



VOTE BUYING DYNAMICS

The Gambia Case Study

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International Foundation
for Electoral Systems



GAMBIA
PARTICIPATES

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BACKGROUND AND CONTEXT

Winning elections requires numbers. Politicians need numbers from electorates to be elected into office. Because politicians may employ unsavoury tactics to get those numbers from both eligible and ineligible voters, elections laws regulating electoral practices can be enacted to serve as deterrents to illicit electoral practices and ensure a level ground for all participating candidates. Comprehensive and strong election laws and regulations guarantee *free, fair, and credible elections* – when their implementers (institutions and officers) are of high professionalism and integrity, adequately resourced to pursue their mandates, and can operate without political interference.

In a democracy where accountability is guaranteed, politicians are less likely to engage in electoral fraud to get those *numbers* from voters. This does not mean they are not ready to take the risk of violating election laws to stay in office or defeat incumbents. The common risk taken by politicians, in violating the electoral code of conduct, is vote buying. In this paper, we will discuss the nature of vote buying in The Gambia.

Vote buying and voter inducement are as old as elections in The Gambia. Politicians and voters trade needs during elections. In theory, voters in strong democracies vote for politicians whose manifestos best match their interests or seem to be best suited to meet the needs of citizens (*e.g., health care, public transportation, jobs, security, interest-free loans for housing, and scholarships*). There is high competition between candidates to induce voters with these ambitious programs. Voters will award the successful bidder (candidate) the contract (votes) to implement these programs as the head of state.

Buying votes from voters is a common practice in Gambian politics to renew or build social contracts with citizens. Vote buying is more prevented in The Gambian politics during Barrows's term than it was during the Jammeh administration. Political parties in the Jammeh administration operated in an uncondusive autocratic environment, thus weak, as opposed to the Barrow administration where there is a democratic space for political parties to operate which has seen the emergence of more political parties and the strengthening of the main opposition parties. Candidate or party manifestos, which almost all presidential candidates will have, are merely a move to meet the requirements of the election body to get their nomination accepted. During political campaigns towards the elections, vote buying, and voter inducement

dominate the political space instead of competition to induce voters with their manifestoes. This paper will detail why competition for buying votes is prevalent in Gambian politics.

Sections 115-121 of The Gambian Election Act make vote buying and voter inducement illegal.¹ The law details and defines vote buying, voter inducement, and other forms of electoral corruption during the election period. However, sanctioning political parties and candidates engaging in this act seldom happens. Neither the election body nor law enforcement officials tend to investigate or sanction these behaviours, despite several reports and evidence of vote buying as recorded by election observation missions (domestic and international), media organizations, and citizen journalists². With that lack of accountability, politicians know who their audience is. They reach out to deprived communities and poor settlements that need money for food and health care. Despite the short-lived benefits, these voters are ready to sell their votes. Trading of votes comes both from the supply and demand side. Voters in some cases invite politicians to purchase their votes for meagre amounts of money - on average D500 which is equivalent to \$8. **Vote buying compromises democracy growth and public sector corruption and it compromises citizen trust in the electoral outcome.**

SECTION 1: BASICS OF VOTE BUYING

Vote buying is not a new practice in The Gambia's political space. It is one of the methods used by politicians to get a "Simple Majority" or "first-past-the-post" system³ (which is sufficient in The Gambia's electoral system to secure office in a first round of voting). Incumbents and oppositions are both engaged in this business competition of vote buying and voter inducement. Political parties must put aside a component of their campaign financing budget, to finance vote buying and procurement of materials to induce voters. Vote buying commences from voter registration and candidate nomination leading toward the election.

Section 42 of the Elections Act⁴ requires each candidate to present a list of registered voters in a prescribed form in support of his/her nomination. For example, a presidential candidate must present a list of nothing less than 5000 registered voters with at least 200 of them coming from

¹ 1996 Elections Act, Section 115-121

² Election Watch Committee (EWC) 2021 Presidential Election Preliminary Statement, 5th December 2021, page 1, paragraph 3

³ IFES Election Guide – The Republic of The Gambia, <https://www.electionguide.org/elections/id/3640/>

