programmatically weak political parties; (3) the fact that political parties that reject election outcomes are likely to attract negative attention from the ruling parties and (4) the public support for the ruling party that electoral losers protest against.

Broader Implications

The patterns of post-election disputes uncovered in this study contribute to several strands of literature. The most direct substantial contribution is to the literature on the occurrence of post-election disputes. Although multiple volumes have emerged to explain the occurrence of post-election protests in different regions, this is the first volume to theorize and analyze the intricacies of the decision-making process that leads political parties to choose their strategies in rejecting election outcomes, including, but not limited to, post-election protests. Most works have offered explanations of when elections are most likely to be followed by post-election protests (Donno 2013; Schedler 2013; Beaulieu 2014; von Borzyskowski 2019b). This book contributes to this literature by expanding the focus beyond election protest to all post-election strategies and investigating when political parties use legal strategies as opposed to extra-legal strategies to contest election outcomes as well as the impact of these different strategies on democratization.

Second, the study provides one of the most comprehensive analyses of post-election disputes at the level of the political party. Never before have political parties been placed at the center of the analysis of post-election disputes. That is not to say that political parties were not included in the discussion of electoral compliance, but that my theoretical and empirical analysis at the level of the political party is an important new contribution. A prominent elections scholar, Andreas Schedler, recently pointed out that "qualitative differences among political actors may serve as primary explanatory factors of political action" (2019, 453). This study shifts the unit of analysis to political parties, allowing us to probe the role of actor characteristics, in addition to election characteristics, in electoral compliance. In deriving theoretical models centered on a holistic view of

electoral compliance as well as political parties as the unit of analysis, this study thus clarifies and reconceptualizes the existing literature in significant ways by:

- providing a new definition of electoral compliance and rejection based on concrete and measurable actions by political parties that lose elections;
- shifting the conceptualization of electoral compliance from the traditional binary protest/no protest to a non-binary understanding, which allows to take into account all strategies that political parties can use to reject election results and to distinguish between legal and extra-legal strategies of post-election contestation;
- offering a theoretical framework that takes into account both election and party-level factors.

As such, the book offers the first model that accommodates both election- and party-level factors. The only other book-length manuscript to focus on electoral compliance at the party level is Eisenstadt's (2004) book, which focuses on post-election disputes in Mexico. This book's focus on the party level from a comparative perspective deepens our understanding of political party electoral compliance worldwide. The theory and findings derived in this book also have implications for other seminal works, including those of Przeworski (1991), Levitsky and Way (2010), Hyde (2011), Schedler (2013), and Hale (2014), among many others.

Finally, the study also makes a significant empirical contribution to the literature on post-election disputes by expanding its analyses to all the countries of Eastern Europe and the former Soviet Union. Many extant studies of the region in general focus only on Central Eastern European countries such as the Czech Republic, Poland, and Hungary (Grzymala-Busse 2007; Tavits 2013). Studies that include countries of the former Soviet Union tend to be limited only to case studies (e.g. Wheatley 2005; Radnitz 2010; Aliyev 2017). Finally, a third category of studies focuses on particular cases based on outcomes of interest. For instance, Bunce and Wolchik (2011) only deal with cases where post-election protests took place to explain why they succeeded in some countries and failed in others.

This is the first comparative study of electoral compliance to include the former Soviet Union countries in addition to Eastern European states. The empirical material underpinning this book is unique and includes:

- a country-, election-, and party-level original dataset of electoral compliance and rejection strategies;
- a new dataset of election-related indicators, such as election-related rules and their changes over time, including electoral systems, the rules governing membership and the powers of the electoral management bodies, and assessment of election monitors;
- an original dataset of party-level characteristics, such as party lifespan, ideology, number of elections the party participated in, election results, and government and pre-electoral coalition participation over time.

Beyond Eastern Europe and the Former Soviet Union

How generalizable are the results presented in this book? Although primarily motivated by post-election disputes in Eastern Europe and the former Soviet Union, the theoretical arguments presented in this study are general in nature. Questions of whether, how, why, and with what consequences political parties reject election results are universal to all multiparty elections. Of course, post-election disputes are more frequently observed in new, developing democracies or non-democratic settings. Therefore, their consequences are more serious in these systems.

However, the questions of electoral compliance have also recently been raised in advanced democracies—in the United States in particular in both the 2016 and 2020 presidential elections. Concern about compliance with election results is therefore a serious one, and the focus on the political party can help us better understand this phenomenon.

