



Electoral Integrity Project

ELECTIONS DURING EMERGENCIES AND CRISES

Lessons for Electoral Integrity from the Covid-19 Pandemic



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Cover illustration: Nagaon, India. 27 March 2021. People flaunt social distancing norms as they are in queue to cast their votes during Assam Assembly election, at a polling station in Batadrawa Constituency, in Nagaon. ©Talukdar David on Shutterstock

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FOREWORD

Two hundred and forty-seven years ago, a small group met in Philadelphia to proclaim a then-astonishing proposition: that governments derive their just powers from the consent of the governed.

What was radical in 1776 has grown in both global acceptance and conceptual scope. Today's democracies include a far broader idea of those entitled to the full rights of citizenship—including people who are not property owners, people who are not of majority racial and ethnic groups, people who are not men—than the group in Philadelphia could have imagined.

One thing that has stayed the same is that the governed grant their consent through elections.

These elections periodically face great challenges. The latest such challenge has been for the world's democracies to conduct elections in the midst of a pandemic that touched every corner of the globe. Elections administrators around the world rose to that challenge with creativity and courage.

Something as basic as in-person voting at polling places threatened to become health- and life-threatening super-spreader events. Political leaders, already consumed by efforts to save their citizens' lives and keep the global economy from collapsing, simultaneously had to act quickly to make changes that preserved elections while ensuring voters' safety.

While the same virus threatened every country across the globe, the laws, history, culture, economics, and politics of each country determined its response. There were some constants: the unforeseen and unavoidable new costs of these responses strained already-tight election-administration budgets. Staffing was difficult. And necessarily hurried changes to voting procedures challenged the public's confidence in the neutral application of election laws.

Despite all the obstacles, the work of democracy went on, thanks to the ingenuity, dedication, professionalism, and tireless efforts of election administrators and workers, legislators and judges, charged with striking the careful balance between maintaining the integrity of the elections while allowing as many citizens as possible to vote safely. By harnessing that same ethic and leveraging the use of technology, election agencies strove to keep the voters apprised of essential information, from new venues for voting to the campaign finance system supporting the candidates and parties.

Studying, analysing, and publishing the various paths that countries took for their elections helps ensure that the planet's hard-won experience can be shared as widely as possible. And, appropriately, it writes these extraordinary efforts into the global story of democracy.

Ellen L. Weintraub
Commissioner
Federal Election Commission, United States of America

PREFACE

Under ordinary circumstances, the organization of elections is a complex, time-sensitive and high-visibility endeavour. The Covid-19 pandemic imposed tough additional considerations and trade-offs. With voting at polling stations suboptimal for physical distancing, election officials needed to quickly find ways to protect both electoral integrity and public health, without clear guidelines or prior experience. In many parts of the world, this pressure was exacerbated by an environment of fear, controversy, or uncertainty. At International IDEA, we saw firsthand the pressures that electoral authorities faced—and the resolve they displayed—to address these new and evolving concerns, with lessons for managing future crises affecting elections and other democratic institutions.

Drawing on a rich base of evidence, this book shows how the race to introduce untested or scaled-up voting and health measures exposed gaps in legal frameworks, political leadership, administrative capacity, and critical infrastructure in elections worldwide. More hopefully, the volume also highlights examples of resilient citizens and resourceful electoral authorities adapting to radically new conditions, including how inter-agency cooperation and rapid adjustments to special voting arrangements helped at-risk citizens vote safely.

During the pandemic, difficult choices about whether and how to postpone or adapt elections affected elections at all levels—local, state, and national—and older and newer democracies alike. This created a unique moment with unprecedented openness to information sharing and learning across borders. In many cases, the result was an overdue modernization of democratic processes. Many of these changes will outlive the pandemic.

The experience of Covid-19-era elections is relevant beyond the next pandemic and the narrow field of electoral management. As challenges facing democracy become more fast-paced and complex, all kinds of governing institutions must work creatively and cooperatively in response. Forward-looking agencies are

exploring regulatory solutions to diverse areas such as cyber security, the information environment, political financing, and how to harness benefits from technologies while mitigating risks.

The Covid-19 pandemic is a case study in democratic resilience and responsiveness, carrying both success stories and lessons learned. This comprehensive volume will be a valuable resource for scholars, election administrators, and policy leaders seeking to understand the impact of the Covid-19 pandemic on elections. More broadly, it will be helpful for anyone preparing institutions to handle future crises of all sorts. It represents an important contribution to understanding and protecting the integrity of our elections, our institutions, and our democracies.

Kevin Casas-Zamora
Secretary-General, International IDEA

EXECUTIVE SUMMARY

Elections often have to be held in emergency situations. The Covid-19 pandemic was one of the most serious emergency situations that the world has seen. The rapid spread of the virus presented a huge humanitarian threat—but also an unparalleled challenge to electoral stakeholders globally seeking to protect electoral integrity during times of uncertainty. This volume identifies how the pandemic affected electoral integrity, what measures were put in place to protect elections and what worked in defending them. It does so by bringing together a comprehensive set of 26 country case studies. It also provides a thematic analysis of the impact of the pandemic—and the measures used to protect elections—using a global analysis of cross-national data, collected specifically for this volume.

The book demonstrates that election quality was undermined during the pandemic in many countries. Electoral integrity was impacted with the closing of some spaces for electoral contestation; reduced opportunities for electoral participation—with pockets of disenfranchisement; electoral management difficulties; legal conflicts; and the reduced international scrutiny of elections.

The experience was varied around the world, however. The pandemic was also a story of democratic resilience. The worst fears about elections spreading Covid-19 did not come to bear in most cases. Electoral officials put in place a wide range of measures to enable elections to continue, such as the provision of personal protective equipment. There were examples of collaboration and cooperation between key stakeholders.

We argue that the pandemic affected electoral integrity because it created an unprecedented environment in which elections were scheduled to take place. Countries which already had underlying electoral vulnerabilities were less able to respond to these new challenges. The pandemic compounded existing problems and created new issues in such cases. These situations were also often exploited by some political actors. By contrast, some countries were able to weather the storm either because they did not have these prior

vulnerabilities—or because stakeholders took early action, collaborated and communicated to the public clearly. The worst possible effects of the pandemic were therefore avoided.

Action from policymakers is therefore needed to bolster preparedness for natural disasters and other unexpected challenges—but also to strengthen underlying systems for running elections. Many of the reforms made during the pandemic were, perhaps necessarily, short-term measures. But a longer-term view is needed to protect electoral integrity in any future emergency situation. Eleven areas of recommendation are set out based on the evidence collected in this volume. These are a call to action for:

- Revising electoral law to clearly specify the circumstances under which election postponement is permitted in emergency situations.
- Avoiding late electoral legislation.
- Reviewing whether existing special voting arrangements are sufficient for emergency situations.
- Building electoral observation capacity through the greater use of locally recruited observers and updating the Declaration of Principles and other best practice standards on election observation for elections during emergencies.
- Ensuring sufficient financial investment is made in elections alongside the appropriate use of technology.
- Clear communication strategies should be developed by electoral authorities in combination with partners in advance of elections.
- Decisions relating to the conduct of elections should be made through consensual processes, in a political space that includes all relevant stakeholders.
- Due consideration should be given to scientific advice and scientific advisors during emergency situations with their inclusion on key working groups.
- The international community of practitioners and academics should be strengthened into the future to ensure that learning can continue across borders.
- Countries should undertake comprehensive risk assessments about whether their electoral processes are sufficiently robust to overcome both 'normal' and 'emergency' conditions.

- National stakeholders should continuously improve their capacity to deal with crises through policies and practices that strengthen their preparedness, responsiveness, recovery and learning.

Overall, the book has important consequences for not only the academic study of elections in emergency situations—but also the practice of elections around the world. We call on decision makers to take these steps forward to strengthen elections and democracy into the longer term.

Part 1

Introduction—How Covid-19 threatened global electoral integrity

Chapter 1

INTRODUCTION

Toby S. James, Alistair Clark and Erik Asplund

The outbreak of the Covid-19 pandemic posed a serious threat to all societies around the world. Three years after the start of the pandemic, there had been three-quarters of a billion cases worldwide and nearly seven million deaths.¹ The public health crisis placed a major strain on systems of care more widely, national economies and human well-being.

Covid-19 also posed a serious threat to electoral democracy. Elections had never before needed to navigate through a pandemic on such a scale. Although there had been pandemics before, such as the Spanish Flu of 1918 (Abad and Maurer 2021), they belonged to an era in which elections were less frequently held, electorates were much smaller and societies less interconnected. Only since 1945 have elections been held in almost every country in the world. Although many countries or regions have had to think about holding elections during emergencies such as hurricanes, floods, wildfires or earthquakes, this was a challenge affecting the whole world—and almost simultaneously.

The pandemic raised immediate questions for policymakers and practitioners responsible for holding elections, for which there were no easy, immediate answers. Would elections accelerate the spread of Covid-19? If so, how would we know? Would it be safer to postpone elections to a later date—or would that undermine democracy? Could elections be changed to accommodate the new environment; if so, how—and what would be the additional costs? What might be the side-effects?

Covid appears likely to put severe strains on public health around the world for many years to come. It will therefore remain an immediate issue for electoral

¹ There were 758,390,564 cases by 7 March 2023 according to the World Health Organization <<https://covid19.who.int>>. Data on the number of cases and deaths was also compiled by Our World in Data throughout the pandemic. Although there are methodological issues involved in recording the number of cases, the figures are broadly comparable, for the purposes of this chapter. For further information, see: <<https://ourworldindata.org/covid-deaths#deaths-from-covid-19-background>>, accessed 7 March 2023.

This volume seeks to serve as a legacy document from the pandemic for future natural disasters.

officials, citizens and policymakers in many future elections. However, now that the immediate challenge of the pandemic has been grappled with, there is an important opportunity to reflect on the lessons learned. What worked in accommodating elections to the pandemic? What were the effects of the mitigation measures put in place? Were there any useful innovations to be rolled out for elections in 'normal' times; which practices should be continued? How can we build resilience in elections so that societies are prepared for the next emergency situation—whether that is national, regional or global in nature? In an era in which climate change is creating greater global uncertainties, these are vitally important questions to ask.

The pandemic did undermine the quality of elections in many countries; however, the pandemic was also a story of democratic resilience.

This volume therefore seeks to serve as a legacy document from the pandemic for future natural disasters. It brings together a comprehensive set of 26 country case studies to explore how elections were affected on the ground, what measures were put in place and what worked. These case studies are of elections which took place in the eye of the storm when practitioners and policymakers were operating under uncertainty and without the benefit of hindsight. They begin with the South Korean parliamentary election of 2020, one of the first nationwide elections held after the onset of the pandemic. They include an extended case study on the US 2020 presidential election, a source of wide international interest given the geopolitical importance of the USA and the fractious post-election events that occurred. There are also case studies covering a wider range of continents and political regime types.

To learn lessons in a more systematic way, this volume also provides a thematic analysis of electoral integrity during the pandemic using cross-national studies. This provides the big picture for policy makers, practitioners and academics looking back at the crisis. The volume therefore seeks to contribute towards the future development of policy and practice. However, it does so by using academic research methods and concepts which enable greater confidence in the policy lessons, as well as contributing directly to the scholarship on democracy, democratization and elections.

The pandemic exposed existing underlying vulnerabilities. Where those vulnerabilities were in place, elections were much more likely to be compromised.

1.1. KEY LESSONS: STRENGTHENING ELECTORAL INTEGRITY FOR THE NEXT CRISES

The pandemic holds many lessons for how policymakers, practitioners and academics can protect and boost electoral integrity in the future.

The pandemic did undermine the quality of elections in many countries. Electoral integrity was impacted with some closing of spaces for electoral contestation; reduced opportunities for electoral participation—with pockets of disenfranchisement; electoral management difficulties; legal conflicts; and reduced international scrutiny of elections.

However, the pandemic was also a story of democratic resilience. The worst fears about elections spreading Covid-19 did not come to pass in most cases.

Electoral officials put in place a wide range of measures to enable elections to continue, such as the provision of personal protective equipment (PPE). The pandemic also demonstrated the crucial ability of electoral officials to come together internationally to undertake comparisons, share stories and borrow best practices.

While countries faced the same or similar disease threats and burdens, electoral system experiences varied around the world. The pandemic exposed existing underlying vulnerabilities. Countries were weakly positioned to respond if they had:

- poorly designed electoral laws and codes;
- unreliable staff recruitment practices;
- under-investment in elections;
- poor public administration for ensuring the implementation of policies;
- more partisan politics;
- lower confidence in political institutions; and/or
- few mediums through which citizens could cast a ballot.

In such circumstances, already difficult for conducting elections, Covid-19 compounded the challenges and compromised electoral integrity. Some countries were able to weather the storm, however, where stakeholders collaborated, took early action and communicated clearly to the public. Nonetheless, the challenges faced were much greater.

Policymakers therefore need to take action on bolstering preparedness for natural disasters and other unexpected challenges; but also on strengthening underlying systems for running elections. Many of the reforms made during the pandemic were, perhaps necessarily, short-term measures. Others accelerated changes that were already under way—such as the greater use of technology or the use of locally recruited observers.

The volume calls for longer-term planning and more systematic re-evaluation to ensure that electoral integrity is strengthened for the future. It is vitally important that countries look to undertake reforms at the earliest opportunity: to ensure that resilience is strengthened for not only unexpected emergencies but also the longer-term health of democracy.

The volume calls for longer-term planning and more systematic re-evaluation to ensure that electoral integrity is strengthened for the future.

1.2. RESEARCH QUESTIONS

This volume focuses on the following questions:

- What challenges did Covid-19 pose to the integrity of elections?
- What policies were put in place to reduce the spread Covid-19 and protect electoral integrity?
- How effective were these mechanisms in terms of their impact on (a) the spread of Covid-19 and (b) electoral integrity?
- What measures should countries put in place to build resilience for electoral integrity in the future?

This introductory chapter provides an overview of the public health emergency and a conception of electoral integrity, to outline some possible ways in which the latter may have been undermined by the pandemic. The remainder of the introduction then outlines the methods used in the book to answer the guiding questions, and provides a roadmap of the chapters ahead.

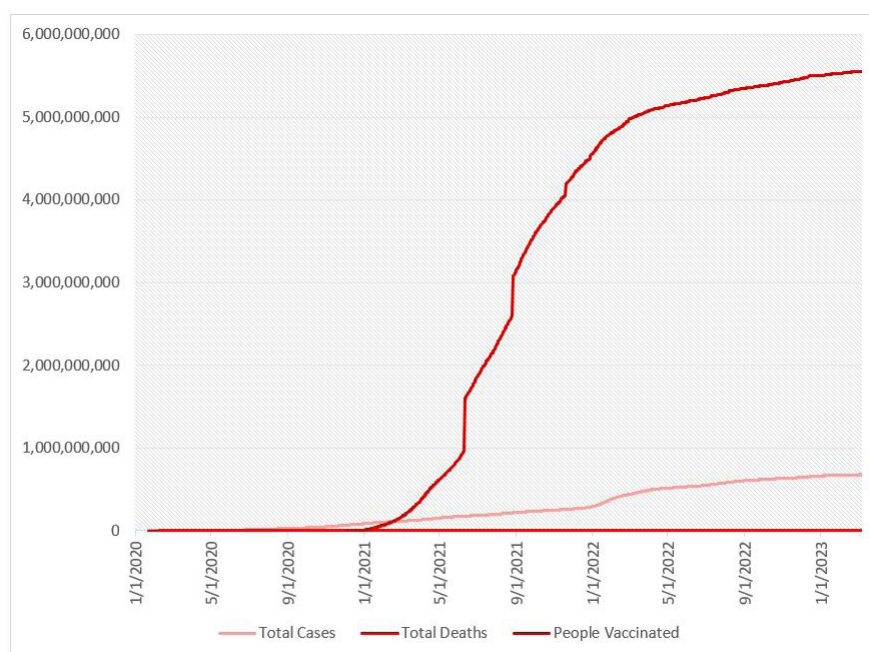
1.3. THE EPIDEMIOLOGICAL THREAT

Covid-19 spread quickly around the world, creating huge uncertainties about how government should respond. In December 2019 news emerged from China of a new respiratory virus which was infecting, hospitalizing and killing many otherwise healthy people. The world began to take significant note as January and February 2020 progressed, with the World Health Organization (WHO) finally declaring a pandemic on 11 March. The new virus, a novel coronavirus, was eventually named Covid-19 to distinguish it from other coronaviruses. How it spread was initially unclear, but the results were dramatic with Wuhan being locked down and other measures introduced across China. As it spread to Europe, Italy was the first country of that region to be badly hit, overtaking China with the highest number of recorded cases on 19 March 2020. This was soon surpassed by the USA on 26 March (McNeil 2020).

There were extensive measures put in place to contain Covid-19 around the world. Public health and welfare interventions included heavy restrictions on human movement (such as border controls, lockdowns, physical distancing measures, and school and workplace measures) and requirements to use PPE (such as masks) in public spaces; measures were also taken to monitor and track the spread of the disease using technology (Jung 2021; Sideri and Prainsack 2022). National responses varied enormously, however. The Italian Government declared several areas in the north of the country as 'red zones' where movement was severely restricted, before dramatically announcing a national lockdown on 10 March 2020. China pursued a 'zero-covid' approach with policies of mass testing, contact tracing, and lockdowns for a much longer period of time (Cai, Jiang and Tang 2022). However, the responses were much more liberal in other countries—or measures were subsequently relaxed much quicker.

Vaccines were developed in record times. Figure 1.1 illustrates how vaccinations were eventually rolled out quickly—although very unevenly—around the world. Growing vaccination rates led to the further relaxation of public health restrictions—they also provided policymakers with greater confidence that elections could take place. But for long periods of time there was huge uncertainty about how elections would interact with the epidemiology of the virus. Would elections be super-spreader events? Intuitively, elections involve the bringing together of millions of people over the course of several days. Millions of citizens can cast their vote at polling stations (and may even be legally required to) within a very short space of time. This could also involve many thousands of electoral staff, who are required to set up polling stations and often remain within enclosed spaces for the course of the day. There are also campaign rallies, registration events and more. This volume reviews the evidence about what effect the elections had on the spread of the pandemic, because that factors into decision making about when and how to hold elections that uphold democratic and other rights.

Figure 1.1. Cumulative Covid-19 cases, deaths and people vaccinated, January 2020 to March 2023



Source: Authors' calculations, based on data from Our World in Data (2023), <<https://github.com/owid/Covid-19-data/tree/master/public/data>>, accessed 7 March 2023.

1.4. WHAT IS ELECTORAL INTEGRITY?

If we are to say that electoral integrity was altered by the pandemic, then it is important to have a clear view of electoral integrity. Electoral integrity is defined, following James and Alihodzic (2020, p. 350), as 'the realization of

Electoral integrity is defined as ‘the realization of principles in the conduct of elections that are necessary to support the broader realization of democratic ideals’.

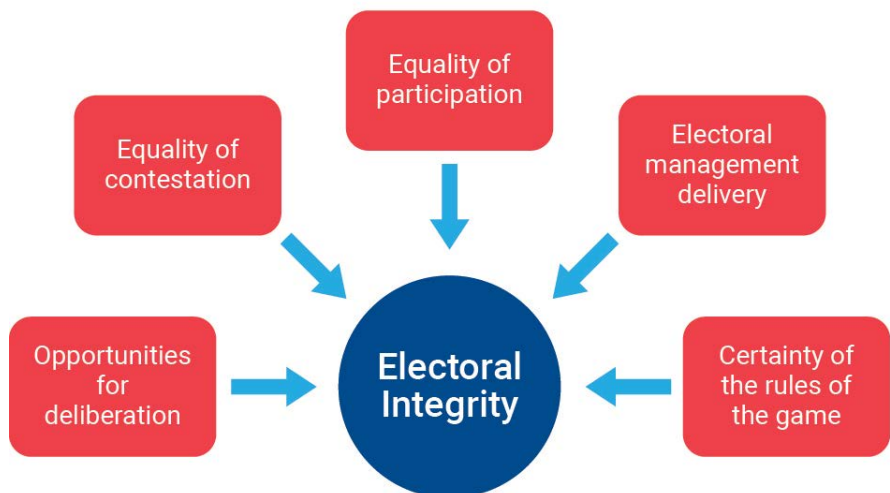
principles in the conduct of elections that are necessary to support the broader realization of democratic ideals’. They outline five key principles of electoral integrity (see Figure 1.2) and discuss how emergency situations in the past have compromised them, building on Garnett and James (2020; 2021). These principles provide some yardsticks against which the impact of the pandemic, and the mitigation measures taken in response, can be discussed and assessed. This will allow the volume to consider which dimensions if any have been undermined, as they progress through each case study or thematic area in turn. The final chapter of the volume will then use the empirical evidence gathered from the book to draw conclusions about electoral integrity in the pandemic, and what appears to have worked in safeguarding it.

Opportunities for deliberation

Democracy requires that citizens must be free to join parties, express their views, compete for office and access alternative forms of information. The regular holding of elections is itself a spur and an opportunity for public deliberation. Simply holding elections is insufficient, however, since there is no guarantee that citizens will actively consider their interests and the issues—or that they will vote. Discussion and debate can bring about more informed choices and resolve conflicts.

There were fears, however, that the pandemic could lead some states to limit civic participation in elections along with, or via, restrictions on mobility, public gatherings and media freedoms. Even in a public health emergency and even if envisaged as temporary, sweeping restrictions could constitute democratic backsliding (Lührmann et al. 2020). It should be noted that recent years had already seen, by many measures, global democratic backsliding (V-Dem 2023;

Figure 1.2. Key principles of electoral integrity



Source: James and Alihodzic (2020) and Garnett and James (2021).

International IDEA 2022). Such concerns were therefore very pertinent entering the pandemic, even though states of emergency can also be legitimate responses to humanitarian situations—which may even be necessary to protect elections (James and Alihodzic 2020).

The quality of deliberation is also an important component of electoral integrity, but this was also under threat during the pandemic. In addition to the impacts already mentioned, Covid-19 held the potential to dominate news agendas and election debates in ways that made the discussion of a wider policy agenda more difficult, or to crowd out the concerns of more vulnerable groups.

Equality of contestation

Elections should have a level playing field for candidates. There is often some degree of structural advantages for parties and candidates, as some will enter the campaign period with a greater concentration of resources than others. Emergencies can, however, exacerbate some of these inequalities and associated tensions.

Firstly, in states where incumbents have control over the state media they may be able to use its public information function to maintain a campaign presence while opposition media outlets are subject, both directly and indirectly, to greater restrictions. Secondly, emergency situations can also bring massive inflows of revenue in the form of donations and humanitarian aid. Perversely, this may in some cases increase the resources available for evading campaign finance rules or buying votes. Thirdly, executive influence over whether to postpone an election and set a revised date (if appropriate) may give them an advantage.

Equality of participation

Democratic elections are at their best when there is high turnout and equal levels of participation across different groups in a society. Without this, the result of an election may be shaped by some groups more than others. Countries often have deep inequalities in levels of participation partially driven by uneven access to resources, societal cleavages with territorial dimensions, gender and age-based inequalities, migration or other factors. Inclusive voting practices, defined as measures to redress the turnout gap and remove other inequalities within the electoral process, are therefore often proposed (James and Garnett 2020).

Apart from depressing overall turnout through fear of infection risk at the polling station, there were concerns that the pandemic might also introduce more inequalities—because those with underlying health conditions were more at risk of the virus and its most severe effects. These at-risk groups overlap with frail elderly voters although, in the event, the pattern of older voters being more likely to vote held up during the pandemic (James and Garnett 2020). Another inequality risk was literacy and language: how able were different local communities to follow changes in electoral information and health protocols organized at regional or central levels?

Robust electoral management

Electoral laws can be designed in ways which support and strengthen democracy, but like all public policies, they require successful implementation on the ground. Convenience, quality of service, transparency, professionalism, probity, cost-effectiveness, and citizen and stakeholder satisfaction are all hallmarks of good quality election delivery, just as they are for other public services (James 2020a: 66).

Emergencies can pose major logistical problems which force elections into major compromises, or even make them undeliverable. They might threaten the availability of the workforces needed to run polling stations or plan for the polls. Supply chains could be affected making the elections unable to run. Alternatively, costs might dramatically increase meaning that the public purse is affected, or compromises in quality within the electoral process are made as necessary items are deemed unaffordable by budget holders.

Certainty of the 'rules of the game'

Constitutional rules surrounding elections should provide institutional certainty and clarity about the rules of the game. The scheduling of elections provides such institutional certainty that a contest will take place. This incentivizes rivals to challenge the incumbent through the ballot box rather than through other means. The certainty of holding an election encourages trust among citizens in the system because they are assured that there are opportunities for peaceful transfers of power.

The pandemic threatened all of this. The humanitarian and democratic case for election postponement suggested by James and Alihodzic (2020) was strong in many cases. But this also risked incumbents taking political advantage of the situation—or being accused of doing so—by causing long delays in elections. Opportunities for conflict could therefore open up. Electoral authorities responsible for making decisions about election postponement were faced with making difficult political decisions about election postponement, some of which had the potential to threaten their reputation for independence.

Further, Covid-19 threatened to expose gaps in institutional frameworks: where political and practical conditions were simply unanticipated in the constitution, electoral law or other relevant rules. This made for disputes about spheres of competence and rules of adjudicating the uncertainty.

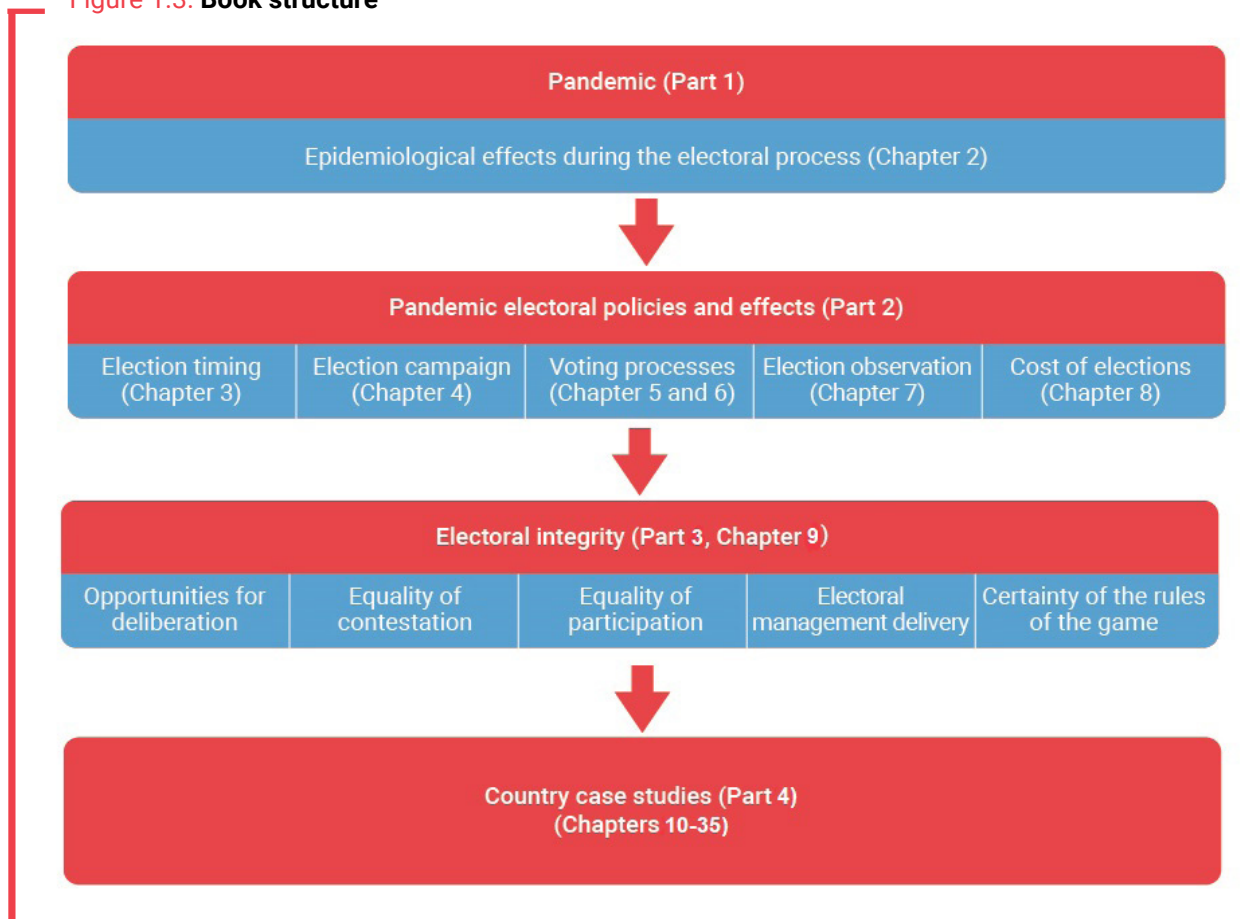
1.5. APPROACH, METHODS AND STRUCTURE OF THE BOOK

Did these concerns come to pass? Or did democracy prove robust in the face of pandemic pressures?

Figure 1.3 summarizes the book's structure. This introductory Part 1 continues by reviewing (Chapter 2) the epidemiological evidence base to ask: Do

elections spread Covid-19? As the discussion will reveal, there is mixed evidence on this general question, but specific aspects of the elections (e.g. rallies) were the main challenge in certain contexts—those where the virus was on the rise and the implementation of safety measures was low.

Figure 1.3. Book structure



Part 2 then provides a series of thematic cross-national chapters examining how electoral integrity was affected. Chapters consider the questions set out above with respect to key aspects of the electoral process: election postponement, election campaigning, voting processes (including health and safety provisions), voter turnout, election observation, voting arrangements and the financial costs of the election. These are constructed using a variety of datasets developed for the purposes of this project and volume, including a survey of electoral management bodies (EMBs) undertaken in July 2020, and a systematic collection of all media stories relating to the conduct of the elections captured via Google alerts between 2020 and 2022. This enabled the construction of bespoke datasets on election postponement, the use of special voting arrangements and other aspects of elections. Other data was also used in combination to produce the analysis—such as data on the quality of democracy from V-Dem² and the International IDEA Voter Turnout Database.

Part 3 then contains a comprehensive selection of country experiences from where elections or referendums were held during 2020–2021. Each case study is authored by key academic or practitioner experts of the relevant country. The

² Varieties of Democracy (V-Dem), an independent research institute.

cases speak directly to the overall book aims by considering how the election was affected by the pandemic, what Covid-19-mitigation measures were put in place and how effective they were.

Cases were commissioned to consider unique and significant cases as the pandemic unfolded in real time.³ South Korea's was the first to be written and published, since this was the first country to hold a major national election during the pandemic. French local elections were among the first to be held but also saw debates about postponement. They therefore provided an important focus of analysis as legal battles ensued. The regional elections in Bavaria, Germany, were the first contest to hold all-postal elections in response to the Covid-19 outbreak. Bavaria remains one of the few jurisdictions to have done so. These cases therefore provided key learning points for those countries who had elections in the pipeline.

Other elections had wider significance and were therefore included. The US 2020 presidential election had global importance and hence a much longer case study was commissioned. Two cases were commissioned in India given that it was and remains the largest democracy in the world by population. The cases chosen were therefore critical cases (Yin 2009). However, a sample of democracies, hybrid regimes and autocracies were purposively included (Table 1.1), as well as a representation across all continents. This ensures that the widest possible spread of circumstances was considered in identifying the pandemic challenges to electoral integrity.

Part 4 concludes the book by returning to the above guiding questions and framework for understanding electoral integrity. The aim is to consider the longer-term lessons from the pandemic for when the next crises arise, with the advantage of some hindsight.

A positive picture emerges of many countries successfully taking proactive steps to protect electoral integrity and preserve the lives of their citizens. However, electoral integrity was undoubtedly affected for the worse in many countries.

At the time of writing, the initial shock of the pandemic has substantially subsided; how elections need to change to accommodate emergency scenarios may fall down the political agenda. However, it is vitally important that countries look to undertake reforms at the earliest opportunity to ensure that resilience is strengthened for future emergencies. Box 9.1 summarizes the key recommendations.

³ They used a mix of research methods and materials that are commonly used for case study research, including documentary analysis, process tracing and media analysis (Collier 2011; Bohnsack 2014). Initial versions were published at the time and have been updated as necessary.

1.6. AN INTERNATIONAL COMMUNITY OF LEARNING

Covid-19 marked a unique moment when the global electoral community came together to share best practices and experiences. There was wide media, policymaker and practitioner interest in the countries which held elections early in the pandemic. The early cases were an essential opportunity for practitioners to know what was coming later down the line for them.

The materials collected and published in this volume played a role in contributing towards this global learning in real time. To make materials immediately available to practitioners, cases were published on the International IDEA website alongside summary data of postponements, the use of special voting arrangements, turnout trends and other International IDEA learning resources. Data from these cases informed some of the thematic chapters, and were presented at major international practitioner workshops and international public hearings.⁴

The aim is to consider the longer-term lessons from the pandemic for when the next crises arise.

Table 1.1. Country case studies by regime type and continent

	Democracy	Hybrid regime	Authoritarian regime	Total
Africa	Cabo Verde Ghana	Ethiopia Nigeria	Mali Uganda	6
Americas	Argentina Brazil Canada Chile United States			5
Asia-Pacific	Australia India x2 South Korea		Myanmar	5
Europe	France Germany Netherlands Poland Portugal Spain United Kingdom		Russia	8
Middle East	Israel	Jordan		2
Total	19	3	4	Overall cases = 26

Source: regime type classifications according to the 2021 Global State of Democracy report (International IDEA 2021c).

⁴ For example: The US Foreign Affairs Committee, 'Protecting Democracy During Covid-19 in Europe and Eurasia and the Democratic Awakening in Belarus', 10 September 2020, <<https://foreignaffairs.house.gov/2020/9/protecting-democracy-during-Covid-19-in-europe-and-eurasia-and-the-democratic-awakening-in-belarus>>; also Tamang (2020), a submission to the Parliament of Australia; Clark and James (2020), a submission to the Parliament of the UK.

Progressively updated, the online report was cited by more than 130 national and international news outlets, including the BBC, *New York Times*, *Foreign Policy*, CNN, *Christian Science Monitor*, *Washington Post*, Reuters, *Le Figaro*, and *The Economist*. Between March 2020 and December 2021, it was accessed 150,000 times from 168 countries and territories (International IDEA 2021a, 2021b). National authorities such as the Election Commission of South Africa (South African IEC 2021), the Knesset Research and Information Center (Knesset 2021), the Center for Continuous Electoral Training in Moldova (CICDE 2020), the African Court on Human and Peoples' Rights (African Union 2021), and the Canadian Center for Cyber Security (Canada 2021) have used the material to develop guiding documents. In 2021, based on this track record of Covid-19 knowledge-sharing, the United Nations Development Programme (UNDP) requested that International IDEA (Asia-Pacific Programme) support EMBs in Timor-Leste ahead of a series of elections at the national and municipal level in 2022–2024. The project has therefore been a conduit for experiences and best practices and demonstrates how researchers and practitioners can collaborate to improve electoral integrity in challenging times.

This volume seeks to make an important contribution to the academic literature as well as being a practical resource.

1.7. CONTRIBUTION TO THE ACADEMIC LITERATURE

This volume seeks to make an important contribution to the academic literature as well as being a practical resource. At its best, research of this kind should aim to serve a dual purpose, being accessible to both decision makers and places of learning. The pandemic tested many assumptions about how to strengthen electoral integrity, and partly because the academic literature on elections and their integrity during emergencies was notably under-developed.

Firstly, little was known about the postponed elections. Prior to the pandemic, there had been only the occasional publication on the topic—such as a review of US state practices on emergency provisions (Whitaker 2004) and research on the effects of Nigerian presidential postponement on the financial markets in Nigeria (Eboigbe and Okafor 2019). But the topic had not been given serious consideration. Chapter 3 presents original data on patterns of postponement during the pandemic alongside its determinants, as well as lessons for how future postponements could take place consensually.

Secondly, there is a rich literature on voter turnout, but little was known about voter turnout and natural disasters. A wide range of studies were published during the course of the pandemic which looked at individual countries (Flanders, Flanders and Goodman 2020; Merkley 2022) but there were few cross-national studies. Chapter 6 provides such an analysis using cross-national statistical analysis to locate the factors which protected electoral turnout during the pandemic.

Thirdly, academic research on electoral observation has seen a major surge in recent years (Hyde 2011), but not in relation to emergency situations (for exceptions, see: Matlosa 2021; Vasciannie 2023). This volume uses

documentary analysis to map how the uses and format of electoral observation changed during the pandemic in Chapter 7.

Fourthly, the pandemic exposed gaps in the research in specific areas of running elections. For example, while there had been a growth in literature on financing elections (e.g. Clark 2023), they were mostly studies of single countries (for exceptions see: Garnett 2019; James 2020b). There were no cross-national studies of how EMBs respond to a common problem. Chapter 8 uses survey data, media analysis and documentary analysis to identify how costs changed, the struggles faced by EMBs in meeting these, and the cross-national determinants of such investment.

Fifthly, there were some publications on the possible impact of Covid-19 on elections at the outset of the pandemic (Birch et al. 2020; Landman and Splendore 2020; James 2020b). However, these were partially speculative. This volume seeks to bring together a distilled, evidence-based view. It is now more possible to identify some of the more enduring effects and consequences of the pandemic overall, rather than only in specific aspects (on which see, e.g. Palguta, Levínský and Škoda 2022; Cassan and Sangnier 2022). While studies have emerged on specific countries (Ayandele et al. 2022; Dulani et al. 2021; Kajcsa 2021; Liljeblad and Doe 2022; Mohee 2021; Roy and Singh 2021; Sala 2022; Téglási and Nagy 2021; Sempijja and Brito 2022; Weibrecht et al. 2021; Yu, Yoo and Kim 2022), we aim to take a wider global view.

The approach taken is to ensure that ideas are conveyed in an accessible format which can enable a broad audience of policymakers and practitioners to use the research to inform policy. We have therefore relegated the description of the statistical methods and empirical resources uses to chapter annexes. However, several chapters retain literature reviews to help make the novelty of the study clear.

1.8. CONCLUSION: A CALL TO ACTION FOR ELECTORAL REFORMERS

The Covid-19 pandemic presented a huge challenge to elections and democracy. In the eye of the storm, there was little time for calm reflection. There was a need to undertake immediate short-term responses and a natural inclination for analysis to be hyperbolic. With a little distance from the immediacy of the pandemic, there is an opportunity to learn lessons for the long term which can inform policymaking and academic thinking.

This book seeks to explore the actual impact of the pandemic on elections, what policies were put in place to protect electoral integrity and what worked. The book reveals evidence that election quality was undermined during the pandemic. The pandemic exposed existing underlying vulnerabilities. Where those vulnerabilities were in place, elections were much more likely to be compromised. The experience was varied around the world, however. The

pandemic was also a story of democratic resilience. The worst fears about elections spreading Covid-19 did not come to bear in most cases. Electoral officials put in place a wide range of measures to enable elections to continue, such as the provision of personal protective equipment. There were examples of collaboration and cooperation between key stakeholders.

Action is therefore needed for policymakers to strengthen their preparedness for another natural disaster, and for unexpected challenges—but also to strengthen their underlying systems for running elections. The volume therefore calls for longer-term planning and more systematic re-evaluation to ensure that electoral integrity is strengthened for the future. It is vitally important that countries look to undertake reforms at the earliest possibility to ensure that resilience is strengthened not only for unexpected emergencies but also for the longer-term health of democracy.

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Chapter 2

DO ELECTIONS SPREAD COVID-19?

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2.1. INTRODUCTION

Many events held during the pandemic were alleged to have acted as ‘super-spreader events’. These included weddings, large religious gatherings and sports events. Elections also bring a large volume of people together during a short period. Candidates, agents, electoral staff and millions of voters come together at polling stations (often small and enclosed), vote tally centres and rallies. Intuitively, all these pose a risk of Covid-19 infections. This possibility informed many of the subsequent interventions or changes that are discussed in Chapters 3–8.

But did elections eventually spread Covid nonetheless? Decisions about how and whether to adjust the electoral process were made in real time, often with limited scientific knowledge, which was evolving as the pandemic progressed. With the benefit of hindsight, were concerns about elections as vectors justified and, if so, to what extent?

This chapter reviews the continually developing literature and evidence around this question, most of which is from the field of epidemiology rather than political science. It first briefly discusses the available literature. Secondly, it examines the case for saying elections were significant virus-spreading events. The third section considers the contrary finding, that elections had little additional effect on the spread of Covid-19. The fourth section notes methodological issues, before a closing summary and conclusions.

Decisions about how and whether to adjust the electoral process were made in real time, often with limited scientific knowledge, which was evolving as the pandemic progressed.

2.2. SOURCES ON ELECTIONS AND TRANSMISSION

There are two main sources of research on the link between elections and Covid-19 spread. The first, media reports, is mainly anecdotal. For example, Beaumont (2021) notes the link between West Bengal's election and India's 2021 Covid-19 wave, while a similar link was also made by Waldersee (2021) on Portugal's presidential election. In the USA, links were made between primaries in April 2020 and spread, and highlighted the fact that election staff were in the front line (Bauer 2020; Lerner and Basu 2020). Some high-profile, although isolated, individual cases seemed to underline and personalize the danger. For instance, President Nkurunziza of Burundi was reported to have died of suspected Covid-19 days after the country's election, while the President of Guinea's Electoral Commission was reported to have died from the virus after having overseen that country's elections on 22 March 2020 (Burke 2020; Diallo 2020). Table 2.1 lists some media and other commentary on the issues as they unfolded in 16 countries' elections.

The second set of sources come from the wider scientific literature (mainly epidemiology or econometrics), which developed at pace throughout the Covid-19 crisis. Research was mostly made available initially as preprints: provisional draft scientific papers, prior to peer review and formal publication. This applied equally to discussion of the virus itself and the potential link between elections and its spread; gradually some of these accounts have been published formally. Bordignon, Ermakova and Noel (2021) have noted the tension between 'uncertainty and over-promotion' in Covid-19 preprint abstracts. Some caution needs to be taken with any inferences drawn from works in preprint. We return to this point below, but what follows is based on a close reading of the works mentioned, not just an assessment of the abstract or headline findings.

A summary of the academic works that inform the discussion below, and the key aspects of their approach and method, are set out in Table 2.2.

2.3. POSITIVE EFFECTS

Several studies have shown positive effects, suggesting that certain elections helped spread Covid-19. Cassan and Sangnier (2022) examined turnout in the 15 March 2020 French municipal elections alongside data on hospitalizations, both measured at the level of the *département*. They concluded that the elections had a detrimental effect on hospitalizations where there were already high levels of the virus, and that this led to around 3,000 excess hospitalizations, around 11 per cent of the total at that time. However, where infection rates were low, the elections had no detrimental effect on hospitalizations. Bertoli, Guichard and Marchetta (2020) examined municipal-level turnout with excess mortality, measured by death certificate reports, in the weeks following the election. They concluded that this was 21.8 per cent

Table 2.1. Selected accounts of elections and Covid-19 transmission (media and other)

Election	Date of election	Elements discussed		Source (full list is at the end of this chapter)
		Electoral campaign	Voting operations and election day	
France, local elections	3 March 2020	✓	✓	Le Figaro Franceinfo
Malaysia, Sabah state assembly elections	26 September 2020	✓		Malay Mail (author Loheswar)
US general election	3 November 2020	✓ (SSRN)	✓ (KCS) (Al Jazeera) celebrations	KCS Al Jazeera
Brazil municipal elections	November 2020	✓		Pitombo Borges and Souza
Kyrgyzstan, parliamentary elections	10 January 2021	✓	✓	Kloop (author Короткова)
Armenia, parliamentary elections	20 June 2021	✓		Hetq (author Hovsepyan)
Russian Federation, parliamentary elections	17–19 September 2021	✓	✓	Moscow Times (author Sandurskaya)
Syria, presidential elections	26 May 2021		✓ celebrations	Middle East Eye
Canada, provincial elections	2020 and 2021	✓		Smellie
Jordan, legislative elections	10 November 2020	✓	✓	Roya News
Myanmar, general elections	8 November 2020	✓	✓	Zaw Zaw Htwe John Zaw
Dominican Republic, presidential election	5 July 2020	✓		Twitter
Suriname, parliamentary elections	31 May 2020	✓	✓	Global Security
Georgia, parliamentary elections	31 October 2020	✓	✓	CRRC Georgia (p. 14)

Table 2.1. Selected accounts of elections and Covid-19 transmission (media and other) (cont.)

Election	Date of election	Elements discussed		Source (full list is at the end of this chapter)
		Electoral campaign	Voting operations and election day	
Serbia, parliamentary elections	21 June 2020	✓	✓	VOA News
India, local elections	2020 and 2021	✓		The Hindu BusinessLine

higher between 18 March and 21 April 2020 compared with the equivalent municipal elections in 2014.

Mello and Moscelli (2022) estimated a positive relationship between municipality-level Covid-19 cases and turnout in Italy's September 2020 constitutional referendum (postponed from March because of the pandemic), with weekly new infections rising at 1.1 per cent per percentage point of municipal referendum turnout. Palguta, Levínský and Škoda (2022) estimated an approximate rise in infection rates of 24 per cent in relevant constituencies 14 days after Senate elections in the Czech Republic (October 2020), leading to between 8,600 and 14,800 new infections. They also estimated that three weeks after the election hospitalizations had grown 36 per cent faster in voting constituencies compared with non-voting constituencies. Lim et al (2021) suggest that the Sabah State election in Malaysia, conducted in person and with large scale movement of voters, led to a 70 per cent increase in cases within the state, and had a national spill-over effect—increasing cases by 64 per cent. In the Sabah context there was a poor level of compliance with mitigation measures at parties' campaign events. Using the same method as Lim and colleagues, CRRC Georgia (2021: 6) indicated the election had been a 'key accelerant' of the pandemic, with up to 140,000 additional cases and up to 1,450 additional deaths estimated.

Bernheim et al (2020) examined the effect of 18 Trump rallies in the US presidential election. These had attendance in the thousands, sometimes tens of thousands; Trump and his followers notoriously denied the severity of Covid-19. Their estimate was that there had been an additional 250 Covid-19 cases per 100,000 residents of the locality where rallies were held, which was extrapolated to more than 30,000 incremental confirmed cases, and more than 750 deaths, not necessarily among attendees. Away from campaign events, Cotti et al. (2021) examined county-level election administration data, bringing this together with infection rates from primary elections held in Wisconsin on 7 April 2020. Their results suggested that where there were higher levels of in-person voting, there were significantly higher rates of Covid-19 infection. Cotti et al. suggest that this was partly driven by the consolidation of polling places, which led to larger numbers of voters allocated to each. However, where there

Table 2.2. Studies of elections and Covid-19 spread

Study (arr. by authors)	Preprint?	Election and country	Method	Covid-19 measure (dependent variable)	Election measure (independent variable)	Effects
Bach,	N	France, municipal elections, March 2020	Regression discontinuity design	Death records, politicians' mortality	Candidate data; no. of confirmed cases; demographic data	No excess effects
Berry, Mulekar and Berry (2020)	N	USA, Wisconsin, primary, April 2020	Descriptive and comparative	Daily cases	Electoral data	No increase in cases
Bertoli, Guichard and Marchetta (2020)	Y	France, municipal elections, March 2020	OLS and 2SLS regression	Municipal mortality data	Municipal turnout, district magnitude and no. of candidates; population age and density	Higher turnout = higher mortality
Cassan and Sangnier (2022)	N	France, municipal elections, March 2020	Logistic epidemiological forecast	<i>Departement</i> hospitalizations	Municipal turnout, 2020 and 2014; population density and age data	Yes, 3,000+
Cotti et al. (2021)	N	USA, Wisconsin, primary, April 2020	Fractional logistic regression model	County-level case data	Various electoral data and no. of polling locations; GPS social distancing data; demographics, population and density	Yes, due to in-person voting and polling place consolidation
CRRC Georgia (2021)	Y	Georgia, parliamentary elections, October 2020	Synthetic control method	Deaths; case counts	Election date	Increase in cases and deaths
Feltham et al. (2020)	Y	USA, 2020 primaries, March–July (1,574 counties)	Non-parametric matching method; epidemiological model	County-level death counts	County-level demographic and turnout data	No excess mortality effects

Table 2.2. Studies of elections and Covid-19 spread (cont.)

Study (arr. by authors)	Preprint?	Election and country	Method	Covid-19 measure (dependent variable)	Election measure (independent variable)	Effects
Güntner (2020)	Y	Bavaria, Municipal elections, March 2020	Synthetic control method; OLS regression	Cumulated increase in cases and deaths, 15 March–4 April	Demographic, economic and health data; Electorate and turnout data	Increase in cases and deaths
Kim, et al. (2020)	N	South Korea Parliamentary Elections, 15 April 2020	Descriptive, country-level	N/A	N/A	No effects
Lim et al. (2021)	N	Malaysian Sabah State elections 26 September 2020	Synthetic control methodology	Case counts	Election Date	70% rise in cases in Sabah; 64% spill-over rise
Mello and Moscelli (2022)	N	Italy, postponed constitutional referendum and elections, 20–21 September 2020	Event study Poisson fixed effects regression with control function design	Weekly new infections, municipality level; Excess mortality measure	Constitutional referendum turnout, municipality level	Increase in cases as turnout rises; no significant effects on mortality
Paradis et al. (2020)	N	Wisconsin Primary, Milwaukee, 7 April 2020	Descriptive	Cases, hospitalizations and deaths	N/A	No clear effects
Palguta et al (2022)	N	Czechia, Senate Elections Run-Off, 9–10 October 2020	Event study regression; difference in difference regression	Daily cases; hospitalizations	Date of election, interaction effect	Effects on spread and
Zeitoun et al. (2021)	N	France, Municipal elections, March 2020	Sigmoidal fixed effects model	Hospitalizations	Municipal turnout	No positive effects

were higher levels of absentee voting, there was a lower rate of infection. In short, absentee voting helped contain virus spread. Separately, a figure of 52 infections of in-person voters and poll workers in Wisconsin's primary elections was estimated by public health officials and widely reported (Bauer 2020).

2.4. LITTLE OR NO EXCESS EFFECTS

Nevertheless, other studies have found little or no effects, even when looking at the same elections as those above. Bach et al. (2021) examined the effects of the first round of the French municipal elections on politicians' mortality, reasoning that politicians were most exposed to contagion because they would be meeting many people during the course of the campaign and election process. While they found an excess mortality of candidates in hotspots with high transmission levels, this was not significantly different to that of the general population. Overall, the team failed to detect a positive relationship between participation in the elections and candidates' excess mortality. In the same elections, Zeitoun et al. (2021) examining the effect of turnout on Covid-19 hospitalizations at department level again found no positive statistical association.

Similarly with Wisconsin, other results to those mentioned above were mixed. Examining the reproducibility rate, or 'R', of the virus, the number of confirmed cases and hospitalizations, Leung et al. (2020) argued that 'taken together, there is no evidence to date that there was a surge of infections attributable to the April 7, 2020 election in Wisconsin'. Paradis et al. (2020) examined case counts, hospitalizations and exposure data (including voting method) from Wisconsin. They found 'no clear increase in cases, hospitalizations, or deaths was observed after the election, suggesting possible benefit of the mitigation strategies, which limited in-person voting and aimed to ensure safety of the polling sites open on election day'. Feltham et al. (2020) extend the analysis beyond Wisconsin to the primaries in 1,574 counties across America, examining Covid-19 death rates up to 32 days afterward. Using two different methods, they suggest that the spring primaries 'did not lead to a detectable overall increase in the Covid-19 mortality rate'.

2.5. METHODOLOGICAL ISSUES

There are five main methodological difficulties to be aware of in estimating the effect of elections on Covid-19 outcomes. These help to explain the diverse findings of the research. Firstly, both Covid-19 and elections data can be partial and inconsistent. Secondly, there is an ecological inference difficulty. Most of the research is estimated at the aggregate (county, municipality etc.) level, not at the individual level where contagion happens.

Thirdly, disentangling causality is very problematic. Covid-19 infections linked to electoral participation cannot be easily separated from normal community contagion. For example, Scotland, a country of 5.5 million people, recorded 218 cases on its 6 May 2021 parliamentary election day, and had only 58 Covid-19 patients in hospital. Two weeks later, on 20 May, this had risen by 74.8 per cent (to 381 cases), while three weeks later hospitalizations had risen to 83 per cent (UK n.d.) even if this remained among the lowest level of hospitalizations during the pandemic. However, this post-election period overlapped with the

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There is no consistent methodology or measure for estimating the impact on Covid-19 of holding elections.

gradual easing of lockdown restrictions. Ascertaining the causal effect of the elections alone would therefore be very difficult under such circumstances. At the minimum, individual level data around movements, contacts and interactions would be necessary, but were in most studies lacking. One study which did estimate mobility seemed to indicate that elections rather than other mobility were the key factor driving growth in infections in Czechia, although the authors acknowledged the limited nature of their data in this regard (Palguta, Levínský and Škoda 2022).

Fourthly, there is a difficulty of reverse causality. It may be difficult to show contagion and adverse Covid-19 outcomes because mitigation strategies have been working to limit spread, while people are also avoiding risky behaviour (Bach, Guillouzouic and Malgouyres 2021; Courtemanche et al. 2021; Kim et al. 2020; Picchio and Santolini 2021). Finally, as Table 2.2 shows, most studies approach the question using different measures and methods. This difficulty is underlined by Mello and Moscelli's (2022) choice of dependent variables in their Italian study. Although they found a positive relationship between turnout and infections rates, when the focus shifted to excess mortality, turnout showed no significant effects on excess deaths at the municipal level. They explained this discrepancy as due to the overall low contagion rate at the time the elections took place, with a higher level of infection likely to lead to higher excess mortality.

There is therefore no consistent methodology or measure for estimating the impact on Covid-19 of holding elections. It is also important to recognize that the studies in question were conducted early in the pandemic and dealt, therefore, with the initial variants of Covid-19. This does not necessarily invalidate any of the findings. With the subsequent evolution of more transmissible variants such as Omicron, in practical terms it suggests the need to proceed with considerable caution, and with maximal mitigation strategies wherever possible.

Estimating the effects of elections on the spread of Covid-19 has been fraught with difficulty.

2.6. CONCLUSION

Estimating the effects of elections on the spread of Covid-19 has been fraught with difficulty. Elections are major events which bring people together in many different ways. The risks presented by Covid-19 depended upon how they were run and administered. As discussed elsewhere in this book, these risks had to be balanced against the democratic risks of not holding elections, or imposing restrictions. While anecdotal evidence often appeared dramatic and seemed to point towards elections being 'super-spreading' events, the scientific literature has reached no obvious consensus. Some studies find evidence of quite significant spread, others find little or no excess effects beyond general community contagion. There are perhaps some themes that can be drawn from this, however, that most researchers would agree on. The first is that un-distanced campaign events may well have greater potential for spreading the virus than polling operations themselves—if the latter are managed and

equipped so as to ensure compliance with Covid-19 mitigation measures. This speaks to the need for Covid-19 mitigation to be adequately implemented and resourced, and, where necessary, for alternative campaign techniques to be deployed which are realistically compatible with social distancing. Secondly, pre-existing levels of Covid-19 are a crucial factor. Where transmission is already high, the likelihood of elections contributing to further spread seems strong. However, where Covid-19 cases are already low, the suggestion is that elections, held with appropriate mitigations and properly managed, are unlikely to contribute to significant spread of the virus. Caution is nonetheless necessary, not least given the continual evolution of more transmissible variants of the virus. It is crucial that voters, election staff and candidates are protected by appropriate measures, as we explore elsewhere in the book.

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Part 2

Pandemic electoral practices and their effects— Cross-national analyses

Chapter 3

ELECTION POSTPONEMENT DURING THE COVID-19 PANDEMIC

Toby S. James, Alistair Clark and Erik Asplund

In seeking to respond to the global pandemic, one immediate decision facing policymakers was whether to hold an election at all. Concerns were raised that elections might lead to the further spreading of the virus, as the previous chapter considered. Concerns were also raised that an election might be unfair—perhaps some people would not be able to vote—or perhaps some parties or candidates would be advantaged by holding the election in pandemic conditions. It might not be possible to put some mitigating procedures, such as those set out in Chapters 4–8, in place before election day. Given the uncertainties, then, the case was often made for election postponement.

At the same time, concerns were raised that postponing elections would deny citizens their democratic right to vote. During an era of wider concerns about democratic backsliding, some argued that postponement would amount to pandemic backsliding (Edgell et al. 2021; Freedom House 2022; International IDEA 2021). Scholar Maciej Skrzypek (2021), for example, made this criticism of Poland's decision not to hold elections in 2021. Members of the Bernie Sanders US presidential campaign labelled the postponement of some primaries a 'a blow to American democracy' (see Eichen 2020).

What decisions were eventually made, were they defensible—and, according to which rubrics? This chapter details the extent and patterns of postponement around the world. Pre-pandemic postponements seem to have been very infrequent—or at least, electoral authorities had little institutional memory about them. By contrast, pandemic postponements were historically unprecedented in volume with elections held off in at least 80 countries and territories within a two-year period. Postponements did become less common as the pandemic progressed and electoral officials had more opportunity to prepare. However, the chapter reveals enormous variation in the length of the delays. Countries also exhibited considerable variation in the inclusiveness

of their decision making, and the extent to which their constitutions provided clarity about how and when (and by whom) postponement is permissible.

The current lull in pandemic disruption presents an opportunity for electoral authorities to review their legal provisions and decision-making processes on election postponement. Setting out clear legal rules and finding mechanisms for consensual decision making can strengthen electoral integrity for the future. Putting those practices in place will take time, so early action is encouraged. Contingency planning for and through the democratic process—not waiting until crisis hits—provides ways to make such postponements more democratic.

Pandemic election postponements were historically unprecedented in volume with elections held off in at least 80 countries and territories within a two-year period.

3.1. POSTPONING ELECTIONS IS NOT ALWAYS UNDEMOCRATIC

There are a variety of reasons why elections might be postponed—and their postponement is not necessarily detrimental to democracy or electoral integrity. James and Alihodzic (2020) developed a typology of election postponements (see Table 3.1). For them, there are seven types of election postponements, which might involve the unexpected death of a candidate; a precaution to ensure that technical reforms are made in time to boost electoral integrity; or a crisis postponement.

One strong reason for postponing an election is for humanitarian reasons. ‘There is an obvious humanitarian case for delaying the conduct of elections where it might bring about immediate threats to human life and security’ (James and Alihodzic 2020: 348). These circumstances might include holding elections during natural hazards such as earthquakes, tsunamis, wildfires, epidemics and pandemics for example, and/or during human-made disasters. As this volume illustrates, emergency situations can contribute towards electoral integrity being undermined. An election may therefore be better held with a short delay so that any necessary preparations and mitigating measures can be put in place to maintain democratic principles and procedures.

This is not at all to say that all postponements are democratic. As James and Alihodzic point out, some may still be best categorized as an election cancellation—where an incumbent or the military ‘postpone’ for political advantage or as part of a wider *power grab*. This could be long term or indefinite, as for example when power is seized through a military coup. Even when incumbents introduce a self-interested (partisan) delay that is short in duration, sometimes this is better understood as a cancellation.

In practice, an election might be postponed for mixed motives and therefore not neatly fit into the typology (for example, this might suit the incumbent politically and humanitarian interests). The placing of each election into each category therefore has to be done according to a careful consideration of context.

3.2. PATTERNS OF PANDEMIC POSTPONEMENTS

Pre-pandemic postponements were rare

Before Covid-19, election pandemic postponement appears to have been rare, although research is limited. A key trend in the long history of democracy around the globe has been for there to be ever more elections. As the number of independent states around the world increased, especially in the post-1945 era, they increasingly held elections (Huntington 1993; Hyde 2011). One might therefore have expected lots of elections to have been postponed for various reasons—but this does not seem to have been the case. The International Foundation for Electoral Systems (IFES) Election Guide, for example, only recorded 19 national elections or referendums that were postponed between 2007 and the start of the pandemic (IFES 2022a). These were electoral events in Afghanistan, Algeria, Australia, Burkina Faso, Chad, Ethiopia, Guinea, Haiti, Madagascar, Papua New Guinea, Somaliland, Sudan, Syria and Yemen. Legislative elections in Afghanistan scheduled for October 2016 were delayed as a result of security and logistical issues, but eventually took place in 2018 (Al Bawaba 2018). Elections for the Guinean National Assembly were scheduled to be held in June 2007 but saw repeated delays until 2013. The opposition objected to the polls because of concerns about the electoral register and overseas Guineans being unable to vote; the UN subsequently negotiated holding the polls (IFES 2022b; Lewis and Samb 2013). Not all postponements are included in the IFES dataset, however. For example, the postponement of the Liberian 2014 elections due to Ebola is not recorded (Paye-Layleh 2014).

A survey of electoral management bodies (EMBs) also found little institutional knowledge about election postponement. A survey was undertaken in 2021, asking EMBs to detail any postponements that had taken place between 2000 and the pandemic period (James, Garnett and Asplund 2023). Of the 49 countries which responded, only 3 could recall any postponements. This indicates that they are infrequent—but possibly also that there is poor institutional memory of postponements among electoral officials. In any case, it appears that in the pandemic officials had few markers of best practice to refer to.

Pandemic postponements

Over the two-year period after 21 February 2020, at least 80 countries and territories across the globe decided to postpone national or subnational elections due to Covid-19, dwarfing the pre-pandemic record of such events. Of these at least 42 countries and territories decided to postpone elections or referendums at national level. Figure 3.1 maps the locations where postponements were recorded.⁵

However, elections continued to take place in at least 160 countries and territories. Of these at least 130 held elections or referendums at national level.

There are a variety of reasons why elections might be postponed—and their postponement is not necessarily detrimental to democracy or electoral integrity.

Before Covid-19, election pandemic postponement appears to have been rare.

⁵ Data on election postponement was captured through media sources covering the period from 21 February 2020 to 21 February 2022. Keyword searches included 'election' and 'postponement' on a daily basis throughout the period, through Google alongside automated alerts.

Table 3.1. Typology of delayed elections

	Stopped by whom?	Why?	When?
Cancellations	Incumbent Military	Power-grab	Pre-election
Crisis postponements	Incumbent Opposition	Political stalemate Constitutional crisis Violence	Pre-election
Transition postponements	Transitional government	Democratic reforms	Pre-election
Technical delay	EMB Incumbent	Technical issues Violence	Pre-election
Candidate death	EMB Incumbent	Equality of contestation and voter choice	Pre-election
Humanitarian postponement	Incumbent EMB	Emergency situation threatening life	Pre-election
Annulled	Judiciary Incumbent Military	Not constitutional Power-grab Not implementable	Post-election

Source: James, T. S. and Alihodzic, S., 'When is it democratic to postpone an election? Elections during natural disasters, Covid-19 and emergency situations', *Election Law Journal*, 19/3 (2020) p. 347.

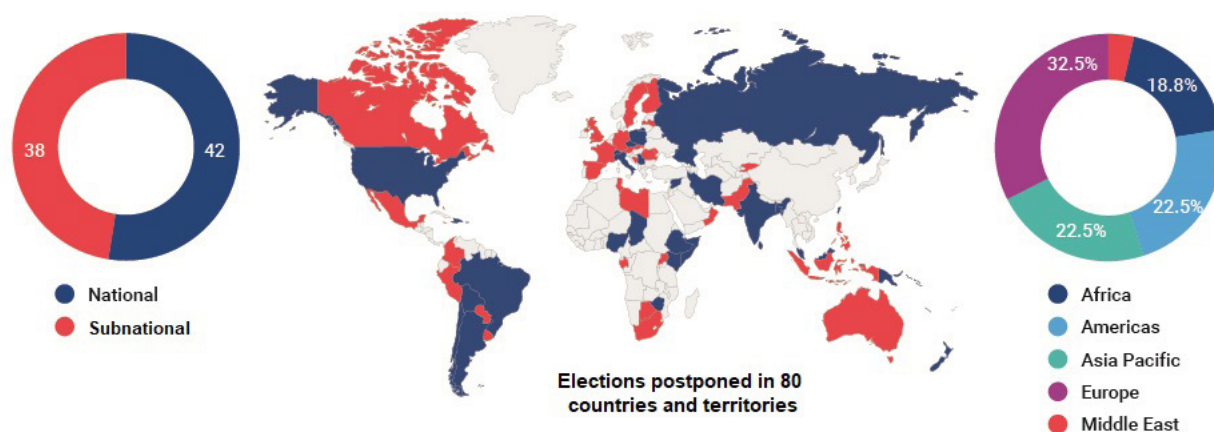
In many states (at least 65) these took place after an initial postponement citing Covid-19 reasons, and in at least 33 these were national elections or referendums. Figure 3.2 maps the locations where either national or subnational elections were held.

Although elections were very widely postponed, the volume of postponements declined significantly as the pandemic progressed. Figure 3.3 shows the distribution of postponements by month during 2020 and 2021. April 2020 saw the greatest number with 32 elections put back—and only 4 elections held. Postponements also outnumbered elections held in May and September of 2020. But during 2021, there were relatively few postponements suggesting that a norm of holding contests had been re-established, albeit with Covid-19 mitigation measures in place (see Chapter 5).

One noticeable pattern was for national elections to be much less frequently postponed than subnational elections. The majority of national elections (69 per cent) continued on schedule, whereas more subnational elections were postponed. However, there were broadly similar patterns according to the type of regime, when the Global State of Democracy (International IDEA 2021) classification is used. Authoritarian regimes postponed at a very similar rate overall to democracies—(41 per cent for both categories) and very similar to hybrid regimes (37 per cent).

3.3. ELECTION DELAYS VARIED ENORMOUSLY

Figure 3.1. National and subnational elections postponed, February 2020–2022



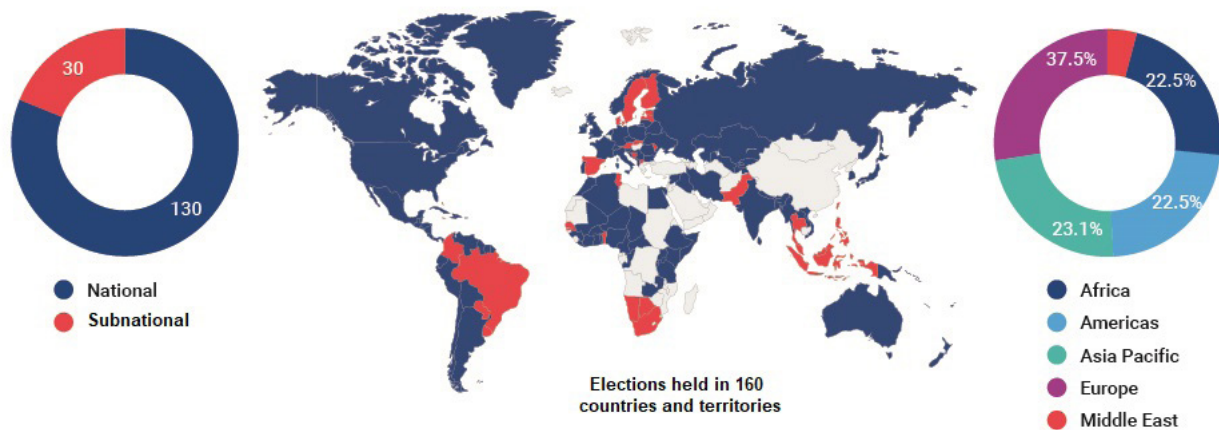
Source: International IDEA, Asplund, E. (editor), 2020.

Nearly all postponed elections were then subsequently held, but as Figure 3.4 demonstrates, there was enormous variation in the delay. Moreover, the length of delay did not correspond closely with the quality of liberal democracy, as measured by the V-Dem Liberal Democracy Index (see Coppedge et al. 2021) (Figure 3.5). The length of the delay seemed to be more a result of country-level circumstances.

In Kiribati the delay was as short as eight days, as part of emergency measures in response to the pandemic (RNZ 2020). In Argentina, the government agreed with opposition party proposals to postpone mid-term legislative elections for three weeks, ‘putting the health and lives of the people first’, in the words of the Interior Minister (Heath 2021) (also see Chapter 10). In New Zealand, Prime Minister Jacinda Ardern postponed elections by one month to allow parties ‘to plan around the range of circumstances we will be campaigning under’—a delay which the opposition had called for (BBC 2020b). In Finland, nine out of ten parties voted in favour of postponing subnational elections (Iotkovska 2021). In these cases, there seems to have been little questioning of the motives of decision makers.

By comparison, the delay was as long as 469 days in Hong Kong. Chief Executive Carrie Lam invoked emergency powers to postpone the elections, calling it the ‘most difficult decision I’ve made over the past seven months’ and claiming that the reasons were completely non-political (BBC 2020a). However, some activists claimed that this was ‘an excuse to postpone the election’, and

Figure 3.2. National and subnational elections held, February 2020–2022



Source: EA: International IDEA, Asplund, E. (editor), 2020.

pointed out that it had occurred only days after 12 opposition pro-democracy candidates had been barred from standing for office (Al Jazeera 2020).

In some states, at the time of writing, elections had not been successfully rescheduled. Haiti was due to hold a parliamentary election on 27 October 2019, which was put back to 26 September 2021. The country had also been due to hold a presidential election on 7 November 2021. It was later agreed that the elections would take place in the second half of 2022. There were a much wider mix of factors at play that contributed towards the postponements in Haiti (France 24 2021).

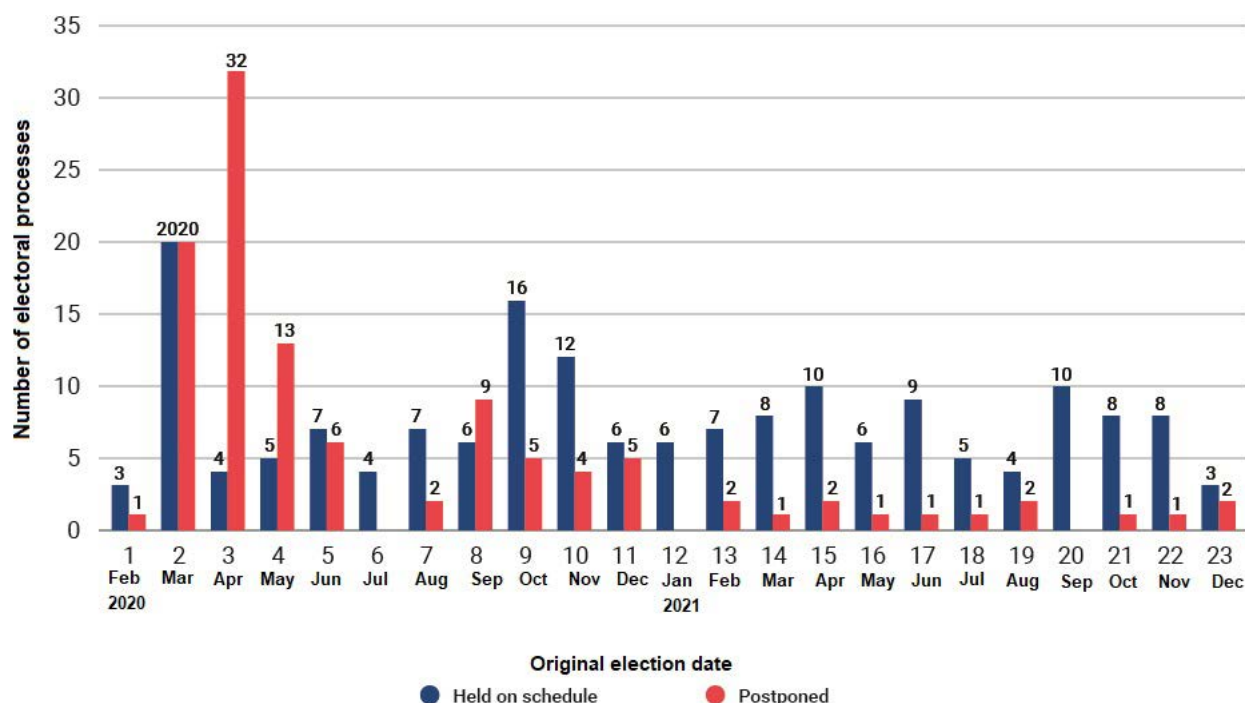
The volume of postponements declined significantly as the pandemic progressed.

3.4. DECISION MAKING ABOUT POSTPONEMENT VARIED

Given the wide social and political ramifications of either holding or postponing an election, decision making on the issue was bound to be difficult in many contexts—including the challenge of trying to include multiple agencies and demonstrating an open approach. Nonetheless, while some countries showed evidence of widespread and open consultation—others took a less inclusive and more unilateral approach.

Argentina (Chapter 10) appears to demonstrate a more consensual approach to timing elections. During the early pandemic period, the government made formal proposals to postpone them, which were accepted by the opposition. The opposition made proposals for amendments, which were in turn accepted by the government. There was widespread political support for the changes.

Figure 3.3. Elections held and postponed during 2020 and 2021, by month



Source: Authors' calculations based on media/other sources as collated by International IDEA (2022).

It is notable that a working group was also established to discuss other pandemic adjustments to the electoral process.

In contrast, the United Kingdom (Chapter 34) provides an example of decisions about postponement being made unilaterally by the government in power, without cross-party support. The UK Government made few public statements throughout 2020 about whether English local elections would be held or postponed again. Often contradictory information was instead leaked to the media and there was no evidence of consultation with other major political parties. Delays were eventually very substantial—with voters having to wait a whole year to be able to exercise their democratic right. It is a notable feature of the UK that the executive has considerable power over the timing of elections in normal (non-pandemic) conditions too—also that the phasing of lockdown restrictions did not always enjoy consensus, or full consultation, between the centre and devolved regions.

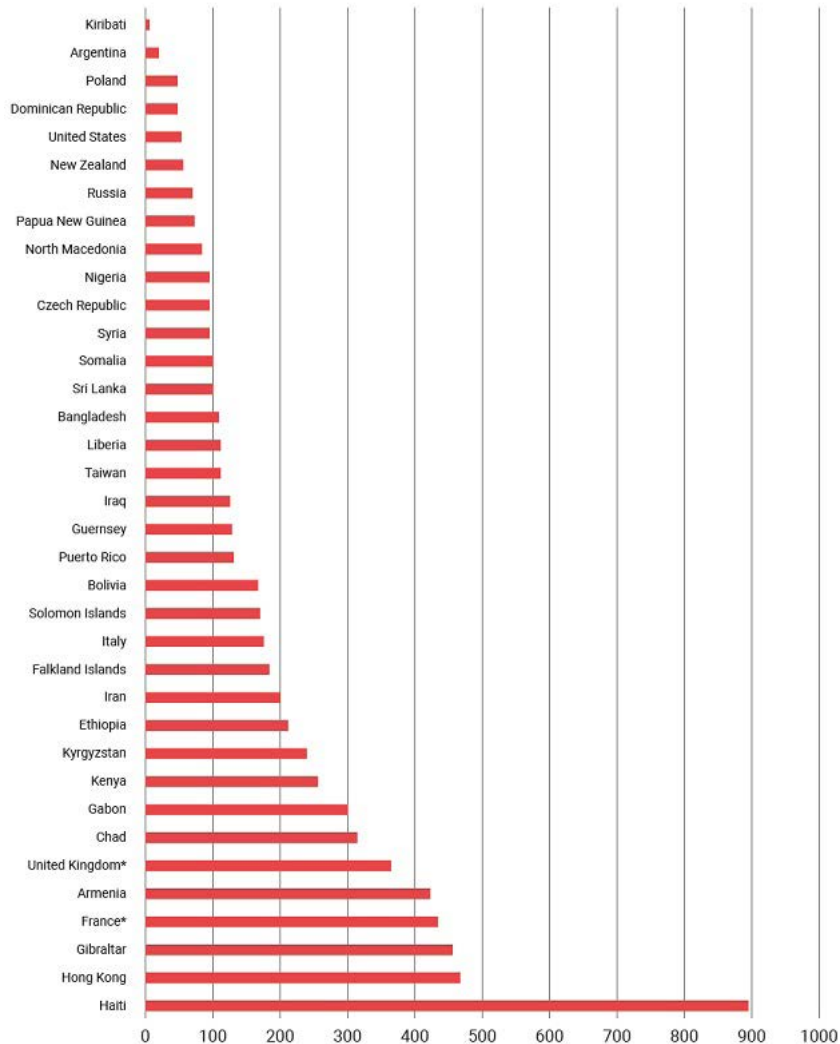
National elections were much less frequently postponed than subnational elections.

3.5. LACK OF CLEAR LEGAL PROVISIONS

Problems were often experienced as a result of the absence of clear legal provisions for election postponement. The principle of institutional certainty suggests that the 'rules of the game' should be clear to all, and in advance (see

The length of delay did not correspond closely with the quality of liberal democracy.

Figure 3.4. Length of delay in holding the elections after an initial postponement (days)



* Overseas advisers and consular elections.

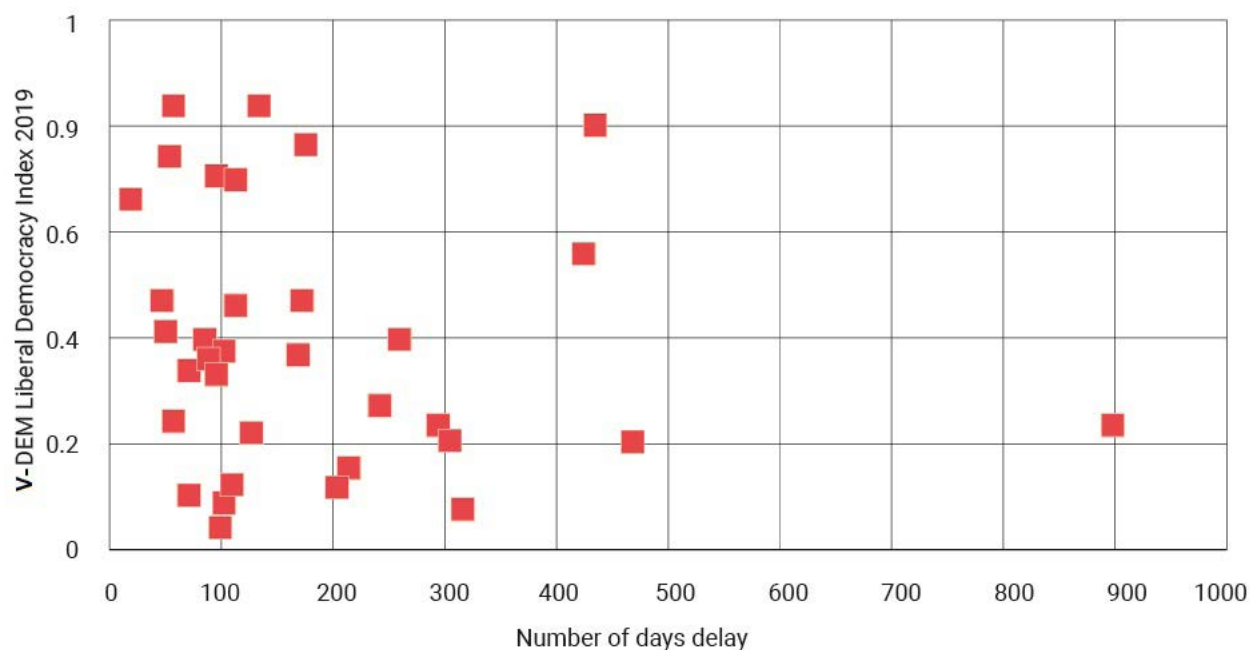
Source: Authors based on media sources as collated by International IDEA,

<https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>.

Chapter 1). On the face of it, a postponement presents a direct violation of this principle, but this can be mitigated if there are clear institutional rules about how election postponements should be decided. There should be clear criteria set out in the constitution about when an election can be postponed, for what reasons, for how long and by whom. With these guidelines in place, democratic rights are much less likely to be violated and incumbent governments cannot manipulate the situation for political advantage.

In majoritarian democracies where there is no codified constitution, such as the UK, there are no legal impediments to election postponement. Only a parliamentary majority is needed alongside party discipline on any proposed

Figure 3.5. Scatterplot of the quality of democracy (V-DEM Liberal Democracy Index) against length of election delay



Source: Authors' calculations using data from V-Dem.

change. This enables swift revisions to be made in response to an emergency situation, but it also means there are few safeguards against a government postponing or cancelling an election for partisan reasons. Legislation was therefore easily passed to postpone local elections in England (one of the longest delays in international terms).

By contrast, some states have specific provisions for election postponement. The Albanian Constitution specifies, in article 170, that 'extraordinary measures can be imposed because of a state of war, a state of emergency, or a state of natural disaster.' During this period, article 170(6) states that 'local elections may not be held, a referendum may not be held, and a new President of the Republic may not be elected' (Albania 1998). In South Korea, article 196 of the Public Official Election Act specifies that the president may postpone an election for presidential or National Assembly elections, and the head of the relevant regional electoral body may do the same for a local election (Venice Commission 2020: 30–31).

However, the Venice Commission has concluded that only 'a few Venice Commission member states provide in their Constitution or legislation for the possibility to postpone elections in the case of state of emergency, and a few others in case of natural disaster or other extraordinary events' (Venice Commission 2020: 31).

Some countries showed evidence of widespread and open consultation—others took a more unilateral approach.

Problems were often experienced as a result of the absence of clear legal provisions for election postponement.

South African local elections in 2021 also showed some of the political and logistical challenges that can occur when postponement procedures are unclear. On 22 April 2021, the Electoral Commission (IEC) of South Africa held a meeting with the leaders of political parties represented in the National Political Party Liaison Committee. During this meeting, some leaders expressed concern that the elections might not be free and fair, emphasizing that lockdown restrictions then in place forbade electoral political activity (Kotze 2021). Other leaders thought that, with appropriate precautions, elections were likely to be free and fair. The IEC appointed former Deputy Chief Justice Dikgang Moseneke to evaluate the impact of Covid-19 on conditions favourable for the holding of free and fair elections on 27 October 2021. The resulting inquiry recommended that the (local) elections be postponed to no later than February 2022, urging the electoral body to approach 'a court of competent jurisdiction' to seek a postponement within the law (South African IEC 2021).

The IEC of South Africa filed its application on 4 August, followed by the ruling ANC and the opposition Democratic Alliance parties on 11 August. The African National Congress (ANC) filed in favour of the IEC's application, while the Democratic Alliance gave reasons why a postponement and deviation from schedule would be unlawful. However, the Constitutional Court dismissed the IEC's application, effectively telling it to be ready to deliver elections at any point because there was no constitutional mechanism to postpone an election. This led to concerns about preparedness (The Citizen 2021).

A lack of legal clarity therefore fostered partisan disagreements. If elections are forced to be held because of the absence of legal mechanisms for postponement, logistical and other practical challenges are likely also. Legal certainty about the rules of the game for postponement should therefore be clearly embedded in constitutions, as the country case studies in this volume confirm. In France (Chapter 17), it became clear that there was no legal provision for the government itself to decide to postpone an election, and disagreement followed. In Canada, there was confusion regarding who had the legal power to delay or change the voting method for subnational elections (Chapter 14).

3.6. CONCLUSIONS AND LESSONS

Given the huge variety of personal and public events being postponed because of the pandemic, there was a widespread discussion about whether elections, too, should be held off. This chapter has indicated the enormous increase in election postponements during the pandemic period, which then tailed off as the crisis progressed.

There are lessons for strengthening future elections. Election postponements will always be a deeply political and difficult decision to navigate, so there is an important opportunity to learn from the experience. There was an

enormous variation in the length of delays and this was not explainable by the level of democracy. The extent to which the law set out clear procedures and circumstances for postponement varied—and this is an area for reform. One way forward is to think about both formal and informal avenues for consensus-based decision making. Decisions should be based on a broad consensus rather than narrow majorities, otherwise there is a risk that postponement debates become overly partisan—just at a time when anxieties about executive authority (and indeed, public authority of all kinds) may be running high. Requirements for supermajorities in parliamentary institutions would be one way to ensure this. Developing more informal working groups between parties, administrators and other agencies is also important. In short, election delays can be made more democratic if regulated and agreed through democratic methods.

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Chapter 4

HOW ELECTION CAMPAIGNS TOOK PLACE DURING THE PANDEMIC

Erik Asplund, Alistair Clark and Toby S. James

One key aspect of the democratic process affected by the pandemic was electoral campaigning (International IDEA 2021). Campaigns are opportunities for political parties and candidates to spread their ideas about how public policies should change—or remain the same—in the future. Campaigns allow public conversations and deliberation about the future of the country. They allow citizens to weigh up their options when they arrive at the ballot box in a more informed way. Campaigns also play a critical performative role in democracy. They are rituals that signal that the democratic process is underway (Orr 2015).

However, since in all democracies campaigning brings people together, there was also the risk that campaigns could involve not just the spreading of ideas—but also the Covid-19 virus. Therefore, debates came to the fore—and some are ongoing—about whether and how campaigning should be restricted to protect public health. Chapter 2 showed that unregulated campaign rallies were the category of event most likely to lead to the further spread of Covid-19.

Which countries have introduced such restrictions? What alternative forms of campaigning were adopted? Was this proportionate in each case; or did some governments clamp down on opposition with the pandemic serving as the pretext?

This chapter helps to address these questions by presenting information on election campaigns around the world during the first two years of the Covid-19 pandemic. Data on how campaigns operated in 2020 and 2021 was collected from media and election observation reports from 121 national elections and referendums (in 111 countries). This represents the vast majority of countries that held national elections and which also had cases of Covid-19 at the time.⁶

Electoral campaigns were widely modified for the pandemic.

⁶ For media references cited in this chapter see Annex I which contains the full list of sources used.

Electoral campaigns were widely modified for the pandemic. While these developments were usually positive responses to support democracy in light of the pandemic, there were problems. Several electoral observation and media reports found that, as with other health and safety measures, campaign restrictions were not being respected or enforced. Close scrutiny of the campaign process during pandemic and other emergency situations—by the media, observers and the public—is therefore important. Making decisions through established, consensual channels is also important to avoid opportunities for incumbent governments to manipulate the situation for partisan interest. A more detailed analysis of electoral observation during the pandemic follows in Chapter 7.

Roughly half of the countries studied saw limitations on traditional campaigning because of government restrictions on movement and public gatherings.

4.1. CAMPAIGN METHODS VARY AROUND THE WORLD

Since campaign methods vary around the world, any given campaign restrictions would also vary in their impact on political competition.

In advanced democracies, political marketing techniques have become central to how campaigns unfold and parties behave. These involve integration of local and national campaigns, with opinion polling and campaign professionals at their core (Farrell and Webb 2000). Over the last quarter of a century, the Internet has become a vital means of campaign communication, with some suggesting it has led to qualitatively different or ‘postmodern’ (Norris 2000) campaigns. This dynamic has accelerated considerably since the advent of social media and fine-grained targeting of voters in many advanced democracies. Despite this, campaign studies in the UK and elsewhere have demonstrated that even with the rise of such tools and techniques, candidates meeting voters in person is crucial to success. Door knocking, contacting and public events remain critical aspects of campaigning in advanced democracies (see: Clark 2018: Ch. 10).

Campaigning can look very different elsewhere. Mobilization is often the central aim; mass rallies and ground presence can therefore be crucial aspects of campaigning in Africa, for example. Campaign techniques can also involve advertising, text messaging, radio and newspaper coverage, loudspeaker truck, and local canvassing (Conroy-Krutz 2016; Paget 2019). Similar techniques have been used in India, with analysts pointing to the importance of local ‘vote mobilizers’ and a ‘dense network of foot soldiers’ in the run up to polling day. Populist methods and social media are, however, becoming increasingly important in such settings also (Jaffrelot 2015; Jaffrelot and Verniers 2020).

4.2. LIMITATIONS TO TRADITIONAL CAMPAIGNING

Roughly half of the countries studied saw limitations on traditional campaigning because of government restrictions on movement and public

gatherings. Restrictions included limits on the number of participants allowed to attend public gatherings, and complete bans on political rallies or events. In total, elections in 59 of out 111 countries (53 per cent) saw Covid-19 restrictions that limited some freedom of association and assembly during this period (see Table 4.1).

Singapore, for example, ahead of its July 2020 parliamentary elections, effectively banned public gatherings by not granting permits for election meetings, including rallies and gatherings at assembly centres. Access to nomination centres was also restricted (Singapore 2020). In Ecuador, rallies were banned during the February 2021 presidential election, but campaign walks and caravans/motorcades were allowed, with some limitations on length of walk or the maximum number of cars (Qué Noticias 2020). Campaign rallies were also banned in countries such as the Netherlands, Portugal, and São Tomé and Príncipe.

Regulations on public gatherings, typically based on the rate of Covid-19 infection in the country or a particular region, also had an impact on the ability of parties to hold campaign events. For example, in Hong Kong ahead of the Council elections in December 2021, gatherings were restricted to four people unless exempted by authorities (Hong Kong 2021). In Russia, ahead of the 2021 parliamentary elections, limitations on public gatherings varied across the country's 85 federal units and changed during the course of the campaign (Tayga 2021). For example, in Buryatia, participants in public events had to provide certificates of vaccination or evidence of the absence of Covid-19, whereas authorities in Leningrad reduced the number of permitted participants at public events from 300 to 150 people. In Mongolia, in-person campaigns were suspended throughout the country three days before election day in response to a surge in Covid-19 cases (Al Jazeera 2021). In Montenegro, public gatherings were limited to 100 people, and rallies were banned ahead of the August 2020 parliamentary elections (OSCE ODIHR 2020a). Other countries where campaign rallies were made unrealistic due to government restrictions included Vietnam and Albania, both of which restricted public gatherings to 10 people (Hai 2021; Albanian State Police 2020).

In Jamaica, ahead of the August 2020 general election, political motorcades were not allowed, meetings were limited to 20 people, and canvassing was restricted to five people per group (TeleSur 2020). In Jordan, gatherings were limited to 20 people, and rallies were banned ahead of the November 2020 general election (Al-Juneidi 2020). Furthermore, this even extended after the election; candidates and supporters were expected to refrain from any party celebrations and respect a four-day nationwide curfew directly after the vote (*Jakarta Post*/AFP 2020).

Door-to-door campaigning was often still allowed. In Singapore this could take place, but with no more than five people per group. Each group was also required to keep a 1-metre distance from other groups of five, to wear masks, to keep their interactions brief and to avoid shaking hands (Li 2020). Similar

Table 4.1. Limits or bans on traditional campaigning ahead of elections in 2020–2021 by country

Limit on number of participants at public gatherings	2020 (18 elections, 18 countries and territories)
	Burkina Faso (50), Croatia (10 indoors), Guinea (100 for October 2020 election), Iceland (200), Jamaica (20, and no more than 5 can participate in canvassing), Jordan (20), Malawi (100), Mali (50), Moldova (50), Montenegro (50 indoors and 100 outdoors), Myanmar (50), North Macedonia (1,000), Poland (50–150), Romania (20 indoors and 50 outdoors), Serbia (50–500), Sri Lanka (100), St Kitts and Nevis (50 small events, 100 medium size events, 150 large events), USA (variable, depending on the state).
Banning/suspension of political rallies or other activities	2021 (32 elections, 28 countries and territories)
	Albania (10), Algeria (50% capacity), Argentina (in private homes: 10, closed places: 50% capacity; Buenos Aires, outdoor: 10), Bulgaria July parliamentary elections (indoor: 50% seated capacity), Canada (provincial and territorial variation: in Manitoba—indoor: 50, or 50% capacity; outdoor: 500, reduced from 1,500), Cayman Islands (indoor: 500 and outdoor: 1,000), Republic of Congo (50), Czech Republic (during campaign period ranged from outdoor: 7,000 and indoor: 3,000; to max, 2 persons from different households), Ecuador (200), Germany (variation between states), Iceland (social gatherings limited to 200 and later 500; 1,500 where speed testing offered), Hong Kong (4), Tonga (50 indoor, 100 outdoor), Iran (outdoor: 30% capacity; indoor: 15/20/30% depending on city's classification), Israel (50), Japan (variation between prefectures, but in 27/47 prefectures: up to 5,000/50% capacity up to max 10,000), Kazakhstan (30), Kosovo (indoors: 30), Macau (18 venues with a capacity limit), Moldova (limit on indoor events according to size of room), Morocco (25; motorcades limited to 5 cars), Netherlands (30), Nicaragua (200 for opposition parties; also no party marches, rallies, processions, gatherings of any kind*), Qatar (indoor: 15 vaccinated attendees or groups of 5 unvaccinated or mixed attendees), Russia (variation between federal subjects; in Leningrad region—outdoor: 150; indoor: 50 or 75% capacity and 4 square metres per person), St Lucia (limits on mass gatherings as percentage of venue capacity), Switzerland (during latter signature collection period/campaign periods, ranged from 5 in public areas to no cap where a Covid-19 certificate requirement), Turks and Caicos (20), Uganda (70), UK (6 indoors, 30 outdoors), Vietnam (10).
Banning/suspension of political rallies or other activities	2020 (12 countries and territories)
	Croatia (public events and large gatherings), Dominican Republic (rallies), Iran (candidates barred from campaigning on the streets), Jamaica (motorcades), Jordan (rallies), Kuwait (rallies), Montenegro (public gatherings and rallies), Poland (public gatherings), Serbia (campaigning), Seychelles (rallies), Singapore (rallies), USA (variable, depending on the state).
Banning/suspension of political rallies or other activities	2021 (15 elections and territories)
	Argentina (high risk areas—bans in private homes, and outdoor events with more than 10 people), Chad, Ecuador (all campaigning except walks and caravans), Ethiopia (campaigning in care homes for the elderly, government hospitals and Covid-19 treatment and isolation centres), Iran (candidate 'welcoming ceremonies', campaign festivals), Netherlands (rallies), Nicaragua ('vehicle caravans, walks, rallies and political gatherings'), Portugal (rallies), Russia (bans imposed in two territories and three regions), São Tomé and Príncipe (rallies), Somaliland (campaign period shortened to reduce mass rallies), Switzerland (early signature collection phase—public events banned), Tonga (week-long lockdown restricting candidates from campaigning), Uganda (rallies), Zambia (rallies).

Table 4.1. Limits or bans on traditional campaigning ahead of elections in 2020–2021 by country (cont.)

No information found on campaign limitations or bans	2020 (31 countries and territories)
	Algeria, Belarus, Belize, Bermuda, Bolivia, Burundi, Central African Republic, Chile, Cote d'Ivoire, Czechia, Egypt, Georgia, Ghana, Guinea (March 2020 legislative elections), Guyana, Israel, Kyrgyzstan, Liberia, Lithuania, Mongolia, New Zealand, Niger, Russia, South Korea, St Vincent and the Grenadines, Suriname, Switzerland, Syria, Tanzania, Trinidad and Tobago, Venezuela.
	2021 (29 elections, 28 countries and territories)
	Armenia, Aruba, Bulgaria (April parliamentary elections), Cabo Verde (April legislative elections), Cabo Verde (October presidential election), Chad, Chile, Cote d'Ivoire, Curaçao, Djibouti, Falkland Islands, The Gambia, Gibraltar, Honduras, Laos, Lichtenstein, Mexico, Micronesia, Mongolia, New Caledonia, Niger, Norway, Peru, Samoa, Slovenia, Syria, Tajikistan, Taiwan (referendum), Somalia (indirect elections).