⁴ Section 42 of the 1996 Elections Act, page 29

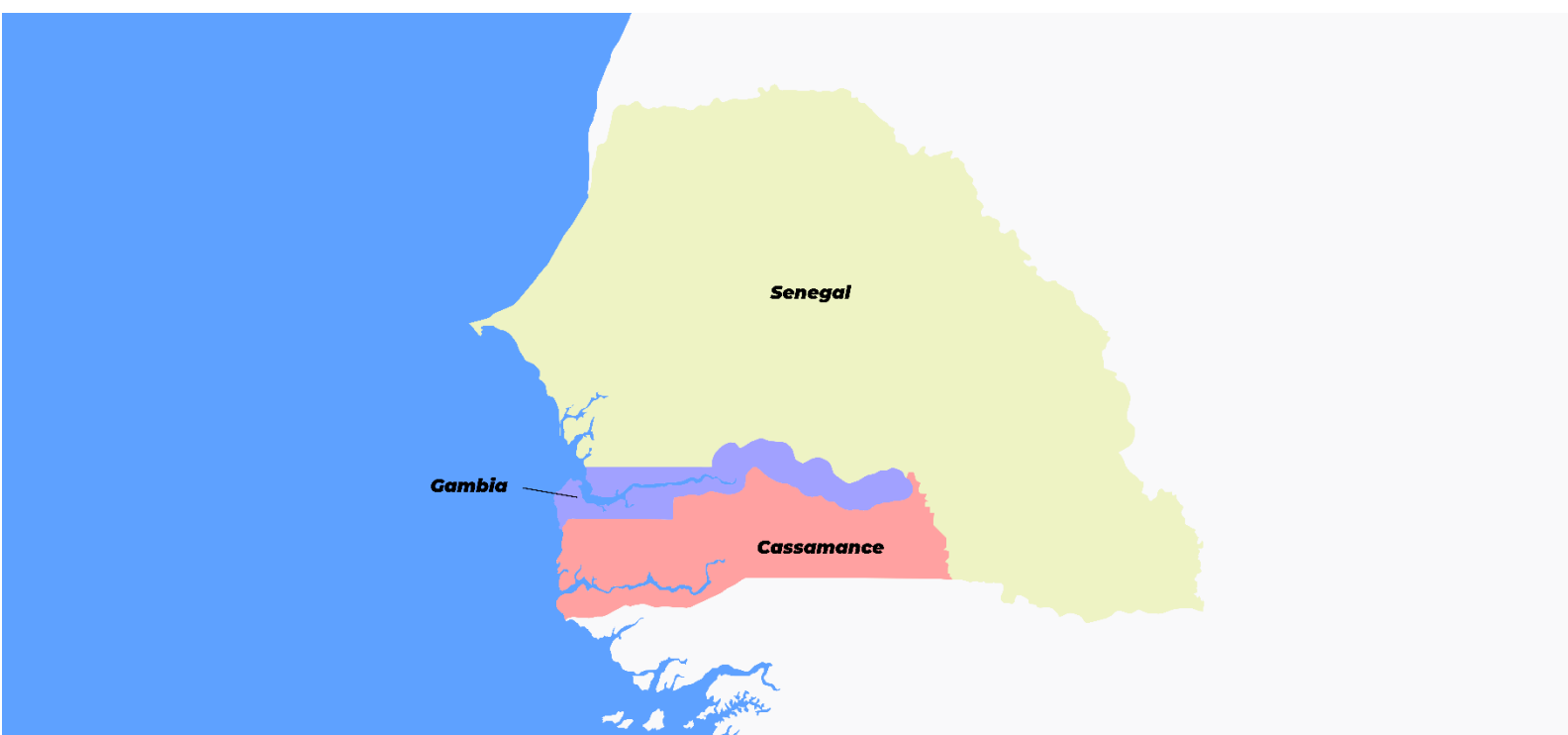
all seven (7) administrative areas.⁵ Because the voter population of the Gambia is very small (962,157 as of March 2023)⁶ and some voters are unwilling to subscribe their voter's card details to nominate a candidate, political parties and candidates will switch their approach by paying voters with money to get their voters' card details and signature in their nomination form. Because this is a crucial point for presidential hopeful candidates, getting those numbers is a determining factor amongst others to be declared an eligible presidential candidate by the Independent Elections Commission (IEC).