Although generalizable, it is possible that the relationships studied in this book are less pronounced in established democracies than in new, developing, and non-democracies. There may simply be fewer pre-electoral institutional changes in established democracies and more organizationally and programmatically strong parties. Preliminary research on party pledges in Ukraine, for instance, shows that parties become

more programmatic as a result of iterative electoral uncertainty. Simple increasing electoral experience seems to benefit party development, even in an environment of extensive system-level electoral uncertainty, such as electoral volatility, party fragmentation, and regime instability (Chaisty and Chernykh 2020).

Furthermore, as the quote at the start of the Introduction states, established, old democracies have "an established tradition" of peaceful transition of power where losers accept election results. However, how this tradition emerges and why is an important question. And, of course, with ongoing democratic backsliding observed in established democracies, the question of electoral compliance may become more relevant than we expect (Levitsky and Ziblatt 2018). However, the question might be of a slightly different nature. As the events of the presidential 2020 election in the United States have shown, we may see a return of the question that asks under what conditions the incumbent will refuse to accept defeat. More relevant, however, would be the question of when the system in place will be able to withstand the assault on the democratic institutions.

The research presented here is most relevant to new and developing democracies, as well as non-democratic systems, with multiparty elections outside Eastern Europe and the former Soviet Union. Literature on Latin America, Sub-Saharan Africa, and Asia often addresses the questions of post-election disputes and electoral compliance (e.g. Lindberg 2006, 2009; Donno 2013; Beaulieu 2014; von Borzyskowski 2019a). Understanding why post-election disputes occur and what their consequences are is as, if not even more, urgent in those countries as it is in Eastern Europe and the former Soviet Union.

An important finding emerging from the chapters in this book is that political parties have a variety of options when deciding how to respond to election defeat, including compliance, legal rejection, and different extra-legal strategies. Therefore, the story in this book is not about Eastern Europe and the former Soviet Union countries alone. It is a more general story about why political parties decide to comply or reject election results and what determines the strategies they use to do so. More importantly, the book underlines the importance of the political party, in addition to the election context, in affecting the occurrence and consequences of post-election disputes—a general framework for analysis that can be used to study post-election disputes in any region.

Future Empirical Research on Post-Election Disputes

I conclude this book with some reflections on the current state of the literature, and a couple of suggestions about the ways forward for empirical research on post-election disputes. With the ongoing spread of democracy and popular elections as the means to choose government, scholars and policy-makers are well advised to make every effort to understand the elements that make the mechanism of elections work, chief among them the compliance of losing political parties. Because this book attempts to reframe our understanding of election rejection, it necessarily raises a number of avenues for future research. Here I highlight five general pathways forward: (1) beyond Eastern Europe and the former Soviet Union; (2) the impact of post-election disputes on political parties; (3) the focus on political elites; (4) how post-election disputes are resolved; and (5) the impact of resolution strategies.

Beyond Eastern Europe and the Former Soviet Union

First, the present study focuses primarily on electoral rejection in the countries of Eastern Europe and the former Soviet Union, an improvement on single-country studies but still not a comprehensive look at election compliance around the world. As with any work with a regional focus, mine begs the question of the generalizability of both its findings and conclusions, which I have discussed above. Does the theory of strategic, future-oriented parties I have proposed account equally well for electoral rejection in other regions of the world, such as Sub-Saharan Africa, South-East Asia, or Latin America? A logical next step is to expand the scope of current inquiry to include additional regions, examining some of the regional characteristics earlier reported in other work in the context of the theory proposed herein. In this way we can assess how rejection rates, political norms, and culture interface with the actor-based theory of electoral compliance that I have offered.

Impact of Post-Election Disputes on Political Parties

Second, I have argued that electoral compliance should be analyzed from the perspective of the actor who actually decides whether to accept or reject an election. Several questions about individual political party characteristics

remain that are beyond the scope of the current study, which is only a first look at the electoral histories of individual political parties in Eastern Europe and the former Soviet Union; but several questions about the past experiences of those parties remain. For example, do some political parties tend to reject multiple elections? Answering this question may shed light on both the nature of electoral rejection and the fate of opposition parties following a rejection attempt, allowing us to investigate the political consequences for opposition parties that reject election outcomes. Is the ability of rejecters to survive between elections markedly different from non-rejecters? My preliminary analysis suggest that it is not. But these questions require further digging into the historical record. And they all point to important variations and causal dynamics at the party level that could directly affect electoral compliance.