* Nicaragua's Supreme Electoral Council (CSE) has used the Covid-19 pandemic to further restrict political rights in the country. Source: constructed from International IDEA, Asplund, E. (editor), 'Featured Cases of Risk Mitigation Measures during Covid-19—Global', in Global overview of Covid-19: Impact on elections', 18 March 2020 (and updated)¹.

¹ Countries (or territories) included more than once in the table had both limitations and bans on rallies during different periods. The dataset does not cover national by-elections.

restrictions on canvassing were made in Jamaica and Moldova and Zambia (TeleSur 2020; Moldova 2021; Zambia 2021).

Beyond social distancing and compulsory mask wearing, other health measures that were introduced included temperature checks for campaign events in Laos and Macau (Sengdara 2021; Marques 2021), sanitation of indoor venues in Chile (Chile 2021), seating arrangements with minimum distance in Algeria and France (Algerie Presse Service 2021; Vie Publique 2021), a maximum time duration during gatherings in Sri Lanka, Moldova and Mongolia (Sri Lanka 2020; Moldova 2021; Baljmaa 2021). Other measures included the prohibition on the consumption of food and drink during events in Peru and Jordan (El Peruano 2021; Nasrallah 2021), dedicated or sanitized microphones in Algeria, Mongolia and Sri Lanka (Algerie Presse Service 2021; Eagle News 2021; Sri Lanka 2020) and the prohibition on the distribution of campaign materials directly to voters in Morocco (Badrane 2021), among others.

In Canada and the USA, certain political parties held drive-in car rallies to mitigate the risk of infection (Arnett 2021; NDTV/AFP 2020). In Macau, candidates or supporters giving speeches without using a facemask had to show proof of a negative Covid-19 test result or have received a vaccine, while all indoor venues had to have specific entry and exits (Marques 2021). Separate entry and exit points were also a requirement or a recommendation for parties in Algeria and Bulgaria organizing campaign events (Algerie Presse Service 2021; Vesti 2021).

Regulations on public gatherings, typically based on the rate of Covid-19 infection in the country or a particular region, also had an impact on the ability of parties to hold campaign events.

In Newfoundland and Labrador, Canada (March 2021, general provincial elections), contact information on people who attended campaign events was collected and kept for 14 days to facilitate contact tracing (Elections NL 2020).

In 2021, some countries limited campaign events depending on vaccination status. For example, in Qatar ahead of the Shura Council elections in October 2021 no more than 15 vaccinated people or 5 unvaccinated people (or in a mixed group) were allowed to gather indoors. Outdoors, 35 vaccinated people were allowed to gather compared to 15 who were unvaccinated (or in a mixed group) (Qatar 2021). Germany is another example where the size of public gatherings, including campaign events, was regulated depending on vaccination status, Covid-19 recovery and testing (Carter Center 2021).

4.3. SANITARY PROTOCOLS

Many EMBs introduced health and safety regulations or guidelines for political parties when campaigning. Examples include Algeria, Bulgaria, Chile, Ethiopia, Mexico and St Lucia (see Chapter 4). In St Lucia, the Ministry of Health, together with key stakeholders, developed a set of protocols. This consultative process resulted in some tweaks that would allow parties to hold constituency level meetings rather than national campaign meetings (Gaillard 2021). Similar consultations and bargaining with political parties in order to agree on health and safety measures were held in Argentina, through a so-called Monitoring Council, ahead of the November 2021 legislative election (see Chapter 10). Beyond guidelines provided by authorities many parties either independently pledged, as in Spain and St Lucia (Terol 2021; McLeod 2021), or collectively agreed, as in Russia (Prozorov 2021), to voluntarily halt or reduce in-person events throughout the campaign period.

Restrictions may have formally been put in place, but election observation and media reports have noticed that large-scale in-person rallies have sometimes gone ahead despite government limits.

4.4. WHERE RESTRICTIONS WERE OFTEN NOT OBSERVED

Restrictions may have formally been put in place, but election observation and media reports have noticed that large-scale in-person rallies have sometimes gone ahead despite government limits. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) reports about the elections in Albania, Armenia and Poland said that Covid-19 restrictions during campaign periods were not always respected and were poorly enforced (OSCE ODIHR 2020b, 2021a, 2021b). The Citizens Engagement Platform Seychelles noted that health regulations were not entirely appreciated by candidates and activists during the campaigns (Ceps 2020). Also, the Kosovo Democratic Institute observed that many parties ignored anti-Covid-19 restrictions when holding outdoor and indoor events ahead of the February 2021 Kosovo elections (Democracy in Action 2021). Other examples of non-compliance according to various media outlets include Algeria, Bosnia and Herzegovina, Burkina Faso, Cabo Verde, Republic of the Congo, Djibouti, India, Iran, Malaysia, Malawi, St

Lucia, and Trinidad and Tobago (Algerie Presse Service 2021; Sijah 2020; Le Faso 2020; Lusa 2021; RFI 2021; Asala 2021; Menon and Goodman 2021; Motamedi 2021; Loheswar 2020; Masina 2020; Loop News 2021; Vincent 2021).

4.5. CAMPAIGNS MOVED ONLINE

With these restrictions in place, many political parties and candidates did, however, campaign through social media and other online platforms to get their policy options disseminated to prospective voters. This shift was already underway. Nonetheless, the pandemic may have helped accelerate a shift in campaigning in this direction. In Singapore, parties discussed their plans through e-rallies on Facebook, YouTube, Instagram, and television and radio (Zhuo et al. 2020). In the USA, ahead of the November 2020 presidential election, both the Republican and Democratic parties made use of social media and even held party conventions online before adopting non-traditional rallies such as drive-in events and those held at airports (Sullivan 2020; OSCE PA 2021c).

In Germany, ahead of the 2021 federal elections, social media platforms such as TikTok were used, with certain political parties engaging social media influencers to amplify their reach. Messenger services such as Telegram were also used to build party community (Breuer 2021). The increased shift to online campaigning was also apparent in the Netherlands during the March 2021 general elections (Beraldo et al. 2021). A notable development included a code of conduct that provided guidelines for fair and transparent use of social media platforms and online political advertisements, which was signed by most political parties (see Chapter 26).

Non-digital mechanisms have also been used during the pandemic by parties and candidates to convey their message, especially in countries where there is a lack of sustainable Internet penetration (International IDEA 2020). Examples include short-message service (SMS) in Mali, telemarketing in the USA and Russia (International IDEA 2020; OSCE PA 2021c; Klochkova 2021), postal mailings in Serbia (OSCE ODIHR 2020c), and television, newspapers and radio talk show and political advertising in Algeria, Chile, Dominican Republic, Niger, Seychelles and South Africa, among others. Some of these—such as television, newspapers and radio shows—were largely a continuation of pre-existing campaign practices.

4.6. WAS COVID-19 USED TO CLAMP DOWN ON POLITICAL ACTIVITY?

In some countries such as Algeria, Chad, Nicaragua, Poland, Russia, Uganda and Zambia, Covid-19 was used as a pretext to clamp down on campaign

In Germany, ahead of the 2021 federal elections, social media platforms such as TikTok were used, with certain political parties engaging social media influencers to amplify their reach.

activities organized by the opposition according to various sources (e.g. Agence France-Presse 2021; Topona 2021; Human Rights Watch 2021a; Independent Public Monitoring 2021; Carter Center 2021; Carter Center, n.d.).

In Uganda, ahead of the January 2021 general elections, campaign events were restricted to 70 people (Isilow 2020). The limitation put on campaign events severely restricted the opposition's ability to communicate its manifesto and to rally support, especially considering incumbent advantage of unlimited access to the county's media and grassroots campaign structure. In the end, the opposition decided to hold large rallies which were disrupted by the police (Human Rights Watch 2021b). The police fired tear gas, and rubber and live bullets, to disperse crowds, citing government Covid-19 regulations restricting public gatherings. Days before the election, authorities first ordered Internet providers to block social media and then to shut down the Internet access throughout the country. This further limited the opposition's ability to spread ideas and gather support (see Chapter 33).

Also, as Chapter 28 highlights, opposition candidates in Poland threatened to boycott the 2020 all-postal presidential election and objected to the incumbent president benefitting from favourable public television coverage, while opposition parties struggled to campaign amid the Covid-19 restrictions.

During the campaign period in Zambia, the police applied Covid-19 standard operating procedures unequally. Campaign events organized by the opposition were either prevented from taking place or restricted, whereas the ruling party's in-person campaign activities were largely unrestricted, providing it with an undue advantage. Also, the misapplication of the Public Order Act restricted campaign space for opposition parties (Carter Center 2021; n.d.).

Nicaragua's EMB published guidelines that restricted in-person campaign events to a maximum of 200 people ahead of the November 2021 general elections (Nicaragua 2021). The events were only allowed outdoors and required all participants to socially distance, wear face masks and use hand sanitizers. Temperature checks were also a requirement for supporters entering campaign sites. According to the opposition—which had been subjected to arbitrary arrests and violence throughout the pre-election period—the limitations further restricted their ability to effectively campaign (Urnas Abiertas 2021). At the same time over 4,300 sport, cultural and entertainment events were organized in the country without placing similar Covid-19 measures on attendees (International IDEA 2021).

Given that different aspects of the electoral campaign have a different focus in different countries, bespoke rather than 'one sizes fits all' approaches are needed.

4.7. ARE CAMPAIGN EVENTS SAFE?

Have all these reforms been necessary to protect public health? Or are they disproportionate restrictions on political freedoms? There have been some reports claiming that coronavirus spread because of elections held in 2020 and 2021 (see Chapter 2). The balancing act between public health protection

and democratic discussion and contestation is, therefore, an important one. Some adaptation of the electoral process is clearly needed to preserve human life given the known risks. However, freedom of expression is crucial to campaigning and the ability of ideas and information to flow during the electoral process should be restricted as minimally as possible. Given that different aspects of the electoral campaign have a different focus in different countries, bespoke rather than 'one sizes fits all' approaches are needed.

4.8. CONCLUSION

How was the electoral campaign adjusted during the pandemic? Many governments limited traditional campaigning as part of broader Covid-19 measures, typically by banning or reducing the number of people who can attend campaign events. Many EMBs, in collaboration with health ministries, introduced health and safety guidelines for political parties, candidates and supporters. The pandemic also further accentuated the movement of electoral campaigns onto social media.

While these developments were positive responses to support democracy in light of the pandemic, there were problems. Several observations and media reports found that campaign restrictions, as well as health and safety measures, were not being respected or enforced. This points to the importance of resources being sufficiently invested into the implementation of procedures on the ground and the monitoring of those procedures (see Chapter 8). There was also evidence of some incumbent governments applying Covid-19 measures unequally to clampdown on political activity by opposition parties.

Close scrutiny of the campaign process by the media, observers and the public during pandemic and other emergency situations are therefore important. Making decisions through established, consensual venues and processes is also important to avoid opportunities for incumbent governments to manipulate the situation for partisan interest—and this may also avoid them being falsely accused of doing so. Restrictions may be necessary during emergency situations for rallies as they seem the most likely part of the electoral process in which diseases might spread (see Chapter 2) but such decisions should be led by the scientific evidence such as the number of cases.

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(See also Annex I for the full list of sources used or cited.)

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Chapter 5

VOTING DURING THE COVID-19 PANDEMIC

Erik Asplund, Toby S. James and Alistair Clark

The traditional model for elections has been that they involve citizens casting a ballot in person on election day. The Covid-19 pandemic, however, opened an immediate debate about whether special voting arrangements (SVAs) should be extended; citizens might be reluctant to travel and vote in person at polling stations for fear of catching the virus. SVAs enable citizens to cast ballots ahead of election day, via the post or even by bringing the ballot box to the voter's home—and have become increasingly used around the world (Garnett 2019; James 2012; Massicotte, Blais and Yoshinaka 2004). SVAs could therefore play a major role in controlling the spread of the virus—a key concern for policymakers, as Chapter 2 set out—while also protecting participation and electoral integrity. SVAs might also be able to prevent any decline in voter turnout—especially among those who are most at risk from the virus.

At the same time, warnings were made about the dangers of introducing late legislation. A last-minute move to postal or Internet voting in countries without prior experience could threaten the delivery of elections (James 2020; Krimmer, Duenas-Cid and Krivonosova 2021 2020; Landman and Splendore 2020). There are also criticisms and reservations surrounding some of these voting practices—concerning, for example, whether they compromise ballot secrecy (Elklit and Maley 2019).

So how did countries eventually respond, and with what results for protecting public health? This chapter helps to address this question by presenting information on health and safety measures adopted during in-person voting and the SVAs that were introduced around the world in 2020 and 2021 to help mitigate Covid-19 transmission.⁷

⁷ A documentary analysis (see: Bohnsack 2014) was undertaken involving the collection of data from governmental institutions, media, and election observation reports from national elections in 2020 and 2021. A full list of sources is set out in Annex L.

The chapter finds that very few countries adopted new SVAs. Rather, they modified existing voting practices to reduce the risk of infection. In-person voting was noticeably different during the Covid-19 pandemic compared to the past. Frontline election officials and voters from around the globe wore personal protective equipment (PPE) such as face masks, gloves and hazmat suits. Voters were asked to maintain a physical distance and to use hand sanitizers in polling stations. These and other health and safety measures introduced throughout much of 2020 and 2021 were a prerequisite for many governments and electoral management bodies (EMBs) to hold elections.

The first part of this chapter will begin by presenting information on health and safety guidelines adopted by many EMBs during the Covid-19 pandemic. The section highlights how inter-agency collaboration was important in creating these guidelines. Coverage was patchy across the electoral cycle, however.

The second part of this chapter illustrates the broad range of health and safety measures introduced into polling stations around the globe, including special measures to allow people in quarantine to vote in person. It also reveals that there were implementation issues with many of the guidelines.

The third section of this chapter focuses on SVAs, in particular early voting, in-country postal voting, proxy voting, mobile ballot box voting, and remote electronic voting. It highlights both the opportunities and challenges EMBs faced when expanding SVAs as a means to mitigate or prevent Covid-19 transmission during election periods. The section also includes a summary of how out-of-country voting (OCV) was disrupted during the pandemic.

Quantitative analysis of the effects of the use of SVAs on voter turnout follows in the next chapter.

Frontline election officials and voters from around the globe wore personal protective equipment (PPE) such as face masks, gloves and hazmat suits.

5.1. GENERAL HEALTH AND SAFETY GUIDELINES

One of the first steps that EMBs took to limit infection risk was to introduce health and safety guidelines for elections. In some instances, proposals or assessments were developed to evaluate the impact of Covid-19 on electoral processes before guidelines were adopted—as was the case in Argentina, Norway, South Africa and Timor-Leste, for example. Annex A details 59 guidelines that were set out in a sample of 51 countries. This indicates their source (which agencies and/or ministries), and what broad content (phases in the electoral cycle) they covered.

The majority of the 59 guidelines in our sample were published by the EMB. In many cases, they were co-developed or published with health agencies (for example in Italy, Kazakhstan, Kyrgyzstan, St Lucia and Zambia), Covid-19 task forces (Indonesia), or national emergency management organizations (Brazil). Countries where guidelines were published by a state agency other

In some cases, collaboration between EMBs and national health authorities—often involving agreement among a wider network of stakeholders too—was a critical factor that allowed elections to be run safely.

than the EMB include Bulgaria, Israel, Laos, Mongolia, Nigeria,⁸ Russia and Sri Lanka—which all have an independent EMB model.⁹ This suggests that in many countries, state agencies that did not have a traditional role in electoral management had a significant stake in what health and safety measures were followed during a particular time in the electoral cycle.

In some cases, collaboration between EMBs and national health authorities—often involving agreement among a wider network of stakeholders too—was a critical factor that allowed elections to be run safely. For instance, in the post-election report published by the Election Commission of New Zealand, the EMB thanked both the Ministry of Health and Ministry of Justice for ‘their close cooperation and assistance in ways that helped to make the election achievable under exceptionally challenging circumstances’ (New Zealand 2021). In Argentina, the Interior Ministry established and managed a ‘monitoring council’ that included representatives of all national political parties tasked to consult and agree on health guidelines (see Chapter 10).

There were instances, however, when collaboration between the EMB and state agencies was challenging. For instance, in Malaysia, a member of the Election Commission stated that those tasked with Covid-19 adjustments lacked an understanding of the electoral process and that political independence makes a difference:

...they are trying to step in to set specific restrictions and guidelines over campaign activities. The problem there is they do not necessarily know election laws, they do not necessarily know election norms, what happens on the ground during elections, what is actually feasible and what is not feasible. And in Malaysia, they come under the Ministry of Health, which is not an independent body. So, there is a lot of criticism of bias there.

(International IDEA 2021c)

Guidelines varied significantly on what activities or phases of the electoral cycle needed to be protected, as Figure 5.1 illustrates. The overall picture was therefore patchy, with many countries lacking guidance for large parts of the electoral cycle.

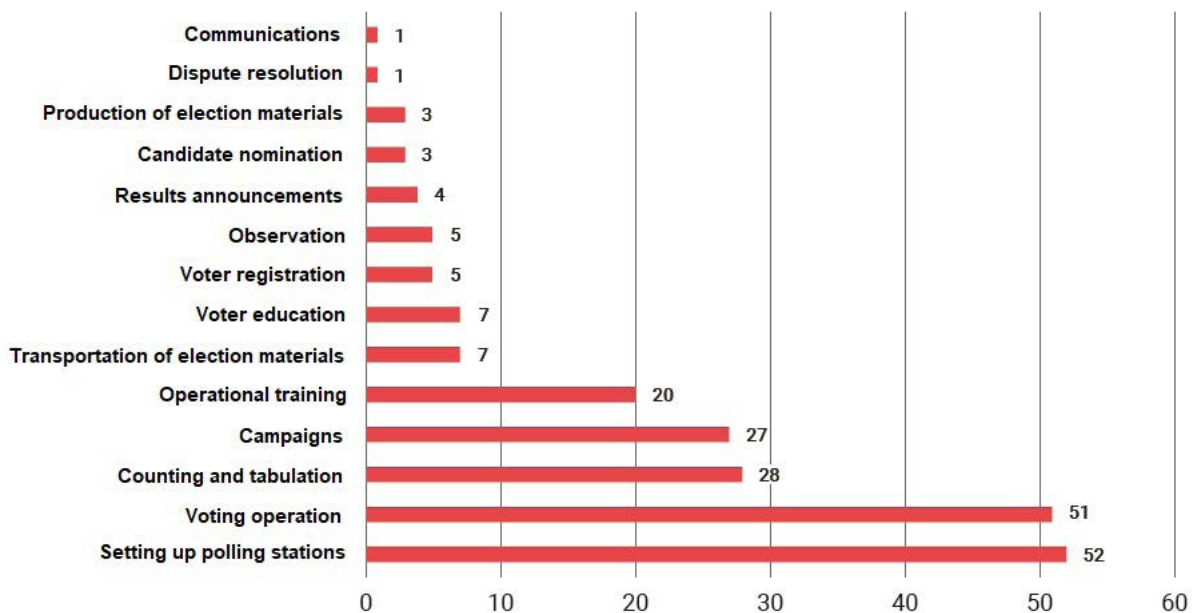
There was evidence of incremental changes and learning in the development of the guidelines. In some instances, EMBs that had multiple elections during the 2020–2021 period of the pandemic expanded the scope of their health and safety measures from one election to the next. For example, in its 2021 guidelines, the Czech Republic included health and safety measures for voting operations, set-up of polling stations and counting and tabulations. Whereas in its 2020 guidelines, only protocols for voting operations and the set-up of polling stations had been included. Similarly in Moldova, the EMB’s

⁸ One of the guidelines was published by the EMB, another by the NCDC.

⁹ According to the guidelines published by Mongolia and Russia the state agency did consult with the EMB.

2021 guidelines included health and safety measures for campaigning and the transportation of electoral materials. These activities were absent in the guidelines published in 2020 which had focused on voting operations, the set-up of polling stations, counting and tabulation. In Liechtenstein, the same Covid-19 health guidelines for the 2020 referendum were applied to the 2021 election; however, some measures were tightened in line with the current

Figure 5.1. Coverage of election activities in national health and safety guidelines



Source: Authors' calculations based on content analysis of 59 national guidelines from 51 countries (see Annex A).

regulations. For example, by 2021, masks were required inside polling stations and voters had to cast their ballots in a 'one-way system' so as to avoid contact with others.

5.2. HEALTH AND SAFETY ARRANGEMENTS IN POLLING STATIONS

Data was collected from EMBs, state institutions, media and election observation reports from 131 national elections and referendums (in 107 countries) in 2020 and 2021 on how in-person voting was implemented. This

represented the vast majority of the countries that held national elections and referendums during the first two years of the Covid-19 pandemic.

Health and safety measures for polling stations typically included rules on mandatory or recommended social distancing, the use of handwashing facilities (or hand sanitizers and disinfectants), masks for voters, PPE for polling officials, ventilation of the polling station, and the cleaning of voting materials. Almost all countries that held national elections in 2020 and 2021 have adopted combinations of these measures (see Annex B).

Many countries introduced innovative and extraordinary health measures to decrease infection risk.

Beyond these measures, many countries introduced innovative and extraordinary health measures to decrease infection risk. These measures were country and election specific. For example, in Bulgaria, Jamaica, Japan, Romania and South Korea, voters' temperatures were measured at the polling station entrance using non-contact, infrared thermometers (Vesti 2021; Jamaica OPM 2020; Koshi City 2021; Gusuleac 2020; Korea 2020). In Ghana, Kazakhstan and the Netherlands, 'Covid-19 ambassadors' were tasked to manage voters' compliance with safety measures (see Chapter 19; Kazakhstan 2020; Netherlands Kiesraad n.d.). In Jordan and Venezuela, the military took on this role while in Uzbekistan 21,000 medical workers assisted in maintaining health and safety measures during election day (Uzbekistan 2021).

Countries such as Chile, Peru, Turks and Caicos, the UK and Zambia reduced the maximum number of people allowed in polling stations at the same time (Serval 2021b; AS Peru 2021; Turks and Caicos 2021; UK Government 2021; Zambia 2021). In some countries, besides adhering to the standard Covid-19 mitigating protocols, people were encouraged (see e.g. New Zealand 2021; Switzerland 2020) or required (see e.g. Qatar 2021) to use a Covid-19 tracing application when entering polling stations.

Furthermore, election officials were often required to be tested or vaccinated. Election officials in Australia had to be vaccinated as a condition of employment; officials in Malta had to be tested within 48 hours of election day if not vaccinated; and officials in New Caledonia had to be tested within 48 hours if not vaccinated (AEC 2022; Government of Malta 2022; New Caledonia 2021). Beyond polling staff, some countries also introduced health requirements for voters. For example, in France during the April 2022 presidential election, voters were required to show a Covid vaccination certificate, proof of recovery, or a negative virological test on election day (France 2022). For the January 2022 National Assembly indirect election in Nepal, the 2,025 voters, staff, security personnel, and political party representatives had to show Covid vaccination certificates before entering the polling stations (IFES 2022).

Many countries increased the number of polling stations (Argentina, Ecuador, Israel, Peru, Portugal) and/or changed their set-up to decrease infection risk (Argentina 2021; Latina and Céspedes Moreno 2021; *Times of Israel* 2020; Sonneland 2021; Associação Nacional de Municípios Portugueses 2021). A one-way flow of traffic, with dedicated entry and existing points,

was introduced in polling stations in several countries (see Radio Algérienne 2021; Argentina 2021b; Decentralization in Ukraine 2020; also Chapters 10 on Argentina and 30 on Russia). In Argentina, Belize, Bolivia, Chile, Italy, Poland and Singapore, priority queues were put in place (see e.g. Argentina 2021; *Il Fatto Quotidiano* 2020a, 2020b). This meant that the elderly, pregnant women, and other vulnerable people could skip the lines at polling stations. In Peru, Russia and the USA, voting took place outdoors or in sports stadiums (*El Comercio* 2021; Pilkington 2020). For the Bolivian presidential election, the voter rolls were divided into two time slots for voting—08:00–12:30 and 12:30–17:00—to prevent crowding (Bolivia 2020).

In five countries, voting operations were extended from 1 to 2 election days or more. This was the case in Chile, Italy, Lithuania, the Netherlands and Russia (for the all-Russian vote in July 2020 and June 2021 legislative election) (see Chapters 15, 26 and 30). In the case of the Netherlands, the cost of the election increased significantly due to the introduction of early voting two days before election day (see Chapters 8 and 26).

On voter education, both South Korea and Nigeria introduced a voters' code of conduct whose instructions covered safety measures that voters were expected to follow (see Chapters 31 and 27). Beyond voters, political parties in North Macedonia agreed to adhere to all health and safety measures throughout the electoral cycle (IFES 2020a). In Ethiopia, election officials were required to take an oath committing them to enforce and implement health and safety guidelines (IFES 2021).

In 10 countries that held elections in 2020 and 2021 there was no evidence of health and safety measures having been introduced (see Annex B). In some cases, such as Greenland and Samoa, this was most likely due to the non-existence of Covid-19 in the country at the time of the election, but in other cases such as Burundi, Central African Republic, Chad, Côte d'Ivoire, Guinea, Iran, Republic of the Congo and Syria, this was due to other factors and is a cause for concern.

Polling station arrangements for citizens with Covid-19

A major challenge for electoral officials and policymakers was how to enable citizens with Covid-19 to still vote. As Chapter 6 notes, some countries did nothing; this led to people being disenfranchised and lower turnout. Others provided successful adaptation.

At least 12 countries implemented arrangements in polling stations for voters in Covid-19 quarantine and/or in isolation during national elections that took place in 2020 and 2021 (see Annex C). In certain countries, voters in isolation or quarantine were able to cast their vote during specially designated times on election day (see e.g. Ethiopia 2021; Jamaica OPM 2020; Roy News 2020 (Jordan); *Tribune India* 2020; St Vincent and the Grenadines 2020). Voters had to apply for permission from the authorities to do so. In South Korea, 60,000 people in quarantine were permitted to vote in person during the April 2020 legislative elections at a designated polling station between 17:20 and

A major challenge for electoral officials and policymakers was how to enable citizens with Covid-19 to still vote.

19.00 (Bicker 2020b). Voters traveling to polling stations could either walk or take their cars but were not allowed to use public transport. After voting, voters were expected to go back to their homes and notify health officials (see Chapter 31). In Kuwait, the EMB set up special polling stations in each electoral district for people in quarantine to vote (Xinhua 2020). Voters were required to obtain a permit via an app to go and vote.

Drive-through/curbside voting was a new arrangement made available for people in quarantine or self-isolating in the Czech Republic, Iceland, Israel, Lithuania and Norway (iRozhlas 2020; Arnardóttir 2021; DW 2020; Allon 2021; Bergen Kommune 2021b). New legislation on drive-through voting was passed in the Czech Republic two months ahead of the October 2020 regional and Senate elections. The drive-through booths in Israel, introduced for the March 2021 legislative election, enabled voting by car for vulnerable citizens, and those infected or in quarantine. Those with confirmed infections or citizens without a car could be picked up by a specific taxi, funded by the EMB. Drones were used to monitor the traffic and to help officials to divert incoming voters to other stations, if necessary, to avoid queues (Allon 2021) (see Chapter 22).

Voters who showed symptoms of Covid-19 when arriving at the polling station were allowed to vote in some countries (see Mexico 2021; Uzbekistan 2021; Zambia 2021). In Uzbekistan and Zambia voters were given priority access to voting booths. However, no in-person arrangements were introduced for people in isolation or under quarantine to vote.

5.3. WERE COVID-19 MEASURES RESPECTED?

Designing health and safety procedures is important, but only meaningful if they are implemented in practice. The case study of Nigeria (Chapter 27) revealed how guidelines may not necessarily be followed at polling stations. Was this an isolated case?

An analysis of electoral observation reports was undertaken to identify whether procedures were followed. Based on a review of 95 electoral observation mission (EOM) reports from 59 countries in 2020 and 2021, 77 EOMs from 55 countries included Covid-19 health and safety measures in their observation methodology. Of these, 20 EOMs (26 per cent) from 20 countries reported that health and safety measures were consistently followed, while 45 EOMs (58 per cent) from 35 countries reported that they were either inconsistently followed by poll workers and/or voters, or disregarded completely (see Table 5.1). Twelve EOMs (16 per cent) from 12 countries mentioned health and safety measures but did not describe whether these were followed or not.

The EOMs often stated that compliance with health and safety measures inside polling stations varied, and enforcing restrictions outside polling stations was difficult most of the time. The use of face masks and disinfectants was not always respected. Social distancing rules turned out

Table 5.1. Reports of poorly implemented/enforced Covid-19 restrictions during electoral cycles

Country or Territory and Election Observation Mission	
2020	Burkina Faso (AU), Central African Republic (AU), Dominican Republic (OAS), Georgia (OSCE), Ghana (AU), Kyrgyzstan (OSCE), Moldova (first round and second round, OSCE), Montenegro (OSCE), Myanmar (TCC, ANFREL), Niger (ECOWAS), North Macedonia (OSCE), Serbia (OSCE), Seychelles (EASF), Sri Lanka (ANFREL)
2021	Albania (OSCE), Armenia (OSCE), Bulgaria (April and July, OSCE), Bolivia (EU), Chad (AU), Czech Republic (OSCE), Djibouti (AU), Ecuador (OAS), Ethiopia (AU, NDI), Kazakhstan (OSCE), Kosovo (EU, Westminster Foundation for Democracy (WFD)), Kyrgyzstan (OSCE), Moldova (OSCE), Niger (AU), North Macedonia (OSCE), Peru (EU), Republic of Congo (AU), St Lucia (The Commonwealth), The Gambia (AU, The Commonwealth, WFD, NDI's Elections Watch Committee), Somaliland (Brenthurst Foundation), Uzbekistan (OSCE), Zambia (TCC, EU)

Source: International and domestic election observation reports and media reports.

Note: This table is based on 45 reports on 35 countries that held elections between March 2020 and December 2021.

to be the most challenging in some cases, due to polling stations not being spacious enough for regulations to be adhered to.

For example, the Organization for Security and Co-operation (OSCE) EOM to the October 2020 parliamentary election in Kyrgyzstan found that 'protective measures against the spread of the Covid-19...were not always followed'. The EOM report highlights that social distancing was 'rarely respected' and that responses to voters with fever varied (OSCE 2020b). In November 2020, the Ministry of Health attributed the increase of Covid-19 infection in the country with political events and the election (Korotkova 2020). On election day, 4 October, Kyrgyzstan had reported 244 daily cases of Covid-19; 14 days later the country had 544 confirmed daily cases (WHO n.d.).

5.4. SPECIAL VOTING ARRANGEMENTS DURING THE COVID-19 PANDEMIC

SVAs can be defined as arrangements that allow voters to exercise their right to vote by alternative means other than casting a ballot in person, on election day, in the default polling station in the voter's constituency (International IDEA n.d.). In total, 65 out of 88 countries (73.8 per cent) that held national elections or referendums in 2020 and 2021 made use of at least one SVA, while 34 countries explicitly extended existing SVAs for people with Covid-19 or under quarantine (see Table 5.2). Five types of SVAs can be identified: early voting, in-country postal voting, proxy voting, mobile ballot box voting, and remote electronic voting. We next discuss each in turn.

Social distancing rules turned out to be the most challenging in some cases, due to polling stations not being spacious enough for regulations to be adhered to.

Table 5.2. Special voting arrangements used in 2020–2021 national elections and referendums**Type of SVA**

Early voting	2020 (18 countries)
Total: 35 countries	<p>Belarus (voters absent or unable to come to the polling station on election day), Bermuda* (voters absent on election day due to illness, disability, or travel; election officials and police working on election day), Chad (members of the Defence and Security Forces), Ghana (security officials, accredited media personnel, EMB staff), Iceland (voters unable to vote in person on election day), Israel (security forces only), Jamaica (police, military, election day workers), Lithuania (voters unable to vote in person on election day), Myanmar* (voters absent on election day due to illness, or travel; detainees under police custody and in prisons; election officials and staff; police force, military, civil service), New Zealand (voters absent on election day due to illness, travel, religious objections, adverse weather conditions), North Macedonia*, Russia (voters in remote areas and polar stations or at sea on election day), Sri Lanka (security personnel, state and public officers and servants, general election candidates), Samoa (voters who are travelling outside Samoa during the set period, aged 65 years or above, with disabilities, nominated carers, and office employees under listed exempted services), South Korea, Tajikistan (voters absent on election day), Trinidad and Tobago* (police and defence forces, prison staff and prisoners, election officials, polling staff, electoral candidates and spouses, voters absent on election day due to illness or travel), USA.</p> <p>2021 (19 countries)</p> <p>Armenia (diplomats and military personnel abroad), Canada, Cabo Verde (April legislative elections, October presidential election; various categories of voter set out in the Electoral Code), Republic of Congo (security forces only), Greenland (all voters), Iceland* (including voting at drive through polling stations), Iraq (security personnel, detainees and internally displaced persons), Israel (security forces only), Japan (voters absent on election day due to work or travel), Kyrgyzstan, Laos*, Liechtenstein, Netherlands (for the 2021 elections, a temporary Act introduced early voting for all voters opting for it), Norway (Bergen Kommune)* (including voting at drive-through polling stations), Portugal, Slovenia (voters absent on polling day), St Lucia (polling day workers), Switzerland, Uzbekistan (voters absent on election day).</p>
Postal voting	2020 (8 countries)
Total: 24 countries	<p>Iceland, Lithuania (voters unable to go in person to a polling station due to health reasons, incarceration or military service), New Zealand (only from abroad), Poland (universal for the 2020 election in response to Covid-19), Romania (only from abroad), South Korea* (Covid-19 patients), Switzerland, USA (1/3 of states require voters to state an excuse).</p> <p>2021 (18 countries)</p> <p>Aruba* (voters self-isolating), Canada, Cayman Islands (voters living or temporarily off-island on election day), Ecuador, Germany*, Gibraltar, Iceland (voters abroad), Greenland (some voters: Those who do not have the opportunity to be physically present at polls due to hospitalization, incarceration, or work/residence in a remote part of Greenland), Japan*(Covid-19 patients, severely disabled voters and those requiring significant nursing care), Kosovo (citizens living abroad), Liechtenstein, Mexico (only from abroad), Micronesia (only from abroad), Netherlands (above 70 years only), Norway (voters abroad unable to get to a returning officer), Slovenia (voters in a care home, being treated at a hospital, incarcerated in a penal institution, who are disabled or who are abroad), Switzerland, United Kingdom.</p>

Table 5.2. Special voting arrangements used in 2020–2021 national elections and referendums (cont.)**Type of SVA**

Proxy voting Total: 9 countries	2020 (3 countries)
	Belize (persons employed in diplomatic activity outside of Belize and spouses, members of armed forces, police working on polling day, election officers and those who transport election officers), Poland (voters unable to go in person due to health reasons or old age), Switzerland.
	2021 (7 countries)
	Algeria (numerous categories of voter including patients, disabled, and civil servants), Gibraltar* (proxy voting open to all, emergency proxy voting for voters with a medical emergency, unable to leave work or self-isolating), Japan (disabled voters), Netherlands *, New Caledonia (only if the voter could not vote on E-Day, and if the reason for that was included on the form), Switzerland, United Kingdom.
Mobile ballot box Total: 41 countries	2020 (22 countries)
	Belarus (voters unable to vote in person due to health or another reasonable excuse), Bermuda* (voters in hospitals and long-term care facilities), Bulgaria*, Croatia* (voters unable to vote in person due to health), Czech Republic*, Georgia* (voters unable to vote in person due to health, incarceration, travel, employment with the military or a detention facility), Iceland* (voters unable to vote in person due to health), Italy* (voters unable to vote in person due to health), Kyrgyzstan (voters unable to vote in person due to health or disability; those in hospitals and detention centres; those in remote areas), Lithuania* (voters unable to vote in person due to health or age), Moldova* (voters unable to vote in person due to health, disability, or incarceration), Mongolia* (voters unable to vote in person due to health; those who are apprehended, detained, convicted, or imprisoned; election officials, police officers, authorized representatives of the civil registration office, supervisors of information technology who are organizing the polls), Montenegro*, Myanmar* (voters unable to vote in person due to health, travel, or detention under police custody), North Macedonia* (voters unable to vote in person due to health or incarceration), Romania* (voters unable to vote in person due to health or incarceration), Russia (voters unable to vote in person due to remoteness of location), Singapore (voters outside of their electoral divisions who are unable to leave premises during Covid-19 pandemic), Seychelles, South Korea*, Suriname*, Switzerland, Tajikistan (voters unable to vote in person due to health or other reasons).
	2021 (26 countries)
	Armenia (hospital patients and voters in preliminary detention centres), Aruba (special polling stations in hospitals, prisons and nursing homes), Bulgaria (April parliamentary elections)*, Bulgaria (July parliamentary elections)* (voters with permanent disabilities or in Covid-19 quarantine), Canada (voters living in a hospital or long-term care facility), Cayman islands* (voters unable to go in person to a polling station), Cyprus, Czech Republic*, Ecuador, Falkland Islands, Iceland (institutional voting: voters being treated or resident at a hospital, or resident at a care facility or prison. Home voting: voters with a non-Covid 19 illness, disabled voters, and voters who could not visit a polling station for reasons of childbirth), Iran*, Israel, Kosovo* (various categories of home or institution-bound voters including voters in quarantine/infected with Covid-19), Kyrgyzstan (health reasons or disability, voters in remote areas), Laos, Macau SAR* (residents of quarantine hotels), Moldova* (elderly, disabled and ill voters, and voters in Covid-19 self-isolation), Mongolia*, Norway (Bergen Municipality)* (ill, disabled, quarantining or self-isolating voters), Portugal*, Russia* (1 for voters in hard to reach/remote locations; 2 for voters unable to vote at a polling station (including those self-isolating); and 3 in some Covid-19 hospitals. E-voting: in eight of Russia's Federal subjects), Slovenia (homebound by illness), Switzerland, UK, Uzbekistan* (voters requiring it for health or other reasons—including Covid-19), Vietnam.

Table 5.2. Special voting arrangements used in 2020–2021 national elections and referendums (cont.)**Type of SVA**

Remote Electronic Voting Total: 2 countries	2020 (2 countries)
	Russia (for voting 2 of Russia's Federal subjects), New Zealand*.
	2021 (2 countries)
	Mexico (for voters voting abroad, electronic voting machine pilot projects were also implemented in Coahuila and Jalisco), Russia (for voters in 8 of Russia's Federal subjects).
None of the above / No SVAs Total: 26 countries	2020 (18 countries)
	Algeria, Bolivia, Burkina Faso, Burundi, Central African Republic, Côte d'Ivoire, Dominican Republic, Egypt, Guinea, Iran, Liberia, Malawi, Mali, Niger, Serbia, Syria, Tanzania, Venezuela.
	2021 (9 countries)
	Albania, Benin, Côte d'Ivoire, Djibouti, Gambia, Nicaragua, St. Kitts and Nevis, Syria (Presidential elections), Tonga.

Source: Authors constructed using International IDEA's Special Voting Arrangements framework and data tool (International IDEA n.d.) using International IDEA 2020d, media reports, and EMB data.

Note: This table is based on 107 countries that held 108 direct national elections and referendums between 21 February 2020 and 31 December 2021, all of which had one or more confirmed cases of Covid-19. The table does not cover national by-elections or subnational elections.

*Countries that include an asterisk extended SVA for Covid-19 patients.

5.5. POSTAL VOTING

Postal voting (also 'correspondence voting', or 'voting by mail') is an SVA where a ballot is delivered to the voter, usually to their place of residence. The completed ballot is usually returned by mail before a specific deadline, but the voter is allowed or required to return the ballot in person in some situations. Postal voting can be accessible to either all voters or particular categories, depending on the country's electoral law. Twenty-four countries that held elections in 2020 and 2021 made use of postal voting (see Table 5.2). Countries and territories such as Canada, Germany, Gibraltar, Japan, the Netherlands, Poland, South Korea and the USA either expanded or modified procedures for postal voting. Also, three subnational jurisdictions, namely Victoria (Australia), Bavaria (Germany), and Newfoundland and Labrador (Canada) introduced all-postal elections (see Annex D).

Postal voting was scaled up in many countries where this voting arrangement already existed. In many countries, it provided a safe alternative to in-person voting. However, its application varied considerably both within and between countries. The adaptation and expansion of postal voting brought significant legislative, administrative and political challenges.

One adjustment was the provision of return envelopes for electors who voted by mail—where this was not usually the case—to encourage postal voting. In

Canada, postal voting is available to all eligible voters who apply for a special ballot, an option that has existed since 1993 (Elections Canada 2021a). For the 2021 federal election, the EMB approved a range of administrative changes to increase the 'capacity and convenience' of the postal voting system, such as the envelope provision, to meet the anticipated increase in demand in light of Covid-19. In the end, 3.8 per cent of voters voted by post compared to 1.2 per cent during the 2019 federal election.

Postal voting was scaled up in many countries where this voting arrangement already existed.

In other countries, such as Germany, postal voting was made compulsory for citizens with Covid-19. Germany had a long history of using postal voting. During the 2021 federal election, 47.3 per cent voted by post compared to 28.6 per cent in 2017 (Germany 2021a). Postal voting was first introduced in West Germany in 1957 and was made universally available in 2008 (Schultheis 2021). The Federal Election Commission, in anticipation of the high volume of postal votes, allocated 28,000 election boards for the counting of postal ballots in 2021 compared to 14,500 in 2017. Voters with Covid-19 or in quarantine could only vote by post (OSCE 2022b). The Commission also communicated that in case of sudden illness, a voter could apply for a postal vote before 15:00 on election day, to be counted after 18:00 once polling had ended (Germany 2021b). With the anticipated rise in postal voting due to Covid-19, many political parties held events earlier in the campaign period. There were also some unsubstantiated claims by one political party that postal voting would lead to fraud during the election (Witting and Bateson 2021).

Very few elections were all-postal, whereby everyone was sent a postal vote irrespective of whether they wished to vote through this medium. All-postal elections were held in subnational elections in Victoria (Australia), Bavaria (Germany), and Newfoundland and Labrador (Canada) during the pandemic and in some US states—but not nationally. In Bavaria, the decision to hold an all-postal election was made through a negotiated process involving all political parties in the state parliament. This led to a new postal voting clause in the Bavarian Infection Protection Law (see Chapter 18). The decision to conduct an all-postal October 2020 local election in Victoria was made by the Minister for Local Government in May 2020 (Victorian Electoral Commission n.d.). Unlike in Bavaria and Victoria, the rapid shift from in-person voting to all-postal voting was criticized by opposition parties in Newfoundland and Labrador primarily because of frequent changes in the election timeline which meant that election and postal staff were not prepared to handle a large number of postal ballots. In the end, voter turnout was low: 51.4 per cent compared to 60.7 per cent in the 2019 provincial election (see Chapter 14). In contrast, voter turnout in Victoria's October 2020 local elections was the highest on record with 81.5 per cent—a 9 per cent increase compared to the 2016 local government election. In Bavaria, which held local elections in March 2020, the turnout for the second-round all-postal election was 59.5 per cent—a 4 per cent increase compared to the 2014 local elections.

In systems where expanded access to postal voting remains in place after the pandemic, it is an open question whether people who made use of this voting channel will continue to do so as a matter of convenience.

The expansion of postal voting did cause some practical challenges for voters and administrators.

Practical and political challenges with postal voting

The expansion of postal voting did cause some practical challenges for voters and administrators. In the Netherlands postal voting was expanded to people aged over 70, primarily due to concerns that older voters had about catching the virus (Dutch News 2021). The change saw an increase in mistakes made by elderly voters when completing the postal ballot, which could have increased levels of invalid votes if not for an intervention by the Dutch Government (Sterling and Fletcher 2021). Reasons for the confusion, according to several elderly associations, were that procedures were unnecessarily complex, and the voter information campaign had been inadequate (OSCE 2021d; Holroyd 2021). In the end, 1.1 million out of 2.4 million eligible voters made use of this option (see Chapter 26).

Administrative problems were especially high where countries had little prior experience of mass postal voting. In Poland (Chapter 28), postal voting was first introduced in the Election Code in 2014. This was again amended in 2018, limiting postal voting only to people with disabilities. Postal voting was made universal ahead of the 28 June 2020 presidential election. Initially, the presidential election was planned for May 2020 and conceived by the government, unilaterally, as an all-postal election. However, after growing criticism—including the main opposition candidate threatening to boycott the election, and the Polish Ombudsman and local governments refusing to cooperate—the ruling party agreed to compromise, thereby averting a political and institutional crisis. On 2 June 2020 a new act, which was accepted by the main stakeholders, was adopted which introduced several electoral code changes. Among them, voting in the 2020 presidential election would take place in person with appropriate health and safety measures, but also postal voting would be open to all voters in Poland (on application for a postal ballot through their municipal office). In the end, despite high expectations, postal voting did not see significant use, with only 177,500 postal ballots returned.

Postal voting in the USA saw a dramatic increase from just over 17 per cent in 2016 (around 23 million votes) to over 41 per cent (more than 69 million votes) in 2020 (see Chapter 35). The dramatic increase in postal voting was due to a range of legislative and procedural changes. It also led to several challenges related to postal voting packs including their high volume, delivery (by post, ballot drop box, and drive-through drop-off services to an official), and processing ahead of counting. Most importantly, not all postal votes could be available for counting on election day due to administrative requirements. Further, the much wider usage of postal voting was seized on by President Trump in support of his false claim that the election had been rigged. This voting option may therefore have indirectly contributed to suspicion about the integrity of the election on the part of some voters (if only indirectly, via a concerted campaign to discredit the result).

5.6. EARLY VOTING

Early voting, or advance voting, allows voters to cast their ballot before election day. The period for early voting varies by country and can be available for all voters or a specific category of voters. There are usually a limited number of polling stations that offer this option during the early voting period.

Of the countries that held elections in 2020 and 2021, 35 used early voting arrangements, already in place before the pandemic with the exception of the Netherlands, which introduced early voting as part of a temporary Covid-19 election act (see Table 5.2). Like in-person voting on election day, early voting arrangements typically included similar health and safety measures (the enforcement of social distancing, mask-wearing, sanitizing, and so forth). Some countries also introduced drive-through voting, such as Iceland and Norway (Tómas 2021; Bergen Kommune 2021a).

Many countries expanded these early voting arrangements to reduce crowding on election day. For example, in South Korea, the EMB extended the period of voting to regulate voter flows. As a result, 26.7 per cent (11.74 million) of ballots were cast early compared to 12.2 per cent (5.13 million ballots) in the 2016 parliamentary election (Korea 2020). Similarly, New Zealand, which also expanded early voting, saw an increase in early voting since 2017 of 37.2 per cent (1.98m ballots cast compared to 1.24m) and by 63.7 per cent compared to the 2014 elections (0.72m) (ECNZ n.d.b). In the USA, some state jurisdictions expanded the available days and times for early voting. Some also made use of sporting arenas as early voting centres. As a result, early voting increased to 22.6 per cent during the 2020 general election compared to 16.6 per cent in 2016 (see Annex E for more examples). The increase in volume did result in some problems. In particular, average wait times to vote increased from 11 minutes in 2016 to 22 minutes in 2020.

Many countries altered existing early voting arrangements for people in quarantine or infected with Covid-19. In Myanmar, voters affected by Covid-19 were able to vote in temporary locations before election day without making any changes to the electoral legal framework (see Chapter 25). In Bermuda, early voting provision had already been made available to voters under 1978 legislation. However, for the 2020 general election, it was also extended to voters with Covid-19 (Bermuda Real 2020). Similar provisions had been made in Trinidad and Tobago in 2020 (Trinidad and Tobago 2020). Early voting was also facilitated in Lithuania by drive-through voting, made available for people with Covid-19 or self-isolating (AP News 2020). In 2021, early voting was also extended to Covid-19 patients in Iceland, Laos and Norway (Tómas 2021; Pongkhao 2021; Bergen Kommune 2021b).

Overall, Annex E illustrates a rise in the use of early voting. However, its expansion for Covid-19 patients was not always possible because of legal or administrative barriers. For example, calls for the expansion of early voting for people with Covid-19 or self-isolating in Cabo Verde could not be answered primarily because of time constraints facing the National Assembly

Many countries expanded these early voting arrangements to reduce crowding on election day.

Many countries altered existing early voting arrangements for people in quarantine or infected with Covid-19.

(see Chapter 13). The Welsh Government legislated to allow early voting for the Welsh Senedd elections. The simultaneous holding of Police and Crime Commissioner elections, however, made early voting logistically impractical. While the Welsh Government had authority over the former election, the UK Government had power over the latter—and did not wish to introduce early voting. Hence Wales would have been left to run early voting for one set of polls alone (James and Clark 2021).

As outlined in Chapter 31, expansion of early voting for Covid-19 patients during the 2022 presidential elections in South Korea resulted in both procedural irregularities and concerns—eventually dispelled—about the possible occurrence of fraud. The procedural irregularities were related to the health measures, particularly the failure of some polling stations to enforce the use of separate lines keeping those testing negative and positive for Covid-19 apart, and the use of separate ballot boxes for these two groups, in violation of the election act. Reports on the possible occurrence of fraud related to certain Covid-19 patients being given pre-marked ballots. In the end, the EMB took full responsibility for the irregularities, attributing the many challenges to inadequate planning and voter information, and the number of staff and polling stations. The EMB was able to dispel all allegations of fraud, but its reputation may have been impacted (Tamang and Spinelli 2022).

5.7. PROXY VOTING

Proxy voting is an SVA where a voter authorizes another person to cast their vote for them. The reasons and requirements for the use of proxy voting vary per country. In total, nine countries and territories, namely Algeria, Belize, Gibraltar, Japan, the Netherlands, New Caledonia, Poland, Switzerland and the United Kingdom used proxy voting arrangements (see Table 5.2) during national elections and referendums in 2020 and 2021. In terms of voter turnout, Annex F suggests that proxy voting was only used by a very small number of voters—with no major changes in the aggregate figures. Citizens who had their health in mind may therefore have preferred postal voting.

In France, during the June 2020 local elections, authorities authorized proxies to cast ballots on behalf of two voters rather than one. In the Netherlands, proxies could act on behalf of three voters rather than two (OSCE 2021d). Also, voters in France did not need to provide a reason when submitting a request for a proxy vote (see Chapter 17). Proxy voting (and postal voting) was also introduced in May 2021 for all referendums in Gibraltar, starting with the June 2021 referendum on partially legalizing abortion, having only being allowed in elections previously (HM Government of Gibraltar 2021).

New rules for emergency proxy voting were developed in Britain. For devolved and local elections in May 2021, the Scottish, Welsh and UK governments implemented new rules which meant that proxy voting was available until 17:00 on polling day (see Chapter 34).

5.8. MOBILE BALLOT BOX VOTING

Mobile ballot box voting is an SVA where a voter can cast the ballot from their home or current place of residence. This way of voting is designed for voters who cannot visit a polling station on election day for a variety of reasons.

Mobile ballot box voting arrangements were used in 41 countries for those homebound, in quarantine or infected with Covid-19 during national elections (see Table 5.2). This was almost half of countries (46.5 per cent) that ran an election in 2020–2021. Many countries, such as Croatia, Czech Republic, Iceland, Lithuania, Moldova, Montenegro, Myanmar, North Macedonia, Romania and South Korea, extended existing provisions to accommodate those affected by Covid-19. For example, in Montenegro, the EMB granted hospitalized patients the right to vote through mobile ballot box teams (Öztürk 2020). In general, requests could be made to authorities before a set deadline. Members of EMBs, who used PPE and were trained to follow protocols, visited voters. Physical distance was to be maintained, and voters were required to wear masks, remove them briefly during the identification process, and disinfect their hands before and after voting.

For the September 2020 referendum in Italy, people infected with Covid-19 and in isolation could vote from home if the request to the authorities was made five days before election day (Gaita 2020). The collection of the votes would take place under maximum health and safety conditions. In Iceland ahead of the September 2021 parliamentary elections, quarantined and isolated people at home could request mobile ballot box voting. A temporary provision arranging for this possibility was passed by the parliament (Iceland 2021). In Seychelles, the EMB operated five special polling stations on designated days for voters working in essential services, hospital patients, residents in elderly homes, and those in quarantine facilities (Pointe 2020). In Singapore ahead of the July 2020 parliamentary elections, mobile ballot teams brought ballot boxes to citizens isolated in hotel rooms who had recently returned from overseas (Aravindan 2020).

Late changes also led to some administrative challenges and legal disputes. For example, the EMB of North Macedonia established 67 election boards to provide mobile ballot box voting for voters with Covid-19. Its specification that three health-care workers form part of the election board's composition was difficult to fulfil; out of the 300 health care workers initially identified to work as mobile polling units, over a third requested an exemption (OSCE 2020d). Also in Croatia, mobile ballot box voting was made available for people with Covid-19 after a constitutional court decision that mandated the EMB to take action (OSCE 2020a).

Annex G suggests that between 2020 and 2021 a greater number of voters made use of mobile ballot box voting. The main reason this SVA expanded was most likely the increase in the number of people who were eligible, in particular those testing positive for Covid-19, and vulnerable people.

Members of EMBs, who used PPE and were trained to follow protocols, visited voters.

Remote electronic voting did not see greatly expanded use during the first two years of the pandemic.

5.9. REMOTE ELECTRONIC VOTING

Remote electronic voting did not see greatly expanded use during the first two years of the pandemic. Before the pandemic, Internet voting systems were available in 11 countries (International IDEA 2021, n.d.b) with Estonia the only one to have made Internet voting available for all voters (since 2005). During the pandemic Estonia, as well as Russia and Australia, witnessed the expanded use of remote electronic voting for national and subnational elections, albeit with some challenges (see Annex H).

Voters in eight of Russia's federal subjects during the 2021 legislative election were able to cast their ballot online (TASS 2021) using their computer or mobile phone—defined by International IDEA as remote electronic voting in an uncontrolled environment. This represented a significant expansion; remote e-voting had only been available to voters in two federal subjects (Moscow and the Nizhny Novgorod) during the 2020 all Russian vote, and before that the 2019 Moscow City Duma elections as an initial trial. Personal data of Internet voters were leaked following both the 2019 and 2020 elections (see Chapter 30).

During the October 2021 Estonian local elections, 273,620 people made use of the Internet voting system during early voting (Valimised 2021). This figure represented a significant increase in online votes compared to the 2017 local elections when 186,034 people used the system (Estonian National Elections Committee 2017). One reason for the increased use of internet voting, beyond Covid-19 prevention efforts, may be that parliament passed an act that lowered the voting age at local elections to 16 years (Oll 2015).

More than 671,000 votes were cast using 'iVote', an Internet voting system used in New South Wales, Australia, during the December 2021 local government elections, before the system failed (Stilgherrian 2021). The system, which was tested for 500,000 voters before the election, was not able to cope with the increased volume of people using it. Previously, iVote was employed during the New South Wales state elections in both 2015 and 2019, with 283,699 and 234,401 users respectively. An amendment to the Local Government Act in early 2021 due to Covid-19 made iVote eligible as an SVA for council elections for the first time. The election commission found that the failure may have affected the outcome of three local elections (Kwan 2022; NSWEC 2021). In March 2022, Australia's Supreme Court found that the results in the three council areas were void and ordered a revote (Drewitt-Smith and Fernandez 2022; NSWEC 2022a). The failure was attributed partly to insufficient funding. The New South Wales election commission decided that iVote would not be used during the March 2023 state election (NSWEC 2022b).

Beyond Internet voting, some state EMBs in Australia also expanded electronically assisted voting (telephone voting). For example, telephone voting was expanded by the Election Commission of Queensland ahead of the March 2020 local government elections for vulnerable (high risk) groups and for those voters that were under Covid-19 isolation or quarantine (see Chapter

11). Typically, telephone voting is only available for electors with accessibility challenges or for distance voters. In total, 37,000 voters made use of this SVA during the 2020 local government election, compared to 500 during the 2016 election (Queensland 2020). Also, telephone voting was expanded to Covid-19-affected voters during the 2022 Australian federal elections. This was made possible by amending the Commonwealth Electoral Act 1918 (Parliament of Australia 2022). Similarly, people in Covid isolation centres were able to vote by telephone during the New Zealand 2020 general elections (RNZ 2020).

5.10. COVID-19'S IMPACT ON POLLING STATIONS ABROAD

Due to Covid-19 restrictions, many countries limited or even suspended out-of-country voting (OCV), making this the only SVA that was reduced rather than expanded (Aman and Bakken 2021). South Korea's Electoral Commission cancelled planned OCV arrangements in 43 countries, disenfranchising about 87,000 (51 per cent) of those 172,000 registered voters living abroad, as there was no opportunity to vote by mail (see Chapter 31). Mainly due to the pandemic, the Constitutional Court of Niger decided that there would be no OCV for the presidential election, even though the Electoral Code provides for OCV arrangements (IFES 2020b). Similar constraints were adopted in Guinea and the Central African Republic (ECOWAS 2020; di Roma et al. 2020). In Poland, during the 2020 presidential election, OCV was organized, but not in Afghanistan, Chile, Peru and Venezuela due to Covid-19 concerns (see Chapter 28). The OCV registration process for North Macedonia did not reach the established threshold of voters, and OCV did therefore not take place (IFES 2020a).

The impact of Covid-19 on OCV in 2021 was less disruptive, primarily because of the decrease in lockdowns, an increase in international travel, and the availability of vaccines. For example, unlike the 2020 legislative elections, OCV for the 2021 presidential election in South Korea was available in 115 different countries (Korea 2022a). Voter turnout for citizens voting from abroad was 71.6 per cent which was much higher than the 23.8 per cent for the 2020 legislative election, but similar to the 2017 presidential election (75.3 per cent) (Korea 2022b). Elsewhere the story was different. Beyond the many logistical challenges related to OCV for the 2022 presidential elections in the Philippines, OCV for the diaspora living in Shanghai, China was suspended due to the city being in Covid-19 lockdown (Pazzibugan et al. 2022).

5.11. FEASIBILITY OF CHANGES

Although there was and is a need to adjust elections to the pandemic environment, there also needs to be consideration whether any given change that has been proposed can be delivered in practice. Poland provides a case study of where the late expansion of postal voting proved logistically and

Due to Covid-19 restrictions, many countries limited or even suspended out-of-country.

If logistical problems occur in the delivery of elections, then trust in both the process and outcome can be undermined.

politically difficult, with plans for an all-postal election having to be abandoned (see Chapter 28). Late changes can cause problems where there are difficulties in unpicking longstanding arrangements and where administrators do not have prior experience with the new methods, or lack the necessary infrastructure. For example, extending a voting period from one day to several days could require the booking of polling stations for longer, and such venues may not be available. If logistical problems occur in the delivery of elections, then trust in both the process and outcome can be undermined.

Late changes can also bring legal disputes. In Sri Lanka, several weeks before election day, the National Elections Commission made a special decision to allow persons in quarantine centres and self-isolation to cast their ballots in advance by way of a mobile voting arrangement. However, this decision was subsequently reversed following complaints from multiple political factions on grounds that the legislation requires voters to cast votes in-person at ordinary polling stations on election day (Morry 2020). The principle of electoral law stability should be observed when possible, all things being equal—but this may come into conflict with steps necessary to make an election safe, depending how well the legal-administrative framework is prepared for genuine emergencies.

Even if new legislation can be adopted quickly in response to Covid-19, it may not be possible to deliver the new SVA in time. For example, in Lithuania, the government adopted new legislation to provide for online voting three months ahead of the 2020 general elections (BNS 2020). Nevertheless, the time needed to develop and test such a system was estimated to be around 18–24 months and, therefore, it was decided that online voting would not be available for the 2020 election but for future elections.

5.12. CONCLUSION

The Covid-19 pandemic brought to the fore calls for SVAs to be put in place to stop the spread of the pandemic and prevent decline in turnout. These calls mirrored long-term debates among policymakers, academics and citizens about whether electoral processes need to move away from relying on traditional in-person voting, to multi-channel elections where citizens have more choice in their voting method and time.

This chapter has described the main changes that eventually took place: the development and deployment (if incomplete) of health guidelines for elections. The introduction of health and safety measures may have helped build confidence among the electorate that in-person voting was safe. Elections suddenly became visibly different with new requirements within polling stations for safety equipment and procedures for those testing positive for Covid-19. There was considerable unevenness in the voter experience around the world, however. While some countries developed extensive guidelines for the whole of the electoral cycle, others' guidelines covered only parts of

it. There were also many countries whose guidance was not implemented. Compliance with health and safety measures varied inside polling stations—depending partly on the feasibility of social distancing—while compliance beyond this environment was difficult to enforce.

Special voting measures were very popular during the pandemic period. In many places, they were extensions of voting procedures already used. The next chapter will review the effects that these had on voter turnout. Few countries adopted entirely new special voting mechanisms—there was no major switch to (or even demand for) online voting, for example.

Evidence-based debates about the desirability of extending SVAs will continue. These discussions should happen outside of emergency situations because decisions could otherwise become rushed and under-resourced. Indeed, the need to make electoral infrastructures resistant to future emergency situations—and in good time—goes to the heart of electoral frameworks' certainty and feasibility. In this way, assessment of the cost-benefits of SVAs in an emergency scenario (as regards access, health and safety) can be undertaken in more deliberate and predictable ways, building on a shared understanding of their role and extent in regular, non-emergency conditions.

The same is true of health and safety more generally. Covid-19 demonstrated that health and safety guidelines are important—but need to cover the whole of the electoral cycle, not just part of it. Secondly, such guidelines need to develop with an inclusive approach by involving both state and civil society groups so that all risks are widely understood and incorporated in the documents. Thirdly, sufficient time and resources need to be invested into the implementation, monitoring and evaluation of such guidelines; in this, international election observation also has a role to play (as explored in Chapter 7).

Indeed, the need to make electoral infrastructures resistant to future emergency situations—and in good time—goes to the heart of electoral frameworks' certainty and feasibility.

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Also see Annex J for the full list of sources used or cited.

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Chapter 6

THE EFFECTS OF THE COVID-19 PANDEMIC ON VOTER TURNOUT

Toby S. James, Erik Asplund and Alistair Clark

Chapter 1 set out several components of electoral integrity, including equality of political participation. Elections are at their best when there is a high level of turnout—and where there are even levels of turnout across the population as a whole. Lower levels of turnout, for example among one ethnic or religious group, is likely to mean less political representation and voice in government (James and Garnett 2020). Any decline in turnout therefore raises concerns over the legitimacy of elections.

The Covid-19 pandemic was thought to have great potential to scare voters away from the ballot box. This was a clear concern for election officials around the globe, in their efforts to introduce and communicate health and safety measures to the electorate (detailed in Chapter 5). Were these efforts ultimately successful in reassuring voters? Which policies succeeded in maintaining turnout, and which did not?

This chapter begins with a review of the literature on what affects voter turnout. It then considers why voter turnout might decline during a pandemic and some of the existing research that has been published. It then considers two sources of data. Firstly, statements from electoral officials and media sources are reviewed to consider whether there were media narratives linking Covid-19 to voting. Secondly, it analyses the cross-national data on voter turnout. The most significant finding for policymakers is that postal voting and proxy voting played an important role in preventing or minimizing declines in turnout. Compulsory voting appeared to be much less of a defence.

Elections are at their best when there is a high level of turnout—and where there are even levels of turnout across the population as a whole.

6.1. WHAT AFFECTS TURNOUT?

Why people do or do not vote has been one of the longest standing questions in the study of elections. Scholars reviewing the literature have previously therefore described it as ‘an embarrassment of riches’—such was the volume and breadth of studies on the topic (Smets and van Ham 2013).

The factors that can affect turnout include characteristics of individuals. Those who have greater access to resources, such as education, income and wealth, have been shown to be more likely to vote. But political parties and social movements play an important role in mobilizing voter turnout; it has been shown that how citizens are socialized into the political system is important (Plutzer 2002; Smets and van Ham 2013).

There are also factors that are peculiar to the contest which are important, such as how close it is (relative popularity of the major competitors). Closer elections encourage voters to cast their vote because the chance that their vote will make a difference increases (Franklin 2004). The importance of the election—the scale/power of elected positions at stake—also shapes voter behaviour, with citizens more likely to vote in national rather than local or subnational elections (Schakel 2015).

Turning to institutional factors, the rules for how elections are conducted can shape whether people participate. This is important because it means that policymakers seeking to increase levels of voter turnout have a range of available policy levers. These include:

- *Voter registration procedures.* Automatic voter registration systems reduce the time and administrative tasks involved in registering—and are therefore thought to boost the completeness of the electoral register, facilitating higher turnout (Garnett 2022; Garnett and James 2021; Merivaki 2020).
- *Polling station practices.* The traditional practice for elections is requiring citizens to cast their ballot at a polling station. However, special voting arrangements (SVA, as discussed in Chapter 5) are in place in many countries. Allowing citizens to cast their vote via post, online, early, or with extended voting hours, for example, are all thought to have some (albeit small) positive effect on turnout (James 2012; Pallister 2013). Conversely, turnout can be lower if a form of voter identification is required which is not universally held by the population (Hajnal, Kuk and Lajevardi 2018; James and Clark 2020)—or if it is unevenly implemented (Atkeson et al. 2010).
- *Electoral systems.* Proportional electoral systems are often argued to lead to fewer wasted votes and therefore to incentivize turnout, although it is also argued that plurality systems tend to lead to clearer vote choices (Geys 2006; Moser and Scheiner 2012; Reynolds, Reilly and Ellis 2005).

- *Electoral integrity*. Where the contest is perceived as fair and meets international standards, citizens are more likely to cast their vote (Martinez i Coma and Trinh 2017).

Why might pandemic turnout decline, or increase?

There were concerns about how voter turnout might be affected by the pandemic, principally that citizens might be fearful of catching Covid-19 at the polls—and therefore stay at home as a result. At the start of the pandemic, International IDEA warned that: ‘Citizens might be less likely to vote if they are concerned for their health and the health of their family members. Those with underlying health conditions who could be more affected by Covid-19 might be especially less likely to vote’ (International IDEA 2020: 3).

However, in contrast to this, there were reasons for thinking that Covid might increase turnout. While some governments were praised for handling the pandemic well, others were roundly criticized (Barberia and Gómez 2020; Kapucu and Moynihan 2021; McGuire et al. 2020; S. Wilson 2020). From this point of view, the electorate might be galvanized to either support a government or remove it from office based on a powerfully felt issue: how well it had governed during a far-reaching and ongoing crisis.

By late 2022 there had already been some published research on the pandemic effects on turnout. It was initially noted that there was a fall in some early pandemic elections, such as the US presidential primaries and early national elections (James and Alihodzic 2020: 352–55). Analysis of the French local election in March 2020 found that ‘Covid-19 negatively affected participation in municipalities with a larger fraction of elderly characterized by a higher risk to develop severe Covid-19 illness and in close proximity to Covid-19 clusters’ (Noury et al. 2021, p. 14). That Covid-19 had an impact on the local elections was supported by another peer-reviewed article, which found that the drop in turnout was uneven across the electorate (Haute et al. 2021). Analysis of the 2020 Brazilian municipal election also attributed lower voter turnout to Covid-19 (Constantino, Cooperman and Moreira 2021).

Survey evidence from Ukrainian local elections (25 October 2020, i.e. four months prior to invasion by the Russian Federation) also supported the case for a pandemic effect. The 37 per cent voter turnout, which was 10 per cent lower than the 2015 local elections, was attributed to general dissatisfaction with the country’s political context but also, based on survey results from IFES, to fears of Covid-19 (Buriil 2020: 17). The survey reported that 40 per cent of women who did not intend to vote ‘stated that Covid-19 or health-related issues were the main reason for their decision’ (Buriil 2020: 17). In comparison, only 19 per cent of men who did not intend to vote claimed these concerns were their main reason. Previous surveys conducted in Dominican Republic, Nigeria and Serbia also suggest that the virus’s negative effect on voter turnout could be stronger among women voters (Buriil 2020).

In this chapter, we extend the literature with an analysis of voter turnout around the world during the first two years of the pandemic period.

There were concerns about how voter turnout might be affected by the pandemic, principally that citizens might be fearful of catching Covid-19 at the polls—and therefore stay at home as a result.

6.2. PANDEMIC TURNOUT CHANGES

There is good evidence that turnout did decline overall, and in most countries that held national elections during this period. Figure 6.1 details the change in voter turnout in national elections between 11 March 2020 (when the WHO declared Covid-19 a pandemic) and 31 December 2021, against the mean of previous elections held between 2008 and 2019. In a few countries, two national elections were held in this period and these countries therefore appear twice. During the pandemic voter turnout declined in 74 countries (67.9 per cent) and increased in 35 (32.1 per cent). The overall change was a 4.1 per cent decline.

The decline was greater in subnational elections. Figure 6.2 shows the change in voter turnout in local and other subnational elections, over the same period. Turnout declined in 16 countries (72.7 per cent) and increased in six (27.3 per cent). The average change was a decline of 6.0 per cent, that is, almost a third steeper than for national elections.

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6.3. LEGAL DISENFRANCHISEMENT

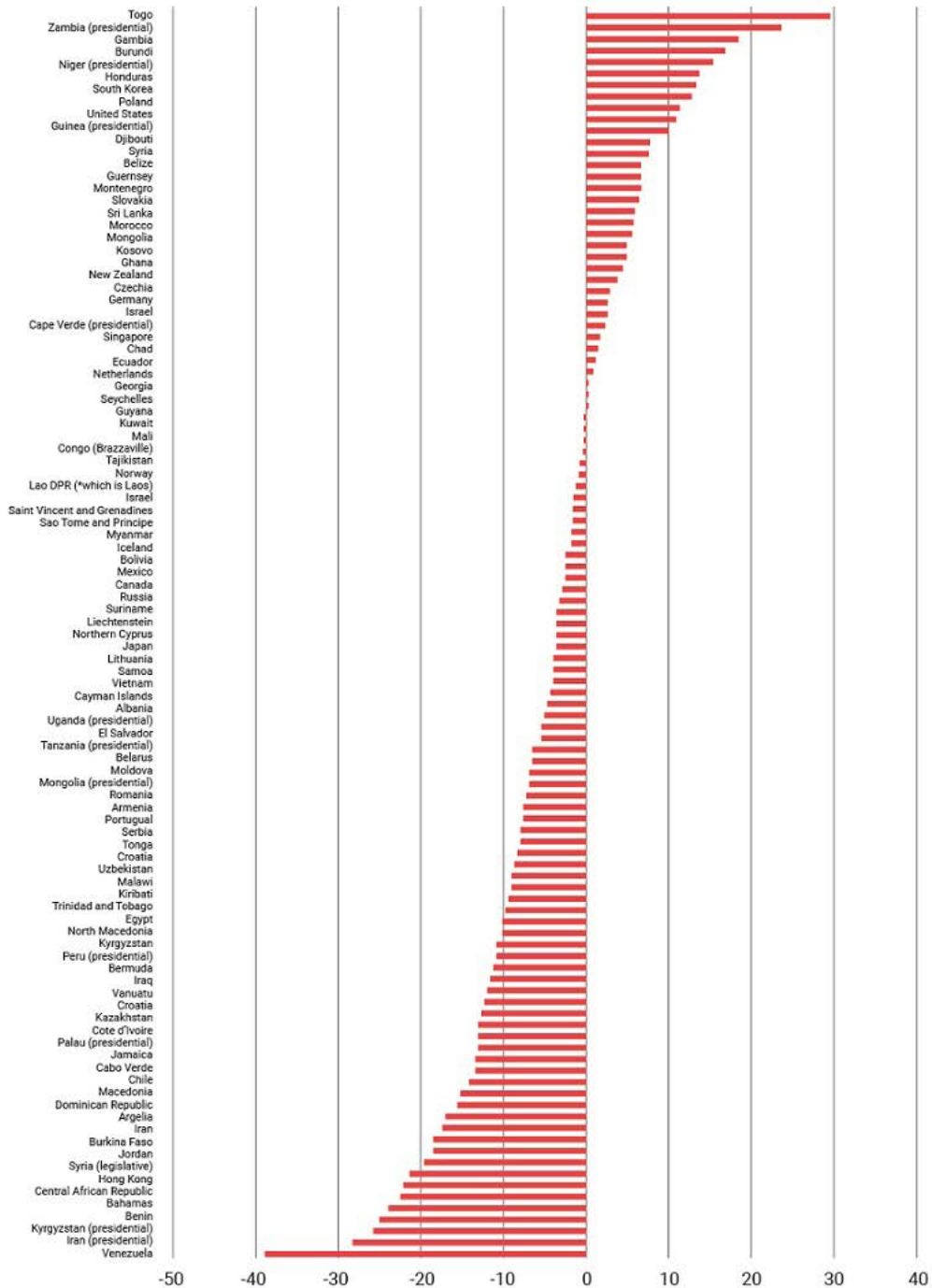
The pandemic undoubtedly affected some citizens' capability to vote in some countries. Table 6.1 details the countries where citizens who had Covid-19 on election day were prevented from voting due to restrictions on their freedom of movement (as part of the government's regulations and laws to reduce the spread of infection). Belize's Prime Minister insisted that people with Covid-19 or in isolation would not be allowed to vote during the general election on 11 November 2020 as it was against the law, and that extending proxy voting for Covid-19 patients would not be possible. 'If you are Covid positive,' he said, 'you are supposed to be in quarantine either at a government facility or at your own home' (McLeod 2020). In Singapore, citizens under a quarantine order or stay-home notice, or diagnosed with acute respiratory infection, were not allowed to vote. Had they left their home they would have been in breach of Singapore's Infectious Diseases Act. Similarly, in Taiwan, people under isolation or quarantine at home were prohibited from going and casting their vote as this would go against the Taiwan Communicable Disease Control Act. Meanwhile, in Chile's constitutional referendum on 25 October 2020, people with Covid-19 would have been sanctioned if they had voted.

These cases are troubling because it meant that many people were unable to vote on election day. The number of countries that provided no facility for citizens with Covid-19 to cast their vote is relatively low, however. Legal disenfranchisement alone therefore cannot account for the global trends captured in Figures 6.1 and 6.2. Further analysis is therefore needed, which is provided next.

6.4. DISCUSSION OF TURNOUT AT THE TIME: ANECDOTAL AND MEDIA SOURCES

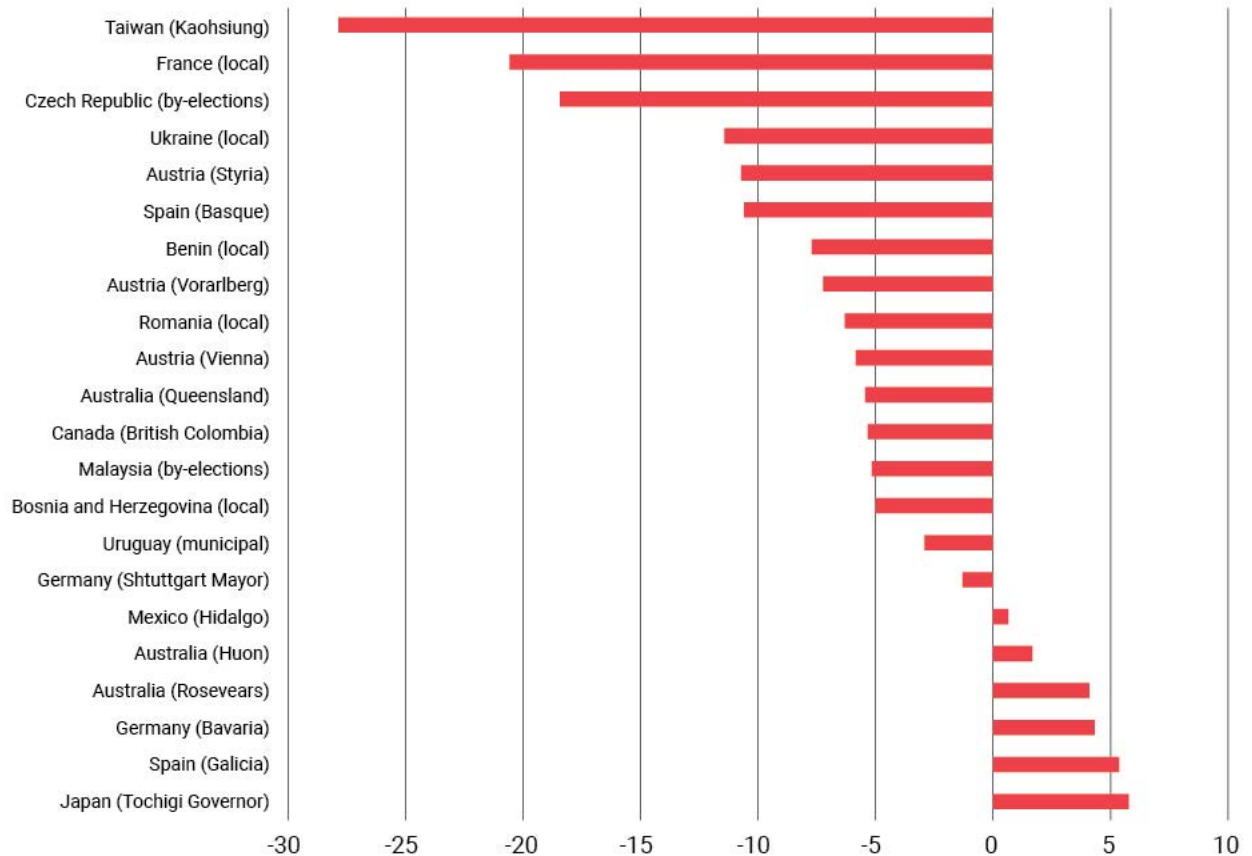
The pandemic was commonly cited as a cause of low turnout by electoral officials (who are on the ground and generally well informed—see James 2020). For example, Jordan held parliamentary elections on 10 November 2020 with a voter turnout of 29.9 per cent (compared with an average voter

Figure 6.1. Turnout changes at national levels, 11 March 2020–31 December 2021



Source: Authors' calculations using data from International IDEA.

Figure 6.2. Turnout changes (subnational elections), 11 March 2020–31 December 2021



Source: Authors calculations.

turnout of 48.5 per cent). The Chief Commissioner of the Independent Election Commission told reporters that ‘fear of coronavirus has impacted the level of participation’ (also see Chapter 23). The spokesperson from Bulgaria’s Election Commission attributed the low voter turnout to Covid-19 (Vesti 2021), although the fact that Bulgaria had three parliamentary elections during the course of one year may also suggest that voters were demonstrating some election fatigue. The Electoral Affairs Commission for the Macau 2021 legislative assembly election blamed low voter turnout on Covid-19 and bad weather (Government Portal of Macao 2021). In South Africa, the Chief Election Officer stated that turnout had decreased during the November 2021 local elections due to Covid-19, and that anticipating this had been part of calling (unsuccessfully—see Chapter 3) for a postponement (Baloyi 2021; Cele and Vecchiatto 2021; South African IEC 2021).

Media and non-governmental organization (NGO) reports also cited the pandemic as explanation for lower turnout, among other factors. Table 6.2 lists 20 such reports from countries where turnout was low.

6.5. THE IMPORTANCE OF ELECTION DAYS AND POSTAL VOTING

Cross-national analysis¹⁰ shows that although there was a general decline in turnout, the key factors that mediated this decline were (a) whether there was a delay in the election; and (b) whether postal voting was provided. Several factors are now assessed in turn to identify their importance in shaping voter turnout during the pandemic period, but only postal voting and election delays had a discernible effect.

Postal voting protected turnout

Chapter 5 explained that many countries had special voting arrangements (SVAs) in place which were often thought to have made voting easier during the pandemic. In particular, the availability of postal voting played a key role in preventing voter turnout declines. This is supported by individual cases such as Bavaria in Germany (Chapter 18) and the USA (Chapter 35). Our analysis also reports cross-national evidence for this.

Many countries provide postal voting and other SVAs. According to International IDEA's dataset on SVAs (International IDEA n.d.), as of January 2021 30 per cent of countries had early voting, 38 per cent had mobile ballot boxes, 14 per cent had postal voting and 15 per cent had proxy voting. One might have expected the decline in turnout to be lower where citizens could vote by these measures; correlations were run between the turnout change and the presence of each. Early voting and mobile voting tended to have very small correlations, which were not statistically significant. However, both postal voting and proxy voting were found to have a positive effect on voter turnout (see Table Annex K, Table A11.1).

The importance of postal voting can be seen most clearly with Table 6.3. Where there was no postal voting provision, the mean turnout change was -5.91 per cent. However, turnout *increased* where postal voting was available.

Interestingly, there was little evidence of compulsory voting having an effect in maintaining turnout. Intuitively, if voting is compulsory, then one might expect a citizen's fear of catching Covid-19 by going to the polls should have less of an effect on whether they do actually turn out to vote. But based on International IDEA's detailed information on which countries have compulsory voting—and importantly, whether compulsory voting is enforced—turnout declined in those countries with enforced compulsory voting by -5.51 per cent (n=9), compared with -4.60 per cent in countries where voting was not compulsory (n=96).

Election timing

There was little evidence that elections held earlier in the pandemic had lower turnout. In Figure 6.3, countries are plotted according to the relationship

Citizens who had Covid-19 on election day were prevented from voting due to restrictions on their freedom of movement.

¹⁰ Done using the International IDEA Voter Turnout Database, for national elections held between 1 March 2020 and 31 December 2021 as a measure of voter turnout. Statistical models were generated to undertake this (correlations and OLS regression). Full information is provided in Annex K and key findings are summarized below.

Table 6.1. Countries which prevented citizens with Covid-19 from voting on election day

Country, election type and date	Turnout change (%)	Polling station exclusions—details	Main source
Belize (parliamentary) 11 November 2020	+9.2	People who had tested positive for Covid-19, and those whose quarantine period extended past election day excluded.	Amandala (national media outlet)
Bermuda (parliamentary) 1 October 2020	-12.1	Citizens who were in quarantine because of recent travel were not permitted to attend polling stations.	Bermuda Parliamentary Registrar
Chile (referendum) 25 October 2020	-16.8	Persons with Covid-19 would face sanctions if they broke their isolation and left their homes to vote.	Reuters Chapter 15
Saint Vincent and the Grenadines (parliamentary) 5 November 2022	-6.4	Persons in days 1–5 of quarantine and in isolation excluded, as they were considered to be of medium and high risk.	Ministry of National Security
Malaysia (Sabah State Assembly) 26 September 2020	-10.92	Voters under quarantine had to show a permit from district health office in order to vote and Covid-19 positive persons were not be allowed to vote.	CodeBlue (Programme of Galen Centre for Health and Social Policy)
Taiwan (by-election) February and March 2020	N/A	People who were self-isolating excluded.	Central Election Commission
Kazakhstan (parliamentary) 10 January 2021	-13.8	Those with a body temperature above 37°C or signs of Covid-19.	Ministry of Health of the Republic of Kazakhstan
Albania (parliamentary) 25 April 2021	-0.5	Those infected by Covid-19 or in self-isolation were forced to stay at home due to lack of safety infrastructure in place.	OSCE International Election Observation Mission
Barbados (parliamentary) 19 January 2022	-18.6	Those with Covid-19 and in isolation. Also required to wear tracking bracelets.	Barbados Government Information Service and Barbados Today
Hong Kong (Legislative Council) 19 Dec 2021	-28	No special voting arrangements were made for people under home or hotel quarantine.	RTHK (Radio Television Hong Kong), Registration and Electoral Office
Cabo Verde (parliamentary) 18 April 2021	-8.4	Voters with Covid-19 or who were self-isolating.	Lusa News Agency

Table 6.1. Countries which prevented citizens with Covid-19 from voting on election day (cont.)

Country, election type and date	Turnout change (%)	Polling station exclusions—details	Main source
Jordan (parliamentary) 10 November 2020	-6.2	Voters who tested positive for Covid-19 (with potential prison terms of up to a year for breach of isolation rules).	Arab EMBs, Webinar interview with IEC Chairman Khaled Al Khaladeh
Argentina (parliamentary) 14 November 2021	-9.4	Those testing positive for Covid-19 or close contacts of positive cases to excuse themselves from voting (otherwise mandatory in Argentina).	Chapter 9

Source: Authors constructed using EIP-International IDEA case studies, International IDEA's voter turnout database and government and media reports. All sources are listed in Annex M.

between voter turnout change and the number of days since the pandemic was formally declared. There were countries (such as Vanuatu and Kiribati) which saw turnout declines early in the pandemic, but there were others which saw turnout increases (South Korea and Burundi). There were also countries which later on in the pandemic saw turnout declines (e.g. Bahamas and Hong Kong) or increases (Zambia and Gambia). Overall, there was little obvious relationship, suggesting that turnout under the pandemic depended heavily on country context.

Delays to elections did affect voter turnout, however. Chapter 3 showed that many elections were postponed during the pandemic. Analysis was undertaken here to see whether there was a statistically significant relationship between the length of the election delay and voter turnout, and this proved to be so (Annex K. Table A11.1). Put simply, the longer an election was delayed, the lower the eventual turnout.

Number of cases

There was no strong relationship between Covid-19 case numbers and turnout changes. The first recorded case of Covid-19 was traced back to November 2019 in the Hubei province of China (Bryner 2020). Thereafter, the virus spread around the world—but each country experienced different volumes of cases and usually many waves. We might expect that any impact of the pandemic on voter turnout would have been related to the volume of cases and deaths within a country. Some elections were held with no recorded cases in the country, or no newly recorded cases close to election day. Others may have been holding an election during a peak in the volume of cases.

Figure 6.4 maps turnout change compared to the number of new cases per capita in the seven days before election day, using data from the WHO. Portugal is on the far right of the figure illustrating that it held its election with the highest number of new per capita cases. There were 80,256 new cases and

The pandemic was commonly cited as a cause of low turnout by electoral officials.

1,482 new deaths reported in the seven days ahead of Portugal's presidential election on 24 January 2021. As Chapter 29 shows, the country went into full lockdown on 15 January, two days before early voting (17 January). Georgia and Jordan had the next highest reported Covid-19 rate per capita ahead of election day. By contrast, there are a large number of countries that had no cases.

As Figure 6.4 shows, there was no strong relationship between case numbers and turnout. There were turnout declines in countries such as Venezuela and

Table 6.2. Examples of low voter turnout at least partially attributed to Covid-19 in media, NGO and CSO reports

Country	Election	Date	Source(s) (see Annex M)
Algeria	Constitutional referendum	1 November 2020	Deutsche Welle 2020a
Bulgaria	(Snap) Parliamentary	14 November 2021	Vesti 2021a, 2021b
Canada	Municipal (Newfoundland and Labrador)	25 March 2021	Moore 2021
	Federal	20 September 2021	Hager 2021
France	Municipal	15 March 2020	Euro News 2020
Iran	Presidential	18 June 2021	Al Jazeera 2021
Jamaica	General	3 September 2020	Lewis 2020
Jordan	Parliamentary	10 November 2020	Al-Khalidi 2020
Macao, SAR China	Legislative	12 September 2021	Cheng, S. 2021
Mali	Parliamentary	29 March and 19 April 2020	Haque 2020
Moldova	Presidential	1 November 2020	Crowcroft 2020
Mexico	Legislative and local	6 June 2021	Directorio Legislativo 2021
New Caledonia	Referendum on independence	12 December 2021	Wilson 2021
North Macedonia	Parliamentary	15 July 2020	United States Department of State n.d.
Serbia	Parliamentary	21 June 2020	Deutsche Welle 2020b
Spain	Regional (Catalonia)	14 February 2021	Catalan News 2021
South Africa	Local	1 November 2021	Baloyi 2021
Syria	Parliamentary	19 July 2020	Al-Jazari 2020
Ukraine	Local	25 October 2020	Bazhenova 2020

Source: Author's calculations based on media and government sources. All sources are listed in Annex M.

Benin, despite there being few cases. There were also turnout increases, such as in the USA, despite comparatively high Covid-19 rates. Statistical analysis in Annex K (correlational analysis in Table A11.1 and regressions in Table A11.2) suggests that there was only a small very relationship, which was not statistically significant.

Level of democracy

We might have expected turnout changes to be partly explained by the overall quality of democracy. As Chapter 3 noted, many commentators were concerned that the pandemic could provide cover for democratic backsliding, with autocratic leaders justifying the suspension of human rights as part of emergency conditions. On this basis, participation might be expected to be more affected (fall more sharply) in autocratic regimes.

Figure 6.5 tests this by mapping the quality of democracy measured by the Varieties of Democracy Liberal Democracy Index (V-DEM 12.0) for the year 2019, against the turnout change (Coppedge et al. 2022). Again, there was a wide distribution. A small positive correlation was found, which was not statistically significant (see Table A11.1 and A11.2 in Annex K).

Electoral integrity

It is worth noting that some countries did have specific issues with the integrity of elections during the pandemic. In particular, there were examples of countries which witnessed opposition parties boycotting elections altogether, such as Algeria, Cote D'Ivoire, Djibouti, Ethiopia, Guinea, New Caledonia and Venezuela (Euronews 2020; Oyetade 2020; Reuters 2020; RFI 2021; Wheeldon 2021; C. Wilson 2021). Except for the 2021 parliamentary elections in Cote D'Ivoire, Djibouti and Ethiopia, all of these countries listed witnessed a decrease in voter turnout compared to the past. The rejection of election results was also seen in Belarus, Burundi, Central African Republic, Georgia, Ghana, Iran, Niger, and Tanzania—suggesting that distrust of the electoral processes could also be part of why voter turnout was low during the pandemic (see: Africa News 2020a, 2020b; Al Jazeera 2020a, 2020b; Asala 2021; Kombe 2020; DW 2020; Höjje 2020; Ilyushina, Regan and John 2020; Kia 2021; C. Wilson 2021).

In particular, the availability of postal voting played a key role in preventing voter turnout declines.

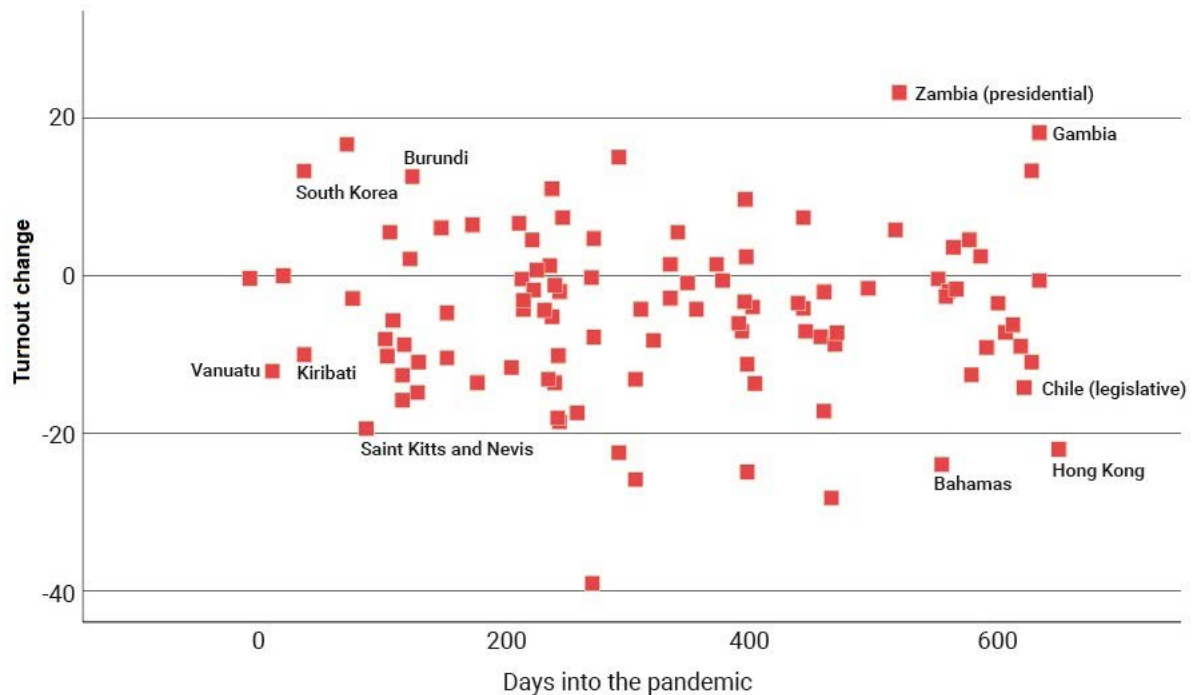
Interestingly, there was little evidence of compulsory voting having an effect in maintaining turnout.

Delays to elections did affect voter turnout.

Table 6.3. Effects of postal voting on turnout change during the pandemic

Voting system	Change in turnout (%)	N
No postal voting	-5.91	87
Postal voting available for some citizens	3.22	5
Postal voting available for all citizens	3.74	9

Figure 6.3. Turnout change in national elections (11 March 2020–31 December 2021) against previous elections, distributed by stage of the pandemic



Source: Authors' calculations.

Analysis was undertaken to see whether election boycotts were associated with a decline in turnout and a small, statistically significant relationship was found (see Table A11.1 in Annex K).

Election delays and postal voting were important

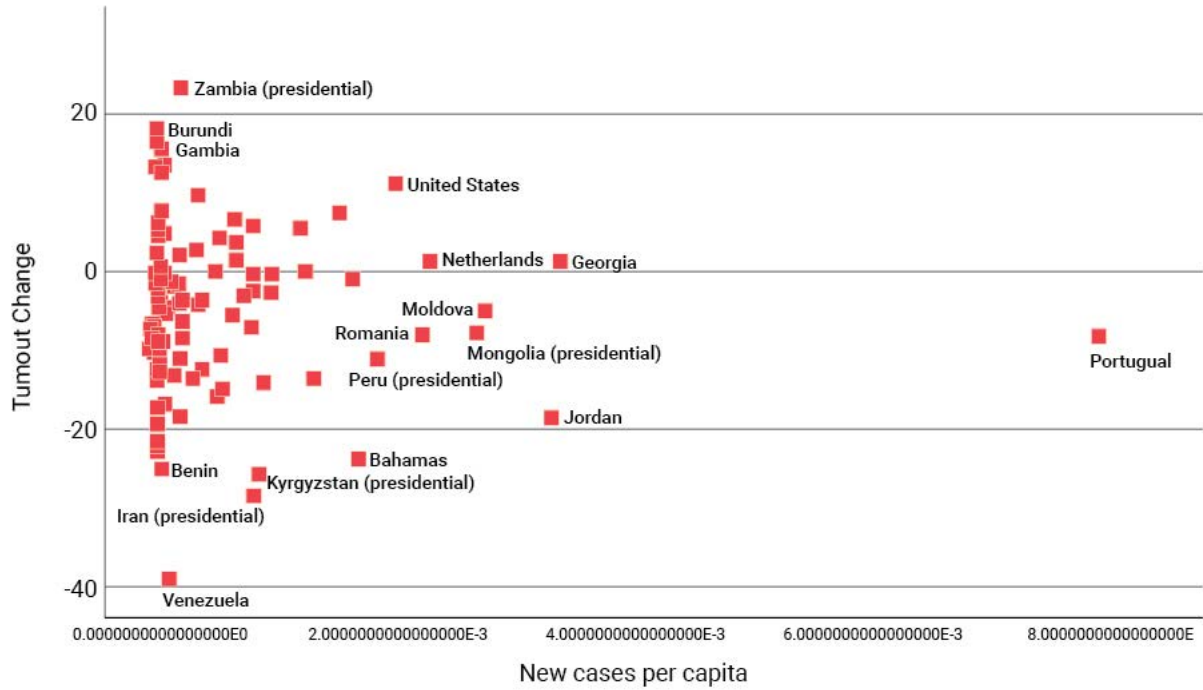
As noted at the start of the chapter, there are a variety of factors that influence turnout. To take this into consideration, an overall statistical model was constructed to estimate the effects (see Table A11.2 in Annex K). This found that (a) delaying the election and (b) the provision of postal voting were the main causes of turnout change (negative and positive, respectively) during the pandemic period.