This is a difficult job for small political parties whose support base is small. Big political parties also make it difficult for their opponents to gather the required, prescribed signature of voters in a given electoral boundary. The election act allows a citizen (eligible voter) to endorse only one candidate - and where the citizen endorses two candidates, the candidate whose nomination was submitted first will have all the enlisted voter signatures accepted. So, to deprive other political parties of reaching the threshold (to get their candidature rejected by the IEC) big political parties will pay citizens to collect more than the required number of votes in each administrative area, ensuring their smaller opponents cannot reach the critical threshold of support to be placed on the ballot. There is limited evidence of vote buying where non-Gambians and perhaps minors are registered during voter registration. However, there are reports that **non-Gambians from neighbouring Senegal** are financially mobilized by political parties to register and vote for their party. On August 14, 2016, the then-ruling APRC party, under Yaya Jammeh, saw its party bureau in Kanifing set ablaze by unknown people. There were reports that thousands of voter's cards belonging to non-Gambians in the Casamance region (southern Senegal) were stored in the bureau - which motivated the attackers to set the office on fire, effectively preventing the bought registered voters from voting⁷.

⁵ Section 42 (2a) of the 1996 Elections Act, page 29

⁶ Gender and Age Group By Region (total voters registered) by IEC, <https://iec.gm/download/group-by-region-2021/>

⁷ "APRC Kanifing Bureau Burnt" <https://foroyaa.net/aprc-kanifing-bureau-burnt/>



Senegambia Map with focus on Casamance

How can non-Gambians vote in a Gambian election? The IEC cannot but register any individual who holds a valid Gambian ID or an attestation from a local village head “Alkalo” or district head “Seyfo” attesting he/she knows the individual as a citizen of the village and their date of birth. Many criticize the issuance of attestation by village heads as they are accused of politicizing the process and registering minors and non-Gambians to vote for a particular political party. The IEC’s voter registration officer can deny an individual registration if he or she is satisfied that the individual is a minor or a non-Gambian. Given the common features and languages that both countries shared, it’s a difficult judgment for the registration officer to make.

In the 2021 presidential and 2022 parliamentary elections, domestic election observers reported cases of vote buying on election day. The Election Watch Committee (EWC) reported a case of vote buying as a critical incident observed in Banjul near a polling station.⁸ Gambia Participates, in its 2022 parliamentary election preliminary statement, also reported cases of vote buying by members of the NPP (ruling party) at Bakau New Town Lower Basic School

⁸ Elections Watch Committee, 2021 Presidential Elections Preliminary Statement, page 4

polling station (Bakau constituency) and Jambanjelly Market in the Kombo South constituency.⁹

Money is the biggest resource leveraged to buy votes. Supporters of candidates and political parties use money as leverage to buy votes from underprivileged and desperate voters in need of money. If a political party or candidate is aware of a particular settlement where they will likely get fewer votes – a stronghold of the opposition – they may employ illicit tactics: inducing voters and buying votes to suppress votes of their opposition. Buying votes from opposition camps means low voter turnout in opposition strongholds, which is a loss of votes for the opposition. How does it work? A candidate or party militants will visit households of voters in opposition strongholds, especially in low-income, rural settlements, and induce them with a temporal solution to their problem (money) for them (voters) to surrender their voter's card including that of their household members and be paid an agreed amount of money. The voter's card will eventually be returned to its owners after the conclusion of the election.

Vote buying can trigger low voter turnout in elections which is sometimes confused with voter apathy. For example, if a candidate is successful in buying 60% of votes from an opposition constituency and keeping their voter's card to suppress votes for the opposition, the voter turnout in that constituency could be projected at 25% and the real voter apathy at 15%. The voter apathy percentage that observer groups will report for this constituency will be the obvious 75% (the bought 60% votes + real voter apathy of 15%) based on the reported voter turnout. Let's explore the definition of “**voter**” and “**apathy**” as a noun to establish the differences between **real voter apathy** and the **impact** of vote buying on **voter turnout**. The Cambridge Dictionary defines the two as follows:

***Voter:** A person who votes or who has a legal right to vote, especially in an election*

***Apathy:** behaviour that shows **no interest** or energy and shows that someone is **unwilling** to act, especially over something **important**¹*

⁹ Gambia Participates 2022 Parliamentary elections Preliminary Statement, page 4

Voter Apathy could then be defined as *a voter who has no interest and is unwilling to act and vote in an election*. A poor voter whose vote is bought (submission of one's voter's card in exchange for money, in this case) due to being induced with money that he could use for emergency purposes to address his family's immediate medical and food needs, does not fall under the category of voter apathy. This voter has an **interest** and is **willing** to vote in an election, but he surrenders his vote and the votes of members of his house due to the quick opportunity offered to him to address his family's socio-economic predicament.