Intensifying our focus on parties would open up additional avenues of inquiry as well. One of the most important variables that remains unexplored is the long-term political history of electoral losers. I have shown that presence in government at the moment of the election in question affects the likelihood of rejection, but this is an admittedly crude measure of the political history of political parties. Are political parties that have never been in government before more likely to reject electoral outcomes than parties that have previous office experience? We might expect political parties that have served time in government at some point prior to the election to be more likely to accept electoral outcomes than the parties that have never been in government. Unfortunately, the detailed data on cabinet composition for many former Soviet Union republics is not yet available. As a result, they are frequently omitted from studies that use cabinet composition variables (Müller-Rommel et al. 2004; Conrad and Golder 2010). Like information on the political performance of individual political parties, collecting data on cabinet composition for countries of the former Soviet Union is a worthy research goal.

As scholars continue to develop new datasets on elections and post-election disputes, political parties should be included as a unit of analysis, in addition to elections and individual citizens. Some possible variables should include measures of party strength, institutionalization, and electoral platforms. Finally, researchers can also collect additional indicators of political party success and survival not covered in this book.

The Focus on Political Elites

Third, the focus of future work should remain on political elites, since elites are in a unique position to make the decisions both about the acceptance or rejection of electoral outcomes, and the strategy used to contest them. Based on the current study, it is my contention that electoral compliance is most directly discussed and decided at the level of political elites within the party, not among the crowds of the general public.

One element of analysis missing from the current study is interviews with members of parliament and other party elites. A series of interviews would allow us to further analyze how key decisions-makers perceived institutional changes prior to post-electoral rejection in Eastern Europe and the former Soviet Union. Moreover, gathering interview data on party elites would shed light on the broad processes, concerns, and calculations of parties facing electoral defeat and the option of rejection. An additional benefit of focusing on the party elites is that they are in a unique position to influence the institutional design of elections and to most clearly and persuasively voice their opposition to institutional changes made in advance of an election. After all, in Eastern Europe and the former Soviet Union it was the political elites that discussed and adopted new electoral systems following the collapse of the Berlin Wall.[3]

Although my primary focus is on political parties, I also agree that the general public is important. Therefore, it is important to examine the role that elites see the public playing in electoral compliance, and who, from among the general public, elites view as relevant to solicit input from and coordinate actions with. Thus, another aspect of any interviews conducted with political parties should include questions about when and how elites make the decision to involve the general public in a post-electoral dispute.

How are Post-Election Disputes Resolved?

Fourth, at the beginning of this study I argued that understanding why political parties reject electoral outcomes is important for our ability to prevent or resolve electoral disputes more effectively. Therefore, a

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3.   Luong (2002) takes a similar approach in her work on institutional change in Central Asia.

logical next step in broadening the electoral compliance research agenda is to focus on how post-electoral disputes are eventually resolved. With the growing number of post-election disputes and concerns about the impact of electoral rejection, we still know very little about the dispute resolution process.

We should start from such questions as: What does a resolved dispute look like? And how many post-election disputes have been resolved? It is important to note here that I am not calling for a measure of success akin to the ones used in existing studies of post-election protests; but, instead, I am thinking of a measure of political accommodation that may stop well short of dramatically overturning the election results. Once we have agreed on a measure of dispute resolution, we can begin to survey the countries of the world to determine when, how, and where election disputes are resolved.

In extending the study of electoral compliance to include dispute resolution we ought to examine which tools—formal and informal—are used to settle post-electoral challenges. Do different constitutional designs and national contexts allow for different tools to be used in different types of elections? Answering questions about the resolution of disputes and the tools used will help us understand the full arc of electoral compliance, from pre-electoral changes and post-electoral strategies to resolution and continued governance. Additionally, if a goal of the electoral compliance scholarship is to learn from the past and offer advice to the observers and agencies grappling with compliance issues, we must examine dispute resolution because it is the most pressing and policy-relevant aspect of the compliance arc.

The little work that exists on electoral dispute resolution so far has primarily focused on looking at case studies in Sub-Saharan Africa. For instance, Kenya's 2007 post-election dispute was settled by the adoption of a power-sharing agreement. It included the creation of the position of prime minister, and established a coalition government. Cheeseman and Tendi (2010) examined the effectiveness of this post-election settlement. They concluded that power-sharing was not an effective solution in the case of Kenya, finding that the arrangement postponed the conflict rather than resolved it. This provokes the question about what other mechanisms are used to settle post-election disputes, and how effectively they are used. Cheeseman and Tendi may point to an untenable solution, yet surely more

stable resolutions must exist. To date, though, we have only impressionistic understandings of the range and type of resolution strategies that exist and why those might or might not work across different contexts.