There was no strong relationship between Covid-19 case numbers and turnout changes.

6.6. CONCLUSION

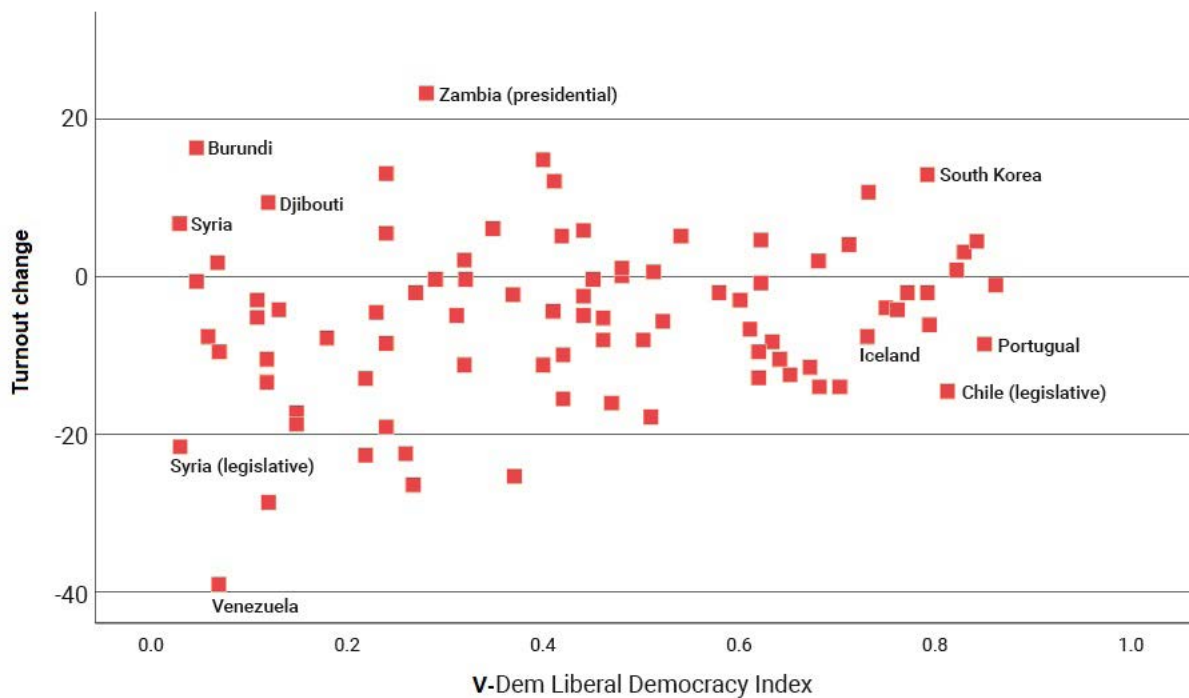
As described in Chapter 1, there were widespread fears that the pandemic could affect electoral participation—a key feature of strong democratic elections. Through cross-national data analysis, this chapter has demonstrated that Covid-19 did have a negative impact on voter turnout in 2020–2021. These effects were much greater in subnational than national elections, with average declines of 4.1 and 6.0 percentage points, respectively. The longer

Figure 6.4. Turnout change against new cases per capita in the seven days before election day



Source: Authors' calculations, quality of democracy according to the V-DEM Liberal Democracy Index for 2019.

Figure 6.5. Turnout change compared to the quality of democracy



Source: Authors' calculations, quality of democracy according to the V-DEM Liberal Democracy Index for 2019.

Through cross-national data analysis, Covid-19 did have a negative impact on voter turnout in 2020–2021.

that the election was delayed, the greater decline in turnout. The quality of democracy did not appear to have a major effect at the aggregate level during the pandemic—but there were cases of severe electoral integrity issues in this period, leading to election boycotts. In these circumstances, electoral integrity was very important to turnout during the pandemic.

The main research finding for policymakers, however, is that special voting arrangements (SVAs) did have a considerable effect on protecting turnout. In particular, postal voting prevented declines in turnout. This provides strong evidence that the methods of voting, which are important in non-emergency situations, have a much greater significance in pandemic contexts. It reinforces the point that the institutional design of elections can have profound importance for the quality of democracy.

Policymakers should look to ‘future-proof’ elections by putting legal and practical provisions in place for postal and proxy voting.

However, SVAs are not easy for policymakers and practitioners to deliver at short notice. Policymakers should look to ‘future-proof’ elections by putting legal and practical provisions in place for postal and proxy voting. The necessary administrative resources and training should be developed too. This would go some way to preventing situations where citizens become either legally disenfranchised or otherwise unable to vote in emergency situations. Providing opportunities to vote by SVAs during non-emergency elections would provide democracies with the best opportunity to bed in all related procedures.

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Chapter 7

HOW INTERNATIONAL ELECTORAL OBSERVATION WAS AFFECTED BY THE COVID-19 PANDEMIC

Erik Asplund, Toby S. James and Alistair Clark

Election observation missions (EOMs) have long been an established part of the international electoral scene. They provide a way of collecting information about problems in the electoral process, such as election rigging, the denial of democratic rights and errors made in the electoral machinery. The presence of EOMs is thus intended to incentivize various electoral stakeholders to ensure that these electoral malpractices do not occur. Over time, election mission reports and recommendations can lead to electoral reforms that strengthen the integrity of the process. They thus help to improve elections in both the present and the future, and are widely understood to be an important tool in realizing the principles of electoral integrity (as set out in Chapter 1).

Major restrictions throughout the world on international travel meant that elections might not be observed—at least not in the traditional way.

However, with movement limited during the pandemic, EOMs would face unprecedented challenges undertaking their work. Major restrictions throughout the world on international travel meant that elections might not be observed—at least not in the traditional way.

In attempting to deploy effectively during the pandemic, how did EOMs adapt to Covid-19 restrictions, and what were some of the innovations introduced? Did EOMs consider how to cover health and safety measures as part of their methodology? This chapter helps to address these questions by presenting information on the scale and format of international election observations undertaken in pandemic conditions. Data was collected from 95 EOM statements and reports (both preliminary and final) on 59 countries that had elections observed between March 2020 and December 2021. This represents the vast majority of election missions that took place during the first two years of the crisis.

The chapter begins with a brief overview of the literature on international electoral observation. It then considers the options for how electoral observation could have been adapted for the pandemic, before setting out how

EOM did (or did not) take place during the pandemic period. It concludes that there is evidence of the quality and coverage of electoral observation having been compromised during the first stage of the pandemic, but recovering subsequently.

The chapter recommends that future electoral observation reports include assessments about how the election was adapted for emergency conditions—and whether such procedures were implemented and enforced on the ground. Remote observation alone is very unlikely to provide a full picture of whether this was the case.

More generally, the pandemic brought to the fore the importance of using local resources and observers. It has long been hoped that domestic observation could become the mainstay of electoral scrutiny—and some progress in this direction has been made (Grömping 2019). The pandemic revealed the importance of taking swifter moves to strengthen domestic capacity, not least to protect electoral integrity in future emergencies as these become more frequent. Responsiveness and adaptability during crises need to be guaranteed—otherwise there will be more democratic scrutiny gaps in the future.

7.1. WHY IS ELECTION OBSERVATION IMPORTANT?

EOMs are now an established international practice around the world, going back at least as far as the 1940s when the UN observed elections in the Korean peninsula. Observations gathered pace thereafter—with a huge variety of cross-regional organizations being established (James 2020: 166–72). Before the pandemic broke, almost all national elections had had some form of electoral observation—even if the incumbent intended to break electoral integrity—and as such it was widely considered to be an international norm (Hyde 2011b; Bush and Prather 2017).

Alongside these international missions, there has also been a considerable growth in domestic missions by citizen observers. The great hope was that these would eventually take over from international missions as the world democratized and the more expensive international missions would no longer be required. As Carter Center Director David Carroll put it: ‘In the democracy promotion community we are increasingly aware that the future is domestic observation—it has to be, and everybody knows that’ (Bjornlund et al. 2014: 275). A census undertaken in 2019 found 1,176 domestic election observer groups in 118 countries (Grömping 2019).

There are three reasons why election observation is generally thought to bring about better elections. Firstly, observation is thought to promote democratic norms as states being observed internalize the international standards against which they are being evaluated (Risse, Ropp and Sikkink 2013). Secondly, missions are thought to provide accurate data about election quality.

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Politicians could be deterred from cheating (or not inviting EOMs), and election management bodies from delivering poor elections, because of the possible consequence of reputational loss or aid penalties—whether or not standards are internalized (Donno 2013; Hyde 2011a, 2011b). Thirdly, observers might enable electoral integrity issues to enter the news agenda (Grömping 2021).

However, as a technique for improving elections EOMs have also been criticized. The common concern is that election observation can focus too much on the immediate election period; strategic manipulation can take place well ahead of election day—or autocrats can switch their method of manipulation (Sjoberg 2014). Observers are also criticized for ‘pulling their punches’ and producing favourable reports out of fear that post-election conflict may occur (Lynch et al. 2019). It has even been argued that a ‘shadow market’ of observer groups has emerged, allowing would-be autocrats to pick and choose friendly observers to provide favourable reports (Kelley 2012). Conversely, EOMs have also been criticized for causing post-election conflict by indeed drawing attention to defects in electoral processes, which can undermine their perceived legitimacy (von Borzyskowski 2019).

Nonetheless, it is widely thought that although observation is imperfect and no panacea, it is an essential part of the defence of democratic elections against electoral malpractices. If electoral observation teams are provided with sufficient technical support and staff, then it can be a useful tactic and strategy for improving electoral integrity (James 2020: 183–95). The effects have been shown to include: fraud deterrence, increased participation of opposition parties, increased voter turnout, improved confidence in the announced results, informing citizens’ perceptions of the electoral process, and helping raise the quality of current and future elections (McCoy et al. 1991; Hyde 2007; Alvarez Alvarez, Hall and Hyde 2008; Garber and Cowan 1993; Donno 2013; Bush and Prather 2017). Little, however, has been documented about any pandemic effects on election observation—or the topic of election observation in emergency situations more generally (for an exception, see: Matlosa 2021).

Little, however, has been documented about any pandemic effects on election observation—or the topic of election observation in emergency situations more generally.

7.2. CANCELLATION OR LIMITATION? OPTIONS IN EMERGENCIES

The Covid-19 pandemic has posed challenges to traditional forms of EOM. An early British Academy report in August 2020 pointed out many key problems that would be faced (Birch et al. 2020: 17–20). Traditional observation methods are heavily dependent on having a considerable time on the ground in polling stations and meeting with key stakeholders in person. International observers might be unable to travel at all if flights were grounded or if able to, could be put at risk from social contact. Moreover, under pandemic conditions the key background data that observers rely upon might not be available—such as newspaper coverage or incident reports—because other actors, such as journalists or citizen groups, might be unable to travel freely. The British

Academy report therefore suggested that EOMs effectively had four options open to them in responding to Covid-19. These were:

- do not observe;
- observe traditionally;
- observe with foreign nationals based in-country; and
- observe virtually and through partnership at the local level.

The benefits of not observing were that this would remove additional health risks from EOM personnel themselves, but at the cost of removing scrutiny of the electoral process. Observing traditionally provided scrutiny, and with little disruption to normal processes, although this also maximized health risks to observers, electoral staff and voters (while at the same time, not providing any innovation for observation in emergencies). While the use of expatriate staff (already in-country) would minimize costs and limit international transmission of Covid, this might mean a lower level of expertise, effectiveness and profile for the EOM. Observing virtually and in partnership could mean helping strengthen civil society groups while minimizing international transmission, although there could be little external control of observation methodologies. With most of these options, domestic travel to observe still had health and transmission risks attached (Birch et al. 2020: 20–26).

7.3. HOW WAS OBSERVATION UNDERTAKEN DURING THE PANDEMIC?

What did observation eventually look like during the pandemic? This chapter now summarizes data collected from observation organization websites, a documentary analysis of the reports and interviews/communication with members of the observer organizations. Evidence can be found for each of the four strategies mentioned. Given the apparent health risks to both the observers and the citizens and officials they meet, many missions were generally unable to employ systematic and comprehensive election observation (since they were not exempted from international and domestic travel bans or other restrictions concerning movement that were in place). In some cases, especially during the beginning of the pandemic, planned EOMs were completely cancelled due to quarantine regulations for foreign visitors, increased costs and elections being postponed (see Chapter 3). We discuss the work of the European Union followed by the OSCE.¹¹

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¹¹ The number of missions that organizations conducting election observation deploys will depend on several factors. This includes an invitation or welcome from a country's election commission or government, findings from the pre-election needs-assessment mission, the type of election held (national or subnational) and available funding to deploy an EOM. Furthermore, international organizations conducting election observation will consider the number of elections among their member states during a given year, regarding available budget and observers.

The potential damage of not going was balanced against the safety of personnel and reputational risks.

European Union

By way of a benchmark of pre-pandemic activity, the EU deployed 16 election missions in 2018 and 14 in 2019. This dropped to just 5 in 2020, before rising back to 12 in 2021 (Table 7.1). Moreover, the nature and scope of missions were substantially reduced. Fully-fledged EOMs, typically consisting of more than 100 observers, halved from 16 to 8 during the same period. This substantial decrease in election missions in 2020–2021 was primarily due to Covid-19 (Costello 2022).

After cutting short the EU mission to the March 2020 general and regional elections in Guyana by 11 days (as personnel had to be evacuated due to the pandemic) the EU changed its approach by assessing on a case-by-case basis whether a mission was to be deployed, and as close to the election date as possible (Costello 2021; European Commission 2020). The potential damage of not going was balanced against the safety of personnel and reputational risks. In Bolivia, the EU was not able to send a full-scale observation mission because of the risks of observers contracting or transmitting Covid-19, which would cause serious political impacts (Costello 2021). Instead, the EU sent a small Electoral Expert Mission (EEM) to Bolivia's capital only. For similar reasons an EEM was deployed for the November 2020 Burkina Faso national elections rather than a planned EOM (European Commission n.d.a).

The EU EOM to Ghana in December 2020 was possible primarily because of low infection rates and high-quality medical facilities. But otherwise, larger EOM deployment was suspended until summer 2021. Fully-fledged EU EOMs to The Gambia, Iraq, Kosovo, Venezuela and Zambia were able to deploy at the end of 2021 with Covid-19-linked adaptations. These included locally recruited short-term observers, health-related protocols on the ground and virtual pre- and post-deployment briefings (Costello 2022).

Organization for Security and Co-operation in Europe

The overall number of OSCE missions was less impacted by the pandemic than the EU's. Operations were suspended in March 2020 but resumed in May (OSCE ODIHR 2020a). By way of a benchmark, in 2018 there were 16 missions and in 2019 there were 13 (Table 7.2). This fell to 15 in 2020 before increasing to 19 in 2021. Although the number of missions before Covid-19 and during the pandemic period of 2020–2021 are similar in number, there was a significant change in the type of EOM. For example, in 2018–2019, 15 full-scale EOM missions, typically composed of between 128 and 870 people, were deployed throughout OSCE member states compared to only 7 in 2020–2021.

The OSCE did deploy one EOM in January 2020 to Azerbaijan before the pandemic and two EOMs to Armenia and Moldova during the summer of 2021 (when infection rates were low for both countries at approximately 54–60 confirmed cases, and vaccination programmes had started (WHO, n.d.; Our World in Data, n.d.)). The EOMs to Georgia, Kyrgyzstan, North Macedonia and Uzbekistan were all deployed in October–November 2021 when infection rates were fairly low for all countries (41–495 confirmed cases) except for Georgia which had respectively 1,826 and 4,610 cases during the first and second

Table 7.1. European Union election missions deployed (by type), pandemic and pre-pandemic

	2018	2019	2020	2021
Electoral Observation Mission (EOM)	9 (El Salvador, Lebanon, Madagascar, Mali, Pakistan, Paraguay, Sierra Leone, Tunisia, Zimbabwe)	7 (El Salvador, Kosovo, Malawi, Mozambique, Nigeria, Senegal, Sri Lanka)	3 (Ghana, Guyana, Peru*)	5 (The Gambia**, Iraq, Kosovo, Venezuela, Zambia)
Electoral Expert Mission (EEM)	3 (Colombia x 2, Timor-Leste)	1 (Bolivia)	2 (Bolivia, Burkina Faso)	3 (Ecuador, Kosovo, Peru)
Electoral Follow-up Mission (EFM)	4 (Burkina Faso, Haiti, Jordan, Uganda)	6 (El Salvador, Myanmar, The Gambia, Ghana, Honduras, Zambia)	None	4 (El Salvador, Lebanon, Liberia, Sierra Leone)
Total	16	14	5	12

Source: Authors' calculations, constructed using European Union Database on Election Missions (European Commission n.d.b).

*The EU's EOM to Peru was deployed on 26 January 2020, before Covid-19 was declared a global pandemic on 11 March 2020.

**The deployment of Short-Term Observers and the European Parliament delegation to the EOM in the Gambia was not possible due to Covid-19.

round of local elections (WHO,n.d.). Short-term observers entering Georgia were required to have a valid negative PCR test but vaccination was not a prerequisite to join this particular mission (OECD ODIHR 2021e).

Instead, Limited Election Observation Missions (LEOM, composed of 80–120 people) were the predominant type during the 2020–2021 pandemic period, with 11 such missions being deployed. In the case of Moldova, the OSCE deployed an EOM in September 2020 consisting of a core team of 10 experts and 24 Long Term Observers (LTOs). Short Term Observers (STOs) were not deployed because 'extraordinary circumstances caused by Covid-19 pandemic and the resulting travel restrictions throughout the OSCE region negatively affected the ability of the OSCE participating States to second [STOs]'. As a result, the OSCE on 9 October 2020 decided to change the type of mission from EOM to LEOM (OSCE ODIHR 2020b).

Smaller still, Special Election Assessment Missions (SEAMs)—which did not exist before the pandemic, composed of approximately 10 people—were deployed in five countries (see Table 7.2) where larger missions could not be deployed. In the case of the June 2020 parliamentary elections in Serbia, the OSCE Needs Assessment Mission recommended a full-scale EOM but due to the conditions imposed by the Covid-19 pandemic only a SEAM consisting of eight people could observe (OSCE ODIHR 2020c). Similarly, in the case of the 2020 national elections in Poland and Romania, the Needs Assessment Missions recommended LEOM but due to Covid-19 only SEAMs could be

Larger EOM deployment was suspended until summer 2021.

deployed (OSCE ODIHR 2020d, 2021a). Moreover, seven Electoral Expert Missions (EETs, composed of 2–3 people) were deployed in 2020–2021, compared to only two in 2018–2019.

Many of the EOMs that went ahead, reduced both in number and in size, visited a limited number of polling stations or solely focused on a country's capital city. Deploying observers to different locations and not only concentrating them in the capital is important to ensure there is a balance of coverage of different regions. In the cases of Croatia, Romania and Serbia, the 2020 missions merely focused on the capital, whereas the missions in Bulgaria, Georgia, Kyrgyzstan, Moldova, Mongolia, Montenegro, North Macedonia and Poland only visited a limited number of polling stations (OSCE 2022).

In summary, the decrease in fully-fledged EOMs in 2020–2021 limited the OSCE's ability to conduct comprehensive or systematic observation, in particular for election day proceedings which are typically dependent on large numbers of STOs in order to gather statistically meaningful data (OSCE ODIHR 2020a: 10). Instead, the OSCE deployed LEOM, SEAM, EET or Election Assessment Missions to carry out its mandate during the pandemic.

Other organizations

Other organizations also reduced their observation activities. Due to the pandemic, ANFREL (Asian Network for Free Elections) could not conduct fully-fledged observation during elections in Sri Lanka (Voice International 2021: 89–90). The EOM had to downsize its mission and its deployed observers had to go through a 14-day quarantine. ANFREL also experienced travel difficulties due to the absence of flights, and had to conduct an assessment of the Sri Lankan elections through remote interviews with experts and local volunteers.

In Trinidad and Tobago, ahead of the 10 August 2020 general election, neither the Caribbean Community (CARICOM) nor the Commonwealth of Nations were able to send EOMs as they faced financial constraints in meeting the cost of the 14-day quarantine period required for foreign visitors (Byron et al. 2021; Taitt 2020). Quarantine restrictions also hindered the Commonwealth from deploying an EOM in St Kitts and Nevis during that country's June 2020 general elections (Caribbean News Global 2020), although CARICOM deployed a team of three observers who were tested on arrival for Covid-19, two days before the elections (CARICOM 2020).

Similar quarantine restrictions were introduced in Burundi, Malawi and Seychelles making it difficult for EOMs to deploy observers (Matlosa 2021). The African Union had to cancel all EOMs in March 2020 until mid-October 2020. Moreover, the mission to the October 2020 Tanzania general elections was reduced to an expert mission rather than a full-scale EOM (Kamara 2022). For the elections in Tanzania and Seychelles, the Southern African Development Community (SADC) organized virtual consultations rather than deploying an EOM (SADC 2020b).

Table 7.2. OSCE election missions deployed (by type), pandemic and pre-pandemic

	2018	2019	2020	2021
Election Observation Mission (EOM)	8 (Bosnia and Herzegovina, Montenegro, North Macedonia, Armenia, Azerbaijan, Georgia, Russia, Turkey)	7 (Albania, North Macedonia, Belarus, Kazakhstan, Moldova, Ukraine, Uzbekistan)	1 (Azerbaijan)	6 (Armenia, Georgia, Moldova, North Macedonia, Kyrgyzstan, Uzbekistan)
Limited Election Observation Mission (LEOM)	1 (Hungary)	1 (Poland)	6 (Georgia, Kyrgyzstan, Montenegro, Moldova, Ukraine, USA)	5 (Albania, Bulgaria x 2, Kazakhstan, Kyrgyzstan)
Electoral Expert Team (EET)	1 (Sweden)	1 (Estonia)	1 (Lithuania)	6 (Canada, Cyprus, Czech Republic, Germany, Netherlands, Portugal)
Election Assessment Mission (EAM)	6 (Cyprus, Italy, Latvia, Slovenia, Turkmenistan, USA)	4 (Greece, Lithuania, Romania, Slovakia)	3 (Croatia, Slovakia, Tajikistan)	1 (Bulgaria)
Special Election Assessment Mission (SEAM)	None	None	4 (North Macedonia, Serbia, Poland, Romania)	1 (Mongolia)
Total	16	13	15	19

Source: Authors' calculations, constructed using OSCE Electoral Recommendations Database¹, and OSCE ODIHR Annual Reports (OSCE ODIHR 2020a; 2021d). Note that the table does not include missions connected with pre-election needs assessments.

¹ <<https://paragraph25.odihr.pl>>

Observation of Covid-19 mitigation measures

In general, many EOMs observed whether there was compliance and enforcement of national or election-specific Covid-19 health protocols (see Annex L). For example, in countries with limits on numbers allowed to attend on-site campaign events, observers would take note of events where people flouted these or other Covid-19 public safety regulations. Also, social distancing and mask-wearing were issues that were typically monitored. For the voting operations and election day phase, observation focused on overcrowding, social distancing outside and inside polling stations, the enforcement of hand sanitizers and the mandatory wearing of masks (among voters and polling officials). The enforcement of temperature checks and the regular ventilation of polling stations was also noted by certain EOMs.

The EOM had to downsize its mission and its deployed observers had to go through a 14-day quarantine.

In some instances, EOMs also observed the unequal application of health and safety restrictions. In Zambia, one EOM noted that the enforcement of Covid-19 health protocols by the police and the EMB was ‘unfairly applied to the benefit of the ruling party, curtailing the opposition campaigning activities’ (Carter Center 2021: 6).

Guidelines for observing elections during a public health emergency were developed by the EOM itself or by partners. For example, SADC developed its own guidelines for election observation under public health emergencies (SADC 2020a) whereas the EU’s core team observers used ‘points of enquiry’ developed by Election Observation and Democracy Support (EODS). The EODS point of inquiry aims to assess both the health and safety aspects and any impact that the pandemic has on election integrity itself (Ruthrauff 2022). They include the type of information that EOMs can collect about the impact of the pandemic on each standard area of assessment throughout the electoral cycle. Guidance on election monitoring during the Covid-19 pandemic was also made available by the Global Network of Domestic Election Monitors (GNDEM) to civil society organizations involved in domestic election observation (GNDEM 2020).

In some instances, EOMs also observed the unequal application of health and safety restrictions.

7.4. COVID-19 MITIGATION AS AN EXCUSE TO PREVENT OBSERVATION

Although observation activities were often reduced for health and safety reasons, in some countries Covid-19 preventative measures were seen as having been misused to prevent observation.

Prior to the 20 May 2020 presidential elections in Burundi, the observers from the East African Community (EAC) were allowed into the country but had to stay in quarantine for a 14-day period as per a letter written by the government on 8 May. The EAC mission could not deploy as the quarantine period thus overlapped election day itself (Nebe 2020; Mwangi 2020; Owaka 2022). The African Union was also unable to deploy a mission to the country due to the invitation being similarly ill-timed (Kamara 2022). At the same time as Burundi was adopting rules on quarantine, the same government expelled WHO representatives who had criticized the government’s decision to dismiss recommendations on social distancing during election campaigns (Pladson 2020).

Ahead of the September 2021 Russian parliamentary elections, the OSCE was planning to deploy a fully-fledged EOM of approximately 500 observers but was told by Russian authorities that the EOM could be no larger than 60. Officially, the limitation was based on ‘the sanitary-epidemiological situation in the Russian Federation’. However, the OSCE noted that there were ‘no pandemic-related entry restrictions or rules about operating and moving within the country that would seem to prevent the deployment of a full election observation mission in line with ODIHR’s initial assessment’ (OSCE ODIHR

2021e). In the end, the OSCE decided not to deploy an EOM, stating that the restrictions on the number of observers ‘would undermine the effectiveness and credibility of the OSCE election observation’ (OSCE ODIHR 2021e).

Covid-19-related obstacles and irregularities were also reported by domestic observers in Kazakhstan during the January 2021 presidential election. For example, the late introduction of mandatory Covid-19 testing for observers was regarded as an obstacle, especially since this represented a cost not foreseen in the budgets of the civil society organizations (CSOs) concerned. Further, on election day, observers were refused entry to polling stations due to Covid-19 restrictions on the maximum number of visitors allowed within the same venue at the same time (OSCE ODIHR 2021b). During the count, observers also had to keep a distance of more than 10 metres, making meaningful observation impossible (Turgaev 2021).

In some countries Covid-19 preventative measures were seen as having been misused to prevent observation.

7.5. HOW DID OBSERVER MISSIONS ADAPT TO COVID-19 RESTRICTIONS?

Some EOMs innovated in response to the pandemic. This included using locally recruited observers, making increased use of information and communication technology (ICT), and adapting methodology to include points of inquiry for observing elections during a public health emergency. Some of the measures were clearly temporary; others will likely remain—or at least influence how EOMs tackle future emergencies and the immediate post-pandemic period ahead.

Locally recruited observers

The EU and the Carter Center both recruited locally. This new arrangement was also one of the reasons the EU were able to return to more normal EOM deployment from mid-2021 onwards (Costello 2021).

Ahead of the EOM to Ghana’s December 2020 elections, the EU increased the number of locally recruited STOs from diplomatic services and EU nationals working in international organizations, rather than deploying STOs from Europe. According to Patrick Costello of European Union External Action Service, this arrangement proved successful in that data analysis showed no ‘statistical difference in the observation forms provided on election day between those of the long-term observers and those of the locally recruited ones’ (Costello 2021).

In Myanmar, The Carter Center’s observation mission, run predominantly by a core team working remotely, abandoned plans to deploy LTOs from outside the country. This was due to Myanmar closing its borders and suspending international commercial flights. Instead, The Carter Center recruited 24 Myanmar nationals who were accredited as international observers, which was possible under Myanmar’s legal framework. To ensure the mission’s impartiality and neutrality, the LTOs were trained remotely during a seven-day

Some of the measures were clearly temporary; others will likely remain—or at least influence how election observation missions tackle future emergencies and the immediate post-pandemic period ahead.

period rather than the typical three- to five-day training. The Carter Center also recruited 13 short-term STOs among international citizens living in Myanmar and one from abroad. The number of forms completed on election day was comparable to the original plans, given the increased capacity provided by the LTOs (Chau 2020; Carroll 2022; Carter Center 2020).

For the EU and The Carter Center, the increased use of locally recruited observers boosted their missions' local knowledge of the country context and electoral processes. On the other hand, it meant that the advantages of international observers, namely comparative experience, was diminished. A side effect was the likely substantial cost savings associated with avoiding international air travel. How far the EU uses locally recruited observers post-pandemic remains to be seen. However, the fact that the EU reinforced its EOM to Lebanon for the May 2022 parliamentary elections with over 60 EU diplomats residing in the country (European Commission 2022), suggests that a mix of locally and internationally recruited observers may become the pattern, when the context permits. This may be true for other EOMs such as The Carter Center's as well. In terms of recruiting nationals for future EOMs, as was the case in Myanmar, this will depend on the legal framework in the country and may therefore occur less frequently.

Remote observers

Another innovation during the pandemic was remote observation: conducting interviews or consultations using telephone or video conferencing platforms. This happened in numerous countries including the Dominican Republic, Ethiopia, Malawi, Myanmar and South Korea.

In Ethiopia, the International Republican Institute (IRI) and the National Democratic Institute (NDI) deployed a Limited Election Observation Mission to the June 2021 general election. The mission was conducted using 'systematic remote engagement' (IRI/NDI 2021). Instead of in-person interviews, virtual interviews were conducted with a 'wide array of key electoral and political stakeholders, including senior representatives of the National Electoral Board of Ethiopia (NEBE), government agencies, political parties, civil society organizations (CSOs), media, citizen election observers and the diplomatic community' (NDI 2020). The final report contained 36 pages of content—which compared to a 64-page report on the Tunisian election in the pre-pandemic period (IRI/NDI 2020 n.d.).

Sometimes a mix of virtual and in-person observation was undertaken. During the June 2020 general elections in the Dominican Republic, the Organization of American States deployed both in-country and remote observers. Former Chilean President Eduardo Frei Ruiz-Tagle monitored the process from Santiago de Chile using virtual platforms to speak with the main electoral actors. The OAS Secretary for Strengthening Democracy, Francisco Guerrero, led the mission on the ground, which included 70 officials observing in the different provinces of the country (OAS 2020).

During the pre-election period in Myanmar, The Carter Center's LTOs were not able to deploy to states and regions primarily because lockdowns were in place in various areas of the country. Instead, the LTO conducted 900 remote interviews with various electoral stakeholders (Carroll 2022). This mode expanded the number of people who could be interviewed in rural and conflict areas but also limited the EOM's visibility; it did not attend pre-election events related to voter and civic education or electoral official training (Stonestreet 2022). One week before election day, the LTOs were, however, able to physically observe polling and tabulation in more detail.

In Malawi's presidential rerun, the Commonwealth Secretariat utilized virtual monitoring by partnering with local organizations that were able to collect data (Birch et al. 2020: 24). Live-streaming was another innovation in remote monitoring. In South Korea during the April 2020 National Assembly elections, the EMB increased its live-streaming of polling station activities on its dedicated web channel as well as national channels, thereby providing remote access to international and national viewers to early voting, selected polling stations and counting centres. The live-streaming channel was first introduced by the National Election Commission in 2014 (see Chapter 31).

As mentioned above, wherever observers on the ground are completely lacking, this makes it extremely difficult to draw meaningful conclusions about the entire election process. Therefore, future election observation missions post-pandemic will likely continue to be in-person and in-country but may benefit from remote observation by telephone or through video conferencing platforms (if Internet penetration allows) in order to increase the number of structured interviews with stakeholders.

Did EOMs evaluate Covid-19 mitigation?

Many countries that held elections in 2020 and 2021 introduced restrictions on campaigns as well as health and safety measures (see Chapter 5). As indicated above, most EOMs monitored stakeholders' compliance with these measures, and to some extent their enforcement, as part of observation methodology.

However, in a significant minority of cases reporting on Covid-19 compliance was notable by its absence. Annex L summarizes a review of 95 EOM preliminary statements, preliminary reports and final reports on 59 countries from March 2020 until December 2021. It shows that while 77 reports (81 per cent) did cover Covid-19 compliance and/or sanctions, 18 reports (19 per cent) did not (see Figure 7.1). This is partly explained by three EOMs in Guyana in March 2020 before the pandemic was declared by the WHO. However, the absence of any information or findings related to health and safety measures during the campaign and/or voting operations for certain EOMs deployed in mid to late 2020 (missions to Cote d'Ivoire, Guinea, Seychelles, Suriname and Tanzania) or in 2021 (Cabo Verde, Cote d'Ivoire, Germany, Honduras, Iraq, Kyrgyzstan, and The Gambia) is surprising.

Another innovation during the pandemic was remote observation: conducting interviews or consultations using telephone or video conferencing platforms.

During a global pandemic this omission was a missed opportunity, especially in countries where the application of Covid-19 health protocols was unequal during the campaign period. Signatories of the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers may consider how to proactively reduce the likelihood of such a gap, as part of developing a joint framework on how EOMs approach emergency situations.

Table 7.3 can serve as a blueprint for EOMs with respect to Covid-19 specifically. Beyond public health emergencies, electoral processes can also be disrupted by natural disasters which have increased in intensity due to climate change (Asplund, Birch and Fischer 2022).

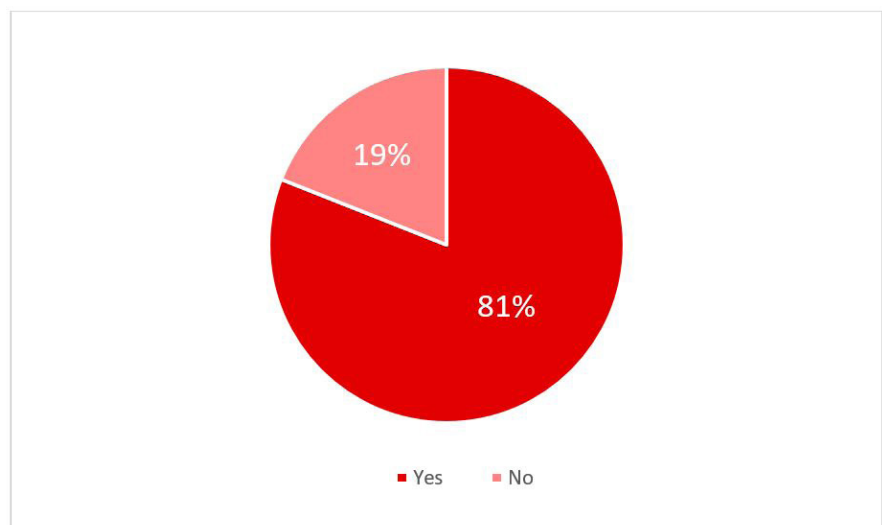
However, in a significant minority of cases reporting on Covid-19 compliance was notable by its absence.

7.6. CONCLUSION

Election observation is an established and essential norm in electoral best practice for realizing the principles of electoral integrity set out in Chapter 1. The pandemic, however, posed a threat to how or whether observation could take place.

Out of the various innovations discussed, the use of locally recruited observers from embassies (and foreign nationals from intergovernmental organizations), and remote interviewing with ICT are the most likely to endure

Figure 7.1. The proportion of electoral observation reports which evaluated Covid-19 provisions during the pandemic



Source: Authors' calculations. (Sample n=95; see also Annex L.)

Table 7.3. Aligning data on quality of elections with Covid-19 conditions

Covid-19 compliance and enforcement: items to include in election observation reporting	
Campaign phase	<ul style="list-style-type: none"> • In-person campaign event limitations or bans • Social distancing • Mask wearing • Whether Covid-19 protocols are enforced equally among political parties
Voter registration	<ul style="list-style-type: none"> • Social distancing (outside and inside) registration area centres and collection centres • Mask wearing (by citizens seeking to register, polling officials, party agents, observers) • Hand sanitizers • The ventilation of registration area centres and collection centres • Temperature checks • Whether Covid-19 protocols are enforced equally throughout the country (urban and rural)
Voting operations and election day	<ul style="list-style-type: none"> • Social distancing (outside and inside) polling stations and other election facilities • Mask wearing (by voters, polling officials, party agents, observers) • Hand sanitizers • The ventilation of polling stations and counting centres • Temperature checks • Whether Covid-19 protocols are enforced equally throughout the country (urban and rural)

after the pandemic. That said, there was not much evidence of international election observation done entirely through virtual remote means or through partnerships. This may be due to the obvious risks, which include multilateral actors becoming overly identified with particular civil society interests, to the detriment of including all major strands in a country's politics—and being seen to do so. There is also the question of whether partnership approaches could blur lines between the purpose and objectives of international EOMs and the citizen observers that they collaborate with.

The configuration of actors and approaches will ultimately depend on the country and electoral context. Among external factors, types of emergency or crisis and their public health impacts will vary widely. What is clear is the need to share lessons learned from the pandemic period to better understand the benefits and challenges of being ready to innovate as part of election observations.

In particular, this volume has noted some best practices in how elections can and have been adapted for the pandemic—such as the provision of health and safety equipment in polling stations for voters and staff (see Chapter 5). It has proved feasible—and it is only logical—for EOMs to comment and observe whether these provisions are in place. But Covid-19 is not the first or last emergency situation to occur during an electoral cycle; EOM reports must keep pace with each newly emerging factor if they are to discharge their essential functions in safeguarding electoral integrity.

Going forward, future electoral observation reports should therefore include assessments about how the election was adapted for emergency conditions—and whether such procedures were implemented and enforced on the ground.

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Chapter 8

THE FINANCIAL COST OF RUNNING ELECTIONS DURING A PANDEMIC

Toby S. James, Alistair Clark and Erik Asplund

The pandemic posed a major threat to electoral integrity. As Chapters 3–7 of this volume have shown, this led to many changes in how elections were run. But what financial investment would be needed to enable this to happen? Were electoral officials adequately resourced to respond, or did the broader economic turmoil crowd out funding for elections?

Even in ‘normal’ times, elections are enormous logistical tasks. They involve the employment of thousands of temporary staff, the hiring of premises and huge volumes of election materials. This in turn requires huge volumes of investment. The difficulty for democracy is that, as recent comparative research on the funding of elections shows, electoral officials often face challenges in receiving sufficient and timely funds (James 2020: 252–65; Joseph 2021). There is also evidence in many jurisdictions that the money needed to run elections well is increasing (Clark 2019). The pandemic stood to further substantially increase the spending needed.

This chapter begins with a brief review of what is known about the funding of elections from national and cross-national studies. This is important in setting the scene for why investment in elections is important in ‘normal’ times—but often uneven in practice. Multiple sources of original data are then used to show how the financial pressures on electoral administrators changed during the pandemic, not least because of the additional costs of personal protective equipment (PPE). Many organizations faced budgeting difficulties as a result—but others were able to ride the storm with plentiful resources being provided. The key factors in this were (a) whether the country was a democracy; and (b) whether the electoral management body (EMB) enjoyed independence from government. The economic situation of the country was less important.

This points to important lessons for making elections more resilient in the future. Strengthening the funding of elections involves reviewing the key

principles such as transparency, sustainability, legitimacy, sufficiency and contingency; reviewing organizational structure; and promoting democracy on wider fronts.

The funding of elections can make a material difference to the quality of election administration.

8.1. RESEARCH SHOWS THAT INVESTMENT MATTERS

The funding of elections can make a material difference to the quality of election administration. Already well known to practitioners on the front line, there is now rigorous academic research available to support this point. The ability of local electoral officials to be able to meet centrally set standards has been shown to be dependent on the level of funding provided, with better funding leading to higher levels of performance in service delivery (Clark 2014, 2017). There are often trade-offs made by local officials if they are under-resourced, and they may be less likely to undertake some activities such as public engagement work (James and Jervier 2017). Changes in budgetary expenditure have also been shown to correlate against EMB performance (James 2020: 256–59).

Even within high-income countries, the ability to account for and classify election spending in a consistent manner is a key difficulty (Clark 2019). However, there is evidence that elections are often underfunded. In the UK, electoral administrators in England and Wales were found to be increasingly over-budget (James and Jervier 2017). These cost pressures seem to have increased further between 2016 and 2020 (Democracy Volunteers 2021).

Concerns about underfunding have led to discussions about whether there are cheaper ways to run elections. The financial case for using different methods for casting votes has therefore been explored. Although debates about online (or ‘remote electronic’) voting have primarily focused on augmenting democracy by making it easier for citizens to cast a vote, one further potential advantage is that it might be cheaper than in-person voting by saving on staffing costs. A methodology for calculating the financial costs has been developed, and findings based on Estonian elections suggest that Internet voting can be more cost-efficient (Krimmer, Duenas-Cid and Krivososova 2020). However, as the considerations of public health—and legitimacy—covered in Chapter 5 suggest, financial cost should not be the only consideration when designing voting processes.

Discriminatory spending on the running of elections is also a political tool. Political incumbents have often been accused of trying to restrict spending on the running of elections in opposition-dominated areas to suppress the vote (James 2012; Cheeseman and Klaas 2018; Piven, Minnite and Groarke 2009; McGowan et al. 2021). Problems such as long queues may thereby dissuade citizens from voting. In contrast, an incumbent may increase expenditure in areas where they enjoy more support—to ensure that any barriers are eliminated. A study of North Carolina in the USA, for example,

found that Republican county commissions spent significantly less on election administration once a Republican majority was established (Mohr et al. 2019).

There are other reasons why funding can be difficult to obtain, however, besides partisan politics. Focus groups with electoral officials across multiple countries have shown these to include: insufficient lobbying, issues with contractor negotiation, industrial relations issues, procurement issues, inadequate planning, unforeseen costs, and rising expectations (James 2020: 259–65; Asplund 2020; Kandawasvika-Nhundu et al. 2018).

There has been relatively little comparative research on investment in elections and their running costs in different countries. There is some evidence that spending is lower in democracies and that investment is also shaped by the macro-economic situation faced by the government (James 2020: 252–65). Research is continuing, however, to capture more information on EMB budgets (Darnolf 2021).

8.2. PANDEMIC ELECTIONS WERE MORE EXPENSIVE

More money needed to be invested in elections during the pandemic; Table 8.1 provides estimates of the increase in costs per person. This data was collected using the case studies in this volume, media sources, and documents published on EMB websites.¹² Additional costs were considerable in many of the jurisdictions—as high as USD 241 million in Brazil. On a per capita basis the figures were as high as USD 5.65. Although the costs were very low in some countries, such as Ethiopia, they are not adjusted for purchasing parity. A clear conclusion is that additional money needs to be made available to EMBs working in pandemic conditions.

Types of additional costs

A crucial new cost imposed by the pandemic setting was the provision of protective equipment in polling stations or other parts of the electoral process. PPE such as face shields, medical gloves and protective clothing for polling officials was purchased, and sometimes masks and/or vinyl gloves for voters. For polling stations or voter registration centres, EMBs often also purchased hand sanitizers, sanitizing tissues, contactless thermometers, plexiglass screens and tape rolls (see Chapter 5). In order to meet guidelines provided by health authorities there were often restrictions on what could be purchased. Given the rapid increase in demand for these items during the beginning of the pandemic, prices were sometimes significantly higher (and quality assurance

There has been relatively little comparative research on investment in elections and their running costs in different countries.

¹² Values were converted from national currency into US dollars where necessary (on 18 January 2022). The additional cost per person was then estimated using the voting age population. In most cases voting age population was taken from the International IDEA Voter Turnout Database (International IDEA n.d.). In others data was taken from the case studies or other national sources. Some caution should be taken in using the data; in some cases the figures were the total funds requested by the EMB and data was then not always available on how much was allocated or spent. Nonetheless, the data shows the most complete estimates available at the time of writing.

lower) than under ordinary circumstances. Concerns were often raised about possible corruption and fraud in the public purchasing of PPE (Dikmen and Güçlü Çiçek 2021).

Table 8.1. Additional money required to run elections, selected countries

Jurisdiction	Year	Election	Estimated additional cost quoted (millions USD)	Voting age population (m)	Additional cost per capita (USD)
Basque country, Spain	2020	Regional	2.58	1.79	1.44
Brazil	2020	Municipal	241	148	1.63
Canada	2021	Federal	40.93	30.73	1.33
Capital Territory, Australia	2020	Legislative	1.6	0.28	5.65
England, UK	2021	Local	42.21	41.31	1.02
Ethiopia	2021	General	0.022	59.88	0.00
Iceland	2021	Presidential	0.58	0.27	2.17
Indonesia	2020	General	98.78	191.67	0.52
Jordan	2020	Parliamentary	32.44	6.57	4.94
Netherlands	2021	Parliamentary	57.93	13.97	4.15
New Zealand	2000	Parliamentary	36.19	3.77	9.59
Scotland, UK	2021	Parliamentary and local	19.06	4.17	4.57
South Korea	2000	Parliamentary	18.40	59.88	0.31
Sri Lanka	2020	Parliamentary	0.0049	16.53	0.00
Uganda	2021	General	15.29	20.09	0.76
Ukraine	2020	Local	46.00	35.72	1.29
USA	2020	Presidential	1,205.00	257.61	4.68

Source: Authors' calculations, constructed using chapters in this volume, Asplund (2022) and further web sources.

Staffing was also commonly reported to be an issue in some jurisdictions (Wines 2020). Poll worker recruitment can often be a challenge in countries where it is not compulsory for citizens or staff to be seconded. Volunteer poll workers are often in retirement age (Clark and James 2021) and these citizens were more at risk from the worst effects of Covid-19—especially during the period of the pandemic where vaccines were not available. Further costs may therefore have been experienced advertising to recruit new, younger poll workers—or financial incentives may have been needed. In the USA, as Chapter 35 describes, the Election Assistance Commission (EAC) organized a National Poll Worker Recruitment Day ahead of the November 2020 presidential elections. Bonuses were offered in many jurisdictions, with increases of an additional USD 100 per day reported (Povich 2020).

The increased use of special voting arrangements (SVAs) also led to increased costs. Changes made to the electoral process included early voting (e.g. South Korea), postal voting (Styria/Austria, Bavaria/Germany, Poland, several states in the USA), mobile box voting (Singapore) and proxy voting (France) in order to reduce crowds on election day, among other infection risks (see Chapter 5). These arrangements, including the additional staff, facilities and materials, undoubtedly increased the cost of elections in each of these countries. In the Netherlands, as the case study showed, the minister allocated an additional EUR 22 million for early and postal voting. EMBs also incurred costs due to the postponement of elections, especially when preparations had already started. For example, the change in election date for the New Zealand general election and referendum, from 19 September to 17 October 2020, resulted in NZD 13.4 million in additional funding (New Zealand Electoral Commission 2021).

Funding sources

The EMBs usually requested increased funding from central or local governments to cover the additional money needed. This is not surprising given that national governments, research shows, are the main funder of elections (James 2020: 259). To illustrate, the Australian Capital Territory (ACT) Election Commission requested an extra AUD 2.3 million (USD 1.6 million) in order to organize the 16 October 2020 ACT Legislative Assembly Elections (Jervis-Brady 2020). According to the ACT Election Commission, funds would help to pay for expanding early voting centres (from 5 to 15 centres, with extended staff hours, for a period of 20 days) as well as public information campaigns about the benefits of early voting. The Central Election Commission of Ukraine requested some UAH 1.252 billion (USD 46m) from the government and parliament in additional funding to hold the October 2020 local elections as the UAH 1 billion (USD 36m) budgeted was deemed insufficient (Yhiah 2020). In the USA, two special appropriations from Congress administered by the EAC were available to states to meet the challenges of conducting the 2020 election. The EAC distributed the funds in response to state requests and issued guidance on its usage (see Chapter 35).

A crucial new cost imposed by the pandemic setting was the provision of protective equipment in polling stations or other parts of the electoral process.

The increased use of special voting arrangements also led to increased costs.

The EMBs usually requested increased funding from central or local governments to cover the additional money needed.

Given the rise in costs and the broader financial pressures put on public sector spending during the pandemic, some alternative approaches were undertaken for funding elections.

It was also common for initial budget allocations to be inadequate. The case study of Jordan (Chapter 23) showed how the initial budget calculated for the 2020 legislative elections was JOD 15.5 million (USD 21.2m); with the pandemic an additional JOD 8 million (USD 11.3m, or 53.3 per cent) was spent.

Given the rise in costs and the broader financial pressures put on public sector spending during the pandemic, some alternative approaches were undertaken for funding elections. In Brazil, as Chapter 12 describes, the EMB called for help from the private sector, which donated masks, alcohol gel, pens, guidance materials and transport services for electoral materials and equipment. As Chapter 35 shows, in the USA, Facebook founder Mark Zuckerberg made USD 400 million available and former California Governor and movie star Arnold Schwarzenegger provided around USD 210,000 for the Schwarzenegger Institute to cover hazard pay for poll workers and other election expenses (Levine and Vasilogambro, 2020). The costs provided in Table 8.1 may therefore underestimate the financial assistance that was involved.

Qualitative responses from a survey of 39 countries' EMBs (James, Garnett and Asplund 2023) revealed how electoral officials often went to different bodies to gather the additional resource needed. In Finland, municipalities usually cover their costs in municipal elections. During the pandemic, a part of extra costs was covered by the Ministry of Justice, with an estimated cost of (EUR 1.4 per voter). In Vanuatu, additional costs were covered by the Vanuatu Electoral Environment Project, funded by the UNDP.

8.3. ELECTION BUDGETS UNDER PRESSURE

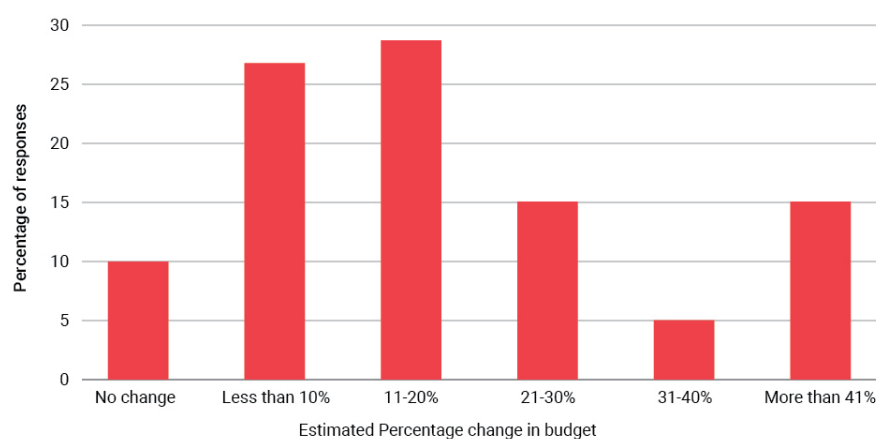
The additional investment needed to run elections were a sizable proportion of the overall budgets that EMBs had available to them. Figure 8.1 illustrates the estimated changes in budget for EMBs, as a proportion of their prior budget. In the EMBs survey, run during the summer of 2021 (James, Garnett and Asplund 2023), 90 per cent reported having seen a spending increase. The survey questions were based on findings from the media analysis conducted above. As to the scale of increase, the most frequent response was 11–20 per cent, but some countries saw an overall increase of more than 41 per cent (James and Garnett, 2023).

8.4. PERSONAL PROTECTIVE EQUIPMENT COSTS

Personal protection equipment (PPE) and safety materials were the areas where there was greatest increase in costs, according to the survey (see Figure 8.2; areas of cost are ranked according to survey respondents' answers).

There were also increased costs for staffing, SVAs and renting premises. Voter registration saw a more marginal increase, but still one which would require

Figure 8.1. EMB estimates of change in budget for holding an election during the pandemic



Source: Authors, constructed from James and Garnett (2023). N=39.

further budgeting while pandemic conditions persisted. Additional funding to parties was only reported in two countries—Guinea and Timor-Leste.

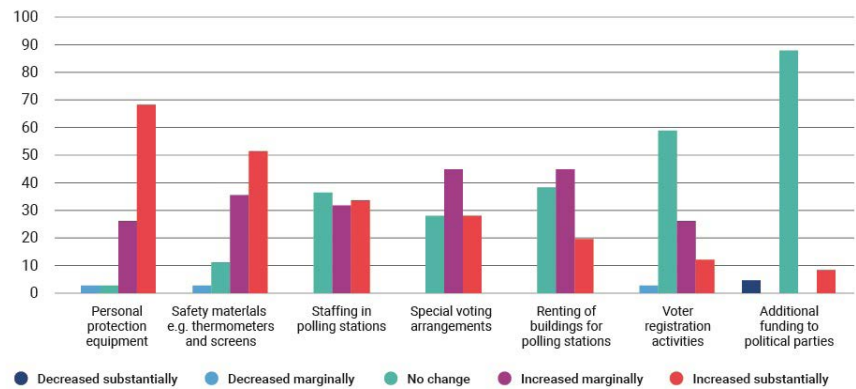
8.5. BUDGETING DIFFICULTIES

As part of the survey, electoral authorities were asked whether they experienced 'any difficulties/delays in securing funding for additional costs', on a scale of 1–5. Figure 8.3 illustrates a very broad range of answers. Nearly half of respondents suggested that they experienced no such problems, but 30 per cent indicated difficulties by picking '4' or '5' on the scale.

The overall state of public sector finances and the economic situation did not seem to be an important factor in whether EMBs experienced difficulties in receiving the necessary funds. We might have expected those EMBs operating in a country with a high level of sovereign debt to face more difficulties gaining funds, being in against other public services for more limited resources. Likewise, countries with lower growth rates—or a deeper recession—might have been expected to face more such difficulties. But neither of these expectations were born out by the statistical analysis (see the statistical note at the end of this chapter). But results did show that (a) electoral officials in democracies were more able to get the resources that they needed in pandemic conditions; as did those with greater independence from government. This is understandable because elections are valued more widely in democracies—especially where pluralism is found—and (b) there are stronger accountability mechanisms.

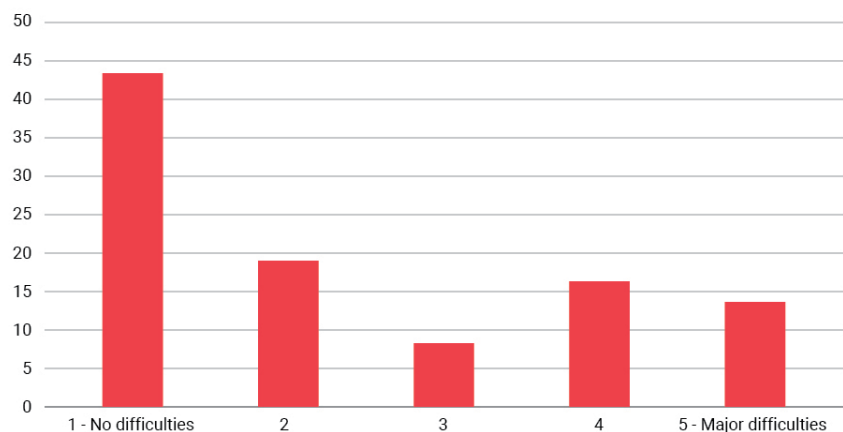
Personal protection equipment (PPE) and safety materials were the areas where there was greatest increase in costs, according to the survey.

Figure 8.2. Estimates of the change in costs experienced as a result of the pandemic



Source: Authors' calculations, constructed from James and Garnett (2023). Numbers do not sum to 100 because of rounding off.

Figure 8.3. The extent to which electoral officials faced difficulties securing funding for additional costs



Source: Authors' calculations, constructed from James and Garnett (2022).

8.6. CANCELLING ELECTIONS TO SAVE MONEY?

As the literature earlier in the chapter showed, funding difficulties matter because they can compromise the quality of elections. One direct way in which the voter experience was compromised, however, was through election postponement as a cost saving measure. In Jamaica, a legislative amendment was passed to allow the postponement of local elections by 12 months. Although public health was cited as one cause, a local government election

was deemed by the minister to 'demand significant resources, which are better spent on pandemic-related efforts, at this time' (*Jamaica Star* 2022). Mongolian President Khaltmaa Battulga proposed to postpone the country's parliamentary elections because he felt that 'we are spending a lot of money on implementing the epidemic prevention measures' (Xinhua 2020). Bosnia and Herzegovina opted to postpone local elections that were scheduled in October 2020, owing to the failure of the government to pass the budget (AP 2020). In Australia, elections in New South Wales were postponed partly because they 'can absorb considerable administrative resources' according to the council president (*National Tribune* 2020). Linda Scott continued:

According to the NSWEC, these cost hikes are a result of rising staffing, venue and ballot paper printing costs. Not only are the increases unreasonably high, they come at a time when councils can least afford them, and the people who will end up paying for it are the residents of councils that have to pull money from infrastructure and services to pay the bill. It's money that could be used on vital needs such as drought and bushfire recovery.

(*National Tribune* 12 June 2020)

8.7. TRAINING MORE FREQUENTLY HELD ONLINE

One change introduced during the pandemic was the greater use of online rather than in-person operational training for election officials. A mix of methods was used overall. Evaluation of the quality of the training, or whether the changes were cost-neutral, is not provided here, but it is important to note that the change may have had implications for both.

For in-person training, health and safety protocols were typically adopted. This included face masks, the use of disinfectants and respecting rules on physical distancing. Also in some cases, training was done in smaller groups and in larger rooms. In Poland, training of Precinct Election Commission members was done both in person and via distance learning technologies (see Chapter 28). This was also the case in Myanmar (among other, self-learning resources; see Chapter 25). During the first wave of the pandemic, the Brazilian EMB introduced online training for polling staff (see Chapter 12) ahead of the 2020 municipal election. Online training was also the preferred mode in the UK ahead of the 2021 local government elections, where all training for election day volunteers was done online rather than in-person (see Chapter 34). The training was done both in-person and online in Chile for personnel with an election role (see Chapter 15). In India, ahead of the Bihar 2020 elections, returning officers and assistant returning officers were trained through video conferencing. Junior officers were then trained through a cascade training model (see Chapter 20). Many EMBs, such as in Argentina, Brazil, India, Nigeria and South Korea, incorporated separate training sessions on implementing health and safety protocols on election day.

One change introduced during the pandemic was the greater use of online rather than in-person operational training for election officials.

First and foremost, additional money was required to provide PPE and other safety materials to staff in polling stations.

8.8. CONCLUSION: INVESTMENT IN ELECTIONS MATTERS

This chapter has presented clear evidence, using original data, that further investment was needed to run elections during the pandemic. First and foremost, additional money was required to provide PPE and other safety materials to staff in polling stations. Special voting arrangements and the hiring of larger polling stations also increased the costs substantially. While some electoral authorities were able to access extra funding with little difficulty, others struggled.

Given that funding difficulties can lead to compromised election quality, it is very likely that this occurred in at least some of the latter cases. In some countries, cost savings even featured in whether to hold elections at all.

The World Bank has forecast difficult times ahead; many countries will continue to face large public sector budget deficits and national debt that has been accumulated following the economic shocks posed by the pandemic and by Russia's 2022 invasion of Ukraine (World Bank 2022). In these circumstances there might be further pressures to compromise electoral democracy.

A central theme of this volume has been that natural disasters, too, are forecast to continue and worsen, and accordingly there should be a wider review of electoral processes to strengthen resilience. Reviewing the investment that is currently put into elections is one obvious way in which this can be done. This must be underwritten by key principles such as EMB independence, transparency, sustainability, legitimacy, sufficiency and contingency (James 2020: 63–65).

8.9. STATISTICAL NOTE

To measure the determinants of whether difficulties were experienced in receiving sufficient funds, Pearson's correlations were run. The dependent variable was the answer to the question 'any difficulties/delays in securing funding for additional costs?' on a scale of 1–5.

The independent variable on the state of current public finances was measured using World Bank data on the current account balance (as a percentage of GDP) for 2020, available from <<https://data.worldbank.org/indicator/BN.CAB.XOKA.GD.ZS>>, accessed 5 December 2022.

The independent variable on growth rates was measured using World Bank data on GDP growth in 2020, available from <<https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG>>, accessed 5 December 2022.

The independent variables EMB autonomy and level of democracy were measured using V-DEM 11.1 (Coppedge et al. 2021). A Pearson's correlation

of 35 countries found a correlation between the difficulties scale and EMB independence ($\beta = -.284, p < 0.10$). A correlation was also found between the difficulties scale and quality of liberal democracy ($\beta = -.305, p < 0.10$). In both the traditional benchmarks for the level of statistical significance were slightly lower—but this was necessary because of the relatively small number of observations.

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Part 3

Looking forward

Chapter 9

CONCLUSIONS: LESSONS FROM RUNNING ELECTIONS DURING THE COVID-19 PANDEMIC

Toby S. James, Erik Asplund and Alistair Clark

The Covid-19 pandemic presented new and pressing challenges to policymakers, electoral officials, voters and civil society around the world.

The Covid-19 pandemic presented new and pressing challenges to policymakers, electoral officials, voters and civil society around the world. Elections are an indispensable part of the democratic process, and there were fears that the pandemic could undermine democracy and electoral integrity. A key tension was how electoral rights could be maintained when the public health situation was leading to lockdowns and other restrictions on liberties designed to reduce infections. This volume has sought to evaluate the impact of the unprecedented international health emergency upon electoral processes and their integrity. The introduction posed a series of research questions to be answered:

- What challenges did Covid-19 pose to the integrity of elections?
- What policies were put in place to reduce the spread of Covid-19 and protect electoral integrity?
- How effective were these mechanisms in terms of their impact on (a) the spread of Covid-19; and (b) electoral integrity?
- What measures should countries put in place to build resilience for electoral integrity in the future?

This chapter tackles each of these in turn. It brings together the key empirical findings from the thematic chapters and country case studies to make a series of recommendations for how electoral integrity can be protected in pandemics and other emergency situations in the future.

In summary, the pandemic did undermine the quality of elections in many countries. Electoral integrity was impacted with some closing of spaces for electoral contestation; reduced opportunities for electoral participation—

with pockets of disenfranchisement; electoral management difficulties; legal conflicts; and reduced international scrutiny of elections. However, the pandemic was also a story of democratic resilience. The worst fears about elections spreading Covid-19 did not come to pass in most cases. Electoral officials put in place a wide range of short-term measures to ensure that key democratic processes were maintained. The experience was varied around the world, however. Countries with underlying weaknesses in their electoral infrastructure saw problems come to the fore.

Action from policymakers is therefore needed to bolster preparedness for natural disasters and other unexpected challenges—but also to strengthen underlying systems for running elections. Many of the reforms made during the pandemic were, perhaps necessarily, short-term measures. Others extended changes that were already under way. While some of these were effective in reducing loss of life and enabling elections to continue, longer-term planning and more systematic re-evaluation is necessary for safeguarding electoral integrity for the future.

Having unpacked each of the guiding questions in turn, the final section of this chapter makes 10 broad recommendations. These recommendations mirror already existing best practices for running and preparing elections, and are widely shared by the electoral community. The pandemic revealed the importance and urgency of bringing them into force, in an era of ever more frequent natural and human-made crises.

9.1. WHAT CHALLENGES DID COVID-19 POSE TO THE INTEGRITY OF ELECTIONS?

The thematic analysis and case studies included in this book reveal that a number of core challenges were presented by the Covid-19 pandemic.

Epidemiological and humanitarian

Foremost, the pandemic posed a huge threat to human life, health and well-being throughout the world. This involved direct and indirect loss of life as healthcare systems were impacted, but also many people left suffering the after-effects of infection, including long Covid. The long-term consequences of the Covid-19 virus and its variants remain unknown. Furthermore, the pandemic has put strains on public services and economies more generally. There was a danger that preparing and holding conventional elections—which are population-dense, mass events costing public resources—would compound all these problems.

Chapter 2 summarized the scientific literature to show that well-managed polling operations with Covid-19 mitigations in place seem to have added very little to the spread of the virus. It documented considerable anecdotal cases of voters and poll workers catching Covid-19 in and around the election period—but showed that attributing this to the election itself is not straightforward.

The conclusions that can be reached seem to be that that un-distanced campaign events may have greater potential for spreading Covid-19 than well-managed polling operations. Further, the cost-benefits of allowing such events to go ahead (or not enforcing rules against them) are rather different from polling itself: party rallies may be important in mobilizing the vote, and in normal circumstances are a facet of freedom of association. But they are not as fundamental to democratic rights and governance as citizens being able to cast their ballot. Most importantly, however, the timing of the election was critical. Elections which were held at peaks of a wave in the virus had greater likelihood of spreading it, compared to countries who were experiencing very few cases. (Indeed, elections were often held with no or few cases being reported within a country, even after the point where the WHO had declared a pandemic.) Levels of vaccinations are likely to be a further consideration in the future, as are the development of any new, and more transmissible, variants of the virus.

Un-distanced campaign events may have greater potential for spreading covid than well-managed polling operations.

Equality of contestation

Elections should have a level playing field for candidates. However, the pandemic created a more unequal playing field in some respects. In Poland (Chapter 28) candidates threatened to boycott an all-postal election and objected to the incumbent President benefitting from favourable public television coverage, while opposition parties struggled to campaign amid the Covid-19 restrictions.

In Zambia, the police applied Covid-19 standard operating procedures unequally during the campaign period. In-person campaign events organized by the opposition were either prevented from taking place or restricted, whereas the ruling party's campaign activities were largely unrestricted, providing an undue advantage to the incumbent party. Also, the misapplication of the Public Order Act restricted campaign space for opposition parties (Carter Center 2021).

In Uganda (Chapter 33), there was a widespread perception that Covid-19 restrictions were motivated by political imperatives to crack down on opposition protest movements rather than healthy and safety concerns. Measures were unevenly applied across Uganda. Campaigning restrictions could seem disproportionately stronger than those for other public events. In Nicaragua, campaign events were limited to 200 people and expected to follow health and safety protocols, but at the same time more than 4,300 sport, cultural and entertainment events were organized in the country during the election period without placing similar Covid-19 measures on audiences.

The pandemic often created a more unequal playing field for candidates.

Equality of participation

A key principle for democratic elections is that there should be high levels of civic involvement and that there should not be any unnecessary barriers to participation. It is also important that participation is even across a population—and that any barriers should not adversely affect some segments of the population.

The pandemic caused direct problems with citizens participating at the ballot box. As Chapter 6 showed, many countries had existing disease prevention legislation in place—or introduced lockdowns—that prevented or restricted citizen movement. This meant that without active changes to electoral law and procedures, certain categories of people were directly disenfranchised on election day—particularly where they had been infected with Covid-19 and no alternatives to in-person voting were provided.

There was a wider effect on participation, however, as Chapter 6 shows. During the period 11 March 2020 to 31 December 2021, turnout declined by 4.1 percentage points on average at national contests and by 6.0 percentage points at subnational contests. There are a broad range of factors which shape electoral participation. However, the chapter demonstrated that Covid-19 did have a broadly negative effect on voter turnout.

Electoral management delivery

The pandemic led to a sharp rise in the financial resources needed to run elections. Chapter 8 showed that much of this was accounted for by the need to provide PPE and other safety materials to staff in polling stations. Special voting arrangements and hiring larger polling stations also increased the costs substantially. While some electoral authorities were able to access extra funding with little difficulty, others struggled.

Given that funding difficulties can lead to compromised election quality, it is very likely that this occurred in at least some of the latter cases. One way financial constraints impinged very directly was through elections being postponed as a cost saving measure. There were also examples of countries having problems recruiting experienced poll workers and related staff, for example in Australia, Portugal and the USA (see AEC; Chapter 29; Chapter 35).

Certainty of the ‘rules of the game’

The pandemic led to considerable constitutional and legal challenges in many countries. There was often uncertainty about whether an election could or should take place during an emergency situation—and whether an ‘emergency situation’ would include a pandemic. This compromised the principles of institutional certainty sketched out in Chapter 1, much valued by administrators and international organizations.

Considerable political uncertainty followed raising fundamental questions about democratic legitimacy. In Ethiopia (Chapter 16), the decision to postpone the election meant extending the term of parliament and state councils beyond their five-year limit. This raised the question of who would govern the country until elections were held, and what legitimacy any care-taker government would have. In France (Chapter 17), there were questions about the constitutionality of decisions made to postpone, in part because the Constitutional Council had not been consulted.

Many political parties and candidates entered the electoral period uncertain about what the rules would be—whether they could canvass voters or the

The pandemic caused direct problems with citizens participating at the ballot box.

The pandemic led to a sharp rise in the financial resources needed to run elections.

Electoral observation and scrutiny activities were often no longer possible—at least in the way that observation usually took place.

incumbents had an unfair advantage in being able to brief their own party machines. The sustained periods of uncertainty and speculation made it difficult for electoral officials to plan, place orders for key materials and recruit staff (see: Chapter 34 on the UK).

Reduced democratic scrutiny

Electoral observation by international and domestic organizations is an important part of the electoral process, but electoral observation and scrutiny activities were often no longer possible—at least in the way that observation usually took place. As Chapter 7 showed, staff were unable to travel to the location of the elections because of international travel restrictions. Freedom of movement was also restricted in many countries preventing observation activities. Some countries did not invite missions within realistic timeframes (in relation to quarantine), effectively blocking observation. Where observer missions did take place, their scope was much reduced, with a move to partly remote observation. Further, an important new dimension of citizens' safe and equal access to voting, namely Covid-19 safety and compliance, was often missing from observer reports. The net effect was that for some elections in this period authoritative, comprehensive reporting was unavailable.

9.2. WHAT POLICIES WERE PUT IN PLACE TO REDUCE THE SPREAD OF COVID-19 AND PROTECT ELECTORAL INTEGRITY? WHAT EFFECTS DID THEY HAVE?

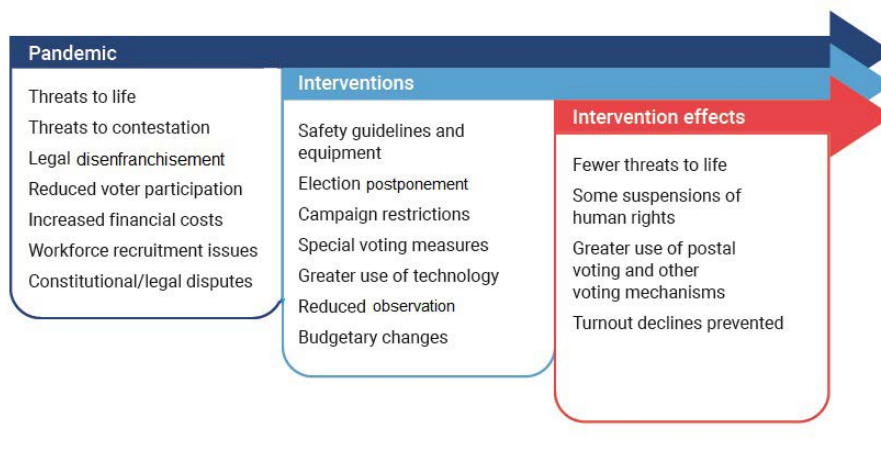
Figure 9.1 summarizes the interventions that were commonly used. Importantly, policy tools could be used to strengthen electoral integrity, but they did not always have the intended effect. This is not surprising because policymakers were acting in a very uncertain environment. But legislators, cabinet members, prime ministers, presidents and their political parties all have interests in the outcome of elections. Not every policymaker can be relied upon to act with the neutrality, professionalism or restraint that democratic norms require, and there is always the possibility that responses to emergencies can be misused for democratic backsliding. In less consensual political systems, rivals may also accuse each other of this opportunistically, without credible grounds.

In this section we outline the policies that were introduced, the effects that these had and, accordingly, recommendations for protecting electoral integrity in future emergency situations.

Safety guidelines and equipment

For elections to be delivered safely during the pandemic, most EMBs introduced health and safety guidelines and arrangements in polling stations. The guidelines were in many cases developed in collaboration with health authorities and other stakeholders. They covered different phases in the electoral cycle and in particular voting operations and the setting up of polling stations. For in-person voting, measures included PPE, sanitizers and social

Figure 9.1. The effects of the Covid-19 pandemic on elections and electoral integrity



distancing for voters and election officials, cleaning and ventilation (see Annex A). However, compliance and enforcement varied between countries, as the case studies of Bihar, India (Chapter 20) and Nigeria (Chapter 27) illustrate.

Election postponement

Chapter 3 showed that, historically, election postponements were uncommon. During the first two years of the pandemic elections were postponed in at least 80 countries and territories. They did, however, become less common as the pandemic progressed. Many countries did not postpone elections—sometimes because this was not allowed under the constitution, as was the case in Portugal (Chapter 29).

There were good humanitarian reasons for election postponement, especially early in the pandemic. A short delay could help to ensure that the election followed principles of electoral integrity, given the challenges outlined above. The case study on Canada (Chapter 14) included public opinion data which showed that holding an election during the height of a pandemic was unpopular with the electorate. By contrast, more than three-quarters of people in England were prepared to vote in late 2020, a figure that increased as the pandemic progressed. Less than 10 per cent thought the May 2021 elections in England should be postponed.

That said, delayed elections should be held as soon as is possible. There should be a full range of stakeholders consulted and involved in making the decision, and constitutions should be clear about who can postpone elections, when and why. Chapter 3 and the case studies show a very mixed experience with respect to these criteria. The length of delays varied from little more than a week, to over a year. Given that some countries rescheduled so quickly, such long delays have little justification and do amount to unnecessary suspensions of human rights. Few countries showed much evidence of consultation, or efforts to reach cross-party consensus on whether to hold the election. Exceptions included Chile and Argentina.

There were good humanitarian reasons for election postponement, especially early in the pandemic.

Postponement debates also came to be inflamed where there were legal, constitutional and logistical issues or barriers—it did not seem to be the case that non-democratic regimes necessarily extended longer than democracies. There also seems to have been a reluctance to reschedule subnational elections on the part of some governments, which may partly be down to financial reasons.

The Covid-19 pandemic will not be the last natural or human-made emergency that countries will face. Election postponements may be necessary during future emergency conditions. States should therefore seek to ensure that there are clear constitutional provisions about how and when elections can be postponed—and who has the authority to do this. To help bring consensus and prevent ‘power grabs’ by would-be autocrats, these decisions should be based on broad dialogue rather than simply governing majorities, otherwise there is a risk that postponement debates become overly partisan. Requirements for supermajorities in parliamentary institutions would be one way to ensure this.

Campaign restrictions

The campaign is an important part of the electoral process. However, campaign events bring people together in close proximity. Roughly half of the countries studied in Chapter 4 saw limitations on traditional campaigning because of government restrictions on movement and public gatherings. In total, 59 of out 111 countries (53 per cent) saw Covid-19 restrictions that limited some freedom of association and assembly during election periods in 2020 and 2021. Restrictions included limits on the number of participants at public gatherings—or bans on political rallies or events.

The importance of different campaign activities varies around the world. Consequently, the effects of these restrictions varied by country. Chapter 2 noted that rallies seem to have been the most likely event type to spread the virus and restrictions were therefore a justified precaution in some cases. Authorities were sometimes criticized for failing to contain the virus by not taking action to prevent mass rallies, as was illustrated in India (Chapter 21) when the Madras High Court criticized the Election Commission of India. However, as Chapter 4 noted, parties in some countries saw campaign restrictions as a pretext to clamp down on political opposition, or could point to discriminatory application of the rules. In future, policymakers should consider factors such as the volume of cases and vaccination rates when restricting campaigning. Decisions to restrict campaigning should also be made through consensual processes, ideally on a cross-party basis in a political space that includes all political parties and other stakeholders. In Chile (Chapter 15), for example, Covid-19 mitigation measures during campaigns were decided on in consultations with civil society.

Special voting arrangements

Special voting arrangements (SVAs) were increasingly used during the pandemic period. Chapter 5 demonstrated that those countries which had SVAs in place already saw demand for them increase substantially. This was especially the case for postal voting. For example, the Canadian provincial

elections in British Columbia (October 2020) saw a rise in postal voting from 0.3 per cent (in 2017) to 31.4 per cent of the ballots cast (Elections BC 2020: 55; also see Chapter 14). In the USA (Chapter 35), there was a major push from many states towards postal voting; 65.5 million citizens voted by mail, compared to 24.2 million in 2016. This often seemed to be an extension of longer-term trends towards increased postal voting. In the UK, for example, the volume of postal votes cast has increased year on year since eligibility restrictions were removed in 2000 (James 2011).

Special voting mechanisms played an important role in preventing turnout declines during the pandemic. Chapter 6 showed that of all of the factors in turnout change during the pandemic period, it was the availability of postal voting that had the strongest effect. Early voting, mobile voting and proxy voting were much less important in shaping the overall aggregate level turnout (although more people still used these facilities than before—see Annexes E, F and G). However, as Chapter 6 also showed, many citizens were often effectively disenfranchised if they had Covid-19 on the day of the election. For them, early voting, mobile voting and proxy voting were often the difference between whether they could vote or not.

Greater use of technology

Few countries had serious debates about Internet voting during the pandemic. But there were many which used digital technology to move other parts of the electoral process online. For example, it is common for candidates to have to complete hard copy paper application forms to stand in an election. These often require several hard copy signatures to attest the candidates' credentials and/or eligibility. However, in the digital age, there are no reasons why these processes need to involve in-person transactions. It is entirely possible for electoral management software to be set up for these applications to be submitted online. The state of Bihar in India was one instance where candidate registration became digitalized (Chapter 20).

The greater use of technology may have been a necessary adaptation during the pandemic period, but whether it makes for improvements should be assessed on its merits in each case. As the Bihar, India (Chapter 20) and Brazil cases (Chapter 12) revealed, training for electoral officials was conducted online rather than in-person. Although no research evidence is available as to the effectiveness of online training for electoral workers during the pandemic, some hints might be gleaned from the broader educational literature. For example, psychiatry students viewed their online training during Covid-19 negatively. Nonetheless, they also felt that some of the benefits of online training might be worth maintaining post-pandemic (Heldt et al. 2021) alongside in-person approaches. On the face of it, there is no reason why the same should not be true for electoral officials.

Electoral observation

The pandemic illustrated the challenges of election observation in terms of quality and coverage but also how election observation missions were able to adapt to emergency situations. The pandemic accelerated innovations in

Special voting arrangements (SVAs) were increasingly used during the pandemic period.

There were many which used digital technology to move other parts of the electoral process online.

approaches and methodology to election observation to a point that would not have been possible otherwise. Whether this involved changing the size/type of EOM, using locally recruited observers, or utilizing remote monitoring, new modalities were tried, tested, and further refined. Moreover, the introduction of health and safety guidelines by many countries holding elections provided an opportunity for EOMs to adapt their methodology to working practices on the ground. Information on compliance and enforcement of health measures during the election were captured by observers and highlighted in reports and recommendations thereby adding to post-election analysis. The ability to adapt demonstrated the agility of many election observation missions to uphold their mandate during challenging conditions and signals their ability to adapt to emergency conditions in the future.

Budgetary changes

Higher levels of spending on election administration leads to higher quality elections (Clark 2014, 2017; James 2020). Because of their periodic nature, elections compete with and are squeezed by other public spending priorities, even in the best of times. The pandemic has demonstrated how unforeseen circumstances have increased the costs of running elections substantially. As the pandemic subsides in some countries, some of these immediate costs may recede.

But while electoral bodies receiving insufficient investment is not a new or necessarily permanent problem, there are reasons to believe it will become an increasing problem in the future. The World Bank has made pessimistic forecasts about economic growth as a result of the pandemic and Russia's 2022 invasion of Ukraine. Meanwhile, the additional costs that electoral officials will need to run elections during pandemic situations are not likely to disappear. Additional costs for PPE will likely be needed for many years ahead; one of the lessons of the pandemic is that in the absence of prudent stockpiling, hurried procurement of emergency supplies is a corruption risk, a quality standards risk, and a cause of diplomatic friction between countries.

Chapter 8 also found that democracies and electoral authorities with greater independence from the government of the day were better able to gather the resources that they needed to run elections. This underlines the case for policymakers to continue to promote the independence of electoral management bodies.

9.3. BUILDING EMERGENCY RESILIENCE: FUTURE INTERNATIONAL BEST PRACTICE

As an electoral event comes nearer, there is a natural tendency for electoral issues to rise up the political agenda. Concerns might be raised about whether sufficient electoral resources have been allocated, for instance, or there might be calls for more SVAs such as online voting to be made available. But the electoral community has commonly faced difficulties in maintaining public

and political interest in reform after the election. Policy recommendations are often made by international observers, for example, but very often political attention has quickly moved onto other issues. Follow up missions frequently return to find that recommendations have not been adopted or there is little reform momentum around implementing them. In the same way, the pandemic brought a number of important issues to the fore about whether elections are as well run as they could be; but we might expect this to drop down political agendas as the crisis subsides.

If reforms are not made, however, many or most countries could find themselves ill-prepared to deal with the next emergency situation. In an increasingly globalized world and with ecological pressures such as deforestation bringing more species into contact, future pandemics are more likely than not to occur. Meanwhile more frequent floods, heat waves and hurricanes are well-documented (as well as forecasted) effects of climate change. Countries should therefore undertake comprehensive risk assessments about whether their electoral processes are sufficiently robust to withstand such hazards. The adoption of crisis management procedures and resilience building measures, such as contingency plans, are the essential components of doing so.

Box 9.1 consolidates the recommendations that have been made throughout the volume. These reforms are important for countries to act on urgently. Any luxury of time that policymakers have available should be invested in addressing these issues, working together as an international community to build more resilient elections.

Recommendations 1–2: Legal reform

Countries often have fragmented electoral laws, which were initially written decades or even a century ago and more. There is frequently a need for legal consolidation, but also updating to cover possible challenges to the electoral process which were not envisaged when the rules were first made. This includes emergency situations. The pandemic revealed that many electoral laws had little consideration of crisis situations, forcing states to fall back on untested or controversial emergency law-making powers. As noted above, clear provisions for postponing elections should be drafted, setting out who can postpone elections, when and why. The less the legal clarity, the stronger will be those radicalized voices and movements—whether marginal or mainstream—claiming at a time of crisis that constitutionalism can be disposed of.

There also needs to be clarity on the roles of different organizations. This is especially likely to be problematic in federal systems and/or countries without a single centralized EMB. In these instances, there might be multiple actors who traditionally have overlapping roles and responsibilities in elections. As the Canadian case showed (Chapter 14), there was serious confusion in Brunswick regarding who had the authority to delay the election or change the modes of voting. This is unhelpful in a pressured environment.

If reforms are not made, many countries could find themselves ill-prepared to deal with the next emergency situation.

Box 9.1 Summary of recommendations on building resilience and electoral integrity for future emergency situations

- 1. Early legal reform.** Constitutional structures and electoral laws to clearly specify the circumstances under which election postponement is permitted in emergency situations, including who has power to postpone elections and clear definitions of what is meant by 'emergency'.
- 2. Avoid late electoral legislation.** Consideration should be given to the threats to electoral integrity posed by introducing new legislation, or changes in rules and processes, close to the immediate electoral period.
- 3. Special voting arrangements.** Countries and territories which do not already provide citizens with the opportunity to cast votes through methods other than in-person voting on election day should consider whether existing procedures are sufficiently robust and inclusive, especially for emergency situations. Developing the legal and administrative capability to run postal elections and extend voting hours may strengthen their resilience.
- 4. Electoral observation.** International organizations should build resilience plans to enable them to observe elections in emergency conditions. This could include greater use of locally recruited observers by the international community. Observer reports should contain sections examining whether good practices for dealing with emergencies were followed—and particularly whether disaster mitigation measures adopted at the national level were complied with and had their intended effects. Declaration of Principles and other best practice standards on election observation could include for elections during emergencies as standard. They could require observers to set out (a) how the emergency affected the election; b) what measures were undertaken by authorities to preserve human life and electoral integrity; and c) the effectiveness of these measures (resourcing, non/compliance, consequences).
- 5. Investing in elections; appropriate use of technology.** Review of election funding should be regularly undertaken to ensure adequate and sustainable lines of funding. This should include establishing a clear means of funding any future emergency costs, as well as researching the feasibility of improving the 'back office' electoral management functions through greater use of digital technology. Risk assessments for use of information and communications technologies (concerning e.g. power cuts or Internet blackouts) should be fully integrated with overall resilience building and crisis management procedures (10).
- 6. Public communication.** A clear communication strategy should be developed by electoral authorities in combination with partners from government agencies, media outlets and civil society. There should be active attempts to identify the spreading of information and, where it arises, harmful disinformation concerning the emergency.
- 7. Forging consensus.** Decisions relating to the conduct of elections should be made through consensual processes, in a political space that includes all relevant stakeholders. Working groups should be established following the announcement of an election, and include representatives from all major political parties, the EMB(s), civil society and government officials. The requirement to establish these forums could be set out in law—and also run outside of the immediate electoral period.
- 8. Using science.** During natural disasters such as pandemics, due consideration should be given to scientific advice and scientific advisors. Scientific advisors should be given active membership of working groups making decisions about electoral activities—and their advice transparently published online.
- 9. Learning across borders.** The international community of practitioners and academics should be strengthened into the future—and mechanisms for collaborative learning should continue. National electoral management bodies should invest staff time in international knowledge-sharing activities and visits—and participate in online forums.
- 10. Future risk management.** Countries should undertake comprehensive risk assessments about whether their electoral processes are sufficiently robust to overcome both 'normal' and 'emergency' conditions. This should also include the adoption of crisis management procedures and resilience building measures such as contingency plans.
- 11. Adopting crisis management.** National stakeholders should continuously improve their capacity to deal with crises through policies and practices that strengthen their preparedness, responsiveness, recovery and learning.

Legal reforms should take place as soon as possible—so that legislation is not introduced late in the electoral cycle. The cases of Poland (Chapter 28) and Portugal (Chapter 29) revealed the challenges that administrators can be faced with if laws are passed late on.

Recommendations 3: Special voting arrangements

There is a strong case that countries and territories which do not already provide citizens with the opportunity to cast votes through the post to do so now. Building up the legal and administrative capacity, infrastructure and knowledge to do so takes time. There are dangers of rushing this process during times of the emergency when administrators are already under massive strain—as the case of Poland demonstrates (Chapter 28). Avoiding making major changes to electoral law close to an election is established best practice (Gould 2007; Venice Commission 2002: 26)—partly as this conflicts with the principles of institutional certainty set out in Chapter 1.

Reforms to widen SVAs may have budgetary implications for various aspects of the electoral process. Depending on the methods chosen, these are likely to include staffing, location, printing, mail and security costs. SVAs are unlikely to make polling less expensive, since traditional election day polling operations will continue to be central to election administration.

Recommendations 4: Revisiting electoral observation

The pandemic illustrated the challenges of election observation in terms of quality and coverage but also how election observation missions were able to adapt to emergency situations. In future, electoral observation missions will therefore need to ensure that they have procedures ready to respond to emergency situations. This could include greater support for the recruitment of local observers and some remote work. International agreements could include some exemptions to travel restrictions for election monitors—who play a vital role on the front line defending democracy.

Mission reports should also include coverage of how any emergency situation affected the election. This volume has noted some best practices in how elections should be adapted for the pandemic—such as the provision of health and safety equipment in polling stations for voters and staff (see Chapter 5). It is therefore essential that election observer missions observe and comment on whether these provisions are implemented. They should also comment on the effects of any measures introduced by public authorities to respond to the emergency situation, especially if they have any unintended adverse effects on electoral integrity.

Recommendations 5–6: Investing in elections; using technology

In countries where the pandemic continues to have negative effects, budgetary pressures on electoral management will continue. Even where economies become apparent, ongoing impacts from the pandemic will likely ensure that elections costs continue at a higher level than previously. For example, continued higher levels of postal voting and SVA usage will incur higher costs.

Electoral observation missions need to ensure that they have procedures ready to respond to emergency situations.

But in a democracy, where citizens have electoral rights, this must not cloud priorities. Put simply, elections need investment. While they are often presented as being expensive to run, elections are likely to be only a small part of public spending in any given country. The key need is for administrators and policymakers to revisit and review their modes of election funding post-pandemic. This review needs to ensure that election funding is adequate, and that funding mechanisms are sustainable under pandemic conditions, even as these evolve towards more social interaction. Moreover, policymakers need to ensure that there is clarity about how electoral administration might receive emergency funding in light of any future pandemic or natural emergency. The findings in this volume are offered as a resource that can strengthen and guide electoral stakeholders' advocacy in this regard.

In many countries, the process for running elections was designed in a pre-digital age. However, there are many aspects of the electoral process which can move online—especially the back-office functions. As mentioned, applications to stand as a candidate could be much more streamlined. Electoral authorities should consider where else digital technology can be introduced to speed up parts of the electoral process and make it more robust for emergency situations (see: James and Bernal 2023). This also involves assessing the risks attached to online delivery in each aspect under consideration. In the context of emergency situations, that means closely examining what electrical or Internet blackouts, distributed denial of service or other cyber-attacks could mean during different moments in the electoral cycle. As recommendation 9 shows, online webinars provided an opportunity for knowledge sharing that had been unprecedented.

Recommendations 7: Public communication

A clear communication strategy should be developed by the electoral authorities in collaboration with all relevant partners. This is important during 'normal' times, but there are additional pressure points during a pandemic or emergency situation (see: Bicu 2020). Modifications, even well-functioning ones, may make election procedures unfamiliar to the public. Polling stations might be in different locations, for example. In addition, the measures introduced during the pandemic often have side effects. Introducing social distancing within polling stations brought about queues. Or a sudden increase in postal voting (see Chapter 14 on Canada) could cause a delay in the announcement of results. These delays and increased wait times become even more problematic if they become fuel for post-electoral disputes. Clear public communication from EMBs and other public officials is therefore especially important during a pandemic or any unpredictable situation where public trust is at a premium. Speaking with one clear voice is important in calming tensions and clarifying misunderstandings or errors that may arise.

Recommendations 8: Forging consensus

Bringing politicians and civil society on board to understand all and any modifications to elections is important, especially where—as with Covid-19—a full understanding of the emergency itself may be elusive, even among scientific experts. There was considerable variation in the case studies

regarding whether consensus was actively sought and reached. An innovative approach was undertaken in Argentina (Chapter 10) where a working group was established which included the EMB and national government, but comments were sought from judges, national courts, but importantly political parties too. The involvement of the latter was made possible by a legal requirement to establish a monitoring group for primary and general elections, consisting of representatives of all national political parties. This group is to be formed within 10 days of the call for primary elections and required to continue until the announcement of results. A consensual approach was also taken in Chile (Chapter 15). These practices helped to establish consensus on issues such as the health and safety measures to put in place for campaigning and voting.

Consensus was missing in many other cases where there were partisan debates about whether to hold the election or not, and whether sufficient provisions had been put in place to assure voter safety. These criticisms were found across the board, from established democracies such as Canada through to authoritarian settings such as Uganda.

It is therefore recommended that working groups are established to facilitate consensus when elections are run in emergency situations such as a pandemic. These groups should include state officials and representatives from all major political parties, but also civil society membership including academics, gender and minority rights groups (representing the interests of persons with disabilities, among others). In an age where hyper-partisanship and claims about the conduct of elections are undermining public trust in the political process, there is an important onus on politicians and wider elites to act responsibly. The US presidential election in 2020 (see Chapter 35) illustrates how an incumbent making false claims about electoral fraud, partially relating to Covid-19 mitigation measures, had devastating consequences for bipartisan consensus and public trust in democracy—and led to an unsuccessful coup.

There is a strong case that the benefits of such working groups are not limited to elections in emergency conditions, not least because disinformation is a clear and growing threat to electoral integrity in its own right. Embedding the establishment of such groups as a legal requirement, as was the case in Argentina, will ensure that the bases of cooperation are already in place, whether or not unforeseen emergencies then beset the electoral cycle.

Recommendations 8–9: Using science; learning across borders

The pandemic brought with it an elevated role for scientific advisors in many governments around the world—as well as at the international level. This is to be encouraged for managing elections in emergency situations. One of the most contested issues was whether campaign rallies should be banned to save lives, or whether this would be a denial of human rights. Taking data such as the volume of cases and vaccination rates into consideration when restricting campaigning is an important way to make evidence-based policy and to try and dissolve some partisan conflict. Science, of course, cannot make

It is therefore recommended that working groups are established to facilitate consensus when elections are run in emergency situations.

decisions for policymakers—it can only inform the decisions that are made. Including scientists into decision-making processes, alongside a full range of interests and stakeholders, can enable more evidence-based policy. Several cases saw the government being criticized for ignoring scientific advice (see e.g. the case of Chile, Chapter 15).

The pandemic also represented a unique moment when the public health community and the electoral community around the world were focused on the same policy problem. There was widespread sharing of practices and experiences through webinars, case studies such as those featured in this volume, and informal knowledge sharing (see Chapter 1). With international practitioner conferences increasingly being held since the 1990s (James 2020: 160–96) and the greater accessibility of reliable fast Internet over the previous decade, webinars had already become an important platform for electoral officials and academics to collaborate. Knowledge sharing across borders is recognized as an important way to strengthen skills, capacity and resilience, leveraging the independence and differing experience that EMBs enjoy vis-à-vis other jurisdictions. The pandemic therefore acted as an accelerant to existing trends. There is, however, a risk that these new knowledge networks and enabling technologies will not be fully capitalized on in the post-pandemic world. Investment into these knowledge-sharing networks should therefore be an important priority for national electoral bodies and international partners.

The pandemic was unexpected, but the unexpected can be, to some extent, anticipated.

Recommendations 10-11: Future risk management; adopting crisis management

The pandemic was unexpected, but the unexpected can be, to some extent, anticipated. The global history of pandemics suggests that they are inevitable at some point. Risk management strategies can therefore be developed to ensure contingency planning and resources allocation, but many countries were found wanting when the pandemic broke (Chen et al. 2021). Principles of electoral risk management are well established to identify possible risks in the electoral process (Alihodžić 2016; Vincent 2021). Countries should undertake comprehensive risk assessments about whether their electoral processes are sufficiently robust to overcome both ‘normal’ and ‘emergency’ conditions.

Responding to a crisis is a serious challenge because it requires decisions to be made in situations with a lack of information and severe stress. During the beginning of the Covid-19 pandemic, many countries under crisis conditions decided to postpone elections, where others decided to go ahead despite inadequate time to prepare for voting operations (see Chapter 14 on elections in Newfoundland and Labrador, Canada; Chapter 24 on Mali; McKinley 2020) thereby increasing the risk of distrust in elections. When last-minute approaches to solve problems are necessary, decision makers should rely less on improvisation and more on crises management methods. This typically includes crisis leadership, coordination and communication (Boin and Bynander 2015; Bicu 2020; Shein et al. 2020; ISO 2022). Crisis management processes can take different formats. Alihodžić (forthcoming 2023) defines four phases where national stakeholders should continuously improve their

capacity to deal with crises through policies and practices that strengthen their preparedness, responsiveness, recovery, and learning.

This does not necessarily mean ‘reinventing the wheel’ with the implementation of new untested provisions. Rather, it involves investing in checking whether the mechanics of the electoral machinery work well—and proactively evaluating how elections function against the criteria set out in Chapter 1 of this volume—and against the recommendations set out in this conclusion.

9.4. CONCLUSIONS

The Covid-19 pandemic presented significant challenges to all aspects of societies—and elections and democracy were no exception. This volume has sought to identify the lessons to help build future resilience in the longer term.

In many ways, however, the new lessons are old lessons. Existing fragilities with electoral infrastructures meant that the pandemic put further pressure on electoral integrity. Strengthening electoral integrity means reviewing legislation, investing in elections, communicating with the public and working through consensus. The pandemic made clear the urgency, but there are always risks that these tasks become de-prioritized once global crisis is no longer—for a time—focusing minds. In our era of emergencies, it is vitally important that countries undertake reforms at the earliest opportunity in ways that strengthen democratic resilience for the medium and longer term.

