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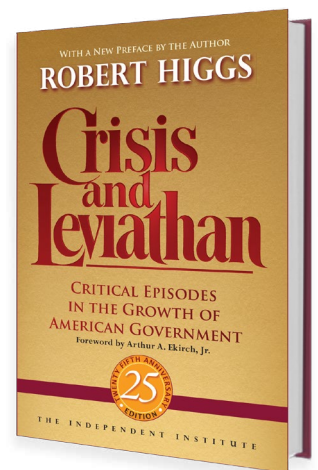
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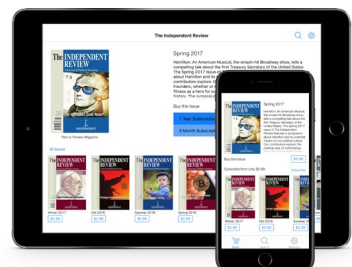
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The Secret Ballot Protects the Incumbency Advantage

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JAC C. HECKELMAN

“No man has ever placed his money corruptly without satisfying himself that the vote was cast according to the agreement, or, in a phrase which became only too common during the last campaign, without proof that “the goods were delivered”; and when there is to be no proof but the word of the bribe-taker (who may have received thrice the sum to vote for the briber’s opponent), it is idle to place any trust in such a use of money. In other words, take away all interest in committing an offence, and the offence will soon disappear.”

—John Wigmore, *The Australian Ballot System as Embodied in the Legislation of Various Countries* (1889)

Many students of the secret (or Australian) ballot have maintained that rampant corruption and fraudulent voting during the Gilded Age forced legislators to adopt various reforms to curb these practices (Evans 1917; Harris 1934; Converse 1972; Rusk 1974). As Wigmore (1889) and others of the time noted, the Australian ballot eliminates the incentive for candidates to try to purchase votes directly.

Proponents of revisionist theories, however, maintain that the Australian ballot led to a partisan advantage for certain political parties. We owe the first such theory to Burnham (1970), who argues that business and local elites conspired with the Republican Party to limit the influence of party machines by removing their primary function, the distribution of party ballots. Weakening the opposition party produced less-competitive elections and thereby helped to insulate the entrenched majorities from

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new competition. Kousser (1974) argues that blacks and illiterates could not mark the new ballots properly, and therefore Southern Democrats enacted the laws to discourage voter support of the Republican Party during Reconstruction, again helping the established majority party. Argersinger (1980) notes the antifusion possibilities of a single publicly printed ballot, where candidates could not run under different party banners simultaneously, thus further protecting Northern Republicans from the threat of independent parties.

The revisionist theories concentrate on the new form of the ballot but ignore the secrecy it provides. Previous work on the Australian ballot system thus falls into two general groups: the secret ballot has been viewed either as a needed measure to reduce direct vote purchasing or as a partisan law designed to impart an electoral advantage. In this article, I describe a hybrid hypothesis: by eliminating direct vote buying, the Australian ballot can give an electoral advantage to incumbent officeholders. Viewed in this way, when the law was enacted, it was nonpartisan, but it should not be considered a pure act of reform. Rather, incumbents, regardless of party affiliation, benefited from eliminating wasteful bribes that lessened their initial advantage.

Prior to adoption of the secret ballot, elections were held originally by voice or hand voting and then by separate colored ballots that allowed voters to be monitored easily. Hence, political parties were in a position to offer money in return for votes. Newspapers and the popular press chronicled this active vote market. For example, Speed (1905) claimed that 170,000 vote sellers were “employed for the day” in New York City, and McCook (1892) discusses vote-market activity in various small towns and city wards throughout Connecticut.¹

Secrecy in voting eliminated the possibility of verification, however. Without verification, parties would not risk their money by paying someone to vote for them. Under a secret ballot, the vote contract became unenforceable.

Although the intent of the secret ballot was to dismantle the vote market, it may not have been enacted strictly to save the “integrity of the ballot.” Incumbent candidates could expect to prosper under the secret-ballot system because it eliminated the incentive to bribe voters. Given that candidates were unaware of individual voter preferences, then, in general, bribery was more efficient for challengers, and therefore incumbents benefited directly from legislation that inhibited it.