This study suggests that, when it comes to dispute initiation, institutions matter. Political parties make strategic decisions and care about their prospects of winning in the future. This means that any effective dispute resolution strategy may need to include institutional change, especially when it comes to election-related institutions such as electoral formula, electoral commissions, and term limits. Furthermore, international and domestic actors seeking to advance democratization should also pay attention to strengthening party institutionalization and programmatic development.

The Impact of Dispute Resolution Strategies

Finally, any future work on electoral compliance and dispute resolution should focus not only on how disputes are resolved, but also on the impact of these resolution strategies on other democratic practices. Existing studies have already considered whether post-election disputes lead to democratic advancement in the countries that experience them. However, there has been virtually no work on lower-level outcomes. For instance, consider the situation where a president comes to power as a result of a controversial election. Does this type of beginning affect his or her ability to govern? This is an open question. The answer to it will, of course, be connected in part to the reasons for the dispute and in part to how the dispute was settled—if at all—and both the resolution and the subsequent governing deserve examination. Therefore, it is important that we investigate not only how post-election disputes are conducted and resolved, but also that we assess how different solutions impact other aspects of democratic practice.[4]

Electoral compliance is a rich and promising area of research. In this book I sought to deepen and advance our understanding of the process,

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4. Scholars of African politics have started taking important strides in assessing the impact judicial decisions on election disputes have on both elite and individual levels (for some examples see Ojo 2011; Onapajo and Uzodike 2014; Kanyinga and Odote 2019).

the role of institutions in the decision to engage in legal vs extra-legal contest, and the promise of party-level theories and data. Political party conflict will persist and, as the number of countries holding elections increases, so too will the threat of non-compliance. Our single best hope of meeting these challenges begins in understanding the process that leads from electoral grievance to protests on the streets or lawsuits in the courtrooms.

Appendices

Appendix to Chapter 2

Overview of the Appendix

The Appendix to Chapter 2 provides details of the Electoral Compliance and Rejection (ECR) dataset. The appendix contains the following sections: discussion of the electoral compliance and rejection concepts, including definitions, attributes, and scope conditions; notes on methodology including data sources, comparison of the ECR dataset to other datasets on post-election protests, loser's rejection and related concepts; and a codebook. A bibliography of works used in coding of the data (by country) is provided in the Appendix to Chapter 4.

Electoral Rejection Concept: Definition, Attributes, Scope Conditions

Definition

In the ECR dataset compliance and rejection are defined as:

> A party complies with the results of an election when it explicitly announces that it accepts the outcome and/or refrains from taking actions that question or seek to overturn the outcome.
>
> A rejection occurs when a political party takes an explicit action which seeks to overturn the electoral outcome. These actions may include (1) filing a petition to the election commission or court to recount, cancel, partially or completely annul the results of the

election; (2) organizing a post-election protest; (3) refusing to accept seats in the new elected legislature; and (4) boycotting of the second round of elections.

Conceptual Attributes

The electoral rejection concept in this book has three core conceptual attributes.

Focus on the Actions of Political Parties

The focus on the party as the main actor and thus a unit of analysis is a departure from existing work. Until now, existing work analyzed post-election disputes at the level of the country or individual citizens.

Observable Actions

The ECR focuses on observable actions, which can be undertaken by political parties in response to election loss. Thus, it does not include rhetorical rejection.

Post-Election Actions

The ECR focuses on the actions following the election loss, or in response to it. As a result, it does not include pre-electoral actions, such as election boycotts.

Scope Conditions

For an election/party to be included in the ECR dataset, it much meet two scope conditions:

- More than one political party must participate in the election.
- The political party should receive at least one seat in the legislature following a parliamentary election. In the presidential election, it includes parties whose candidates must receive at least 1 percent of the vote.

More than One Political Party

The ECR codes post-electoral action of political parties that participated in the election. Elections boycotted by all or almost all opposition political

parties are not included. If political parties do not participate in the election, they cannot lose or reject its outcome, at least when it comes to the actions the ECR records.

Getting Seats/Votes

The ECR includes only political parties that received at least one seat in the legislature following the parliamentary elections and parties whose candidates received at least one percent in the presidential elections. This ensures that there is a cost as a result of the rejection of election results. It also ensures that political parties can actually in theory undertake rejection actions that the ECR is focused on.