In our era of emergencies, it is vitally important that countries undertake reforms at the earliest opportunity in ways that strengthen democratic resilience.

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Part 4

CASE STUDIES

Chapter 10

CASE STUDY: ARGENTINA

María Celeste Ratto

10.1. INTRODUCTION

During the Covid-19 pandemic governments were forced to address enormous challenges; among them, ensuring democratic continuity even while having to implement extreme measures to protect their populations. Holding elections in the context of Covid-19 was a test of institutional consolidation, especially in countries with a shorter democratic history such as Argentina. Here, with recent experiences of political and economic instability, holding elections under pandemic conditions could have either strengthened democratic arrangements or resulted in backsliding. The main challenge was to maintain the greatest normality possible by the avoidance of excessive changes that could damage democratic legitimacy—while at the same time making the adjustments necessary for holding the elections within a framework of diligence and health security.

This case study describes the challenges and dilemmas faced by Argentina in holding its 2021 elections, and the solutions implemented. The study begins with a description of the legal background that regulates the electoral process, and continues with a description of how the Covid-19 pandemic affected the country. Then the bargaining process to elaborate a protocol with Covid-preventive measures is described. It ends with a summary of the electoral results and lessons learned.

This case study describes the challenges and dilemmas faced by Argentina in holding its 2021 elections, and the solutions implemented.

The deputies are elected for a period of four years; after the 1983 election a proportional system was established with the D'Hondt formula and a 3 per cent threshold for national representatives to be elected.

10.2. BACKGROUND

The Constitution of Argentina (1853/1860) established a republican, representative and federal system for the country, under a presidential system of government (see Argentina 1994, article 1). The direct election of the president and the members of the National Congress by the citizens was established in the 1994 Constitutional Reform. This requires holding elections to define the head of the executive branch (president and vice-president) for a fixed period of four years. The last pre-pandemic presidential election was in 2019 with the next to be held in 2023. It also establishes the holding of legislative elections to define the seats of the Congress, also with a fixed term of four years for deputies and six years for senators. In 2021, midterm legislative elections were held. The legislative branch has two chambers, the Chamber of Deputies (lower house) representing the people of the nation and the Chamber of Senators (upper house) representing people of the provinces.

The lower house has a total of 254 deputies and is partially renewed every two years. The deputies are elected for a period of four years; after the 1983 election a proportional system was established with the D'Hondt formula and a 3 per cent threshold for national representatives to be elected. The limits of the electoral districts match the geographic boundaries of each province. As a consequence, the election takes place in a total of 24 districts including the Federal District of Buenos Aires, with variable magnitude depending on the total number of inhabitants, and with a minimum of five deputies per district. In 2021 half of the chamber was renewed and a total of 127 deputies were elected.

The upper house has a total of 72 senators and is renewed by thirds. Senators serve six-year terms in office. Since the 1994 Constitutional Reform, the election of representatives of the Chamber of Senators is based on the principle of federal representation, for which the senators are directly elected by the people of the provinces. The magnitudes are a fixed number of three senators per province, with an incomplete list (two for the majority and one for the first minority). In the 2021 elections, a total of 24 senators were elected in eight provinces: Chubut, Corrientes, Córdoba, La Pampa, Mendoza, Santa Fe, Tucumán and Catamarca.

Voting in both the primary and the general elections is mandatory for all natural or naturalized citizens in the Argentine Republic.

Candidate registration: primaries

The candidate selection mechanism in Argentina is regulated by Act 26.571 (Argentina 2009a), which amended the requirements for political parties to be able to run in national elections and implemented a system of open, simultaneous and mandatory primaries (PASO). The designation of the pre-candidates is exclusive of political parties, which have to respect the Charter Acts (*Carta Orgánica*) of each party, the requirements established in the Constitution, the Organic Law of Political Parties (Argentina 1985), the National Electoral Code (Argentina 1972) and the aforementioned 2009 Act. The parties can regulate the participation of non-party members in their Charter Acts.

Voting in both the primary and the general elections is mandatory for all natural or naturalized citizens in the Argentine Republic (see Argentina 1912; universal male suffrage was then introduced in 1921—see Abal Medina and Suárez Cao 2003: 122). In the primary, held two months before the general election, each political party presents one or more candidates. Voters must first select the party for which they want to vote (the primaries of all parties are held simultaneously, the same day in the same contest, therefore it is only possible to participate in one) and then within this party choose the one (1) pre-candidate they prefer for each category of positions to be elected (president, senators and deputies). In order to participate in the general election, each political party must obtain at least 1.5 per cent of the total valid votes per category in the primary elections. Pre-candidates who run in the primary elections can only do so for one political party, and for only one category of elective offices.

Voting procedure

A closed list voting system is used, with party lists printed onto paper ballots that are inserted in an envelope that is closed and deposited in a ballot box. Voters cannot alter the proposed list of candidates or their order. A notable feature of polling in Argentina is the 'dark voting booth' to ensure the secrecy of the vote. Each voter goes to the corresponding table, according to the electoral roll. The officials authenticate the identity of the person and give her/him an envelope. Then the person goes into a closed room (dark voting booth/*cuarto oscuro* in Spanish) where she/he will find all the competing political parties' ballots.

The voter enters alone and selects her/his choice, puts the voting ballot in the envelope (signed by the polling station authorities who verified her/his identity) and inserts the envelope into the ballot box. Once the polling station has closed, officials and party supervisors enter the 'dark voting booth', count the votes and record this count in a signed certificate. This record is taken to a post office, along with the ballot box containing all the envelopes, ballots and items used during the election. The certificate is transmitted by telegram to a central computing centre where it is received by the Electoral Courts and the Ministry of the Interior authorities, under the supervision of all the parties. The software for the transmission and for the counting of votes is audited and supervised by the parties.

In Argentina the electoral management body (EMB) has four main parts: (1) the Electoral Courts; (2) the Official Mail services; (3) the Ministry of Defence; and (4) the National Electoral Directorate of the Interior Ministry.

1. The Electoral Courts are in charge of ensuring that the diverse acts, regulations and procedures are complied with such that free and fair elections are held. The highest authority to which the electoral courts report is the National Electoral Chamber (NEC). The National Electoral Code establishes as well that federal courts with electoral jurisdiction (Electoral Courts) constitute the Electoral Board (*Junta electoral*) in each district. These depend on the NEC. Among the functions of the Electoral Board in each district are: to prepare the

A notable feature of polling in Argentina is the 'dark voting booth' to ensure the secrecy of the vote.

electoral roll (*Registro Nacional de Votantes*); to receive and attend the claims filed by any voter and by political parties; to designate ad-hoc assistants to carry out electoral tasks; to ensure the application of the Electoral Law, the Organic Law of Political Parties and the complementary and regulatory provisions; and to regulate and scrutinize the establishment, funding and operations of political parties in its district, including any breaches of electoral rules (see Argentina 1972).

2. The Official Mail is in charge of the logistics of elections. Among the tasks are: to transport electoral materials to each polling station; to collect the materials and ballot boxes; and to transmit results.

3. The Ministry of Defence has the main function of guaranteeing security on election day and providing safe custody of the ballot boxes during their transportation. For this, it forms the National Electoral Command, with personnel from the different national security forces.

4. Finally, the National Electoral Directorate (DiNE) of the Interior Ministry has executive responsibility for coordinating tasks across all of the EMB's parts. In 2021 specifically, the DiNE was in charge of organizing the health protocol for the elections under Covid-19 pandemic conditions. It was also in charge of carrying out the provisional scrutiny of votes.

The lockdown (quarantine) and distancing measures established in Argentina were graduated into five levels, depending on the speed of contagion in each region, city or even neighbourhood.

10.3. COVID IN ARGENTINA

On 3 March 2020, the Health Ministry officials confirmed that the first case of Covid-19 had appeared in the country. In the following days, strong measures to restrict population mobility were implemented (Argentina 2020a). The two main measures provided for lockdown and social distancing called, respectively, 'Preventive and Mandatory Social Isolation' (ASPO) and 'Preventive and Mandatory Social Distancing' (DiSPO). The ASPO initially had a national scope from 20 March to 26 April 2020 inclusive. And from 27 April 2020, territorially segmented measures of lockdown or distancing were taken according to the public health situation of each place.

The lockdown (quarantine) and distancing measures established in Argentina were graduated into five levels, depending on the speed of contagion in each region, city or even neighbourhood: level 1, the strictest, sought to reduce population mobility by 90 per cent; while level 5, the most flexible, aimed to reduce mobility by at least 75 per cent as compared with pre-pandemic times. Levels 1 to 3 were lockdown (isolation) levels, while 4 and 5 were social distancing (no quarantine) levels.

The government introduced (Argentina 2020b) a strict lockdown from 20 March to 27 April 2020. Under this regime the general population could only go to shops close to their homes to provide themselves with essential goods. Circulation through the city, beyond the area near the home, was only allowed

for people having to perform essential tasks or who were exempted for reasons of necessity (an online authorization system was established for this purpose). Cultural, recreational, sporting and religious events, and any other gatherings or meetings, were prohibited. Workplaces remained closed, moving to remote working mode. All educational institutions were closed. A virtual education system was established at all levels. Tourism was not allowed.

Public transport had restrictions on capacity and frequency in order to avoid physical contact. The use of face masks in the streets and shops was mandatory as a general rule, as was keeping a two metre distance between people.

In order to compensate for the halting of economic transactions, the national government implemented various measures to transfer income to the affected workers and companies and mitigate job losses. The Emergency Family Income (IFE) scheme made an emergency payment of ARS 10,000 (USD 146) to affected low-income people, including retirees. It also established an exemption from employer contributions in the entertainment, hospitality and passenger transport sectors. A strengthening of unemployment insurance was established and there was an expansion of the Productive Recovery Programme (REPRO) through which the national government paid part of the workers' salaries.

Until the end of May 2020 it was possible to control the virus's circulation through restrictive measures, with very low rates of infections and deaths. The government's initial strategy was successful, the sanitary measures being generally accepted by the majority of the population. But as time passed the measures came under pressure due to concerns about economic paralysis, and were relaxed. As seen in Figure 10.1, the number of cases and deaths increased. The capacity of the health system was greatly expanded and was able to respond in most districts, except in some jurisdictions where it was on the brink of collapse. The first wave of Covid-19 took place between the end of May and the beginning of December 2020, reaching an average of about 15,000 daily new cases, with an incidence of 32.12 cases per 100,000 inhabitants, at its worst moment. At the peak of the first wave, a maximum of 383 deaths were recorded (10 October), that is, 8.44 deaths per million inhabitants. Thereafter cases declined, but after the summer holidays they again increased and a new outbreak began.

Second wave

At the end of March 2021, cases began to increase exponentially, peaking between May and June 2021. Although the vaccination process had begun, it had not achieved major progress due to the delay of laboratories in the delivery of the vaccines. Therefore the second wave of Covid-19 hit squarely, doubling the rates of the first wave. As of 17 May 2021, 38,407 daily new cases were registered, an incidence of 85 cases per 100,000 inhabitants. Deaths also grew to very high rates when compared worldwide. On 6 August 2021, 625 deaths were registered in one day, reaching 13.8 per million inhabitants.

The first wave of Covid-19 took place between the end of May and the beginning of December 2020, reaching an average of about 15,000 daily new cases, with an incidence of 32.12 cases per 100,000 inhabitants, at its worst moment.

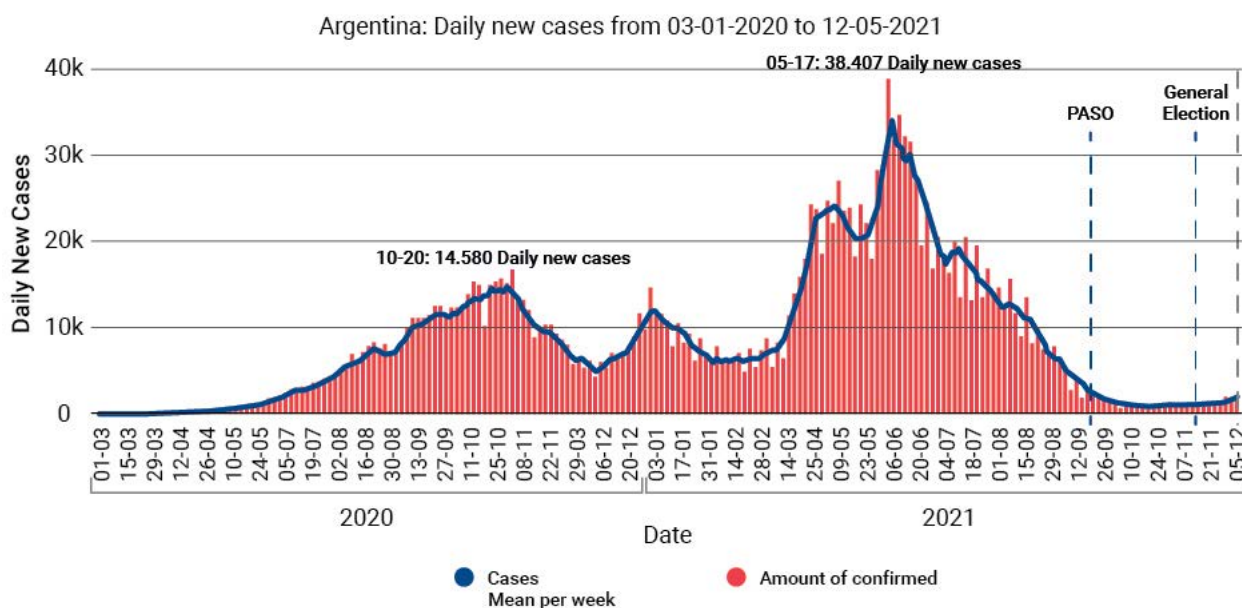
The second wave was very intense, although short-lived. It lasted approximately two months; by mid-June vaccinations began to take effect and cases began to decline rapidly.

On 8 April 2021, the national government suspended and/or limited (Argentina 2021c) social activities and introduced a nighttime curfew, subject to the epidemiological and sanitary risk in each jurisdiction. The governors of the provinces and the Head of Government of the City of Buenos Aires had the power to apply additional restrictions depending on the aforementioned risk. In a large part of the country, face-to-face classes were suspended, as were sports, recreational, social, cultural and religious activities carried out in closed environments. Shopping centres were closed and shops and restaurants reduced their opening hours. On 21 May 2021, a nine-day lockdown was enforced.

The second wave was very intense, although short-lived. It lasted approximately two months; by mid-June vaccinations began to take effect and cases began to decline rapidly. By early August 2021 the country was beginning to emerge from the second wave.

Vaccination had started on 29 December 2020. Health staff and people with risk factors were vaccinated first. After a slow start, as mentioned, the government was able to negotiate and obtain larger amounts of vaccines, and the vaccination process accelerated through May–September 2021. At the end of July the vaccination of adolescents aged 12–17 years began, and in the middle of October, vaccination of children aged 3–11 years. By mid-December

Figure 10.1. Pre-electoral trajectory of Covid-19 infections



Source: Author, based on data from UBA-CONICET Institute of Computer Science, <[http://sedcovid.exp.dc.uba.ar/dash/\(12-14-2021\)](http://sedcovid.exp.dc.uba.ar/dash/(12-14-2021))>, accessed on 17 March 2022.

2021, 82 per cent of the population had received one dose and 69 per cent had completed the two doses, and third doses (boosters) were already being given. The advance of vaccination kept the Delta variant from having the effect that it had in other countries.

10.4. ADJUSTMENTS TO THE ELECTORAL CALENDAR

During the first months of 2021, when the national government had to propose the election date, Argentina was going through its second wave of Covid-19 and vaccination was progressing slowly. The government sent Congress a bill to postpone the electoral calendar of 2021, with the prior agreement of opposition party leaders (*El Cronista* 2021). The main opposition party, Juntos por el Cambio, requested that the act include an article clarifying that, for the rest of the year, the electoral calendar could not be modified again. This was granted; the postponement enjoyed widespread support (Serra 2021) and was approved by a large majority (83 per cent of the votes; 223 deputies in support, 3 against and 8 abstentions).

As a consequence, legislation (Argentina 2021a) was enacted to modify for a single time the date of the primary (PASO) and legislative elections, due to the health emergency. A five-week postponement was made, to 12 September and 14 November, respectively. The intention was to allow the national vaccination plan to reach the largest possible number of the population by election day (for more details on the election calendar see NEC 2021a). At the time of the primary elections and the general elections, a high percentage of residents were vaccinated and the number of daily new cases was low (averaging 2,500 during the primary and 1,350 by the time of the general elections).

The government sent Congress a bill to postpone the electoral calendar of 2021, with the prior agreement of opposition party leaders.

10.5. CROSS-PARTY CONSENSUS ON COVID ADJUSTMENTS¹³

The first part of the risk management framework for the elections was the Extraordinary Agreement issued by the NEC in June 2020 (Argentina 2020c), which created a 'Programme to evaluate the possible impact of the Covid-19 pandemic in the electoral process of the year 2021' and to propose specific measures to take in response. The agreement established a Working Group integrated by the Secretariat for Political Affairs and all four parts of the EMB. Furthermore, judges and secretaries of the national electoral courts were invited to make suggestions, as were the Consultative Council of Political Parties (through a Monitoring Council, see below), non-governmental and civil society organizations. (For all the agreements issued by the NEC prior to the elections see NEC 2021b.)

¹³ The information for this section was obtained in an in-depth interview with the National Electoral Director, Diana Quioto (Quioto 2021/2022).

In 2021, the Council acted as the channel through which DiNE was able to reach agreement with all the political parties on necessary adjustments to make in the new pandemic context.

More specifically, within the framework of Act 26.571 (Argentina 2009a) which regulated the PASO elections, section 104 dictated the creation of a Monitoring Council for the primary and general elections. The Council is managed by the DiNE of the Interior Ministry. Drawn from representatives of the participating national political parties, the Council was required to be formed within 10 days of the call for primary elections and to function until the announcement of the general election results.

The DiNE was required to report in detail—periodically or when the Monitoring Council required, and during both the primary and general elections—with progress updates about procedures related to campaign financing, allocation of space in the media, and dissemination of provisional information, among other matters. In 2021, the Council acted as the channel through which the DiNE was able to reach agreement with all the political parties on necessary adjustments to make in the new pandemic context.

The Monitoring Council thus became a source of permanent consultation and bargaining with political parties in order to agree the sanitary protocol to be followed (for more on the Council in general see DiNE 2021c).

The initial meetings of the Monitoring Council allowed the DiNE to know the needs that political parties had. One of the main concerns was to be able to keep procedures in workable order and avoid the loss of legal status on the part of parties that, due to the pandemic context, had been unable to comply with the financing rules (under: Argentina 2009a). After hearing this request, the DiNE drafted legislation that was later passed as Act 27622 (on 19 May: Argentina 2021b), which suspended the expiration of the status of the political parties until 31 December 2021.

With this problem solved, discussions in the Monitoring Council turned to the protocols to be implemented when holding the elections. In this, the DiNE relied on reports from elections in different countries of the world (DiNE 2021a, 2021b).¹⁴ The ‘first protocol for foreign elections’ in Argentina, implemented for the holding of the Bolivian elections during October 2020 in Argentine territory, was taken as the main precedent. The Bolivian community in the country numbers about 140,000, so during 2020 a procedure was designed providing a significant number of polling stations in 17 provinces of the country. The Bolivian elections were organized under a cooperation agreement between the electoral bodies of both countries.

These elections were important not only due to the large number of Bolivian citizens residing in Argentina, but also for two other reasons. Firstly, the schools normally used as polling stations were closed due to the pandemic which meant having to make special arrangements with education authorities of each province to be able to reopen them for electoral purposes. The second reason was that elections had been called by the Áñez administration, which

¹⁴ The NEC analysed the elections held in the Dominican Republic, the first held in a pandemic (5 July 2020), as well as electoral processes that had taken place since in the region, i.e. in Bolivia, Brazil, Chile, Ecuador, Paraguay and Uruguay (Infobae 2021), among others.

was not recognized by the Argentine Government as a legitimate democracy. Therefore, election organization involved bargaining between the Argentine Foreign Ministry and the Bolivian diplomatic corps. At that time, a protocol with preventive and care measures was implemented and, as it worked properly, it was taken as a precedent for the organization of the 2021 elections.

Voting methods: obligations and rights

The possibility of implementing postal voting, Internet voting or early voting was also discussed. These options were considered because Argentine legislation establishes, as we have seen, the right and obligation of all Argentine citizens to vote. On the other hand, the spread of a dangerous infectious disease is considered a crime against public health according to article 202 of the Penal Code (Argentina 1984), punishable by 3 to 15 years in prison (Duduik 2020). In the context of the global Covid-19 pandemic, the conflict was not with the *duty* to vote because citizens are already exempted from this civic obligation in case of illness by article 12 paragraph c of the Electoral Code (Argentina 1972; and see Dominguez 2021).

Rather, there was a conflict between the duty not to infect others and the right to vote, which can be claimed by any citizen because it appears in the National Constitution. The Ministry of the Interior, however, decided not to make changes in the regular voting procedures. Their main approach was instead to design the necessary sanitary measures so that voting was Covid-safe, modifying this as little as possible, in order not to affect the legitimacy that citizens recognize in democratic elections. The goal was to keep people confident in elections and feeling safe enough to vote.

There were also several discussions about hypothetical situations such as the possibility that people with symptoms or who were Covid positive would show up to vote. The discussions revolved around whether it was possible to prevent them from voting, or whether the exceptional nature of Covid-19 could justify denying these people the right to vote. This generated a broad discussion not only in the field of the courts but also within society (*Ámbito Financiero* 2021a; Infobae 2021; Servini 2021).

The different alternatives evaluated by the Electoral Courts system for issuing the vote for Covid-19 positive people were: taking a ballot box outside the enclosed environment of the polling station, so that these people could vote, if they wished; providing one designated voting booth (room) per venue for Covid-positive voters; or requiring people to vote as usual but with physical distance from others, and with a subsequent deeper sanitization of the dark room, in addition to the standard Covid-protocols (Dominguez 2021). Finally, the NEC provided that judges with electoral competence in each of the 24 districts would determine 'the procedure for issuing the vote for those voters who exhibited obvious symptoms compatible with Covid-19 and who required to exercise their right to vote, preserving the health of other people' (Argentina 2021f).

The possibility of implementing postal voting, Internet voting or early voting was also discussed. These options were considered because Argentine legislation establishes, as we have seen, the right and obligation of all Argentine citizens to vote.

The goal was to keep people confident in elections and feeling safe enough to vote.

In the event, people who tested positive for Covid-19 or were close contacts of positive cases were advised not to go to vote and they were required to fill in an online form through a registry website, to excuse themselves from voting. Some measures such as taking body temperature when entering the polling station were also discussed, but not implemented. No cases were recorded, or at least there were no known cases, in which Covid-19 patients or close contacts of positive cases demanded the opportunity to cast their vote.

10.6. THE HEALTH PROTOCOL

Based on the exchange that occurred within the framework of the Monitoring Council, the DiNE generated contributions and prepared a draft for the NEC to set the protocol for holding the elections in the framework of the pandemic. This protocol was reviewed by the Ministry of Health and had the agreement of all political parties. No major disagreements were recorded in relation to the measures included in the draft. Several political parties expressed a wish to have some procedure that allowed their supervisors to enter, leave and circulate through the polling stations (and relevant Official Mail premises), and this was accommodated.

The National Electoral Command was an appropriate body to take on health protection roles, its personnel being perceived as neutral by voters.

The Ministry of the Interior and the NEC, under the supervision of the Ministry of Health, elaborated a protocol of preventive health measures to hold the 2021 elections in Covid-safe fashion (Argentina 2021f, 2021g). This included expanding the number of polling centres by almost 30 per cent (from 15,000 to 19,000) to reduce the flow of people, and with a maximum of eight voting tables for each.

This protocol created the role of health facilitators in all polling centres, a function fulfilled by personnel from the National Electoral Command (seconded from the different federal security forces, namely: the army, the gendarmerie, the federal police and the airport security police). In accordance with the Constitution (Argentina 1994: article 99, subsections 1, 12 and 14) the president constitutes the National Electoral Command for each electoral process (see Argentina 2021d), and it reports to the Ministry of Defence. Its role is to coordinate and execute the security measures established by the National Electoral Code, as well as to facilitate the observance of other legal provisions related to elections. The National Electoral Command was an appropriate body to take on health protection roles, its personnel being perceived as neutral by voters. The Ministry of Interior also provided health kits and sanitizers for use at polling centres.

The DiNE provided information and training on voting procedures and for the implementation of the new health and safety protocols to all actors and at all stages of the electoral process. This was designed and carried out by

the Training and Electoral Education School¹⁵, under the aegis of the NEC (Argentina 2009b). Its main objective is to promote the essential democratic values for the exercise of political rights and electoral participation.

Regarding the electoral campaign, political parties were encouraged to use digital tools and non-face-to-face activities. Campaigning activities were affected by the general restrictions on all social contact, such as capacity limitations for face-to-face activities and a ban on mass public events, among others.

Among the preventive measures for polling stations, the following are the most relevant:

- Give priority to using polling centres with open spaces.
- Define a place of entry and another of exit independent of one another.
- Signpost the one-way entry and exit traffic and show the layout of the polling stations and queuing system by means of posters, to ease compliance with physical distancing.
- Avoid crowds and respect two-metre distancing between people. In order not to exceed polling centre capacity, organize queuing outside the buildings.
- Post visible alerts in polling centres, regarding guidelines to prevent the spread of Covid-19.
- Ventilate closed rooms regularly (at least 15 minutes every two hours).
- Designate one sanitary facilitator in each polling centre to organize the entry of voters, and ensure compliance with mask wearing, hand sanitization and physical distancing.
- Clean and disinfect surfaces, doorknobs, voting rooms, floors and bathrooms of the voting sites before, during and at the end of polling day.
- Establish a priority voting schedule for voters belonging to high-risk groups. This period to last for two hours.
- Voters must wear a face mask and maintain distance, hand hygiene, and respiratory hygiene throughout their stay at the polling station.
- Use an individual pen and try not to share it with polling authorities, the supervisors and citizens.

¹⁵ For more information on the Training and Electoral Education School, and links to training materials for staff and citizens (and on special assistance needs) see <<https://www.electoral.gob.ar/nuevo/paginas/btn/cyee/cyee.php>>, accessed 17 March 2022.

This protocol was the general regulatory framework for the entire country. Provincial jurisdictions could introduce additional measures and they did so.

- Implement a communication strategy prior to the election with information on the website and social networks by email or by phone, among others, in order to inform the general public about preventive measures, including the use of infographics and versions adapted for people with disabilities.

This protocol was the general regulatory framework for the entire country. Provincial jurisdictions could introduce additional measures and they did so (see DiNE 2021d). For example, in the province of Tucumán, Covid-19 testing stations were set up near the polling centres. In several provinces, the priority schedule for voting for people with risk factors was adapted. Buenos Aires established that provincial police would carry out functions related to Covid-19 prevention nearby polling centres.

The main variation related to the procedures established for those people testing positive for Covid-19 and their close contacts, who presented themselves to vote. In the event that people with Covid-19 might present for voting, Chaco and Río Negro established that the electoral authorities of that polling centre should contact the Electoral Secretary of the district, which would determine the procedure to follow. Jujuy, La Pampa, Misiones, Neuquén and Santa Fe set up a contingency voting room so that people with Covid-19 could vote in isolation. By contrast, the governments of Buenos Aires City, Formosa and San Juan decided that any infected voter would be turned away from the polling centre, and the electoral delegate had to record the event.

In order to ensure the implementation of the sanitary protocol, additional funding through an expansion of the DiNE budget was required. The budget for the election accordingly increased by 11.7 per cent. This was devoted to the payment of per diem for polling station authorities, and to the purchase of sanitary and cleaning kits for polling centres. The involvement of auxiliary school staff was ordered to ensure continual cleaning at the polling centres.

In order to ensure the implementation of the sanitary protocol, additional funding through an expansion of the DiNE budget was required.

The protocol in practice

On election day, and more so in the primary, there were problems that delayed the start of voting in some polling centres and were picked up in the news media. The main problem related to the absence of designated polling station authorities, which implied designating deputy authorities in order to start the election. However, sources from the NEC assured *La Nación* that by 09:00, 99 per cent of polling stations were open, that the few exceptions were being dealt with and that in provinces such as Entre Ríos and Tucumán, polling was already 100 per cent open (*La Nación* 2021). The second cause of delay was implementing the health protocol; queueing outside polling centres generated long and frustrating waiting times for voters—of up to an hour in many cases (*Clarín* 2021). In some areas, streets had to be closed because there was no room for long queues on the pavements near polling centres. The situation went from surprise to discomfort and then to complaints: in the province of Santa Fe, for instance, the Electoral Courts decided to allow 10 to 15 people to enter the polling centres at a time, instead of the maximum 8 (*elDiarioAR* 2021).

After the primary elections, the application of the protocol was evaluated. One of the difficulties identified was longer waiting times outside the polling stations (additional delays were generated by the time it took for one official to leave and notify, supervise and admit the next elector). For this reason, during the general election, queues were arranged inside the polling stations, which involved adding new polling stations. 'The great novelty (for general election) is the intention that the lines form inside the polling centers, allowing greater fluidity in the act of voting and avoiding unnecessary waiting times,' the NEC's deputy director Gustavo Mason told *Radio Nacional* (Perfil 2021).

The holding of elections does not seem to have had an impact on the number of infections. If we take the primary elections as a reference, as of 12 September 2021 the moving weekly average of daily new infections was 687 cases; after 14 days the figure was 473, some 214 fewer cases. If we take the general elections, as of 14 November there was an average of 506 daily new infections, while 14 days later there was an average of 645, a slight increase. But the rate of new cases remained stable until mid-December when cases began to rise as a result of the Omicron variant. Further, no known infections of candidates or electoral staff appeared in the days immediately after elections were held.

10.7. THE CAMPAIGN, COUNT AND RESULTS

The electoral campaign had two phases. The first was prior to the primary, from 24 July to 9 September. During that first period the campaign had to respect some restrictive measures (Argentina 2021e). Activities and social gatherings of more than 10 people were prohibited in private homes; the limit in other enclosed environments was 50 per cent of their capacity. Non-attendance at workplaces was promoted. Provinces with high epidemiological risk (mainly the most populated ones, such as Buenos Aires and the City of Buenos Aires) had tighter restrictions such as bans of all social gatherings in private homes; the prohibition of all kinds of cultural, social, recreational and religious events in enclosed places that involved the concurrence of people; and bans of social gatherings in public outdoor spaces of more than 10 people. In-person education was suspended and switched to online lessons. Few campaigning activities were carried out during this stage, so that the campaign went almost unnoticed by a large part of society.

These measures were in place until 6 August 2021, allowing a more normal framework for the final stage of the electoral campaign prior to the primary. The electoral campaign prior to the general elections coincided with the easing of restrictions. Campaigns of the various parties had a strong presence in the media and on social networks. Activities had to adapt to health protocols. But for the final part of the campaign, they took place in a framework of quasi-normality. Campaign closing events were outdoors, in open spaces but with a crowd of people (*Ambito Financiero* 2021b).

The holding of elections does not seem to have had an impact on the number of infections.

The electoral campaign prior to the general elections coincided with the easing of restrictions. Campaigns of the various parties had a strong presence in the media and on social networks.

Improvements in transparency

Another important change in 2021 was improvement in the transparency of the electoral process. This was achieved through a decision that allowed the DiNE to regain oversight of the provisional vote count, previously outsourced to a company (Correo Argentino). A specific unit was created in the DiNE dedicated to the task, which included software procurement. The tender documents were published in preliminary form, about which all political parties were able to make comments and improvements that were effectively incorporated into the final version.

The contract included several conditions, such as that the software be based on open source. The number of voting centres transmitting telegrams was increased to 11,000. Telegrams were required to be in TIF format and to include some metadata about each telegram to know who transmitted it, where from and who received it. Party controllers could track each telegram and read them as they arrived. Each telegram had a double-digitization procedure that could be audited by political parties. The level of citizen and political party auditing was raised by obtaining CSV data; oversight and audit by the various parties was allowed at each step of the counting process. To enable this the opening of the software code was carried out prior to election day. The DiNE created a public application for following the count in real time, with open access, in which provisional results could be disaggregated by polling station where sent telegrams were available. At the time of writing, the DiNe, within the framework of the Council for Monitoring, is preparing the final report on the 2021 elections.

Turnout and results

For the primary elections (see also Aguerre and Cruz 2021a), the turnout was 67.8 per cent. This was the lowest turnout in a national election since the return to democracy in 1983, but not so far behind the 2017 primaries (72 per cent) or the 2009 legislative elections (73 per cent). If we take into account the context of a pandemic with a strict health protocol, the organization of the electoral process is to be considered a success. Citizens went to vote and this shows the consolidation of the democratic system. Juntos por el Cambio, the main opposition party, obtained 41.5 per cent as against the 32.4 per cent obtained for the incumbent party (Frente de Todos). Another interesting aspect of this election was the large number of votes obtained by a new extreme-right party (Libertad Avanza), which obtained 6.4 per cent of the national votes. The Frente de Izquierda y los Trabajadores, a left-wing party, also improved its performance, reaching 5.9 per cent nationwide.

For the general elections of 14 November (see also Aguerre and Cruz 2021b), the turnout was 71.7 per cent, 4 per cent higher than the primaries. Despite this improvement, it was likewise the lowest turnout since 1983.

Regarding the results of the general elections in November, the incumbent party improved its performance reaching 33.6 per cent of the votes. The main opposition party (Juntos por el Cambio) won with 42 per cent of the votes. From 10 December 2021 and for the next two years, the incumbent party

For the general elections of 14 November, the turnout was 71.7 per cent, the lowest turnout since 1983.

(Frente de Todos) will not have its own quorum, that is to say, the incumbent party will not have the necessary number of senators to start the sessions, the first time this has happened since the return to democracy in 1983.

10.8. LESSONS FOR OTHER COUNTRIES AND THE FUTURE

Holding elections in the context of the Covid-19 pandemic was a huge challenge for democracies in general. For countries with a shorter democratic experience, with weaker institutions, the challenge was even greater. Despite this, Argentina diligently carried out the elections with a successful health protocol, and with the participation and consent of all the political parties involved. This shows clear signs of democratic consolidation. The electoral process was carried out without serious incidents or post-electoral disputes, which reinforced the legitimacy of the system. Likewise, increasing the transparency of the electoral process improved voter confidence. Despite such positive indicators, we should also note a relative decline in the turnout.

Regarding the lessons that we can draw from the case of Argentina, in relation to good practices, the following can be mentioned:

- the reports prepared by the DiNE on the elections held in other parts of the world, to evaluate possible measures that could be adopted for holding elections in the context of Covid-19;
- the functioning of the Political Parties Monitoring Council, which created a space for bargaining and feedback, in which all the political parties participated; and
- the evaluation carried out after the PASO election, which made it possible to improve the protocol for polling centers, avoiding delays.

Among the practices that could have been avoided are:

- The arrangement of queues outside the voting establishments during the PASO election, which generated long delays.
- People who tested positive for Covid-19 or were close contacts of positive cases were advised not to go to vote. While this did not mean 'disenfranchisement', perhaps it may have discouraged some Covid-positive individuals from actually going to vote.

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Chapter 11

CASE STUDY: QUEENSLAND, AUSTRALIA

Ferran Martinez i Coma

On 26 March 2020, the border between the Australian states of Queensland and New South Wales was closed because of the Covid-19 pandemic. It was the first time the border had been closed since the flu outbreak of 1919. On 28 March, local elections were held for 77 city councils and two state by-elections (Bundamba and Currumbin).

Queensland's local elections are an important case study for the Covid-19 period because they were held at a time when very few countries' elections went ahead, most having been postponed (International IDEA n.d.). It was the height of the pandemic in the state with 625 reported cases declared at the time, 70 of which were declared on the very same day as the election (second only to the peak of 78 cases declared four days earlier). The elections were also a learning opportunity for Queensland's state elections in October 2020—where participation is compulsory—and for the Australian Electoral Commission (AEC). The rest of the country observed developments in anticipation of other elections in 2020: while New South Wales has decided to postpone its local elections for 12 months until September 2021, state legislative elections are scheduled in the Northern Territory on 22 August 2020 and in the Australian Capital Territory on 17 October 2020.

This case study is structured into four sections. The first outlines contextual information on local elections in Queensland and the implications of the pandemic. The second section details the measures that were implemented during these elections. The third presents how the vote counting unfolded and briefly addresses turnout in a compulsory voting setting. The fourth section concludes by reflecting on which measures may be retained for Queensland's forthcoming October state election.

While the AEC organizes federal elections, states have their own independent electoral commissions.

11.1. CONTEXT: SHOULD THE ELECTIONS BE HELD?

Australia is a federal system where national elections are held within a maximum period of three years. *While the AEC organizes federal elections, states have their own independent electoral commissions.* The Electoral Commission of Queensland (ECQ) conducts state and local elections in the state every three and four years, respectively. Councils in Queensland are classified as 'divided' or 'undivided'. There are 17 divided councils (such as Brisbane) where citizens vote to elect a councillor to represent their division, and where local elections rely on optional preferential voting: voters have the choice to vote for one, some, or all candidates on the ballot by ranking them. In undivided councils, citizens elect the councillors for their council area through the first-past-the-post (FPTP) voting system.

Queensland is a very geographically large and sparsely populated state. It is three times the land area of France and has a population of just 5.1 million, with around 3.3 million eligible voters. The population density is only three inhabitants per square kilometre. This explains why, out of the 77 Queensland's local government bodies, 16 mainly rely on postal ballot elections and three rely on a mix of postal and in-person voting, where electors receive the necessary materials to participate by postal vote. As mentioned, Queensland contains two kinds of councils and two voting systems corresponding to each. In March 2020 there were 1,100 polling stations across the state.

The ECQ decided to go ahead with the election despite several voices calling for postponement.

With more than 1.2 million residents and about 780,000 voters, Brisbane has the biggest council and attracts most of the political attention as this is where the main political parties formally contest the election by including the party names on the ballot papers. Other political parties do so in a handful of locations. For example, the Greens and the Motorists Party run candidates for Mayor in Ipswich and in Logan, respectively. Brisbane voters were given one ballot to elect Lord Mayor and a second to elect a Councillor for their ward. The average Brisbane ward encompasses around 30,000 voters.

The election period started on 22 February 2020. Covid-19 was declared a global pandemic by the World Health Organization (WHO) only a few weeks later, on 11 March. The ECQ decided to go ahead with the election despite several voices calling for postponement (Queensland Parliament 2020a). Eventually, the ECQ considered advice from the state's Chief Health Officer and, based on the medical and legal advice at the time (Zillman 2020), decided to proceed with the election. In a public document issued on 18 March, the ECQ stated that 'there is nothing to suggest that participating in the elections poses any greater risk than any other recommended daily activity' (Electoral Commission Queensland 2020a: 1) and therefore elections went ahead.

In retrospect, that assessment was right: there were no spikes in the rise in Covid-19 cases in the weeks following the elections. However, some concerns were expressed (see, e.g., Queensland Parliament 2020a). In evidence to the Queensland Parliament, the ECQ provided two reasons for its decision. The first argument was one of principle: that elections are facilitators of an

essential service, as they provide continuity of democratic representation. The second was that, acknowledging the need for confidence in a healthy environment both for voters and polling officials at the polling stations, additional crowd management and hygiene measures were being taken (Queensland Parliament 2020b).

11.2. RISK MITIGATION MEASURES

Given the geography of Queensland, as well as compulsory voting, Australian electoral commissions at both the federal and state levels have traditionally made voting convenient by making several methods available. Accordingly, the use of early voting or postal voting, already established before the Covid-19 pandemic, increased in this election. The ECQ's original forecasting of the distribution of voting methods was: 60 per cent in-person voting on election day; 30 per cent early voting; and 10 per cent postal voting. These estimates were then revised in the light of Covid-19, to 40 per cent, 40–50 per cent and 10–20 per cent, respectively. By election day, voter turnout figures showed that there had been a massive postal and pre-poll vote, with more than half of the electorate having already voted. In short, the pandemic had prompted a significant shift in the voting method patterns of the Queensland public, described below.

Postal voting: not as smooth as usual

On 13 March, the Australian Government issued restrictions which banned mass gatherings of over 500 persons. This restriction was announced three days prior to the application deadline and triggered a surge in applications. Citizens and candidates asked the ECQ to extend the deadline for postal vote applications (Stone 2020) but the law did not allow the ECQ to do so. It received around 150,000 applications in these last few days of the application period alone (of 570,000 in total), exerting considerable pressure on the system. A total of 470,000 of these postal votes were exercised, as compared to 320,000 returned in 2016. Even so, in these elections, numerous applicants reported they had not received their postal ballots.

Early voting: extended hours

Early voting facilities were available from 16 March until the day before the election, 27 March. The ECQ communicated this through its website. A diverse range of media outlets, from local newspapers to radio and television networks, also disseminated voter information. It was recommended to avoid peak voting hours, normally during lunch time or at the end of the day.

Early voting centres usually open from 09:00 to 17:00 during the first week of early voting, and from 09:00 to 18:00 during the second week. For the first time, the ECQ decided to extend voting hours from 09:00 to 21:00 on Wednesdays and Thursdays, in both weeks. Also for the first time, citizens could vote early on a Saturday, on 21 March from 09:00 to 17:00.

A total of 470,000 of these postal votes were exercised, as compared to 320,000 returned in 2016.

Queenslanders heavily relied on early voting. About 1.2 million people voted during this period, compared to 500,000 in 2016.

Safe environment on election day

Electronic and physical copies of hygiene guidelines were distributed and made available to early voting centres and polling stations. Public health measures implemented at polling stations and the early voting centres included the provision of hand sanitiser; additional cleaning to regularly disinfect hard surfaces; and implementing a 1.5 metre distancing rule where possible (handshakes were avoided) but masks were not required (WHO updated its guidelines on the use of masks on 5 June—see WHO 2020; World Economic Forum 2020). Polling officials monitored the number of people attending a given polling station at a time. Approximately 4,000 additional staff were employed to assist with security, access for the elderly and other members of the public at high risk, queue control—voters waited to enter the polling stations, where necessary—and other physical distancing measures, bringing the total workforce to 10,000.

Vote issuing tables and polling booths were positioned to maximize distance between individuals. Steps were also taken to make the voting procedure faster, such as voters bringing their own pens or pencils and Voter Information Card to be marked off the roll more quickly. When voters did not bring pencils, those made available were used in rotation and cleaned. Changes were also felt at the community level: in many polling places around Australia (normally schools), citizens partake of ‘sausage sizzles’ after having voted; that tradition had to be suspended.

Finally, one change that could potentially have impacted voting behaviour itself was the ECQ’s advising candidates not to distribute election materials or how-to-vote cards at polling stations (see Queensland Government 2020). Although this may seem a minor change (and in the event, parties and candidates all complied in equal measure), in some electorally close wards where strategic voting makes sense, indications given to voters on how to fill the ballot can be critically important. The impact of Covid-19 was ultimately seen in the drop in voters’ presence at the polling stations. Around 750,000 people voted on election day, as compared with 1.6 million people in 2016.

Queensland usually offers telephone voting under certain conditions.

Telephone voting and mobile polling

Queensland usually offers telephone voting under certain conditions. Telephone voting is an unusual voting arrangement which works in two phases. First, the citizen needs to call a number to obtain a unique identifier. Then, the citizen calls another number and quotes the identifier. There are two people at the end of the line ensuring the details—district of residence, and the voter’s preferred candidate—are correct. As such, it is a resource-intensive process involving two workers for each voter. The process is independently audited in every single election.

Telephone voting was available to citizens who met certain criteria: that they were physically impaired; in an advanced stage of pregnancy; not mobile; or in

quarantine, or self-isolating on the advice of their medical practitioner. Citizens who met the criteria had to register, and then to vote before 18:00 on election day. In preparation for election day, the ECQ initially increased resources by employing 16 people to provide the service and accommodate an expected 5,000 telephone voters. In the event, 160 staff were assigned to telephone voting and they took 37,000 votes (from 47,000 that registered). This compares to just 500 votes made by telephone in 2016.

Such a surge in telephone voting can be partially explained by the cancellation of the mobile polling service. In some regional areas, the ECQ usually provided mobile polling in designated institutions such as hospitals and nursing homes. The health advice was for polling staff not to go into such facilities and, consequently, telephone voting was offered as an alternative.

11.3. VOTE COUNT AND RESULTS

On election night the preliminary, unofficial, count starts. In regular circumstances party monitors are present. Covid-19 limited this, however. As mentioned above, there were 1,100 polling stations across the state. The ECQ could not assess the safety of monitoring in each of these locations. Relying on the exceptional powers that the ECQ was provided, the attendance of monitors in the polling places was therefore limited. This involved applying a consistent plan that guaranteed the safety of the monitors and the ECQ's own polling officials, and was in line with social distancing requirements. For example, on 29 March, when the official count began, monitoring was limited to one monitor per candidate.

The main challenge of the count, though, was not the pandemic but the management of automated data. The Parliament Legal Affairs and Community Safety Committee issued a report noting that 'issues with inconsistent format presentation of contest data on election night delayed the count data loading process and consequently the timeliness of reporting results' (Legal Affairs and Community Safety Committee 2020: 16).

The problem, briefly, was that a new election management system (EMS) had just been established. Staff conducting the manual counts recorded the results in Smartsheet software for reporting through to the ECQ. Then, an automated process would load the data to an ECQ development website to be published after review by ECQ staff. The initial plan was that the new EMS would fully automate the process after several successful loads of data. However, issues with data formatting delayed the data loading process. In short, there was a failure in the results feed on election night which delayed the publication of results. The public expected a faster count. By 23:00 on 28 March most results were published but this was late as compared to previous years. Polls had closed at 18:00.

In regular circumstances party monitors are present. Covid-19 limited this, however.

Overall, turnout in Queensland's March 2020 local government elections was 77 per cent, compared to the 83 per cent in 2016.

Although the intervening five hours of the preliminary counting spurred criticism of the ECQ, the official count was finalized in fully three weeks. Given the record number of postal votes, social distancing requirements, counting (and recounting) of over five million ballots in more than 550 contests, along with the fact it took two and a half weeks in 2016, the counting process was not significantly longer than in previous elections.

Results

Turnout in local elections is normally lower than in state and federal elections. This is due to several reasons. First, as turnout rates show, although local decision-making affects their daily lives, voters in Australia (as elsewhere) generally perceive local elections to be less important than the other contests. Second, excluding Brisbane, the fact that political parties do not formally contest the elections lowers the visibility of such contests. Third, in some Australian states such as South Australia, turnout is not compulsory as in Queensland.

Overall, turnout in Queensland's March 2020 local government elections was 77 per cent, compared to the 83 per cent in 2016 (Queensland Parliament 2020b). This figure is the overall average of the 77 concurrent local electoral events and there were considerable variations between councils. Since turnout is compulsory, when a citizen does not vote the respective electoral authorities can issue a fine of AUD 133 (around 95 USD). Given that many citizens who abstained did so on health grounds and given the proximity of the state October election, whether fines will be applied is still an open question.

11.4. WHAT'S NEXT?

Covid-19 has introduced a high degree of uncertainty into our lives. Elections are no exception. In Queensland, elections are planned two years in advance but, in days, the pandemic transformed the process from the organizers' perspective. Simultaneously, the public adapted speedily to the new reality as the increases in early voting and postal voting attest.

In its *Strategic Plan 2019–2023*, the ECQ stated four objectives: (1) the delivery of fair and transparent elections; (2) to increase electoral awareness and participation; (3) the continual improvement in electoral services; and (4) obtaining a balanced representation across electoral boundaries (see Electoral Commission Queensland n.d.). While objectives three and four have been unaffected by the pandemic, the first two objectives have not been achieved to their full potential, as several stakeholders noted during the parliamentary inquiry (Queensland Parliament 2020b).

A possible interpretation is that such criticisms are a positive sign, reflecting high standards concerning how elections are run in Queensland. Regarding delivery, the main complaints were due to the delay in reporting results described above. However, this delay was produced not by the pandemic

but precisely by one of the risks already pointed out in the Strategic Plan: the delivery of two major electoral events during 2020 while simultaneously implementing a major business improvement within tight timeframes, raising issues of process alignment. Participation was slightly lower than in 2016 but, given the circumstances, it is a respectable figure. Overall, the process was smooth although with a bump. As of early July, the 77 local governments have been formed and are governing.

Queenslanders are voting for state elections in October 2020. Future developments, by definition, are uncertain. However, it is fair to anticipate that certain measures and behaviours that were adopted will continue if the pandemic risks persist. From the organizational perspective, early voting provisions such as the extension of hours will be implemented. Furthermore, it is expected that the IT problem will not be repeated. Among voters, the use of postal voting and early voting will very likely be higher than the contest of 2017. Political parties, we may expect, will accordingly make changes in their campaigning methods.

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Chapter 12

CASE STUDY: BRAZIL

Gabriela Tarouco

12.1. INTRODUCTION

Brazil's municipal elections for mayors, vice-mayors and local councillors took place on 15 and 29 November 2020 across 5,567 municipalities, after being postponed from 4 October 2020. As in many other countries, the postponement was intended to reduce the risks of Covid-19 spreading while ensuring citizens could exercise their political rights.

Local elections in Brazil are held every four years and do not coincide with general elections (for national and state legislatures, state governors, and presidents). Municipal legislatures are elected through an open-list proportional system; municipal executives are elected through a direct vote, under the majoritarian rule. Cities with more than 200,000 voters (95 cities in 2020) are eligible for runoff elections. Under a system of compulsory voting, just under 148 million registered voters across the country were expected to go to polling stations to cast their vote.

Beyond the vast challenges of holding clean elections in a large and heterogeneous country like Brazil, the Covid-19 pandemic posed new challenges to electoral managers. Surges in infections varied in pace, timing and severity across the territory, and public health measures were not at all coordinated. Special voting arrangements adopted in other countries, such as postal, early or online voting, were not practicable in the short term. A proposal to extend voting days was quickly discarded, and the other options were not even debated (Lemos and Brant 2020).

In the event, the elections were conducted with some operational adaptations, with no significant problems on voting day, but under increased risks of

The lesson learned is that even a professional and independent electoral management body cannot by itself assure public health and safety during the entire election cycle.

infection during the campaign. The lesson learned is that even a professional and independent electoral management body (EMB) cannot by itself assure public health and safety during the entire election cycle. Safe campaigning behaviour requires that unpopular measures be taken by governments, that are themselves stakeholders in the electoral process.

City mayors also adopted discretionary measures according to the severity of the pandemic in each locality, which meant that some electoral campaign activities, such as in-person rallies, followed distinct rules in different cities.

12.2. INSTITUTIONAL, SOCIAL AND HEALTH CONTEXT

The pandemic evidenced (and no doubt exacerbated) the severe poverty and social inequality already present in Brazilian society. Access to voting, however, is widely and equally assured in Brazil. As the vote is compulsory, average turnout stands at 80 per cent of registered voters, and polling stations are available in every community across the country. Accessibility is provided in designated polling stations for voters who declare any disability (Superior Electoral Court 2012, 2020a).

Rather, prior speculation and anxiety about possible surprises during the 2020 elections centred on two political factors. First, a reform that had forbidden electoral coalitions for proportional elections was in effect for the first time in the 2020 local election (Brazil, Presidency of the Republic 2017). Second, the political system had been shaken by Jair Bolsonaro—a backbencher from a small party—winning the presidency two years earlier, after many years of stable competition between the major parties.

After the presidential election in 2018, Brazilian politics became tensely polarized between supporters and opponents of the Bolsonaro government. The Brazilian president started 2020 bargaining for legislative support, and dealing with judicial interventions, internal dissent, and international criticism. The Covid-19 pandemic fuelled the crisis as the president refused to follow World Health Organization (WHO) sanitary recommendations, while state governors adopted more cautious policies (Arnholz 2020). By the time of the 2020 municipal elections, the country was already dealing with the spread of misinformation through social media on many subjects, including alleged suspicions about the new virus but also about the integrity of the voting system (Ruediger et al. 2020).

As the Brazilian federation gives subnational governments autonomy to decide on health measures (ADPF 2020), each state had issued its own decrees somewhat following WHO isolation recommendations (Barberia et al. 2020; Petherick et al. 2020). Without any active coordination or support from the federal government, each state faced enormous logistical challenges in fighting the disease's spread in their respective jurisdictions and providing intensive medical care to their citizens. Manaus, the state capital of Amazonas, experienced a huge spike in Covid cases and deaths in April, leading to a lack of hospital beds and the digging of mass graves (Albuquerque 2020).

State governors had to compete with each other—and with other countries in the international market—for supplies and equipment. City mayors also adopted discretionary measures according to the severity of the pandemic in each locality, which meant that some electoral campaign activities, such as in-person rallies, followed distinct rules in different cities. While some cities locked down, others began loosening restrictions (Oliveira and Mello 2020; Paraguassu 2020).

The pandemic had also worsened pre-existing problems such as drug trafficking and the domination exerted by militias in Rio de Janeiro and São Paulo. In poor neighbourhoods, the usual violence perpetrated by organized crime and paramilitary gangs was now directed against their local political adversaries; several candidates were threatened, shot or murdered during the campaign (Lima 2020; Cariello 2020; Nunes 2020).

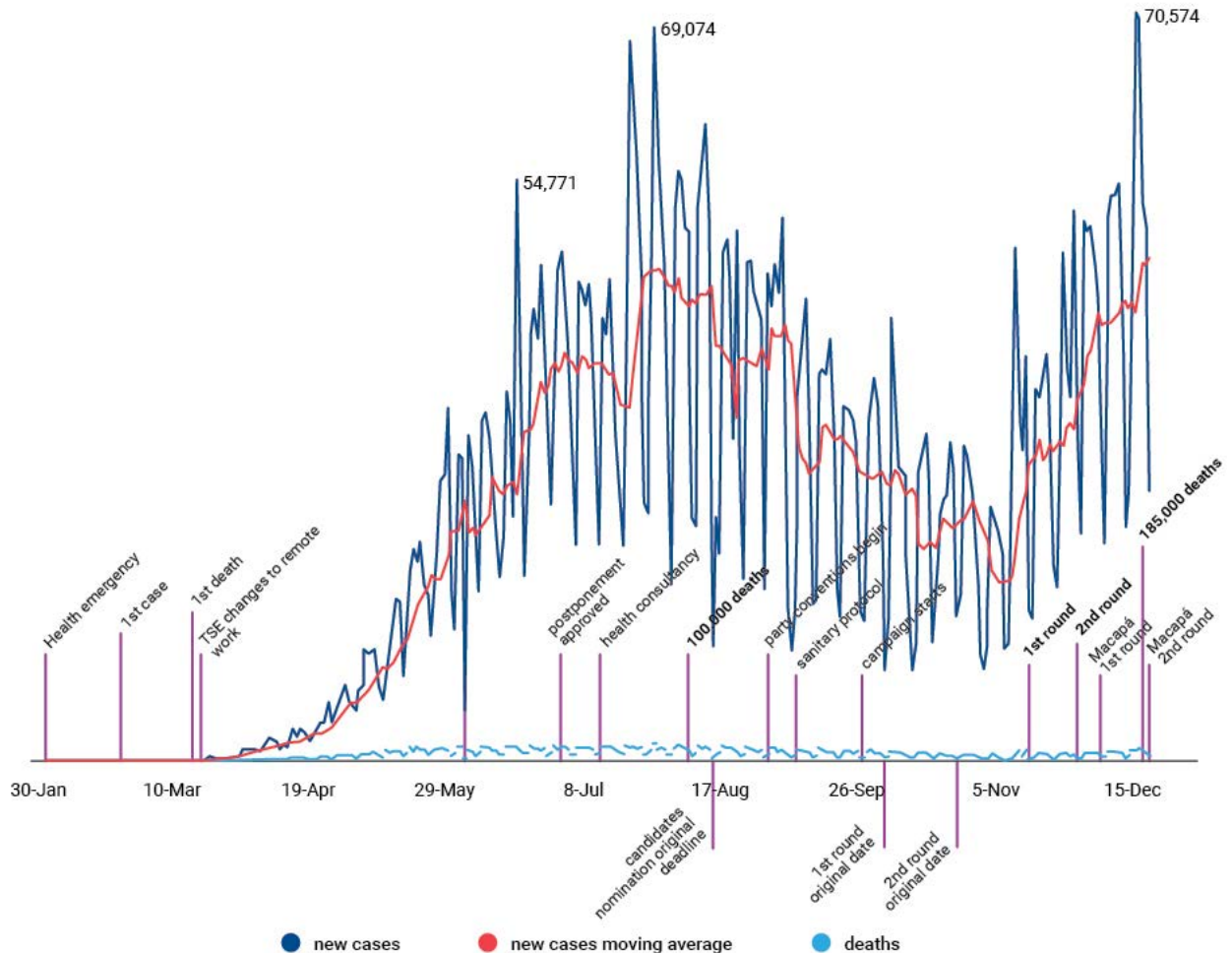
Beyond all those problems, two more incidents unrelated to the pandemic raised concerns about these elections less than two weeks prior. Hackers had penetrated the ICT systems of the Superior Court of Justice and of the Ministry of Health, increasing security concerns about all public systems, including that of the EMB. The day before, 3 November, a fire in a power station had caused a blackout in the state of Amapá. Around 780,000 people in 13 municipalities ran out of electricity for many days and hence, out of treated piped water. Because of the health and safety risks associated with the blackout and associated street protests, on 12 November the EMB decided to postpone the election in the state capital, Macapá, until December. Figure 12.1 shows official data (Ministry of Health 2020) on how the pandemic advanced during the electoral process.

The Brazilian EMB

In Brazil, both electoral management and electoral justice roles are under the responsibility of a same institution: the Superior Electoral Court (Tribunal Superior Eleitoral, TSE), which is part of the judicial branch. TSE is an independent, non-partisan, and highly professionalized EMB. In its management role, TSE issues procedural rules for electoral processes. It also dictates regulations, mostly by answering political actors' queries on electoral law through consultations, which are sometimes criticized as judicial activism and judicialization. In its adjudication role, TSE arbitrates disputes on electoral matters at the federal level and works as an appeal instance court for electoral disputes from the state-level electoral courts. At the state level, Regional Electoral Courts (Tribunais Regionais Eleitorais, TREs) register voters and candidates, manage elections and adjudicate local disputes (Marchetti 2012).

The seven TSE members—five of whom are members of other superior judicial courts—hold two-year terms of office, which may be extended for two additional years. Meanwhile the bureaucratic structure is stable, staffed with tenured civil servants. Seasonally, to meet the operational demands of elections, the EMB recruits temporary polling station officials (*mesários*) who are citizens summoned to render service as a civic duty. In 2020, anticipating that many could refuse to attend, discouraged by Covid-19 concerns, the TSE

Figure 12.1. Timeline of Brazil's 2020 electoral process, with Covid-19 statistics



Source: Author's graph based on data from the Ministry of Health (Brazil), 'Painel Coronavírus [Coronavirus Panel]', <<https://covid.saude.gov.br>>, accessed 5 February 2021.

launched a broad volunteer recruitment campaign on TV and the Internet. The campaign's message that the election would be safe was supported by health experts (Superior Electoral Court 2020e) and was ultimately successful, with all polling stations recruiting enough staff (Henrique 2020). Because of the pandemic, the training was online this time, and that was emphasized in the volunteer recruiting campaign.

12.3. THE DECISION TO POSTPONE

In the face of the pandemic challenges, three choices were on the table: (a) keep the original electoral schedule; (b) postpone the election to a new date but still in 2020, maintaining term limits; or (c) postpone the municipal elections to 2022, making them coincide with the federal elections and

extending municipal mandates by two years. Experts from several fields supported the second option, while the third one was disputed among politicians. The TSE has the initiative in most electoral management decisions, but as the election date is regulated by the Constitution, any postponement is a Congressional prerogative.

A first legislative bill regarding postponement was presented to the Senate in March. It proposed option (c) i.e., to postpone local elections to 2022, concomitantly with national polls. That proposal was not voted upon and was widely rejected on grounds that extending electoral mandates was unacceptable (Amaral 2020; Lemos and Brant 2020)—but not before its having aroused some controversy and political pressure on Congress from mayors.

Positions taken on that proposal—of option (c)—were determined by electoral interests and the prospects of municipal candidates. Mayors running for a second term who had good chances of re-election tended to advocate keeping the election sooner, while those who were predicted to lose defended postponement. Depending on each city's public health situation, maintaining the election date would give incumbents either the advantage of claiming credit for fighting the virus, or the risk of being punished for its consequences (Barreto 2020; Brant et al. 2020; Marques 2020; Mattoso 2020a; Shalders 2020). The challengers positioned themselves accordingly. In a further twist, incumbents could limit opposition chances by forbidding in-person gatherings—which is how challengers usually make themselves known among the voters during electoral campaigns.

From May to June, the TSE asked reputed health experts for advice on holding elections during the pandemic. Epidemiologists and other scientists predicted that in the second half of November, the number of cases would have decreased and that the second wave of infection, were it to happen, would not then be high (Superior Electoral Court 2020d). Following those recommendations, Congress promptly issued and approved a constitutional amendment (Brazil, Presidency of the Republic 2020) in pursuit of option (b), that is, to postpone the election dates to later in 2020 (November, and with the TSE authorized to make further adjustments to the electoral regulations and calendar if needed).

12.4. ELECTORAL AND CAMPAIGN TECHNOLOGIES

For good and for bad, technology was at the centre of attention in this election. As social distancing measures came into use, citizens could register themselves as voters through an online procedure (Superior Electoral Court 2020f). New counting procedures, installed to ensure safety, caused an unexpected delay in the announcement of results. Cyber-attacks raised suspicions about the EMB's system. Finally, voter identification moved from high to low-tech (of which more below). Even though none of these problems

affected the election's integrity, they were the target of criticism by the press and distorted in misinformation campaigns through social networks.

Brazilian voter ID has, beyond its print version, also a digital version called e-título, which works as an application for mobile phones. It is supposed to substitute for print ID for all occasions when voter identification is required and to provide information such as polling station addresses. For the 2020 elections onward, the application has acquired new functionality: voters can use it to justify their abstention when they are far from their place of residence. As the vote is mandatory in Brazil, when voters are not in the town where they are registered and assigned to vote, they must justify not voting. Until the 2020 election, such justification had to be done in person by filling in a form at any nearby polling. The option of justifying absence through the e-título application was supposed to reduce crowding in polling stations. However, since many voters downloaded and accessed it simultaneously, the new function did not work during the first round. It was working again by the second round.

As for voter identification at polling stations, the novelty at this election was the suspension of biometric identification. For years, TSE has been updating the voter registration process by implementing this method progressively throughout the country to combat fraud and avoid multiple registrations. (Region by region, voters that were already registered have been called to scan their fingerprints. By July 2020, around 2.5 million voters had not yet attended that call and were set to have their registration cancelled.) The pandemic, however, interrupted biometric identification. Technicians warned that the fingerprint scanner lens would not work properly on election day if it had to be disinfected at each use. The procedure also makes voting take longer to complete, increasing queues and crowding around polling stations. Because of the health risks implied, from April biometric registration was temporarily waived for both new and old registrants. Voter identification on election days was made through official photo-ID documents.

Cybersecurity—and unintended consequences

The counting process was slightly delayed by a recent innovation. In 2019, the TSE adopted a new counting system, following advice from the Federal Police concerning data safety. In previous elections, each state EMB (the TRES) summed their votes and then sent the totals to be collated by the TSE. In 2020, for the first time, a new supercomputer in Brasilia received the data from states directly. This innovation was supposed to close a cyber vulnerability. However, the new system took more time than expected to do the job, and the first-round results were announced around three hours later than expected, albeit still on the same day. This problem did not occur in the second round.

The 2020 election was also disrupted by hacking. On the first-round polling day, there were two cyber-attacks against the EMB's website. The first one was successfully repelled. The second leaked data on former EMB employees, namely their salaries. Neither of these cyber-attacks affected the voting or the counting system, as the voting machines (urnas eletrônicas) are not connected to the Internet or any network (Superior Electoral Court 2016). These attacks

nevertheless highlighted cybersecurity concerns. This is especially worrying, given that the TSE had recently (September 2020) launched a project to adopt online voting in the future (Superior Electoral Court 2020c). There had been expectations that electoral campaigning in 2020 would move online, because of both the pandemic and the success of online strategies in the 2018 election. However, a prior decision of the TSE in 2019 had banned mass messaging through social networks for political purposes, to stem the dissemination of fake news and to protect voters' data. Even though that policy was not entirely effective in 2020 (Mello 2020), it may have been a factor in contestants maintaining widespread in-person campaigning in defiance of the health risks (Mattoso 2020b). Decisions from some TREs, state governors and city mayors forbidding or restricting face-to-face campaign activities were ineffective. An example is São Paulo, Brazil's biggest city, where candidates campaigned through the crowded streets, frequently without face masks (Moraes 2020).

12.5. SPECIAL VOTING ARRANGEMENTS

There were concerns from the general public about how political polarization would affect the plans to conduct safe elections during the pandemic. Health experts advised the TSE on protecting health during campaign and voting periods, but the federal government consistently opposed social distancing measures.

Before the postponement, the TSE had taken several actions to address the new health and safety circumstances. The first was to close TSE offices from 12 March onward and to introduce online remote working, including for polling station staff training. In its turn, this training now involved instructions on distancing, face masks and disinfection procedures on election day. Several judicial and administrative deadlines were suspended, and internal procedures were adapted. The main change was not in voting but in the voter registration process, as mentioned.

On 6 April 2020, the TSE's second measure was to install a committee charged with evaluating risks of keeping the election on the scheduled date (October). The committee issued weekly reports on the preparations and published them on the TSE website. The last report, issued on 28 May, describes difficulties regarding equipment maintenance and transportation, identifies health risks for the voting day, and mentions the postponement as a possibility but still concludes that the election could be kept on the original schedule (Superior Electoral Court 2020g).

After the decision on the postponement, which took the entire month of June, the TSE signed an agreement with prestigious health institutions, public and private, for a consultancy about health safety measures to be adopted (Superior Electoral Court 2020h). The consultant's recommendations resulted in a health safety plan issued in early September, setting rules to be followed

in every polling station across the country (Oliveira et al. 2020). The measures prescribed that:

Polling stations should open one hour earlier, and the additional time would be preferential for the elderly.

1. Hand sanitizer should be available for voters and poll workers.
2. Alcohol should be available to disinfect surfaces and voting materials.
3. Face masks should be available for poll workers in sufficient quantity to be replaced every four hours.
4. Voters and polling clerks should wear face masks, keep at least one metre away from everybody, and regularly sanitize hands and materials.
5. Social distancing among voters in poll queues should be maintained by signs on the floor.
6. Campaigns on TV and the Internet publicized the mandatory use of face masks in polling stations and encouraged voters to bring their own pens for signing in. Voters with symptoms of Covid-19 were recommended to stay at home.

The adoption of this protocol faced no resistance. A wide campaign warned that voters not wearing face masks, either of their own or provided in polling stations, would be prevented from voting. Unfortunately, poll workers did not have the authority to enforce this rule outside the polling stations. Voters with Covid-19 symptoms who followed the recommendation to stay at home could have their absence fine waived.

The measures necessary to keep elections safe during the pandemic would add new expenses to the TSE budget. The Annual Budget Law had already provided BRL 1.28 billion (around USD 241 million) for the 2020 municipal elections before the point of foreseeing any new sanitary measures or their costs. Thereafter, the TSE called for help from private companies that donated masks, alcohol gel, pens, guidance materials and transport services for materials and equipment (Superior Electoral Court 2020b, 2020i). States waived taxes on the distribution of these donations, delivered directly to the TREs from September onward, on time to serve polling stations across the country. The private source of these resources was not an issue for debate.

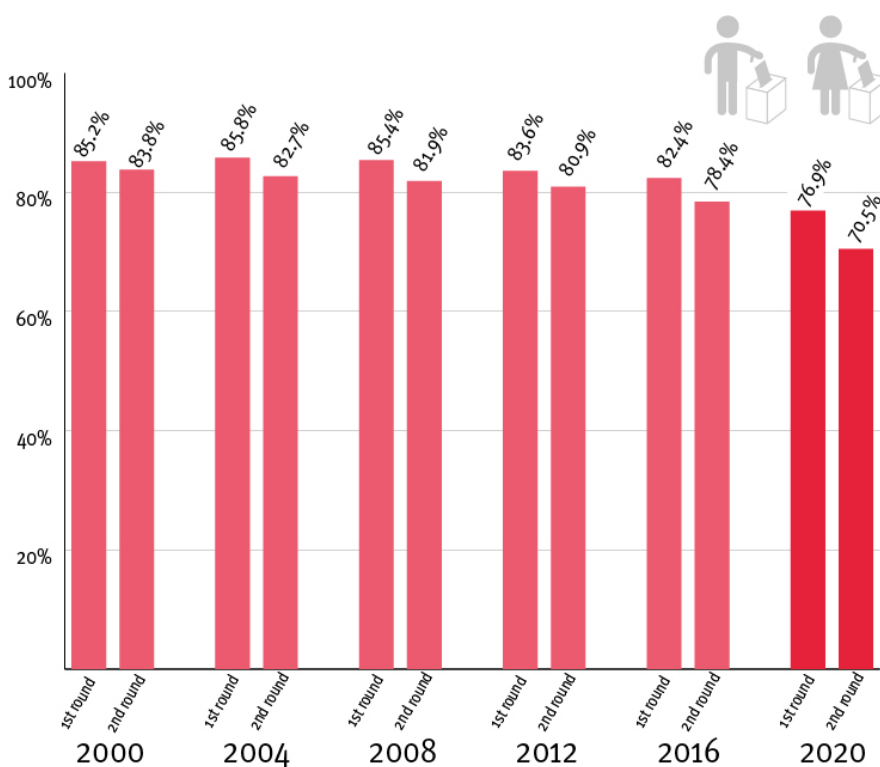
12.6. TURNOUT

In the first round, on 15 November 2020, 77 per cent of registered voters attended. The turnout was six percentage points below the previous municipal election in 2016, and this might perhaps be expected, given the extraordinary

circumstances. In Macapá, where the election was delayed, the turnout was 74 per cent. In 57 cities there was a runoff election on 29 November, with a turnout of 70 per cent.

Mandatory voting in Brazil usually achieves high levels of compliance, but not because of its enforcement. The consequences of not voting are not negligible, but the voters have many ways and a long deadline to present a justification that releases them from the fine. Beyond that, the fine for not voting or not justifying absence (BRL 3.51, equivalent to less than USD 1.00) is waived for voters who declare themselves not having enough income to pay for it. Because of that low cost of not voting, electoral turnout in Brazil has been interpreted as a matter of voter choice. A post-election poll found that 40 per cent of the absent voters pointed to the fear of infection as their reason for not voting (DataSenado 2020). Nevertheless, turnout had already been declining from election to election, suggesting that some other process is guiding voting behaviour in Brazil. The turnout decline varied among states and cities and it is not possible yet to attribute it (or at least, attribute it fully) to the pandemic. The total decline is shown in Figure 12.2.

Figure 12.2. Turnout in municipal elections, 2000–2020



Source: Author's graph based on data from the Electoral Superior Tribunal (Tribunal Superior Eleitoral), <<https://www.tse.jus.br/eleicoes/estatisticas/estatisticas-eleitorais>>, accessed 30 January 2021.

12.7. CONCLUSION

Few Covid-19 restrictions in Brazilian cities could be described as amounting to a true 'lockdown', at any point in the pandemic to date. Governors and mayors have instead enacted social distancing measures with varying levels of stringency, enforcement and compliance. Beyond the issues of scepticism and denial, poverty and inequality prevent most Brazilian citizens from staying at home or socially distancing. For example, significant numbers need to leave their homes simply to access water supplies.

During the electoral campaign of 2020, electoral interests precluded preventive behaviour: mayors and governors avoided unpopular public measures, and candidates seeking votes did not refrain from walking through crowds and hugging supporters. Not surprisingly, several candidates became ill (Pitombo 2020), and there was a huge increase in the number of new Covid-19 cases following the campaign period (Borges and Souza 2020). In the days following the election, several state governors rowed back on their flexible social distancing policies and reintroduced more restrictive measures.

On election day there were no reports of problems with access to voting. Some electronic ballot boxes had to be replaced, and some people were arrested for electoral crimes such as campaigning on election day. As usual, armed forces provided logistical and security support especially in more remote areas.

Two observation missions monitored the electoral process: one from the Organization of American States (OAS) and, the other, a domestic non-governmental organization, *Transparência Eleitoral Brasil* [Election Transparency Brazil] (2020). The TSE also provides a mobile application called *Pardal* through which citizens can report campaign malpractices. The OAS mission worked in five Brazilian cities with 14 observers from nine countries, deploying both in-person and remote methods. They issued a preliminary report (OAS/EOM 2020) highlighting occasional breaches of social distancing rules, and the scarce presence of political parties' representatives during inspections and audit procedures.

As for electoral integrity and credibility, the 2020 municipal elections were held fairly and safely, despite the pandemic. Whether Brazilian democracy is (or is not) at any risk, it is not a matter of electoral management. However, as Figure 12.1 suggests, campaign activities combined with the low effectiveness of social distancing measures should not be disregarded as a factor in the second wave of Covid-19 in Brazil.

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Chapter 13

CASE STUDY: CABO VERDE

Edalina Rodrigues Sanches

The 2021 parliamentary elections in Cabo Verde were generally well administered and enhanced the country's track record of free and fair elections.

13.1. INTRODUCTION

On 18 April 2021 Cabo Verde held its seventh parliamentary elections since democratic transition in the early 1990s. Parliamentary elections take place every five years and not only meet high quality standards but promote peaceful alternation of power between major parties that generally accept the rules of the game (Sanches 2020a; Sanches et al. 2021). However, this time, as elsewhere, the country faced an unprecedented dilemma due to the Covid-19 pandemic: to either postpone or go ahead with the elections, while balancing democratic and human security imperatives. Unlike most countries, Cabo Verde decided to move forward as scheduled. The holding of local elections in October 2020 constituted a crucial pre-test, helping to inform the mitigation measures needed to reduce the spread of Covid-19 and guarantee a safe voting environment.

Special arrangements included early voting, earlier opening of polling stations and the provision of personal protective equipment (PPE) for voters and polling staff. An international electoral observation mission (EOM) monitored the elections, contrary to what had happened in several elections held in Africa in 2020 (Slim 2020; Matlosa 2021a, 2021b): first, international organizations such as the Economic Community of West African States (ECOWAS) and the African Union only started deploying observers in the second half of 2020 due to the pandemic and second, the Covid-19 measures in place (e.g. lockdowns, testing and quarantine) eventually led to the absence of EOMs in countries such as Burundi, Malawi and Seychelles, to mention just a few examples (Matlosa 2021b: 12–13; see also Asplund et al. 2021).

The 2021 parliamentary elections in Cabo Verde were generally well administered and enhanced the country's track record of free and fair elections. However, turnout decreased (albeit not to historic lows), and there were some logistical challenges. The lesson to be learnt from Cabo Verde is that, even in adverse circumstances, confidence in the electoral process can be built if electoral authorities have an effective planning and communication strategy and politicians behave in a democratic manner.

13.2. BACKGROUND: INSTITUTIONAL CONTEXT AND PRIOR LOCAL ELECTIONS

Cabo Verde is one of the better-performing democracies in Africa (Global State of Democracy Indices n.d.). It combines a highly institutionalized party system with unique institutional features such as a balanced semi-presidential constitution that favours mild intra-executive relations (Sanchez 2020a). Politics revolves around two major political parties—the African Party of the Independence of Cabo Verde (PAICV), and the Movement for Democracy (MpD)—which have been able to rotate in power through peaceful, fairly clean elections and to form one-party cabinets with comfortable parliamentary majorities (Sanchez 2020a). Unified governments in which the parliamentary majority and the president share the same political colour have been the rule in the country (the only exception being in 2011–2016), constituting an additional factor of stability and government effectiveness. Elections in the country are run by the National Election Commission (NEC), an independent electoral management body (EMB) which has its own competencies defined by the Electoral Code and is endowed with administrative and financial autonomy (Cabo Verde 2010). The NEC supervises, organizes and oversees the electoral process, ensuring its regularity, integrity and credibility. It also has a role in informing and mobilizing citizens for the electoral process.

Since 2016, the country has been led by a unified MpD government with Ulisses Correia e Silva as Prime Minister, and Jorge Carlos Fonseca as President. This configuration has enabled effective decision-making since the Covid-19 outbreak. On 18 March 2020, and with no cases confirmed, the government decided to close the national frontiers; and on 28 March, only eight days after the first case was registered, the President declared a state of emergency for the first time in the country's history (Antena 1/RTP Notícias 2020). The state of emergency initially lasted 20 days and encompassed the entire territory, but was successively renewed, albeit with geographical variations (Agência Lusa/DW 2020). The Prime Minister announced the gradual lifting of restrictions imposed by the state of emergency in May (Covid-19.cv 2020a), and in October the reopening of international flights (Covid-19.cv 2020b).

Throughout this period, the President and the Prime Minister provided regular updates on Covid-19; these were further complemented by daily press conferences by the director of the Prevention and Control of Disease and Priorities Service, Jorge Noel Barreto. Information was also channelled through

the country's Covid-19 website, as well as the presidency and government Facebook pages.

Local elections offered a first test of the country's and the EMB's capacity during a pandemic.

13.3. THE 25 OCTOBER 2020 LOCAL ELECTIONS

Local elections offered a first test of the country's and the EMB's capacity during a pandemic. As many other countries had decided to postpone elections due to Covid-19, this trial run had implications for credible elections externally also (Matlosa 2021b; International IDEA 2021a). Various arrangements were put in place to reduce the spread of Covid-19 and create a safe environment for campaigning and voting, which had the wide support of political parties (NEC 2020a). With public gatherings and rallies banned and door-to-door contact limited, the candidates resorted to other strategies to mobilize voter support using social networks, sound trucks, posters and billboards to spread their messages (NEC 2020b; *A Semana* 2020). Polling stations opened one hour early on election day and voters were required to wear masks, wash their hands at the entrance of each polling station and observe social distancing of at least 1.5 metres. Furthermore, a new programme of accessible voting was implemented to facilitate the exercise of voting rights by persons with disabilities, including materials in braille for blind voters, and ramps for wheelchair users (NEC 2020b).

The President and the candidates encouraged people to vote, and the NEC released a video with the key message 'Voting is the safest action of your week'. In the end, no major incidents were reported, and the quality of elections was praised by the President and the electoral authorities (Sanches and Costa 2020; Agência Lusa 2020). The MpD was the most voted party despite losing mayorships to the PAICV, the number of citizens' lists of independent candidates increased, more women were elected, and turnout went up 2 percentage points from 58.2 per cent in 2016 to 58.4 per cent (Inforpress/*Expresso das Ilhas* 2020; Agência Lusa 2020). In a press conference held two months after the local elections, the NEC president recognized that Covid-19 did not impact on electoral competition as well as the overall quality of the elections, but noted important challenges to be taken into consideration for future elections, namely the need to create a legal framework to allow Covid-19 inpatients to vote and to improve voter registration procedures in order to avoid delays (Agência Lusa 2020).

13.4. REGISTRATION AND VOTING CHANNELS OF PARLIAMENTARY ELECTIONS

Cabo Verde holds parliamentary elections every five years. The 72 parliamentary seats are apportioned to 13 districts based on their registered voters, through a proportional representation closed list electoral system. The previous elections were held in March 2016. Due to the pandemic, after

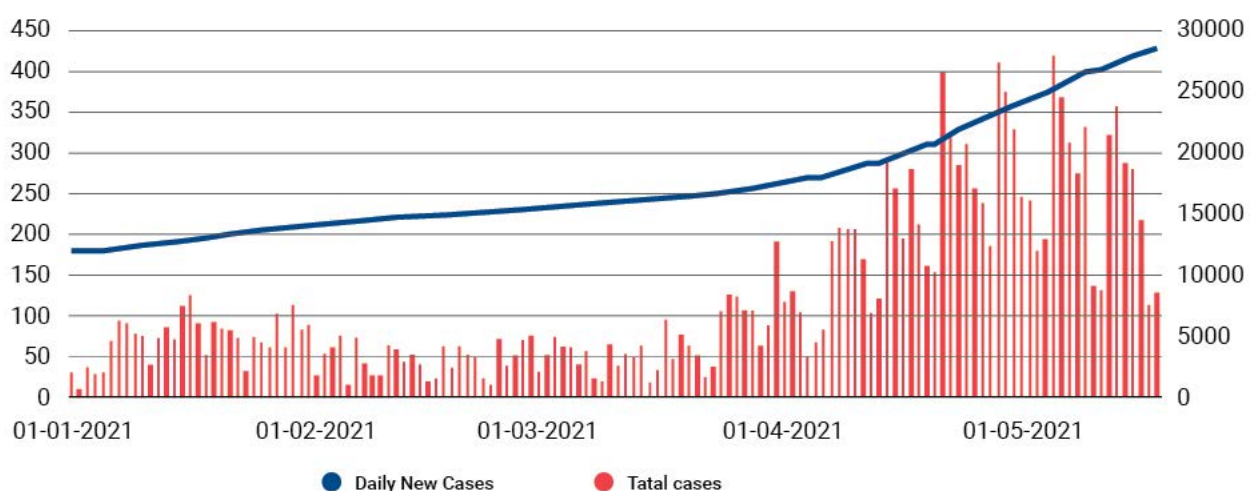
consulting with political parties, electoral authorities, members of civil society, and the Council of the Republic, the President decided to set the date as 18 April 2021 (Agência Lusa/DW 2021). This was to allow more time for voter registration, particularly in the diaspora. However, the new date, while later than in previous years, still fell within the constitutional limit.

In early January 2021, when the President first announced the holding of parliamentary elections, the country had registered over 10,000 cases of Covid-19 but the number of daily cases increased visibly in the two weeks preceding the vote, reaching new peaks in the weeks following the elections (Figure 13.1). The parliamentary elections were therefore conducted with some operational adaptations, given the increased risk of infection during the campaign and on voting day. In this context, the organization of local elections just six months earlier had helped build confidence and trust in the electoral process. When the President announced the election date, the NEC president, Maria do Rosário Gonçalves, promptly reaffirmed the electoral body's capacity to organize safe elections.

The NEC encouraged all eligible citizens (aged 18 and over by election day) to register by 11 February 2021 in order to exercise their right to vote. Voter registration kits were made available in several locations around the country and in the diaspora. However, the process was more complicated in the diaspora due to not only logistics issues but also the prevailing Covid-19 measures, including state of emergency measures in several countries. A total of 340,241 voters registered in the Cabo Verde archipelago and 52,752 in the

When the President first announced the holding of parliamentary elections, the country had registered over 10,000 cases of Covid-19 but the number of daily cases increased in the two weeks preceding the vote, reaching new peaks in the weeks following the elections.

Figure 13.1. Covid-19 daily new and total cases, pre-and post-parliamentary elections (18 April)



Source: Author's calculations, based on data available at <<https://covid19.cv>> as of 14 July 2021.

diaspora (across 21 countries), representing an overall increase of 13 per cent since 2016.

Early voting, provided for in the Electoral Law for several categories (e.g. military personnel, police or security services personnel, health or civil protection workers, prisoners and inpatients) (Cabo Verde 2010) was encouraged through voter-friendly leaflets made available on the NEC website and social media. On this matter, the NEC president lamented the fact that voters with Covid-19 or who were self-isolating could not exercise their voting rights. Calls had been made for the creation of an exceptional regime of early voting to include these voters, but due to time constraints these had not been followed up by the National Assembly.

The NEC called for ‘a massive, orderly, peaceful participation’ and reassured the public that ‘the whole process was carried out as normal, despite the constraints linked to the pandemic’ (Branco 2021a). As with the local elections, special voting arrangements were put in place to reduce the spread of Covid-19 and to raise confidence in the electoral process (NEC 2021a, 2021b). These measures came at a time when the epidemiological situation in Cabo Verde was worsening (Figure 13.1). These did not require legal change to be implemented, and were as follows:

- earlier opening of the polling stations;
- provision of PPE such as face masks, gloves and hand sanitizers for polling station members;
- limitation of the maximum number of voters per polling station to 350 voters;
- minimum social distancing of 1.5 metres;
- provision of hand sanitizers and masks for voters;
- adequate ventilation of polling stations;
- priority for voters from at-risk groups, namely the elderly and those with long-term health conditions;
- presence of security forces to ensure the prohibition of (a) the sale of alcoholic beverages near the polling stations (to avoid crowds); and (b) the parking of vehicles in front of the polling stations.

Political parties were generally supportive of these measures, and promised to respect those relating to campaign rallies.

13.5. MEDIA AND MONITORING

These measures were reinforced with voter awareness activities, with the involvement and commitment of all stakeholders. Political parties were

generally supportive of these measures and promised in particular to respect those relating to campaign rallies (Inforpress/*Expresso das Ilhas* 2021). This declaration by the NEC president is also illustrative: ‘the elections will be safe. We are working to ensure this, but it will not depend solely on election authorities. There are many external factors that we will not be able to control, namely citizens’ and political parties’ behaviour. I think that if political parties commit to the goal of guaranteeing safe elections, we will achieve this’ (Branco 2021b).

The NEC’s communications concerning mitigation measures relied on various channels—traditional media, video, print advertising; its website and Facebook page—to boost public awareness of the safe environment for campaigning and voting. Specific videos elicited the participation of youth (e.g. a rap-style song in Creole stated ‘your vote is your voice’) and of women (e.g. messages in Creole from women from all Islands).

A mission from ECOWAS monitored the elections. It arrived in Cabo Verde on 14 April 2021 and remained in the country until 25 April to observe the post-election period. The mission was composed of 70 people, 45 of whom were observers (Fortes 2021). A delegation from the African Union was also supposed to be present but was unable to arrive in the country in time, due to travel restrictions. The presence of EOMs is yet another feature that sets the electoral process in Cabo Verde apart from other African countries during the pandemic (Slim 2020; Matlosa 2021a, 2021b), although EOMs have over time developed innovative strategies to adapt to Covid-19 restrictions such as operating virtually (e.g. Malawi, Seychelles and Tanzania) or with local observers (e.g. Myanmar) (Asplund et al. 2021). Table 1, summarises all the main mechanisms implemented for the parliamentary elections.

Table 1. Summary: mechanisms for conducting credible elections during the pandemic

Component	Description
Voter registration	Suspended in Cabo Verde from 11 February 2021 to 18 April 2021 in the country and diaspora
International electoral observation missions	ECOWAS
Covid-19 measures	<ul style="list-style-type: none"> • Protective equipment, hand washing facilities, masks, social distancing • Presence of security forces to enforce Covid-19 measures (during the campaign, and on election day) • Earlier opening of polling stations • Control of gatherings during campaign and voting day
Electoral commission role	<ul style="list-style-type: none"> • Party and voter education • Communication and information
Communication	<ul style="list-style-type: none"> • Traditional media • Social media • Use of videos and social marketing

Elections are highly competitive in Cabo Verde.

13.6. THE CAMPAIGN

Elections are highly competitive in Cabo Verde. The centre-right MpD and centre-left PAICV both have realistic expectations of forming one-party cabinets. The ideological and electoral distances between them are small as they compete at the centre of the political spectrum, seeking to attract the average voter (Sanches 2020a). These two are by far the most institutionalized parties and, on average, capture 95 per cent of the seats at stake. Several other parties have run in the elections, but only one has managed to also gain a seat in parliament—the Democratic and Independent Cabo Verdean Union (UCID). Programmes and policies are relevant for mobilizing voters, but candidates also rely on vote buying and personal networks to build support, albeit to a lesser degree than in other small island states (Sanches et al. 2021).

Six parties competed in the April 2021 elections—the MpD, PAICV, UCID, Labour and Solidarity Party (PTS), Social Democratic Party (PSD) and Popular Party (PP). The MpD, PAICV and UCID ran in all constituencies; PP in six constituencies (Santiago Sul, Santiago Norte, Boa Vista, and the diaspora constituencies of Africa, America, and Europe and the rest of the world); PTS in six constituencies (Santiago Sul, Santiago Norte, São Vicente, Africa, America, and Europe and the rest of the world); and PSD in four constituencies (Santiago Norte, Santiago Sul, Africa and America).

The 2021 elections were an important test for the incumbent party, the MpD. The pandemic had widened social inequalities already present in the country, and exposed its structural vulnerabilities. Cabo Verde is highly dependent on imported food and energy and on external capital inflows. Economic performance is mainly underpinned by the activities of the tertiary sector: trade, transport, tourism and services represented more than 74 per cent of GDP in 2016 (AICEP 2018). Recent reports reveal a recession in all tertiary sector activities between 2019 and 2020: –20 per cent in trade, –32.9 per cent in transport, –70 per cent in accommodation/food service, and –58.8 per cent in number of tourists (Banco de Cabo Verde 2021; Ministério das Finanças 2020). In 2000, tourism represented 7.5 per cent of GDP but is now hovering around 25 per cent; in other words, the limits on mobility and tourism imposed by Covid-19 measures had a strong impact on the economy (Sanches 2020b). Moreover, a United Nations Development Programme report revealed that about 30,000 informal workers were at imminent risk of poverty and social marginalization (UNDP 2020).

In an interview given in May 2020, Prime Minister Ulisses Correia anticipated a recession of 5.5 per cent, a fall in fiscal revenue and escalating public debt (Rodrigues 2020). Although the government received external support from the EU and other donors to fight the pandemic, its social and economic impacts were the dominant issue in the campaign. It was vital for the MpD to demonstrate the government's capacity to respond to the crisis. 'We governed in an abnormal situation. No democratic government in Cabo Verde has ever experienced such a difficult context as this and, even so, the country has advanced and we have conditions to advance much further in a situation of

normality. We are going to win and with an absolute majority', Ulisses Correia e Silva told the media (Branco 2021c).

On the opposition side, the 2021 elections provided an opportunity to convince the electorate that the government's response to the pandemic had been inadequate. Janira Hopffer Almada, the leader of the largest opposition party PAICV, stated: 'The top priority at the moment is to ensure a safe country in terms of health, so we prioritize vaccination. Our goal is to ensure the vaccination of 70 per cent of the Cabo Verdean population by October in order to save the next tourist season because tourism is the engine of the country's economy' (Branco 2021c). Smaller parties brought other issues to the fore, notably regionalization, and criticized the government's management of the crisis as well as the bipartisan nature of the political system.

During the campaigning period (1–16 April) the pandemic situation got worse with daily cases reaching new peaks (Figure 13.1). Following President Jorge Fonseca's public calls, the government redoubled enforcement of Covid-19 measures by the police, namely restrictions on public gatherings on the beach, at private parties and in election campaigning (Agência Lusa 2020). Rallies were common during the campaign, contrary to what happened during local elections when they were prohibited. Though some events were on a smaller scale with fewer attendees (the *mini-comícios*), political analysts were particularly critical of the two major parties (PAICV and MpD) for using their social networks and the media to disseminate images of crowds and gatherings of people, many without masks. This behaviour was seen as irresponsible since all the parties had supported the health authorities' recommendations to avoid gatherings, maintain distancing and wear masks. Gatherings organized by smaller parties (UCID, PSD, PTS and PP) were not so common due to their more limited support base and lack of resources.

Parties' and candidates' social media were actively used to convey their key messages, and TV and radio broadcasting was yet another tool to reach a larger pool of voters, particularly given the recommendations to avoid public gatherings. However, the playing field was not even: public funding benefits parliamentary parties and thus the two largest parties. Access to broadcast media was also uneven; leaders of smaller parties—PTS and PDS—petitioned the NEC to have their limited access to the media increased.

13.7. TURNOUT AND RESULTS

Voting day proceeded with only minor incidents, including delays in opening, and/or crowding, at some polling stations. Projected results started to be broadcast on TV and the Internet as soon as the voting ended.

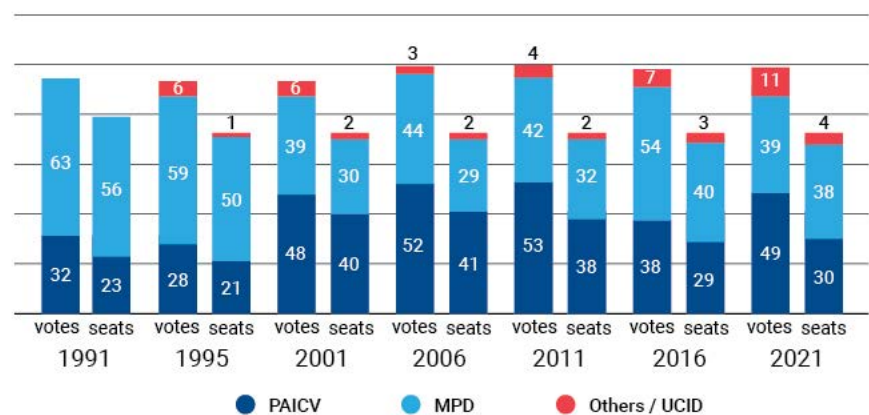
The incumbent MpD was the most voted for party with 49 per cent of the vote cast, winning 38 out of 72 seats in parliament (Figure 13.2). The incumbent was therefore not abandoned by the electorate, which is in line with patterns

Rallies were common during the campaign, contrary to what happened during local elections when they were prohibited.

Voting day proceeded with only minor incidents, including delays in opening, and/or crowding, at some polling stations.

observed in prior elections: parties usually rotate in power only after two consecutive terms have been served. The PAICV was apparently unable to convince the electorate that it could offer a better response to the crisis. The UCID won one additional seat in these elections. Despite being broadly accepted by the main competing parties, some of the smaller parties did not consider the elections fair.

Figure 13.2. Parliamentary election results (% share of votes and seats), 1991–2021



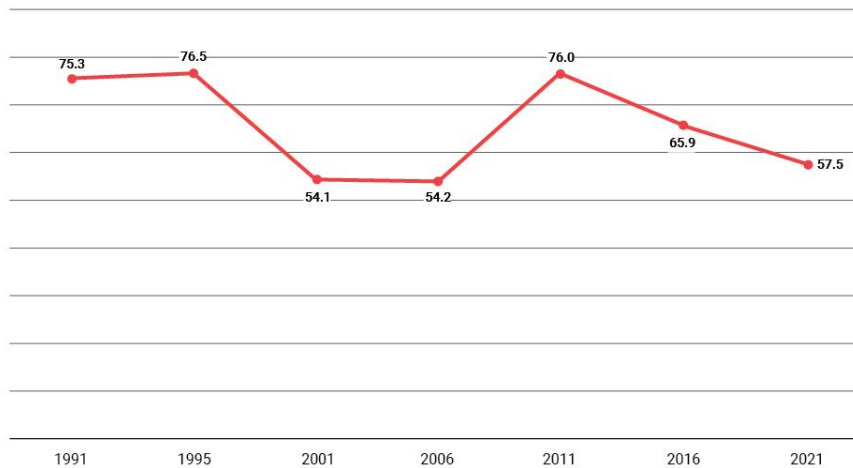
Source: Author's elaboration. Data: Cabo Verde National Electoral Commission.

The downward trend in turnout observed since 2011 continued (Figure 13.3). While electoral authorities had high hopes that the increase registered in local elections would be replicated in parliamentary elections, this was not the case. However, from a longitudinal perspective, these elections did not have the lowest turnout levels: historic lows were registered in 2001 and 2006.