This line of argument resembles one advanced by Bender (1988), who notes that campaign finance reform, which places limitations on contributions, protects incumbents by hindering potential challengers from raising the funds necessary to overcome the inherent incumbency advantage. Limitations on spending work the same way. Advertising is a relatively inefficient mechanism to sway voters. To be effective, it must reach nonsupporters and convince them to alter their vote. Regardless of how they ultimately vote, the money has been spent. The analysis here focuses on spend-

1. See also the references in Heckelman 1994 for additional evidence of vote buying.

ing as it relates specifically to direct voter payments in exchange for votes, where money is exchanged only when a specific vote is cast.

A Simple Story of Election Bribery

In any election, individual voters are predisposed to choose particular candidates based on considerations such as their own ideology, overall satisfaction with the incumbent party or candidate, and the like. Because a candidate does not know which particular voters prefer him to his opponents, any randomly chosen voter has an expected probability of voting for a specific candidate equal to that of the overall population. Thus, the expected plurality gain from a given bribe is equal to zero times the probability the candidate bribes one of his own supporters (who would have voted for him anyway) plus two times the probability the candidate bribes one of his opponent's supporters (because that person would switch votes).² Thus, if p is the percentage of voters favoring a particular candidate, then the efficacy of bribing random voters is $2(1 - p)$ for this candidate and $2p$ for the opponent. The decision to bribe and the specific number of bribes offered will depend on the functional form of candidate utility, specifically on the wealth-victory trade-off. A formal model of election bribery is developed in Heckelman and Yates (2002) and is outlined briefly here.

To illustrate the efficacy of bribery, consider first a symmetric election in which the percentage of voters is equally split between two candidates so that $p = 1/2$. If both candidates are identical in all respects, they will choose to bribe the same number of voters, which may be zero. If no bribery occurs, the candidates can expect an election tie. If both candidates offer an equal number of bribes to voters, the *expected* outcome remains the same because the distribution of voters is symmetric. Each bribe to a randomly selected voter is worth on average one additional vote. Thus, both candidates can expect to finish with the same expected plurality (0) that they had at the outset, but they both will be poorer by the amount of money spent on bribes.

Which candidate actually wins depends solely on who ends up luckier in dispensing bribes, having selected by chance a disproportionate number of his opponent's supporters. Ex ante, both candidates are expected to be worse off under bribery because of the money they have spent. They are caught in a prisoners' dilemma where probabilistically one's bribery merely offsets the other's. In this context, all politicians have a clear incentive to support a secret ballot that removes altogether their incentive to pay bribes. This result, however, is knife edged. Candidates can differ in several important ways. First, wealth differences would lead the richer candidate to engage in more bribery than his opponent, and therefore he would be expected to win the election. Second, ideological and competency differences would

2. This specific formulation, as a simplifying assumption, ignores people who were planning to abstain prior to being bribed. None of the conclusions I derive depends on this simplification. For a game theoretic treatment of these issues in a representative-agent model with abstainers, see Heckelman 1994, chap. 3.

lead a majority of voters to favor one candidate over the other, and therefore the voter distribution would be unequal, altering the incentives for bribery. In the next section, I take these differences into consideration.

Incumbency Effects and Inefficient Bribery

Much evidence indicates that incumbents hold an advantage over their electoral challengers.³ Incumbents win more than a random share of elections and possess advantages prior to campaigning (Jones 1966). Thus, the distribution of voters typically is skewed to favor the incumbent in the election. The incumbent then expects to win an election in which no bribery occurs, but, it turns out, he might be less likely to win an election in which bribery is rampant because a distribution of voters skewed toward the incumbent creates an expected gain from bribery that favors the challenger. For the incumbent, $p > 1/2$, so each bribe to a randomly selected voter can be expected to gain the challenger $2p > 1$ extra votes on average, whereas the incumbent can expect to gain only $2(1 - p) < 1$ in plurality votes from each bribe.

The relative efficiency from bribery favors the challenger at the rate of $p/(1 - p)$. Because the original preference of each bribed voter is never revealed, the true distribution of remaining unbribed voters is unknown to the candidates. The best guess as to the preference of any unbribed voter remains that he favors the incumbent with probability p . Thus, the *expected* distribution of any remaining unbribed voters stays the same, although the true distribution changes in a way unknown to the candidates and depends on which particular voters happened to have been selected by chance for bribes. Each additional bribe will continue to net the challenger an expected increase in plurality of $2p$ extra votes, and the incumbent only $2(1 - p)$ extra votes. The challenger expects to remain more efficient in his bribes regardless of the number of bribes either candidate has already offered. If the candidates bribe an equal number of voters, the challenger's vote share probably will increase at the expense of the incumbent's. Furthermore, if the candidates have equal budgets that they do not exhaust completely (they may gain utility from having money left over to spend on themselves or on future campaigns), then the relative efficiency of bribing voters will lead the challenger to bribe more voters than does the incumbent, further increasing the challenger's expected vote share.