Data Collection: Methods and Sources

Methods

To code post-election strategy for each party, I gathered information from a variety of sources. It has become almost a standard practice to collect data on elections, which does not rely on expert assessment, from newspaper archives and monthly digests of political, economic, and diplomatic affairs such as *Keesing's Record of World Events*. For instance, National Elections Across Democracy and Autocracy Dataset (NELDA, Hyde and Marinov 2012), Democracy Protests dataset (Brancati 2016), Global Election Violence Dataset (GEVD, von Borzyskowski 2019b), among others use these and similar sources.

I followed the same strategy. I started by consulting international election observer official reports of organizations that observed elections in the regions, which included reports produced by the Organization for Security and Cooperation in Europe (OSCE), the Commission on Security and Cooperation in Europe (CSCE, also known as the US Helsinki Commission), the US State Department's *Human Rights Reports,* and the International Republican Institute (IRI). Observer reports usually include a section on post-election complaints and appeals. To supplement this data, and because international observer reports do not always provide full information on electoral rejection but rather focus on election process itself, each election was subject to extensive additional investigation. First, I conducted an exhaustive newspaper search using

the *Lexis-Nexis Academic* and *Factiva* databases. Second, I searched ProQuest and *Keesing's Archive of World Events*. Finally, to supplement and triangulate this information, I consulted secondary literature, including articles from academic journals such as *Electoral Studies* and the *Journal of Democracy* as well as specialized monographs devoted to particular countries or elections.

General Sources

- *Lexis-Nexis* database
- *Keesing's Record of World Events*
- *Journal of Democracy*
- *Europa World Online*
- *Electoral Studies*
- Organization for Security and Cooperation in Europe (OSCE)
- Commission on Security and Cooperation in Europe (CSCE, also known as the US Helsinki Commission

Comparison to Existing Datasets

This data builds on the data collection efforts of other scholars researching post-election disputes. The two main extant datasets that are the most closely related to the ECR are: NELDA (Hyde and Marinov 2012) and V-Dem (Coppedge et al. 2018). Additional information on the distinction between the new dataset and these two datasets is included below:

Table A2.1 Comparison of ECR Dataset and Main Loser's Compliance Datasets

Existing Dataset	Concept	Temporal Coverage	Geographic Coverage	Unit of Analysis	Source Information
NELDA	Post-election protest	1945–2020	Cross-national	election	Author/Coder coding
V-Dem	Losers' acceptance of election results	1789–2022	Cross-national	election	Expert assessment
ECR	Electoral rejection: legal and extra-legal actions	1990–2015	Eastern Europe and the former Soviet Union	Political party	Author/Coder coding

NELDA

NELDA is one of the most comprehensive and most used datasets of post-election protests. However, it includes only one action that political parties can take in response to an election loss. Its unit of analysis is country/election year. It asks the following question: Were there riots and protests after the election? The dataset does not differentiate between the actors organizing the protest. It focuses on the occurrence of riots or protests, whether public or party initiated. The only criteria to be include here is that the riots and protests should be "at least somewhat" related to the handling or outcome of the elections. ECR focuses on protests initiated by political parties, which gained representation in the elections. The ECR protest variable has a high correlation with NELDA's protest variable (.76). The difference is mostly due to the focus on different initiating/participating actors. The ECR provides important additional information about which parties participated in the protest, as well as other actions taken to reject election results.

Varieties of Democracy

Varieties of Democracy is another widely used dataset. It builds on Lindberg's earlier work on loser acceptance of election results in Sub-Saharan Africa. Similar to NELDA, its unit of analysis is country/election year. It asks: Did losing parties and candidates accept the results of this national election within three months? And it has five possible answers: none, a few, some, most, all. The ECR dataset has moderate correlation with the V-Dem loser's acceptance variable (.56). The main differences are due to V-Dem's focus on: (1) a broad understanding of rejection, which includes rhetoric; and (2) the timeline of "within three months". The ECR focuses on parties' initial response to the election loss. The ECR also provides additional important information about which parties refused to accept election results and actions they took in response to election loss.

The advantage of the existing datasets discussed above is their geographic and temporal coverage. The ECR is currently limited temporarily and geographically. However, it provides important depth, focusing on political parties and their actions, to my knowledge currently unavailable in any existing dataset.