The ECOWAS mission report praised the quality of the elections: 'At this stage, the Mission welcomes the efforts made by the authorities and bodies in charge of the elections to ensure the smooth running of the elections. The Mission congratulates the people of Cabo Verde for their exemplary democratic behaviour and the calm observed throughout the electoral process' (Fortes 2021). ECOWAS also highlighted the systematic compliance with Covid-19 protocols, including hand sanitizing, social distancing and the wearing of masks, the level of professionalism of electoral officials and speed and transparency in the transmission of provisional results (ECOWAS/CEDEAO 2021).

The UN Secretary General, António Guterres, also underlined the country's high democratic credentials and applauded 'all parties for the peaceful and harmonious conduct of the campaigns and polls' in the country (A Nação 2021a). As for national authorities, the NEC stated that all logistics had been

Figure 13.3. Cabo Verde: Turnout (%) in parliamentary elections 1991–2021



Source: Author's elaboration with data from International IDEA, Voter Turnout Database, <<https://www.idea.int/data-tools/data/voter-turnout>>, accessed 14 July 2021.

implemented successfully, and that the campaign period had progressed reasonably well given the pandemic situation (RTC 2021); moreover, the police gave an extremely positive appraisal, stating that no serious incidents had been registered during the campaign or on election day (A Nação 2021b). At the inauguration ceremony of the new government (21 May), the president paraphrased the ECOWAS mission report stating that Cabo Verde was a democratic role model for other African countries (Fonseca 2021).

Unfortunately, the pandemic situation continued to deteriorate as demonstrated in Figure 13.1, and a state of emergency was declared in all Islands but one (Brava) on 30 April 2021. Following improvements, the country shifted to a state of contingency on 30 July. Several analysts had predicted the number of cases could rise as political parties had not fully complied with Covid-19 measures, in particular limits on mass rallies (A Semana 2021; Amado 2021). The data presented in Figure 13.1 indicates the possible impact of the elections on Covid-19 numbers, as the number of daily cases increased sharply in the weeks following the elections, reaching new peaks. However it is difficult to establish a causality given the lack of studies on this topic

Overall, both domestic and international actors praised the quality of the elections, and the country passed an important test of democratic resilience.

13.8. CONCLUSION

Elections held during the pandemic necessitate rapid changes and innovations in electoral processes. The capacity of electoral bodies to administer elections is tested along with their ability to improve levels of trust and transparency. It is essential to guarantee procedural legitimacy, namely, to do everything to ensure a safe voting environment without neglecting logistical and legal issues that could undermine the exercise of voting rights. Moreover, the legitimacy of the outcome must also be assured, that is, that the elections are clean, credible and therefore accepted by the citizens and key political actors.

Just as elsewhere, the Covid-19 pandemic posed a challenge to the integrity of the elections in Cabo Verde, but special voting arrangements were implemented to mitigate the various risks. Overall, both domestic and international actors praised the quality of the elections, and the country passed an important test of democratic resilience (RTC 2021; A Nação 2021a, 2021b; ECOWAS/CEDEAO 2021). The case of Cabo Verde offers lessons to other countries holding elections during the pandemic. First, communication needs to be straightforward and publicized in different platforms; using traditional and social media to spread the message helps raise awareness and build confidence. Voter education messages should encourage registration and participation by guaranteeing that it is safe to vote in person and that all voting equipment is properly sanitized. Second, effective planning is key: coordination between electoral, security and health authorities in the design and communication of mitigation measures is central to their success in managing Covid-19 and other operational risks during elections.

As for future steps, there is an opportunity to revise the electoral law to contemplate other voting methods for inclusivity, besides early voting. For example, across Africa voting by proxy is available in 13 countries (e.g., Algeria, Benin, Gabon, Mali, Mauritius and Togo), mobile ballot boxes in 5 countries (Algeria, Ethiopia, Guinea-Bissau, Namibia and South Africa), and postal voting in 2 countries (Angola and Zimbabwe) (International IDEA 2021b). Voting channels matter not only for the resident population, but also for those living abroad: double the number of residents in the Islands, according to the International Organization for Migration (IOM n.d.). Greater effort should also be made to improve local monitoring of elections by civil society and citizen-led initiatives to counteract the absence of international observation missions.

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Chapter 14

CASE STUDY: CANADA

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It was Canada's provinces that held the first elections under pandemic conditions.

14.1. INTRODUCTION

When the Covid-19 pandemic hit Canada in early 2020, the country had just had a federal election the previous October. But with a newly elected minority government, election talk, including the threat of another election, never quite faded. However, it was Canada's provinces that held the first elections under pandemic conditions. In Canadian public policy, provinces are often considered policy laboratories, or the testing grounds for new policy innovations, including in electoral management (Atkinson et al. 2013). Therefore, all eyes within Canada were watching to see how the pandemic conditions would affect electoral management and the public's willingness to participate.

Within a year (between September 2020 and March 2021), four Canadian provinces held elections. The first of these, in New Brunswick and British Columbia, were early elections called by minority governments, whereas the third, in Saskatchewan, was a regularly scheduled election. The final province, Newfoundland and Labrador, did not have a regularly scheduled election until 2023; however, under provincial rules an unelected premier who steps in after a premier resigns must hold an election within a year of assuming office, and therefore Newfoundland and Labrador held a general election in February–March 2021 (several months before they were required to by law).

This case study¹⁶ first presents the conditions under which each of these provinces held elections, discussing how and why the election was called, the rate of Covid-19 cases in the province at the time and how the management of the election unfolded. Then, it employs survey data about Canadians from each province, collected by the Consortium for Electoral Democracy (C-Dem), gathered in the periods leading up to and following the elections in each province. These data allow us to present public attitudes and behaviours about holding an election during a pandemic, choices about how to vote and measures taken to ensure comfort and safety at the polls. The case study concludes with lessons learned from holding elections during a pandemic in the Canadian context.

14.2. PROVINCIAL CASE STUDIES

The first section of this case study will explore the four provincial elections that were held between March 2020 and March 2021 (approximately a year after Covid-19 prompted the first lockdowns in Canada). These elections took place, in chronological order, in the following provinces: New Brunswick, British Columbia, Saskatchewan, and Newfoundland and Labrador. All Canadian provinces operate under a parliamentary system with a first-past-the-post electoral system, meaning that the candidate with the most votes in each district wins and the party with the most winning candidates forms the provincial government. Each province also operates its elections through a central provincial electoral management body (EMB). These independent bodies report directly to the provincial legislatures. It is the legislatures that make amendments to electoral law and regulations.

It should be noted that Canada held a federal election in September 2021; however, this case study focuses solely on the four earliest provincial elections held during the pandemic since they faced the biggest test from the pandemic. These four provinces held elections in the early stages of the pandemic, when vaccines were not readily available and the stress on the electoral system was at its highest.

The electoral system in Canada

Canada is a federal parliamentary constitutional monarchy, meaning that it operates under the auspices of the British monarchy through a constitutional parliamentary democracy. The Constitution Act of 1867 establishes two levels of government—federal and provincial. This federalist approach to governance implies that elections must be held at more than one level. In other words,

¹⁶ This case study was prepared in collaboration with the Consortium on Electoral Democracy (C-Dem).

voters must elect legislative representatives at both the federal and provincial levels. This case study examines elections exclusively at the provincial level.

Each level of government is responsible for its own electoral process. At the federal level, an independent EMB (Elections Canada) organizes federal elections in Canada. At the provincial level, each province has its own independent EMB which operates separately from the federal EMB. So, for example, the province of Ontario operates its elections through its own EMB, Elections Ontario. All EMBs, whether provincial or federal, operate independently and report to the legislative assemblies for which they operate elections (e.g. Elections Ontario reports to the Ontario legislature). Each EMB is headed by a chief electoral officer (CEO), who acts as the chief executive for the electoral process. Every province therefore has its own EMB with its own legislation regarding the conduct of elections.

While the EMBs and election laws are different from province to province, the process of calling an election remains the same throughout Canada. For an election to be called, the head of government (either the prime minister at the federal level or premier at the provincial level) needs to request the dissolution of their legislature to the representative of the Crown (the governor general for federal elections and the respective lieutenant governor for provincial elections). Once the legislature is dissolved, the appropriate regal representative issues the writs of election to the EMB. Formally, the power to call an election therefore rests in the hands of the regal representatives. In practice, however, these regal representatives act on the request of their respective head of government.

Background

The first Canadian province to be put in a pandemic election situation was New Brunswick. The province is home to 747,101 people, 569,862 of whom were eligible to vote in the election (Elections New Brunswick 2021a; Statistics Canada 2018). Elections are held regularly under a four-year fixed-date schedule unless a snap election is called beforehand (New Brunswick 2014). The province's Legislative Assembly was composed, in 2020, of members of four political parties (in decreasing order of their respective share of seats): the Progressive Conservative Party of New Brunswick, the New Brunswick Liberal Association, the Green Party of New Brunswick and the People's Alliance of New Brunswick.

Although an election was expected in September 2022, the province's Premier, Blaine Higgs, called a snap election on 17 August 2020, after failing to negotiate with opposition parties regarding a minority governing plan (Poitras 2020). The election call generated controversy about whether an election should be forced during a public health crisis. While the ultimate decision was debated, the pandemic itself did not make up a major part of parties' and candidates' platforms (Poitras 2020). However, due to the probability of a surge in Covid-19 cases during the election, some issues did arise over the campaign period regarding the legal and executive powers related to emergency measures during elections.

The first Canadian province to be put in a pandemic election situation was New Brunswick.

A few days following New Brunswick's general election, the premier of British Columbia requested the dissolution of the provincial parliament and the launch of an election campaign. The lieutenant governor officially issued the writs of election on 21 September 2020 for an election to take place on 24 October 2020 (Elections British Columbia 2021). The third-largest Canadian province by population, British Columbia is home to 4,648,055 people, of whom 3,524,812 are eligible voters (Elections British Columbia 2021; Statistics Canada 2018). There were three parties with elected members at the time of the election call: the British Columbia New Democratic Party, the Liberal Party of British Columbia and the Green Party of British Columbia (Zussman 2020).

An election was not scheduled but was rather a consequence of the previous election in 2017—the closest in the province's history (the difference in the results of the two leading parties was 0.08 per cent) (McElroy 2017). The premier's decision to call a snap election stemmed from the difficulty associated with governing in a minority government under a confidence-and-supply agreement with the Green Party (Zussman 2020). However, opposition parties criticized the decision as opportunistic, stating that the incumbent premier called the election solely to win a majority government (Zussman 2020). In line with this criticism, it must be said that there were no clear problems with governance, seeing as the incumbent government had the support of the British Columbia Green Party in the assembly (McElroy 2017).

Just two days following the provincial election in British Columbia, Saskatchewanians headed to the polls for a general election. Unlike the two previous elections covered in this case study, Saskatchewan's 2020 general election was scheduled under the province's fixed-date election law (Solomon 2020). The incumbent government under Premier Scott Moe had been in power for the set governing period of four years, meaning that an election had to take place no later than 26 October 2020.

According to the latest census data, Saskatchewan has a population of 1,098,352 people, including 841,807 eligible voters (Elections Saskatchewan 2020; Statistics Canada 2018). There were only two political parties with seats in the Legislative Assembly when it was dissolved: the Saskatchewan Party, which had been in power since 2007, and the Saskatchewan New Democratic Party.

The last Canadian province to hold a general election during the Covid-19 pandemic period under study was Newfoundland and Labrador. The province is home to roughly 519,716 people according to the 2016 census (Statistics Canada 2018). The provincial House of Assembly was made up of members from three political parties before the election: the Liberal Party of Newfoundland and Labrador, the Progressive Conservative Party of Newfoundland and Labrador, and the Newfoundland and Labrador New Democratic Party (Mullin and Moore 2021).

Newfoundland and Labrador was not scheduled to hold an election until 10 October 2023. However, under the province's fixed-date election law, an

The decision to call the election was heavily criticized by opposition parties, first because of the ongoing pandemic, and second because of the winter conditions, which would hinder the work of election and postal staff.

election must take place no later than one year after an unelected premier assumes office (Mullin and Moore 2021). The incumbent Premier, Andrew Furey, took over the role on 19 August 2020 following former Premier Dwight Ball's resignation. As such, an election had to be held before 19 August 2021. On 15 January 2021, the incumbent Premier requested the dissolution of the House of Assembly, and the writs of election were issued (Mullin and Moore 2021). The decision to call the election was heavily criticized by opposition parties, first because of the ongoing pandemic, and second because of the winter conditions, which would hinder the work of election and postal staff (Mullin and Moore 2021).

Campaign period

In New Brunswick, the writs of election were issued on 17 August 2020, officially launching a 28-day campaign before the 14 September 2020 election day. In the early days of the campaign, several issues surfaced regarding the potential need to delay the vote. The provincial EMB, Elections New Brunswick, was faced with unprecedented questions regarding who, if anyone, had the power to delay the election in the event of growing Covid-19 cases (Poitras 2020). The premier claimed this responsibility under the Emergency Measures Act (EMA), citing that he had the ability to delay an election in the event that Covid-19 cases rose to dangerous levels (Poitras 2020). Following the premier's remarks, the chief electoral officer (CEO) said that the Elections Act was not subject to the EMA and that nothing could stop or delay an election from happening once the writs were issued (Poitras 2020). This ambiguity regarding the power to delay a general election was the key administrative question related to the pandemic election in the province.

Ultimately, the impact of Covid-19 in the province did not warrant a change in the date of the election. Nonetheless, the uncertainty about authority raises concerns regarding what would have been done if it had come to the point where the election had to be delayed or cancelled. As it stands, it appears that the New Brunswick Elections Act does not have any measures in place in the event that an election needs to be delayed or cancelled. Therefore, it remains unknown what provisions would have been taken in the event of a serious spike in Covid-19 cases.

The inability of candidates and parties to conduct get-out-the-vote campaigns led Elections New Brunswick to worry about the potential negative effects on voter turnout.

Other questions arose regarding the appropriate modes of campaigning during a pandemic. There were a variety of directives from party leaders regarding which campaigning methods were acceptable considering the public health crisis (Brown and Van Horne 2020; Poitras 2020). In the early days of the campaign, the incumbent premier warned all candidates to avoid in-person and door-to-door campaigning (Poitras 2020). Candidates were therefore limited in how they could campaign, making it difficult for them to reach citizens and solicit votes.

The inability of candidates and parties to conduct get-out-the-vote campaigns led Elections New Brunswick to worry about the potential negative effects on voter turnout. In an attempt to increase turnout and mitigate the spread of Covid-19, the EMB launched a large-scale marketing campaign to 'flatten the

election curve' (Elections New Brunswick 2021a). This multimedia programme aimed to increase voter turnout by encouraging citizens to cast a ballot on one of many advance polling days or order a postal ballot package (Elections New Brunswick 2021a). In its official election report, Elections New Brunswick deemed the media campaign to have been successful and noted that, based on turnout levels, New Brunswick voters had 'heard' its overall intended message (Elections New Brunswick 2021a).

British Columbia's 33-day election campaign officially launched on 21 September 2020, the same week that the then-record 7-day rolling average of new Covid-19 cases was broken (British Columbia Centre for Disease Control 2021). The campaign was unlike any previous in the province, with in-person campaigning, large political gatherings and door-to-door canvassing prohibited due to the health crisis (Elections British Columbia 2021). These restrictions were cited as a significant challenge and disadvantage for new candidates, especially those who had yet to make themselves known in their constituencies (Elections British Columbia 2021). Candidates and parties instead adapted to the situation and focused their efforts on social media, television and phone campaigning. With these adaptations to the unique campaign environment, British Columbia was able to maintain a stable Covid-19 case count and limit the spread of the virus due to the election (Elections British Columbia 2021).

While the campaign period was unlike any other, there were no significant issues related to Covid-19 throughout the 33-day election sprint. It must be said, however, that the decision to call an election amid rising Covid-19 cases became a focal point of opposition critics. As such, while the pandemic did not cause any significant issues during the campaign, it was the subject of a large part of the rhetoric surrounding the election (Elections British Columbia 2021). Many accusations were made against the incumbent premier, most stating that he was taking advantage of favourable polling to launch an election and gain seats throughout the province (Elections British Columbia 2021).

In Saskatchewan, the writs of election were officially issued on 29 September 2020 for a general election on 26 October. In the early days of the campaign, the province was reporting only a handful of Covid-19 cases per day: the 7-day rolling average on the day of the campaign announcement was 11 cases (Johns Hopkins University & Medicine 2021). Despite the ongoing pandemic, Elections Saskatchewan did not issue any directives to candidates regarding campaigning, and candidates carried on with usual activities such as door-to-door canvassing and political gatherings (Taylor 2020). This proved problematic, as cases started to steadily increase over the campaign period. Up from the 7 new cases announced at the beginning of the campaign (29 September 2021), the province reported 54 new cases on election day (Johns Hopkins University & Medicine 2021).

The Newfoundland and Labrador election was initially set for 13 February 2021. In the early days of the campaign, the provincial EMB, Elections Newfoundland and Labrador (Elections NL), issued several directives to

The decision to call an election amid rising Covid-19 cases became a focal point of opposition critics.

prevent the spread of Covid-19. This included an interdiction on door-to-door campaigning and large political rallies. Other than the challenge the pandemic posed to the electoral process, Covid-19 did not appear to be a hot-topic issue for the campaign. Most of the debate was focused on the economy, jobs and the growing provincial debt (Mullin and Moore 2021).

However, Covid-19 quickly became the single most important issue as the campaign progressed. On 8 February 2021 the first confirmed cases of community-transmitted coronavirus during the campaign period were announced in the province. At the beginning of the campaign (15 January 2021), the seven-day rolling average for new cases in the province was zero (Johns Hopkins University & Medicine 2021). On 11 February 2021, two days before the scheduled election day, the province reported 100 new cases of Covid-19 (Johns Hopkins University & Medicine 2021). This was the largest recorded outbreak in the province since the beginning of the pandemic. With only two days left before election day, the chief electoral officer utilized their emergency powers to cancel all in-person voting and delay the election until 25 March 2021 (Smellie 2021). According to the election legislation, delaying the election was within the authority of the CEO. More precisely, section 10(1) states the role of the CEO in adapting the Elections Act:

Where during the course of an election it appears to the Chief Electoral Officer that, by reason of a mistake, miscalculation, emergency or unusual or unforeseen circumstance, a provision of this Part does not accord with the exigencies of the situation, the Chief Electoral Officer may, by particular or general instructions, extend the time for doing an act, increase the number of election officers or polling stations or otherwise adapt a provision of this Part to the execution of its intent, to the extent that he or she considers necessary.

– (Elections Newfoundland and Labrador 2021: 2)

It is through this section of the act that the CEO is granted the power to adapt provisions to the act during an election, which is what happened throughout the 2021 election.

Election day

New Brunswick's election was not without its problems. Although most issues on election day were not directly related to the pandemic, some problems did occur due to the special context and health measures. One issue was related to voting in long-term care facilities. Because of public health measures, it was impossible for election staff to set up mobile ballot boxes in long-term care facilities (Elections New Brunswick 2021a). As a result, in-country postal voting forms were handed out to give all caregivers and patients the opportunity to vote. The incorporation of this new postal ballot form was seamless, and turnout appeared not to be affected by Elections New Brunswick's inability to set up long-term care mobile ballot boxes (Elections New Brunswick 2021a).

Additionally, the overwhelming and record-breaking use of special voting arrangements alleviated traffic at polling stations on election day. A total of 64,999 electors voted by special (mail-in) ballot, and 131,603 voted in advance polls (Elections New Brunswick 2021a). In comparison, 45,899 electors voted by postal ballots and 86,970 through early voting in the previous election (Elections New Brunswick 2021a). This represents an increase in participation of 19,100 voters (up 41.6 per cent) for postal ballots and 44,633 voters (up 51.3 per cent) for early voting (Elections New Brunswick 2021a).

In British Columbia, since the pandemic was ongoing and the fixed-date election rule mandated an election in 2021, the provincial EMB, Elections British Columbia (Elections BC), had already begun preparing for a pandemic election. These preparations included close inter-agency collaboration between the EMB and the Office of the Provincial Health Officer (Elections British Columbia 2021). The close collaboration between Elections BC and public health authorities enabled polling locations to fall under modified public health measures, which allowed a greater number of people to be in polling stations at the same time. This was possible because social distancing, masking and sanitizing measures could be better monitored and enforced inside polling stations, in an effort to reduce the line-ups outside polling stations while also limiting the spread of Covid-19 (Elections British Columbia 2021).

Election day differed significantly from previous provincial elections. In usual circumstances, an overwhelming majority of British Columbians vote in person. In 2017, for instance, 90 per cent of voters opted for in-person voting (Elections British Columbia 2021). Due to the pandemic, Elections BC expected this share to be reduced greatly, with estimates indicating that as many as 800,000 voters would use postal ballots (Elections British Columbia 2021). The shift from in-person to mail-in voting was perhaps the most important challenge for Elections BC. To prepare for this increased demand and to rise to the challenge, Elections BC made several changes to its voting processes and policies. First, the EMB modified the requirement for postal ballots, allowing all electors to choose this means of voting (Elections British Columbia 2021). Moreover, it put in place an extensive phone voting system for long-term care facilities and Indigenous communities under self-isolation measures. This phone voting process had previously been piloted in the 2017 provincial election as part of a project seeking to make voting more accessible to individuals with vision loss or permanent impairment that would prevent them from voting in person or by postal ballot (Elections British Columbia 2021). Elections BC therefore already had pre-existing phone voting policies that were amended to adapt to the pandemic situation. Lastly, the EMB added one advance voting day—for a total of seven—to limit traffic at polling locations (Elections British Columbia 2021).

The various measures put in place by Elections BC paid off. The push for special voting arrangements was successful, with only 28.8 per cent of electors voting on election day (down from 60.8 per cent in 2017) (Elections British Columbia 2021). Some 724,279 postal ballot packages were requested, with a total of 604,111 returned, for a return rate of 83.4 per cent (Elections

The overwhelming and record-breaking use of special voting arrangements alleviated traffic at polling stations on election day.

The fixed-date nature of the Saskatchewan election enabled the EMB to prepare for an election well in advance.

British Columbia 2021). This represents a 6,300 per cent increase in demand for postal voting from the previous election. There was also a significant uptick in the number of people voting by phone, with an increase of 226 per cent from the previous election (Elections British Columbia 2021). While the push for special voting arrangements worked, it is important to point out that the overall voter turnout was down. In fact, it was the lowest provincial election turnout in 20 years. Only 53.9 per cent of registered voters cast their ballot (Elections British Columbia 2021).

The fixed-date nature of the Saskatchewan election enabled the EMB to prepare for an election well in advance. In May 2020 Saskatchewan's CEO sent a memo to the premier which outlined several legislative changes that should be made to facilitate the holding of an election during a public health crisis (Elections Saskatchewan 2020). The most significant of these changes was amending the Elections Act to provide greater powers to the CEO. The amendments allowed the CEO to issue emergency-related orders under section 7 of the Act. Before the campaign and throughout the election period, the CEO issued 13 section 7 orders. These orders varied from modifying mail-in voting requirements to adding advance polling days (Elections Saskatchewan 2020).

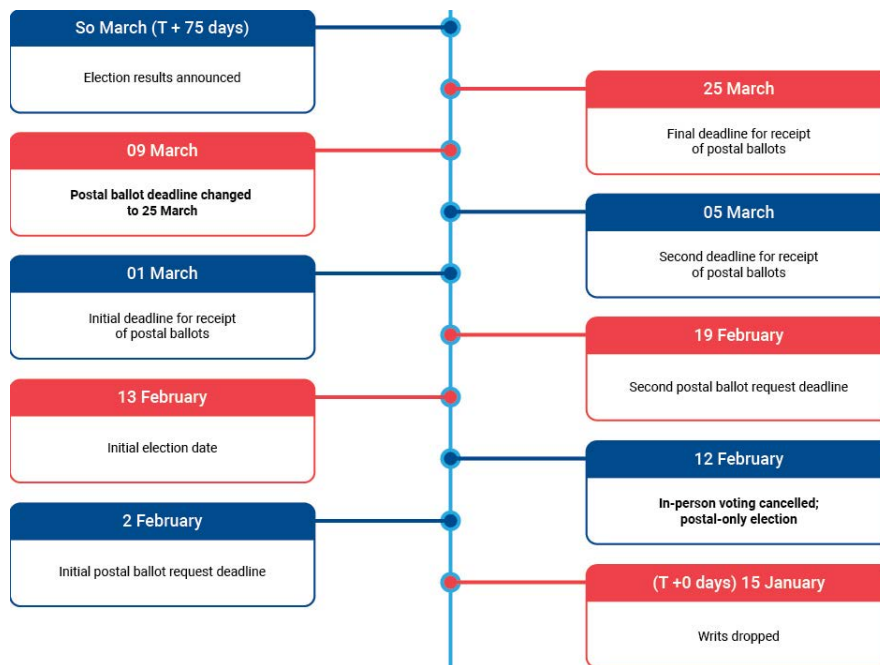
One of the few issues that arose was regarding a First Nations¹⁷ community which had declared a community lockdown to prevent the spread of Covid-19. The CEO had to make arrangements for voting by mail for that community (Elections Saskatchewan 2020). However, due to the last-minute nature of the arrangements, some First Nations electors could not provide the necessary identification documents to certify their postal ballot. As a response, Elections Saskatchewan reduced the identification criteria and declared that ballots from that community would be acceptable with only the voter's name on the ballot (Elections Saskatchewan 2020).

Additionally, there was increased demand for postal ballots and advance voting due to the pandemic and a strong marketing campaign from the EMB. Only 45 per cent of voters opted to vote in person on election day, compared with 73.4 per cent in 2016 (Elections Saskatchewan 2020). This decrease in election day voting was made up by record-breaking turnout on advance polling days (up 66 per cent from the previous election). There were also a larger number of mail-in votes, since the eligibility criteria were expanded to include all eligible voters (Elections Saskatchewan 2020). Overall turnout was down slightly, however, from 57.8 per cent to 52.8 per cent (Elections Saskatchewan 2020).

With its election delayed and in-person voting fully cancelled, the province of Newfoundland and Labrador turned to a mail-in-only format. This was the first election in Canada to be held fully through postal ballots (Bill 2021). This switch from in-person to mail-in voting only was significant, especially since the EMB was not prepared to handle such a large number of postal ballots (Bill 2021). The timeline to request a postal ballot was constantly being re-

¹⁷ 'First Nations is a term used to describe Indigenous peoples in Canada who are not Métis or Inuit. First Nations people are original inhabitants of the land that is now Canada, and were the first to encounter sustained European contact, settlement and trade.' (Gadacz 2019).

Figure 14.1. Timeline of Newfoundland and Labrador 2021 general election



evaluated (see Figure 14.1 for the election timeline). Initially, electors had until 2 February 2021 to request postal ballots (CBC News 2021b). However, following a surge in Covid-19 cases, in-person voting was cancelled across the province, and the deadline to request a postal ballot was extended until 19 February 2021 (CBC News 2021a). All postal ballots were to be received by the EMB by 1 March 2021 (Smellie 2021). This deadline was later changed to 5 March 2021, and again the final deadline for receipt of postal ballots was changed to 25 March 2021 (Smellie 2021). Many critics complained about these last-minute deadline changes and the negative impact they could have on voter participation (Bill 2021). In the end, their worries were warranted, as turnout was estimated to be 48.2 per cent according to the official results (Bill 2021).

Post-election and results

The results were reported in New Brunswick in accordance with the provisions of the Elections Act; reporting was carried out in the same manner as in previous elections and was not affected by the Covid-19 pandemic. The deadlines to report the results (four days after the election) were met, and no significant issues arose. The votes were tabulated using tabulation machines, and the tabulated results were reported using either modem-connection or manual input via phone calls to returning offices.

In British Columbia the post-election procedures were the same as in previous elections. However, due to the major shift from in-person to alternative voting methods, the vote count needed to be managed differently. As per Elections

The last-minute changes to the voting methods not only affected turnout: they also significantly hampered Elections NL's effort to count the ballots and announce the results.

BC procedures, all ballots that are not cast in person must be counted during the final count, which takes place 13 days following election day (Elections British Columbia 2021). The period between election day and the start of the final count is used to prepare for the counting of ballots. This time is used to transport ballots to the counting offices, to ensure that individuals who cast a postal ballot did not cast an in-person ballot as well and to certify the legitimacy of every postal ballot before it is counted. Due to the high number of mail-in ballots cast, this preparation period was significantly busier than in previous elections. Elections BC was prepared to extend the 13-day preparation period to accommodate staff and ensure a proper electoral process, but the extension proved unnecessary, as the EMB was successful in transporting and certifying all postal ballots before the deadline. The final count was completed within the prescribed period, and results were reported with no issues (Elections British Columbia 2021). Elections BC was able to overcome the challenges of the pandemic situation and provide a smooth post-election experience.

The vote tabulation period in Saskatchewan was conducted in accordance with existing electoral procedures. No issues arose during the preliminary, second or final counts. Results were announced within the expected time frames (Elections Saskatchewan 2020).

Newfoundland and Labrador's post-election procedure was far from normal. The last-minute changes to the voting methods not only affected turnout: they also significantly hampered Elections NL's effort to count the ballots and announce the results. There were several delays, and it was not clear when the results would be announced. In the end, announcement came on 27 March 2021, 72 days after the writs of election were issued (Elections Newfoundland and Labrador 2021).

The lack of clarity surrounding the roles and powers of the CEO and the EMB led to contradictory statements from the incumbent premier.

Lessons learned

The case studies examined above highlight four important lessons for election administration: (a) the powers of EMBs and CEOs must be clearly defined within the appropriate legislation; (b) planning is crucial for elections; (c) communication is key in delivering a smooth contest; and (d) elections can be held under strict emergency public health measures. This next section will explore in greater depth each of these lessons learned.

First, the case of New Brunswick offers an important lesson in uncertainty. The lack of clarity surrounding the roles and powers of the CEO and the EMB led to contradictory statements from the incumbent premier. While this confusion surrounding emergency powers would have been serious if the election had needed to be postponed, this did not occur, and the election was held relatively smoothly. The province was the first to experience a pandemic election in Canada, and the provincial EMB rose to the challenge and delivered a safe, seamless and on-time election. With that being said, in January 2021 the chief electoral officer of New Brunswick officially submitted a report on post-election recommendations for legislative change. One recommendation stands out as a lesson learned for future pandemic or emergency elections.

The CEO suggested that the *'Elections Act* be amended to provide the Chief Electoral Officer with the authority to adapt the provisions of the Act to the execution of its intent and to protect public safety in the event of a declared state of emergency, including a public health emergency' (Elections New Brunswick 2021b: 6). The CEO more specifically discussed the need for greater discretionary authority for Elections New Brunswick when it comes to modifying voting procedures and existing rules. Such powers would have allowed for better management of the voting process in long-term care facilities as well as a more efficient postal voting process. The CEO explained that greater discretionary powers would have allowed them to create a vote-by-phone option for long-term care facilities as well as add extra advance voting days (Elections New Brunswick 2021b). Overall, this highlights the importance of eliminating legislative uncertainty and making the executive powers of the CEO as clear as possible.

Second, the 2020 British Columbia general election demonstrates the importance of planning and preparations when it comes to electoral processes. By analysing the electoral environment, anticipating the changing needs of voters and reacting swiftly to public health advice, Elections BC was able to hold a successful pandemic election. While voter turnout was down, this can be partially explained by Elections BC's change in focus from motivating turnout to promoting safe voting. The Saskatchewan general election further demonstrates the importance of planning and delegating. As reported by the CEO in the post-election report, greater planning would have made for swifter reactions when it came to resolving issues, which would also have helped maintain voter turnout (Elections Saskatchewan 2020). These two cases showcase the importance of planning and elaborating contingencies when it comes to election administration.

Third, the 2021 Newfoundland and Labrador general election is a prime example of the fragility of the electoral process and the importance of communication. As these case studies demonstrate, planning is a key part of holding successful elections. At first, Elections NL was not concerned with the pandemic, since new cases of Covid-19 were almost non-existent, and there was no community spread of the virus. However, as the election campaign progressed, a new variant appeared in the province and cases skyrocketed (Smellie 2021). The failure of the EMB to consider the threat of Covid-19 and create and communicate contingency plans in the event of rapid spread led to serious disruptions in the electoral process. The shift from in-person to postal ballots only and the multiple changes to the deadlines caused confusion and most likely impacted the turnout (Bill 2021). Unlike the case of New Brunswick, where questions of authority to delay or amend the election were the key subject of debate, these procedures were clear in the law in Newfoundland and Labrador. However, the major issue was planning and foresight for the eventual use of these powers if required, and for the whole of government to communicate with electors effectively and single-mindedly where the authority to make these changes to an election lay. In the end, the lack of clear and concise communication led to significant disruptions in the electoral process.

The EMBs demonstrated that elections can be held even during public health emergencies.

Lastly, these four case studies show that elections can be held even in the most complex of situations. While problems arose during each of these elections, the EMBs met the pandemic situation and did what was asked of them: to hold elections. In meeting their objectives, the EMBs demonstrated that elections *can* be held even during public health emergencies. By implementing the necessary changes and learning from their mistakes, EMBs can be sufficiently prepared for future elections under pandemic conditions.

Summary

To summarize, Table 14.1 presents the basic details and Covid-19 information for each provincial election held between March 2020 and March 2021.

14.3. PUBLIC ATTITUDES TOWARDS COVID-19 AND ELECTIONS IN CANADA

To gauge public opinion surrounding the holding of elections during the Covid-19 pandemic, we can use data that C-Dem gathered in two-wave surveys for each of the provincial elections, with the first wave of data collection coming in the last two weeks of the campaign and the second wave beginning right after the election. These surveys were conducted online with samples from various survey firms using the Qualtrics platform. The New Brunswick survey had 1,082 valid responses before the election, with 698 taking the second-wave survey (65 per cent return to sample) (Everitt, Stephenson and Harell 2020). The British Columbia survey had 1,505 and 1,290 valid responses, respectively (86 per cent return to sample) (Pickup, Stephenson and Harell 2020). In Saskatchewan the opinions of 1,003 people were gathered before election day, and 685 people provided post-election data as well (68 per cent return to sample) (Berdahl, Stephenson and Harell 2020). Finally, in Newfoundland and Labrador C-Dem gathered data from 854 people in the two weeks prior to the initial planned election day, and 505 of those people returned to provide more data in the second wave (59 per cent return to sample) (Bittner et al. 2021). All of the analyses below are weighted for demographic representativeness.

Opinions on calling an election

Three of the four provincial elections held between March 2020 and March 2021 were not regularly scheduled; instead, they were called by minority governments or precipitated by a change in leader. Therefore, for these three provinces, the survey gauged respondents' opinions on choosing to hold an election during the pandemic. Figure 14.2 demonstrates that in all three provinces between about 50 per cent and 60 per cent of respondents agreed or strongly agreed that the government should not have called a provincial election during the pandemic. The rate is highest in British Columbia, which, as the largest province studied here, also, unsurprisingly, had the highest case counts on and around election day.

Table 14.1. Provincial elections between March 2020 and March 2021

	New Brunswick ¹	British Columbia ²	Saskatchewan ³	Newfoundland and Labrador ⁴
Campaign start date	17 August 2020	21 September 2020	29 September 2020	15 January 2021
Election date	14 September 2020	24 October 2020	26 October 2020	25 March 2021 (initially scheduled for 13 February 2021)
Regularly scheduled election (or minority fall)?	Minority government (first elected on 24 September 2018) called early election	Minority government (first elected on 9 May 2017) called early election	Regularly scheduled	New unelected premier requires election within a year. An election legally had to be held before 19 August 2021
Voting means available	Mail-in, advance polls, in-person election day polls	Mail-in, telephone voting, advance polls, in-person election day polls	Mail-in, advance polls, in-person election day polls	Mail-in, advance polls, in-person election day polls (ultimately cancelled)
Covid-19 rates in the 7 days leading up to the election ⁵	1 new case on election day (7-day rolling average: 0)	295 new cases on election day (7-day rolling average: 238)	54 new cases on election day (7-day rolling average: 55)	Campaign period was marked a by large wave (initial general election day saw a 7-day rolling average of 39 new cases); actual (rescheduled) election day had 0 new cases (7-day rolling average of 0 as well)
Turnout rate	66.14%	53.9%	52.86%	48.2%

¹ New Brunswick provincial election data was taken from Elections New Brunswick (2021a).

² British Columbia provincial election data was taken from Elections British Columbia (2021).

³ Saskatchewan provincial election data was taken from Elections Saskatchewan (2020).

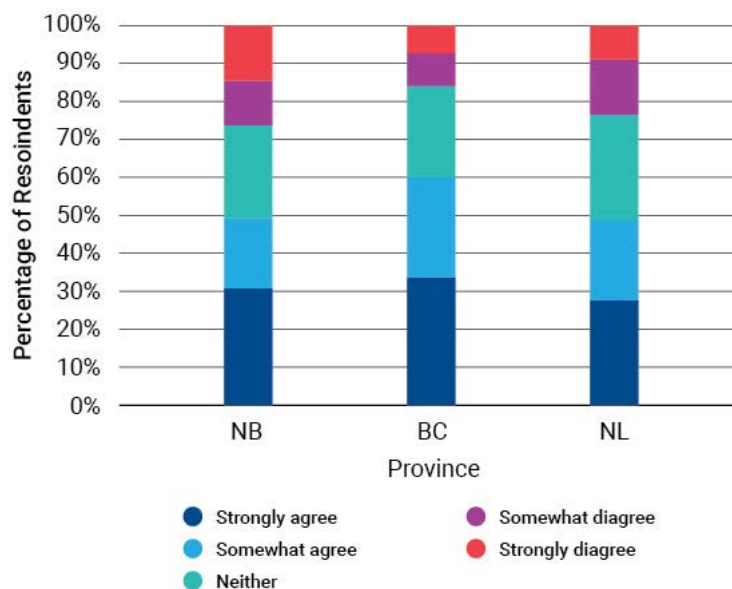
⁴ Due to the lack of EMB reports, data for the Newfoundland and Labrador general provincial election comes from Mullin (2021).

⁵ Covid-19 data are taken from Johns Hopkins University & Medicine (2021).

Voter turnout

Did the pandemic influence whether respondents were willing to vote? In general, overall turnout was lower in the elections studied here than in the previous provincial elections (though in New Brunswick this dip was minor). When respondents in three of the provinces (British Columbia, Newfoundland

Figure 14.2. Opinions on calling an election during a pandemic: ‘The [incumbent party] government should not have called a provincial election during the coronavirus (Covid-19) pandemic.’



and Labrador, and Saskatchewan) were asked about their decision to turn out to vote or not, those who said some version of ‘no’¹⁸ were asked to provide a reason why they chose not to vote. Among those who responded that they chose not to vote, between 9 per cent (Saskatchewan) and 20 per cent (Newfoundland and Labrador) reported that their reason for not voting was because they were ‘concerned about exposure to Covid-19’. In total, this percentage only accounts for 10–23 individual respondents to the survey. However, it is illuminating that Covid-19 was not the predominant reason for not voting. Ultimately, according to self-reports, Covid-19 did not overwhelmingly keep voters away from the polls.

Between about 50 per cent and 60 per cent of respondents agreed or strongly agreed that the government should not have called a provincial election during the pandemic.

Voting methods

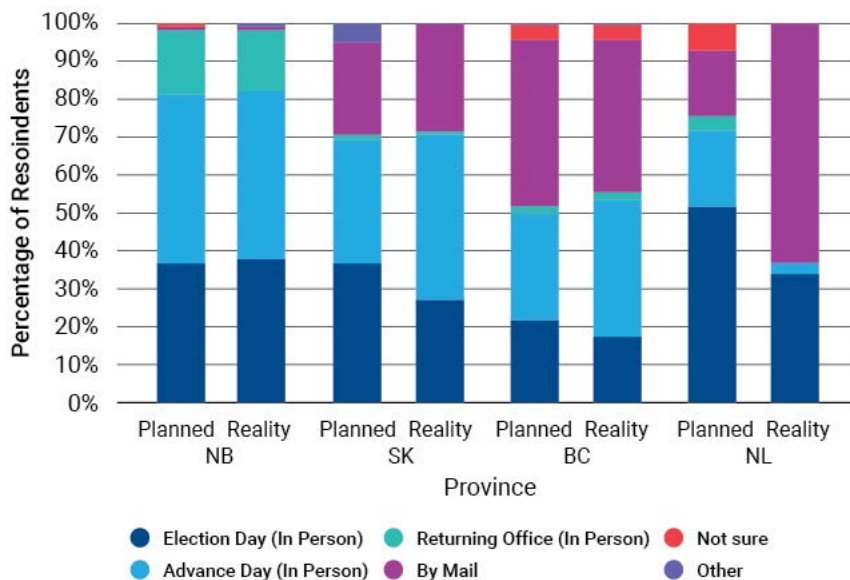
For those who did choose to vote, did the Covid-19 pandemic affect their chosen method of voting? There is some suggestion that safety concerns regarding in-person voting might have pushed voters to alternative voting mechanisms, such as mail-in or telephone voting, or to advance polls, where there might have been perceived to be fewer people. Furthermore, EMB campaigns (as mentioned earlier) encouraged electors to take advantage of alternative methods to reduce congestion at the polls on election day.

Figure 14.3 draws summary data from voters in the campaign wave survey, asking those who were certain or likely to vote how they planned to vote (or had already voted for those who chose to vote early), and from the post-election survey, asking those who did vote what method they used. Due to the

¹⁸ ‘No’, ‘I usually vote but didn’t this time’, or ‘I thought about voting but didn’t’.

panel nature of the survey, we can compare how respondents planned to vote with their actual method of voting, which is reported in Table 14.2.

Figure 14.3. Methods of voting: planned and actual (self-reported)



Note: Questions: pre-election—includes the responses of those who, in a previous question, stated they were 'certain to vote' or 'likely to vote' (excludes those 'unlikely to vote'). Question asked: 'What voting method do you plan to use to vote in the current election?' If, in the previous question, the respondent had answered, 'I already voted', they were asked, 'How did you vote?'

First, we notice that, for the New Brunswick provincial election, the responses of how voters planned to cast their ballot and their responses about how they actually cast their ballot look quite similar, with about 37 per cent of respondents choosing to vote in person on election day, 45 per cent voting in an advance poll and 17 per cent voting at a returning office. Furthermore, in Table 14.2 we note that there is little individual shift between planned and actual methods of voting. Three quarters of voters reported after the election that they had voted via the method they had originally intended to use.

In British Columbia and Saskatchewan, there was a similar high percentage of voters who chose to vote via the method they had originally intended to use, with about 79 per cent and 76 per cent of respondents, respectively, reporting they had voted via the method they had planned to use. In both cases, the most notable shifts occurred due to an increase in advance voting among those who had planned to vote on election day.

Finally, in Newfoundland and Labrador there is a noticeable yet unsurprising shift from planned in-person voting to mail-in voting, since the province switched to an all-mail election two days before election day. Respondents'

Table 14.2. Planned voting method versus actual voting method (self-reported)

Actual method of voting (vertical)	Planned method of voting (horizontal)						
	Election day	Advance poll	Returning office	By mail	Not sure	Total	
New Brunswick (74% voted as planned)							
Election day	170	35	8	3	12	228	
Advance poll	38	215	17	1	15	286	
Returning office	7	23	78	1	2	111	
By mail	0	0	0	12	1	13	
Other	0	1	2	0	0	3	
Total	215	274	105	17	30	641	
Saskatchewan (76% voted as planned)							
Election day	114	19	1	9	5	148	
Advance poll	67	160	0	4	12	243	
Returning office	1	1	2	0	1	5	
By mail	7	5	0	146	2	160	
Total	189	185	3	159	20	556	
British Columbia (79% voted as planned)							
Election day	109	33	1	29	5	1	178
Advance poll	51	257	13	29	10	1	361
Returning office	5	3	9	5	1	0	23
By mail	17	12	1	465	4	0	499
Other	2	1	0	3	0	1	7
Total	184	306	24	531	20	3	1,068
Newfoundland and Labrador (39% voted as planned)							
Advance poll	40	71	7	7	3	128	
Returning office	2	1	9	2	0	14	

voting plans had to be changed on the spot, with mail-in voting the only option available if they had not yet voted in an advance poll or at a returning office. Among respondents, approximately 70 per cent of mail-in voters had not planned to vote that way, contributing to the small percentage of respondents (39 per cent) who reported after the election that they had voted via the method they had reported planning to use in the campaign period.

Post-election—includes only respondents who self-reported that they had voted: ‘There are many options for people wanting to vote in an election. How did you vote?’

Considering these shifts to mail-in voting, it is worth considering how Canadians perceived this alternative voting method. Due to the rhetoric regarding the safety of mail-in voting in the United States surrounding its 2020 presidential election, gauging trust in mail-in voting is important for understanding voters’ attitudes towards electoral administration.

In two provincial elections, respondents were asked about the trustworthiness of voting by mail. In British Columbia, this question was asked on a 0–10 scale during the campaign period, where 0 was the least trustworthy and 10 the most trustworthy, with the mean response a 7.48.¹⁹ There was an overall high level of trust in mail-in voting in British Columbia, where a sizable campaign encouraged voters to take advantage of this method.

In Newfoundland and Labrador, the question of mail-in voting was asked on a Likert scale both during the campaign period and after the election (Figure 14.4). There was a notable 10 percentage point decline in agreement with the statement that ‘voting by mail in NL is equally as trustworthy as voting in person’ from before election day to after the election. This decline occurred, however, after the election was shifted to mail-in voting only due to a Covid-19 outbreak in the province. Respondents might have been influenced by the greater volume of postal ballots and the EMB’s perceived inability to manage an emergency all-mail-in election (except, of course, for those who had previously voted in advance in person).

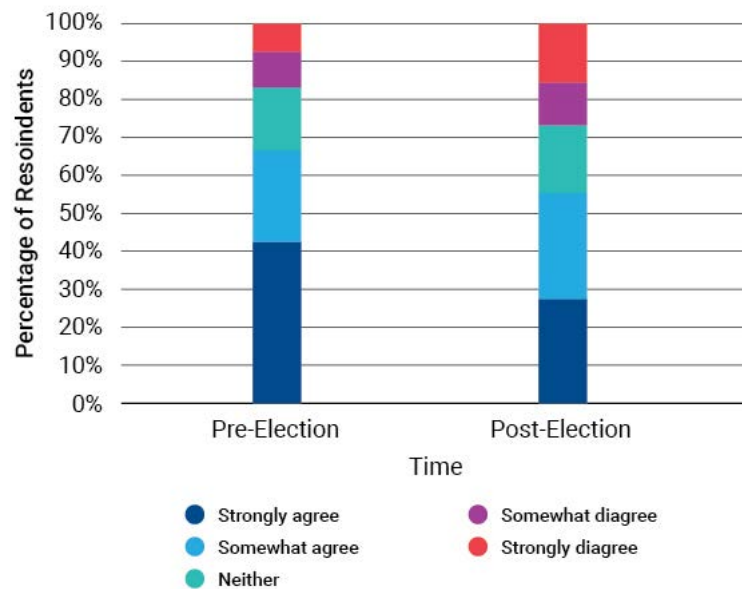
Comfort and safety

The surveys also gauged voters’ comfort voting in person and the public health measures they encountered at the polls (where applicable). In the campaign period survey, respondents were asked, ‘Regardless of how you plan to vote, how comfortable are you with the idea of voting in person during the coronavirus (Covid-19) pandemic?’ The highest rate of respondents who reported they were somewhat or very comfortable with voting in person was in New Brunswick, at over 85 per cent (Figure 14.5). This is understandable given the relatively low number of cases in the province during the election. For both Saskatchewan and Newfoundland and Labrador, the rates were closer to about 75 per cent. The province with the highest rate of respondents who claimed

There was an overall high level of trust in mail-in voting in British Columbia.

¹⁹ Respondents were asked to respond to the following statement: ‘Voting by mail in B.C. is equally as trustworthy as voting in person.’

Figure 14.4. Perceived trustworthiness of voting by mail (Newfoundland and Labrador): 'Voting by mail in NL is equally as trustworthy as voting in person.'



they were not comfortable voting in person was British Columbia, which was the province with the highest rates of infection during the electoral period (of the four provinces studied here). Only about 67 per cent of respondents were somewhat or very comfortable voting in person in that province.

During the post-election survey, another question regarding in-person voting was asked: 'How safe did you feel voting in person?' Here we see that, in all four provinces, the percentage of respondents who felt somewhat or very safe voting in person was above 90 per cent (Figure 14.6). In the case of New Brunswick and Saskatchewan, the rate was about 99 per cent. The lowest rate was in Newfoundland and Labrador; however, it is also important to note that, because so few voters in Newfoundland and Labrador actually voted in person, the number of respondents was quite low; fewer than 10 respondents reported that they felt not very safe or not safe at all.

Respondents were also asked about their perceptions of whether their electoral management body had taken appropriate precautions to ensure a safe voting environment (Figure 14.7). In New Brunswick this question prompted a simple 'yes' or 'no' response. Ninety-five per cent of respondents said 'yes'.

In the subsequent three provincial elections, respondents were asked this question with response options on a Likert scale. The responses were similar in Saskatchewan and British Columbia, with about 85 per cent and 81 per cent, respectively, somewhat or strongly agreeing that appropriate precautions were taken.

Figure 14.5. Comfort voting in person: 'Regardless of how you plan to vote, how comfortable are you with the idea of voting in person during the coronavirus (Covid-19) pandemic?'

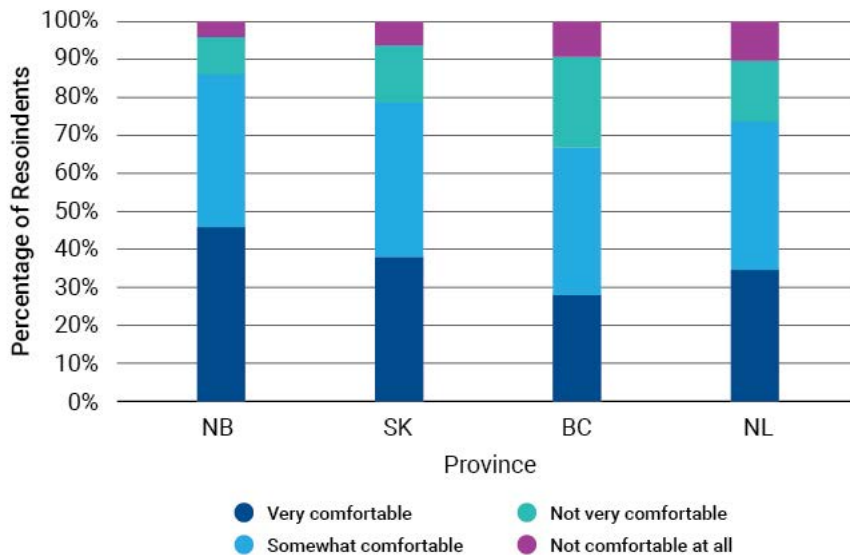
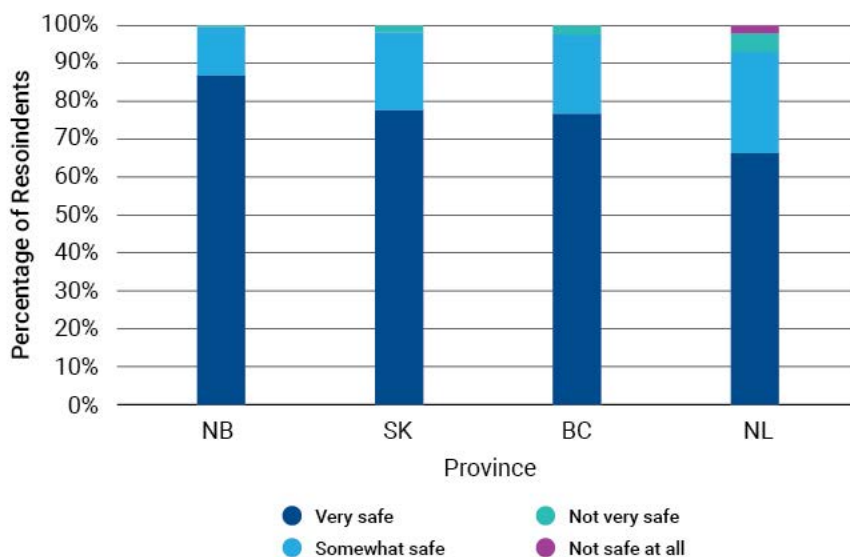
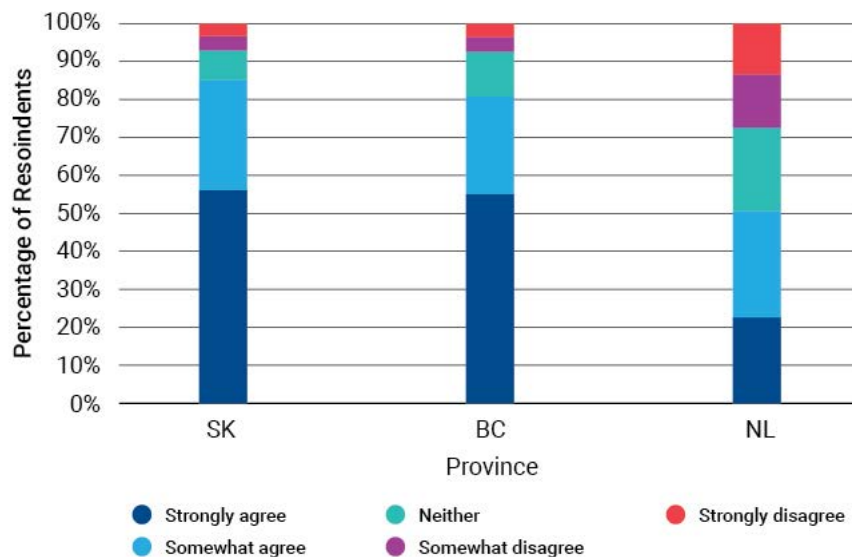


Figure 14.6. Feeling of safety voting in person: 'How safe did you feel voting in person?'



The responses were noticeably different for Newfoundland and Labrador, where the EMB was tasked with an emergency shift to mail-in voting. The lower percentage of respondents who agreed the EMB took appropriate precautions

Figure 14.7. Precautions taken by the electoral management body: '[The provincial EMB] took appropriate precautions to ensure a safe voting environment.'



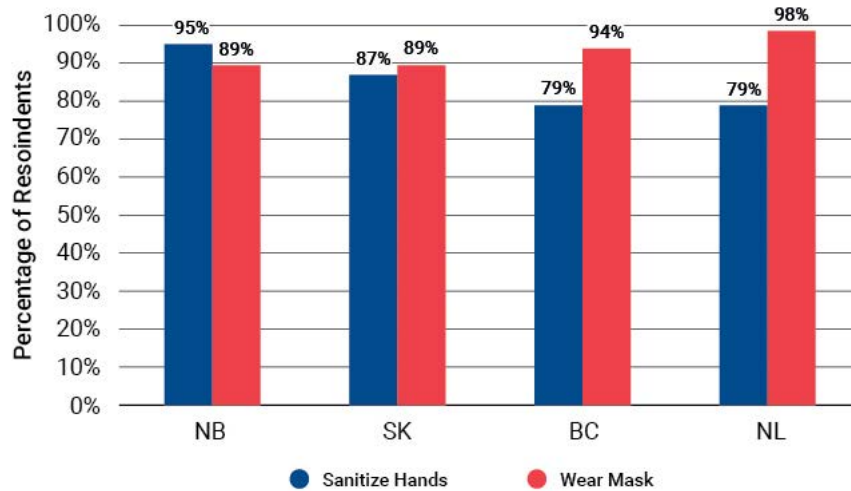
(only about half of respondents) may reflect the uncertainty surrounding this shift only two days before election day. It should be noted that electors in Newfoundland and Labrador were not familiar with mail-in voting, as it had not been a common voting method in past elections. In fact, only 300 people voted by mail in the 2019 election (Elections Newfoundland and Labrador 2021). The sudden switch to a mail-in-only election was therefore a step into completely new territory for most voters.

It should be noted that electors in Newfoundland and Labrador were not familiar with mail-in voting, as it had not been a common voting method in past elections.

Finally, survey data in all four provinces can gauge compliance with public health regulations related to masking and hand sanitizing (Figure 14.8). These questions were asked of voters who responded that they voted in person in advance, at a returning office, or in person on election day. Once again, Newfoundland and Labrador had a small number of in-person voters and therefore a smaller number of respondents for this question. In general, compliance with these public health guidelines was high. Around 90 per cent or more of all respondents in all four provinces reported wearing a mask. Slightly lower percentages of people responded that they had been asked to sanitize their hands, but this does not preclude them doing so anyway (without being specifically asked to).

Asked of those who responded they voted via 'advance voting', 'general voting' or 'voting in the district electoral office' for how they voted. The questions were worded as follows: 'Were you asked to sanitize your hands before you voted?' and 'Did you wear a mask or face covering when you went to vote?' Respondents who were unsure were marked as missing.

Figure 14.8. Being asked to sanitize hands and/or wear a mask at the polls



14.4. DISCUSSION AND CONCLUSION

What can be learned from these four provinces' experiences holding an election during the Covid-19 pandemic in Canada? We suggest that five lessons may be of use for policymakers, practitioners and academics.

First, we find that the public was largely not in favour of their respective provincial governments calling an election during the Covid-19 pandemic (with the exception of Saskatchewan, where the question was not asked since the election was regularly scheduled). However, we also note that the incumbent governments were not severely punished for this choice. While it was a minor issue during the campaigns, the four incumbent governments were ultimately re-elected, with more seats than they had going into the election in all four provinces. Therefore, we can conclude that, in these cases, while holding an election during a pandemic was unpopular, it was not so unpopular that it affected that government's electoral success.²⁰ In the thick of the pandemic, it is possible that an incumbent boost or 'rally round the flag' effect contributed to the incumbents' success (e.g. Baekgaard et al. 2020; Merkley et al. 2020; Schraff 2020).

Second, in all four cases, there was a *surge in mail-in and other alternative voting methods*. In one case (Newfoundland and Labrador), this shift was mandated when a Covid-19 outbreak occurred in the province. With a surge in alternative voting methods, there could be concerns about voters' comfort with alternative measures, and also about whether it would take longer to count the ballots. A question of voters' comfort with mail-in voting was asked only in

The public was largely not in favour of their respective provincial governments calling an election during the Covid-19 pandemic.

²⁰ It is worth noting that, at the time of writing, a fifth Canadian province has held an election (Nova Scotia, 17 August 2021). In this case, the incumbent Liberal government lost power to a newly elected Progressive Conservative majority government (Gorman 2021).

Newfoundland and Labrador, where the surge of emergency postal balloting dampened trust, perhaps since the EMB was managing a greater volume of postal ballots than expected. Before the shift to all postal ballots occurred, however, more than 70 per cent of voters stated they perceived mail-in voting to be equally as trustworthy as voting in person. Therefore, we may suggest that any drop in trust was due to the emergency nature of mail-in voting rather than concerns about the process itself under normal conditions.

This surge in mail-in voting and other Covid-related issues caused delays in the announcement of election results.

Third, in three provinces this surge in mail-in voting and other Covid-related issues caused delays in the announcement of election results. Delays varied by province. In New Brunswick the election results were known on election night (McPhail 2020; Bissett 2020). There were some delays, however, in Saskatchewan and British Columbia, with an uptick in postal balloting in both provinces. In the case of Saskatchewan, postal ballots were not counted until two days after the election. The final results, which included all special ballots counted, were not known until 7 November (12 days later) (Elections Saskatchewan 2020). In British Columbia counting concluded on 8 November (15 days later), and results were finalized for all electoral districts by 16 November (Elections British Columbia 2021). Note that, in this election, some ridings did swing to other parties between election night and the final count (Little 2020). However, it is also important to note that, in the cases of both Saskatchewan and British Columbia, there was little doubt about who would form the government, with each of the leading parties winning a majority government (Little 2020; Taylor 2020). In Newfoundland and Labrador, on the other hand, the vote count took considerably longer due to the delays caused by the shift to mail-in voting. However, the 27 March preliminary results did show a majority government for the incumbent Liberal Party, which remained when the results were confirmed on 30 March (Elections Newfoundland and Labrador 2021).

Fourth, we find that the four provincial *EMBs did generally demonstrate a capacity to deliver safe and trusted elections during the pandemic*. These case studies present a promising picture of provinces' ability to deliver a widely trusted and smooth election despite unprecedented pandemic conditions. Public opinion demonstrates that over 90 per cent of respondents in all four provinces reported feeling somewhat or very safe voting in person (albeit the number of in-person voters, and therefore respondents, in Newfoundland and Labrador was low due to a shift to all-mail ballots). Additionally, in both British Columbia and Saskatchewan, over 80 per cent of respondents reported that they somewhat or strongly agreed that their provincial EMB '*took appropriate precautions to ensure a safe voting environment*' (this question was not asked for New Brunswick). The clear outlier in public perceptions of safety and trust concerning election administration is Newfoundland and Labrador, where the situation necessitated emergency changes to the voting procedures and timelines. Therefore, we conclude that emergency situations, often beyond the control of the EMB, can have a negative effect on voters' trust and willingness to go to the polls.

This relates to our final lesson learned: we note that there is a need for *clear policies around who has the authority to delay or change election procedures* due to health concerns, and who has the ability to effectively communicate these policies when they need to be used. As evidenced in the case of New Brunswick, there was serious confusion regarding who had the authority to delay the election or change the modes of voting. These issues of authority need to be sorted out in advance and be made clear within election law. However, even where these policies are clear, effective communication is also required to ensure that the public understands and can trust decisions made by the competent authority. This is where the case of Newfoundland and Labrador fell short despite having a clear policy in place granting authority regarding emergency measures to the EMB. As politicians weighed in on the issue, there remained public confusion regarding who would make a decision to delay the vote, and when. This highlights the need for effective communication between and from major stakeholders.

In conclusion, these four case studies present an interesting look at how four Canadian provinces managed elections during the Covid-19 pandemic. It furthermore shows how the public responded to these conditions. Drawing on these experiences, we can suggest a number of lessons for policymakers, practitioners and academics, for future Canadian elections and for elections around the world.

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Chapter 15

CASE STUDY: CHILE

Pamela Figueroa

15.1. INTRODUCTION

Chile held a National Plebiscite to decide upon having a new constitution and the body that should write the new text on 25 October 2020. The plebiscite was scheduled for 26 April 2020 but because of the Covid-19 pandemic government and political parties decided to postpone it, as well as the elections of governors, mayors and councillors, planned for October 2020, to 11 April 2021 (Republic of Chile 2020b). A couple of days before 11 April, elections were postponed again because of an increase in confirmed cases of Covid-19, to take place on 15 and 16 May 2021 (Republic of Chile 2021). This was a difficult decision because, since October 2019, there had been significant social mobilization and protest demanding profound social, economic, and political changes. After decades of being considered one of the three most stable democracies in Latin America, massive social protest erupted in Chile, stemming from a political and institutional crisis that could be traced at least from 2010 (International IDEA 2019; PNUD 2020; Latinobarómetro 2020). The National Plebiscite was an attempt to drive the crisis in a democratic way.

In this context of a crisis of legitimacy and lack of confidence in the political system and social elites, the pandemic posed a challenge to the changes occurring in the country. The authorities faced the tradeoff of prioritizing, on the one hand, sanitary measures that implied strict quarantines and restriction of citizen mobility, and, on the other, guaranteeing democratic and safe elections. The decision to have an extended state of emergency and criminalize curfew violations was an aspect of concern from a democracy and human rights perspective, which affected both the plebiscite campaigns and people's confidence in government (International IDEA n.d.a).

This case study analyses holding a National Plebiscite for constitutional change in the context of Covid-19 in Chile. It will first present the country's political and institutional context, then the situation of the pandemic analysing the evolution of cases and government responses in a context of social crisis; the decision to postpone the constitutional plebiscite and other elections; the constitutional reform to make possible a new constitution; the process of preparing an election in the context of Covid-19; and finally, the election day, results and effects on confidence in the democratic process. The Chilean case demonstrates the importance of assuring democratic processes in times of uncertainty, pandemics, and social and political crisis. Political agreements to hold institutional, participative and democratic processes are key to canalize social discontent and rebuild confidence and legitimacy. Timely decisions, and the inclusion of civil society, the scientific community, political parties and institutions, are also key steps to making democracy works.

Timely decisions, and the inclusion of civil society, the scientific community, political parties and institutions, are also key steps to making democracy works.

15.2. POLITICAL AND INSTITUTIONAL CONTEXT

Chile has had a history of political stability based on codified constitutions from independence in 1810. Since then, Chile has had a long legalist tradition and three democratic Constitutions in 1828, 1833 and 1925. The 1925 Constitution was suspended after the 1973 coup d'état. In 1978, Augusto Pinochet, president of the military junta, announced that a constitution would be adopted in 1980. The current Chilean Constitution was written by an authoritarian government and ratified by means of a plebiscite that did not have the minimum democratic guarantees, so the Constitution was contested by political and social opposition (Fuentes 2013). During the process of transition and consolidation of democracy, the Constitution has been amended 52 times (BCN 2020a), the most important being the amendment in 1989 that allowed the first national elections under democratic rules. In 2005, President Ricardo Lagos amended the Constitution to eliminate nondemocratic institutions inherited from the authoritarian regime. In 2019 the Congress amended the Constitution to make the plebiscite to have a new constitution possible.

The Chilean Constitution established a presidential system that is characterized by strong presidential powers and a bicameral Congress—155 deputies and 50 senators—elected by a proportional electoral system. The legislature is limited in its scope of action. After the 2005 constitutional amendments, and the political reforms in the period 2014–2016, institutions that limited democratic power were reformed (Figueroa and Jordán 2017). Institutions removed from the Constitution in the 2005 amendment were designated senators (9 of 39 senators were appointed by the military or other forces sympathetic to the right for much of the transitional period); effective veto power for the armed forces; the establishment of a strong and military-dominated National Security Council; and a military insulated from civilian control with respect to hiring, firing and promotions.

There are two main characteristics that remain from the original 1980 Constitution: (a) a Constitutional Tribunal with the ability to derail legislation at any point in the legislative process; and (b) high quorums for specific legislation and two-thirds quorum for reform (Siavelis 2016).

Presidential elections in Chile are held every four years, as are elections for deputies. The president of the republic has a fixed term of four years, without immediate re-election, but they can be re-elected indefinitely in alternating terms. The deputies have fixed terms of four years and unlimited re-election. The Senate is partially elected every four years. With a senator's term being eight years, half of the Senate constituencies are renewed every four years. The presidential and parliamentary contests are concurrent elections, in a multiparty system context.

In Chile there is universal suffrage and the vote is secret and voluntary (Republic of Chile 2017, 2012). Voting is strongly regulated in Law 18.700 on popular voting and scrutiny. The vote is cast in person and the election day is a public holiday. The tradition is to have the results at the end of the day, which is important for legitimacy. The electoral registry is prepared by the Electoral Service (SERVEL) according to information from the civil registry office, since registration in the electoral registry is automatic for everyone over 18 years of age, and the electoral address is assigned based on information from the civil registry office.

Elections are organized by SERVEL. The Electoral Service is the highest organ of the electoral administration in Chile. It is an autonomous body of constitutional rank, with legal personality and its own patrimony, whose objective is to fulfill the functions indicated by the law.²¹ Article 60 of Law 18.556 entrusts the Electoral Service with: (a) managing and supervising the electoral registration process, the preparation and updating of the electoral rolls and the electoral act; (b) supervising compliance with the norms on electoral campaigns and their financing; (c) supervising the fulfilment of the norms that regulate the activities and spheres of action of the political parties, with full respect for their autonomy and their financing; and (d) other matters that this or other laws establish.

The National Plebiscite for a new constitution

In political terms, on 25 October 2020 Chileans decided at the polls to write a new constitution, through a Constitutional Convention democratically elected, with gender parity, reserved seats for indigenous people and the participation of independents and political parties' candidates to be elected on 15 and 16 May 2021 (Republic of Chile 2021, 2020a, 2020c). This was the first time in Chilean history that people could participate in electing a Constitutional Convention in a very innovative democratic institutional design, as a response to a large period of social protest and mobilization, an unfulfilled constitutional process that started in 2016 in the government of Michelle Bachelet, and the

²¹ Electoral Service (SERVEL) is the name of the electoral management body (EMB) in Chile.

context of a political system that is weak because of a lack of confidence and legitimacy from citizens (Figueroa and Jordán 2017).

On 25 November 2019, after a month of protests, mobilizations and acts of violence, 11 of the 17 political parties with representation in Congress signed an agreement for constitutional change, the main demand of citizen mobilization. The Agreement for Social Peace and the New Constitution (Acuerdo por la Paz y la Nueva Constitución) is a document that consists of 12 points that approved in the Congress an electoral schedule to allow the people to decide whether they want to have a new constitution, and the type of body to write the text (BCN 2020b). That plebiscite was scheduled for April 2020. The calendar also included that, in the scenario that people decide for a new constitution, they would elect the members of the Constitutional Convention. Finally, people could approve the new text in a ratifying plebiscite. That political compromise was critical, because to change the Constitution, a two-thirds quorum of the Congress was needed.

On 25 November 2019, after a month of protests, mobilizations and acts of violence, 11 of the 17 political parties with representation in Congress signed an agreement for constitutional change, the main demand of citizen mobilization.

15.3. THE PANDEMIC: EVOLUTION OF CASES AND GOVERNMENT RESPONSES

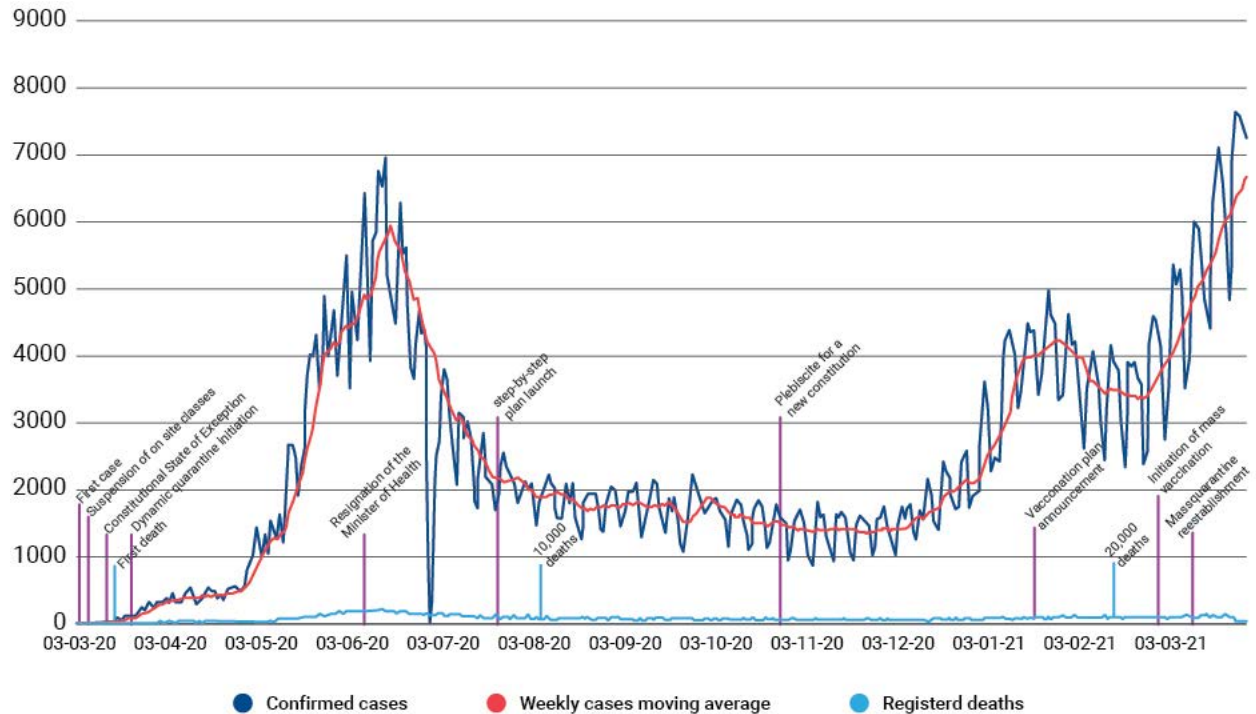
In this context, Chile confirmed its' first case of Covid-19 on 3 March 2020, which involved a 33-year-old male doctor who had travelled to Asia. On 18 March 2020, the President of the Republic of Chile, Sebastián Piñera, issued a state of constitutional exception, the 'State of Catastrophe'. The state of exception affected the entire national territory and began at 00.00 hours on Thursday 19 March 2020. To begin with, it would be in force and effect for 90 days but had been kept in place until the time of writing. On 24 March 2020, article 4 of the Health Code was modified, in order to declare a Health Alert, and give the Ministry of Health powers to take the appropriate measures. On 21 March 2020, the country had the first death because of Covid-19.

The government designed a dynamic policy to tackle the pandemic called the 'Step by Step' plan, which was a mixed policy, where, depending on the health situation derived from Covid-19, some regions were in quarantine and others without quarantine. Partial closures were in place starting from 26 March 2020, and a total closure implemented between 15 May and 16 August 2020. After 143 days, the government announced an end to the lockdown in the entire region of Santiago, the longest in the country at that time, and partial closures in other regions.

On 30 March the Ministry of Health released the First Epidemiologic Report of Sickness for Covid-19. By 29 March there were 2,449 confirmed cases, out of a population of around 19 million people (see Figure 15.1).

The political context is important to understand the measures taken in Chile relating to the pandemic and elections. As a result of the social discontent and because of an institutional design based on strong presidentialism,

Figure 15.1. Number of Covid-19 cases confirmed by day



Source: Author's calculations, compiled using data from Gobierno de Chile, Cifras Oficiales, Situación Nacional de COVID-19 en Chile, [n.d.], <<https://www.gob.cl/coronavirus/cifrasoficiales>>, accessed 1 April 2021.

The main opposition to the government policies came from the scientific community.

the low support that the president Sebastian Piñera had by February 2020²² undermined the necessary confidence from citizens in the government. Critics disagreed not about the necessity of the lockdown, but about the opportunity and effectiveness of the government policies. The main opposition to the government policies came from the scientific community. Dr Izkia Siches, the president of Chile's Colegio Médico, a highly influential medical union, criticized the lack of information from the government, and the timeliness of the measures. The government policy of partial closures, called dynamic quarantines, had the aim of managing the pandemic without crippling the economy. Because of that decision, the government faced accusations that it was letting people die to save the economy, reinforcing its troubled reputation among the population (Luna 2021).

²² According to CADEM poll, the government of Sebastian Piñera had a 12 per cent level of support by February 2020.

15.4. THE DECISION TO POSTPONE THE CONSTITUTIONAL PLEBISCITE AND OTHER ELECTIONS

On 19 March 2020, the government and political parties agreed to postpone the constitutional referendum until 25 October 2020, with recommendations from SERVEL and the Colegio Médico. The National Referendum was regulated by the Bill 21.200 of 24 December 2019. The Bill 21.200 was a constitutional reform, so to postpone the plebiscite, a two-thirds quorums of the Congress was necessary to pass it (La Tercera 2020a). On 19 March, the President of the Senate, Senator Adriana Muñoz, and the President of the Chamber of Deputies, Deputy Iván Flores, both from the opposition and supported by 15 out of 17 parties in the Congress, announced the postponement of the constitutional plebiscite until 25 October 2020, and the elections of governors, mayors and councillors scheduled for 2020, until 11 April 2021.

15.5. THE CONSTITUTIONAL REFORM TO MAKE POSSIBLE A NEW CONSTITUTION

The Law 21.200 amended Chapter XV of the Constitution, on Reform of the Constitution, established in Decree No. 100 of 2005²³, of the Ministry General Secretariat of the Presidency, with the aim of establishing a procedure for developing a new Political Constitution of the Republic. Its origin was in seven bills recast in November 2019, to consolidate its legislative process in the Constitution Commission of the Chamber of Deputies, which subsequently took for the final text of the bill the proposals for constitutional reform generated in the work of the Technical Bureau²⁴ nominated by political parties to elaborate the draft of the reform.

As a result of the lockdown, dynamic quarantines and restrictions on movement, including a nighttime curfew, protest declined. But as has been the case in other countries, despite or perhaps because of the issues raised by lockdowns, popular engagement with politics increased, and the interest in the elections grew. People self-organized in Cabildos (citizen councils) in their neighbourhoods to deliberate and talk about the new constitution in 2019 and in 'common pots' to have a meal under the pandemic (Albert and Köhler 2020; France 24 2020; The Economist 2020).

On 25 March 2020, Law No. 21.216 was published, which established a new electoral itinerary for the constituent process (Republic of Chile 2020a). The bill was an initiative of senators from parties across the political scale. Article 130 related to the National Plebiscite was amended just to update the date, from 26 April to 25 October 2020. It also amended the transitory disposition 28, related to the date of elections of governors of the Constitution, to update the election

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²³ In 2005 there was a mayor Constitutional Reform with the aim to democratize the political system.

²⁴ To execute the Agreement for Social Peace and the New Constitution, political parties nominated a group of 14 experts to deliberate and write the draft of this constitutional reform, known as the Technical Bureau. The author is one of those 14 experts.

day of governors. In addition, a new transitory disposition was included (the 34th) to extend the mandate of the mayors and councillors in office until 24 May 2021 because of the new electoral calendar. The transitory disposition is intended to establish the entry into force of permanent constitutional provisions. The law does not provide a definition of transitory provisions. It is the concept itself which seems to indicate that it would be a rule meant to be applied temporarily and would facilitate the transition to new regulations (Núñez, 2021). The new electoral calendar is displayed in Table 15.1.

Table 15.1. Elections postponed

Type of election	Initial date	New/Postponed date
Constitutional Plebiscite	26 April 2020	25 October 2020
Municipal and regional primaries	7 June 2020	29 November 2020
Constitutional Convention	25 October 2020	4 April 2021 ¹
Local Governments	25 October 2020	4 April 2021
Governors	25 October 2020	4 April 2021
Governors' ballotage	22 November 2020	9 May 2021

Source: Author's elaboration based on data from SERVEL, Acuerdo político posterga la realización del Plebiscito Nacional, 23 March 2020a, <<https://servel.cl/acuerdo-politicoposterga-la-realizacion-del-plebiscito-nacional>>, accessed 1 April 2021.

¹ The initial date was 4 April 2021, but because of a religious holy day the election was deferred to 11 April 2021. In Chile the election day is a national holiday so elections are typically held on a Sunday.

15.6. PREPARING AN ELECTION IN THE CONTEXT OF COVID-19

Covid-19 spread in Chile between April and June 2020, when it reached high levels of contagion and deaths (Figure 15.1). Civil society, political parties, and the Electoral Service, recognizing that it was important to hold the National Plebiscite, but that it was also important to take care of the population's health, worked together to have a 'Safer Plebiscite', an expression that means that to hold the referendum, health measures must be in place to control the risk of contagion of Covid-19. With a lack of confidence in the political elite and a government with low popularity ratings, the role of civil society organizations

was key. In April 2020 the Minister of the Interior, in an interview for a major newspaper in Chile, proposed the possibility of re-evaluating the electoral calendar that had been modified because of the pandemic (La Tercera 2020b). Following that interview civil society organizations argued that Chile should not 'stop democracy' because of the pandemic but should instead hold a Safer Plebiscite. The Red de Politólogas (Valencia 2020), an organization of women political scientists, as well as other academics, made specific proposals to find the best way for people to safely vote and to guarantee participation. They highlighted two in particular: promoting political participation and safeguarding the exercise of the right to vote. They argued that it was possible to hold elections with strong health measures. For example, the authorities and electoral personnel should have Covid-19 tests, and be provided with personal protection such as masks. Hygienic services with water, soap and disposable towels were needed to ensure frequent hand washing. Finally, physical distancing at each polling place was suggested. Polling booths were requested to be in ventilated locations and regularly sanitized during the voting process. The number of voters per voting station was also requested to be reduced by opening more polling stations to avoid crowds. Another measure to consider included taking the temperature of people at the polling station.

In order to have alternative ways to vote under pandemic conditions, the Red de Politólogas also argued that it seemed reasonable to extend the one-day election, to a two-day election process. Also, they proposed the delivery of ballot boxes to households of persons with reduced mobility, who are part of the at-risk population, or who were in health isolation. Finally, a campaign to inform citizens about new rules was suggested (Camara de Diputados Chile 2020). The Electoral Service also made recommendations to government (SERVEL 2020a). Its proposal was to have a Health Protocol, limit campaign spending and regulate campaigns through social media.

In order to receive inputs from civil society, a group of experts was convened, drawn from the Electoral Service and the Senate. This group also had experts on public health enabling a multidisciplinary approach. The Electoral Service also coordinated actions with the Ministry of Health, and received technical opinion from organizations such as the Pan American Health Organization/PAHO; United Nations Development Programme; Chilean Society of Infectiology; Chilean Society of Epidemiology; Chilean Red Cross and National Emergency Office. The result of that effort was a National Plebiscite Health Protocol, with a first draft in July 2020 and approved by SERVEL and the Ministry of Health on 9 September 2020 (SERVEL 2020b).

The National Plebiscite Health Protocol addressed and regulated a number of matters necessary to implement the National Plebiscite by safeguarding the health and safety of citizens. Training is one of the aspects established as mandatory according to the regulations issued by SERVEL for the Plebiscite of 25 October 2020. The training of electoral personnel is one of the tasks that SERVEL carries out regularly. The provisions of article 130 of the Political Constitution of the Republic; and laws relating to the regulation of elections (Law No. 18.556; Law No. 18.700); Law No. 21.257, Constitutional Reform

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A 'Safer Plebiscite', an expression that means that to hold the referendum, health measures must be in place to control the risk of contagion of Covid-19.

that empowers the Electoral Service to dictate the norms and instructions necessary for the development of the National Plebiscite provided in article 130 of the Constitution and other electoral processes in the terms indicated; the Agreement of the Board of Directors, published in the Official Gazette on 4 September 2020, which establishes rules and instructions for the National Plebiscite of 25 October 2020; Ordinary B3 / N 3828, of 9 September 2020, of the Minister of Health, which communicates the approval of the Health Protocol for the National Plebiscite 2020 by that Ministry. These measures are summarized in Table 15.2.

Other initiatives proposed by experts, such as the electronic vote, early voting and a two- days election, were not included in the legal reform. There were many opinions about the viability and effectiveness of those kinds of measures that could not be implemented, because of time and political willingness. Another issue was the right to vote of people who tested positive for Covid-19. In the referendum people diagnosed with Covid-19 were not allowed to vote due to restrictions on their freedom of movement as part of the government's regulations to reduce the spread of infection. Ensuring the right to vote of those who cannot attend the polling place for health reasons was an issue pointed out by civil society organizations. But because the vote cast in Chile is in-person, there were no facilities for those people to vote (Asplund et al. 2020; La Tercera 2020c).

15.7. THE ELECTION DAY

The plebiscite was held on 25 October 2020²⁵. Opinion polls carried out days before the plebiscite indicated that 76 per cent of people planned to vote (DataInfluye 2020). Another study (MORI 2020) indicated that 71 per cent of those surveyed affirmed that going to vote in the plebiscite on 25 October 'can make a difference'. Meanwhile, 67 per cent thought that going to vote was worth the effort, while 59 per cent said they had already made the decision and that they will vote 'anyway'. Regarding the health situation and its relationship with the October plebiscite, 52 per cent believed it was possible to vote without risks, and 36 per cent thought that it was risky to vote (MORI 2020), and around half the population feared that by doing so they could catch the virus.

The campaign period was between 26 August and 22 October 2020, regulated by article 130 of the Constitution and the transitory disposition 42 (which regulated the plebiscite campaigns); Law No. 18.700; and the restrictions of the National Plebiscite Health Protocol. In accordance with current legislation, electoral propaganda could only be carried out through the written press and radio stations, in digital media, through posters in authorized public spaces and, in private spaces, through posters or signs (SERVEL 2020b). Likewise, campaign materials could only be distributed by activists or brigade members

²⁵ On 29 November 2020 primary elections of governors and majors were held. These primary elections have not been analysed in this report, in order to focus on the plebiscite.

Table 15.2. Measures for elections in the time of Covid-19

Issue of election	Main measures
I. Production of election material	The operations of acquisition of materials, conditioning of the spaces, transport and distribution of these materials, documents and electoral equipment will be the object of special consideration in terms of sanitary risk and hygiene. Physical distance and specific spaces for food consumption should be promoted.
II. Sanitary kit	A call to the electorate so that on the day of the 2020 National Plebiscite they come with their own sanitary protection implements (70% alcohol gel and a mask (ideally three-fold disposable surgical)). The voter must bring a blue pen to mark her or his preference on the corresponding ballot papers, as well as to sign the table register. On 25 October sanitary kits were to be provided by SERVEL to collaborate in an appropriate safeguard of the measures recommended.
III. Campaign acts	Prohibition of mass acts. Political parties, civil society organizations, or campaign teams of the options submitted to a plebiscite have the responsibility to allocate resources for health supplies and make them available to those who work in the campaign. To hold face-to-face meetings, a physical distance must be guaranteed and the allowed capacity must not exceed the number defined in accordance with the instructions issued by the authority.
IV. Training	The Electoral Service has mandatory training in face-to-face and virtual modality for personnel with an electoral role.
V. Personnel with electoral role	The Electoral Service is concerned with the organization of contingency plans for civil servants. Protocol with the procedures and sanitary provisions that international visitors must follow.
VI. Communication to the electorate	A special campaign to inform citizens about the election and special health protocol.
VII. Voting locations	The number of tables per polling station will be reduced and consequently increase the number of precincts in which to install tables. The permanent use of masks (ideally, three-fold disposable surgical masks) will be mandatory in polling places.
VIII. Suffrage receiving table	The curtains of the secret chamber must be removed, and they will have to be placed in a position that guarantees the secrecy of the vote.
IX. Food and rest times	Respecting physical distance and health measures.

Given the new context of the Covid-19 pandemic, the Electoral Service recommended not carrying out large scale campaign events.

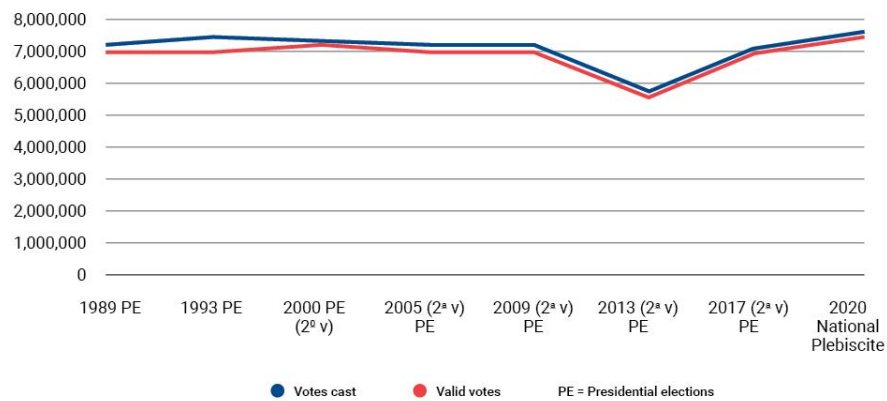
on the public highway if carried out in strict compliance with health regulations and the recommendations of the health authority for a Safer Plebiscite. Finally, free-to-air television channels must allocate 30 minutes a day of their broadcasts free of charge to electoral propaganda on this plebiscite, having to give expression to the two options contemplated in each card, in accordance with the instructions of the national television council (CNTV).

Given the new context of the Covid-19 pandemic, the Electoral Service recommended not carrying out large scale campaign events, whether public or private, as they are incompatible with a strategy of physical distancing and intensive health care. The foregoing must also be compatible in accordance with the instructions issued by the health authority in the 'Step by Step' plan since different places may be in steps with restrictions. Massive face-to-face events should be avoided, and virtual channels promoted. To carry out face-to-face meetings, a physical distance of at least one metre must be guaranteed and the allowed capacity should not be exceeded in accordance with the instructions issued by the health authority in its 'Step by Step' plan and prioritizing the use of open spaces. In the event of meetings in closed spaces, the venue must be sanitized, 70 per cent alcohol gel available for the attendees and the use of masks mandatory. Door-to-door campaigns can be carried out as long as a limited number of people travel and that the physical distance of two metres is respected, masks are used and hands are periodically sanitized. The instructions issued by the health authority in the 'Step by Step' plan must be always respected.

The election day was calm, the system and protocols functioned, as expected there were no special problems or complaints, and the news were an important participation compared with last national elections (International IDEA n.d.b; The New York Times 2020). Fifty-one per cent of the population voted, that is 7,562,173 total votes (see Figure 15 2). A study about the characteristics of the plebiscite participation pointed out that the levels of participation in the plebiscite increased sharply in the communities with a higher proportion of young people (Bargsted and Delgado 2021). Voters from municipalities where there were movement restrictions, voted, on average, about 2 percentage points more frequently than those located in quarantined municipalities, although the difference reaches conventional statistical significance (95 per cent) only for those in transition (movement restrictions). The socio-economic variables, income and average community schooling, are also very relevant to explain participation during the plebiscite. As the socio-economic resources of the inhabitants of a municipality increase, the average level of participation also tends to increase. The magnitude of the association is large, particularly in the case of schooling (Bargsted and Delgado 2021).

The President of the Electoral Service declared, 'It is undoubtedly the largest participation in the history of the Republic' (SERVEL n.d.). In a context of voluntary voting (compulsory voting was abolished in 2012 in Chile), this election seemed to break out of the tendency towards declining electoral participation. The low levels of citizen participation have been described as the main indicator of a weak political system (PNUD 2020).

Figure 15.2. Electoral participation in presidential elections and the National Plebiscite



Source: Author using data by SERVEL, INE, and Fuentes, 2020.

The results were 78 per cent for the option 'I approve' a new constitution, and 78 per cent for this to be written by a 'Constitutional Convention' totally elected by the people. These results open up the next stage: the election of the representatives to the Constitutional Convention (SERVEL 2020c). On 15 and 16 May 2021²⁶, Chileans went to the polls to define the political future. These elections elected representatives to the Constitutional Convention and to local governments and, for the first time elected, governors. These elections were held under similar Covid-19 mitigation measures as were applied to the Plebiscite. The only difference was that the election had a two-day process (BCN 2021), with the aim of avoiding the agglomeration of voters in the polling places.

15.8. CONCLUSIONS

As James and Alihodzic (2020) demonstrate, the global spread of Covid-19 profoundly impacted the health and welfare of citizens, and the decisions made about elections during the pandemic would affect democracy in the future. In 2019 Chile was tagged as a full democracy under The Economist Intelligence Unit Democracy Index (2020), occupying place 17 (of 167 countries and territories) and second place in Latin America. In 2020, International IDEA positioned Chile as a mid-range performing democracy since 2001 and a democracy since 1990. Many things have changed in Chile since 2019.

²⁶ Because of the pandemic this date was recently moved to 15 and 16 May 2021.

The Chilean case allows a number of key lessons to be learned.

- Firstly, it demonstrates the importance of assuring democratic processes in times of uncertainty, pandemics, and social and political crisis. This is important to strengthen citizen trust in electoral processes and in democracy.
- Secondly, political agreements to hold institutional, participative and democratic processes are key to canalize social discontent and rebuild confidence and legitimacy.
- Finally, timely decisions and the inclusion of civil society, the scientific community, political parties and other key institutions are also important steps to ensure that democracy works, because democracy needs clear rules, and trust is based on the fact that procedures will continue to be applied even in difficult times.

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Chapter 16

CASE STUDY: ETHIOPIA

Zemelak A. Ayele

Many expected the 2021 election to be a litmus test of whether Ethiopia was departing from its authoritarian tradition and transitioning to democracy.

16.1. INTRODUCTION

On 21 June 2021 Ethiopia held its sixth general election—elections to the national Parliament and state councils. This was the first to be held in the absence of the Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF), the party that enjoyed exclusive political dominance in the country for close to three decades, until its demise in 2018 following years of public protests and internal political rift. In December 2019 former members and affiliates of the EPRDF, to the exclusion of the Tigray People’s Liberation Front (TPLF), merged to form a new party—the Ethiopian Prosperity Party (PP). The PP differs from its predecessor in both ideological and structural terms. Many expected the 2021 election to be a litmus test of whether Ethiopia was departing from its authoritarian tradition and transitioning to democracy.

The election was held under extremely difficult circumstances. Ethiopia was facing a multitude of challenges from within and without, threatening its very existence. The Covid-19 pandemic, spreading at an alarming rate, was a major political and economic problem; not least among its effects was the postponement of the election for over a year. Inter-communal conflicts and armed clashes made it impossible to hold elections in various parts of the country: areas representing over 60 constituency seats in Parliament. Relations between the federal government and the TPLF deteriorated into a full-scale armed conflict after forces loyal to the latter attacked different bases of the Ethiopian National Defence Forces (ENDF) on 4 November 2020. Not only has the conflict caused a devastating humanitarian crisis in Tigray, the Amhara and Afar states, it has also exposed the country to international criticism. In the following year, major opposition parties in the Oromia region would boycott the elections claiming that there was not a level playing field on which to compete.

This case study examines the meaning of the sixth general election to the political future of the country: whether it means a step closer to a democratic order or the continuation of electoral authoritarianism. It begins with a brief description of the place of elections in the political history of Ethiopia. It then deals with the political reforms that took place from 2018, after the rise to power of Abiy Ahmed, and the challenges the transition faced, followed by a discussion of the process leading up to the sixth general election, including voter registration and political campaigning. The paper finally deals with the process of voting itself, the election results and the implications for the political future of the country.

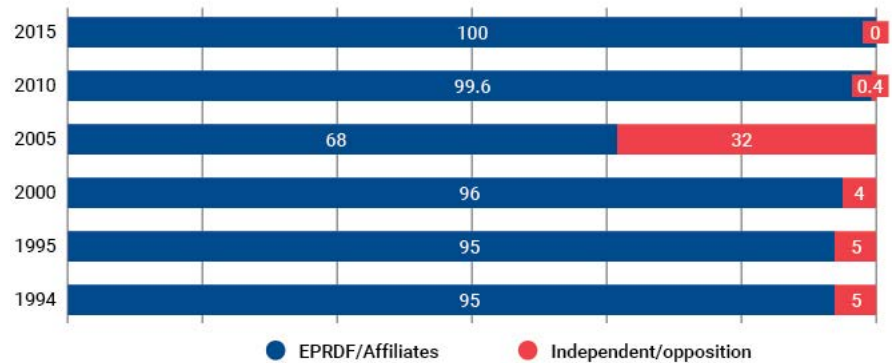
16.2. HISTORICAL CONTEXT

While being among the oldest countries in the world, boasting over two millennia of existence, Ethiopia has almost no experience of a democratic system. It was under an absolute monarchy until the last monarch, Haile Selassie I, was dethroned in 1974 by a committee of soldiers, the *Derg*. After ousting the emperor, the *Derg* established a military government under Colonel Mengistu Haile Mariam, who ruled the country without a constitution or elections for 14 years. In 1987 the *Derg* adopted a new constitution which introduced a one-party system: only the Workers' Party of Ethiopia (WPE) had the right to exist and rule the country (article 6, Ethiopia 1987). Mengistu, being the head of the WPE, ruled the country for the remainder of his 17-year rule as a civilian president. The *Derg's* highly authoritarian rule provided impetus to rebel groups in different parts of the country. These were mainly organized along ethnic lines and the strongest among them was the TPLF. The TPLF formed the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) together with other rebel groups, and intensified the fight until it defeated the *Derg* and controlled the capital, Addis Ababa, in May 1991.