This result might be offset in part if the incumbent has a larger budget to spend than his challenger. If the challenger decides to bribe X voters, his expected plurality gain is $2pX$. Owing to the challenger's relative efficiency in bribing, the incumbent must bribe $Xp/(1 - p)$ voters to achieve the same expected plurality gain. The incum-

3. Most of the research has focused on the incumbency advantage in Congress (Cummings 1966; Erickson 1971; Jacobson and Kernell 1981), but evidence has been found more recently that an advantage exists for state representatives as well (Jewell and Breaux 1988). Furthermore, incumbency advantage is not a recent phenomenon. Jacobson and Kernell (1981) cite evidence that the advantage began in the late nineteenth century, overlapping with the adoption of the Australian ballot in many states.

bent needs to have a large enough budget advantage to be willing to bribe $p/(1-p)$ times the number of voters as the challenger just to keep pace with him. Thus, the challenger can be subject to a “large” budget discrepancy and still expect to gain under open bribery, whereas the incumbent will have fewer votes after all bribes have been dispensed.⁴

In general, should the two candidates decide to engage in bribery, the challenger’s expected plurality will increase at the expense of the incumbent’s despite a potential budget gap. Thus, the incumbent has an interest in the passage of secret-ballot legislation as a means of eliminating the incentive to pay bribes.

Summary

The conclusion to be drawn from this bribery analysis is that the challenger gains at the expense of the incumbent. Bribery allows the challenger to reduce his initial disadvantage. Thus, the incumbent benefits by the removal of bribery from the electoral process. Without bribery, the initial distribution of voters determines the probability of each candidate’s winning the election. If incumbents enjoy the greater expected number of voters *ex ante*, they benefit from the adoption of secret-ballot laws. Neither candidate will pay bribes under a secret ballot, regardless of the distribution of voters. Without verification, voters can accept a bribe and still vote as originally intended because the candidates will not know which candidate the voter actually chose. Thus, to keep their initial voter advantage intact, incumbents should support the adoption of secret-ballot laws that eliminate the incentive to bribe voters. This incentive stands completely apart from the moralistic argument of eliminating fraud.

Kousser (1974) and Argersinger (1980) also view the Australian ballot as a possible incumbency advantage, but only because certain parties held power at the time it was devised. In their analysis, only those in the majority party enjoyed the incumbency advantage; thus, with this new ballot, the Democrats in the South (Kousser 1974) and the Republicans in the North (Argersinger 1980) sought to protect themselves from the opposition.

The incumbency advantage under Kousser’s and Argersinger’s theories is interpreted more properly as a party advantage. My analysis suggests the Australian ballot worked to maintain the status quo rather than to increase party dominance in a state. All incumbents, regardless of party affiliation, benefited from these laws. In several states, most of them in the South, general elections historically were mere formalities (Key 1949). The important elections occurred in the primary, and because empirical evidence suggests that incumbents also enjoy an advantage in primary elections (Jewell and Breaux 1991), incumbents could expect the secret ballot to protect their

4. Heckelman and Yates (2002) show an even stronger result. Given reasonable assumptions about the candidates’ utility functions and a large enough budget for the challenger to avoid corner solutions, they prove that in equilibrium the challenger will be predicted to win the election *ex ante*, although *ex post* he may not, depending again on the luck of the random draws of voters by both candidates.

advantage in those elections as well. If the secret ballot provided only a party advantage, it would have no effect in the primaries.

Partisan theories suggest that minority-party incumbents would oppose this legislation because it hindered their reelection chances. These theories cannot explain why legislative voting for adoption of the secret ballot cut across party lines (Fredman 1968).⁵ The results derived in this article explain how any incumbent could expect secret-ballot laws to help him win reelection, as long as he expected the support of a majority of the voters *ex ante*. Incumbents who were in fear of losing their seats because of underdog status or who were planning on running for a higher office and thus being cast as the challenger for this new position at the next election would be the ones expected to try to block this legislation.