Table A2.2 List of Countries and Elections Covered

Country	Election Years Included	Number of Multiparty Elections
Albania	1992–2015	7
Armenia	1991–2015	13
Azerbaijan	1991–2015	8
Belarus	1991–2015	6
Bulgaria	1991–2015	19
Croatia	1991–2015	17
Czech Republic	1990–2015	8
Estonia	1991–2015	7
Georgia	1991–2015	13
Hungary	1991–2015	7
Kazakhstan	1991–2015	5
Kyrgyz Republic	1991–2015	12
Latvia	1991–2015	8
Lithuania	1991–2015	16
Macedonia	1991–2015	16
Moldova	1991–2015	10
Poland	1990–2015	19
Romania	1991–2015	20
Russia	1991–2015	13
Slovak Republic	1991–2015	13
Slovenia	1991–2015	15
Ukraine	1991–2015	18
Total		270

Variable Description

Election Level

Code
Three-digit country code assigned by the Correlates of War (COW) dataset.

Country
The name of the country where the election took place.

Year
The year in which the election round took place.

Month
The month in which the election round took place.

Day
The day the election round took place.

Round
The round of the election (only for presidential, blank for parliamentary):
1. First round
2. Second round

Type
The type of elections that took place:
1. Presidential election
2. Parliamentary

Boycott
Did any opposition party(s) boycott the election?
0. No
1. Yes

Reject
Did one or more parties announce that they reject electoral results?

Rejection is coded as YES if any political party that participated in the election either: (a) filed a petition to the electoral commission and/or court and ask for recount, cancellation, or annulment of electoral outcomes; (b) staged a post-electoral mass protest; (c) refused to recognize the newly elected legislature by not taking its seats; (d) boycotted the second round of elections.
0. No
1. Yes

Claim
Did one (or more) political parties that participated in the election file a petition contesting the outcome of the election?

It is important to differentiate between minor complaints and recounts and major petitions to either invalidate the entire result or conduct a major recount. The interest here is in the second one—a petition to invalidate the entire result or conduct a major recount (half or more of the votes).
0. No
1. Yes

Protest
Was there a post-electoral protest?
- 0. No
- 1. Yes

Rseats
Did one (or more) political parties that participated in the election refuse to recognize the newly elected legislature by not taking seats they won?
- 0. No
- 1. Yes
- 99. N/A (presidential election)

B2round
Did one (or more) political party boycott the second round of elections?
- 0. No
- 1. Yes
- 99. N/A (no second round)

Party-Level

This worksheet is an extension of the election level. The first seven variables are the same.

Code
Three-digit country code assigned by the Correlates of War (COW) dataset.

Country
The name of the country where the election took place.

Year
The year in which the election round took place.

Month
The month in which the election round took place.

Day
The day the election round took place.

Round
The round of the election (only for presidential, blank for parliamentary):
- 1. First round
- 2. Second round

Type
The type of elections that took place:
1. Presidential election
2. Parliamentary

Party
Party name.

Vote
Vote percent received by each candidate in the presidential election.

Seat
Number of seats won by the political party in the parliamentary election.

Mem
Total number of members elected in the legislative body.

Reject_p
Did the party reject the electoral results?

Rejection is coded as YES if the political party: (a) filed a petition to the electoral commission and/or court and ask for recount, cancellation, or annulment of electoral outcomes; (b) staged a post-electoral mass protest; (c) refused to recognize the newly elected legislature by not taking its seats; (d) boycotted the second round of elections
   0. No
   1. Yes

Claim_p
Did the candidate/party file a petition contesting the outcomes of the election?
   0. No
   1. Yes

Portest_p
Did candidate/party stage a post-electoral protest?
   0. No
   1. Yes

Rseats_p
Did the party refuse to recognize the newly elected legislature by not taking seats?
   0. No
   1. Yes
  99. N/A (presidential election)

B2round_p

Did the candidate/party boycott the second round of elections?

    0. No
    1. Yes

Appendix to Chapter 3

Coding Election Rule Changes

To code changes in the electoral formula, I begin by coding the number of seats elected in single-member and PR districts in countries under consideration. Since no single dataset contains all the necessary information on elections, I use a variety of sources to code electoral rules, which include Cheibub's Election Data, the Binghamton Election Archive, the Inter-Parliamentary Union database on National Parliaments, and countries' electoral laws and constitutions. Next, I code any increase in the percent of seats elected in single-member districts. The change is coded as affecting the elections following its enactment.