The EPRDF sponsored a new constitution which heralded the establishment of a federal and democratic order in Ethiopia (article 1, Ethiopia 1995). As part of recognizing an extensive list of civil and political rights, the 1995 Constitution (article 73) officially guaranteed the establishment of a multiparty democratic order in Ethiopia. Nevertheless, the EPRDF did not allow these constitutional principles to be fully implemented. Rather, it instituted an electoral system which allowed the party to control the entire political space of the country (Ayele 2018). Elections were regularly held in which some opposition parties indeed participated. However, these were hardly competitive and it was always certain that in each case, EPRDF would emerge as the victors. As can be seen from Figure 16.1, the only election which came close to being competitive was in 2005 when opposition parties won a little over 32 per cent of the seats in Parliament.

The EPRDF used 'a menu of institutional manipulation' that helped it retain power, including: a favourable electoral system, various pieces of legislation which had the effect of narrowing the political space, an amenable election

The only election which came close to being competitive was in 2005 when opposition parties won a little over 32 per cent of the seats in Parliament.

Figure 16.1. General election results in Ethiopia (1994–2015)

Source: Data from NEBE (National Election Board of Ethiopia) [n.d.], <<https://nebe.org.et/en/electionresult>>, accessed 7 January 2022.

board, and local authorities which served as the party's instrument of control (Ayele 2018).

The political dominance of the EPRDF, along with political repression and the prevalence of corruption, led to discontent among different segments of Ethiopian society, which manifested in anti-government protest. The protests began (first in Oromia, and then spreading to other states) soon after the 2015 elections, in which the EPRDF won 100 per cent of the seats in Parliament and state councils. The government's violent response led to a political rift within the EPRDF. Some within the party sought political reform while others wanted to retain the status quo. Those in the first group were mainly from the Oromo and Amhara factions of the EPRDF, which together correspond to more than two-thirds of the population. Those opposing reform were from the TPLF, up until then the dominant group within the EPRDF, and corresponding to about 6 per cent of the population. Following months of internal political struggle, the pro-reform factions won out, signalled by a change of leadership and the emergence of Abiy Ahmed as Prime Minister in April 2018 (Assefa 2021).

Abiy Ahmed was expected to lead the transition of the country to a democratic order and he oversaw the introduction of various legislative reforms which were meant to create a conducive political environment for the sixth general election. He also reformed the composition of the National Election Board of Ethiopia (NEBE) and appointed Birtukan Mideksa, a former opposition party leader, as its chair. However, a difference of opinion emerged between the Prime Minister and certain major political parties and their leaders on how the political transition should be carried out. Some political parties and academics demanded a clear 'road map' on the process and objectives of the transition. As far as the Prime Minister was concerned, repressive laws from the EPRDF era would first be revised and free and fair elections would be held—after which a process of constitutional amendment, if necessary, would be initiated. However, some parties, politicians and civil society organizations were of the view that elections should be preceded with a 'national dialogue' (Assefa

2021). There is little clarity on what the negotiation would be, who would be the parties to the negotiation and what the end result would be.

Once a dominant member of the EPRDF, the TPLF increasingly lost its influence in the party and the federal government and found itself singled out as the sole guilty party for past human rights abuses, corruption, abuses of power and the like. Several Tigrayan generals, politicians and businessmen were arrested and charged with corruption. This caused dismay and a sense of being targeted among senior leaders of the TPLF. The Prime Minister's move to reform the EPRDF by merging members and affiliates of the party widened the rift, as the TPLF interpreted this move as an attempt to marginalize them and consolidate power (Assefa 2021). Under the EPRDF, formally speaking each of the four member parties in the coalition had enjoyed the same weight in decision-making, despite the TPLF representing less than a quarter of the constituencies of the two biggest parties. The formation of the new Prosperity Party abolished ethnic representation and replaced it with individual membership, which worked to the TPLF's disadvantage. Rejecting this, key Tigrayan politicians began leaving Addis Ababa one by one and retreated to Mekelle, the capital of Tigray, and assumed a rather belligerent stance against the federal government and the Prime Minister. The civil war that broke out on the night of 4 November 2020 and which is still ongoing was a result of these political developments.

16.3. THE DECISION TO POSTPONE

The emergence of the Covid-19 pandemic further complicated the already fraught political situation in the country. As was mentioned, the sixth general election was supposed to be held in (May) 2020. The NEBE initially postponed the election to August 2020 since it needed more time to prepare. On 12 March 2020, the first case of Covid-19 was confirmed in Ethiopia and thereafter the virus began spreading. This led to a serious debate on whether the election could or should be held amid the pandemic or be further postponed. The latter option was controversial since this time, it would mean extending beyond the five-year term of Parliament and state councils on 5 October 2020. On 31 March 2020, the NEBE declared that it would not be able to administer 'free and fair elections' while Covid-19 remained a public health threat (Associated Press 2020).

The NEBE's decision that elections could not be held before the expiry of the Parliament and state councils' terms raised several constitutional and political questions including whether the Constitution envisaged such a scenario, who would govern the country until the next elections, and the like. Some political parties and political party leaders, including Jawar Mohammed of the Oromo Federalist Congress, Lidetu Ayalew of the Ethiopian Democratic Party, and the TPLF, were of the view that after 5 October 2020, the mandate of the federal and state governments would expire and that there would be no constitutional basis for them to continue governing (Ethiopian Insight 2020). In their view, the

The National Election Board of Ethiopia (NEBE) declared that it would not be able to administer 'free and fair elections' while Covid-19 remained a public health threat.

way out was establishing a care-taker government in which the ruling party and opposition parties would be represented and able to negotiate a new political settlement.

For its part the federal government began exploring constitutional options if the elections were indeed postponed. A group of constitutional lawyers presented the Prime Minister with four options (ENA 2020a). The first option was dissolving Parliament and establishing a care-taker government which would lead the country for six months. The second was amending the Constitution to explicitly provide for the extension of the term of Parliament and state councils (when elections are postponed beyond term limits, and due to unforeseen reasons). The third was to declare a state of emergency in the name of containing the spread of Covid-19, already declared by the World Health Organization to be a global pandemic. And the last option was approaching the House of Federation for a constitutional advisory opinion.

The Prime Minister opted for a combination of the third and fourth options. On 14 April 2020, the Council of Ministers declared a five-month of state of emergency which Parliament immediately endorsed. After having declared the state of emergency the Prime Minister, through Parliament, asked the House of Federation for a constitutional pronouncement on whether elections could be postponed and what the fate of Parliament and state councils would be until they were held (Fana Broadcasting Corporate 2020). The House of Federation, based on the recommendation of the Commission for Constitutional Inquiry (CCI), decided that the election could be postponed until Parliament decided that Covid-19 was no longer a public health threat. It further determined that the term of Parliament and state councils could be extended until the sixth general election were held (Council of Constitutional Inquiry, 2020).

While some political parties welcomed the decision of the House of Federation, such as Ethiopian Citizens for Social Justice Party (commonly known as EZEMA), others rejected it, especially those which were calling for national dialogue. The TPLF went further and decided to organize a state-wide election despite having no clear constitutional mandate to do so.²⁷ To this effect, the Tigray state council adopted an electoral law and established a state election board which on 5 September 2020 administered a state election in which some five political parties, including the TPLF, took part. The TPLF was declared the winner in the election. A few days later a new state government was sworn in appointing Debre-Tsion Gebre-Mikael, who was until then serving as acting president, as head of the Tigray state government.

The Tigray state election further widened the rift between TPLF-led Tigray and the federal government. The new administration in Tigray declared that it did not recognize Abiy Ahmed as the legitimate prime minister of the country since 'he unconstitutionally extended his term in office' (Al Jazeera 2020). MPs who

²⁷ Under the 1995 Constitution, the federal government retains the power to legislate on matters relating to the exercise of political rights including elections. It also establishes the NEBE as the organ with an exclusive power to administer elections. Therefore, it appears that states cannot adopt elections laws nor can they establish their own election board. Tigray state based its decision on the right to self-determination of ethnic communities which is the foundational principle of the Ethiopian federal system.

were from the TPLF left Parliament and went to Tigray. The federal government in turn declared that it would not recognize the new administration in Tigray. It decided to cease transferring federal grants to the state government and to maintain direct relations with local administrations in Tigray. The tension between the two parties continued to escalate until, as mentioned, it turned into a full-scale war in late 2020.

The state of emergency which was imposed in April 2020 expired in August 2020 since Parliament did not extend it. It became clear that the Covid-19 pandemic would continue for an undetermined period of time, and meanwhile the elections could not be postponed indefinitely. This once more raised the issue of whether the sixth general election could be held within the context of the pandemic and, if so, when. Parliament debated this for two weeks after the Tigray state held its elections. Lia Tadesse, the Minister of Health, appeared before Parliament during an emergency session held on 18 September 2020, and testified that the elections could be administered if the necessary 'measures are put in place, and regulations and guidelines enforced' (*Ethiopia Observer* 2020). She also said that political campaigns and rallies could be conducted so long as a Covid-19 protocol was adopted and adhered to. In an extraordinary session held on 22 September, Parliament endorsed Resolution 16 (2020) to this effect. On 30 October Birtukan Mideksa, the Chair of the NEBE, declared that the elections would be held on 5 June 2021 (ENA 2020b).

16.4. POLITICAL PARTIES: PARTICIPATION AND BOYCOTT

The data that the NEBE released on 22 December 2020 shows that there were 40 parties that fulfilled all of the requirements for registration and whose licences were renewed. Previously there were over 60 registered parties. However, the NEBE cancelled the registration of some 26 political parties. At a later stage, NEBE added a few more political parties to the list of those registered and some 47 actually took part in the elections. However, major opposition parties which were due to contest in Oromia, including the Oromo Federalist Congress (OFC) and the Oromo Liberation Front (OLF), withdrew (Borkena 2021a). The OFC declared it would not contest the elections while its leading members, such as Jawar Mohamed and Bekele Gerba, were in jail. It called for the release of these individuals and for the holding of national dialogue before any election was to take place in the country (Borkena 2021b). The OLF, on the other hand, was facing internal divisions which prevented its registration and participation.

The Tigray state election further widened the rift between TPLF-led Tigray and the federal government.

16.5. CANDIDATES' REGISTRATION

The NEBE initially planned to conduct registration of candidates from 15 to 28 February 2021 and of voters from 1 to 25 March. This schedule could not be observed due to, among other reasons, late opening of registration offices

and logistical challenges. This forced the NEBE to push back both registration deadlines; a second-round candidates' registration therefore took place from 22 February to 5 March 2021 with the process finally concluded on 9 March (ENA 2021). A NEBE report shows 9,000 candidates representing 47 parties and 125 independent candidates were registered. With 2,432 registered, PP had the largest contingent of candidates, followed by EZEMA, Enat Party and the National Movement of Amhara (NAMA) which had 1,385, 573, and 491 candidates, respectively (IRI/NDI 2021).

The candidate registration process involved some controversy. One of the issues had to do with the requirement for each candidate to produce endorsement signatures from a constituency he/she is contesting. Articles 31 and 32 of Proclamation 1162(2019) provides that someone who runs for the federal Parliament representing a party has to produce 3,000 endorsement signatures, while an independent has to produce 5,000. Someone who seeks to be a candidate of a party running for a state council has to produce 1,000 endorsement signatures. This requirement had been hotly debated and sternly opposed by several political parties when the proclamation was tabled for discussion. With Covid-19 and the security situation, many parties faced difficulties collecting endorsement signatures. The NEBE requested of Parliament that this requirement be suspended for the sixth general election; a request that parliament granted.

The other issue was whether someone accused of a crime and being tried could stand for election. This was raised in relation to Eskindir Nega, the Chair of Balderas for True Democracy, who was arrested and charged in connection with a riot that was instigated by the assassination of Hachalu Hundessa in the summer of 2020. Eskindir's party sued the NEBE which initially declined to register him as a candidate since the registration period had expired. The federal Supreme Court decided Eskindir could stand for election but by the time this decision was reached, the ballot papers were already printed and therefore the NEBE initially declared that it would be unable to include Eskindir in the list of candidates. However, when asked by the federal High Court why the NEBE could not implement the Supreme Court decision, its Chair replied that the ballot papers were being reprinted to include Eskindir and others in the list of candidates (*Addis Standard* 2021a).

The National Election Board of Ethiopia (NEBE) expected over 50 million voters to register. The total was less than expected, at about 38 million voters.

16.6. VOTER REGISTRATION

Initially scheduled to run from 1 to 25 March 2021, voter registration was put back by the NEBE to the period 25 March–23 April. The NEBE expected over 50 million voters to register. However, only 18 million voters had registered by the end of this period, forcing the NEBE to extend its deadlines.

Even after this—and a campaign encouraging registration—the total was less than expected, at about 38 million voters. According to Birtukan Mideksa (NEBE Chair), low registration was caused by problems relating to the

'transportation of election materials, inability to establish special polling stations (those for Internally Displaced Persons, the military and students), congestion of electoral schedule, security problems and the negative effect imprisonment and intimidation of opposition candidates has on voter registration' (Sintayehu 2021); she did not mention the Covid-19 pandemic as a major cause. Neither did the NEBE's 2021 election report mention Covid-19 as a factor in the low number of registered voters (NEBE 2021 a).

16.7. THE CAMPAIGN

Pre-recorded debates were aired on various television stations and radio covering various issues, including the federal system, the Constitution, and economic and social matters. In the past, there was only a single television station, the government-owned Ethiopian Television, and the ruling party had enjoyed unrestricted access to it while opposition parties could only use time allocated to them by the Broadcasting Authority. Things have changed in this respect since there are now more than a dozen television stations, either privately owned or operated by state governments.

This allowed the Broadcasting Authority to allocate sufficient airtime in 2021 to the various parties' campaigns. Political parties also campaigned by putting posters on the streets. Public rallies and meetings involving more than 50 people were not as a rule allowed, even though the NEBE could make an exception to the rule when political parties made applications in advance.

As the campaign season began, candidates of two opposition parties, the NAMA and EZEMA, were assassinated (Borkena 2021b; 2021c). The NAMA candidate Berihun Asfaw was running for Benishangul-Gumuz state council, while Girma Moges was EZEMA's candidate for a parliamentary seat. Each political party alleged that the assassinations were politically motivated.

16.8. COVID-19 PROTOCOLS

The NEBE had adopted a directive with the aim of reducing the spread of Covid-19 due to activities linked to the sixth general election (article 6, NEBE Directive 9, 2020). The directive required wearing of masks and social distancing of 2 metres, to be clearly signposted and overseen by election officials at both registration and polling. It aimed at preventing any form of physical contact between individuals involved in any activity linked to the election (candidate and voter registration, voting, election observation, elections-related trainings, etc.). However, an exception was made for those who were physically impaired and needed assistance during registration or voting, and for mothers with infants. Polling stations had separate entrance and exit routes. The directive also required indelible paint to be applied (on the thumbs of those who had voted) in a manner that did not result in the

The directive also required indelible paint to be applied in a manner that did not result in the transmission of the virus.

transmission of the virus. Voters were encouraged to bring their own pen to the polling stations when coming for registration or voting. Members and employees of the NEBE in every polling station were required to clean shared pens using sanitizers, and to wear gloves.

For the purpose of preventing physical contact, a person in charge of a polling station was authorized to restrict the number of election observers, journalists or representatives of political parties who could be present at a polling station at a given time. The NEBE's Covid-19 directive further required all civic organizations which provide election-related trainings to do so using online platforms. Political parties could campaign or hold rallies, with the consent of the NEBE, and only if their members wore masks and trained and informed the public on the use of masks and sanitizers.

The implementation of Covid-19-related protocols resulted in significant additional cost of the general election.

The implementation of Covid-19-related protocols resulted in significant additional cost of the general election. In May 2019, the NEBE had proposed a budget of ETB 4 billion and the Ministry of Finance had agreed to ETB 3.7 billion (USD 132 million) (Ezega News 2019). In October 2020, the NEBE requested an additional ETB 1.1 billion (USD 30 million USD) mainly to implement Covid-19 prevention.

16.9. ELECTION RESULTS

The sixth general election was held on 21 June 2021 in 436 of Ethiopia's 550 constituencies. The elections in Somali state and in some parts of Benishangul-Gumuz and Oromia states were postponed for September 2021. The election in Somalia was held on 30 September (*Addis Standard* 2021b). However, the election is yet to be held in Tigray, parts of Somalia and the Wollega zones of Oromia state due to the ongoing conflicts in these parts of the country.

The elections were conducted more or less peacefully, despite reports of some disorder in Oromia, Amhara and elsewhere.

On election day, registered voters came out in the early hours and cast their votes in many places until midnight. Long queues of voters were seen both in Addis Ababa and in other parts of the country. Voters in Oromia came out despite warnings from armed rebel groups (OLF-Shane) against voting in the election. There was a prevailing sense of apprehension that the election would involve disturbances (BBC 2021) and therefore an expectation of low voter turnout. According to the official report of the NEBE, turnout in the 436 constituencies where elections went ahead was in the region of 90 per cent (NEBE 2021a). The elections were conducted more or less peacefully, despite reports of some disorder in Oromia, Amhara and elsewhere.

The NEBE showed a degree of independence and professionalism throughout the electoral process. It confronted federal and state authorities which committed electoral irregularities in the pre-election period and during the election. It cancelled voter registration in Somali state because opposition parties complained of irregularities in the voter registration process (NEBE

2021a). It closed polling stations which had been opened without its knowledge. It reported that in some states, especially in SNNP (Southern Nations, Nationalities, and Peoples) and Amhara states, election observers representing opposition parties were prevented from entering polling stations and had warned state authorities that unless they rectified the problem, election results in those areas would be annulled. The NEBE did cancel the election results in 23 constituencies in Amhara, Oromia and SNNP because it believed the irregularities in those constituencies could impact the electoral result (NEBE 2021a). It indeed faced logistical problems in delivering ballot papers. In some places, such as Sidama and Gambella, the delay in this regard led to the elections being conducted on 22 June.

The NEBE released the results for constituencies where the elections were held and the results approved. According to the official results, PP won 96 per cent of the seats in Parliament (410 of the 436 seats contested and state councils (NEBE 2021b)). The NAMA won five seats, EZEMA won four seats, Gedeo People's Democratic Party won two, and four independent candidates also won seats in the federal Parliament. The NAMA won in some urban areas in Amhara state, such as Bahir Dar, the capital of the state. EZEMA was expected to be the second major political party in terms of seats won. However, to the surprise of many, this party lost in all but four constituencies. It was confirmed that EZEMA's leaders, such as Berhanu Nega and Andualem Arage, lost in the constituencies they stood in. As mentioned, the election in Somali state was held in September 2021. The opposition parties that had sought to run in this state—including the Ogaden National Liberation Front (ONLF), EZEMA and the Ethiopian Freedom Party (EFP)—boycotted the contest alleging electoral irregularities (BBC Amharic 2021). The PP thus ran unopposed in this state and won all of its 23 parliamentary seats (NEBE 2021c).

16.10. CONCLUSION

Covid-19 emerged when Ethiopia was in a major crisis, and contributed immensely to the worsening of the already fragile political situation. There was a great hope among many Ethiopians that the sixth general election would mark a transition to a competitive democratic order in Ethiopia. However, in terms of the result, this election was not any different to the previous election since the ruling party, the PP, claimed over 96 per cent of the seats in the Parliament and state councils. The opposition parties were routed in this election. The election outcome was not, however, the main problem that Covid-19 brought about. Rather, the postponement of the election beyond the terms of Parliament and state councils as provided in the Constitution is what further heightened tensions.

Three points need to be stressed here. First, it is debatable whether the government had any option other than to postpone, given the many unknowns about Covid-19 in March 2020—even though it cannot be gainsaid that self-seeking reasons formed part of the government's calculus when

Covid-19 emerged when Ethiopia was in a major crisis, and contributed immensely to the worsening of the already fragile political situation.

The main lesson to be drawn from Ethiopia's experience is that postponement of elections during public health emergencies should not be taken lightly. In fact, it should be treated as a last resort.

doing so. Second, there is no agreement on whether the government acted unconstitutionally by simply postponing the election. Third, major opposition parties and civil society actors were not necessarily opposed to the postponement of the election; the difference between the government and the opposition was more about how the country could and should be governed in the interim. The government sought to extend its term of office while its opponents sought some kind of transitional national unity government in which they could be included (Jawar 2020). It is, however, clear that taken together, the emergence of Covid-19 and the postponement of the election further complicated the situation in the country. In particular, it provided the TPLF with the reason to reject the legitimacy of Abiy's leadership after 5 October 2020—which in turn paved the way for armed conflict a month later. The conflict has since engulfed Afar, Amhara and Oromia states. Following this escalation some opposition political parties and the TPLF called for the disbanding of the elected government and the formation of a transitional government, a proposal which was rejected by the Prime Minister, many opposition parties and the broader public (Pamuk and Fick 2021). At the time of writing the future of Ethiopian politics, if not the future of the country itself, remains uncertain.

The main lesson to be drawn from Ethiopia's experience is that postponement of elections during public health emergencies should not be taken lightly. In fact, it should be treated as a last resort. It is not sufficient to simply follow constitutional and legal provisions when deciding to postpone elections. Such a decision should result from extensive dialogue to the extent that the emergency situation allows, among interested political and civil society actors.

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Chapter 17

CASE STUDY: FRANCE

Romain Rambaud

17.1. INTRODUCTION

According to the International Institute for Democracy and Electoral Assistance (International IDEA), many countries and territories across the globe during the first half of 2020 decided to postpone national or subnational elections due to Covid-19, however some decided to hold elections as originally planned. The French case, however, is very unusual. Municipal elections, which in France involve two-round elections, were not entirely held, and not entirely postponed either. This unique situation raised issues connected with election management in the Covid-19 context concerning (a) the choice to hold or postpone the elections; and (b) the means available to adapt voting procedures during a pandemic crisis.

This case study will first present the institutional and political context of municipal elections in France. It will then discuss the series of decisions, first to hold the local elections; then to postpone the second round; and finally to organize the second round for 28 June 2020. Each of these situations will be analysed in terms of the relevant political, legal (international standards as well as French law), public health and electoral management considerations. The French case demonstrates the difficulty of navigating legal constraints and political imperatives during times of uncertainty. It also shows that international standards such as the search for political consensus, the stability of electoral law, and the early adaptation of voting procedures are important in resolving difficulties with organizing elections in these troubled Covid-19 times.

The French case demonstrates the difficulty of navigating legal constraints and political imperatives during times of uncertainty.

17.2. INSTITUTIONAL AND POLITICAL CONTEXT

Municipal elections were planned in France for March 2020. French citizens elect their municipal council every six years, following different rules depending on the local municipality's number of inhabitants. If there are under 1,000 the voting system is a plural open-list system. If there are above 1,000 inhabitants, then it is a proportional system but with an added bonus of half the seats going to the winning list, with a closed-list. In both cases, a second round of voting is held if there is no absolute majority in the first round. The first round in 2020 was originally planned for 15 March and the second for the week after, on 22 March. It should be noted that there are 35,000 municipalities in France, among the highest numbers for a European country. The vast majority of these are villages or small towns: 24,889 have fewer than 1,000 inhabitants, and 33,873 have fewer than 9,000 inhabitants (AMF n.d.). This is a crucial point if one is to understand what happened in France. About 30,000 municipal councils were fully elected on 15 March (thanks to an absolute majority in the first round), while in nearly 5,000 others, the second round had still to be organized.

President Macron asked a recently convened 'Covid-19 Scientific Council' if it was possible to hold elections and its answer was yes, even for the most vulnerable people.

17.3. THE INITIAL DECISION TO HOLD ELECTIONS

The rapid unfolding of the Covid-19 epidemic was not anticipated in France, especially its effects on the electoral process. Clusters of Covid-19 had appeared by the end of February in two small municipalities in Savoie, in the French Alps (Les Contamines-Monjoie and la Balme-de-Sillingy), but still appeared to be under control. However, during the first two weeks of March the epidemic grew very quickly. At the time of the election (15 March) there were 5,423 cases of coronavirus and 127 deaths reported. On 12 March President Emmanuel Macron addressed the French people and asked them to restrict their movements, especially elderly and vulnerable people (Cuthbertson 2020). President Macron asked a recently convened 'Covid-19 Scientific Council' if it was possible to hold elections and its answer was yes, even for the most vulnerable people (under specific conditions and with adaptations to voting procedures). The political decision to hold the local elections was therefore based primarily on scientific advice (Ministère Des Solidarités et de la Santé 2020).

Legal and political constraints

Nevertheless, there was intense controversy over whether to hold or postpone the municipal elections. According to media sources, Emmanuel Macron was doubtful and would have preferred to postpone (d'Allonnes 2020). However, there were several political and legal challenges. Even if it was not impossible to postpone, politicians refrained from using the constitutional provision (Article 16 of the Constitution) giving full powers to the President of the Republic. Neither did the executive use the 'state of emergency' statute, which has been used in the past for counter-terrorism, because it does not allow for the cancellation or the postponement of the elections. There is in fact no legal

provision in France authorizing the Government to decide by itself to postpone an election, hence the impasse.

From this point of view, France faced a gap in its legal provisions as compared to those of certain other countries. According to the Venice Commission's opinions and reports on states of emergency (Venice Commission 2020), several national constitutions provide—under exceptional circumstances—for the postponement of elections either directly or indirectly, for example by extending the term of parliament (as in Canada, Croatia, Germany, Greece, Hungary, Italy, Lithuania, Poland, Slovenia and Spain). In some states, parliament has the power to change the date of the elections in a state of emergency (e.g. Czech Republic, Slovenia). In others (Albania, Georgia), a constitutional provision provides that there can be no elections during a state of emergency or period of martial law (Venice Commission 2004; 2019). As the Venice Commission compilation indicates: 'Only a few Venice Commission member states provide in their Constitution or legislation for the possibility to postpone elections in the case of state of emergency, and a few others in case of natural disaster or other extraordinary events' (Venice Commission 2020: 31).

We could make an instructive comparison between Europe and South Korea to further illustrate this point. According to article 196 of the Public Official Election Act of the Republic of Korea, the President may postpone an election for President or National Assembly, and the head of the competent regional election commission may postpone a local election in the case of a natural disaster, earthquake, or any other unavoidable circumstances (Korea 2014). Korea decided not to use this provision and held their election on 15 April, with nearly 66 per cent of the country's 44 million voters participating, the highest turnout since 1992 (Spinelli 2020). This could be a useful example for the Venice Commission, which suggests postponing elections during times of crisis, because of the precedents of Turkey in 2017 and 2018 (Venice Commission, 2020:8; Venice Commission 2018).

In France, there was no legal provision for postponement except for one judicial precedent from the Constitutional Court in 1973 concerning an isolated legislative election (in the Island of La Réunion), which allowed postponement of an election because of a cyclone (Conseil Constitutionnel 1973). Postponing the municipal elections was therefore not possible without passing a new law, but there was no political consensus to enable this. President Macron asked Gerard Larcher, the President of the Senate, for his opinion on March 12, but Larcher refused to support a law to postpone the elections (Cornudet 2020). The question then was whether or not the Government could postpone the elections unilaterally, but this would have been extremely difficult both legally and politically. Such a decision would have been illegal, based on the 'exceptional circumstances' theory (an exceptional case law solution is one which would allow a government to break the law if no other solution to the problem faced was available; on that route, the Government would have been placed under the decision of administrative judges). Politically, various

There is in fact no legal provision in France authorizing the Government to decide by itself to postpone an election.

stakeholders, including opposition political parties, would have accused the Government of a coup d'état.

The first round of the municipal elections was eventually held. Nevertheless, a psychological 'shock' intervened on Saturday 14 March, because of the sudden decision of the Government to close the country's restaurants and bars, but still to hold the elections on 15 March. The situation therefore illustrates the importance of the legal and political constraints in France.

Safety measures implemented

In the first round several measures were adopted to reassure voters of a safe voting environment. Voters were asked to keep a safe distance of at least one metre from each other, with signs and marks placed throughout the voting premises to assist them in strictly maintaining this distance. Voters also had to sanitize their hands. Unlike the situation in the Republic of Korea, voters did not have to wear facemasks when they were queuing to vote, and their temperatures were not checked before entering the polling station. Special voting arrangements adopted in other countries were not implemented in France on 15 March because they were not provided for in the legal framework, such as postal voting (as was available in e.g. Geneva and Bavaria) and early voting (as in South Korea).

This approach was effective in small municipalities with only a few polling stations, but was controversial in the larger towns and cities. According to some reports, the campaign as well as election day may have facilitated the transmission of the virus (Franceinfo n.d.; *Le Figaro* 2020). Nevertheless, a pre-publication study on MedRxiv on 19 May suggests that while the 15 March election day may have facilitated the transmission in some isolated cases, it did not accelerate the propagation in general (Zeitoun et al. 2020).

Turnout and its consequences

The safety measures were unfortunately not sufficient to reassure voters. Turnout dramatically declined, especially amongst groups more likely to be affected by the disease. Turnout of older people, who tend to participate the most consistently, was around 60 per cent, 15 points lower than in 2014 (IPSOS 2020). Along with presidential elections, municipal elections are ones that usually enjoy higher turnout in France. From 1995 to 2014, the turnout was maintained at between 62 and 70 per cent, but in the first round in 2020 it stood at only 44.5 per cent—18 points lower than six years previously (James and Asplund 2020).

After the first round, about 30,000 municipal councils were fully elected on 15 March, because of an absolute majority being gained in the first round. In 4,922 other cities, including the biggest ones (Paris, Lyon, Marseille, Lille, Toulouse, Bordeaux, and so on), the second round still had to be organized. Voter abstention may have had political effects because of differential turnout, such as older people voting less than in normal times. According to political analysts, green political parties gained an advantage in large cities (Mestre 2020), while the advantages of incumbency may have been enhanced

The safety measures were unfortunately not sufficient to reassure voters. Turnout dramatically declined, especially amongst groups more likely to be affected by the disease.

elsewhere. In 20,600 municipalities, mayors were re-elected (Le Courrier Des Maires 2020).

Because of the low turnout some strands of public opinion challenged the legitimacy of the councils elected on 15 March. Opposition candidates initiated many disputes contesting the elections in the administrative courts. Importantly too, the emergency law of 23 March, which both postponed the second round and established Public Health State of Emergency, also created a provision to stabilize the first round. This law stated that: '[i]n all cases, the regular election of municipal councillors who have been elected in the first round on 15 March 2020 is still granted, according to the article 3 of the Constitution' (France 2020).

17.4. THE DECISION TO POSTPONE THE SECOND ROUND

Just after the first round, on Monday 16 March, the President of the Republic decided to confine the French population to their homes because of the increasing spread of the virus. French citizens would otherwise have been unlikely to want to stay at home during a week of warm weather. This decision enjoyed broad support from the public. With the agreement of all political parties and in light of the restrictions, the Government decided to postpone the second round of the municipal elections using the case law theory of exceptional circumstances. The French Parliament started to work on a 'law of emergency to face the Covid-19 epidemic', both to postpone the elections and create a state of emergency.

Political consensus

During 17–23 March 2020, the Parliament (National Assembly and Senate) discussed and adopted this law of emergency. The main course open to France at that time was to establish a political and parliamentary consensus on this law. As stated by international standards of electoral law, an electoral legal framework should be adopted through a public and inclusive process, which allows for a meaningful discussion and facilitates the consensus of the key stakeholders. The Commission of Venice affirms in its advice that:

successful electoral reform should be built on at least the following three elements: 1) clear and comprehensive legislation that meets international obligations and standards and addresses prior recommendations; 2) adoption of legislation by broad consensus after extensive public consultations with all relevant stakeholders; and 3) political commitment to fully implement the electoral legislation in good faith (Venice Commission 2018)

These international standards have been fully respected in France because of the working arrangement between the National Assembly and the Senate. The opposition did not revert to the Constitutional Court, although it would have

With the agreement of all political parties and in light of the restrictions, the Government decided to postpone the second round of the municipal elections using the case law theory of exceptional circumstances.

been possible to do so. In other words, the French political class addressed the situation well. Of course, there were some controversies, but these were contained at a reasonable level despite the constitutional uncertainty. The Government and the most other stakeholders respected this political consensus up until the decision to organize the second round in June.

Postponement of the second round

In just under 5,000 towns and villages the second round was postponed under the provisions of the emergency law, Article 19 (France 2020). This law stipulated postponement of the second round until June 'at the latest', because of the exceptional circumstances requiring society's protection from the Covid-19 pandemic. The date of this election would have to be determined at the latest by 27 May, 'if the health situation allow the organization of voting process', following the advice of the Scientific Council. The law also provided that: 'if the health situation does not allow the organization of the second round (...) the mandate of the municipal counsellors is prolonged for a period determined by the law. The voters are summoned by a decree for the two rounds, which are organized 30 days before the end of the mandates' (France 2020).

This meant that the law provided the following two different possibilities: (a) if it were possible to organize the second round in June, it would be mandatory to do so; (b) if that were not possible, then the elections could be organized later—but the law did not specify when. The Government took its decision on the advice of the Scientific Council, which had analysed the health situation in the country, the implications of electoral campaigning, and the health challenges of the voting procedures themselves (Ministère De Solidarités et de la Santé 2020). The law also established other details, such as the date for submitting candidate lists, and political financing.

Constitutional uncertainty

Despite its consensual nature, there still exists some legal uncertainty concerning the constitutionality of this decision, because the Constitutional Court was not consulted about it beforehand. The *Conseil d'Etat* (Council of State), which is the highest administrative counsel of the Government (and the highest administrative court, but that is another problem) gave advice that this postponement was not unconstitutional, because of exceptional circumstances, but that it still had to be proportional. On this basis the *Conseil d'Etat* decided that while organizing the second round in June was possible and constitutional, organizing the second round later than June would imply reorganizing both rounds.

One problem is the difference between the two types of municipalities: namely, the principle of equality as between those where the election was completed (due to an absolute majority being obtained), and those where the second round became subject to the postponement. Some commentators believe that this principle was not respected, while others think it is not a problem because of the difference of situation induced by the pandemic and the decision to confine the population after the first round (on 16 March). Another problem is

the principle of 'sincerity of election': is it possible to postpone only the second round of an election, or is it impossible, and should France therefore restart the entire electoral process?

There is no precedent on this point, except the minor one of La Réunion in 1973 (as mentioned), so the solution in French law is not known. Nevertheless, in issues concerning the regulation of electoral laws the Constitutional Court has exercised self-restraint in the past case law; that is to say, the *Conseil Constitutionnel* does not wish to interfere too much in political issues. This tendency is likely to be reinforced by the fact that the postponement of the second round was decided following political consensus building. Finally, to cancel all the municipal elections in France seems to be an improbable solution. At the time of writing, it appears most likely that the constitutional court will not declare the law unconstitutional. However, for the time being the constitutional uncertainty remains.

17.5. THE DECISION TO SCHEDULE THE SECOND ROUND IN JUNE

After restrictions on movement were relaxed on 11 May 2020, the question was whether the elections should be organized in June, September or October 2020, or even later, in January 2021. With the ongoing public health issue, a new problem emerged: the need to stabilize elected councils and mayors of municipalities in order to engage their expenditure and investment decisions, as well as those of related public organizations, to kickstart the French economy. With no sign of a second wave of Covid-19 infections, many opinion leaders commented that the elections should be scheduled for June, as provided for in the emergency law.

The Scientific Council gave its advice on 18 May but did not offer any determinate recommendation, considering that this was the responsibility of political institutions (it had been criticized for having advised in favour of holding the first round). The Scientific Council considered that it was impossible to say whether the epidemic had been brought under control in France, calling instead for a review of the situation 15 days before the date of the elections.

Nevertheless, the Scientific Council considered that from a public health point of view it would be preferable to organize only one (further) round and not two. In effect, this was indirectly to endorse a June schedule (recall that according to the emergency law, a later second round implies also a re-run of the first round). Besides, the Council advised that the voting process should be adapted with provisions such as wearing masks, washing hands, instituting a special voting form for older and vulnerable people, creating a special polling booth for people with symptoms, and protecting polling station staff.

The Government then decided to start consultations between stakeholders on Coronavirus-related restrictions and regulations, to increase the number of proxy voters and to facilitate technological adaptation of electoral campaigning.

However, in its view the main threat of infection was posed by electoral campaigning. The Council therefore advised prohibiting political meetings, while also recommending the wearing of facemasks and keeping physical distance during door-to-door canvassing. This intervention was consistent with the core concerns of international standards: for example, the Venice Commission has warned that: ‘there is clearly a danger that the democratic process will be encumbered when there are restrictions on the ‘normal’ rule of law processes. There is also a risk that fundamental electoral principles will be undermined during a state of emergency, in particular the principle of equality of opportunity’ (Venice Commission 2020: 28). Even so, it will be difficult for candidates to garner equal publicity, where incumbent mayors might have had favourable exposure through organizing aspects of the public health response.

Finally, the French Government, after consulting the associations of mayors and the political parties, decided to follow the first scenario envisaged in the emergency law and to schedule the elections for 28 June, while the virus had started to plateau. The Government then decided to start consultations between stakeholders on Coronavirus-related restrictions and regulations, to increase the number of proxy voters and to facilitate technological adaptation of electoral campaigning. The Government has not decided whether to change the voting rules, although discussions have taken place. Unfortunately, there was no provision for early voting, postal voting or electronic voting in French law prior to Covid-19, except for a few isolated exceptions. Some political figures—F. Bayrou, R. Dati, L. Hénart—have proposed the adoption of postal voting and electronic voting to increase turnout, but the Government rejected this idea because of the short time remaining until the elections. The Government was probably right to respect the principle of stability of electoral law. Even though the adoption of these provisions may have increased turnout, it would have been a worse outcome if newly adopted voting procedures were accused of fraud or that the new procedures ended with errors associated with rushed adoption. Poland provides an example of where attempts to introduce postal voting at short notice were not successful (Kalandadze 2020).

The case demonstrates the difficulties in postponing an election where there is inadequate legal provision for this—and the importance of broad political consensus.

17.6. CONCLUSION

In France, the Covid-19 pandemic collided frontally with the electoral process. It is clear that French electoral law was not prepared, and was not sufficient, to deal effectively with these exceptional circumstances. The case demonstrates the difficulties in postponing an election where there is inadequate legal provision for this—and the importance of broad political consensus. It also demonstrates how various international standards can be helpful in making countries prepared when the electoral process enters uncertain times.

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Chapter 18

CASE STUDY: GERMANY

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Bavaria, a federal state (*Land*) of Germany, held local elections during the Covid-19 pandemic in March 2020. After North Rhine-Westphalia, Bavaria was the second most-affected state in the country. Due to its proximity to Austria, many German citizens returned home from February vacations at Austrian ski resorts which afterwards turned out to be Covid-19 hotspots. Despite the uncertain context and the high number of Covid-19 infections, state officials decided to hold local elections on the scheduled dates. The first round took place on 15 March 2020 with a runoff on 29 March 2020.

In the first round, voting took place under relatively normal circumstances. Voting methods included in-person voting at polling stations (with certain health precautions), and more flexible postal voting. Postal voting could be requested by any citizen until the last moment without giving any reason, a regulation intended to ensure that even those in quarantine shortly before the election would be able to participate. During the runoff, the pandemic reached its climax and state officials decided to hold an all-postal voting election. Questions were raised about the legal validity of this decision. After a negotiated process in the state Parliament which included all political parties, a clause on postal voting was added to the Bavarian Infection Protection Law (IPL). One of the first jurisdictions globally to hold elections entirely by mail, Bavaria provides an example of how elections can be adapted during a pandemic while adhering to democratic procedures.

This case study will first present the institutional and political context of local elections in Bavaria. As the local elections were held in two rounds, it will present the decisions guiding the administration of each round in turn, and their consequences. The various health precautions that were taken to protect voters and polling officers will also be presented.

Local elections are the most administratively complex in Bavaria and those held during the pandemic presented additional logistical challenges. Even with all-postal voting, municipalities and district electoral management bodies (EMBs) faced different problem-solving scenarios for delivering, receiving and counting postal votes. However, by opting for the best possible flexibility in the voting procedure during both rounds, citizens were enabled to participate in the elections in different ways, depending on their state of health and infection risk. The ability to draw on a long tradition of postal voting in Germany made the adjustment easier, even under considerable time pressure.

18.1. INSTITUTIONAL AND POLITICAL CONTEXT

Bavaria is the second most populous and geographically the largest of Germany's 16 federal states (*Länder*). It is structured into 2,056 municipalities and 71 administrative districts (*Landkreise*). Below the *Länder*, the local level is formed by two more legally independent entities—the districts, and independent towns and municipalities. Since 1960, local elections in Bavaria have taken place every six years and include the election of Lord Mayors, Mayors and district councillors (*Landräte*), district councils (*Kreistage*) and city- and municipal councils (*Stadt- und Gemeinderäte*). Voting for the different councils follows a personalized proportional system with open lists using accumulation (more than one vote per candidate) and *panachage* (voting for candidates from different party lists) between the various lists. Exceptions to the rule might be applicable in small municipalities with less than 3,000 inhabitants and when the municipality presents only one list, or when no candidate is running (STMI Bayern n.d.).

On 15 March 2020, city and municipal councils were elected in all 2,056 municipalities and 71 administrative districts in Bavaria. In addition, Lord Mayors and Mayors were elected in 24 towns independent from districts and 1,909 municipalities, and district councillors were elected in 64 rural districts. Around 10 million citizens were eligible to vote (in a total of 4,000 electoral contests) and 39,500 representatives were elected (Trost, Hadem and Krefting 2020). Election runoffs were necessary—where no councillor/mayoral candidate secures an absolute majority in the first round—in 279 municipalities, 15 large district towns, 16 independent towns and 18 administrative districts, including the five largest Bavarian cities: Munich, Nuremberg, Augsburg, Regensburg and Ingolstadt (Bayrisches Landesamt für Statistik 2020).

The local elections in Bavaria were the only elections in Germany that were administered during the first wave of the Covid-19 pandemic. As in many other European countries, the rapid spread of Covid-19 was not anticipated and state authorities were relatively unprepared for the pandemic. Unlike France, for example, Germany did not declare a state of health emergency but tackled the pandemic through social distancing.

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A science-based public health response

At the beginning of March 2020, Covid-19 cases were still relatively low. On 8 March, the Robert Koch Institute (RKI, a public health institute) registered a total of 902 infections, 172 of them in Bavaria—by then the third most affected region. However, Covid-19 infections then grew exponentially. In an extraordinary national television address on 18 March, Chancellor Angela Merkel clearly expressed the gravity of the situation and made a plea for voluntary social distancing, while rejecting the idea of a curfew. She also announced a general shutdown of public life to the minimum necessary levels.

As COVID-19 continued to unfold rapidly across the country, federal and state governments agreed on further social distancing restrictions including a contact ban (on gatherings of more than two persons, with the exception of family and household members) effective from 23 March (Tagesschau 2020). These decisions were broadly supported by the public (Marx and Kornmeier 2020). The reasons for this were the general fear of infection but also continuous and transparent public communication and a science-based approach on the part of federal and state governments, which were in regular contact with leading scientists and research institutes throughout the peak of the crisis. The podcasts of Christian Drosten, head of virology at the Charité university hospital in Berlin, received a high level of attention from the German public (NDR 2020).

It is important to understand the characteristics of the German federal political system in order to grasp the dispersion of responsibilities. The federal system provides state governments with unique decision-making powers in various policy areas such as education. The competencies of the state governments also include the implementation of measures under the Infection Protection Law (IfSG). Through the IfSG the instruments for infection protection are available to the state authorities, but not to the federal government. Ultimately, this is only limited by the principle of proportionality (and measures taken may limit the fundamental rights of citizens to a considerable extent). As a consequence, German state governments had decisive power in the implementation of regulations to prevent the rapid spread of Covid-19. The federal government had only coordinating power and could make recommendations on the implementation of the law rather than its substance. Only in late March (28 March 2020) did the German Parliament update the IfSG law, granting the federal government more competencies when dealing with an epidemic (though this amendment includes a time limit of one year) (Deutscher Bundestag 2020).

The specific characteristics of the German federal system are also reflected in the electoral management system. Germany's Basic Law (*Grundgesetz* or constitution) article 28, paragraph 1 stipulates the principles for local elections as follows: 'the constitutional order in the *Länder* must conform to the principles of a republican, democratic and social state governed by the rule of law within the meaning of this Basic Law. In each *Land*, county and municipality the people shall be represented by a body chosen in general, direct, free, equal and secret elections' (Bundesamt für Justiz 2020). In this context the *Länder*

are responsible for the administration of local elections, which results in different electoral systems being in operation across Germany. In Bavaria, the Southern German Council Constitution (*Süddeutsche Ratsverfassung*) is the applicable local constitution, and places mayors in a strong position as regards electoral administration. Bavaria's Ministry of Interior, Sports and Integration oversees the local elections but their administration is under the authority of each municipality or district council respectively (Korte 2017).

During the month of March, several rounds of negotiations between the federal and the state levels concluded in a catalogue of 'lockdown' measures applicable to all German federal states. Some state governments implemented even more restrictive measures, among them Bavaria: already on 20 March 2020, Bavarian Prime Minister Söder had announced a curfew for at least two weeks (starting from 0:00 the following day) (BayMBI 2020b). For the following weeks, only people from the same household were able to meet and go outside, and with a valid reason only. (The negotiated measures agreed upon at federal level a few days later allowed also for meetings with one person not belonging to the same household.) This decision fell in the period between Bavaria's two election rounds of 15 and 29 March. From that moment on, the normal conduct of the second election round would have been impossible.

Differing legal/administrative mitigation strategies

During the first two weeks of March, people started to express concerns about the consequences of the Covid-19 pandemic on the electoral process in Bavaria. On 15 March, the day of the first round in Bavaria, the RKI reported 4,838 cases of COVID-19 and 12 deaths in Germany, affecting all 15 federal states. Bavaria reported 886 infections (RKI 2020). Most states announced the closure of daycare centres and schools from 16 March 2020. However, at the first round the potential infection risk posed by voting was rather downplayed; the authorities, including Bavarian Prime Minister Söder, had been placating the public with the message that 'ballot papers and pencils are not infectious' (Trost, Hadem and Krefting 2020). As the situation continued to deteriorate, state officials changed their strategy and decided on all-postal voting for the runoff elections.

The relevant electoral laws are a set of laws, regulations and decrees, namely the Gemeinde- und Landkreiswahlgesetz (Municipal and District Election Law, GLKrWG) and the Gemeinde- und Landkreiswahlordnung (Municipal and District Elections Decree, GLKrWo) together with the Gemeinde- und Landkreiswahlbekanntmachung (Municipal and District Elections Notice, GLKrWBek) (STMI Bayern n.d.). The Bavarian GLKrWG regulates when elections take place (every six years) including the month of the election 'on a Sunday in March' (article 9). Therefore, theoretically, the election date could have been postponed, but not later than the end of March 2020.

Also, postponing the local elections to 2021 would have conflicted with the general provision of holding elections every six years. Germany's legislation only provided partial answers on how to deal with this novel situation. The election law of Bavaria did not regulate the case of a pandemic nor did the IfSG (Lindner 2020a). Therefore, the decision to hold the elections, with public

As the situation continued to deteriorate, state officials changed their strategy and decided on all-postal voting for the runoff elections.

health precautions, was the option most closely aligned with existing electoral law.

The applicable instruments defined in the GLKrWo provide a degree of flexibility when dealing with pandemics. Consequently, the first round was administered with minor amendments to the electoral process. These amendments targeted mainly the protection of the health of the citizens in terms of implementing existing social distancing regulations during the voting process and facilitating flexibility in postal voting (according to the provisions outlined in the GLKrWo and in compliance with the IfSG quarantine regulation). The regulations further included complying with hygiene standards (i.e. washing hands regularly) (STMI Bayern 2020a). Therefore, no specific and new regulation for the first election round was necessary. However, because the decision to undertake an all-postal voting election implied deviations from the election law, administering the second round required additional legal steps (Lindner 2020b; Michl 2020) to align necessary adjustments with existing electoral law.

The general provision stated that ballot papers should be sent automatically, without prior request, to all persons entitled to vote.

18.2. LEGAL BASIS FOR THE RUNOFFS, 29 MARCH 2020

The day after the first round (16 March), the Bavarian State Ministry of Health and Care acknowledged the deteriorating general situation and the need to slow the spread of Covid-19. The ministry accordingly declared a general provision to administer the runoff elections on 29 March 2020 exclusively via postal voting with a reference to the article 28 paragraph 1 sentence 2 of the IfSG (STMI Bayern 2020c). The provision went into force on 20 March 2020 and was justified with reference to the overall changing health situation after the first round, in particular the raised level of threat to the health of the German population (from 'moderate' to 'high', assessment by the RKI of 17 March 2020).

The general provision stated that ballot papers should be sent automatically, without prior request, to all persons entitled to vote (BayMBI 2020a). Any other voting method was excluded. Amending regulations of the electoral process by a general (administrative) provision of the government was heavily criticized by experts who questioned its legal validity (Gietl and Michl 2020; Lindner 2020b). Legal experts argued in their assessment that an administrative act (which the general provision is considered to be) could not replace election law and therefore the Bavarian Government was not empowered so to act, nor on the basis of the currently applicable IfSG. First, because local elections are under the competencies of state legislation, and second, as, in particular, the referred article 28 of the IfSG did not cover a 'specific duty to act under election law' (Gietl and Michl 2020). This legal uncertainty, it was argued, could render the votes cast invalid, necessitating new elections.

This legal uncertainty led to further negotiations at the political level. On 25 March 2020, the Parliament of Bavaria adopted, in a fast-track process, an

amendment to the Bavarian Municipal and District Election Law (GLKrWG). The Free Democratic Party (FDP), an opposition party in the Bavarian Parliament, initiated this process as they shared the expert legal assessment by Gietl and Michl referred to above. The amendment was made possible after a telephone conference of the Bavarian Parliament's party leaders on 22 March 2020 (Schnell 2020b) and was framed as an addition to the new Bavarian Infection Protection Law (IPL) adopted on 25 March 2020.

Article 9 of the new Bavarian IPL regulates amendments to other laws and introduces a new paragraph to the Bavarian electoral law (article 60a in the GLKrWG) which stipulates—and thus confirms—the runoff election on 29 March 2020 as being exclusively administered via postal voting (BayMBI 2020a). According to the Bavarian IPL, this act came into force retroactively as of 16 March 2020. It is important to mention two substantial modifications, the inclusion of an automatic, definitive time clause and Parliament's right to terminate a state of health emergency, which critically enabled approval of the IPL on a cross-party basis (Osel 2020). The time clause limits the validity of the law until the end of the year 2020 (STMI Bayern 2020d). Consequently, the newly added regulation to the Bavarian electoral law is also time restricted.

The number of Covid-19 cases around the runoff election justified the decision for all postal voting. On election day, Bavaria became the second most affected region with 12,881 infections (RKI 2020), out of 52,547 nationwide. This trend continued after the election. On 31 March, Bavaria counted 14,810 infection cases and 162 deaths, again the second highest numbers in Germany.

18.3. CAMPAIGNING, ELECTION DAY AND HEALTH PRECAUTIONS

Responsibility for administering municipal and local elections is at municipality level. The Bavarian State Ministry of Interior, Sports and Integration has only a supervisory function in the process (it can issue general recommendations); the practicalities of implementation are at the discretion of the municipal authorities.

The first election round

All political parties suspended their campaigning activities a few days before the first round, including party leaders' final election rallies (Jerabek 2020a). Aside from politicians' communications via the media, including encouragement to vote, only information booths remained accessible. To facilitate voting, the pre-established arrangements continued to be used—traditional in-person voting (albeit with social distancing at the polling stations, disinfection facilities, etc.) and postal voting.

On 4 March 2020, the Ministry of Interior sent an information letter to the local EMBs (STMI Bayern 2020a) requesting polling stations to display information materials about infection protection measures. Further, citizens were asked

to respect the general public health regulations and could, if they wished, bring their own pens to the voting booths. The Ministry spokesperson also declared that as schools were currently closed, they could serve as polling stations if certain precautions were taken. The final decisions were taken by municipal health departments (Schnell 2020a). One important adaptation was that citizens had longer than usual to request and cast a postal vote without providing a medical certificate. Self-isolating voters could authorize a 'trusted person' to pick up their ballot papers by providing a power of attorney at the polling stations until 15:00 on election day, without giving any reason (STMI Bayern 2020a; Trost, Hadem and Krefting 2020). Further, the return of postal votes was handed flexibly. For example, citizens could deliver their votes via a trusted person again. There was an increased demand for postal voting as a result (Jerabek 2020a). In the event, no increase in Covid-19 infections related to in-person voting on election day were registered (Hauskrecht 2020).

As a mitigation measure and anticipating a possible shortfall of available polling officers, the Ministry of Interior had also sent an information letter to the local EMBs on 11 March. This letter contained information on the law and potential mitigation strategies. In some cities (e.g. Augsburg and Nuremberg) some polling officers cancelled their participation out of fear of infection but no significant shortage of polling officers or delays to processes were reported, mostly because EMBs routinely make contingencies and can draw on reserve lists (STMI Bayern 2020b; Schnell 2020a).

The runoff elections

By the time of the runoff local elections, severe restrictions to freedom of movement in Bavaria were in place and campaigning activities had switched to social media platforms. Immediately after the first round, the Ministry of Interior informed the public clearly of how elections would be adapted to the new circumstances via all-postal voting (STMI Bayern 2020b, 2020c). The communication on the exceptional voting procedure, dated 16 March 2020, was disseminated by various media channels both online and offline.

Election administrators had a short—but manageable—timeframe in which to prepare. To prevent potential shortages of official ballot papers and envelopes, the Ministry outlined that 'in exceptional cases, it is possible to deviate from the samples in Annexes 4, 5 and 6 of the GLKrWBek' (STMI Bayern 2020c). This time, ballot papers were automatically sent to all citizens in the districts with runoffs scheduled—279 municipalities, 15 large district towns, 16 independent towns and 18 administrative districts (Bayrisches Landesamt für Statistik 2020). Eligible voters did not need to take any active steps, instead receiving their postal vote at home automatically. A special agreement between the Bavarian Ministry of Interior and Deutsche Post (the German postal operator) ensured that completed ballot papers would arrive at counting centres in relevant towns and municipalities before 18:00 on election day, 29 March (a Sunday). For that, voters could use roughly 19,600 mailboxes in Bavaria until 18:00 the previous evening. In addition to using the postal service, citizens also had the option to personally deliver their postal votes at electoral offices on election day itself.

Self-isolating voters could authorize a 'trusted person' to pick up their ballot papers by providing a power of attorney at the polling stations.

As the electoral management was decentralized, regulations on how, when and where to deliver the votes varied. Local and regional newspapers and the websites of the municipalities informed citizens about the new regulations. In addition, municipalities established telephone hotlines and provided contact details for open questions and handling any irregularities (Ley 2020). In Munich, for example, in case of undelivered ballot papers, citizens could vote directly at dedicated contact points until 18:00 on election day (Ley and Rohrmeier 2020). Public information on the exceptional procedures also drew attention to the importance of complying with existing counting regulations for safeguarding voting secrecy: counting was only allowed starting 18:00 sharp, the official closing time for voting in Germany. In light of restrictions on freedom of movement, another communication issued on 26 March 2020 outlined that participation in the electoral process was a valid reason for leaving one's home (STMI Bayern 2020d).

The distribution of postal ballots appears to have gone smoothly except in some cities, such as Augsburg and Nuremberg, where voters complained about not having received them on time. For such eventualities, provision was made for citizens to pick up replacement ballot papers at the polling stations directly (Jerabek and Pösl 2020). Which exact procedure to follow depended, again, on the respective municipality.

The shift from partial postal voting to all-postal voting in the second round was undertaken within a long-standing tradition of postal voting and already existing infrastructure in Germany. Postal voting was first introduced in 1957 and since then has been used for every election. An amendment to the regulation of postal voting was passed in 2008, which provided more flexibility as citizens did not have to provide any reason to make use of it. In recent years (leaving aside the pros and cons of the method), postal voting has also gained more popularity among German citizens. It was used by 28 per cent of voters during the last federal elections in 2017 (Bundeswahlleiter 2019).

Health measures during vote counting

During both election rounds, precautionary health measures for counting were put in place. For the first round, the State Ministry of Interior, Sports and Integration distributed hygiene advice to all municipalities. The communication stipulated that infection protection takes precedence over electoral regulations. It urged electoral officials to make information about infection control highly visible at all polling stations and recommended provision of hand cleansers (STMI Bayern 2020a; Schnell 2020a). Some polling officers who served during the first-round count expressed their frustration about a lack of sufficient health protection; no specific health and safety trainings were scheduled before the elections. It became public knowledge that a polling officer had been infected during the first round, and subsequently health precautions for counting the runoff vote were increased. Measures included provision of disposable gloves and disinfectants, sufficient facilities for regular hand washing, and requirements to distance by a minimum of 1.5 metres.

Municipalities established telephone hotlines and provided contact details for open questions and handling any irregularities.

Some polling officers who served during the first-round count expressed their frustration about a lack of sufficient health protection.

Again, decentralized responsibility for election management made for some variation in health precautions across municipalities. The majority adapted to the new circumstances by moving the counting process to larger facilities with more space. In some cities such as Erlangen, only municipal employees were invited to the count. Other cities reduced the total number of polling officers to a minimum to reduce the infection risk. In Munich, for example, around 1,500 election workers had to count 1.1 million eligible votes. This caused some delays in the announcement of the official election result. In Regensburg, for example, counting started only on Monday (Merkur 2020). The general health measures seemed to be effective. No election related Covid-19 infections or spread was reported after the election.

Despite the exceptional circumstances and infection control measures in place, election observation was stipulated as another valid reason to leave home. Albeit instructions were given to prioritize health protection over election observation (STMI Bayern 2020d), polling station officers were nevertheless asked to allow for election observation in line with the principle of publicity, article 17 GLKrWG. In Germany, the electoral process can be observed by any person through simply entering the election facilities. No special accreditation is necessary.

Although there were fears about lower turnout due to Covid-19, these were confounded; in both rounds it was slightly higher than during the last local elections.

18.4. TURNOUT AND CONCLUSIONS

Although there were fears about lower turnout due to Covid-19, these were confounded; in both rounds it was slightly higher than during the last local elections, at 58.8 per cent and 59.5 per cent respectively. The former was 4.2 per cent higher than during in 2014, yet still at a relatively low level; the 2014 local elections had marked the lowest voter turnout in Bavarian local elections since 1946 (Bayrisches Landesamt für Statistik 2020). In Nuremberg the turnout increased from 47.1 per cent in the first round to 51.6 per cent in the second. The city of Augsburg also recorded an increased second round turnout from 45.3 per cent to 48.2 per cent (Merkur 2020; Bayrisches Landesamt für Statistik 2020). Moreover, the election outcome presented some surprises which indicated a competitive electoral environment despite pandemic related restrictions.

Before the pandemic, local elections in Bavaria were seen as a litmus test for the Christian Social Union (CSU) party following State Parliamentary elections in 2018 and European Parliament elections in 2019. Of particular interest, also, was whether the Alliance 90/the Greens were able to continue on a high. According to BayernTrend polls, in a representative survey conducted by the Infratest dimap opinion research institute, the Greens received a 25 per cent approval rate of their work in January 2020, second best after the CSU (Müller 2020). Although the general public supported the state governments' Covid-19 crisis management, the CSU received 34.5 per cent, their worst election result since 1952. In addition, the Social Democratic Party (SPD) received their worst ever election result in Bavaria, with 13.7 per cent. While the Greens could not

hold up to opinion poll predictions, they still gained significantly as compared to previous elections. With 17.3 per cent (up 7.1 per cent) they achieved their best local election result by far in Bavaria. In the independent cities, the Greens' score even rose by 10.6 points, to 23.2 per cent, while in the rural districts it increased by six points to 15.5 per cent (Jerabek 2020b). Also, the results of the runoff showed some surprises. For example, in Nuremberg, considered a SPD stronghold, the CSU candidate won the runoff vote. Meanwhile in Ingolstadt, the CSU incumbent lost to the SPD candidate (Merkur 2020).

Consequently, we can conclude that even with limited campaigning opportunities directly before the first election round and for the runoff election, and given the exceptional voting circumstances, a competitive electoral environment was evident with no particular electoral advantage for the incumbent parties.

Looking ahead to 2021

The discussion and decisions on how to administer the local elections in Bavaria during the COVID-19 pandemic illustrate the importance of carefully balancing electoral law with other laws and regulations for the protection of the citizens during a pandemic. Health regulations do not stand above electoral law and the right to vote in general. Further, election management during a pandemic needs to include parliaments and should be a negotiated process among all parties represented in parliament. The Bavarian local elections were complex elections to administer, yet, the already existing tradition of postal voting provided a voting method option that facilitated both democratic and public health imperatives.

The year 2021 will be a super election year in Germany. Five state elections and the election for the German Bundestag (federal Parliament) are upcoming. The first elections will take place in early spring 2021. In March, state elections are scheduled in Hessen, Baden-Württemberg and Rhineland-Palatinate. But before then, on 13 September 2020, local elections in North-Rhein-Westphalia need to be administered and again in the face of rising Covid-19 infections. Therefore, drawing from the lessons of how to administer the local elections in Bavaria will be important. This requires preparing in advance for any potentiality, to adjust electoral regulations and to prepare for health protection measures for voters and polling officers. As virologist Christian Drosten stated in his podcast from 23 June 2020, a second Covid-19 wave is to be expected and should be planned for (NDR 2020).

Health regulations do not stand above electoral law and the right to vote in general.

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Chapter 19

CASE STUDY: GHANA

Fortune Agbele and Ghadafi Saibu

19.1. INTRODUCTION

Elections in Ghana, as in other third-wave democracies on the African continent, are deemed critical because they can contribute to either improvement or reversal—even total breakdown—in a country’s democracy. Threats to democratic governance include delays, suspension or total cancellation of the electoral process: decisions that may be forced on electoral management bodies (EMBs) once unforeseen events have caused systems to malfunction (James and Alihodzic 2020). The outbreak of Covid-19 was one such unforeseen event, becoming a global pandemic and coinciding with at least 88 general elections to date (International IDEA 2020). An April 2020 report by ECONEC (Economic Community of West African States, Network of Electoral Commissions) noted that the outbreak presented potential challenges to the conduct and management of upcoming elections within the sub-region (ECONEC 2020). Ghana is often seen as a beacon of democracy in Africa (Gyimah-Boadi 2009) having held seven general elections and overseen three peaceful transitions of power from an incumbent to an opposition political party. The 7 December 2020 general elections, held amid Covid-19, were the country’s eighth cycle since 1992.

Altogether, twelve candidates contested the 2020 presidential elections. The list of candidates included the incumbent president and a former president as the main contenders. Eleven were proposed by political parties, and one stood as an independent candidate. The 2020 elections also included contests for 275 parliamentary seats. In all, 914 parliamentary candidates stood (African Union 2020). The presidential election produced very close results. For the New Patriotic Party (NPP) the incumbent president polled 51.3 per cent of the valid votes, while for the National Democratic Congress (NDC) the former president

The 7 December 2020 general elections, held amid Covid-19, were the country’s eighth cycle since 1992.

obtained 47.4 per cent. In terms of the parliamentary contest, 137 seats were declared for the incumbent NPP, signifying a net loss of 18.9 per cent on their previous 167 seats. The main opposition party won 137 seats, a net gain from their previous 106 seats of 29.6 per cent. Even though the outbreak of Covid-19 posed some initial delays to voter registration, and the need to adhere to safety protocols throughout the entire electoral process, Ghana's 2020 elections took place as planned.

Before the Covid-19 outbreak, the Electoral Commission (EC) of Ghana was already struggling with numerous issues with the potential to taint its credibility and trust among electoral stakeholders.

19.2. PRE-COVID-19 CHALLENGES

Before the Covid-19 outbreak, the Electoral Commission (EC) of Ghana was already struggling with numerous issues with the potential to taint its credibility and trust among electoral stakeholders. Key among these was the appointment of a new leadership team including a new chairperson and deputies, and the subsequent decision by the newly appointed leadership to compile a new voters' register. Following an alternation of power in the 2016 elections, President Nana Akufo-Addo removed the then chair of the EC and her two deputies on 28 June 2018, and subsequently appointed a new chair and new deputies on 19 July 2018 (BBC News Pidgin 2018). However, because the dismissed chairperson had been appointed by the former president (John Mahama) who lost the election, the appointment of the new chair was by and large not accepted by the main opposition party, the NDC. This heralded the beginning of mistrust and credibility issues that were yet to swamp the public image of the Commission. Though largely ensuing from the main opposition NDC, the mistrust was also felt among a large cross-section of Ghanaians (see Graphic Online 2020a; Abdulai and Sackeyfio 2021) and further deepened when the new chairperson announced the EC's plans to compile a completely new voters' register ahead of the 2020 presidential and parliamentary elections (Lartey 2019). The new register was to be a biometric voter management system (BVMS) which would, among other things, have a facial recognition feature to help address verification challenges that often occur during elections (Annoh 2020). The EC argued that the purpose of the new voters' register was to deal with credibility issues concerning bloating of the existing register, including the presence of non-Ghanaians in it (Myjoyonline 2020a). The opposition NDC did not accept this, claiming that the decision confirmed their initial position that the president had made his new leadership appointments with a view to manipulating the EC for the 2020 elections (see Abdulai and Sackeyfio 2021; FAAPA 2020).

The decision to compile a completely new voters' register by the EC was subsequently challenged at the Supreme Court by the NDC, and one private citizen, Mark Takyi-Banson, with support from a coalition of civil society organisations (IMANI 2020a, 2020b, 2020c). The NDC demanded the inclusion of existing voter ID cards as part of the EC's registration procedures, while Mr Takyi-Banson argued for the inclusion of birth certificates and existing voter ID cards (Ziaba 2020). The EC had sought a criterion that would allow individuals to prove their citizenship either by presenting a passport or national

identification card (Ghana Card), or by presenting two voters registered under the new voter card as guarantors of citizenship. The Supreme Court dismissed the case, giving the EC the green light to compile the new voters' register. According to the Court, unless there was clear evidence of an unconstitutional act by the EC, it could not order the Commission to change its approach. The court stressed that the EC was exercising its discretion in the discharge of its constitutional mandate and 'should be deemed as authorized to be acting within the law and the regulations therein and cannot be faulted even if it is considered that there is a more efficient model or method available' [for cleaning the register] (Arhinful 2020a).

19.3. COMPILING A FRESH VOTER REGISTER DURING A PANDEMIC

Following the clearance by the Supreme Court to compile the new voters' register, the EC scheduled the work to begin on 18 April 2020. However, this was interrupted by the Covid-19 pandemic in several ways. The Government of Ghana on 30 March 2020 imposed an initial lockdown in potentially high-risk cities including the capital, Accra, and Kumasi, restricting any forms of social and public gathering. This immediately sparked debates within the media and among political observers about two main issues: first, the practicality of compiling a new voters' register, and second, the practicality of holding a general election amid Covid-19 (Asante 2020). Uncertainties over the nature of the pandemic and the effectiveness of measures to contain the spread of the virus meant no one was sure for how long the lockdown would be needed.

At the heart of the debate was potential legal and constitutional deadlock over the available options in the event of not being able to hold the election. Some analysts suggested possible constitutional remedies should there be a need to postpone. Key among these was the option of the president declaring a state of emergency. This would allow him to extend his term of office (Nyinevi 2020). Second, parliament could extend its terms and that of the president using article 298 of the Constitution which speaks to the residual power of parliament (namely: 'where on any matter, whether arising out of this Constitution or otherwise, there is no provision, express or by necessary implication of this Constitution which deals with the matter, that has arisen, Parliament shall...provide for that matter to be dealt with') (Ghana 1996). A third constitutional option was that the Chief Justice could act until conditions were right for the election to be held (Nyinevi 2020). However, there was a consensus among many civil society groups and political observers that the election should be held, while ensuring that citizens in exercising their mandate did not endanger their health and lives.

The EC's first major decision that the pandemic forced was an indefinite suspension of the intended start date (18 April 2020) for compiling the new voter register. This appeared to be necessary because the registration process required that people physically attend designated registration centres.

However, the suspension compounded existing concerns—which critics had already raised—regarding in particular the EC’s ability to compile a new voter register in time for the presidential and parliamentary elections in December (Asante 2020). Aside from a possible delay due to the legal injunctions being sought by the main opposition party, the registration process also appeared vulnerable to a halt in the global supply chain of digital machinery (due to Covid-19 lockdowns in most other countries). This meant that vendors of the new Biometric Verification Machines were most unlikely to fulfil requirements in a timely manner (Aikins 2020). Advocates of using the existing register and conducting only limited additional registrations argued that it would save on costs of acquiring not only the new BVMS itself, but also personal protective equipment (PPE) and other items such as sanitiser, soap and water needed for registering citizens in a Covid-safe manner. As noted by one civil society organization, the cost of using existing infrastructure was estimated to be at most USD 35 million, compared to the USD 185 million estimated for acquiring a new register (IMANI 2020d).

Furthermore, as described earlier, there were concerns over the proposal to use the Ghana Card and the passport as the primary sources of identification. Despite the lockdown in Accra, the National Identification Authority (NIA) was still conducting a mass registration in the Eastern Region. Though there was no lockdown in that region, the gathering of many people to register for the Ghana Card drew a backlash from the populace, mainly because there was no ban on internal travel, which meant that Covid-19 infections could spread to that region. The backlash resulted in a temporary halt in the registration process for the Ghana Card. Subsequently, this created an expectation that the EC would postpone its plans to compile a new register, since people would need the Ghana Card to register for the new voters’ card (and waiting for the NIA to complete its exercise would delay the election timelines). However, having extended the first lockdown until 19 April 2020 (as mentioned, the original start date for compiling the new register was 18 April), the Government of Ghana lifted this the next day and subsequently the EC—despite all the criticism raised by both civil society organizations and the major opposition NDC—announced that the new registration process would take place from 30 June to 6 August 2020.

In response to public health concerns, the EC provided assurances that registration would be conducted under strict adherence to safety protocols provided by the Ghana Health Service and the Ministry of Health (Electoral Commission 2020a). In line with the proposals from these institutions, the Commission developed and outlined the safety regimens to be observed. One of these was that registration centres would be set up in open and outdoor spaces, as has always been the practice. Other requirements included wearing of face masks, temperature measurements, mandatory hand washing before entering registration centres, observation of physical distancing, provision of sanitization equipment, and further isolation of persons with temperatures above 37.8 degrees Celsius (Electoral Commission 2020b). At this point, one could argue that despite the risk of causing infections, the voter registration process could serve as a potential learning opportunity for the EMB as this

The EC’s first major decision that the pandemic forced was an indefinite suspension of the intended start date (18 April 2020) for compiling the new voter register.

was the first time it had undertaken an aspect of the electoral process during a global pandemic. Lessons and experiences gathered from the exercise could inform the EC of what to expect should the December election take place.

Pre-electoral period: failure of mitigation measures

Voter registration took place according to the revised schedule. Though most of the safety measures listed above were observed, there was large-scale non-adherence to physical distancing at most registration centres. The widespread disregard of this crucial rule drew criticisms from most observers, who described the registration as a Covid-19 spreading exercise (ModernGhana 2020). Data reported by the Coalition of Domestic Election Observers (CODEO) further shows that there were instances of non-observance and non-enforcement across all the various safety measures proposed by the EC (see Table 19.1). For instance, CODEO reported that across the 100 registration centres they visited, there was non-enforcement of physical distancing in 28 per cent of centres during the first week (CODEO 2020a) and 26 per cent in weeks two and three (CODEO 2020b). At one point, a section of the medical professionals in the country petitioned the EC to halt the registration exercise to avert spread of the virus (BBC Pidgin 2020a; Darko 2020a).

In response the EC introduced a digital queuing management system. This was intended to allow prospective registrants to pre-book a slot before visiting the registration centre to avert crowding and congestion (Electoral Commission 2020c; Dogbey 2020). However, as can be deduced from Table 19.1, this did not solve the problem, since the non-enforcement of physical distancing was observed in 21 per cent of centres visited by CODEO during the fourth week (CODEO 2020c). This failure can be attributed to the system being made available in only some selected registration centres.

The gathering of so many prospective registrants defied expectations that public anxiety about Covid-19 would produce a low turnout for the registration exercise. The high turnout partly hinged on the use of the voters' ID cards in Ghana for other purposes; recent studies indicate that citizens use the voter ID card as an all-purpose identification card, something which tends to provide an added motivation for people to register (Agbele 2020a).

There was large-scale non-adherence to physical distancing at most registration centres.

19.4. THE ELECTORAL CAMPAIGN: THROWING CAUTION TO THE WIND

The outbreak of a global pandemic in an election year is likely to pose health risks during a fully-fledged campaign (Asplund et al. 2021). This is particularly the case in a developing country such as Ghana, where electoral campaigns are still primarily face-to-face (Agbele 2020b). It became evident from the early stages of the government's pandemic response that it was going to be challenging to fight against the spread of the virus, while also campaigning to win the election. For instance, many viewed the government's lifting of the ban on communal worship (5 June 2020) as a licence to enable the parties,

Table 19.1. Overview of adherence to Covid-19 safety measures during voter registration

Indicators	Phase Observation			
	Spacious (%)	Not spacious (%)		
Spacious centres	91	9		
Observation of physical distancing	Enforced	Not enforced	Other observations	
	Phase 1	72	28	Instances of overcrowding
	Phase 2	74	26	Slight improvement
Temperature	Checked	Not checked	Other observations	
	Phase 1	92	8	Applicants with high temperature were turned away
	Phase 2	75	25	Temperature guns broke down in some centres. In some cases, registration was placed on hold while in others it continued without checks.
Sanitized equipment	Always	Often/sometimes	Never	
	Phase 1	43	55	2
	Phase 2	38	58	4
Hand washing	Enforced	Not enforced	Other observations	
		82	18	99% of centres had handwashing facilities, with shortages reported in 4%

Source: Authors' calculations, constructed using data from CODEO Preliminary Report (I-III), (2020a, 2020b, 2020c).

particularly the incumbent party, to hold primaries on 20 June and start campaigning (Africanews 2020). There was no limit on the number of people allowed to gather for the 2020 political campaign.

The period saw very few major rallies, as these were replaced by smaller outdoor events including a 'health walk' (Knott 2020) and more frequent door-to-door canvassing (EU EOM 2020). The shift to mini rallies and the heavy use of the door-to-door approach to canvass for votes did not mark a major change from the 2016 election (Agbele 2020b). Indeed, it became evident from media reports and footage that very little adherence to safety protocols was observed during political gatherings. Except in a few cases, where political candidates were meeting high profile people rather than the general populace, the campaign trail was marked by almost no adherence to physical distancing or use of face masks (Darko 2020b; Myjoyonline 2020b; Arhinful 2020a and 2020b). In response to angry complaints from some of the public, the incumbent party issued a notice to its campaign management teams to strictly adhere to safety protocols (CNR 2020a) but even so, not much improvement was seen.

To a large extent, the media coverage of the campaign did not seem to have been impaired by Covid-19. If anything, the pandemic situation prompted political candidates and parties to make fuller use of social media by continually posting live feeds of their campaign activities. A recent study (Gadjanova et al. 2019) showed a gradual increase in the use of social media to reach out to voters in particular, and it is not surprising that the 2020 campaign accelerated the trend. Closed WhatsApp chat groups were the most heavily used social media platform, followed by Facebook, YouTube, Instagram and others (EU EOM 2020).

Covid-19 and incumbent advantage

Until the outbreak of Covid-19 the electoral campaign, as in previous years, was going to be about the economy and how well the incumbents had delivered on programmatic promises. However, in 2020 the incumbents' campaign messages and political advertising shifted to how well they were managing the pandemic. The government secured Covid-19 emergency funds, which enabled it to run relief programmes supposedly meant to mitigate the financial and socio-economic effects of the lockdown on a section of the needy populace, as well as small and medium-scale businesses (SMEs). For instance, the government distributed hot meals (Lartey 2020b), absorbed water and electricity bills for three months (BBC News Pidgin 2020c), and provided a stimulus package for SMEs. This provided some incumbent advantages for the government as its campaign messages and advertisement material were able to refer to the relief activity. Aside from the campaign message, there were reports of the branding of packed food in the incumbent NPP party colours (Myjoyonline 2020c).

Another element of incumbent advantage observed was during the voter registration exercise. Due to the pandemic, all third-year students at senior high school level were allowed to stay in school boarding facilities to prepare for their final exams. The EC set up registration centres in the various schools to register the students, most of whom were eligible to vote. Due to the Covid-19 restrictions, political party agents were not allowed access to the schools. Nonetheless, there were instances where the party officials of the incumbent

There was no limit on the number of people allowed to gather for the 2020 political campaign.

To a large extent, the media coverage of the campaign did not seem to have been impaired by Covid-19.

party were able to access some of the schools to solicit support from would-be first-time voters (3News 2020; MyNewsGhana 2020).

19.5. COVID SAFETY ON POLLING DAY ITSELF

Polling day (7 December 2020) was preceded by the 'special voting' held on 1 December. A regular feature in Ghana, this voting arrangement is for security personnel and others whose services are engaged on election days. It is not open to the general public. In 2020, a total of 109,577 such voters were estimated to have participated. It was reported that the following Covid-19 protocols were observed: washing of hands with soap and water, wearing of face masks, hand sanitization, and checking of voters' temperatures before they were allowed to go through the voting process (BBC News Pidgin 2020b; Graphic Online 2020b). 'Covid-19 Ambassadors', tasked with ensuring compliance, were present at all the centres (BBC News Pidgin 2020b). However, no information was made available on whether those people with a high temperature or in quarantine were enabled to vote.

For the main presidential and parliamentary elections on 7 December 2020 there were 38,622 polling stations across the country. The EC mandated the same Covid-19 safety protocols as for the registration period and, as earlier stated, these were in line with the recommendations from the Ghana Health Service (Electoral Commission 2020b). Voting centres were set up in open spaces, as in past elections. However, a preliminary report by CODEO indicates less than full compliance with the mitigation protocols. Out of the 4,400 polling stations observed, thermometer guns were reported in 95 per cent of the polling stations; provision of soap and water in 94 per cent; hand sanitizer in 93 per cent; and scanner wipes in 78 per cent (CODEO 2020d). (However, the report noted the *lack* of the above-listed protocols in less than 1 per cent of polling stations, which may reflect inconsistency in reporting methods and/or inability to get a comprehensive picture.) It is worth noting that the provision of these items did not translate into complete adherence regarding their use. The enforcement of handwashing was, for instance, observed in only 92.7 per cent of cases.

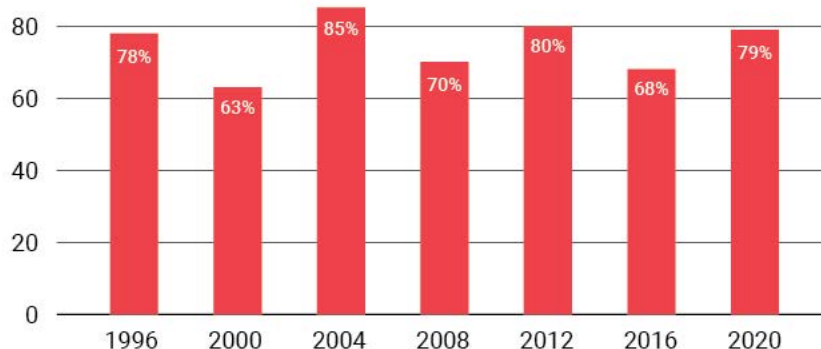
Media reports from several polling stations showed that the observation of physical distancing was not followed across all polling stations (see CNR 2020b; AFP 2020). This observation was corroborated by CODEO's report, which found adherence in 74.3 per cent of the polling stations visited. Similarly, the wearing of face masks was in evidence in some media footage, while it was missing in others. This was again confirmed by CODEO, which observed strict adherence with mask wearing in only 54.8 per cent of polling stations visited. Some voters who were not compliant with mask-wearing were turned away, in line with the 'no mask, no entry' requirement. Coupled with less than universal application of the rule (and in the absence of free masks given away at polling stations), this will have had discriminatory effects. Among the prospective voters denied will have been those unable to afford a mask.

CODEO, for instance, noted they distributed GHS 100,000 (USD 17,500 approx.) worth of face masks in high need communities and to underprivileged registered voters.

However, judging from provisional electoral data, voter participation was not significantly affected by Covid-19 at an aggregate level. The EC reported a turnout of 79 per cent, representing an 11 per cent increase from the 2016 election. As can be deduced from Figure 19.1, it was the third-highest turnout since 1996. That said, participation in the election by Ghanaians living abroad was indeed affected by Covid-19. As disclosed by the deputy chair of the EC, there were plans to initiate the first diaspora voting to enfranchise Ghanaian expatriates registered at various diplomatic representations and Ghanaian scholarship students abroad (ECONEC 2020). However, with the outbreak of Covid-19, the diaspora voting system could not be rolled out.

Media reports from several polling stations showed that the observation of physical distancing was not followed across all polling stations.

Figure 19.1. Voter turnout 1996–2020



Source: Authors' calculations, based on data from Ghana Electoral Commission.

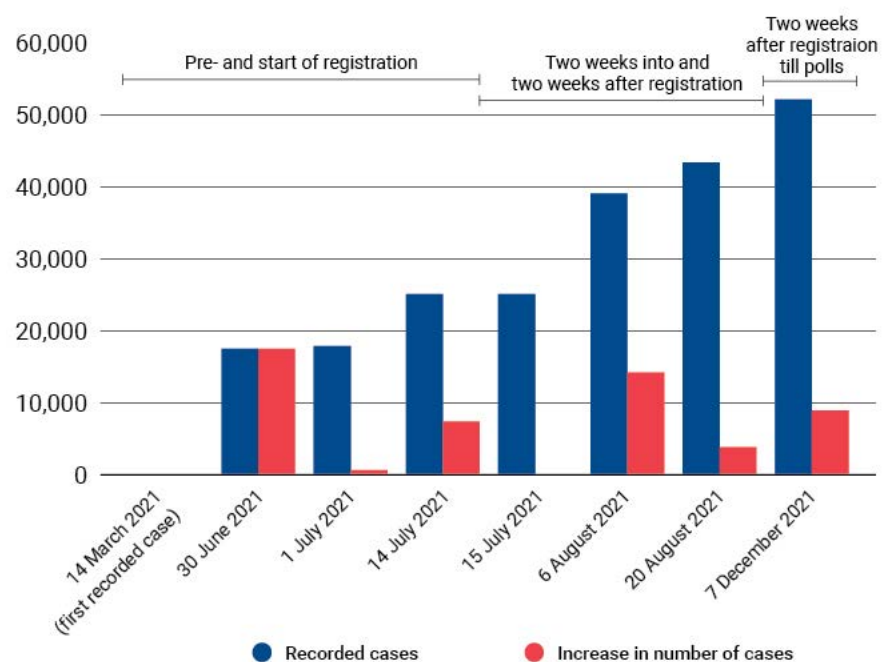
19.6. TENTATIVE OVERVIEW: INFECTION DURING THE 2020 ELECTORAL CYCLE

Based on Covid-19 data presented by the World Health Organization (WHO), a tentative overview of Covid-19 infections in Ghana during the electoral period can be presented. Although it is difficult to ascertain the health impact definitively, the numbers of cases at the start and end of voter registration are some indication. The pre-registration period is considered from the day the country recorded its first case up to two weeks into the registration, i.e., 14 March–14 July 2020, to accommodate the virus's two-week gestation period. Based on Covid-19 data reported by the WHO, these 16 weeks saw a total of 24,988 recorded cases. The registration period is marked from this point until two weeks after the registration, i.e., 15 July–20 August 2020, to again account for the virus's two-week gestation period. This period alone, less than

The voter registration exercise period may have contributed to the number of cases recorded in Ghana.

five weeks, recorded 21,724 new infections, representing 34.1 per cent, while the remaining 14 weeks until 7 December saw only 16.8 per cent increases in infection (see Figure 19.2). Based on the above, the voter registration exercise period may have contributed to the number of cases recorded in Ghana. Having said that, this must be treated with caution since other reasons could have also contributed to the increase in cases.

Figure 19.2. Covid-19 infections, pre-electoral and voter registration period



Source: Authors' calculations, compiled from WHO data.

19.7. CONCLUSION

For a developing country like Ghana where health facilities are still under-served with an underdeveloped economy, managing the electoral process amid a global pandemic meant an enormous burden in terms of both the health risk and the extra financial costs of mitigation measures. In Ghana's specific case, the 2020 general election process started amid controversy and lack of trust, beginning with the replacement of the EC chairperson and two of its deputy commissioners by the new government. The challenge was compounded by the EMB's decision to compile a completely new voters' register despite opposition from independent civil society organizations and the main opposition party. Although the EC has not made its calculations publicly available, the compilation of the new register undoubtedly came at an extra financial cost to the nation, including the system's cost, i.e. the BVMS and

ensuring Covid-19 safety protocols on registration day, but also an additional cost of ensuring Covid-19 safety protocols for the voting day.

Finally, it is important to point out that the 2020 general elections experienced more violence than those held in 2012 and 2016. At the time of writing this case study, and while protests against the EC regarding the outcome of the elections by the opposition NDC are still ongoing, there had been five reported electoral-related deaths (DW News 2020). The opposition NDC's presidential candidate rejected the outcome, claiming that the elections were manipulated in favour of the ruling government (Lartey 2020a). However, our observation is that the mistrust that followed the EC into the 2020 general election already made for crisis conditions, which then coincided with the pandemic as highlighted in this case study.

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Chapter 20

CASE STUDY: BIHAR, INDIA

Saket Ambarkhane

India, the world's largest democracy with 910 million registered voters for the national election in 2019, saw elections early in 2020 to the assembly of the National Capital Territory of Delhi.

20.1. INTRODUCTION

While many countries postponed their upcoming elections (See Chapter 3) as Covid-19-related fatalities grew (Cooper 2020)—often grappling with the legal implications of doing so—others went ahead. India, the world's largest democracy with 910 million (ECI 2019b) registered voters for the national election in 2019, saw elections early in 2020 to the assembly of the National Capital Territory (NCT) of Delhi (with close to 14.8 million voters (ECI 2020h)). These were held on 8 February 2020 when only three cases of Covid-19 were reported in the country (MoH 2020), and the results were declared on 11 February 2020. As per the Election Commission of India's calendar (ECI 2017), no other major election was planned when the pandemic hit in its full scale in April–May 2020 and the first lockdown was announced (Hebbar 2020), apart from elections to the upper house (Rajya Sabha) of the parliament.

The upper house is indirectly elected via a proportional representation system (ECI 2018a) using the single transferable vote. The number of voters was very low at 984. After an initial postponement (ECI 2020g), the low number of voters helped the ECI to test its Covid-19 strategy in the course of this election and its success (Devasahayam 2020) providing the necessary confidence to conduct a large-scale election in the state of Bihar in November 2020. Among the key lessons from the assembly election of Bihar were the importance of the timely execution of Covid-19 protocols, the benefits of robust planning for registering migrant workers returning to the state due to Covid-19, and the positive contribution of baseline surveys of voters (Das et al. n.d.) to peaceful, fair and safe elections.

20.2. PUBLIC HEALTH CONTEXT

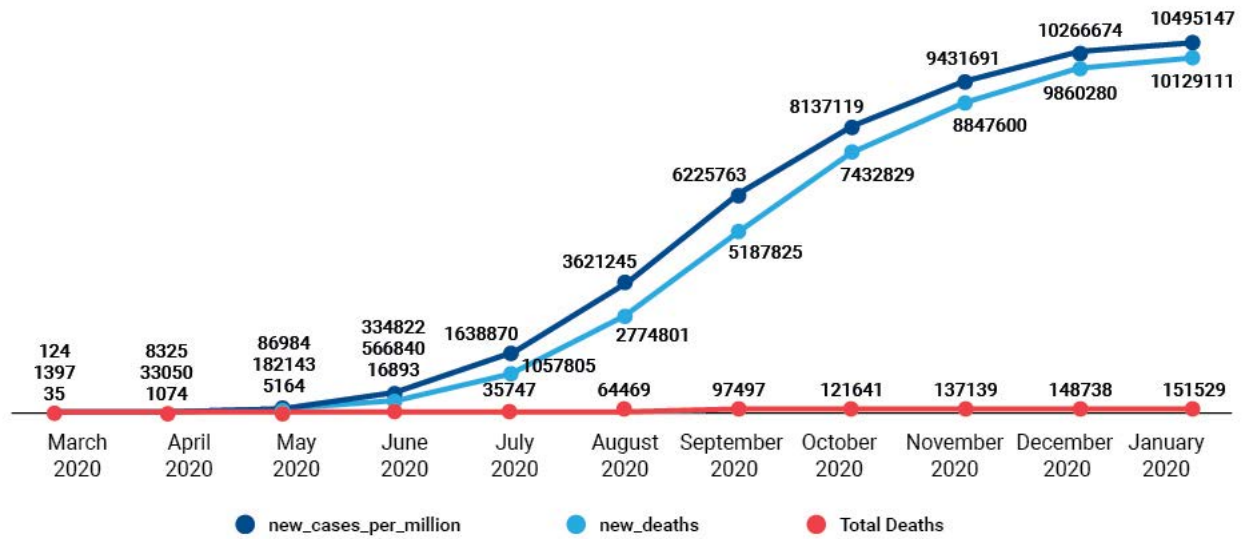
India announced a strict nationwide lockdown (Rukmini 2020) on 23 March 2020 with 12 Covid-19 deaths and 564 positive cases (Hebbar 2020). The government imposed the lockdown after a 14-hour voluntary public curfew to gauge the situation (Chandna and Basu 2020). After the initial 21 days, when all organizations were closed except for essential services (but including transport, along with places of worship and gatherings of any kind—Hebbar 2020), the lockdown was further extended to 3, 17 and 31 May 2020 on the recommendations of various state governments and the National Disaster Management Authority (NDMA). The lockdown was announced with four hours' notice (A. Bhardwaj 2020), triggering one of India's largest ever internal migrations. Labourers from rural and semi-urban areas made journeys to their home regions due to lack of services—including provision for food—in the cities during the lockdown (Bhowmick 2020). In May, six weeks into the lockdown, the government started arranging trains to take migrant workers home (Government of India 2020). A significant number of these migrants were from Bihar (Biswas 2020). The government was heavily criticized by opposition leaders as well as civil society (Rajan 2020) for initially not providing transport for home-bound migrant workers and then for providing trains that were seen as virus 'super-spreaders' (Gettleman et al. 2020).

Bihar is a state in the east of India with the third largest population among the states of India at above 104 million according to the 2011 census. Almost 58 per cent of this population is below 25 years of age. The term of the Legislative Assembly of Bihar was due to expire on 29 November 2020. With 243 legislators to be elected by 72.9 million registered voters, Bihar was the only Indian state headed for elections during the Covid-19 pandemic in 2020 (*Economic Times*/PTI 2020a). After the onset of the pandemic in India, the Ministry of Home Affairs (MHA) and Ministry of Health and Family Welfare (MoH) issued occasional guidelines. In their circular dated 29 July 2020, the MHA issued comprehensive guidelines/directives to be followed countrywide on containment measures (Ministry of Home Affairs 2020). Similarly, the MoH also issued Standard Operating Procedures (SOPs) on disinfection, sanitization and prevention for containing Covid-19 (MoH 2020).

By the end of September 2020, Covid-19 cases in India were above 6.2 million and total deaths were 97,497 (MoH 2020). By then, the lockdown was lifted and people slowly started getting back to work (Deol 2020). Figures 20.1 and 20.2 show the total monthly cases and the new/active monthly cases of Covid-19 in India between March 2020 and January 2021 (MoH 2020). During the first wave, new cases peaked in September 2020; they then started to decline until February 2021, followed by a resurgence in April–May 2021. On 16 January 2021, India started the largest vaccination programme for Covid-19 in the world (Ellis-Petersen 2021). More than 200,000 vaccinators and 370,000 team members were trained for the rollout as of 16 January 2021 (Frayer 2021).

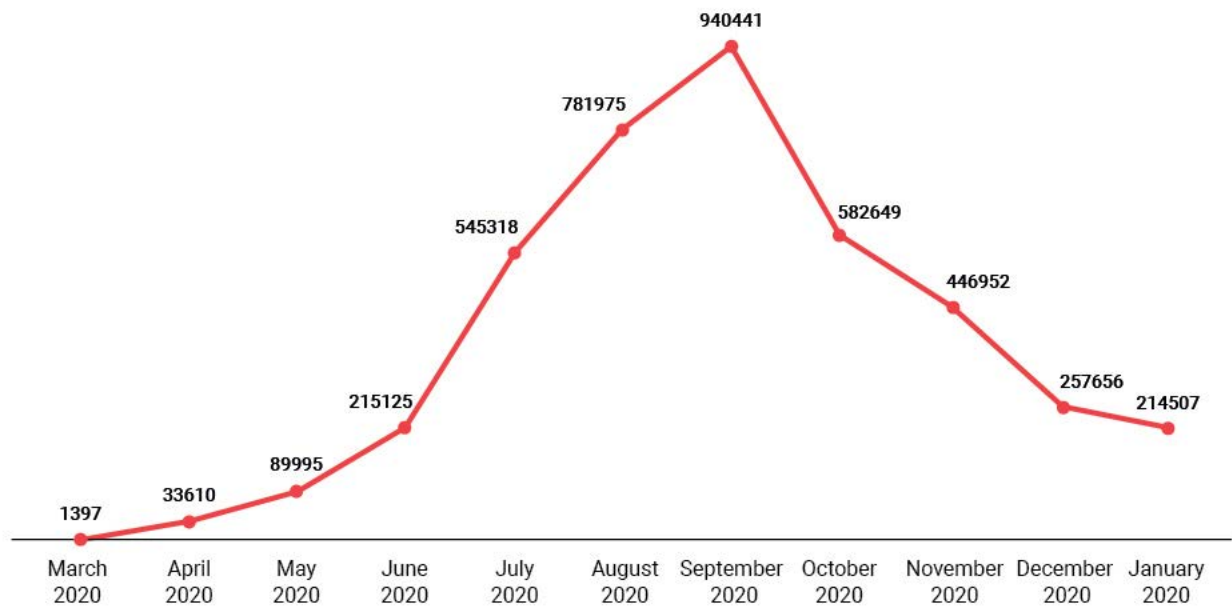
The government was heavily criticized by opposition leaders as well as civil society for initially not providing transport for home-bound migrant workers and then for providing trains that were seen as virus 'super-spreaders'.

Figure 20.1. Total monthly Covid-19 cases and deaths, 2020–early 2021



Source: Author's calculations, data published by MoH, Government of India.

Figure 20.2. New/active monthly Covid-19 cases, 2020–early 2021



Source: Author's calculations, data published by MoH, Government of India.

20.3. INSTITUTIONAL AND LEGAL FRAMEWORK

India is a sovereign, democratic republic. The Supreme Court has held that democracy is one of the inalienable basic features of the Constitution of India (India 2020) and forms part of its basic structure. Parliament consists of the President of India and the two Houses—the Rajya Sabha and Lok Sabha. The country is divided into 543 parliamentary constituencies, each of which returns one MP to the Lok Sabha, the lower house of the Parliament. Being a Union of states, the Federal Democratic Republic of India has 36 constituent units. All 29 states and two of the seven Union Territories have their own assemblies—Vidhan Sabhas. State legislatures consist of the Governor and two Houses, the Legislative Council and Legislative Assembly. The 31 Assemblies have 4,120 constituencies in total (ECI 2018a).