Apart from money, other resources leveraged by candidates to induce voters include farming tools, cooking utensils, food items, community development initiatives, sporting kits targeting youths, etc. In Gambian politics, the hike in the supply of goods and services to marginalized communities, right before elections is a common practice, especially by incumbents. In the run-up to the 2021 presidential elections, candidates were seen during their campaign activities donating farming tools to local inhabitants, cooking utensils to women 'kafos' (groups), football jerseys, footballs, and tournament cups donated to Village Development Committees (VDCs) for youths, amongst other materials. The intention could be justified as a community development initiative supported by the candidate. The question is, why does community development have to wait until the election period? In most gatherings where politicians are distributing these materials, one will hear statements like *"I promise to do more for this community if you vote for me."* It is a clear manifestation of voter inducement, difficult to sanction even though codified in the elections act.

The sources of these campaign financing resources donated to communities are normally from undisclosed party donors, which could be businesses or individual party donors. There exists electoral clientelism with businesses and individuals in the Gambia's vote-buying dynamics. Corporate businesses and in some cases, offshore companies provide financial and material support to political parties or candidates with the expectation that they will be awarded lucrative public contracts if the party wins the elections.

Because there is little transparency on campaign financing and the regulation of campaign financing in practice, is not effective, vote buying becomes inevitable in the political space in The Gambia.

SECTION 2: CROSS-SECTOR ANALYSIS OF VOTE BUYING

In the Gambia, 65.5% of employed persons live and work in an urban area compared to the low 34.5% of employed persons in rural settlements. Employment is also higher among men (63.9%) as compared to women (36.1%) in The Gambia.¹⁰ Employment and quality educational opportunities are more available in urban settlements than they are in rural areas, making it comparatively more difficult for politicians to buy votes in urban settlements given their level of education, income, and access to basic needs.

Due to the high prevalence of poverty (69.5%) in rural settlements,¹¹ vote buying and voter inducement to secure votes for oneself or one's party, and to suppress opposition votes are more common in rural areas. In the absence of money, employment benefits may also be used as another angle to induce voters. Even though they might take the money and fail to deliver, politicians sometimes make ambitious job offers to community youths if they can canvass votes for them.

With these statistics, politicians know who their audiences are. It is easy to target a population who could be victims of electoral clientelism by assessing their socio-economic situation. Vote buying is more prevalent in rural settlements than it is in urban areas, not only because unemployment and poverty are higher in rural settlements, but also because of the high voter population in rural Gambia. Elections in The Gambia is decided by rural settlements, they account for 79.1%¹² of the total voter population. Thus, rural communities are the battleground for politicians during elections.

Low voter awareness around the cost of vote buying in rural settlements is another factor that politicians take advantage of. If rural voters are well informed of the cost of vote buying, despite their socioeconomic status, they are less likely to sell their votes. The usual voter education "*your vote is your voice*" does not discourage many rural voters from selling their votes. If only voter education drives can communicate the negative impact of vote selling and how that affects their daily lives, make communities ask themselves, could politicians not have

¹⁰ The Gambia Labour Force Survey 2018, page 26

¹¹ The Gambia Integrated Household Survey (2015/16), VIII Prevalence of Poverty page 37

¹² Gender and Age Group by Region (total voters registered) by IEC, <https://iec.gm/download/group-by-region-2021/>

used these resources to address our predicament? Electoral clientelism will be less prevalent in rural areas. In the absence of this awareness, politicians will continue to ride on rural settlements in the Gambia to trade their five years future with a day cost of a meal.

Vote buying cut across all genders. Though women make up a higher percentage of the voter population, however, vote buying knows no gender. *The first point of contact for politicians in their vote-buying and voter inducement drives are influential figures in communities, these are the village Alkalos, Seyfos, influential youths, religious figures, and extended family heads.*

Candidates are more visible in voter inducement than they are in buying votes. For vote purchases, they use their party militants – meaning their most ardent community supporters. The militants in the communities know their people. They live together and understand each other's needs. The party militant will identify the figures or groups of people that could be targeted in the community to trade their votes, and the party or candidate will later act indirectly. It will be disgraceful for the party or candidate to directly offer money to marginalized communities in exchange for their votes, especially when he is not sure if the targeted recipient will be appreciative of the gesture.