I also identify other changes in electoral rules that result in the disqualification of opposition candidates on arbitrary grounds, or limit

Table A3.1 Variable Sources

Concept	Source
Overall rejection	Chernykh 2020 (ECR dataset)
Extra-legal rejection	Chernykh 2020 (ECR dataset)
Protest	Chernykh 2020 (ECR dataset)
Legal rejection	Chernykh 2020 (ECR dataset)
Institutional changes	Chernykh 2020 (ECR dataset)
Consecutive victories	Chernykh 2020 (ECR dataset)
Election quality	Kelley 2009 (DIEM dataset, extended by the author)
Election type	Hyde and Marinov 2012 (NELDA dataset)
GDP (PPP) per capita	World Bank Indicators www.worldbank.org
Political imprisonment	Cingranelli et al. 2018 (CIRIGHTS), variable polpris
Regime type	Marshall and Gur 2020 (Polity V) variable polity2
Judicial independence	Staton et al. 2019

the opposition's access to public finance. Reports of election monitors, such as those produced by OSCE and the Commission on Security and Cooperation in Europe (CSCE) have been particularly helpful in identifying these changes. Each report contains a section that reviews changes in the electoral laws that took place before a given election. In addition, other sources such as *Keesing's Record of World Events* and the *European Journal of Political Research* were used.

General Source Used to Code Institutional Changes

- OSCE
- CSCE (also known as the US Helsinki Commission)
- *Europa World Online*
- *Keesing's Record of World Events*
- *The World Law Guide*
- Political Transformation and the Electoral Process in the Post-Communist Europe project based at the University of Essex
- Electoral Knowledge Network
- Cheibub's Election Data
- Binghamton Election Archive
- Inter-Parliamentary Union database on National Parliaments
- *European Journal of Political Research*
- Various electoral laws and national constitutions

Appendix to Chapter 4

Table A4.1 Ideology of Communist Successor Parties

Party ideology	Number	Percent
Socialist	3	23.1%
Left-socialist	1	7.7%
Communist	8	61.5%
Post-communist	1	7.7%
Total	13	100%

Source: Author's calculations. (Information on ideology of one party was not available.)

Table A4.2 Sources on Elections and Political Parties by Country

Country	Sources
Albania	Nohlen and Stöver (2010), Banks et al. (2009), Biberaj (1998), IRI 1996, Krisafi 2004, IPU Parline database, Buçpapaj (2004), Barjaba and Leka (2004), Bideleux and Jeffries (2007), IFES Election Guide, Szajkowski (2007), OSCE (var.), CSCE (var.), IRI 1996, Zarate's Political Collections, *Keesing's Archive of World Events*
Armenia	Mkhitaryan et al. (2007), Nelson and Katulis (2005), Nohlen et al. (2001), Yesayan (2004), IPU Parline database, Birch 2003, CSCE (var.), OSCE (var.), Defeis (1998), IFES Election Guide, Ruiz-Rufino (2008), Grigoryan (2007), *Keesing's Archive of World Events*
Azerbaijan	Nohlen et al. (2001), Allahyarova and Mammadov (2010), IFES Elections Guide, IPU Parline database, CSCE (var.), OSCE (var.), Ergun (2009), *Keesing's Archive of World Events*
Belarus	Nohlen and Stöver (2010), Bugajski (2002), IFES Elections Guide, IPU Parline database, OSCE (var.), CSCE (var.), *Keesing's Archive of World Events*
Bulgaria	Bugajski (2002), Birch (2003), Conrad and Golder (2010), Bideleux and Jeffries (2007), Nohlen and Stöver (2010), IFES Elections Guide, *European Journal of Political Research* (country reports), *Keesing's Archive of World Events*
Czech Republic	Bugajski (2002), Nohlen and Stöver (2010), Birch (2003), Conrad and Golder (2010), *European Journal of Political Research* (country reports), IPU Parline database, *Keesing's Archive of World Events*
Croatia	Nohlen and Stöver (2010), Conrad and Golder (2010), IFES Elections Guide, Druckman and Roberts (2007), Bideleux and Jeffries (2007), Bugajski (2002), Zarate's Political Collections http://www.terra.es/personal2/monolith/00europa.htm, *Keesing's Archive of World Events*
Estonia	Bugajski (2002), Nohlen and Stöver (2010), Birch (2003), Conrad and Golder (2010), *European Journal of Political Research* (country reports), IFES Elections Guide, IPU Parline database, *Keesing's Archive of World Events*
Georgia	Nohlen et al. (2001), Wheatley (2005), Nodia and Scholtbach (2006), Areshidze (2007), Allison (1996), CSCE (var.), Republican Party of Georgia website http://republicans.ge/index.php?newlang=eng, *Keesing's Archive of World Events* europeanforum.net
Hungary	Bugajski (2002), Nohlen and Stöver (2010), Birch (2002), Conrad and Golder (2010), *European Journal of Political Research* (country reports), IFES Elections Guide, IPU Parline database, *Keesing's Archive of World Events*