Secrecy in voting is important in other contexts as well. Vote markets are active within the legislature. Vote trading, formally called logrolling, is not feasible when voting is secret unless separate proposals are packaged together. Voters, however, want legislative voting to remain open, even if it encourages vote trading, in order to monitor how their representatives vote. Monitoring may be important, however, not just to voters, but to campaign contributors as well. Adopting the presumption that it would be ideal to prevent monitoring by special interests without hindering that of voters, Ackerman and Ayers (2002) present the novel idea of requiring secrecy regarding donors who contribute to a politician's campaign. Just as secrecy in the election booth keeps a voter from being beholden to the vote purchaser because the vote purchaser does not know how the voter actually voted, so too does secrecy in the donor booth prevent politicians from being beholden to individual donors because they do not know the identity of the particular donors. This setup allows the winning politicians complete freedom in voting on (and drafting) particular legislation because the secrecy prevents (implicit) vote-legislative contracts from being formed, and therefore legislation might be less dominated by wealthy special interests.

References

- Ackerman, Bruce, and Ian Ayers. 2002. *Voting with Dollars: A New Paradigm for Campaign Finance*. New Haven, Conn.: Yale University Press.
- Argersinger, Peter. 1980. "A Place on the Ballot": Fusion Politics and Antifusion Laws. *American Historical Review* 85: 287–306.
- Bender, Bruce. 1988. An Analysis of Congressional Voting on Legislation Limiting Congressional Campaign Expenditures. *Journal of Political Economy* 96: 1005–21.
- Burnham, Walter. 1970. *Critical Elections and the Mainsprings of American Politics*. New York: W. W. Norton.

5. Argersinger (1980, 291 fn. 9) is not swayed by the importance of this finding.

- Converse, Philip. 1972. Change in the American Electorate. In *The Human Meaning of Social Change*, edited by Angus Campbell and Philip Converse, 263–337. New York: Russell Sage Foundation.
- Cummings, Milton. 1966. *Congress and the Electorate*. New York: Free Press.
- Erickson, Robert. 1971. The Advantage of Incumbency in Congressional Elections. *Polity* 3: 395–405.
- Evans, Eldon. 1917. *A History of the Australian Ballot System in the United States*. Chicago: University of Chicago Press.
- Fredman, L. E. 1968. *The Australian Ballot: The Story of an American Reform*. East Lansing: Michigan State University Press.
- Harris, Joseph. 1934. *Election Administration in the United States*. Washington, D.C.: Brookings Institution Press.
- Heckelman, Jac C. 1994. The Secret Ballot and the Market for Votes: Economic Incentives of a Secret Ballot. Ph.D. diss., University of Maryland (available from UMI dissertation services).
- Heckelman, Jac C., and Andrew J. Yates. 2002. Incumbency Preservation Through Electoral Legislation: The Case of the Secret Ballot. *Economics of Governance* 3: 47–57.
- Jacobson, Gary, and Samuel Kernell. 1981. *Strategy and Choice in Congressional Elections*. New Haven, Conn.: Yale University Press.
- Jewell, Malcolm, and David Breaux. 1988. The Effect of Incumbency on State Legislative Elections. *Legislative Studies Quarterly* 13: 495–514.
- . 1991. Southern Primary and Electoral Competition and Incumbent Success. *Legislative Studies Quarterly* 16: 129–43.
- Jones, Charles. 1966. The Role of the Campaign in Congressional Politics. In *The Electoral Process*, edited by Kent Jennings and Harmon Zeigler, 21–41. Englewood Cliffs, N.J.: Prentice-Hall.
- Key, V. O. 1949. *Southern Politics in State and Nation*. New York: Vintage.
- Kousser, Morgan. 1974. *The Shaping of Southern Politics: Suffrage Restrictions and the Establishment of the One-Party South, 1880–1910*. New Haven, Conn.: Yale University Press.
- McCook, J. J. 1892. The Alarming Proportion of Venal Voters. *The Forum* 14: 1–13.
- Rusk, Jerrold. 1974. Comment: The American Electoral Universe: Speculation and Evidence. *American Political Science Review* 68: 1028–49.
- Speed, John Gilmer. 1905. The Purchase of Votes. *Harper's Weekly* 49: 386–87.
- Wigmore, John. 1889. *The Australian Ballot System as Embodied in the Legislation of Various Countries*. Boston: Charles C. Soule.