They also understand from within their settlements, who is always ready to do anything for money. There is a culture of repeat business in vote buying, if there is a history of vote buying between a party and a voter, the voter in this case will likely approach the party to sell his votes in the next election at a higher price or threaten to vote for the opposition or go out public and accuse the party of voter fraud. *That is one of the consequences of electoral vote buying: politicians get caged by their customers (voters).*

SECTION 3: SOCIAL CONTEXT OF VOTE BUYING

If voters suspect politicians will not deliver their campaign promises, real voter apathy becomes inevitable. To compel a good number of unwilling voters to vote for their candidate, money is the compelling factor. Because of this factor, many willing voters from underprivileged settlements become induced into electoral clientelism. Because of the high prevalence of vote buying, many voters see election periods as a *harvesting period* instead of an opportunity to

elect competency that will address their basic needs. Gradually, vote buying became prevalent in The Gambia.

Socially, gifting community and religious leaders with money to seek prayers and support is largely acceptable. It is seldom and not good practice to return money or a gift from someone, especially when it is done in good faith. Politicians know this trick. Firstly, because society condones the receipt of gifts, politicians are also aware of the return in favour that communities are accustomed to. So, in some cases, they don't have to mention "*I promise to do more for this community if you vote for me.*"

Voters condone vote-buying due to socioeconomic factors. The high incidence of societal poverty coupled with the fact that voters do not see their lives being improved by the government and the conditions of their society worsening, they become susceptible to vote buying. First-time voters and undecided voters in low-income settlements are also very easy to purchase, specifically young high school graduates or non-school-going youths that just turn 18 years of age. How exciting is it to be given money to just cast a marble stone to a ballot box of a specific candidate? These young ones are not exposed to voter awareness and because of culture, for them, the party that gives them money is the one that feels their existence and they can only vote for them regardless of what they are capable of. Thus, "*the root causes of vote buying lie deeper in society*"¹³

The prevalence of vote buying is largely attributed to poverty and societal norms. It is one lucrative way for underprivileged voters to make a daily meal, communities to have farming tools to maximize farming produce, and for the youths to be on the expectation line for jobs and opportunities. Most candidates do not have strong and convincing manifestoes, and where they do have, they are unable to communicate the strategies towards achieving their goal in office.

Vote buying also persists due to politicians' desires to obtain or retain power. While in office, they have the opportunity to personalize public wealth and receive huge kickbacks for awarding public contracts, security, high societal status, etc. As a result, desperate politicians,

¹³ Vote Buying – International IDEA Electoral Processes Primer 2 (Oliver Joseph and Vasil Vashchanka) - <https://www.idea.int/sites/default/files/publications/vote-buying.pdf> - Chapter 1, page 9

and militants, especially incumbents who are not willing to let go of those opportunities and benefits, are willing to source millions from taxpayers' money to buy votes to stay in office. Which is an Abuse of State Resources (ASR). ASR could be defined as the use of state resources for political propaganda.

The Gambia is ranked 110/180 countries on Transparency International's 'Corruption Perception Index'¹⁴ (where country 1 is seen as the least corrupt, and country 180 is seen as the most corrupt by citizens) and corruption is widely prevalent in the public sector. The Gambia also has one of the weakest pay scales in the region compared to sister countries like Sierra Leon and Nigeria.¹⁵ Despite this reality, public officials are the fastest-growing income earners through illicit enrichment.

It is always to the benefit of officials to have a president or administration that is not serious about tackling public sector corruption. Their interest is to keep that president and administration in office and as a result, go the extra mile to get votes, and buy votes. Keeping the president in office is a mutual interest. Corporations receiving public contracts that are at the risk of losing such contracts when the opposition assumes office make it their job to invest millions to help the incumbent to buy votes to keep their lucrative contracts, mostly awarded through kickbacks. It is similar to corporations that are interested in public contracts funding opposition parties. The biggest loser is always the voter, he sells his vote for D500 (\$8) to a politician who makes million out of her while in office.

Unfortunately, corrupt governance can create a vicious cycle in which incumbents can cling to power through abuse of state resources - and leveraging of resources amongst their corrupt networks (including to buy votes).