Article 324, along with article 329, provides the Election Commission of India (ECI) with significant powers (see Table 20.1). Under article 327, the Parliament of India has passed many laws and rules including the Representation of People (RP) Acts 1950 and 1951 (India 1950, 1951), among others.

Table 20.1. Electoral Commission's role as provided for in the Constitution of India

Article	EC role
Article 324	Superintendence, direction and control of elections to be vested in an Election Commission
Article 325	No discrimination or special privilege in electoral roll on grounds of religion, race, caste or sex
Article 326	Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of Adult Suffrage
Article 327	Power of Parliament to make laws with respect to elections to Legislatures
Article 328	Power of State Legislature to make provision with respect to elections to such Legislature
Article 329	Bar to interference by courts in electoral matters

Source: Author's calculations, adapted from ECI reports.

The ECI is a constitutional body created under article 324 of the Constitution of India. It was set up on 25 January 1950. The ECI conducts elections to the offices of President and Vice President of India, both Houses of Parliament, State Legislative Assemblies and State Legislative Councils. The election machinery is headed by Chief Electoral Officers at the state/Union Territory

(UT) level, and by District Election Officers at the district level (MG and Ambarkhane 2018).

The functions of the Commission may be delegated by the Commission (under section 19A of the RP Act 1951) to the Deputy Election Commissioner or the Secretary to the Commission. The administrative machinery for the conduct of elections is detailed in part IV of this Act.

The decision to defer polling for the upper house

For elections during Covid-19, most instructions issued by the ECI for safety of voters were direct instructions under article 324. However, there were some specific legal provisions made. To defer elections to the Rajya Sabha (upper house) in March 2020, the ECI invoked the RP Act 1951 section 153, which specifies that the ECI, for reasons which it considers sufficient, may extend the time for the completion of any election (by making necessary amendments in the notification issued by it under section 30 or sub-section (1) of section 39) (ECI 2020g).

While most parties did not object to the deferment, there were a few voices of dissent. The Chief Minister of Rajasthan, from the Congress Party, objected to the lack of consultation with all political parties before taking the decision. However, his deputy, also from the Congress Party, thought that it was a good step and that it was 'inappropriate to politicize every decision of ECI' (Asnani 2020). A petition was also filed by a private citizen in the Madhya Pradesh State High Court further after 19 June 2020, which was dismissed by the Court on the grounds of maintainability (LiveLaw 2020).

The decision to conduct polling in Bihar

For Bihar's election during Covid-19, the ECI sent notifications under the RP Act 1951 to issue postal ballots to electors over 80 years of age, electors with physical disabilities and electors in quarantine due to Covid-19 (ECI 2020b). By another notification, the Ministry of Law and Justice amended rules to enable 'absentee voters' to vote by postal ballot (Bihar CEO 2020b). The definition of absentee voters was expanded to accommodate persons employed in essential services, senior citizens over 80, persons with disabilities and suspected cases of Covid-19 or affected persons, as certified by the competent authority.

While ECI was assessing the situation on the ground to conduct the election, there was a clamour to postpone the Bihar election (Roy 2020). Petitions were also filed in the courts to that effect. The Supreme Court on 28 August 2020 dismissed two pleas seeking for a direction to the Chief Election Commissioner for the postponement of the impending general election to the Legislative Assembly of Bihar (Roy 2020).

For elections during Covid-19, most instructions issued by the ECI for safety of voters were direct instructions under article 324. However, there were some specific legal provisions made.

20.4. PREPARATION FOR THE BIHAR ELECTIONS

Introduction

In early June 2020, the ECI held meetings to discuss the global Covid-19 scenario—and electoral best practices from Australia, Mongolia, Singapore and South Korea—to plan ahead including scheduling of the Rajya Sabha and Bihar elections. These covered the necessity of changes to rules, laws and the ECI's own instructions, as well as practical issues such as whether and how social distancing and similar mitigation measures could be achieved (ECI 2020d).

Some political parties including the main opposition party in Bihar and some parties in the state's ruling coalition queried whether there was really a need to conduct the elections during the pandemic, and called for a postponement (*Economic Times/PTI* 2020a). The ECI sought views and suggestions from national and state political parties until 11 August 2020 (ECI 2020i). After consideration of the views and suggestions received from various political parties and Chief Electoral Officers of States/UTs on election campaign and public meetings, the ECI decided to conduct the general election to the Bihar Legislative Assembly as per schedule. The ECI also framed the guidelines for precautions during Covid-19. These guidelines and instructions for Covid-19-related precautions for elections were issued by the ECI on 21 August 2020, before the elections to the Legislative Assembly of the state of Bihar, and covered every aspect of elections (ECI 2020a). All these guidelines and instructions were translated in the field for the Bihar election (*National Herald/PTI* 2020; Bihar CEO 2020c), and a detailed Covid-19-related comprehensive plan was prepared at the state level based upon them, taking local conditions into account. A three-layer plan (see Figure 20.4) was prepared in consultation with the concerned Nodal Health Officers—of the constituency, district and state levels (Bihar CEO 2020c). The state also developed contingency plans (for last minute infected voters) and Covid-19 suspected, positive, hospitalized and quarantined cases.

With over 73 million voters registered (almost the size of Viet Nam, see Table 20.2) and more than 106,000 polling stations, ensuring a Covid-19-safe election was a big challenge (Ramani and Radhakrishnan 2019).

Registration

The ECI had directed the State of Bihar election machinery to complete a Special Summary Revision and publication of the draft voter lists by 1 January 2020 (Bihar CEO 2020b). The final electoral roll was then published on 7 February 2020. By then, critical gaps in the electoral rolls had been identified such as polling station areas with low voter turnout, particularly among the marginalized sections such as women, persons with disability (PWD) or ethnic minorities. Local Booth Level Officers were deployed to find out the reasons for these gaps. Targeted 'Systematic Voter Education and Electoral Participation' (SVEEP) activities were carried out to address these gaps by engaging local women leaders and other social activists (Bihar CEO n.d.). As part of a continual update (which continues up until filing of candidate nominations), special efforts including door-to-door surveys by Booth Level Officers were

Some political parties including the main opposition party in Bihar and some parties in the state's ruling coalition queried whether there was really a need to conduct the elections during the pandemic, and called for a postponement.

Table 20.2. Registration and voting figures, Bihar 2020

Voters in Bihar election 2020	Male	Female	Third gender	Total
Number of registered voters	38,789,388	34,855,815	2,457	73,647,660
Number of registered voters who voted	21,121,394	20,804,957	92	41,926,443
Voter turnout	54.5%	59.7%	3.7%	56.9%

Source: Author' calculations, from data published by ECI.

undertaken to enrol eligible returnee migrants who entered the state in the preceding months (Biswas 2020). The Chief Electoral Officer reported that more than 230,000 such returnees were enrolled during this period.

Voter education

The SVEEP activities were planned well in advance. In May 2020, the Chief Electoral Officer (CEO) Bihar planned a baseline survey (Das et al. n.d.) for assessing voters' awareness about enrolment procedure, eligibility and voter cards. Key factors responsible for voter participation (attitudes and expectations, disability, inducements, among others) were identified and assessed in the context of Covid-19, and exposure of voters to the SVEEP interventions was monitored and evaluated (Bihar CEO 2020b). In view of the pandemic, additional outreach activities were carried out to publicize the safety measures to be undertaken during elections. Mass gatherings and in-person contact were avoided (Bihar CEO 2020a). Contactless and digital media for all outreach activities i.e. broadcast and social media were preferred. Awareness campaigns for and demonstration of Covid-safe use of electronic voting machines (EVMs) and Voter Verifiable Paper Audit Trail (VVPAT) were undertaken.

A Voter Guide in Hindi and English (ECI 2020f) was handed out to every elector's household ahead of the elections, giving information about the date and time of polls, contact details of the ECI's Booth Level Officer, important websites, helpline numbers, identification documents required, and other do's and don'ts (Figure 20.3). This Voter Guide was distributed along with the photo voter slips by the Booth Level Officers. Since this was a state election, the cost was incurred by the Bihar State exchequer. The details of money spent on the additional efforts to engage with voters are not available publicly.

Candidate nominations and campaign safeguards

In addition to physical nominations, nomination forms were available online from the website of the Chief Electoral Officer of the State/District Electoral Officer (CEO/DEO) (Bihar CEO n.d.). Any intending candidate could fill it in online and print it for submitting before the Returning Officer as specified in

Figure 20.3. Voter education materials, Election Commission of India/Bihar CEO office

PwD FACILITIES ON ELECTION DAY
EVERY BOOTH WILL HAVE SOME SPECIAL ARRANGEMENTS

- RAMP & WHEEL CHAIR
- TRANSPORT FACILITY
- EVM WITH BRAILLE
- VOTER HELPLINE
- SIGN LANGUAGE
- ACCESSIBLE TOILET
- SPECIAL VOLUNTEERS
- PRIORITY ACCESS

#GoVote
Voter Helpline : 1950 | www.nvsp.in

@ECISVEEP @ecisveep FB.com/ECI Election Commission of India

IMPORTANT INFORMATION FOR VOTERS

- Search your name on voter list:
 - Visit Website: voterportal.eci.gov.in
 - cei.....nic.in
 - SMS to 1950: ECI <space> <EPIC No>
 - Use Voter Helpline App
- Any election related query: Call Helpline **1950**
- Locate your polling station:
 - Visit voterportal.eci.gov.in
 - SMS to 1950: ECIPS <space> <EPIC No>
 - Use Voter Helpline App
- Know Your BLO:
 - Name of BLO: XXXXXXXXXXXXXXXXXXXX
 - Contact No of BLO: XXXXXXXXXXXXXXXXXXXX
 - SMS to 1950: ECICONTRACT <space> <EPIC No>
- For Postal Ballot Facility:
 - Call 1950
 - Contact BLO
- Check list of contesting candidates:
 - Use Voter Helpline App

NO VOTER TO BE LEFT BEHIND

बिहार विधानसभा आम निर्वाचन 2020

लॉगइन करें www.nvsp.in या वोटर हेल्पलाइन पेज पर जाएं

हर बूथ में होगा PwD मतदाता के लिए इंतजाम ताकि मतदान हो आसान

मतदान केंद्र पर PwD मतदाता के लिए विशेष सुविधा:

- रैम्प की व्यवस्था
- व्हील-चेयर की व्यवस्था
- टैल्प टेस्क

कोई मतदाता न छोड़े

कोविड-19 को ध्यान में रखते हुए मतदाता मास्क लगाकर तथा हाथ को सैनिटाइज़ करके मतदान केंद्र में प्रवेश करें।

मुख्य निर्वाचन पदाधिकारी, बिहार

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VOTING DURING LAST HOUR OF POLL

Single voter inside Polling Station wearing PPE kit

After voting on EVM-YVPAT, voter disposes the used glove in a dustbin and sanitizes hands before exit from Polling Station

Electors with COVID-19 related symptoms will vote in the last hour of poll. Everyone in the Polling Booth will be provided PPE kits for their safety.

NO VOTER TO BE LEFT BEHIND

Source: Election Commission of India/Bihar CEO office, <<https://eci.gov.in/files/file/12425-voter-guide-towards-a-covid-safe-election/>>.

Form-1 (Rule-3 of Conduct of Election Rules 1961) (Ministry of Law 1961). Candidate affidavits were also allowed to be completed online at the same website. Candidates were allowed to pay their security deposits, and to seek their elector certification online at the designated platform too.

Restrictions were placed on the number of persons who could accompany a candidate for the door-to-door campaign (four, excluding security personnel), and the number of vehicles in a convoy (5 rather than 10). Restrictions were

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also placed on public gatherings and rallies including clearly marking entry and exit points and advance markers for social distancing at venues (Bihar CEO 2020b). Nodal District Health Officers were involved in the process to ensure that all Covid-19-related guidelines were adhered to by all stakeholders, including the limits set for public gatherings (as prescribed by the State Disaster Management Authority) and in this were supported by District Superintendents of Police. Political parties and candidates were asked to ensure that all Covid-19-related requirements such as face masks, sanitizers and thermal scanning were fulfilled during campaign activities (Bihar CEO 2020b).

Requests for allocation of public spaces for campaigning were made online using the 'Suvidha' app in the manner prescribed (ECI 2019a) and in-person events drew large crowds. (An option was provided to political parties for holding virtual rallies online, but while political parties worked extensively on their digital campaigns (Ananth 2020), most did not use that option.) Non-compliance with Covid-19-mitigation measures was made a punishable offence: anybody violating them was liable under the provisions of sections 51 to 60 of the Disaster Management Act 2005 and Indian Penal Code sections. The precise level of compliance is not possible to determine as the ECI's observation reports are not publicly available. However, many media outlets reported gross violation of Covid-19 protocols as thousands of people thronged to attend mass rallies (LiveMint/PTI, 2020; Pandey 2020) and a large number of leaders from various political parties tested positive for Covid-19 during the campaign (Kumar 2020).

Polling arrangements

The ECI reduced the number of electors in each polling station from 1,500 to 1,000, to ensure social distancing and facilitate voting for elderly and vulnerable electors (ECI 2020a). This decision led to an additional 40,734 polling stations in the Bihar elections (a rise of 62.3 per cent above the 65,337 polling stations installed in 2015), bringing the total to over 106,000 (Phadnis 2020). A massive mobilization of resources saw over 400,000 polling personnel deployed (compared to some 200,000 in 2015) (ECI 2018b, 2021).

The ECI had also issued instructions (ECI 2020a) to the CEO Bihar that every polling station must have a good access road and be equipped with assured minimum facilities (AMF) including drinking water, a waiting shed, a flushing toilet, adequate lighting, a ramp for PWD and a standard voting compartment (ECI 2020a). This was supplemented with Covid-19-mitigation measures including a three-queue system for male, female, and PWD or elderly voters, each voter to be physically distanced by at least 1.83 meters (6 feet). There were 683,266 disabled voters identified in the State of Bihar, to be assisted by volunteers who were appointed by polling officials.

Electronic and postal voting

The ECI decided to use Voter Verifiable Paper Audit Trail (VVPAT) along with electronic voting machines (EVMs) in all the assembly constituencies and at every polling station, as VVPAT allows the voter to verify her or his vote (Bihar

The ECI reduced the number of electors in each polling station from 1,500 to 1,000, to ensure social distancing and facilitate voting for elderly and vulnerable electors.

CEO 2020b). The Commission made arrangements to ensure the availability of an adequate number of EVMs and VVPATs for the smooth conduct of the elections (189,000 EVM ballot units, 141 EVM control units and 173,000 VVPATs).

Given the ongoing pandemic, as mentioned above, the option of a postal ballot facility (Bihar CEO 2020b) was extended to a wider subset of eligible voters.

Training, media and observation

The ECI in its press note (Bihar CEO 2020b) pointed out that it expected the media to play a pro-active and constructive role in facilitating efforts towards free, fair, transparent, participative, peaceful and credible elections. The media was also expected to follow all the extant guidelines issued by the Ministry of Home Affairs and the Ministry of Health and Family Welfare (MoH) on Covid-19- mitigation measures.

Transfer, postings, movement of security forces etc. were within the purview of the ECI nationally, as is all state-level machinery for the duration of an election once announced. The large number of central and state government officials deployed for election duties (related to polling, security, election observation etc.) are deemed to be on deputation to the Commission, report exclusively to it, and for the duration are subject to its supervision and discipline. The ECI does not hire temporary staff (unless they are hired by the state government itself), as they have access to the entire government staff across all positions and can appoint them at various positions. On a rolling basis the ECI regularly trains government officials from states with upcoming elections (MG and Ambarkhane 2018).

For training of election officials, this involves a 15-day in-person programme at the ECI's India International Institute of Democracy and Election Management (IIIDEM) at New Delhi. The institute, set up in 2011, was envisioned to train the electoral machinery in the delivery of free, fair and flawless elections, and to orient stakeholders on systems for better and more productive delivery (IIIDEM 2011). Fifteen newly appointed Sub Election Officers from Bihar Election Services were trained from 7 to 21 January 2020 with a one-day local study tour covering topics across the entire election cycle. Due to Covid-19 it was not feasible to organize in-person training for election officials or trainers-of-trainers for Bihar at IIIDEM in the usual manner. IIIDEM therefore organized the training for all Bihar election officers including Returning Officers, and Assistant Returning Officers, from the month of June 2020 through video conferencing. These officials then further trained junior and polling officials at the state level in a cascade training model. Training was conducted in smaller groups and, wherever possible, training content and evaluation was conducted via e-learning tools and the CEO website. Participants at state, district and polling station levels were provided separate training sessions on ensuring social distancing during polling, along with queue management. Data on the feedback of the training and the total number of staff trained for elections was not available (Bihar CEO 2020c).

Due to Covid-19 it was not feasible to organize in-person training for election officials or trainers-of-trainers.

The ECI believes that impartial observation (MG and Ambarkhane 2018) and reporting of elections is a must for the conduct of free and fair elections. The concept of deputing senior officers as observers started from the 1990s. Over the past two decades, the deputation of election observers from one state to another has become crucial to the management of elections in the country. Mostly the officers deputed as observers are from the All India Services and Central Services, such as Indian Administrative Services (IAS), Indian Revenue Services (IRS), and the Central Bureau of Direct Taxes (CBDT). General, police, special, expenditure and micro observers were deployed to ensure all extant preparations were conducted and all procedures and regulations were followed including those relating to Covid-19 (*EconomicTimes/PTI 2020b*).

The three-tier plan contained comprehensive measures to protect the 769,000 polling personnel involved.

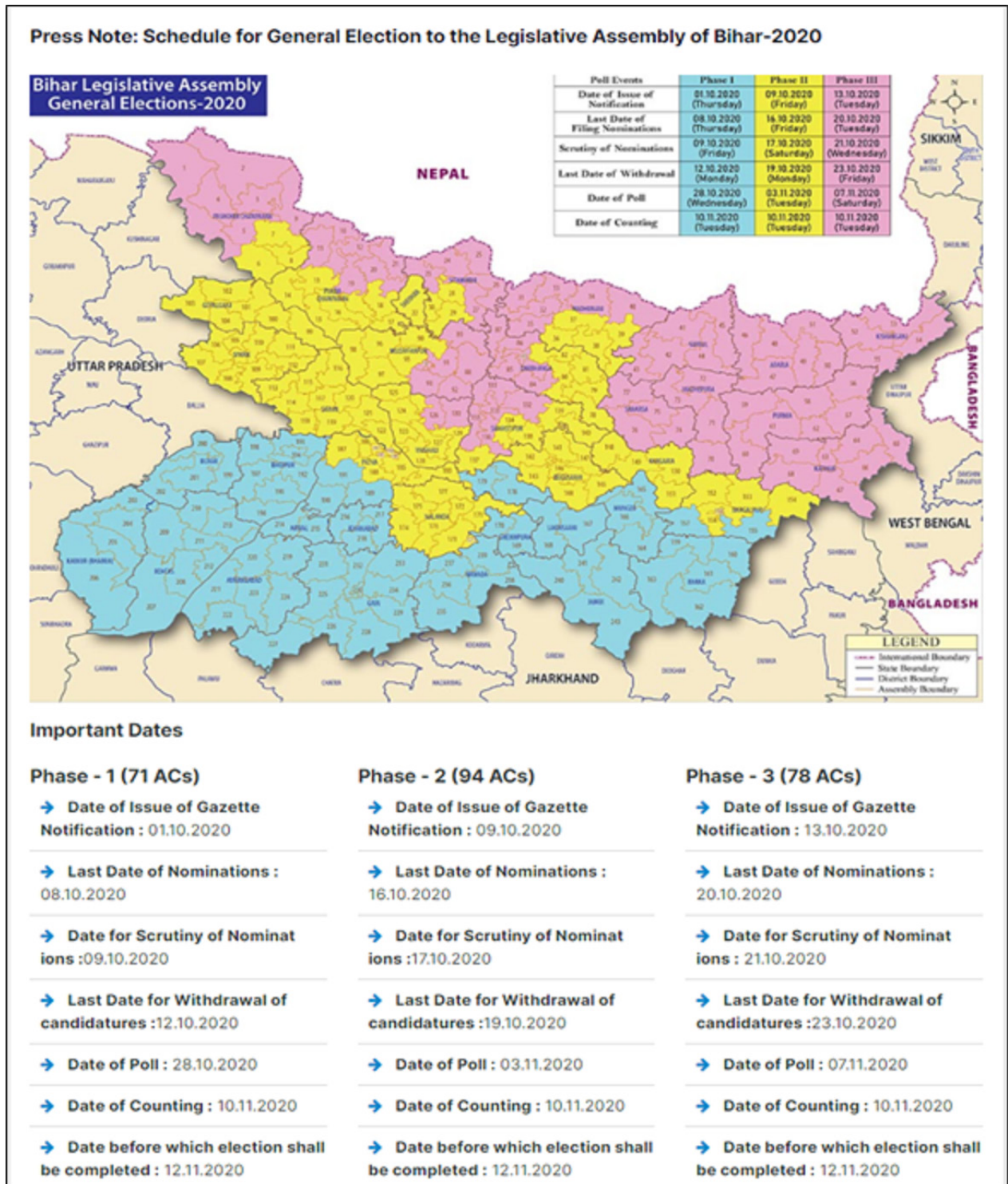
20.5. SCHEDULE AND IMPLEMENTATION

The election to the Legislative Assembly of Bihar 2020 was scheduled in three phases. Figure 20.4 shows the three phases and the various dates associated with notification, nomination, withdrawal, polling and counting. The Three dates on which polling was conducted were 28 October, 3 November and 7 November 2020. The results were announced on 10 November 2020. As per the three-tier plan (Bihar CEO 2020c), Covid-19-positive patients who were quarantined were allowed to cast their vote during the last hour of polling at their respective polling stations, under the supervision of health authorities, strictly following hygiene protocols. Nodal Health Officers were appointed at the state, district and constituency level to oversee all Covid-19-related arrangements during the entire electoral process.

The three-tier plan contained comprehensive measures to protect the 769,000 polling personnel involved (All India Radio 2020). They were each provided one hand sanitizer, six three-ply face masks, one face shield and one pair of gloves. Security personnel deployed at polling stations also received this Covid-19 protective kit. The following amounts of materials were procured for the Bihar election (*Business Insider 2020*): 700,000 hand sanitizers; 460,000 masks; 600,000 PPE kits; 670,000 face shields; and 2.3 million pairs of gloves.

Voters were allowed access into the polling station premises after mandatory thermal screening, wearing of face masks, gloves and sanitization (especially hands and forearms). Separate entry and exit routes were made for the polling station with appropriate queue-position markings to ensure social distancing. Only one voter was allowed at a time in the polling station (Phadnis 2020), with others in waiting halls. A separate room was arranged to keep actual or suspected Covid-19 cases separate, up to several at a time. Sanitization teams worked to sanitize polling station premises but details of how often they did so are unknown. Bio-medical waste discarded masks and gloves were collected by waste management teams wearing PPE; the ECI also insisted on tracking dustbin collection vehicles to ensure all waste was disposed of appropriately (D. Bhardwaj 2020).

Figure 20.4. Map of the Bihar state assembly election schedule



Source: Election Commission of India/Bihar CEO office, <<https://eci.gov.in/assembly-election/ae-2020-bihar/>>.

The ECI announced that in the first phase of the election on 28 October (that

Voters were allowed access into the polling station premises after mandatory thermal screening, wearing of face masks, gloves and sanitization.

is, in 71 constituencies spread over 16 districts), more than 52,000 electors exercised their vote through postal ballots (ECI 2020c). The total number of postal ballot votes received from all the 243 constituencies of Bihar state was recorded at 269,879 out of 41.4 million total votes (0.65 per cent). This was almost double the postal ballots received in the last Bihar election in 2015–148,732 (ECI 2018b, 2021; Chopra 2020). Table 20.3 shows the postal ballot turnout (60.2 per cent) broken down by category of voter entitled to receive one.

Table 20.3. Postal ballot statistics

	Registered	Voted
Aged 80 years+	39,556	32,034
Persons with disabilities	26,094	20,484
Electronic Postal Ballot System	161,589	45,472
Essential services employees	220,759	171,889
Total	447,998	269,879

Source: data published by CEO, Bihar, ECI, <<https://eci.gov.in/files/file/12787-bihar-legislative-election-2020>>.

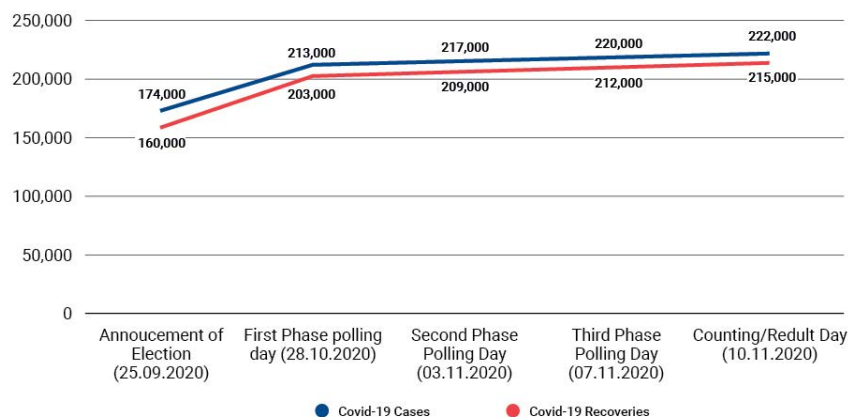
Despite all these arrangements, some problems were encountered during the conduct of the election. There was controversy around the incumbent Bharatiya Janata Party (BJP) including in their election manifesto a promise of free Covid-19 vaccines for all in Bihar, once approved by the Indian Council for Medical Research (ICMR) (*Times of India* 2020). This promise was criticized by the opposition leaders and a complaint was made to the ECI about violation of the Model Code of Conduct (MCC) and use of the pandemic for political gains. The ECI ruled that this did not constitute a violation, citing three provisions of MCC (The Wire 2020; Scroll.in 2020).

Bihar saw no rise in Covid-19 cases during the election period.

India Today's Data Intelligence Unit (DIU), which analysed the Covid-19 cases in Bihar from the day election dates were announced by the ECI until counting day, found that Bihar saw no rise in Covid-19 cases during the election period (Singh 2020). This data is presented in Figure 20.5.

Bihar's 2020 state legislative elections could be seen as a success because despite the threat of Covid-19, overall voter turnout was steady at 57 per cent (a slight increase from 56.7 per cent in 2015). The number of candidates contesting the elections also increased from 3,450 in 2015 to 3,733 in 2020. Similarly, the number of female candidates increased by over a third, from 221 to 302 candidates. There was also an increase in the participation of third gender voters as well as candidates. However, there was a decrease in the participation of female voters while the number of elected female candidates reduced by two (ECI 2018b, 2021).

Figure 20.5. Covid-19 cases and recoveries, Bihar election period



Source: Author's calculations, data published by India Today DIU, <<https://www.indiatoday.in/india/story/bihar-covid19-coronavirus-cases-under-control-assembly-election-poll-1740778-2020-11-13>>.

20.6. CONCLUSION

The general election to the state Legislative Assembly of Bihar was important as it was India's first state election during the Covid-19 pandemic and a large number of migrants had returned from other parts of the country, potentially carrying the virus with them. Traditionally one of the states with low socio-economic indicators in India, Bihar's successful conduct of an election at such a large scale was astounding (Rout 2020). Mr Sunil Arora, Chief Election Commissioner, at the conclusion of the poll said, 'We were able to conduct a Covid-safe election, with a voter turnout of 57.34 per cent, which was higher than in 2015 (...). The Bihar election was not only a priority for us but a necessity of our electoral democracy. We had to build confidence among the voters that the polling station would be a place safe for them to come and vote' (*National Herald*/PTI 2020; ECI 2020e).

Dr S. Y. Quraishi, a former Chief Election Commissioner and Board Member of International IDEA, praised the work of the ECI and pointed out that, 'At a time when all countries of the world are looking at each other for lessons, Bihar could provide a leading example of successful election management, and the ECI a leading electoral management body' (Quraishi 2020).

Due to the size of Bihar's electorate and the rapid spread of Covid-19 during the first wave of the pandemic, the mere conduct of elections during the pandemic was considered impossible by many, including some political parties which initially opposed the idea. However, after the ECI's assurance, they reconsidered their position. The ECI's focus on timely development of Covid-19 guidelines was central to the confidence-building alluded to and the safety of the election in practice. The Bihar unit of the ECI, in a timely manner, registered the incoming migrant workers who were eligible to vote using voter education

and information drives, special voter registration camps and door-to-door visits by the Booth Level Officers. As mentioned above, the Chief Electoral Office of Bihar also conducted baseline surveys of voters (Das et al. n.d.), a valuable exercise which the ECI initiated in previous elections.

In the end, the 2020 general election to the Bihar Legislative Assembly was held by and large safely.

In the end, the 2020 general election to the Bihar Legislative Assembly was held by and large safely. Apart from the widely reported flouting of Covid-19 protocols during campaigning by political parties and candidates, most of the public health protocols appear to have been followed. The fact that there was no significant increase in the number of Covid-19 cases during the election helped the ECI conduct the election safely. Finally, Bihar has many migrant workers and their timely registration before the elections would help in improving the usually low voter turnout during its elections. Such a reform would make a lasting contribution beyond the pandemic.

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Chapter 21

CASE STUDY: INDIA STATES

Zaad Mahmood

21.1. INTRODUCTION

This case study focuses on the experience of elections in India during the Covid-19 pandemic, specifically between March 2020 and July 2021. It presents a disaggregated account of the parliamentary (national), assembly (regional) and local government elections that were held during this period, highlighting the organizational challenges, the institutional innovations and the implementation issues confronting these elections during Covid-19.

The aim of the case study is to highlight the tensions inherent in conducting elections during natural disasters that, on the one hand, severely compromise opportunities for deliberation, contestation, participation and election management, and, on the other hand, pose the danger of a break in institutional certainty of democratic processes (James and Alihodzic 2020). While both the arguments in favour of and against conducting elections have a strong democratic basis, it is undeniable that electoral integrity suffers greatly under such conditions. As this case study reveals, disasters magnify the effort required to conduct free, fair and safe elections. Although the electoral administration in India formulated comprehensive and detailed guidelines on prevention measures, these were only partially successful in preventing the elections from becoming conduits for transmission of Covid-19.

The case study discusses the parliamentary and indirect legislative elections, followed by state assembly elections and local government elections. Each section presents the underlying context for the elections and the strategies adopted by the electoral management bodies, and highlights the implementation problems and the tension between democratic processes and electoral integrity. The detailed discussion on the state assembly elections

As this case study reveals, disasters magnify the effort required to conduct free, fair and safe elections.

is arranged chronologically, using the framework of 'pre-election', 'during the election' and 'after the election', which has been used to inform the wider discussion on elections and electoral integrity. In conclusion, the case study draws out the centrality of elections in Indian polity where elections were conducted despite the surge in Covid-19 cases. The elections reaffirm the perception of India as a weak–strong state, capable of holding elections but incapable of implementing the guidelines regarding Covid-19. Importantly, the subnational variations in election organization that existed suggest that local-level innovations and institutional capacity may have a crucial role to play in negotiating democracy during disasters. The case study ends with some discussion on the relationship between elections and disasters, and how democratic practices are shaped by their context.

The ECI had scheduled the election for 26 March 2021, which had to be postponed due to the lockdown.

21.2. RAJYA SABHA AND INDIRECT LEGISLATIVE COUNCIL ELECTIONS

The Electoral Commission of India (ECI) is responsible for the conduct of elections to the parliament and the state assemblies (Mahmood 2020). The federal parliament in India is a bicameral legislature with the Lok Sabha (lower chamber) and the Rajya Sabha (upper chamber). The Lok Sabha is elected for a period not extending beyond five years. India organized parliamentary elections for the 543-seat Lok Sabha in 2019. The election involved 900 million registered voters, more than 10 million poll workers and 20 million members of the security forces (Tripathi 2019).

The Rajya Sabha is a permanent chamber with 245 members elected by the legislature of the subnational states. Every two years, one-third of the members retire. At the time of the announcement of a lockdown in March 2020, preparations were under way for the election to 55 seats in the Rajya Sabha, which would fall vacant in April 2020 (Chakrabarty and Pandey 2008). The ECI had scheduled the election for 26 March 2021, which had to be postponed due to the lockdown. In its press briefing, the ECI stated that the poll process would lead to the gathering of polling officials, agents of political parties and members of legislative assemblies, which was not suitable given the pandemic (ECI 2020).

The elections for the vacant seats in the legislative council, the upper chamber in the legislature of the state assemblies, were also postponed by the ECI. Like the Rajya Sabha, the legislative council is a permanent chamber in the state assemblies, elected by the state legislature. Seats in the Maharashtra and Bihar legislative assembly had fallen vacant.

Elections for the vacant seats in the Rajya Sabha, and the Maharashtra and Bihar legislative councils, were held immediately after the lockdown was withdrawn (Quraishi 2020a, Ambarkhane 2020). The elections for Members of Legislative Council (MLC) were indirect elections involving only members of the legislature (Table 21.1). As such, they posed limited logistical challenges in

Table 21.1. Elections for upper chambers postponed during the Covid-19 pandemic

Election	Date scheduled	Date conducted	
9 seats in Bihar MLC	April 2020	6 July 2020	Yes
9 seats in Maharashtra MLC	March 2020	21 May 2020	Yes
24 seats in Rajya Sabha	March 2020	19 June 2020	Yes

terms of being conducted during the Covid-19 pandemic, and measures were put in place such as maintaining social distance and providing masks and gloves.

21.3. STATE ASSEMBLY ELECTIONS

The conduct of elections to the Rajya Sabha and various state legislative councils paved the way for by-elections in parliamentary and assembly constituencies that had been postponed due to Covid-19 (Quraishi 2020b). The vacant seats were largely in the states of Kerala, Uttar Pradesh, Nagaland, Gujarat, Jharkhand and Madhya Pradesh. Table 21.2 presents an overview of the elections that were held during the pandemic (March 2020–May 2021).

The successful conduct of by-elections afforded preparation for the larger state-level elections. The real challenge was the conduct of the upcoming state assembly elections. As the former Election Commissioner of India, S. Y. Quraishi, pointed out, sections 14 and 15 of the Representation of the People Act 1951 mandated the ECI to hold elections within six months before the end of the five-year term of the Lok Sabha or legislative assembly, or within six months after the early dissolution of the Lok Sabha or legislative assembly (Quraishi 2020b). The postponement of state assembly elections beyond six months required there to be extraordinary circumstances, such as a declaration of emergency. Accordingly, six state assembly elections were required to take place within the next 12 months (Table 21.3), during the pandemic (Quraishi 2020b).

The challenges of conducting elections during the pandemic with meagre public health provisions were amplified by the size of the electorate (Table 21.4). The Bihar assembly election involved more than 72 million electors, exercising their franchise in 243 assembly constituencies. The elections coincided with a rising infection rate, with 86,052 new cases of Covid-19 detected on the day the elections were announced (Jain 2020). In Tamil Nadu, the outcomes of the 234 assembly seats were determined by 62.6 million

The successful conduct of by-elections afforded preparation for the larger state-level elections.

registered voters (Chandrababu 2021), while in West Bengal there were more than 73 million voters spread over 294 assembly constituencies (*Hindustan Times* 2021). Compared with these large states, Kerala with 27.1 million voters across 140 assembly constituencies (Soni 2020) and Assam (CEO Assam 2021) with around 23 million voters across 126 constituencies appeared more manageable (CEO Assam 2021).

Pre-election preparations

Cognizant of these enormous tasks, the ECI on 17 July 2020 initiated a deliberative process seeking suggestions from national and state political

Table 21.2. By-elections held during the Covid-19 pandemic (March 2020–May 2021)

State	By-election	Number of constituencies	Date of election
Bihar	Parliamentary	1	November 2020
Chhattisgarh	Assembly	1	November 2020
Gujarat	Assembly	8, 1	November 2020, April 2021
Haryana	Assembly	1	November 2020
Jharkhand	Assembly	2, 1	November 2020, April 2021
Karnataka	Assembly, Assembly, Parliamentary	2, 2, 1	November 2020, April 2021, April 2021
Kerala	Parliamentary	1	April 2021
Madhya Pradesh	Assembly	28, 1	November 2020, April 2021
Maharashtra	Assembly	1	April 2021
Manipur	Assembly	5	November 2020
Mizoram	Assembly	1	April 2021
Nagaland	Assembly	2, 1	November 2020, April 2021
Odisha	Assembly	2	November 2020
Rajasthan	Assembly	3	April 2021
Tamil Nadu	Parliamentary	1	April 2021
Telangana	Assembly	1	April 2021
Uttarakhand	Assembly	1	April 2021
Uttar Pradesh	Assembly	7	November 2020

parties on the conduct of the elections. Based on the deliberations, the ECI had framed two broad policy decisions pertaining to the elections (Phadnis 2020; ECI 2020). First, it stated a determination that no one could be deprived of a chance to vote due to fear of infection, especially the vulnerable population, Covid-19 patients or people who were quarantined. Second, it stressed the importance of preventing the spread of infection during elections and ensuring that the protection of voters and poll workers was recognized.

The ECI, following directives from the Ministry of Home Affairs, then came out with detailed practical guidelines for the conduct of elections (Ministry of Home Affairs 2020). Each election had a Nodal Health Officer to oversee Covid-19-related arrangements, appointed for the state, the district and the assembly constituencies. Nodal Health Officers are appointed with specific duties and tasks, and were entrusted with the coordination of all activities relating to Covid-19 protocols and ensuring adherence to guidelines. The guidelines emphasized the mandatory use of masks during all election-related activities. Only large open halls were used for election activities to ensure social distancing. The venues used for the elections were usually equipped with temperature checks on entry, with provisions for sanitizer and handwashing with soap and water.

The elections coincided with a rising infection rate, with 86,052 new cases of Covid-19 detected on the day the elections were announced.

Table 21.3. The constitutional deadline for the conduct of state assembly elections

State	Assembly election deadline
Assam	31 May 2021
Bihar	29 November 2020
Kerala	1 June 2021
Puducherry	8 June 2020
Tamil Nadu	24 May 2021
West Bengal	30 May 2021

Table 21.4. Assembly constituencies and eligible voters in the state elections 2020–2021

State	Assam	Bihar	Kerala		Tamil Nadu	West Bengal
Assembly seats	126	243	140	30	234	294
Voters in million	23.3		27.1	10.0	62.6	73.2

To guarantee the safety of voters, political activists and candidates in general, the ECI introduced changes in the Model Code of Conduct.

As far as practical, the distribution of voting materials was to be organized in a decentralized manner and the physical handling of the EVM/VVPAT (voting machines) was strictly to be while wearing gloves. Additional polling/counting/poll-related workers were kept in reserve to replace any polling personnel displaying Covid-19 symptoms. The training of poll officials was decentralized and online training was promoted as far as practicable.

Regarding election formalities for candidates, the ECI gave the candidates the option to complete the nomination form online on the website of the Election Officer, and then take the printout for submission to the Returning Officer of their constituency. The affidavit of personal details could also be completed online and the printout submitted after notarization. The provision for partial online nomination was designed to decrease social interaction during the nomination process. Candidates were allotted a staggered time slot for submission and the number of people, including vehicles, accompanying the candidate for the submission was restricted to two to avoid crowding.

To guarantee the safety of voters, political activists and candidates in general, the ECI introduced changes in the Model Code of Conduct (MCC). The MCC consists of a set of guidelines for political parties, campaigners and candidates. It is brought into effect with the declaration of elections and remains in force until the declaration of results, to ensure free and fair elections. The provisions of the MCC apply to all processes associated with the election (ECI 2018). The political parties and candidates had to make sure that everyone involved in the campaign wore masks, used sanitizers and maintained social distance. The number of people engaged in door-to-door campaigns was restricted to no more than five people, excluding security personnel. In the case of roadshows, the convoy of vehicles was to be broken after every 5 rather than 10 vehicles, as previously. The interval between the two sets of convoys was to be at least half an hour, instead of the prescribed 100 metres.

Election meetings, public gatherings and rallies had to adhere to existing guidelines, such as temperature checks at entry, large venues to provide for social distancing, provision for sanitizers and compulsory wearing of masks. The District Election Officer was entrusted with the responsibility of identifying locations for public meetings and ensuring social distancing. The Nodal District Health Officer was given the responsibility of making sure everyone followed the guidelines. The ECI declared that the violation of Covid-19 guidelines would attract prosecution under sections 51–60 of the Disaster Management Act 2005, and section 188 of the Indian Penal Code and other applicable legal provisions.

Aside from Covid-19 concerns, the ECI was also apprehensive about the security and fairness of the election process. The state assembly elections were phased differently across the states, which led to severe disagreements. Table 21.5 presents the date and number of phases of elections in different states, which indicates that concerns about electoral integrity were not uniform across the states. Some commentators and political parties expressed

Table 21.5. The date and phases of elections across the states

States	Date of election	Assembly seats	No. of phases
Assam	March–April 2021	126	3
Bihar	October–November 2020	243	3
Kerala	6 April 2021	140	1
Puducherry	6 April 2021	30	1
Tamil Nadu	6 April 2021	234	1
West Bengal	March–April 2021	294	8

Source: *The Hindu*, 'Coronavirus | Bihar to guide poll-bound States on conducting elections amid Covid-19 pandemic', 27 January 2021a, <<https://www.thehindu.com/news/national/other-states/bihar-to-guide-poll-bound-states-on-conducting-elections-amid-covid-pandemic/article33676338.ece>>, accessed 19 November 2021.

distrust and misgivings about the ECI. The West Bengal Chief Minister alleged that the eight-phase election and polling schedule went against established practices and that this favoured the Bhartiya Janata Party (BJP), enabling its national leaders to campaign in the state (Chowdhury 2021; Yadav 2021). The ECI, on its part, argued that it was determined to conduct peaceful assembly elections and spread out the phases to ensure better security arrangements (Chowdhury 2021). Notably, the elections that were expected to be competitive were generally more spread out, but the ECI was not very convincing in its justification of multiple phases in West Bengal, leading to questions about its impartiality.

During the election

To guarantee the safety of voters and poll workers on election day, the ECI also drew up extensive plans for polling stations and the voting process. The ECI decided to reduce the number of voters assigned to each polling station, to limit interaction and control the flow of people. The number of voters in each station was reduced from 1,500 to 1,000, leading to a significant increase in the total number of polling stations and poll workers, as well as associated costs for training, personal protection equipment (PPE) kits, gloves and other protective equipment (Phadnis 2020). The provision enlisting government employees as poll workers ensured that there was no shortfall in polling personnel.

The directive underlined the importance of sanitization of polling stations. Each station must provide a thermal scanner for the mandatory temperature check of every voter, sanitizer, masks and provisions for handwashing with soap and water. The stations must have markers to help with social distancing. The ECI recommended three queues for polling—one for males, one for

The Bihar assembly election was the first major election and framed the modalities of subsequent elections during the pandemic.

females, and one for voters with disabilities and the elderly. All voters were to be supplied with single-use plastic gloves for signing the voter register and pressing the electronic voting machine. If any voter had an above-normal body temperature, the voter would be provided with a token/certificate to enable them to vote during the last hour of the poll (ECI 2020).

To help voters, the ECI improved the Systematic Voter Education for Electoral Participation (SVEEP) programme, which allowed digital confirmation of voter registration. A dedicated phone number—1950—was published for all election-related information. Electors over the age of 80, voters with disabilities, Covid-19-positive individuals and suspected patients in quarantine, and people working in essential services were extended the facility of in-country postal voting or mobile ballot box. Previously, postal ballots were issued only to people associated with polling duty and security personnel (ECI 2020).

The Bihar assembly election was the first major election and framed the modalities of subsequent elections during the pandemic. The number of polling stations was increased from 65,367 in 2015 to 106,526, an increase of 62.96 per cent (Mahesh 2020), to reduce voter pressure. Postal ballots were extended to people over 80 years, Covid-19 patients, quarantined populations, and people in essential services. The ECI arranged for 700,000 hand sanitizers, 44.6 million masks, 600,000 PPE suits, 760,000 face shields, 2.3 million gloves for poll workers, and 70 million single-use gloves for the election (Jain 2020).

Despite the pandemic, the Bihar election witnessed a 57.34 per cent turnout, which surpassed the 2015 election turnout of 56.8 per cent (*The Hindu BusinessLine* 2021). Intriguingly, while the guidelines regarding polling—sanitization, temperature checking and the use of masks—were followed, widescale violations of the guidelines occurred during the election campaigning. Parties flouted the rules during campaigning, with thousands attending election rallies without masks (Jain 2020). This contradiction was a persistent feature of subsequent elections held during the pandemic. The ECI issued guidelines to all parties, mentioning Covid-19 protocols and relevant penal provisions for such violations, but—despite widescale violations across states—the only reported action was in West Bengal where 13 police complaints and 33 show cause notices were served to candidates across parties. The action came after the Calcutta High Court expressed dissatisfaction over the violation of Covid-19 protocols during the election (*The Wire* 2021).

Following the successful example of Bihar, the ECI issued similar guidelines for the elections to the five states where the legislature had completed its term. In its press briefing, the ECI asserted its commitment to conduct 'free, fair, participative, accessible, inclusive and safe election to the Legislative Assemblies of Assam, Kerala, Tamil Nadu, West Bengal and Puducherry, in the exercise of the authority and powers conferred upon under Article 324 read with Article 172 (1) of the Constitution of India and Section 15 of the Representation of the People Act 1951' (ECI 2021). It procured millions of face

shields, sanitizers, masks, rubber gloves for polling and security personnel, and 'one-hand' single-use polythene gloves for voters (*The Hindu* 2021a).

The timing and phasing of the election during March and April 2021, however, raised serious concerns about public health, as infections showed an upward trend (Menon and Goodman 2021). In an open letter to the *British Medical Journal*, the trustees of the South Asian Health Foundation called for a ban on mass gatherings, the imposition of strict lockdowns, and postponement of the election, so as to bring down numbers of infections, hospital admissions and deaths (Iacobucci 2021). The ECI, however, went ahead with the elections.

The Assam assembly election, held in three phases, saw the number of polling stations increase by 5,000 to a total of 33,000—to meet the maximum 1,000-voter stipulation. All polling stations had the assured minimum facilities according to the guidelines, such as drinking water and toilets, and adhered to Covid-19 measures, regarding sanitization (*Financial Express* 2021a), compulsory mask-wearing, temperature checks and single-use gloves for electors (*The New Indian Express* 2021). The ECI deployed special observers in sensitive/critical constituencies and districts to monitor the elections. The polling hours were 07:00 until 19:00, with the last hour reserved for Covid-19 patients to cast their votes. The elections witnessed massive participation with a turnout of around 82.04 per cent for the three phases (ECI 2021). As in the case of Bihar, despite the guidelines, the political parties were lax in following Covid-19 health measures. The disregard was exemplified in the statement by Himanta Biswa Sarma, the then Health Minister of Assam, who claimed there was no need to wear masks as there was no coronavirus (*BusinessToday.in* 2021). In addition to the violation of Covid-19-related protocols, the elections were marred by breaches by polling officials and incidences of violence. The ECI suspended four polling officials after an electronic voting machine in the Ratabari constituency was transported to the strong room in a car belonging to a BJP candidate. The ECI ordered a repoll at the polling station, along with four other polling stations across three assembly constituencies (NDTV 2021b).

In the three southern states of Kerala, Tamil Nadu and Puducherry, elections were held in a single phase on 6 April 2021. In Puducherry, the ECI increased the number of polling booths from 952 to 1,558 (*The Economic Times* 2021). As in the other states, Covid-19-related protocols such as sanitization of polling stations, mandatory masks and temperature checks were followed. The polling hours were 07:00 to 19:00, with the last hour reserved for Covid-19 patients to cast their vote. Postal ballots were extended to Covid-19 patients, people with disabilities and the elderly (*Mint* 2021a). Although polling was largely peaceful, the campaigning was marred by serious electoral integrity issues as the BJP sent voters SMS messages to link them to WhatsApp groups of the party. It was alleged that the BJP accessed voters' mobile numbers from their Aadhaar details (Aadhaar is a unique identification database under the Government of India, with phone, bank, tax and social security details of all citizens) (*The Hindu* 2021b). Most electors (81.6 per cent of the 1,002,589 registered) cast their vote, although this was less than the 84.1 per cent turnout in the 2016 elections (*The Times of India* 2021a).

The timing and phasing of the election during March and April 2021, however, raised serious concerns about public health, as infections showed an upward trend.

In Tamil Nadu, the number of polling stations was increased from 67,000 to 88,937 to facilitate social distancing for the 62.6 million registered voters.

In Tamil Nadu, the number of polling stations was increased from 67,000 to 88,937 to facilitate social distancing for the 62.6 million registered voters (Chandrababu 2021). The polling stations had the assured minimum facilities according to the guidelines, such as temperature checks, sanitizer, face shields and surgical masks for poll officials (*The Times of India* 2021b). Aside from Covid-19 protocols, to ensure free and fair elections, the ECI identified 537 critical polling stations and 10,813 vulnerable polling stations for additional monitoring. As many as 150 general observers and 40 police observers, along with 118 expenditure observers, were deployed (NDTV 2021b). There were also 8,014 micro-observers appointed to supervise the polling and webcasting of polling in 46,203 polling stations (Chandrababu 2021). While observers are appointed by the ECI for election constituencies, micro-observers are appointed for specific polling stations and work under the general observer. The election recorded 72.8 per cent voter turnout, which was 2 per cent less than 2016 (*The Times of India* 2021b). The coronavirus guidelines were extensively violated during election campaigns. Few wore masks and crowds did not follow social distancing measures during poll campaigning. There were also allegations and complaints of bribery and vote-buying. Both the major parties—the All India Anna Dravida Munnetra Kazhagam (AIADMK) and the Dravida Munnetra Kazhagam (DMK)—alleged vote-buying, and the ECI seized more than INR 2,300 million in cash during the campaign (EUR 26.75 million) (*The Times of India* 2021b).

The elections saw massive rallies in violation of the Covid-19 guidelines, showing utter disregard for social distancing precautions and violation of these measures by political parties.

The state of Kerala was relatively well prepared for conducting the assembly elections, as it had conducted the local village, block and district-level elections in December 2020. Following the ECI framework, 15,730 new polling booths were set up, taking the total number of polling booths to 40,771 (*The Times of India* 2021a). The polling stations followed all the guidelines, such as sanitization of polling booths, provision for hand sanitizer, temperature checks, compulsory masks and use of gloves by voters and poll workers (*The Hindu* 2021c). The total number of registered voters was 26.7 million and 74.1 per cent turnout was recorded in the election, which was lower than the 77.5 per cent turnout in the 2016 assembly elections (Business Standard 2021). As in other states, despite the restrictions, the violation of Covid-19 measures and social distancing was frequent during election meetings and rallies. During the local body elections, every stage from campaigning to voting saw the participation of huge crowds in utter disregard of Covid-19 protocols (Soni 2020). Similar scenes were witnessed during the assembly elections. Political parties across the spectrum held rallies and processions where few wore masks or observed social distancing norms (Ramachandran 2021b).

The elections for the 294-seat West Bengal assembly were the most contentious and keenly followed of 2021. The incumbent All India Trinamool Congress had performed poorly in the 2019 parliamentary elections, winning only 22 seats, and the BJP had emerged as the principal opposition winning 18 seats. The state appeared on the brink of alternation of power, and the election was bitterly contested. The election was marked by several contentious issues, ranging from corruption to political violence, management of natural disasters to protest over the Citizenship (Amendment) Act (Bhowmick 2021), and

experienced a large-scale appeal to identity that had been previously absent from Bengal (Ghosal 2021). The eight-phase election—lasting 61 days, from 2 March (date of first election notification) until 2 May (declaration of results)—was unprecedented. The prolonged election schedule during the pandemic raised health concerns, as well as more serious allegations of partiality (Chowdhury 2021). Following the ECI guidelines, the number of polling stations increased from 77,413 in 2016 to 101,916. All polling stations had the assured minimum facilities according to the guidelines, such as drinking water, sanitization, temperature checks of voters, and markers to demonstrate social distancing (ECI 2021). To ensure free and fair elections, the ECI deployed more than 140,000 security forces for confidence-building and deployed special observers in sensitive constituencies and districts (*Financial Express* 2021c). The substantial security arrangements limited the extent of any violence and intimidation during the elections, but there were unverified photos and videos on social media showing ransacked offices, burned buildings and people being attacked. The most noted incidence of violence occurred during the fourth phase, when security forces opened fire, killing four people in the Cooch Behar district. The forces allegedly opened fire when they were attacked by locals, who tried to snatch their rifles (*Business Standard* 2021). The overall turnout for the elections was 81.77 per cent, which was less than the 83.02 per cent of the 2016 elections. The elections saw massive rallies in violation of the Covid-19 guidelines, showing utter disregard for social distancing precautions and violation of these measures by political parties. Notably, the state witnessed a surge in Covid-19 infection during the elections. On 20 March 2021, a week before the first phase of polling, West Bengal reported 3,380 active Covid-19 cases. By the time the state had voted in the seventh phase, the state had 94,949 active cases (Daniyal 2021). Turnout decreased markedly in the last two phases of the election, possibly due to the Covid-19 flare-up (Verniers et al. 2021a).

After the election

The counting of votes for the five state assembly elections was scheduled for 2 May 2021. To protect health and ensure sanitary conditions during the vote count, the ECI reissued guidelines. No more than seven counting tables were allowed in one counting hall. The results from the control unit of the electronic voting machine would be displayed on a large screen to avoid crowding of counting agents (Table 21.6). Based on the detailed guidelines, State Election Commissioners were asked to prepare a comprehensive plan taking local conditions into account (ECI 2020).

An important reason behind the renewed guidelines was the upward surge in Covid-19 infection in the election states and India more generally. Puducherry recorded only 19 new Covid-19 cases on 1 March, which had increased to 313 by 13 April (the weeks around election day) (*The Indian Express* 2021). The union territory had to impose lockdown after the elections until counting day, due to the increasing number of cases (Mint 2021b).

In Assam, Covid-19 infections increased from only 23 new cases on 1 March to 378 new cases by mid-April (*The Indian Express* 2021). Tamil Nadu

experienced a 100 per cent rise in Covid-19 cases in the three weeks from 1 March to 19 March due to what officials called heightened political activity and a rise in family functions, from 474 to 989 new cases per day (Stalin 2021). By mid-April, the daily number of active Covid-19 cases stood at 5,715 cases (*The Indian Express* 2021).

The surge in Covid-19 infections after the elections led the Madras High Court to issue criticisms of the ECI for its failure to implement Covid-19 guidelines.

In Kerala, the post-election period witnessed a surge in Covid-19 cases. On 1 March, the state registered 3,496 daily reported cases, which increased to 5,615 on 13 April. Kerala governments had to impose restrictions from 4 to 9 May in an attempt to break the chain of transmission (*The Week* 2021). West Bengal saw the greatest increase in the number of Covid-19 infections as new cases per day shot up from 383 to 15,992, an increase of more than 40 times (Daniyal 2021). The surge in Covid-19 infections after the elections led the Madras High Court to issue criticisms of the ECI for its failure to implement Covid-19 guidelines.

Regarding electoral outcomes, the five states were characterized by both alternations in power and stability. In Assam, the incumbent National Democratic Alliance (NDA) headed by the BJP was voted back to power. The NDA won a clear majority with 76 seats, while the opposition Congress alliance won 50 seats (*The Hindu* 2021d). The NDA also formed the government in Puducherry for the first time unseating the Secular Democratic Alliance (SDA) of the Congress, Dravida Munnetra Kazhagam (DMK), Communist Party of India (CPI) and Viduthalai Chiruthaigal Katchi (VCK) (*The Economic Times* 2021).

Tamil Nadu experienced political alternation with the Secular Progressive Alliance of the DMK, Congress, Communist Parties and VCK winning 159 seats. The incumbent NDA of the All India Anna Dravida Munnetra Kazhagam (AIADMK), Paattali Makkal Katchi (PMK) and the BJP won only 75 seats (Verniers et al. 2021b). Negating the anti-incumbency trends, the Left Democratic Front (LDF) in Kerala, and the All India Trinamool Congress (AITMC) in West Bengal, both managed to hold power. In the Kerala election, the LDF won 99 out of 140 assembly seats and was re-elected, defying the cycle of electoral alternation in the state seen since 1977 (Philip 2021). The Kerala victory was attributed to the effectiveness of the state government in dealing with natural disasters, such as successive floods, and pandemics—including the Nipah virus and Covid-19 (Sunilraj and Sasikumar 2021). In West Bengal, the AITMC bucked the anti-incumbency headwind to register an increase in vote share and won in 213 constituencies, while the BJP won 77 seats (Bhowmick 2021).

21.4. LOCAL GOVERNMENT ELECTIONS

Aside from parliamentary and state-level elections, local government elections were also affected by the pandemic. The Constitution (73rd Amendment) Act of 1992 devolves powers and responsibilities for certain subjects to

local bodies. The local bodies are broadly classified into two categories—rural (Chakraborti et al. 2003) and urban (municipalities). Article 243C of the Constitution gives the state legislature the power to determine the composition of local bodies, and article 243K gives the State Election Commission the power of superintendence, direction and control of all elections to the panchayats and municipalities.

As it happened, many states had to postpone local elections due to the declaration of lockdown. Since the lockdown, many states have conducted elections to local bodies. Table 21.7 presents the details of the major local-level elections that were conducted between March 2020 and May 2021.

Table 21.6. The 2021 election results and principal political competition in the subnational states

State	Incumbent political party	Principal opposition	Winner of election	Vote share of winner
Assam	NDA–BJP, Asom Gana Parishad, UPPL	Mahajot–INC, AIDUF, Bodoland People’s Front, CPI, CPIM, CPIML, RJD	NDA	44.5
Kerala	Left Democratic Front (LDF)—CPIM, CPI, Kerala Congress, JDS, NCP, INL, Others	United Democratic Front (UDF)—INC, IUML, Kerala Congress, RSP, CMP, Others	LDF	45.4
Puducherry	SDA–INC, DMK, CPI, VCK	NDA–All India NR Congress, BJP, AIADMK	NDA	43.7
Tamil Nadu	NDA–AIADMK, BJP, PMK	SDA–DMK, INC, CPI, CPIM, VCK, MDMK, IUML, Others	SDA	45.4
West Bengal	AITMC	BJP	AITMC	47.9

Notes: Party abbreviations: AIDUF: All India Democratic United Front; CMP: Communist Marxist Party; CPIM: Communist Party of India (Marxist); CPIML: Communist Party of India (Marxist–Leninist); INC: Indian National Congress; INL: Indian National League; IUML: Indian Union Muslim League; JDS: Janata Dal (Secular); MDMK: Marumalarchi Dravida Munnetra Kazhagam; NCP: Nationalist Congress Party; PMK: Paattali Makkal Katchi; RJD: Rastriya Janata Dal; RSP: Revolutionary Socialist Party; UPPL: United People’s Party Liberal; VCK: Viduthalai Chiruthaigal Katchi.

Table 21.7. Local government elections across India

State	Election	Scheduled date	Election held
Andhra Pradesh	12 municipal corporations and 75 municipal councils	March 2020	March 2021
	3 tier panchayats	March 2020	February 2021

Table 21.7. Local government elections across India (cont.)

State	Election	Scheduled date	Election held
Goa	1 municipal corporation	November 2020	March 2021
	5 municipal councils		March 2021
	6 municipal councils		April 2021
Gujarat	6 municipal corporations	October–November 2020	February 2021
	31 district panchayats, 81 municipalities		
	231 taluka panchayats		
Himachal Pradesh	4 municipal corporations	April 2021	April 2021
	50 municipal councils	January 2021	January 2021
	3 tier panchayats	January 2021	January 2021
Karnataka	5,762 gram panchayats	May 2020	December 2020
	10 municipal corporations	March 2021	April 2021
	175 taluka panchayats and 30 zilla parishads	May 2021	Not held
Kerala	941 gram panchayats	October 2020	December 2020
	14 district panchayats		
	152 block panchayats		
	87 municipalities		
	6 municipal corporations		

The Kerala victory was attributed to the effectiveness of the state government in dealing with natural disasters, such as successive floods, and pandemics—including the Nipah virus and Covid-19.

Table 21.7 illustrates the postponement of local elections due to the Covid-19 pandemic. Interestingly, while many states managed to conduct local government elections later, a few—such as Madhya Pradesh and West Bengal—still had not reorganized elections, even after one year. Observers have pointed to political expediency rather than Covid-19 as a reason for such inordinate delays in conducting elections. In Madhya Pradesh, the Congress Party had won the 2018 assembly election but subsequent defections ensured that the BJP gained the majority in early 2020, during the initial phase of the pandemic. Assembly elections were conducted in late 2020, but the local government elections have been deferred. Critics point to the high number of Covid-19 deaths in the state, adverse economic conditions and inflation as possible factors for anti-incumbency that may contribute to postponing the elections (Noronha 2021). In West Bengal, the urban local government elections were scheduled to take place even before the assembly election in April 2020. The government initially postponed the elections to April 2021 due to the pandemic

Table 21.7. Local government elections across India (cont.)

State	Election	Scheduled date	Election held
Madhya Pradesh	8 municipal corporations	January–February 2021	Not held
	407 municipalities	December 2020–February 2021	Not held
	3-tier panchayat elections	December 2020–February 2021	
Maharashtra	Over 14,000 gram panchayats	March 2020	January 2021
	2 zilla parishads and 15 panchayat samitis	March 2020	January 2021
	3 municipal corporations	April 2021	Not held
	2 zilla parishads and 95 town councils	April 2021	
Punjab	8 municipal corporations	October 2020	February 2021
	109 municipal councils		
Rajasthan	3,848 gram panchayats	August 2020	October 2020
	4,371 panchayat samiti and 636 zilla parishad seats	August 2020	December 2020
	50 municipalities	August 2020	December 2020
	90 municipal corporations and councils	August 2020	January 2021
Uttar Pradesh	58,176 gram panchayats	December 2020	April 2021
	826 Block panchayats		
	75 District panchayats		
West Bengal	106 municipalities	March–April 2020	Not held
	6 municipal corporations		

and then further postponed them. The opposition parties approached the court seeking to mandate that elections take place. It is likely that the government did not want to take the risk of any adverse election result before the assembly elections in 2021, given the high electoral competition. The 112 municipalities that were supposed to have elections comprise nearly 60 per cent of the state population (Times Now 2020).

The following section presents a brief discussion on a few of the local government elections, elaborating on the local-level dynamics between Covid-19 and elections.

Election Commission also made provisions for transporting Covid-19 patients from government facilities to the polling booths using public buses.

One of the earliest states to conduct local government elections was Kerala, in December 2020. The local body elections were originally scheduled for October 2020 but had to be postponed due to the pandemic. The elections involved 27.1 million eligible voters across 34,744 polling stations, voting for 1,199 local government bodies. The Kerala State Election Commission issued guidelines for social distancing, masks for polling officials and PPE kits for officials when dealing with Covid-19 voters. Apart from postal ballots, Covid-19 patients were allowed to vote in person during the last hour of the polls (Soni 2020). The State Election Commission also made provisions for transporting Covid-19 patients from government facilities to the polling booths using public buses. Despite the emphasis on safety, every stage of the elections—from campaigning to voting—saw the participation of huge crowds in utter disregard of Covid-19 protocols (Soni 2020).

In Uttar Pradesh, disregard for health and safety concerns was more acute and institutionalized. The most populous state of India held village panchayat elections in April 2021, which coincided with the second wave of the pandemic. The State Election Commission scheduled the election in four phases, involving nearly 124 million voters deciding on the prospects of around 1.3 million candidates. More than 1.2 million government officers and employees were pressed into polling duty by the State Election Commission (Agarwal, Pokharel and Mandhana 2021).

During April–May 2021, the state had a seven-day average of 34,455 new cases daily and the total number of reported deaths was around 12,238 (Ramachandran 2021a), which put the state among the worst affected in the country (Kuchay 2021). Many considered the timing to be unacceptable, and civil society groups and government employee unions tried to get the elections postponed through the courts. The Government Employees Union filed a case, as they are designated poll workers and would have to risk their health during elections. The court refused to postpone the polls, stating that the government had declared adequate health and safety protocols for the elections. Interestingly, after the polls with the spike in Covid-19 cases, the High Court took cognizance of the matter. On 7 May 2021, it recorded 77 Covid-19-related deaths and asked for a detailed report from the government and declared compensation (Samanta 2021).

The court refused to postpone the polls, stating that the government had declared adequate health and safety protocols for the elections.

The elections paralleled a sharp increase in the number of Covid-19 cases. In April 2021, over 80,000 new cases were reported, which was the highest monthly infection figure (Lavania and Singh 2021). The Uttar Pradesh Primary Teachers' Association claimed that, among the 300,000 teachers posted on election duty, 1,621 died due to Covid-19 (Kuchay 2021). The Government Employees Union claimed that around 2,000 civil servants died, likely of Covid-19 contracted during election duty (Agarwal, Pokharel and Mandhana 2021). The government rejected the figures and claimed that there were only three fatalities among the teachers deputed as polling officers (Kuchay 2021). When the dispute over compensation reached the courts, the Allahabad High Court rebuked the state government and ordered compensation for 135 polling officials who died of Covid-19 during election duty (Ramachandran 2021a).

In contrast to Kerala and Uttar Pradesh, the local elections in Rajasthan did not correspond with increasing infections. The state witnessed a spike in Covid-19 cases during April–May 2021, which coincided with the second wave in the country but not with local elections. The local government elections to panchayats and municipalities were held in a staggered manner. The panchayat elections for the six districts of Jaipur, Jodhpur, Bharatpur, Dausa, Sirohi and Sawai Madhopur were organized in August and September 2020. In October, elections to 188 gram panchayats across the panchayat samitis of Jaipur, Jamwaramgarh, Kotputli and Kotkhawada were organized. The first phase of municipal elections for 250 wards was also conducted in October 2020. The second phase of the municipal elections for three municipalities was held in November (*The Hindu* 2020). In December 2020, elections were held for 1,775 ward councillor posts in 50 municipal bodies, and elections for 90 urban local bodies in 20 districts were conducted in January 2021 (*Financial Express* 2021b).

Notably, the State Election Commission issued related guidelines, such as rules on social distancing and wearing of masks, increased the number of polling stations, and extended the polling hours, to ensure compliance with Covid-19 guidelines (NDTV 2021a). Reports suggest that, like elsewhere, the rules for social distancing and mask-wearing were often not adhered to (DNA 2020). It seems likely that the staggered elections in Rajasthan may have helped in containing the spread of Covid-19 infection during these elections.

21.5. CONCLUSIONS: ELECTIONS AND COVID-19 IN INDIA

The conduct of elections during the Covid-19 pandemic required enormous efforts on the part of the ECI and the electoral administration. The ECI formulated detailed guidelines and a comprehensive framework to ensure free and safe elections. The State Election Commissions implemented their own strategies suggesting subnational variations.

Measured in terms of voter turnout, the elections during the pandemic were a success. However, this success came with enormous health costs. According to official statistics, the Covid-19 case rate curve registered an upward trend from March 2021 onwards in most states, including all the poll-bound states (*The Indian Express* 2021). Data shows that infections surged significantly in election states. Active cases in Kerala rose by 349 per cent, from 30,228 on the day of the elections to 135,910 on 21 April. Tamil Nadu saw a 229 per cent jump over the same period to 84,361 active cases. In Puducherry, active cases shot up by 204 per cent to 5,404 cases. In Assam, where elections took place in three phases—27 March, 1 April and 6 April—infections increased 83 per cent from 27 March to 11 April, and by 344 per cent between 6 April and 20 April. In West Bengal, cases went up by more than five times—from 4,608 to 23,981—after the first phase; six times—from 6,513 to 41,047—after the second phase; and nearly five times—from 12,775 to 58,386—after the third phase (Ghosh 2021).

The conduct of elections despite the pandemic revealed the importance of elections in India. As Roy and Singh (2021) have argued, the pandemic led to a reordering of public life and political practices displayed through lockdowns and truncated sessions of the legislature. The electoral process, however, continued even when normal life and politics were put on hold. At the institutional level, the Indian Constitution does not empower the ECI to cancel elections, but the ECI or even the legislature has the power to defer elections. The decision to postpone was within the remit of the ECI under section 153 of the Representation of the People Act 1951, as it involved extending the time needed for the completion of elections. The decision to hold elections during the pandemic shows that the ECI interpreted its function in terms of a narrow administrative function, which is incongruous with its activist role in the past (Roy and Singh 2021).

The flagrant disregard for Covid-19 guidelines shown by political parties during election campaigns is also revealing about the Indian state and its institutions. It reaffirms the perception of India as a weak–strong state (Rudolph and Rudolph 1987). The ECI managed to formulate detailed guidelines and conduct elections during the pandemic, marshalling the necessary resources. However, it was unable to intervene when the Code of Conduct drawn up regarding Covid-19 was blatantly violated. The ECI stated that ‘anybody violating instructions on Covid-19 measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable’ (ECI 2020). Despite this, the ECI was unable to restrict crowded election rallies and meetings that contributed to the rise of Covid-19 cases. The observations made by the Madras High Court about the ECI, holding it ‘singularly’ responsible for the spread of Covid-19, ‘the most irresponsible institution’ (*The Hindu BusinessLine* 2021), reflects this contradiction in the Indian state.

The subnational variations in the Covid-19 infection rates during the elections also attest to the fractured reality of the Indian state. In Uttar Pradesh, the Election Commission and the state government conducted elections, ignoring opposing opinions. The surge in cases and fatalities of poll workers cannot be isolated from this and the conduct of the election. In contrast, staggered local elections in Rajasthan did appear to limit the number of cases. It also highlighted the importance of election management during crises. Election commissions have an important role not only in planning, directing and managing the modalities of the election but also in regulating political parties and candidates. In this regard, the inability of the ECI to restrict election rallies and roadshows and to implement the model Code of Conduct evenly across parties has raised serious questions on the neutrality and integrity of the ECI (Roy and Singh 2021).

Finally, any discussion of elections during Covid-19 must reflect on how the elections shaped the pandemic. The importance given to the election suggests that significant resources were allocated to electoral arrangements, which could have been directed towards the fight against Covid-19. As elections were

taking place, it meant that government bodies were partly preoccupied with the election process rather than focused on the management of Covid-19. This is not to suggest that a pandemic takes precedence over democracy, but simply that the importance accorded to the pursuit of state power could have been demoted, for the time being, beneath the pursuit of public health. The elections also had the effect of politicizing the pandemic. Covid-19 worked its way into the narrative of the elections. Vaccinations became a poll promise, sparking debates about health policy and electoral integrity (Chatterjee, Mahmood and Marcussen 2021). In the Bihar elections, the BJP promised a free Covid-19 vaccine for everyone in the state, if the party was elected. Many parties followed in making similar promises leading to criticisms that prompted the central Health Minister to announce that everyone in India would get a free Covid-19 vaccine (Byatnal 2020). In the electoral arena, political parties are known to reach out to voters through their welfare activities. In this context, Covid-19 was foregrounded by political parties forming new associations with the masses. In the villages of Uttar Pradesh, political parties formed monitoring committees to help people with medicine and food as the state became overwhelmed with the health emergency. Reports suggest that around 89,512 villages had active monitoring committees at the time of the Uttar Pradesh local polls (Misra 2021). Across West Bengal, the CPIM organized 'red volunteers' to support Covid-19 patients with the post-election surge in infections.

In conclusion elections in are central to the political life and the governmental system in India (Mahmood and Ganguly 2017). The conduct of elections during the pandemic was challenging and compromised democratic deliberation and contestation to some extent. Such challenges were however negotiated through innovations in election management and popular participation of the citizens. Important subnational variations in the management of elections revealed region-specific political, administrative and bureaucratic dynamics that shaped not only the elections but also public health in the process.

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Chapter 22

CASE STUDY: ISRAEL

Ofer Kenig

22.1. INTRODUCTION

Israel was the first country to experience two general elections at the national level under restrictions imposed by the Covid-19 pandemic. However, while the 2020 elections were conducted at the very early stages of the pandemic in Israel, and were not greatly affected by it, the 2021 elections were very different. The fourth elections in under two years, they were the result of a political deadlock that had failed to produce a new government in the two elections of April and September 2019, or to maintain a coalition in power that had been formed following the 2020 elections.

The Central Election Committee (CEC) introduced unprecedented measures and adjustments to the voting process with the aim of minimizing the health risk to voters. These measures, as well as a reduction in the number of Covid-19 cases in the final stretch of the campaign, contributed to the successful conduct of free and fair elections. The modest decline in voter turnout can be attributed to other factors than the impact of the pandemic on citizens' motivation to vote.

This case study examines the institutional context of the 2021 general elections in Israel, focused on the electoral system, the pandemic-related voting measures and the role of the CEC. It describes the timeline leading up to the 2021 elections, paying attention to both political events and pandemic trends at each stage of the campaign. It analyses the various measures introduced to protect voters and allow infected citizens to vote, and addresses the challenges of vote counting and the impact on voter turnout.

Israel was the first country to experience two general elections at the national level under restrictions imposed by the Covid-19 pandemic.

22.2. INSTITUTIONAL CONTEXT

Israel uses a proportional electoral system to elect the Knesset, its unicameral parliament. The 120 members of the Knesset are elected in a single nationwide district using a closed list system, which means that voters cannot express a preference for a candidate or candidates. This makes Israel's electoral system an 'extreme' example of PR. The proportionality of the system is somewhat moderated by an electoral threshold, currently 3.25, but the Israeli parliament is still one of the most fragmented of the established parliamentary democracies (Shugart 2021).

Voting options for citizens are limited. They are required to cast a ballot in-person at a specific polling station on election day. Each citizen is informed by mail, or on a designated website, about three or four weeks before the elections at which polling station he or she is entitled to vote. This would usually be close to his or her home address as registered with the Ministry of the Interior. A few exceptions to this rule have been introduced over time as solutions for certain groups that cannot attend the polling stations at which they are registered. These are mainly for Israel Defense Force (IDF) personnel stationed at distant military bases, hospital inpatients and prisoners. Apart from some soldiers in military bases who vote a few days before election day, there are no alternative arrangements such as postal, online or early voting. Overseas voting is limited to Israeli diplomats and official emissaries stationed abroad. Thus, tens of thousands of Israeli citizens living abroad can exercise their right to vote only by travelling to Israel on or before election day (Kenig and Plesner 2016).

The Central Election Committee is the body in charge of running parliamentary elections in Israel. This election management body (EMB) comprises a political committee made up of representatives of political parties, and an administrative/operational headquarters led by a General Manager and staffed by non-partisan civil servants. The Chair of the CEC, an acting Supreme Court judge, heads this two-part organization. The political committee has a number of responsibilities, from final approval of the list of candidates running in the elections to the power to ban a list on various grounds (Shamir and Weinshall-Margel 2017). The administrative headquarters is responsible for all the operational aspects of running and managing elections. These include recruiting and training the election staff, running the elections on election day, counting the votes and publishing the results.

22.3 COVID-19 LEVELS IN THE RUN-UP TO THE 2021 ELECTIONS

The Covid-19 pandemic broke amid a profound political crisis in Israel, in the run-up to the third parliamentary elections within a year. Both the April 2019 and the September 2019 elections had failed to produce a new government and a third election had been called for 2 March 2020. Following the latter

elections, a government finally took office on 17 May but the Knesset was dissolved on 22 December 2020 and a fourth election in under two years was called for 23 March 2021. Thus, Israel was the first country to hold two national elections during the Covid-19 pandemic.

The March 2020 elections were held at the initial stages of the Covid-19 outbreak, and were therefore hardly affected by the pandemic (see Table 22.1). A day before the elections, the Ministry of Health announced that there were 5,630 citizens in quarantine at home. These citizens were able to vote in 16 designated polling stations, open between 10.00 and 17.00 on the voting day (*Times of Israel* 2020). They were asked to arrive in their own cars and were instructed to wear face masks while voting. The CEC staff in these polling stations wore full protective clothing throughout the procedure. Despite the relatively small number of citizens required to use the designated stations, complaints about long queues forced voting hours to be extended by two hours (Chilai, Blumenthal and Alon 2020).

The pandemic situation in the run-up to the March 2021 elections was much more severe than it had been for the 2020 elections. This forced the CEC to introduce extensive adaptations to the voting procedure. On the day the Knesset was automatically dissolved due to the failure to pass the annual state budget, more than 4,000 new coronavirus cases were reported. This alarming rise in the level of cases marked the beginning of a 'third wave' (see Figure 22.1). Five days later, Israel entered its third lockdown. This involved various restrictions, such as a prohibition on travelling more than 1,000 metres from home, the closure of leisure and cultural activities, and the closure of all non-essential stores and services (Jaffe-Hoffman 2020).

Despite the alarming rise in the number of coronavirus cases being recorded in the early stages of the campaign, postponing the elections was never considered an option. The only voice to toy with the idea was the deputy minister of health, who said that if coronavirus infections did not decrease, the ministry would recommend postponing the elections for a month (Lis 2021). The next day, however, he clarified that the opinions expressed were his own, and that there was no need to delay the elections.

The CEC held a number of internal discussions on the challenges presented. A January 2021 CEC document on the proposed budget for the elections states:

The main challenge is the conduct of a proper elections procedure under coronavirus conditions...especially in the light of the high levels of uncertainty, such as estimating in advance the level of infections and the number of citizens in quarantine. The guidelines have [the CEC] laid down the creation of a proper balance between conducting elections according to democratic standards, providing every eligible voter with the opportunity to exercise her right to vote, while taking all measures to maintain public health (CEC 2021a: 9).

A day before the elections, the Ministry of Health announced that there were 5,630 citizens in quarantine at home.

The pandemic situation in the run-up to the March 2021 elections was much more severe than it had been for the 2020 elections.

The elections budget was set at 675 million NIS (about €170 million), which included a 'coronavirus supplement' of nearly 220 million NIS (about €55 million). This addition covered the various measures introduced to accommodate the challenge of conducting elections under the threat of coronavirus (CEC 2021b).

Thus, the CEC presumed that the 2021 elections would be held amid high levels of coronavirus infection. As election day came closer, however, the extent of the pandemic declined as a direct result of the remarkable vaccine

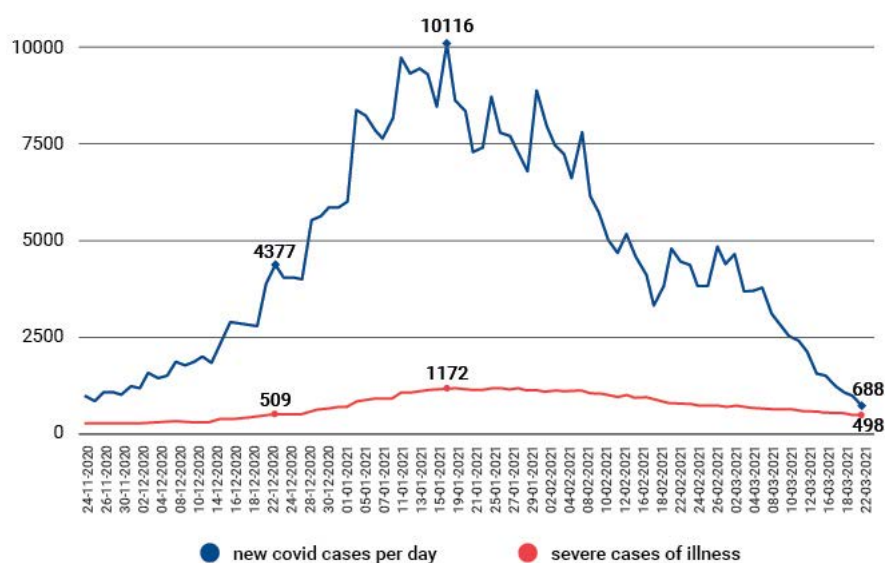
Table 22.1. Double crisis: A timeline of Israel's political and health crises

2019	
9 April	Elections
29 May	Failure to form a government, parliament dissolved, elections called for 17 September
17 September	Elections
12 December	Failure to form a government, parliament dissolved, elections called for 2 March 2020
2020	
27 February	First confirmed case of Covid-19
2 March	Elections
20 March	First death linked to Covid-19
7 April	First lockdown begins
17 May	The 35th government takes office
24 May	Prime Minister Netanyahu's trial begins
18 September	Second lockdown begins
20 December	First Covid-19 vaccination
22 December	Failure to approve the state budget, parliament is dissolved and elections are called for 23 March 2021
27 December	Third lockdown begins
2021	
5 February	Death toll reaches 5,000
21 February	Number of vaccinated citizens (2 doses) reaches 3 million
2 March	The cabinet approves the conduct of election campaign events: up to 300 persons at indoor locations and up to 500 at outdoor locations
23 March	Elections

campaign that had begun on 20 December 2020. Israel has a highly digitized, community-based health system. By law, all citizens must register with one of the country's four national health maintenance organizations (HMOs). These proved particularly adept at orchestrating an effective and successful national vaccine campaign (Kershner 2021). One month before election day, some 4.5 million citizens (49 per cent of the entire population) had already received a first dose of vaccine, and about 3.2 million (34 per cent) had received a second dose as well. By election day, these numbers had increased to 5.2 million (56 per cent) and 4.6 million (50 per cent) respectively. All this had a visible impact on coronavirus levels. In two months, the daily number of new Covid-19 cases fell from 10,116 to just 688 (see Figure 22.1). The decline in the number of severe cases of illness was slower but constant. Despite the evident waning of

The 2021 elections would be held amid high levels of coronavirus infection.

Figure 22.1. Coronavirus levels in Israel, 23 November 2020 to 23 March 2021



Source: Compiled by the author from data provided by the Ministry of Health, <<https://datadashboard.health.gov.il/COVID-19/general>>.

the disease, however, the various measures that had been put in place by the CEC remained almost intact.

22.4. VOTING MEASURES INTRODUCED AND THE IMPACT ON THE ELECTION CAMPAIGN

More than 15,000 polling stations were opened for the March 2021 elections, significantly more than the 11,000 used in the previous elections. This

More than 15,000 polling stations were opened for the March 2021 elections, significantly more than the 11,000 used in the previous elections.

substantial increase was the direct consequence of a combined effort to reduce crowding in polling stations and provide various populations, such as citizens in quarantine, with an opportunity to vote safely.

Around 1,100 additional stations were added in order to reduce crowding in the 'regular' polling stations. The large polling stations were the most affected, allowing a reduction in the number of voters registered at such stations from 800 to 650 (The Knesset 2021). Several new instructions were introduced at the regular polling stations. Voters were asked to wear masks throughout the entire voting procedure and the CEC Chairs in each polling station were authorized to prevent those who refused to wear masks from voting. To ensure proper social distancing in the queues outside polling stations, voters were asked to maintain a distance of two metres. In addition, voters were instructed to sanitize their hands twice: first before entering the voting room and again after they had been identified by CEC staff and before the act of voting. Finally, transparent protective screens were placed between voters and the CEC staff in each polling station. These instructions and guides were publicized in advertisements on television and radio several weeks before the elections (see CEC n.d.a) and on a designated website (CEC n.d.b).

In addition to adding more regular polling stations, the CEC made considerable efforts to provide voting solutions to various populations that were either unable to vote (voters in quarantine) or apprehensive about voting (voters at risk) at the stations where they were registered. This effort led to the introduction of a number of alternative voting measures.

First, the CEC opened 'special' polling stations in around 500 nursing homes, assisted living facilities and other complexes for the elderly. Such stations were placed in every facility with at least 30 residents. Residents—mostly elderly citizens at high risk of severe illness in case of infection—were able to vote without leaving their place of residence. The intention was to calm fears that people would be exposed to the disease and virus carriers.

Second, an additional 800 special polling stations were opened for citizens in home quarantine, and for verified Covid-19 infected citizens. Many of these were drive-through stations, mainly located in large parking lots and at various sports facilities. This was the first time that the CEC had operated this type of voting arrangement. Rather than allow verified Covid-19 infected citizens to travel independently, a designated door-to-ballot taxi service was operated by the CEC. Phone numbers for the service were published in the media, on the internet and in social networks. The service was open to any voter whose name appeared on the Ministry of Health list of infected citizens. The operation was efficient and smooth in most cases, although a few voters reported difficulties in arranging a taxi or drivers not showing up at the arranged time. Uninfected citizens in home quarantine were able to attend the drive-through stations in their own vehicles. They were instructed to leave home only for the purpose of voting, with no stops on the way to or from the polling station. Citizens without private vehicles were entitled to use the taxi service operated by the CEC from their place of residence to the polling stations and back (Tercatin 2021).

Finally, more than 50 polling stations were spread among the hospital wards designated for Covid-19 patients, and four more for citizens staying in 'corona motels'. Four polling stations were placed at Ben-Gurion international airport for citizens arriving in Israel on election day.

One of the main challenges for these 'coronavirus elections' was the restrictions on campaigning, due to general limitations on crowd sizes. These limitations imposed a limit of up to 20 people for gatherings indoors and up to 50 people for gatherings that took place outdoors, as well as the practicing of social distancing of two metres. Even though the focus of electoral campaigns in Israel has shifted to social media networks in the past decade, face-to-face events such as rallies and tours are still an important means for political parties and candidates to persuade potential voters.

However, the limitations and restrictions on public electoral events were pretty much relaxed in the final stretch of the campaign, thanks to the waning of the pandemic. Three weeks before election day the Cabinet approved the conduct of election campaign events involving up to 300 persons in indoor locations and up to 500 in outdoor locations (*Times of Israel* 2021).

These new voting arrangements were enacted by primary legislation. Measures were included in the framework of the 74th Amendment (temporary order) to the Knesset Election Law of 1969, which was unanimously approved by the Knesset on 22 December 2020.

One of the main challenges for these 'coronavirus elections' was the restrictions on campaigning, due to general limitations on crowd sizes.

22.5. THE CHALLENGE OF COUNTING

A major concern of the CEC was to ensure that the 'special votes' were counted effectively. As noted above, these are normally the votes of IDF soldiers stationed at distant military bases, or of prisoners, hospital patients and state officials serving abroad. The process of counting these votes takes longer. The votes are placed in a sealed double envelope to allow verification that the voter did not also vote at his/her 'home' polling station. Furthermore, unlike regular votes, these special votes sent to the Knesset to be counted there by thousands of CEC staff counters.

The special polling stations introduced for this election resulted in many more special votes. Early estimates put the number of such votes at 550,000 to 600,000 (see Table 22.2), a figure almost twice as high as in the most recent elections, and one that represented a major challenge for the CEC. The aim was to complete the counting of the special votes as quickly as possible. This was particularly important because Israel was about to go into a long weekend that included Passover. Failure to complete the task by Friday noon—about 60 hours after voting had ended—would mean a lengthy delay in the publication of the final results. Predictions of a close result between the pro-Netanyahu and anti-Netanyahu blocs, and the proximity of several parties to the 'danger zone'

Table 22.2. The number of special votes cast in the 2020 and 2021 elections*

	Number of special votes	Share of special votes among total votes
2020 elections	330,209	7.2%
CEC estimations as of January 2021	550,000 to 600,000	–
2021 elections	421,619	9.5%

* Special votes are the votes of IDF soldiers at military bases, prisoners, hospital patients and state officials stationed abroad, as well as the votes cast in the various special polling stations opened due to the Covid-19 pandemic.

Source: Compiled by the author based on data from the CEC's formal election results

of the electoral threshold added further stress to the importance of completing the task by the deadline.

Another concern was the potential for efforts to be made to discredit the integrity of the counting process, and hence the entire election. Such efforts emerged in social media networks associated with diehard supporters of Netanyahu. These so-called Bibists echoed the false claims made by supporters of former US President Donald J. Trump who, only a few months before, had accused 'deep-state officials' of tilting the results in favour of Joe Biden. The claims made by these groups included accusations that the CEC had conspired to alter the results in favour of the anti-Netanyahu bloc by interfering with the counting of the special votes (Kabir 2021).

In the end, the counting of the special votes progressed in an orderly fashion and the final results were published before the deadline of the long weekend. This success was the result of two main factors. First, the CEC had doubled the number of staff counting the sealed envelopes from 3,200 to 6,400. Second, the waning of the pandemic as election day approached resulted in a lower-than-estimated number of voters using the special alternative measures. While the number of special votes increased by over 90,000 compared to the 2020 elections, the figure was significantly lower than originally predicted (Table 22.2).

Nonetheless, despite the swift and effective counting, right wing groups affiliated with Netanyahu's supporters were active on social media networks and platforms, making claims of irregularities and voter fraud in an effort to undermine the integrity of the process. For instance, Netanyahu's son tweeted that 'the forgery has begun' and a post by a far-right journalist alleged that the votes 'are being counted by leftist judges' (Benjakob 2021). These voices made hardly any impact on public opinion, however, and overall the CEC was credited with conducting free and fair elections by all the political parties.

22.6. VOTER TURNOUT

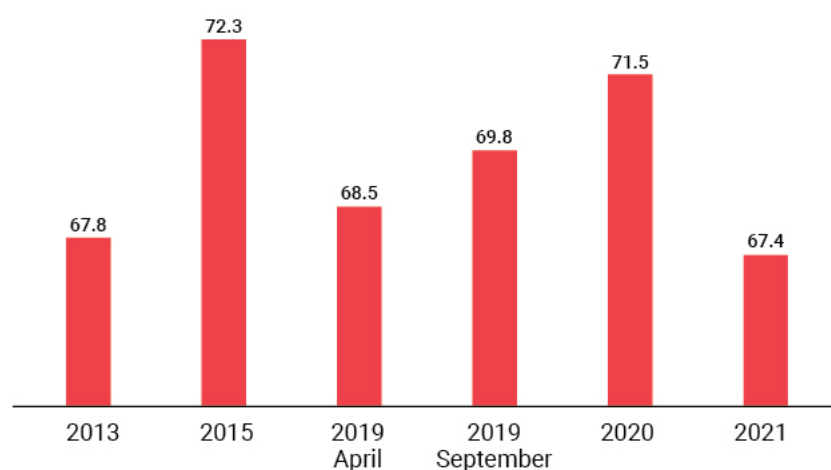
Estimating the impact of Covid-19 on voter turnout in Israel's 2021 elections presents certain challenges. At 67.4 per cent, turnout was relatively low—a decline of more than 4 percentage points on the 2020 elections. However, at least two other factors could explain this decline. First and foremost, these were the fourth Knesset elections in under two years, as a result of the deep political/constitutional crisis that Israel was experiencing. Turnout increased modestly in the first three elections in the series, but voter fatigue might have finally taken its toll by the fourth (see Figure 22.2). Many citizens had become disillusioned with politics. According to opinion polling, only 29 per cent of respondents believed that the elections would resolve the political deadlock (Hermann and Anabi 2021).

Second, the main 'contributor' to the decline in turnout was Israel's Arab minority. The participation rate of Israeli Arab citizens, who make up about one-fifth of the population, fell to an all-time low of 44.6 per cent. The main reason for this exceptionally low level of participation was disappointment with the Arab political leadership, who failed to maintain a united front and ran on two separate electoral lists (Ra'am and the Joint List). Competition between the two lists was fierce and many Arab citizens expressed their anger and dismay by deciding not to vote (Rudnitzky 2021).

Given that Covid-19 cases fell sharply towards election day, it may be cautiously concluded that the decline in voter turnout was mainly the result of these two factors. Health concerns linked to Covid-19 had only a marginal effect on voter motivation.

At 67.4 per cent, turnout was relatively low—a decline of more than 4 percentage points on the 2020 elections.

Figure 22.2. Voter turnout in Israel, 2013–2021



Source: Compiled by the author based on data from the CEC's formal election results

The CEC rose to the challenge and introduced various measures that addressed the health risks while ensuring access to almost every eligible voter.

22.7. LESSONS AND OPPORTUNITIES

Running four elections in under two years would present organizational challenges even in 'normal' circumstances, let alone under Covid-19 conditions. From this perspective, the conduct of the 2021 elections may be considered a success. The CEC rose to the challenge and introduced various measures that addressed the health risks while ensuring access to almost every eligible voter.

For some, experimentation with new methods of voting has proved that it is time to relax the rather limited voting measures that characterize elections in Israel. For instance, it provided an opportunity to seriously discuss the introduction of early voting and expansion of the use of special polling stations in regular elections. This was one of the main ideas raised in a roundtable discussion held at the Israel Democracy Institute (IDI), a Jerusalem-based think tank, two months before the 2021 elections. The discussion, on 'Conducting elections during an epidemic', hosted CEC officials, scholars and representatives of political parties. IDI President Yohanan Plesner concluded that: 'the coming elections provide great opportunities to adopt alternative voting measures that might have a positive effect on voter turnout' (IDI 2021).

The 2021 elections also demonstrated that it is time to address the problem of overseas voting for Israelis residing abroad. Israelis living abroad cannot currently exercise their right to vote unless they travel to Israel. Some do indeed fly to Israel, despite the cost, but the majority just give up their fundamental right. During the 2021 elections the problem became especially severe because even those citizens who intended to travel in order to vote were unable to do so due to the restrictions on entry imposed by Covid-19 countermeasures. Two weeks before the elections the government set a 3,000-person daily quota for entry into Israel. Many Israelis were left 'stuck abroad', unable to return to their home country. The situation created a mini-scandal and was brought before the Supreme Court of Justice. Six days before election day, the court ruled against the daily quota (Bob 2021). The ruling resolved the problem for some of the Israeli citizens who had decided to fly in to vote but did not change the situation for the majority of Israelis living abroad, who remained unable to vote from their place of residence.

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Chapter 23

CASE STUDY: JORDAN

Fida Nasrallah

23.1. INTRODUCTION

Jordan holds parliamentary elections every four years, and the Jordanian general elections of November 2020 took place within their constitutional deadline. Despite rumours that the elections would be postponed as they coincided with the peak of the second wave of the Covid-19 pandemic, the authorities were determined to hold the elections as scheduled. Irrespective of the health situation, and in the face of trending social media hashtags such as ‘boycott the elections for the sake of your lives’ (Twitter 2020), it was important for the authorities to show their commitment to regular parliamentary elections (see e.g., *Al-Ghad* 2020). Keeping to schedule would serve to both reinforce their respect for state institutions and project stability.

Jordan had fared well in the initial stages of the pandemic. It implemented very strict lockdown measures in February 2020 that brought the country to a virtual standstill. The economy suffered terribly but it was accompanied by a very low rate of coronavirus cases. Yet ultimately the government’s decisions proved to be erratic and contradictory. The government relaxed the stringent measures in the summer and lost control over its border crossings, resulting in a rapid rise in cases. Despite the increasing numbers, it decided to reopen schools in September—only to be forced to suspend them again after dozens of infections were discovered among teachers and students. It did not, however, impose a second nationwide lockdown for fear that the economy would deteriorate further. As a result, the popularity resulting from successfully managing the pandemic, which the government had enjoyed in spring 2020, by the autumn had completely disappeared.

On 29 July, King Abdullah II instructed Jordan's Independent Election Commission (IEC) to prepare for elections to the country's 19th legislature. Shortly afterwards the IEC set the date for 10 November 2020. On polling day, the country had recorded its highest infection and mortality rate, with around 126,401 infections and 1,467 deaths (Worldometer n.d.). In this context, it was ill-advised to go ahead with an election in the midst of a pandemic without adopting any alternative voting mechanisms. To assume that polling staff would be wearing PPE everywhere and that the population would be disciplined enough to abide by the social distancing and curfew rules was short-sighted. Moreover, the lack of alternative voting provisions disenfranchised those who were ill or in quarantine.