Country	Sources
Kazakhstan	Nohlen et al. (2001), RFE/RL, Isaacs (2008), Bowyer (2008), Beacháin (2005), Abazov (2001), Struthers (2004), *Keesing's Archive of World Events*
Kyrgyzstan	Nohlen et al. (2001), Abazov (2003, 2007), OSCE (var.), CSCE (var.), Anderson (1999), Golovina and Dzyubenko (2009), *Lexis-Nexis,* http://kyr gyzstan.carnegieendowment.org/ *Keesing's Archive of World Events*
Latvia	Bugajski (2002), Nohlen and Stöver (2010), Birch (2003), Conrad and Golder (2010), *European Journal of Political Research* (country reports), IFES Elections Guide, IPU Parline database, *Keesing's Archive of World Events*
Lithuania	Bugajski (2002), Nohlen and Stöver (2010), Birch (2002), Conrad and Golder (2010), *European Journal of Political Research* (country reports), IFES Elections Guide, IPU Parline database, *Keesing's Archive of World Events*
Macedonia	Nohlen and Stöver (2010), IRI (1994), Birch (2003), Bugajski (2002), OSCE (var.), CSCE (var.), Gall (1999), Bideleux and Jeffries (2007), Druckman and Roberts (2007), *Keesing's Archive of World Events*
Moldova	Nohlen and Stöver (2010), Birch (2003), Bugajski (2002), Senyuva (2010), Barry (2009), Zawadzki (2009), Banks et al. (2009), OSCE (var.), CSCE (var.), *Keesing's Archive of World Events,* Political Parties of the Republic of Moldova http://www.parties.e-democracy.md/en/
Poland	Bugajski (2002), Nohlen and Stöver (2010), Birch (2002), Conrad and Golder (2010), *European Journal of Political Research* (country reports), IFES Elections Guide, IPU Parline database, *Keesing's Archive of World Events*
Romania	Nohlen and Stöver (2010), Bugajski (2002), Conrad and Golder (2010), Bideleux and Jeffries (2007), Pop-Eleches (2008), Druckman and Roberts (2008), *Keesing's Archive of World Events*
Slovakia	Bugajski (2002), Nohlen and Stöver (2010), Birch (2003), Conrad and Golder (2010), *European Journal of Political Research* (country reports), IFES Elections Guide, IPU Parline database, *Keesing's Archive of World Events*
Slovenia	Bugajski (2002), Nohlen and Stöver (2010), Birch (2003), Conrad and Golder (2010), *European Journal of Political Research* (country reports), IFES Elections Guide, IPU Parline database, *Keesing's Archive of World Events*
Ukraine	Nohlen and Stöver (2010), Bugajski (2002), Kuzio (2008), Birch (2003), Herron (2007, 2008), Hesli (2006; 2007), OSCE (var. years), CSCE (var. years), RFE/RL, IFES Elections Guide, IPU Parline database, Our Ukraine party http://www.razom.org.ua/, Central Election Commission of Ukraine www.cvk.gov.ua, *Keesing's Archive of World Events*

Appendix to Chapter 5

Codebook

Unit of analysis—election-party

Scope—only countries that experienced at least one rejected election.

code: country code from the Correlates of War project.

Country: country name.

Year: year of the election.

Month: month of the election.

Date: date of the election.

Party: party name.

Vote increase: 1 if the party received a higher number of votes in the next election, 0 otherwise. (For parties that were successful in forcing a recount or new election, this refers to the election after the recounted or new one.)

Seat increase: 1 if the party received a higher number of seats in the next election, 0 otherwise. (For parties that were successful in forcing a recount or new election, this refers to the election after the recounted or new one.)

Survive1: coded 1 if the party participated in the next election and either gained seats in a parliamentary election or received more than 1 percent of the vote in a presidential election, 0 otherwise.

Survive2: coded 1 if the party participated in the second election following the dispute and either gained seats in a parliamentary election or received more than 1 percent of the vote in a presidential election, 0 otherwise.

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