SECTION 4: MONITORING AND ENFORCEMENT OF VOTE BUYING

Section 115-121¹⁶ of the 1996 Election Act made the practice of electoral clientelism illegal. The Independent Election Commission (IEC) is the body established by law to organize and manage all types of public elections in The Gambia. It is also responsible for enforcing electoral

¹⁴ Corruption Perception Index, 2022 – Transparency International

¹⁵ Research on the Current Pay-scale of The Gambia – Ousman Jallow, December 2021

¹⁶ 1996 Elections Act, Section 115-121

laws. The Gambia Police Force (GPF) is a law enforcement body established by the 1997 Constitution with “*its traditional role of maintaining law and order.*”¹⁷ It also has a role in upholding the Election Act.

Despite The Gambian legal framework’s banning of electoral clientelism, enforcement is not effective in practice. Vote buying and voter inducement are prevalent in the Gambia’s politics yet are rarely if ever punished. Vote buying and voter inducement are considered “*Conduct of illegal practices*”¹⁸ and the penalty for an individual found guilty of conduct of illegal practices is a fine of D5000 (\$81) and imprisonment not exceeding two years. In addition to the above two penalties, the individual will be barred from registering as a voter or voting in any election for a period of 5 years. If a candidate is found guilty of corrupt conduct of electoral practices, his election shall become invalid¹⁹. If these laws are enforced, they would have been sufficient to deter vote buying in The Gambia.

Part VII of the election law, specifically section 8 details how a petitioner can file an election petition if the petitioner (a candidate or legally eligible voter) is satisfied that the election was not conducted fairly. The petitioner can petition the outcome of the elections within 30 days after the declaration of the final election results to the Supreme Court of The Gambia.²⁰

After the declaration of the 2021 Presidential election results, the United Democratic Party (UDP) on December 14, 2021, filed an election petition at the Supreme Court against the winning party NPP on grounds of corruption and malpractices.²¹ The Supreme Court on December 28, 2021, struck out the case on grounds of rules that were not followed by the petitioner.

It's feasible that electoral fraud that includes large-scale vote buying could be grounds for an electoral petition - but The Gambia has not had a strong record of seeing such petitions succeed' or something similar.

¹⁷ Section 178(2) of the 1997 Constitution of The Gambia

¹⁸ Section 115 of the Elections Act

¹⁹ Section 116(3) of the Elections Act

²⁰ Section 98 of the Elections Act

²¹ “UDP FILES ELECTION PETITION” – Foroyaa Newspaper, December 15 2021, <https://foroyaa.net/udp-files-election-petition/>

SECTION 5: IMPACT OF VOTE BUYING

Vote buying weakens democracy and can pave the way for public sector corruption. A government that bought its way to office cannot deliver quality democracy and institute strong accountability measures because it will be a victim of electoral fraud if an independent investigation is instituted by the strong oversight institution that they establish. So, they build an accountability firewall for themselves and then it becomes difficult to sanction corruption in their administration. As a result, corruption and the lack of regard for the *rule of law* becomes the *modus operandi* which opens doors for kleptocrats to emerge. Kleptocrats break the backbone of democratic institutions and the economy kneels on them. Eventually, they control the freedom of association and expression of citizens, most of whom they have bribed to be in power.

In electoral clientelism, the party with the most resources has an edge over the other participating parties. In The Gambia, the advantage is with the Incumbent who has state resources at his disposal. Gambia Participates reports a series of Abuse of State Resources (ASR) leading toward the 2021 Presidential elections. The Incumbent has state resources (*public money, vehicle, public offices, cabinet ministers, state media, etc.*) at his disposal which he could use to his advantage. One of the state-funded constitutional activities that are often politicized is the “Meet the Peoples Tour” which incumbents use ahead of elections to distribute goods and services to recipient communities. Cabinet ministers also use the tour to campaign for the re-election of their president.²²

Vote buying has an undue influence on the outcome of elections and it fuels a lack of citizen trust and confidence in democratic electoral processes. If there is no effective oversight and accountability of electoral clientelism, money, and material resources will be the determining factor in deciding the outcome of elections. An election is a continuous democratic process that allows citizens to renew or build a new social contract with a group of people to represent their voices and needs. An election is also a period of accountability for incumbents.

²² Meet The Peoples’ Tour or Political Campaign? Inside the State-Funded Efforts to Secure Incumbency in The Gambia, Gambia Participates, <https://www.gambiaparticipates.org/static/website/publications/election/gma.pdf>

To restrain the prevalence of electoral clientelism in The Gambia, there must be strong law enforcement bodies like the police and Anti-Corruption bodies that will be deployed during political campaigns to deter, detect and sanction political clientelism in the Gambia.



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