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23.2. INSTITUTIONAL CONTEXT

Jordan is a constitutional monarchy in which the King holds broad executive powers, and the powers of the prime minister are limited. The King appoints the prime minister, who heads the cabinet, also appointed by the King. King Abdullah II can dismiss the prime minister and cabinet, and dissolve parliament, at his discretion. Jordan has a bicameral National Assembly consisting of a 65-seat upper house (the Senate) appointed by the King and a 130-seat lower house (the House of Representatives). The lower house is elected for a four-year term or until the parliament is dissolved. Fifteen seats are reserved for women.

The King also has the leading role in setting policy directions and drafting legislation. Legislation is submitted by the government to the House of Representatives and parliament may approve, reject, or amend bills. To become law, however, bills require the approval of the Senate, which as mentioned is appointed by the King. A group of no fewer than 10 MPs can propose legislation, though it first needs to be referred to the government before a draft law can be returned to the House. Parliament in Jordan is less about national policy debate and more services-minded; an MP will campaign on delivering government services to their constituency and thereby represents voters on a local level (Kayyali 2020).

Electoral system

In 2015, the electoral system changed from the single non-transferable vote to a proportional open list system. In the new system, the Kingdom is divided into 23 constituencies, and parties or blocs must provide a list of at least three candidates. The number of candidates on a list cannot exceed the number of seats allocated for that constituency. It is difficult for a list to win in its entirety, as the 2016 elections conducted under the same system have shown, so most voters end up choosing the first name on their preferred list. One adverse effect of this system is that it promotes intra-list competition—members discourage their supporters from supporting other candidates on the same list—and thus conflict within blocs.

Boundary delimitation is skewed to favour non-urban areas with smaller populations. This is where tribal and royalist candidates are strongest; the cities, where Islamist and liberal opponents enjoy most support (where most Jordanians of Palestinian origin reside), are correspondingly under-represented. Urban areas have far fewer MPs per voter than the countryside. For example, the district of Ma'an with 59,000 voters elects four members of parliament whereas the district of Zarqa, with over 450,000 voters, elects six parliament members. This is one way of ensuring that the main opposition party, the Islamic Action Front (IAF), remains weak.

Since 2012 Jordan's elections have been administered by an Independent Election Commission (IEC) whose Chairperson and four members are appointed by royal decree for a six-year non-renewable mandate. This appointment is made upon the recommendation of a three-member committee comprising the Prime Minister, who chairs it, the President of the House of Representatives and the President of the Judicial Council. The IEC operates according to Law No. 11 of the year 2012 (IEC n.d.). The IEC has administrative independence but receives its budget from the State. It is supported by a Secretariat comprising five departments, 23 District Election Committees (DECs) and 8,061 Polling and Counting Committees (PCCs)—almost doubled in 2020 compared to 2016—to administer a much expanded network of 1,483 polling centres (total staff numbers were stable, i.e., fewer staff deployed per polling centre). The Commission set up three Special Committees, each responsible for a designated area of Jordan, to carry out auditing of preliminary results. As part of the ongoing reform of key legislation, the IEC's mandate has expanded to include conducting not only parliamentary elections, but also governorate, council and municipal elections.

23.3. POLITICAL AND SOCIO-ECONOMIC CONTEXT

In February 2020, as the Covid-19 pandemic swept across the globe, Jordan enforced one of the most severe social distancing measures in the world. It enforced a total lockdown, sealed its borders, evoked the Defence Law of 1992 (HRH King Abdullah II 2020; Roya News 2020a), imposed a night curfew and shuttered its economy for two and a half months. Jordan's draconian measures succeeded and by the end of May it lifted the total lockdown and opened up most businesses in an attempt to revive the economy.

Rather than injecting money into the sectors most in difficulty and offering wage or living cost supports, under the Defence Law of 1992 the government then attempted to respond to the economic fallout of the pandemic through austerity measures. Prime Minister Omar Razzaz allowed employers to reduce wages of active employees. The government also suspended the bonuses and allowances for the public sector and cancelled the bread subsidy. In June it initiated a plan to provide financial aid to daily labourers for a period of three months from a special fund that received donations from public and private companies. The government did not reduce taxes on goods and services to

stimulate spending (Al-Sharif 2016). The cumulative effects of these decisions on Jordanian workers and on the economic recovery were severe (see Al-Sharif 2020).

Political problems compounded the country's economic woes. On 15 July 2020 the Court of Cassation dissolved the Jordanian branch of the Muslim Brotherhood (MB) for failure to renew its licence under a 2014 law on political parties. Jordan had long tolerated the group's political arm, the IAF. Since 2014, however, the authorities have considered the MB illegal although it continued to operate. In 2015 the government licensed the Muslim Brotherhood Association—an offshoot from the MB—further straining relations between the MB and the State. In 2016 the MB's headquarters in Amman and several regional offices were closed and ownership was transferred to the splinter group. When the MB took legal action to retrieve their property, the court ordered their dissolution. The Jordanian branch of the Muslim Brotherhood has wide grassroots support in the kingdom although this has declined in recent years.

In late July 2020, the Teachers' Union, widely perceived to be very close to the Muslim Brotherhood, was suspended for two years. Its headquarters were shut and 13 of its members were arrested, allegedly for incitement and financial wrongdoing. While government officials accused union leaders of harbouring the political agenda of the Islamist opposition, the union said that this accusation was part of a government smear campaign. Demonstrations erupted throughout the country calling for the release of the arrested members, and they were released a month later. The government was accused of using the emergency laws activated in March to limit civil and political rights and to stifle expression on the poor economic and sanitary situation in Jordan (HRW 2020).

By August 2020, the political climate was in favour of a boycott of the elections (not only by Islamists but also by teachers following the closure of the Teachers' Union). A fierce internal dispute erupted within the Islamic movement over whether or not to participate in the elections, although some observers understood this discussion itself to have been a form of pressure on the government for concessions. The government opened up channels of communications, encouraged the Islamist forces to participate and provided assurances that there would be no conditions or restrictions, or a desire to contain them. On 21 September, the IAF declared that it would take part in the November parliamentary elections to avoid being completely deprived of an opposition platform and voice.

King Abdullah II dissolved parliament on 27 September 2020, giving Prime Minister Omar Razzaz a week in which to resign. On 12 October, the King issued a decree approving the formation of a new cabinet and appointing Bisher Al Khasawneh as Prime Minister and Minister of Defence. Parliamentary elections would be held under Al Khasawneh's watch. The government would ultimately gain parliament's vote of confidence on 13 January 2021.

By August 2020, the political climate was in favour of a boycott of the elections.

The Defence Law is invoked should an emergency (including pandemics) threaten the national security or public safety.

Emergency powers and their effect on civil and political rights

On 17 March 2020, Defence Law No. 13 of 1992 came into effect by Royal Decree on the recommendation of the Council of Ministers. The Defence Law is invoked should an emergency (including pandemics) threaten the national security or public safety. It was the first time that the Law was invoked in the reign of King Abdullah II.

The Defence Law, which was not modified specifically for Covid-19, grants the Prime Minister the power to govern by decree (by issuing defence orders) and to undertake all the necessary measures on Covid-19-related matters. These include the suspension of ordinary legislation, placing restrictions on people's freedom of movement and assembly, and arresting or detaining those suspected of posing a threat to national security and public order. King Abdullah II had directed the government to ensure that the implementation of the Defence Law and the orders issued under it be within the most limited scope possible. There were 26 defence orders issued between 17 March 2020 and 24 February 2021 (for Defence Orders 1–9, see Moubaydeen and Moubaydeen 2020).

On 20 March, the Council of Ministers issued Defence Order 2, imposing a curfew and a general lockdown, and a few days later it issued Defence Order 3 that stated the penalties for violating the lockdown. Defence Order 8 issued on 15 April was the one that ultimately proved to be the most controversial. It banned anyone from publishing, re-publishing or circulating any news about the pandemic that would 'intimidate' or 'sow fear' among people through the media or social media and set out penalties for infractions: up to a three-year prison sentence, a fine of JOD 3,000 (USD 4,230) or both.

Jordan has been a signatory to the International Covenant on Civil and Political Rights (ICCPR) since 1975. Article 19 of the ICCPR establishes freedom of expression as a fundamental human right. Restrictions are permitted but under very strict conditions. Not only did Jordan use the Defence Law to curtail journalists' ability to report freely on the pandemic, in July the emergency measure limited media coverage of protests stemming from the government's aforementioned actions against the Teachers' Union. The Attorney-General issued an order prohibiting the publication or discussion of trials pertaining to the closure of the union. The UN criticized the clampdown as a serious violation of the rights to freedom of association and expression (UN News 2020).

Human Rights Watch reported (HRW 2020) that two journalists who covered the protests were beaten and at least two others were arrested. It also confirmed that journalists had increasingly encountered restrictions in their reporting either through gagging orders, through harassment by security forces or through withholding requisite permits (Freedom House n.d.a).

Use of emergency powers was only the latest in a series of restrictions on press freedoms and wider freedom of expression in the country. Some experienced foreign journalists reported being monitored and shadowed.

Others claimed to be regularly contacted and intimidated by the General Intelligence Directorate. Jordan also invoked its Cybercrimes Law 27/2015 of 1 June 2015 (Council of Europe 2020) to question journalists and other bloggers about their social media activity, and arrested scores of dissidents for criticism on social media. Facebook posts on the plight of Bangladeshi migrant workers during the Covid-19 lockdown resulted in the arrest of a Bangladeshi journalist (Sharbain 2021).

After the elections, the government used Defence Law No. 13 banning large gatherings to prevent the opposition from holding a press conference to discuss violations of the electoral process. A siege of the headquarters of the 'Jordan Stronger Party' by the security forces was further confirmation, if any were needed, that emergency powers introduced under Covid-19 provided cover for serious civil and political rights violations in Jordan.

23.4. ELECTION ADMINISTRATION

The Independent Election Commission (IEC) adopted a number of measures to mitigate the impact of the pandemic on the elections and to ensure the success of the electoral process while safeguarding the security and safety of citizens. It started off by testing for Covid-19 all IEC staff, polling officials and other personnel to be stationed at the polling centres.

The IEC did not, however, establish any alternative voting measures in relation to the pandemic. Voting was to take place in one day, in person and at a polling station. Early voting was not an option. Neither were postal ballots, as post offices in Jordan are not set up for complex operations. There has never been any mobile voting in Jordan and such measures were not introduced for 2020. No special provisions for voting were made for people isolating, or in hospitals. Indeed, the authorities had declared that voters who tested positive for Covid-19 must stay at home or face up to a year in prison if they ignored these instructions.

The IEC had made provisions, in its executive instructions, that people in isolation or under quarantine would be able to vote and that voting hours would be extended from 07:00 to 21:00 for that purpose (IEC 2016). This provision, however, was never applied. The explanation provided was that the instruction applied to healthy eligible voters residing in neighbourhoods under quarantine. By then, however, there were no neighbourhoods under quarantine, so those specific provisions were non-applicable (ArabEMBs 2020: minute 17; Bani Amer 2020).

For the 2020 elections, the IEC had linked the national electoral register with the database created by the Ministry of Health (MoH) of all the people who had contracted Covid-19. In a briefing to reporters, IEC Chairperson Khalid Al Kalaldeh admitted that election officials 'had records of active Coronavirus cases'. Certain domestic groups that had observed the elections, such as

No special provisions for voting were made for people isolating, or in hospitals.

RASED and Sisterhood is Global (SIGI), noted that Covid-19 had been a bar to some people voting, without polling officials providing any mechanism of verification (SIGI 2020a). This confirmed the existence of a linkage with the database of the MoH. Such cases were scarce, however (SIGI 2020b; ArabEMBs 2020: minute 20:56).

This raises a number of questions on many levels. An independent electoral management body (EMB) took the decision to deny people who had contracted the virus the right to vote, on the basis of complying with the government's directives that people who have tested positive for the virus should stay at home. This puts into question the EMB's neutrality and impartiality, especially given the lack of transparency surrounding the move: nowhere was it stated that such a linkage would be instituted, and no minutes or council decisions reflected such a decision. The disenfranchisement of even a small number of voters could be considered a breach of the IEC's own mandate, as it should have found alternative means of upholding the voting rights of all Jordanians.

Voter education

Concerned about voter turnout, the IEC concentrated most of its voter outreach efforts on 'getting out the vote' campaigns. On 19 September it also conducted mock elections for 600 young men and women from the capital (European Union 2020). Held in partnership with the NGO RASED and supported by the EU and the Spanish Agency for International Development (AECID), this activity was aimed at both increasing public awareness of the electoral process and integrating the health protocols of the Epidemiological Committee with observation procedures.

The health and sanitary situation also led NGOs to transform face-to-face campaigns into virtual online campaigns. Those were less effective for the general public, except perhaps for young people and first-time voters in the cities. Since schools and universities were closed due to the pandemic, peer-to-peer voter education activities for the youth were cancelled.

Candidate registration

The IEC introduced new measures to avoid the typical overcrowding that occurs in the early morning on the opening day of candidate registration; in previous elections, where numbers were allocated on a first come, first served basis' candidates rushed to compete for first place on the ballot. Candidates on the list usually attended together and nominated a list representative on their behalf. For the 2020 parliamentary elections, the IEC stipulated that nomination be personal and that only one candidate list per hour could present themselves for registration. In addition, the IEC invited the representatives, at the close of business on the third day of registration, to attend a lottery to determine the ranking of the lists on the ballot. On election day, any candidate currently isolating had the right to delegate a registered voter to be present in a polling station on their behalf.

Some candidates experienced difficulties in processing their paperwork. Others were subjected to severe pressure by the authorities to refrain from

running or withdraw their candidacies once submitted. These non-Covid-19 related claims were made by the spokesperson of the IAF, who further stated that the government had supported the formation of certain lists and interfered in others with the aim of weakening the National Alliance for Reform (National Alliance for Reform 2020). Certain popular candidates, who would have definitely been elected had they run, withdrew their nominations. The total number of registered candidates was 1,674, including 360 women, whereas in 2016 there were 1,252 candidates of whom 252 were women. There were 294 electoral lists in 2020 compared to 226 in 2016.

Campaigning

Traditionally, campaigning in Jordan takes place in large tents with candidates providing food and drink and chatting to their visitors. This type of campaigning, however, was absent in the 2020 elections because the campaign period (from 6 October until 9 November) coincided with the middle of the pandemic when social distancing measures were in place. Campaign festivals and mass gatherings were banned, as were any gatherings exceeding 20 people. Candidates were forbidden from offering people food and drink. Campaign headquarters were permitted to open only briefly by the IEC, and in accordance with directives from the Epidemiological Committee (Al Ghad 2020), namely with social distancing and, again, a prohibition on offering food or beverages, with the exception of bottled water.

The pandemic seriously affected the shape of the campaign by forcing many candidates to resort to social media to reach their constituencies, transforming traditional face-to-face campaigns into virtual events. The reach of Internet access is much more concentrated in the cities than it is in the countryside, especially in the most deprived areas (Freedom House n.d.b). In such cases candidates tried to meet voters face-to-face, organizing small gatherings of up to 20 people, but that was easier to do in the villages than in urban areas (Silva 2020).

The University of Jordan's Center for Strategic Studies (CSS) carried out a poll (CSS 2020) in October 2020 which found that 25 per cent of respondents claimed to follow the candidates of their constituency on Facebook, Twitter, Instagram or WhatsApp. Forty-four per cent received some sort of information from their candidates through these platforms. Sixty-one per cent did not believe that the IEC would be able to impose social distancing rules, while 61 per cent responded that the Covid-19 pandemic had no effect on their decision to vote.

Campaign festivals and mass gatherings were banned, as were any gatherings exceeding 20 people.

23.5. ELECTION DAY

The IEC had recruited and trained around 62,000 poll workers. Poll workers were recruited either for two or three months or for two days, according to the nature of their work. Despite the pandemic, training was conducted in person. A total of 1,220 training workshops were held over a period of 16

The safe maximum number of people present in the polling stations was determined by the presiding officer based on the guidelines set by the Epidemiological Committee.

days. Each was limited to 20 participants and held in large rooms to comply with social distancing requirements. Training materials were amended to take into account the new sanitary provisions. The IEC also held additional online training sessions via Zoom (ArabEMBs 2021).

Polling started at 07:00 and was initially scheduled to end at 19:00 but the IEC decided to extend the voting period until 21:00. As mentioned, the IEC doubled the number of polling centres (to 1,824) to shorten waiting times and prevent long queues. The safe maximum number of people present in the polling stations was determined by the presiding officer based on the guidelines set by the Epidemiological Committee. Inside the polling stations, polling staff wore masks and gloves, although observer groups such as SIGI reported that some polling staff in certain polling stations were not wearing adequate protective gear, and some were without masks or gloves.

The IEC deployed 17,000 youth volunteers on election day who were paid a stipend to distribute masks, gloves and pens for voting, ensure social distancing and prevent campaigning outside the polling stations. Approximately 53,000 police officers were deployed to safeguard citizens during the elections. Local media reported that the Public Security Directorate (PSD) deployed drones for aerial surveillance to make sure that there would be no breaches of the ban on mass gatherings during the election period.

Turnout was low, recorded at only 29.9 per cent at the end of the two-hour extension as compared with 36 per cent in 2016. Khalid Al Kalalkeh, Chief Commissioner of the IEC, told reporters that fear of coronavirus had impacted the level of participation (Al-Khalidi 2020). Of the 4,640,643 eligible voters, 1,387,711 turned out to vote. Turnout was approximately 17.5 per cent higher among men than among women. Many attributed the low turnout, especially that of women, to the lockdown expected after the announcement of results. Anticipating that, some women had to prioritize stocking up on provisions over turning up to vote.

All the PPE, extra polling stations and auxiliary staff increased costs considerably. Whereas the initial budget calculated by the IEC for the legislative elections of 2020 was for JOD 15.5 million (USD 21.157m), with the pandemic an additional JOD 8 million (USD 11.29m) was spent, making a total of JOD 23 million (USD 32.44m) (ArabEMBs 2020: minute 49:38).

Counting and tabulation

No sooner had the polls closed than Jordan went into a four-day total lockdown, ostensibly to help flatten the coronavirus curve, overruling the earlier decision to impose it after the results (Al-Mamlaka 2020b). The order came under Defence Law No. 13.

Islamic leaders criticized this decision, accusing the authorities of wanting to control the outcome by ensuring that counting and tabulation would take place without candidate representatives or observers present. The Chairperson of the IEC clarified that the lockdown would not be applied to candidates and

delegates in polling and counting centres, presiding officers, members of the election committees in the field, domestic observers, media professionals and accredited journalists. Counting was conducted immediately after the close of the polls, in the same polling stations, and in the presence of the aforementioned stakeholders. According to the IEC official website 9,667 local observers and 108 foreign observers had monitored the elections (Eurasia Review 2020).

Provisional results started coming out by noon on the following day, resulting in celebration rallies throughout a number of provinces by hundreds of supporters of the winning candidates, in breach of social distancing measures. Conversely, those supporting losing candidates started rioting, closing off roads with burning tyres and rubbish bins. As rioting grew out of control, the King tweeted his displeasure and the Minister of the Interior Tawfiq Al-Halalmeh, who assumed moral responsibility, resigned.

Results

The results of the elections produced no surprises, and many claimed that the elections were won by the King (Frisch 2020). The new parliament did not feature liberals, leftists or pan-Arabists. Rather, the winners were tribal and pro-government candidates. The Islamists won some seats, but fewer than they had in 2016 (Al-Arabi 2020).

Only 15 women were elected, down from 20 in the outgoing parliament where women had won five extra seats in the district races, on top of their allocated quota. Several reasons account for such a drop. Chief among them was the electoral system itself; male candidates had actively encouraged their supporters not to vote for female 'allies' on the same ticket. Thus traditional male chauvinism interacted with the tendency to intra-list competition noted earlier.

As for the Islamists, several factors account for their loss. The first was again the electoral system and its bias to non-urban, royalist areas as mentioned (Al-Khalidi 2020; Sowell 2015). Another was the changing regional environment. The failure of Israel's attempts to annex parts of the West Bank removed an important card from the Muslim Brotherhood and its allies who have always used the Palestinian cause to mobilize political and popular support.

The Islamists themselves attribute their losses to the apathy, disillusionment and fear among their base; the inhospitable political climate that characterized the electoral period had culminated in the Court of Cassation's decision to dissolve the MB itself. IAF Secretary-General Murad Adaileh claimed that voter abstention was more than 70 per cent, even 90 per cent in the capital Amman. Although the leadership of the Islamic groups had decided to participate in the elections, they were unable to convince their supporters to participate 'as we saw that the citizens were willing to stand for two hours in a queue to get bread, but not even 10 minutes to vote after they lost trust in the political process' (MoH 2020).

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23.6. CONCLUSION

Some have claimed that Jordan's 2020 elections for the 19th legislature were the least democratic and transparent that the country has witnessed (Kao and Karmel 2020), and that that was due mainly to the Covid-19 pandemic and its consequences. According to statistics issued by Jordan's Ministry of Health, there was a spike in transmission rates in the run-up to the election with the highest rate of transmission recorded at 5,996 new cases on 10 November (MoH 2020). On 17 November, the head of the coronavirus portfolio in Jordan Wael Hayajneh predicted a rise in the number of daily positive cases one week after the parliamentary elections and the gatherings that followed as a result (Roya News 2020b). Indeed, the number of new cases between 16 and 18 November increased (with new cases recorded at 5,861, 6,454 and 7,933 on these successive days, respectively) but this was followed by a steady decline in the days and weeks that followed (MoH 2020).

The weaknesses in Jordan's 2020 elections cannot be solely attributed to the public health emergency.

While the pandemic did have certain adverse effects on the integrity of the elections (with respect to how the Defence Law was used, the effect of the post-electoral lockdown on turnout, and the lack of any alternative voting mechanisms), the weaknesses in Jordan's 2020 elections cannot be solely attributed to the public health emergency.

Unfair boundary delimitations, an electoral system that weakens political parties, and a growing trend of clampdowns on freedom of expression produce an unlevel playing field that predates the elections and the pandemic (NCHR 2021; Sowell 2015; EUEOM 2016). Turnout was certainly very low—down from 36 per cent in 2016 to 29.9 per cent four years later. While the health situation certainly did not help, this can at least partially be explained by endemic voter apathy and, in turn, by the unsuitable political climate.

In particular, voters recognize that parliament has only limited power. A poll published by RASED of Al Hayat Center on 7 September 2020 revealed that 45.9 per cent of Jordanian youth (aged 19–22) did not intend to participate in the elections (Al-Mamlaka 2020a). The survey also showed that 57 per cent of respondents did not believe that the incoming parliament would be more effective than its predecessors. Results of a survey by the University of Jordan's Center for Strategic Studies, released on 6 October, revealed that of the 50 per cent of respondents who said they would not be voting, 40 per cent said this was because they lacked confidence in Parliament. The survey also found that for 61 per cent of Jordanians, the epidemic was not a factor in deciding whether to participate (CSS 2020).

For Jordan to move forward in its democratic process, it needs to strengthen its political parties and amend the electoral system (NCHR 2021; Kao 2016) and introduce such changes long before the conduct of the next parliamentary elections: time is needed to allow both candidates and voters to understand how the system works. Historically, with few exceptions, almost every election in Jordan has been accompanied by a new electoral law. Such constantly changing rules confuse both candidates and voters. For political parties to

flourish they need the opportunity to learn the ropes, learn from their mistakes, and accumulate institutional experience. Paradoxically, in 2020 the electoral law did not change. It was the same law that was used in the 2016 elections. And there were lessons learned from 2016, but those lessons were mainly about how the open list proportional system could be used to reduce the number of elected women. The makeup of the new parliament will ensure that it is not critical of the government.

Until parliament is empowered and given more prerogatives such as the authority to legislate, and turned into an institution that is more politically representative, it is unlikely that future parliamentary elections in Jordan will fare much better.

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Chapter 24

CASE STUDY: MALI

Robert Gerenge

The Malian case demonstrates that the deeper-seated contextual challenges in a country may be compounded by pandemic conditions rather than relegated to secondary importance.

24.1. INTRODUCTION

Mali was the second country to hold elections during the novel coronavirus disease (Covid-19) pandemic on the continent of Africa, Guinea having held parliamentary elections and a constitutional referendum on 22 March 2020. In a two-round electoral system, the first and second round (runoff) legislative elections were held in Mali on 29 March and 19 April 2020.

This paper highlights some of the salient technical and operational pathways pursued in Mali in organizing the 2020 legislative elections in the unprecedented context of the Covid-19 pandemic. It explores some of the policies and measures on public health and safety put in place to reduce the spread of Covid-19. The paper also highlights some of the emergent challenges encountered in the management of the polls including safeguarding electoral integrity, some of which predated the first Covid-19 cases reported in the country.

The Malian case demonstrates that the deeper-seated contextual challenges in a country may be compounded by pandemic conditions rather than relegated to secondary importance. Mali's protracted post-electoral crisis after the legislative elections, culminating in a military coup d'état on 18 August 2020 (Al Jazeera 2020; CNN 2020), adduce to political and institutional cleavages which remain unresolved despite holding the polls. This paper draws some key lessons with a view to enhancing understanding of how to manage democratic, peaceful and credible elections in the context of public health emergencies on the continent of Africa and beyond.

24.2. BACKGROUND

Mali, a former French colony which gained its independence on 20 June 1960, is located in the Sahel region of West Africa. Mali is the eighth-largest country in Africa at approximately 1.24 million km² in area, and has an estimated total population of just over 19.5 million (CIA 2020).

The electoral system in Mali is a relic of the French colonial model, with two rounds for both the President and the National Assembly (Assemblée Nationale) contests. According to the Constitution of 1992 (Republic of Mali 1992), the President and the Members of Parliament (MPs) are elected by absolute majority vote through a two-round system to serve a five-year term, through universal suffrage. For the presidential elections, the two leading candidates are subjected to a second round should none of the contesting candidates garner 50 per cent +1 votes during the first round. The Constitution stipulates that the term of President is renewable only once (article 30 of the 1992 Constitution). The National Assembly comprises 147 MPs who are elected by absolute majority vote (50 per cent +1) in single-member constituencies, for five-year renewable terms (article 54 and 61 of the 1992 Constitution). Should no candidate garner a majority in a given constituency during the first round, a runoff between the two candidates with the most votes is held.

Mali uses a mixed model of election management involving a variety of organizations. The Ministry of Territorial Administration and Decentralization (MATD) has the material and technical mandate to organize elections and announce provisional results. The National Independent Electoral Commission (CENI) is responsible for supervising and monitoring the management of elections. The General Delegation for Elections is responsible for managing the voters, register and issues of political party funding. According to General Delegation for Elections, 7,663,464 voters were registered for the 2020 legislative elections, of whom 3,803,932 were female (49.6 per cent) and 3,859,532 male (50.4 per cent). There were also a total of 547 lists of candidates making up a total of 1,417 candidates in 55 multi-member constituencies, according to MATD.

Since the coup d'état in 2012, Mali has traversed an arduous road to state reconstruction. In response to the multiple challenges facing the country, there have been concerted efforts aimed at supporting political and electoral processes as well as stabilization, including robust focus on fighting against terrorism. Among the international agencies involved have been; the African Union Mission for the Sahel (MISAHEL); the G-5 Sahel, a multilateral force deployed in 2017 with UN Security Council approval (see United Nations 2017); the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA); and the Economic Community of West African States (ECOWAS).

The 2020 legislative polls were the second cycle of elections following the coup d'état in 2012 in Mali. The country was initially scheduled to conduct its legislative elections in the course of 2018, soon after the two rounds of

Since the coup d'état in 2012, Mali has traversed an arduous road to state reconstruction.

presidential elections, which were held on 26 June 2018 and 19 August 2018 respectively. However, due to a political stalemate emerging from the highly contested presidential elections, as well as persistent security challenges posed by terrorist activities and inter-communal violence, they were twice postponed. Mali's Constitution required elections to be held on 29 March 2020 as the tenure of MPs could not be further extended beyond the stipulated transitional period. Furthermore, the necessity of holding legislative elections was also impelled by growing political pressure from various electoral stakeholders who questioned the legitimacy of the tenure of the MPs in office whose term ended in December 2018 (ECOWAS/ECONEC 2020).

With regard to the global outbreak of the public health pandemic, it should be recalled that the first cases of Covid-19 were reported on 25 March 2020 in Mali, a few days before the polls (BBC 2020). On 28 March 2020, the eve of the first round, the Ministry of Health noted nine cases in Bamako, the capital city, and its environs (WHO March 2020). There were 190 cases registered in the capital and the regions on 18 April 2020, the eve of the second round of legislative elections, therefore showing an exponential spread of Covid-19 in the country (WHO April 2020). It should be underscored, however, that there is no evidence of cases directly attributable to the conduct of elections and there are numerous intervening factors that account for the spread of Covid-19.

Going by standard practice on electoral preparedness globally, Mali did not have sufficient lead-time to adequately prepare.

24.3. LEAD-TIME, POLITICAL IMPERATIVES AND THE LEGAL CONTEXT

Holding the 2020 legislative elections under pandemic conditions presented dilemmas on political, legal, security and operational fronts for Mali. Going by standard practice on electoral preparedness globally, Mali did not have sufficient lead-time to adequately prepare. The World Health Organization (WHO) declared Covid-19 a Public Health Emergency of International Concern on 30 January 2020 (WHO January 2020). On 11 March 2020, Director-General Tedros Adhanom Ghebreyesus declared Covid-19 a 'global pandemic' (WHO March 2020). The first cases were reported in Mali two weeks later on 25 March 2020, only four days before the legislative elections on 29 March. This ominous predicament exacerbated pre-existing challenges to electoral preparedness including insecurity in regions such as Gao, Kidal, Monte and Tombouctou, orchestrated by Jihadists, as well as inter-communal violence (see International Crisis Group 2019).

At the same time, a further postponement of legislative elections would have presented a risk of falling into a deeper constitutional and political quagmire. It should be recalled that the first extension of the National Assembly's term was up to 1 June 2019, and the second extension was up to 2 May 2020 (BBC 2019). The limited consensus across the political spectrum on the conduct of the legislative polls aggravated the political cleavages which remained entrenched following the violently contested 2018 presidential elections (Posthumus 2018).

Besides, it is also worth noting that the ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (supplementary protocol on Democracy and Good Governance, article 2.1) states that: 'No substantial modification shall be made to the electoral laws in the last six (6) months before the elections, except with the consent of a majority of Political actors' (ECOWAS 2001). Although the Protocol did not foresee the unintended exigencies posed by pandemics on the conduct of elections, it forms part of Mali's legal obligations as an ECOWAS member state.

The lead-time constraints also account for the lack of adaptations to the existing legal framework for elections to systematically accommodate health and safety measures in response to the new public health risks. The Constitution of 1992 and electoral law promulgated on 23 April 2018 (see Republic of Mali 2018) constituted the framework that guided the conduct of the 2020 legislative elections. Health and safety measures taken in response to Covid-19 were therefore established in an ad hoc manner as there was no specific guide for polling procedures (which were nevertheless jointly developed and disseminated by the MATD and the Ministry of Health).

The lead-time constraints also account for the lack of adaptations to the existing legal framework for elections to systematically accommodate health and safety measures in response to the new public health risks.

24.4. COVID-19 RISK MITIGATION MEASURES

The Government of Mali instituted emergency public health measures to curb the spread of Covid-19 which included curfews, social distancing, suspension of non-essential services, and a ban on meetings of more than 50 persons, among others (BBC 2020). These measures also impacted on various aspects of the legislative elections as a public, participatory process. The banning of meetings of more than 50 persons, in particular, affected campaigning activities and was criticized by a number of candidates. This measure was not generally respected by parties and candidates (Diallo 2020).

In an attempt to adequately prepare for the polls under the challenging conditions posed by Covid-19 the MATD, working closely with the Ministry of Health, partnered with business leaders who provided masks, sanitizers and handwashing facilities in support of the elections (CENI 2020). Other partners included the European Union, United Nations Development Programme and USAID, among others. Through these partnerships, the MATD was able to acquire and supply free masks to voters.

In addition, further partnerships were forged with local youth volunteers who were deployed to support the distribution of free masks and education of voters on how to observe strict hygiene through handwashing at polling stations (CENI 2020). Prior to polling, and within the constricted timelines before the polls, local community information centres were set up which embarked on awareness-raising about voting procedures under Covid-19 conditions (CENI 2020). The MATD, working closely with the Ministry of Health,

also used video clips, radio and TV (in French and local languages) to increase awareness about Covid-19 and voting (CENI 2020).

The training of MATD polling officials incorporated health and safety content (CENI 2020). During the polling process, polling officials undertook several measures to mitigate Covid-19 infection risks while ensuring that voters were able to exercise their right to vote. To this end, sanitary kits comprising masks, handwashing facilities and hand sanitizing gel were distributed for both voters and polling staff and a physical distance rule of one metre was put in place in the voting queues at polling stations (COCEM 2020a).

Despite the above mitigation efforts, there were some inadequacies and these varied between the first and second round of the legislative elections. According to the preliminary statements issued by the Coalition for Citizen Observation in Mali (COCEM, which observed both rounds of elections), challenges noted during the first round of polls included: a lack of adherence to the one metre physical distance rule between queuing voters (in 44 per cent of stations visited); polling personnel lacking masks (in at least 47 per cent of polling stations observed); and 27 per cent of stations lacking gloves (COCEM 2020a).

There was some improvement in the risk mitigation measures taken during the second round of the legislative elections, which demonstrated the MATD's conscious effort to enhance its effectiveness by drawing from experiences in the first round. For example, non-compliance with the one metre physical distancing rule now fell to 27 per cent of stations that COCEM visited, while the proportion of stations where polling personnel wore masks had increased to 75 per cent (COCEM 2020b).

Some voters refused to dip their fingers in indelible ink as per the procedures, due to the fear of Covid-19 infection.

Some problems resulted from the behaviour of voters themselves and were witnessed during both the first and second round. For instance, usage of the same pens for signing the voter register elicited fears of contamination (as did the distribution of sensitive material such as uncollected voting cards to some voters at polling stations) (Diallo 2020). In addition, in certain regions such as Kayes, Koulikoro, Sikasso, Ségou and the district of Bamako, some voters refused to dip their fingers in indelible ink as per the procedures, due to the fear of Covid-19 infection (COCEM 2020b). As earlier stated, Mali was only the second country in Africa to hold elections during the pandemic. As such, the electoral management body (EMB) was not well-placed to fully grasp and address all the operational issues—voters' perceptions among them—posed by Covid-19. Darnolf et al. (2020) note that indelible ink contains several different chemicals, including biocides and 40 - 45 per cent alcohol. However, given that there is no evidence yet that the biocides in indelible ink will kill the coronavirus, they advise that voters clean their hands before dipping their fingers in the ink bottle or having the ink applied to them as, in fact, voters in Mali were required to do (sanitizing their hands at the entrance of polling stations (COCEM 2020a)).

In the post-electoral phase, the Constitutional Court managed petitions concerning the results of the legislative elections. The Constitutional Court controversially overturned provisional results from a number of constituencies in favour of the incumbent, President Ibrahim Boubacar Keita's ruling political party, Rally for Mali (Rassemblement Pour le Mali, RPM) (France24 2020). The declaration of final results by the Court gave President Keita's party a majority of seats in the National Assembly (Constitutional Court, Ruling No. 2020-04/CC-EL of 30 April 2020). Consequently, demonstrations were organized by opposition political parties contesting the results which were violent and coalesced with other prevailing political, security and economic grievances. These evolved and crystalized into an unyielding anti-Keita coalition called 5 June Movement—Rally of Patriotic Forces (Mouvement du 5 juin—Rassemblement des Forces Patriotiques, M5-RFP) (France24 2020). Subsequently, President Keita dissolved the Constitutional Court due to the controversy that its management of the electoral disputes had generated (France24 2020).

24.5. TURNOUT

As noted in Table 24.1, the turnout for both the first and second rounds was generally low. This may be attributed to factors of which Covid-19 may only serve as an adjunct variable. Security concerns clearly impacted on participation; polling reportedly did not take place in numerous localities in the Gao, Kidal, Mopti and Tombouctou regions. COCEM (2020a) reported incidences where MATD polling personnel were taken hostage and voting materials were destroyed in some of these localities.

In addition, political dynamics emerging from the contested presidential election outcome in 2018 appear to have perpetuated disaffection among the electorate. It is worth recalling that voter turnout was also generally low for the legislative elections in 2013, the first transitional elections to follow the coup d'état. According the results announced by the Constitutional Court, the turnout in the first round (24 November 2013) was 38.6 per cent and in the second round (15 December 2013) it was 37.32 per cent (Constitutional Court 2018). Taking the long view, then, the relatively low 2020 turnout can be seen as continuity in voter disaffection which extends beyond the dynamics posed by the public health pandemic.

24.6. CONCLUSIONS AND LESSONS

Mali did not have sufficient time to adequately prepare for the 2020 legislative elections under the context presented by the Covid-19 global public health emergency. In light of the highly constricted lead-time, adaptation of technical and operational preparations can be seen as a qualified success and progress was notably improved upon during the second round. Despite a slight increase

Polling personnel were taken hostage and voting materials were destroyed.

Table 24.1. Turnout for Mali's 2020 legislative elections

Regions	First round turnout (%)	Second round turnout (%)
Kayes	38.85	40.61
Koulikoro	35.65	34.48
Sikasso	37.52	38.42
Segou	40.15	38.43
Mopti	36.00	42.91
Tombouctou	51.18	61.27
Gao	66.04	63.65
Kidal*	85.86	
Bamako	12.85	13.17
Total	35.58	35.25

*Seats in the constituencies of Kidal were won with absolute majorities in the first round. Sources: Constitutional Court, Proclamation No. 2020-03/CC-EL of 9 April 2020 on Final Results of First Round of Legislative Elections of 29 March 2020, <http://www.courconstitutionnelle.ml/wp-content/uploads/2020/04/divers_2020-arret-03-annexe.pdf>, accessed 7 September 2020; Constitutional Court, Ruling No. 2020-04/CC-EL of 30 April 2020 on Final Results of Second Round of Legislative Elections of 19 April 2020, <http://www.courconstitutionnelle.ml/wp-content/uploads/2020/04/divers_2020-arret-04.pdf>, accessed 25 August 2020.

Mali is the first country to have experienced a military coup following elections during the Covid-19 pandemic.

of Covid-19 cases between the first and second round period of the legislative polls, there is no evidence of cases directly attributable to the conduct of elections and there are numerous intervening factors that account for the spread of Covid-19.

Mali is the first country to have experienced a military coup following elections during the Covid-19 pandemic. While the holding of the 2020 legislative elections did not enjoy a broad-based consensus across the Malian political spectrum, constitutional limitations placed the country under the compulsion to elect new MPs in order to safeguard the legitimacy of the National Assembly. The country serves as an illustrative case where the dilemmas of holding elections under pandemic conditions are more intricate than the immediate public health risks. Successful elections under Covid-19 conditions which are peaceful, democratic and credible, depend not only on the technical and operational safety measures of election management but also—and ultimately—on political consensus around the electoral process.

24.7. LESSONS LEARNED

- Prior to elections held under Covid-19 risks, and in order to safeguard electoral integrity and peaceful acceptance of outcomes, a high premium should be placed on consensus-building regarding salient political issues and enhancing security.
- From the technical and operational standpoint, the inclusion of sanitary materials in the polling station kits such as masks for polling personnel as well as establishment of physical distancing measures can serve as useful public health preventive measures against the spread of infectious diseases such as Covid-19.
- In addition, strict sanitary measures should be fostered during issuance of voter cards including in cases where uncollected voter cards are issued to concerned voters at their respective stations on polling day.
- Because sharing of non-sensitive election materials (such as pens and indelible ink) can elicit fears of infection among voters it is crucial that further scientific research be carried out to accurately establish the level of risk and that electorates are educated accordingly.
- In the face of limited lead-time, cooperation between ministries (in this case the MATD and the Ministry of Health) as well as partnerships with the private sector, voluntary sector and international agencies helped to put public health safety measures and supply of sanitary materials in place. However, the type of private sector partnerships should be established with due care. As in any country context, public opinion will be wary about the potential for undue influence of private sector organizations in the electoral process.
- The partnership forged between the MATD and youth organizations in voter education (on hygiene at polling stations) and the distribution of free masks complemented the EMB's own efforts. It demonstrates how the 'demographic dividend' of young populations on the continent of Africa can be capitalized upon by EMBs and, in this case, during public health emergencies.
- The banning of meetings of more than 50 persons had implications for the capacity of political parties and candidates to campaign and to freely exercise their civic and political rights. Most political parties and candidates did not have adequate resources to switch to online campaigning. Limited Internet penetration and the digital divide remain persistent problems in Mali as in most African countries, and they have electoral consequences.

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Chapter 25

CASE STUDY: MYANMAR

Michael Lidauer and Gilles Saphy

Myanmar was among the first countries in Southeast Asia to organize elections under the conditions of the Covid-19 pandemic. The 8 November 2020 general elections were the third since the adoption of the 2008 Constitution, and the second following a broader political transition that started in 2011. Some 38 million voters were called to vote. Turnout was high at 71.84 per cent (GNLM 2020g), and the results announced on 15 November were a firm victory for the incumbent National League for Democracy (NLD).

However, the democratic process was brought to an abrupt end by a military coup d'état on 1 February 2021, as the new legislature was about to be inaugurated. The armed forces, which had not accepted the results of the elections, deposed the incumbent President and Government, detained NLD national and regional executives as well as a number of other actors, and seized power.

Myanmar's attempted transition from military rule to a more democratic form of governance up to the coup was constrained by a constitution that keeps the military beyond civilian control, maintains its domination over the security apparatus, and gives them a veto power on significant political reforms. While credible general elections were organized in 2015, the constitutional framework disallowed broader political change. The 2020 elections were expected to be a further step towards democratic consolidation and civilian rule.

As in many other countries (Asplund et al. 2021; James and Alihodzic 2020; International IDEA 2021; Quarcoo 2020; IFES 2020), the Covid-19 pandemic affected the electoral process in various ways, including voter registration, public information about the elections, opportunities for international and domestic observers to assess the process, and above all polling day procedures. Ahead of the elections, some political stakeholders expressed

Myanmar was among the first countries in Southeast Asia to organize elections under the conditions of the Covid-19 pandemic.

concerns about a diminished campaign and a low turnout, speculating that these could impact on the effectiveness and legitimacy of the elections. On this basis, they argued for delaying the polls. Ultimately, the election administration maintained the election date and adapted the voting arrangements.

The military coup aborted the electoral process and threw Myanmar's immediate future into uncertainty. The conduct of these elections nevertheless provides insights into how general Covid-19 restrictions and election-specific mitigation measures can have combined impacts, both technically and politically, and these lessons may be of interest in other country contexts.

25.1. CONTEXT OF THE ELECTIONS

Institutional context

The 8 November 2020 general elections in Myanmar were the third since the adoption of the 2008 Constitution. Some 38 million voters were called to vote for the House of Representatives (Pyithu Hluttaw) and the House of Nationalities (Amyotha Hluttaw)—which together form the bicameral parliament at Union level (Pyidaungsu Hluttaw)—as well as the 14 State/Region Hluttaws. These included around five million first-time voters (see also International IDEA 2020).

Myanmar's transition to a more democratic form of government under the terms of the 2008 Constitution left the military in control of the Home Affairs, Defence and Border Affairs ministries. The Constitution also provides that 25 per cent of seats in all assemblies are reserved for the military, giving the armed forces a veto power over constitutional reforms which require 75 per cent approval in parliament.

Nevertheless, at another level the importance of general elections for the country's governance should not be underestimated. From these elections proceeds the election of the President through the parliamentary electoral college; the President then appoints the government as well as subnational executive functions, state institutions such as the Constitutional Tribunal, the Auditor General, the Attorney General, and the head of the Civil Service Board, among others. As a consequence, the whole governance of the country is at stake—in theory, at least—in one single electoral event taking place every five years (Lidauer and Saphy 2014).

The elections are governed by a set of five laws adopted in 2010, which leave many technical aspects of the process to be determined by the Union Election Commission (UEC). While this reduced predictability, it also allowed some flexibility in carrying out the process.

The Laws provide that elections are organized by the UEC and its subdivisions. Its commissioners are appointed by the President, and the UEC appoints

election subcommissions at subnational levels. The UEC is vested with broad and essentially unchecked powers, including registering political parties, adopting electoral constituencies, preparing voter lists, certifying results, and deciding on election-related complaints, with no further appeal. In practice, however, the UEC relied heavily on the structures of the state at local level for the implementation of the electoral process, among others on the local branches of the General Administration Department (GAD) and the Ministry of Labour, Immigration and Population (MoLIP) (see also Renshaw and Lidauer forthcoming).

Political context

The 2020 general elections tested the election administration like no other elections previously. Following the adoption of the 2008 Constitution, the 2010 general elections were widely boycotted by the opposition, as the conditions under which these elections took place did not allow for genuine competition. Since at least the by-elections in 2012, in which the opposition participated and which brought Aung San Suu Kyi to parliament for the first time, the country was considered in a transition to democracy (Lidauer 2012).

The 2015 elections were widely seen as genuine and credible, and were followed by a peaceful handover of power from formerly military elites to an administration led by the National League for Democracy (NLD). Based on a newly introduced law, Daw Aung San Suu Kyi became State Counsellor and de facto head of state. The armed forces, however, continued to take part in the executive and legislative branches of power. During this parliamentary term political and administrative reforms remained limited, and civic space shrank, with notable backsliding on freedom of expression.

The national peace process with ethnic armed organizations, which the new administration had inherited from its predecessor, gradually came to a halt. New conflict erupted in the north of the country and in particular in Rakhine State. The Rohingya crisis of August 2017 brought Myanmar before the International Court of Justice for alleged crimes against humanity, and ultimately changed how the country was perceived internationally.

The advent of the global Covid-19 pandemic provided a new challenge to the government, which it responded to with increased public communications. As elections drew closer, the country was nearing an economic crisis due to the pandemic, with severe effects on the most vulnerable, putting more households at risk of entering poverty (World Bank 2020).

The elections were contested by over 90 political parties, with the NLD and Union Solidarity and Democracy Party (USDP) as key contestants and a number of ethnic parties—some of which had newly merged for this purpose—hopeful of electoral victories in specific constituencies. Before the official campaign period, opinion polls suggested a safe win for the NLD (PACE 2020a: 20).

The Commander-in-Chief of the armed forces commented on the electoral process on several occasions. Prior to the elections, in mid-August 2020, he met with the USDP and other military-aligned political parties to assure them of his attention to the process (Nyein Nyein 2020). Although the military at first accepted the election results rather than immediately support the USDP's rejection, it progressively questioned the validity of the elections in the run-up to the coup on 1 February 2021 (Lidauer 2021).

Myanmar was little affected by the first Covid-19 wave in the first quarter of 2020.

2. COVID-19 IN THE ELECTORAL PROCESS BEFORE ELECTION DAY

Evolution of the pandemic

Myanmar was little affected by the first Covid-19 wave in the first quarter of 2020. The country reacted slowly to the advent of the crisis as compared to its neighbours, who quickly closed their borders. It was one of the last countries worldwide to confirm a case of Covid-19, announcing its first two positive tests on 23 March 2020 (International Crisis Group 2020: 1). President Win Myint declared precautionary measures and formed a Covid-19 Control and Emergency Response Committee, in addition to a National-level Central Committee for Covid-19 Prevention, Control and Treatment under the leadership of the State Counsellor (OCHA 2020: 4). The Ministry of Health and Sports (MoHS) became the responsible line ministry.

On 18 April, the MoHS released a first set of stay-at-home orders for seven townships of Yangon Region. The government imposed in-country movement restrictions and forbade assemblies of more than five people. Governmental agencies could travel freely, but civil society could not, reminiscent of restrictions on movement under the previous military regime (Heinrich Böll Stiftung 2020: 6). By 1 May, the MoHS reported a total of 151 Covid-19 confirmed cases and six deaths. Daily rates of contamination remained low, and on 1 July Myanmar counted only 299 confirmed cases and six deaths (MoHS 2020).

Movement restrictions were temporarily lifted during the month of June. There were no widespread concerns that the pandemic would overtake the country in uncontrollable ways, and uncertainties regarding the holding of elections remained limited to electoral stakeholders. Myanmar's small number of cases resembled the situation in other countries in mainland Southeast Asia and in Yunnan (southwestern China), but the disease could have been more prevalent than was publicly made known (Heinrich Böll Stiftung 2020: 6). Numbers of cases only started to grow at the end of August, when the election process was already well underway. By 8 August 2020, the MoHS reported 359 cases; by 8 September, 1,610; by 8 October, 21,433; and by 8 November, 60,348 (MoHS 2020).

Voter registration

Myanmar used a passive voter registration system based on existing population data. The process of voter registration had started already in the second half of 2019, at that time in anticipation of a potential constitutional referendum, with an initial compilation of preliminary voter lists. Voter lists were usually compiled by election subcommissions at ward/village tract level, on the basis of data provided by the General Administration Department (GAD) based on household population registers and township logbooks. This data was checked for citizenship criteria by the local branch of the Ministry of Labour, Immigration and Population (MoLIP). Unlike in 2015, the UEC did not work towards a central, computerized register in 2020; the preliminary lists rather existed as digital spreadsheets in states and regions or townships only. The early phase of voter registration was little affected by the pandemic.

The UEC is required by law to publicly display the preliminary voter lists once, but since the 2015 general elections had adopted the practice of displaying the voter lists twice to allow voters to check their names and make corrections where necessary. A first public display of voter lists took place between 25 July and 14 August 2020; by 6 August, at least 6.6 million voters had checked their data, whether in person, on the UEC dedicated website, or on a UEC mobile phone application (GNLM 2020a). The range of errors, omissions and duplications in the lists which became apparent was followed by public criticism from the State Counsellor and other dignitaries (San Yamin Aung 2020b). The UEC subsequently undertook some corrective actions, including door-to-door visits to update the entries, and organized a second public display from 1 to 14 October. After the second voter list display, the lists contained 38.27 million voters registered to vote in the 2020 general elections (ANFREL 2021: 64).

It is difficult to assess the consequences that Covid-19 may have had for the voter registration process as a whole. The public display periods may have contributed to infections as voters went to scrutinize the lists (the window for submitting requests for correction at their local election subcommission was within 14 days from the start of the display period), but concrete figures are not available. The MoHS was still reporting relatively small numbers of Covid-19 cases in early August, predominantly in Yangon Region.

Debating postponement

The advent of the pandemic in Myanmar prompted requests from political parties to postpone the elections (scheduled for early November). Speculation about a possible postponement could already be heard in the first half of the year, although the UEC regularly asserted that the elections would take place on schedule (San Yamin Aung 2020a). On 1 July, the UEC issued the official call for elections to take place on 8 November 2020.

In mid-September, as the number of Covid-19 cases began to grow rapidly, several political parties called upon the authorities to postpone the elections (Pyae Sone Win 2020). The USDP and 23 allies sent an open letter to the UEC, arguing that public health is more important than voting, raising concerns

regarding the legitimacy of the election results in view of a potentially diminished turnout, and outlining limitations to the campaign. In case of a longer-term postponement, the USDP opted to involve the National Defence and Security Council. However, to avoid any vacuum in democratic institutions most parties did not want to postpone later than January 2021. At the same time, the ruling NLD and many ethnic parties were against postponing the elections. Their reasoning included the importance of the regularity of the polls, concerns about increased expenses in face of a prolonged electoral period, and fears of an institutional vacuum. A number of parties also refrained from taking part in this debate.

The Constitution does not stipulate the timing for holding general elections. However, provisions on the duration of elected terms give an indication. The parliament and the region/state assemblies have five-year terms starting from the first day of their first session. While nothing in the laws prevents changing the election date, there is no constitutional provision to extend the mandate of the incumbent legislature, which was to end on 31 January 2021. A newly elected parliament was due to convene as of 1 February 2021.

While elections could theoretically have been postponed by a few weeks, there was no indication that the Covid-19 situation would improve during that time. In this context, the UEC and government decided to go ahead as planned with elections on 8 November, counting on protective measures to prevent contagion and reassure voters and polling staff.

The UEC did, however, postpone elections locally in various conflict-affected areas (with Rakhine State most affected) in October, resulting in 22 vacant seats in the Pyidaungsu Hluttaw and the disenfranchisement of 1.2 to 1.3 million voters. Strongly contested in particular by ethnic political parties and a point of public controversy between civilian and military authorities, these cancellations were argued on the basis of security concerns, not Covid-19 (Lidauer 2021).

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25.3. RESTRICTIVE MEASURES AFFECTING THE ELECTORAL ENVIRONMENT

Following the rise in cases in August, restrictive measures to prevent the spread of the virus were taken. These included stay-at-home orders affecting 72 out of the 330 townships of the country, rendering a genuine campaign impossible in these locations; this included 44 out of 45 townships of Yangon Region and all of Rakhine State. A ban on international flights was already put in place in April and suspension of national travel was renewed in late August.

The MoHS issued two Standard Operating Procedures (SOPs) in early September, dedicated to the campaign and to polling procedures, respectively. These regulations curtailed not only the capacity of political parties to reach

out to voters, but also the scrutiny and information provided by civil society organizations and the media.

Campaign-specific measures

The official campaign period lasted 60 days, with a day of campaign silence before the polls. Election campaigns are not regulated in the electoral laws, but by a number of directives and guidelines to which Covid-specific regulations were added. UEC notification 173/2020 of 6 September referenced the existing regulations and added inter alia MoHS Covid-19 guidelines as well as orders and instructions by relevant subnational administrations to the set of rules, with noticeable local variations. MoHS SOP-1 of 7 September, specifically dedicated to the campaign, limited the number of persons allowed to attend rallies to 50 and door-to-door campaigns to 15 but did not mention requirements concerning personal protective equipment (PPE).

The onset of the campaign period coincided with an upsurge of infections, prompting further governmental interventions. Starting with Rakhine State on 26 August, stay-at-home orders were gradually issued for other townships—most notably in Yangon Region—extending to a total of 74 out of 330 townships by 19 October. Under these stay-at-home orders, rallies, indoor campaign activities, and door-to-door canvassing were not permitted, in effect preventing a genuine campaign. Some campaigns took place nevertheless, and various opposition parties expressed dissatisfaction about unclear rules on campaign venue and billboard allocation as well as disproportionate NLD campaign appearances, pointing to an unlevel playing field.

Impact on campaigning

The MoHS regulations adversely affected the ability of political parties and candidates to campaign freely (Carter Center 2020: 11f). The measures reduced travel to a minimum and made it difficult to reach voters in remote areas without Internet access. In townships without stay-at-home orders, fewer campaign activities took place than foreseen. However, ongoing violations of Covid-19 and campaign rules were reported in the media, at times with thousands of rally attendees. This was not systematically policed or sanctioned, as the UEC relied primarily on self-enforcement by parties and candidates. Only two weeks before the end of the campaign period, the UEC stated that election campaigns were failing to observe Covid-19 rules, prompting parties and supporters to follow the MoHS guidelines more carefully (ANFREL 2021: 71ff).

Online campaigning on Facebook and other social media platforms remained the smaller part of campaign activities (PACE 2020b: 21) and how far it was a response to the public health environment is unclear. Of the 92 parties that registered candidates to contest the elections, 63 had a Facebook account, and the platform verified the authenticity of 42 parties' accounts. With a concerted social media strategy, the NLD outnumbered all other contestants with nearly three million followers on Facebook ahead of the elections. The online campaign, however, reached far beyond the parties' official accounts, involving a number of 'third party' fan pages and disinformation campaigns.

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Various political leaders and candidates took part in Covid-19 relief efforts. While the law explicitly prohibits vote buying and the provision of goods or services free of charge, political parties and candidates donated household items, masks and sanitizer, in particular to Covid-19 quarantine centres and communities jeopardized by the increasing economic standstill (Kaung Hset Naing 2020). Candidates may also have associated themselves with private donors, without organizing donations themselves.

Unlike in previous electoral cycles, several instances of electoral violence occurred, but were not directly related to the pandemic (see NMF 2020; CDNH 2020). This included the destruction of campaign materials, threats against candidates and clashes between supporters (predominantly of NLD and USDP in hotly contested constituencies), the placement of explosives outside two UEC locations, the abduction of three NLD candidates by an armed group in Rakhine State, and the blockage of access for political parties by armed groups or militia to certain areas in Shan State. Instances of hate speech occurred offline and online, but with less ferocity and fewer religious connotations (particularly anti-Muslim and anti-Rohingya content) than in the past.

Impact on election scrutiny and information

Covid-19 restrictions on assembly and movement hindered civil society organizations' (CSOs) ability to contribute to voter education, scrutiny and transparency, all of which were much needed in this context. Nevertheless, 13 domestic CSOs and networks were accredited to observe the elections. The largest—the People's Alliance for Credible Elections (PACE)—faced a delay in its accreditation by the UEC for several months, but its observers had good access to polling procedures on election day.

Employees of 'essential businesses' were permitted to travel beyond township boundaries, but this did not include the news media. Hence, in areas under stay-at-home orders, first-hand reporting was markedly curtailed and printing of newspapers had to be stopped. This reduced the scope of information available to voters and facilitated the spread of rumours (relating to both the election and Covid-19), including on social media. However, CSOs monitoring social media did not report any disinformation campaigns of a scale to impact on turnout or election day proceedings.

A notable consequence of the global conditions of the pandemic and international travel restrictions, in conjunction with national Covid-19 measures, was the limited presence of international election observers and foreign journalists. International election observation missions were deployed by the Asian Network for Free Elections (ANFREL) and The Carter Center, but with smaller numbers of international observers than would usually be the case, and the European Union sent only a small election assessment team. Hardly any international journalists received visas to enter the country as international travel was largely suspended. This reduced not only scrutiny of the process, but also expressions of international support and recognition that might otherwise have been forthcoming.

Covid-19 restrictions on assembly and movement hindered civil society organizations' (CSOs) ability to contribute to voter education, scrutiny and transparency, all of which were much needed in this context.

25.4. VOTING PROCEDURES

In the light of genuine concerns about the elections becoming a major source of infections, the UEC considered several strategies aimed at protecting and reassuring polling staff and the electorate.

In mid-June, the UEC organized the test-run of a polling station in collaboration with MoHS. The mock polling station applied social distancing between polling staff as well as the use of face masks, gloves and sanitizer. This exercise led to discussions about the required size and carrying capacity of polling stations. As a result, the numbers of polling stations and personnel staffing them were re-assessed (Heinrich Böll Stiftung 2020: 26).

The UEC envisaged a substantial increase of polling stations, from some 40,000 to 50,000 (Bangkok Post 2020), but one week before election day, the number was still a matter of speculation. The UEC announced after election day that the final number was 39,962 (GNLM 2020f). While there had been suggestions that the maximum number of voters per polling station would be reduced to 1,500, it remained at 3,000.

A substantial increase in the number of polling stations would have required additional human and material resources and these may not have been available. Against this background, two parallel strategies were pursued: that of decreasing the number of voters at polling stations on election day, especially the most vulnerable, by enhancing advance voting mechanisms; and introducing protective measures for voters and staff at polling sites.

Advance voting

Covid-19 created specific risks of disenfranchisement, in particular for the elderly and numbers of citizens away from their home constituency and unable to return due to travel restrictions, in particular migrant workers. In this situation, the UEC and government made use of already existing mechanisms of advance voting. The fact that the electoral legal framework leaves many technical aspects of the process to be regulated by secondary legislation made it possible to adopt Covid-related adjustments without having to change the laws.

The election legislation of Myanmar provides for several advance voting mechanisms for citizens who cannot vote at their polling station on election day. There were essentially two types of advance voting: in-constituency and out-of-constituency (the legislation also provides for advance out-of-country voting in embassies).

Voters who were in their constituency but could not come to their polling station on election day could vote in advance, either at the local election commission or via a mobile ballot box at their home. Their votes were stored at the local election commission and counted at their polling station together with the regular votes on election day. According to the usual procedure, some elderly persons, persons with leprosy or the seriously ill, pregnant women at

A substantial increase in the number of polling stations would have required additional human and material resources and these may not have been available.

home, persons with a disability, persons in custody, patients in hospitals, or voters who are occupied elsewhere with state duties, could vote within 10 days before election day, some via mobile ballot box or at a place designated by the local election commission.

This procedure was extended to enfranchise voters affected by Covid-19. On 10 October the UEC decided that: (a) in townships under a stay-at-home order or with a high population density (namely 29 townships in Yangon Region and 5 townships in Mandalay Region), voters over the age of 60 would vote via a mobile ballot box between 29 October and 5 November; and (b) in other areas, voters over the age of 60 could use this procedure or come to vote in advance at places designated by their local election commission during the same period (GNLM 2020c). Voters in quarantine in their constituency could participate via mobile ballot box (GNLM 2020d). At the time there were just over 55,000 people in quarantine in 5,878 facilities across the country (MoHS figures as of 27 October 2020).

In-constituency advance voting was originally designed to be deployed on a relatively limited scale. It is unclear how many voters used this channel, but there are an estimated 5.1 million people aged over 60 in Myanmar (Ministry of Labour, Immigration and Population 2020). Candidates and observers could follow advance voting, but some political parties complained of lacking sufficient information to do so. Concerns were also expressed regarding ballot secrecy for the elderly voting at home.

For these elections, out-of-constituency advance voting was essentially a postal ballot system for special categories of voters who were outside their constituency (defence personnel, students, trainees, in-patients, detainees), but the actual act of casting a ballot was organized by the institution. While voters applied for a ballot corresponding to their constituency of origin, the voting procedure was conducted by the military commander/university rector/head of service/head of the place of detention, a system long criticized as opaque and undermining of electoral integrity, especially at military bases. Voters cast their ballot in a sealed envelope in a voting place organized by the institution, which then collects the envelopes, and dispatches them to the constituencies of origin. For these elections, advance voting was to be organized between 8 and 21 October, at the convenience of the respective institutions.

About a month before election day, the UEC decided to extend this procedure in order to enfranchise voters stranded outside their home constituencies, and announced on 9 October that applications could be made before 25 October (GNLM 2020b). Out-of-constituency votes would have to be cast at the local election commission and received by the constituency of origin by 7 November.

In total, the UEC reported 5,884,420 advance votes (without distinguishing between the two kinds), representing 21.4 per cent of ballots cast (GNLM 2020h). This was a sharp increase from 6 per cent in 2015.

Covid mitigation measures on election day

Voting usually took place from 06:00 to 16:00; voters waiting in line at the time of closing could vote. Even under usual circumstances, the casting of votes for at least three ballots—for the Pyithu Hluttaw, Amyotha Hluttaw, and State/Region Hluttaw—takes time, and some voters were eligible to vote for ethnic affairs minister seats too. Polling stations had a minimum of three ballot boxes, and voters repeated the entire operation of identity checking, ballot issuing, ballot marking and ballot casting three or more times.

The Covid-19 health protocols had an impact on poll worker trainings (Carter Center 2020: 8) which took place in a cascade training manner, supplemented by self-training materials. Polling staff numbered at least 10 (or 20 in larger polling stations), and there was concern about sustained Covid-19 exposure during election day.

On 2 September, the MoHS issued SOPs for the conduct of the elections setting forth guidelines for election preparations and for voting. The SOPs established Healthcare Support Committees for Elections from central to local level, headed centrally by the Deputy Minister, and essentially comprising officials of the MoHS at all levels. The aim was to ensure coordination in the implementation of the rules, to raise awareness among voters, polling staff and election contestants, and to provide recommendations to the UEC.

The SOPs' stipulations were precise. Polling stations should be set up in a large space and have good ventilation; they should have two different routes for entrance and exit, and markings on the floor should regulate social distancing to a six-foot minimum and handwashing facilities should be arranged within the polling centre, as well as Covid-19 awareness posters and waste bins with covers (see Figure 25.1). Polling staff had to wear masks, face shields and gloves at all times. The SOPs prescribed that frequent contact surfaces should be cleaned with 1:50 hypochlorite solution (1000 ppm) at least twice before opening and after closing the polling station.

Outside polling stations, arrangements were to be made for thermal screening of voters with non-contact thermometers, and keeping record of the voters' temperature; for posting voter lists in such a way as to avoid crowding when voters checked their names; and for queuing areas (marked with plastic tape or bamboo sticks) to be managed by designated staff.

All voters were to be provided with masks free of charge and there was to be hand sanitizer in at least five places in the polling station. Voters had to use hand sanitizer at least twice at the entrance of the polling station and once at the exit. The MoHS guidelines were not always consistently applied (ANFREL 2021: 107ff).

For the elections, Myanmar purchased PPE from China: 35 million KN95 masks; 10 million vinyl gloves; 9 million face shields; 2.5 million surgical gowns; 2 million surgical caps; and 500,000 each of protective face masks, goggles, surgical gloves, boots and boot covers. The equipment was delivered

Polling staff numbered at least 10 (or 20 in larger polling stations), and there was concern about sustained Covid-19 exposure during election day.

Polling staff had to wear masks, face shields and gloves at all times.

Figure 25.1. Polling station instructional poster (MERIN)

မဲရုံအခင်းအကျင်း - ပုံစံ (၁)
ကျယ်ဝန်းသောအခန်းတစ်ခန်းတည်းတွင်ခွဲစည်းခြင်း



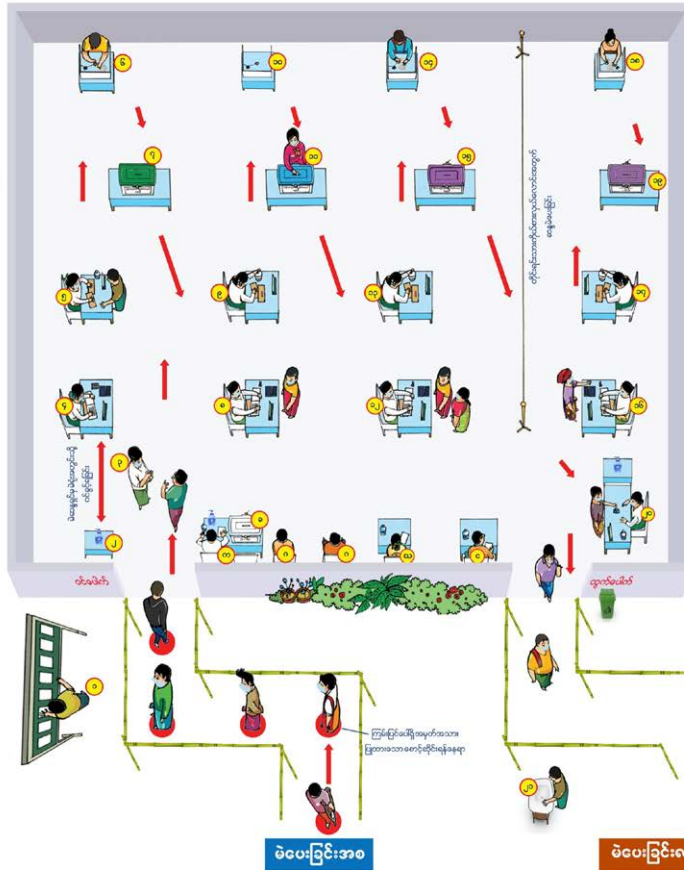
၂၀၂၀ ပြည့်နှစ်၊ အထွေထွေရွေးကောက်ပွဲ

ကိုဗစ် - ၁၉ ရောဂါကာကွယ်၊ ထိန်းချုပ်ရေး နည်းလမ်းများနှင့်အညီ မဲပေးခြင်း လုပ်ငန်းစဉ်အဆင့်ဆင့်



ရွေးကောက်ပွဲဝန်ထမ်း (၆) နာရီ
မဲရုံခွင့်လှစ်ခြင်းနှင့်
ညဝန် (၄) နာရီ မဲရုံပိတ်ခြင်း

- ၁။ မဲဆန္ဒရှင်ပုဂ္ဂိုလ်၏ မဲစာရင်းအမှတ်စဉ်စစ်ဆေးခြင်း
- ၂။ ထုတ်ဖော်လက်သွင်းစင်ဆေးဆေးသန့်အသုံးပြုရန်နေရာ
- ၃။ မဲပုံရိပ်ပြုစုမှုပင်တိုက်ထိုးခြင်း/ရိ/ပရိစစ်ဆေးရန်
- ၄။ ပြည်သူ့လွှတ်တော်မဲစာရင်းစစ်ဆေးမှုမဲဆန္ဒရှင်၏ အမှတ်စဉ်ဖြင့် တိုက်ဆိုင်စစ်ဆေးခြင်း
- ၅။ ပြည်သူ့လွှတ်တော် မဲလက်မှတ်ထုတ်ပေးမှုမဲလက်မှတ် ထုတ်ပေးခြင်း
- ၆။ ပြည်သူ့လွှတ်တော်အတွက်ဆွဲပြုခြင်း
- ၇။ ပြည်သူ့လွှတ်တော်ဆွဲမဲလက်မှတ်ထည့်ခြင်း
- ၈။ အမျိုးသားလွှတ်တော်အတွက်မဲစာရင်းစစ်ဆေးမှု မဲဆန္ဒရှင်၏အမှတ်စဉ်ဖြင့် တိုက်ဆိုင်စစ်ဆေးခြင်း
- ၉။ အမျိုးသားလွှတ်တော်အတွက်မဲလက်မှတ်ထုတ်ပေးမှု မဲလက်မှတ်ထုတ်ပေးခြင်း
- ၁၀။ အမျိုးသားလွှတ်တော်အတွက်ဆွဲပြုခြင်း
- ၁၁။ အမျိုးသားလွှတ်တော်ဆွဲမဲလက်မှတ်ထည့်ခြင်း
- ၁၂။ တိုင်းဒေသကြီး/ပြည်နယ်လွှတ်တော်အတွက် မဲစာရင်းစစ်ဆေးမှုမဲဆန္ဒရှင်၏အမှတ်စဉ်ဖြင့် တိုက်ဆိုင်စစ်ဆေးခြင်း



ရွေးကောက်ပွဲဝန်ထမ်း (၆) နာရီ
မဲရုံခွင့်လှစ်ခြင်းနှင့်
ညဝန် (၄) နာရီ မဲရုံပိတ်ခြင်း

- ၁၃။ တိုင်းဒေသကြီး/ပြည်နယ်လွှတ်တော်အတွက် မဲလက်မှတ်ထုတ်ပေးမှု မဲလက်မှတ်ထုတ်ပေးခြင်း
- ၁၄။ တိုင်းဒေသကြီး/ပြည်နယ်လွှတ်တော်အတွက် ဆွဲပြုခြင်း
- ၁၅။ တိုင်းဒေသကြီး/ပြည်နယ်လွှတ်တော်ဆွဲမဲလက်မှတ်ထည့်ခြင်း
- ၁၆။ တိုင်းဒေသကြီး/ပြည်နယ်လွှတ်တော်မဲစာရင်းစစ်ဆေးမှု မဲဆန္ဒရှင်၏အမှတ်စဉ်ဖြင့် တိုက်ဆိုင်စစ်ဆေးခြင်း
- ၁၇။ တိုင်းဒေသကြီး/ပြည်နယ်လွှတ်တော်မဲစာရင်းစစ်ဆေးမှု မဲလက်မှတ်ထုတ်ပေးမှု မဲလက်မှတ်ထုတ်ပေးခြင်း
- ၁၈။ တိုင်းဒေသကြီး/ပြည်နယ်လွှတ်တော်မဲစာရင်းစစ်ဆေးမှု ဆွဲပြုခြင်း
- ၁၉။ တိုင်းဒေသကြီး/ပြည်နယ်လွှတ်တော်မဲစာရင်းစစ်ဆေးမှု ဆွဲမဲလက်မှတ်ထည့်ခြင်း
- ၂၀။ မဲပေးမှုမဲဆန္ဒရှင်အားထုတ်ဖော်လက်သွင်းစင်ဆေးဆေး အသုံးပြုရန်နှင့် မဲပေးခြင်းရန်
- ၂၁။ မဲဆန္ဒရှင်ပုဂ္ဂိုလ်၏အမှတ်စဉ်ဖြင့်ဆွဲသောမဲစာရင်းစစ်ဆေးခြင်း

- (m) မဲပေးသူ
- (a) မဲဆန္ဒရှင်အတွင်းကြိုတင်ဆွဲမဲရုံ
- (n) ထွေးကောက်ပွဲဝန်ထမ်းအဖွဲ့/တိုက်စာရင်းစစ်ဆေးရေး
- (u) ရင်/ကျေးဇူးတင်ဖွဲ့
- (c) ဒု-မဲပေးသူ

Source: Myanmar Election Resource and Information Network (MERIN), 2020 Polling Station Poster, 29 September 2020, <<https://merin.org.mm/en/publication/2020-polling-station-layout-poster>>, accessed 16 April 2021.

via some 120 special flights from China landing in Yangon and Mandalay between 21 October and 5 November (GNLM 2020e).

The election by-laws provide that voters have indelible ink applied on the finger as a safeguard against multiple voting. In order to prevent this from being a source of infection, the SOPs prescribed a 70 per cent alcohol mix with the ink. Small plastic bags were to be provided for holding voters' identity cards and avoiding the need for election officials to touch them directly. Finally, voters used stamps to mark their ballots in each polling booth. The risk of contamination was to be mitigated by the comprehensive use of hand sanitizer.

According to the SOPs (and see ANFREL 2021: 107–8), voters with a temperature above 38°C would be asked to wait for 15 minutes, have their temperature re-measured, and should it again be higher than 38°C, were to vote in a separate room. Local medical and public health officials were to be informed, and patients referred to a designated hospital. In practice however, only a few polling stations (7 per cent) had a separate room or space for voters with Covid-19 symptoms (PACE 2020c). Theoretically, checking all voters on the same day for temperature could have amounted to a nationwide screening campaign for Covid-19 symptoms; however, no data was released by the MoHS or the UEC on the number of voters affected.

Domestic election observer groups reported that election day had proceeded in orderly fashion, with voters patiently waiting in long queues to cast their ballots. PACE issued preliminary findings on the day following the elections, reporting that Covid-19 prevention guidelines were mostly followed (apart from facilities for symptomatic voters, as mentioned) and no major incident was reported. Specifically, PACE reported that almost all polling stations (98 per cent) provided hand sanitizing gel; 93 per cent provided masks; 87 per cent conducted temperature tests; 84 per cent displayed marks on the floor to encourage social distancing; and 23 per cent provided gloves (PACE 2020c).

Post-election Covid-19 developments

Numbers of Covid-19 cases released by the MoHS in the weeks following the elections show an increase in prevalence but without a major spike (MoHS 2020). The government had warned that an increase would be inevitable (Zaw Zaw Htwe 2020). Several media reported cases among election officials and the population (Khin Su Wai and Kyaw Ko Ko 2020; Phyo Wai Kyaw 2020). Post-election victory celebrations could also have contributed to contagion, as well as a common disregard for Covid-19 restrictions (John Zaw 2020).

Domestic election observer groups reported that election day had proceeded in orderly fashion, with voters patiently waiting in long queues to cast their ballots.

25.5. CONCLUSIONS

The elections, held under severe Covid-19 conditions with extensive protective measures around voting arrangements, were an operational success. Despite the pandemic, turnout had increased from 69 per cent in 2015 to 71.84 per cent, indicating that voters felt safe to exercise their newly acquired 'civic duty' (Nyi Nyi Kyaw 2020). Some voters shared anecdotally that their motivation to participate in the elections was triggered by the Commander-in-Chief's comments on the electoral process in the run-up to election day, leading them to vote against the military.

The election administration extended an already existing mechanism of advance voting in order to reduce the number of voters at polling stations on election day and protect the most vulnerable. Long-standing gaps and under-regulated aspects in the election legislation (see Lidauer and Saphy 2014), brought flexibility and allowed the adoption of measures without having to amend the laws. The governance of the process was also affected, with

governmental authorities, in particular the MoHS, getting involved in matters of election management.

Strict stay-at-home orders and travel restrictions, in particular, deeply affected the electoral environment.

Yet, the general anti-Covid measures adopted by Myanmar were drastic, even when compared to countries with a much higher prevalence of cases. Various governmental orders to prevent a public health crisis had intermittently restricted the freedoms of movement and assembly since April 2020. The onset of the campaign period coincided with an upsurge of infections, responded to with more governmental interventions. Strict stay-at-home orders and travel restrictions, in particular, deeply affected the electoral environment.

Specifically, these restrictive measures tilted the playing field between political parties, prevented a genuine campaign in substantial parts of the country, limited campaigning elsewhere, and diminished the capacity of civil society and the media to scrutinize the process and provide information to voters. Finally, by limiting the presence of international observers and foreign journalists, these measures also affected expressions of international support and recognition that might otherwise have been forthcoming.

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Chapter 26

CASE STUDY: THE NETHERLANDS

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Important questions in that regard are whether the option of postal voting will be offered for voters living in the Netherlands in future, and whether the option of early voting will become permanent.

26.1. INTRODUCTION

In March 2021, the Netherlands held parliamentary elections during a nationwide Covid-19 pandemic. The Election Act prescribes that regular parliamentary elections are held every four years in March. In the event they were held on 15–17 of that month, but not without debate on whether they should be postponed and some last-minute changes to the electoral law. Decisions surrounding these elections were made in the middle of winter 2020–2021, when the number of Covid-19 cases was extremely high. During the election period itself, questions arose concerning the validity of postal votes. This had two causes: (a) the rapid introduction of postal votes for voters who were not used to this voting channel led to the potential for a high number of invalid votes; and (b) in order to remedy this, during the election period the government changed its interpretation of the wording of the article on invalid postal votes. Both became issues of debate.

This Case Study looks at the decisions made before, during and after the 2021 contest regarding the way elections are run and the voting options available to the Dutch electorate. It also looks at the lessons that can be taken away from the Netherlands' management of its elections during the pandemic. Important questions in that regard are whether the option of postal voting will be offered for voters living in the Netherlands in future, and whether the option of early voting will become permanent.

26.2. NORMAL ELECTIONS IN THE NETHERLANDS

In the Netherlands, responsibility for the administration of elections is divided between the Ministry of the Interior, the Electoral Council and the municipalities.

The Minister of the Interior is responsible for the Election Act. The Act is quite detailed and leaves very little room for regulation on a lower level. If the Act needs to be changed the Minister, with a mandate from the Council of Ministers, can introduce a Bill, but both chambers of Parliament have to agree with the proposal. It is also possible for a Member of the Lower House to initiate a change in the Election Act. In that case, after both Houses of Parliament agree on the change, the government has to determine if it also agrees with the change. If so, it becomes law, after the King signs the Bill.

The Minister of the Interior is also responsible for the provision of money to the municipalities for election day. Municipalities are responsible for the actual organization of polling. They have to ensure that there are enough polling stations and poll workers, they send voters their voter card and, on election day itself, the municipalities have to provide all the materials that are necessary for voting. Counting is done in the polling stations after the vote closes; the results of all polling stations within a municipality are then added up at the municipal level. Those municipal results are then combined at the level of 19 administrative election districts and, finally, these 19 results are sent to the Electoral Council.

The Council is responsible for the ultimate results, determining the seats that go to each of the parties and naming the candidates that are elected. The Council can state that the counting process in one or more polling stations has to be redone, but they do not have the power to invalidate the outcome of the election. The only institution that has that power is the sitting Parliament. So far, this has never happened. In the Netherlands, it is not possible to challenge the results of an election before a judge (OSCE/ODIHR 2021).

During regular elections, voters in the Netherlands vote on a Wednesday in a polling station. Voters who cannot vote in person because they are ill, incarcerated, etc. can give a proxy vote to another voter. Such a voter can accept up to two proxy votes, which must be cast at the same time as their own. For voters living abroad, there is the option of postal voting. A voter can request to be included in the register for voters living abroad. If they do so, they will be sent the necessary materials to cast a mail ballot. This includes a voter card and two envelopes (the inner envelope in which the ballot paper must be placed and the outer envelope which has to contain this plus the signed voter card). Since the ballot paper is only available shortly before the elections, voters living abroad can choose to download and print this, or wait for its arrival in the mail.

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Elections' results in the Netherlands tend to be close and predictions are not very easy to make. This election was not different in that regard.

26.3. POLITICAL AND PUBLIC HEALTH CONTEXT

In 2021, the sitting government was called Rutte III (after Mark Rutte, Prime Minister since 2010) and was formed by four parties. It came into power on 26 October 2017 and consisted of a coalition of the People's Party for Freedom and Democracy (VVD), the Christian Democratic Appeal (CDA), Democrats 66 (D66) and the Christian Union. After the general election had already been scheduled for March 2021, the cabinet fell on 15 January 2021 (in the wake of the *'kinderopvangtoeslagaffaire'*—a scandal concerning wrongful prosecutions against welfare claimants). Due to the system of proportional representation with a nationwide district, elections' results in the Netherlands tend to be close and predictions are not very easy to make.

The Covid-19 virus was first detected in the Netherlands on 27 February 2020, when the first case of illness occurred in Tilburg. It involved a 56-year-old Dutchman who had arrived in the Netherlands from Italy. As of 22 October 2021, there were over 2 million confirmed cases of infections and 18,280 confirmed deaths. The first death occurred on 6 March 2020, when an 86-year-old patient died in Rotterdam. The government took various measures against Covid-19 including mandatory distancing, lockdowns, the requirement to wear a mask and even an evening curfew. Despite these measures, and even with a vaccination level of around 85 per cent (that is, prior to the Omicron wave) there were 3,000–4,000 new cases per day at this time. The Netherlands started a booster campaign in the end of November 2021 but found it necessary to go into a complete lockdown again in the beginning of December 2021.

26.4. DEBATING THE LEGAL FRAMEWORK

Whether to postpone

In May 2020 the Interior Minister informed Parliament by letter about the possibilities of postponing the elections (Parliament No. 35165/21). In that letter, she stated that constitutionally, it would be possible to postpone them until March 2022, but that this would require an emergency law. Most political parties—from both the governing coalition and the opposition—immediately stated that they were in favour of going ahead with the elections as planned. More important, this included all the major parties. Since the letter came at a time when Covid-19 numbers were going down, the issue was not much further debated. In January 2021, after the cabinet fell, the question resurfaced. At that time, new variants of the Covid-19 virus emerged in the Netherlands, leading to a rapid increase in infections. But by then, there was not much scope for postponing: partly due to the fact that there was an outgoing government, and partly due to measures that had already been taken to facilitate the holding of safe elections, to which we now turn.

Changes in the Election law

Certain temporary changes in the law were proposed by the Ministry of the Interior (Parliament No. 35590), at first limited mainly to measures dealing with hygiene rules. The proposal contained rules on the following: maintaining a 1.5 metre distance within polling stations; clarification that voters did not have to hand over their ID to the poll worker, but only had to show it; making it possible for polling stations in institutions for the elderly and vulnerable people to only be accessible to the residents; and increasing the number of proxy votes a voter could cast from two to three (making proxy voting easier for those who couldn't vote in person due to illness). Also, it was made possible for voters to designate a proxy online, to prevent sick voters from having to have contact with the healthy person they had chosen. The proposal did stipulate that voters should undertake a health check before going to the polling station, but this was not enforced in any way (a voter did not have to show any proof). In the original proposal, polling staff were given the authority to refuse a voter who was clearly showing signs of illness. This led to resistance in the Lower House of the Parliament. A member of the Christian Union entered an amendment to withdraw this authority from the Bill and found majority support. This meant that it was the responsibility of the voter to determine whether or not he or she should go to vote.

During the parliamentary debates most parties agreed on these measures, but there was a majority that wanted more extensive changes. All parties except Forum for Democracy (FvD) asked the government to investigate options for spreading polling over more days. In addition, the government was asked to make it possible to introduce certain time slots for vulnerable voters. Again, all parties except FvD were in favour of introducing postal voting for those living in the Netherlands but unable to go to the polling station due to illness or quarantine, or who would not feel safe because they wanted to avoid contact with other people. The Minister promised to look into these possibilities and to inform both Chambers as soon as possible. The law passed on 15 October 2020 in the Lower House and on 3 November in the Upper House. It became active on 4 November 2020. It was supposed to expire on 1 July 2021 but was extended, first to accommodate a small number of municipal elections held in November 2021 and then again in light of upcoming municipal elections in March 2022.

The Minister sent the requested information on additional measures to the Parliament shortly after the debate. Based on this, she proposed an addition to the temporary law (Parliament No. 35654). First, all voters aged over 70 living in the Netherlands—around 2.4 million citizens—were allowed a postal vote. Secondly, the voting period was extended from one to three days, meaning that votes could be cast on the Monday and Tuesday as well as the regular Wednesday. The debate in Parliament focused on the issue of postal voting. Some parties wanted to extend that option to all voters, or at least to all vulnerable voters. Other parties were worried that if mail ballots were sent automatically to all voters over 70 they would be vulnerable to fraud, and asked that these be instead distributed on request. Although the Minister saw merit in both proposals, she pointed out that it would be very hard to execute them,

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due to the very limited time frame until polling day and all the demands that Covid-19 had already placed on the municipalities in organizing the elections. The Lower House voted for the proposal on 17 December 2020, the Upper House on 26 January 2021.

Court case on voter age

One of the parties who had been in favour of expanding the mail voting option to all voters, the Animal Rights Party (PvdD), brought a court case against the government. They claimed that the restriction to voters over 70 was discriminatory. On 19 February 2021, the court ruled that the state was allowed to use such a restriction (*Partij voor de Dieren vs Staat*; see also DutchNews 2021). The judge made the following observations. All voters could vote in the regular manner. If a voter did not feel safe to do so, that would be her or his own choice, not that of the state. The state did its utmost to ensure the safety of voters by imposing extra hygienic measures on polling stations and poll workers. It would be hard to identify the group of extra vulnerable voters under the age of 70 without having access to their medical files. Giving the option of mail voting to all voters would cause major implementation problems for municipalities, especially given the short time frame for organizing this extra voting channel. Therefore, there was a justification for the difference in treatment between voters over and under the age of 70.

26.5. COVID-19 MITIGATION AND IMPACT

Election overview

Turnout in 2021 was comparable with that of previous parliamentary elections. At 78.7 per cent under pandemic conditions, it was slightly down on 81.9 per cent in 2017 and slightly up on 74.6 per cent in 2012. Around 30 per cent of voters living in the Netherlands did not cast their vote in the usual way (on a Wednesday, in a polling station): 10 per cent of all voters voted by mail; around 12 per cent used the new option of voting early on the Monday or Tuesday; and about 8 per cent cast a proxy vote. It is interesting to note that the total number of proxy votes during this election (917,698 votes, 8.8 per cent of votes cast) was lower than in 2017 (964,811 votes, 9.1 per cent).

Some research was done to determine what reasons non-voters had for not participating. This showed that fear of the Covid-19 virus was not a significant motivation, being cited by only 10 per cent of non-voters. A lack of trust or interest in politics was stated as a reason by 33 per cent of those who did not vote. The remainder stated that they never vote (Ipsos 2021). Voters who reported non-participation due to Covid-19 were people who tried to avoid all non-essential contact in daily life. They felt that the available alternatives to conventional options during the elections were not good enough. They did not like proxy voting because of the breach of vote secrecy, while the option of early voting meant that they still had to go into a polling station. Eleven per cent of all voters felt that the elections should have postponed (Ipsos 2021).

After the elections, the National Institute for Public Health and the Environment (RIVM) looked into possible cluster contaminations due to the elections. They found one cluster of three positive Covid-19 cases that could be related to the elections. There were no other claims or reports of a relationship between the elections and Covid-19. Overall, it is therefore justified to conclude that the measures taken in polling stations ensured safe elections.

The costs for these elections were a lot higher than usual. Under normal circumstances, municipalities would have received EUR 43 million for conducting them. The Minister allocated municipalities an extra 29 million for the mitigation measures they had to take in the polling stations and 22 million extra for early and postal voting. This more than doubled the total cost, to EUR 94 million (Andersson Elffers Felix 2021).

The campaign

All parties except (again) the FvD abided by the 1.5 metre rules and abstained from organizing large, in-person campaign events (Povel 2021). This meant that the main campaign took place through televised debates between the leaders of the parties. Parties were struggling to find ways to reach out to voters under these very difficult circumstances (Klaassen and Winterman 2021). The Prime Minister and leader of the VVD, Mark Rutte, was seen as having an advantage: due to all the press conferences on Covid-19, he was in the news more than any other party leader (Hendrickx 2021).

Most parties signed the Dutch Code of Conduct Transparency Online Political Advertisements, developed by the Ministry of the Interior together with International IDEA (International IDEA 2021). Signatories were: CDA, Christian Union, DENK, D66, GreenLeft, PvdA, PvdD, SGP, SP, VVD and 50PLUS. The Code provides some guidelines to political parties for fair use of social media platforms and online campaigning. In particular it addresses the financial transparency of certain kinds of social media advertising and to tries to prevent foreign-funded influence on the electoral campaign. The Code proved useful in 2021 since restrictions on in-person gatherings had forced parties into greater reliance on digital campaigning. There were differences, however. Parties such as GreenLeft and the CDA were very active on social media, but the two largest parties—the VVD and the PVV—did not use this medium much at the outset of the campaign (Schellevis and Kasteleijn 2021). Towards the end of the campaigning period the VVD, but also the FvD, significantly increased their social media presence (Hendrickx et al. 2021). Although fake news was not much in evidence, the FvD did try to raise doubts about the fairness of the election. They stated that there would be rigging of the ballots, without being able to substantiate this (Holroyd 2021a).

In-person and early voting

During the preparation of the elections, municipalities struggled to find suitable polling places. Locations that they had used before were often unsuitable: they were too small for social distancing or for roped off queuing areas; there was no separate entrance and exit, or the entrance was too small to allow people to pass each other safely; ventilation within the building was inadequate, etc.

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Normally, many polling stations are housed in nursing homes or schools. Because nursing homes were closed to visitors and schools did not want a large influx of voters, many of these could not be used.

Another problem for municipalities was that due to the early voting, they had to provide polling places not only for the Wednesday, but for the Monday and Tuesday as well. The law did stipulate that there was room for a smaller number of polling stations for these two days of early voting. Although the draft law at first allowed for shorter opening hours for early voting, it was decided to use the regular hours of 07:30–21:00 to avoid confusing voters. Eventually, all municipalities managed to find enough suitable places.

It is important to note that the legislation does not prescribe how many polling stations a municipality must establish. As a guideline, there should be one per 1,200 voters, but this is really left to the municipality's discretion. There was some concern that insufficient volunteers would come forward for polling duties, but this turned out not to be the case. On 30 November 2020, the Ministry ran a national campaign asking people to volunteer as poll workers and this was so successful that some municipalities—such as Amsterdam and Leeuwarden—even had to turn people away. The campaign focused specifically on younger people, as they are less vulnerable to Covid-19, and this led to many new poll workers being recruited (Berenschot 2020).

In some places, voters were allowed to vote from their car in a drive-through polling station.

As stated above, about 12 per cent of the voters voted early. The opportunity was taken up especially among voters who were at high-risk of Covid-19: 76 per cent of those who voted on 15–16 March were aged 50 years or older, while 51 per cent were over 70. Focus groups confirmed this pattern, with a majority of older voters stating that the option of early voting was the main reason for their voting in person, instead of by proxy or mail. Some voters, who were not necessarily vulnerable themselves, voted early in the hope of contributing to efforts to decongest polling stations. In some places, voters were allowed to vote from their car in a drive-through polling station (Visscher 2021). One problem that some early voters encountered is that they went to their usual polling place to find it closed. This was because municipalities did not have to open all locations on the first two days of voting. All locations of polling places could be found on the Internet, but apparently not all voters had accessed this information.

Poll workers did not have to be tested beforehand but were asked to do a health check and not come if they had any symptoms. Voters had to wear masks in the polling station. Poll workers did not have to wear masks, but they were stationed behind a screen so that they would not come into close contact with the voters. Voters had to disinfect their hands before entering and pencils, polling booths, tables and other materials were cleaned regularly. Some municipalities chose to give the voter the pencil that was used rather than reuse pencils.

During the two days of early voting, most voters voted during normal daytime hours—75 per cent voted between 09:00 and 16:00 (Ipsos 2021). Hardly any

used the option to vote in the later evening hours. On 'election day' proper, 17 March, that was different. In many polling stations voting continued until the closing hours. Due to longer queues than normal, there were quite a number that voted after 21:00. Of those who voted after 16:00 on 17 March, 30 per cent mentioned having to deal with a wait time of 5 minutes or more (Ipsos 2021). Although this is very little compared to other countries, in normal Dutch elections there usually is no wait time at all, with the possible exception of polling stations in very crowded places such as train stations and airports, and approaching the close of polling.

Postal voting

The biggest issue to emerge during the election itself was postal voting. In total 2.4 million voters had the option to use this channel, of whom around 1.1 million did so. Even though the Ministry had tried to educate the public on how to properly use the two envelopes, from the return of the first mail ballots it became immediately clear that a significant number of voters had not followed the instructions and instead put both the voter card and the ballot paper in the inner envelope. According to the interpretation of the law that had been used in the past, municipalities had to put these aside as invalid ballots. The Minister, pressured by questions in Parliament and in several media outlets, asked for an emergency opinion from the Electoral Council and the Council of State. Both institutions came to the conclusion that the law could be interpreted differently and that the votes could be counted as valid, as long as both the voter card and the ballot paper were present. They came to this conclusion because the law specifically allowed mail ballots to be counted if the voter card and ballot paper were both placed in the *outer* envelope by the voter. It would therefore be illogical if that same rule was not applied to the near identical situation that had now arisen. The Minister informed both houses of Parliament that she was inclined to follow this advice, and Parliament agreed to count such votes as valid votes (Holroyd 2021b).

The biggest issue to emerge during the election itself was postal voting.

26.6. LESSONS LEARNED

At the time of its drafting, it was not foreseen that the temporary law would be used for more than one election. However, since then it has been extended to cater for some municipalities holding elections in November 2021. During these elections, there was no postal voting, but the option of early voting was offered. In March 2022, there will be elections in most municipalities, so once again, the temporary law has been extended to offer early voting in those elections as well.

What will happen after that is unclear. Before the parliamentary elections, the government stated that they were not in favour of maintaining the option of postal voting, due to the risks of family voting, coercion and vote buying. However, voters have responded positively towards postal voting, so this might be reconsidered. Early voting, too, is seen as a good option by the voters. Municipalities are less enthusiastic, due to difficulties in finding suitable polling

One thing that is clear is that the normal Dutch election law is not written in a way that allows it to deal with crisis situations.

locations for those two extra days. It could be, however, that if this channel is used in more elections due to the ongoing nature of Covid-19, then experience and new routines will make this less of a challenge.

One thing that is clear is that the normal Dutch election law is not written in a way that allows it to deal with crisis situations. The law assumes that no major incidents happen during the electoral process that hinder the operation of elections. It specifies in a very detailed manner how elections should be run and does not allow for any deviations. The Covid-19 situation has taught us that there needs to be a more flexible way of managing elections in times of crisis. There are larger discussions to be had, then, about how that might be achieved—whether it should be through case-by-case emergency legislation, as now, or another solution, such as a permanent emergency chapter in the standing legislation that can then be triggered in appropriate circumstances.

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Chapter 27

CASE STUDY: NIGERIA

Ibrahim Sani

The dilemma remained whether to postpone elections or seek to modify electoral procedures so as to minimize infection risks.

27.1. INTRODUCTION

The Covid-19 pandemic forced electoral management bodies (EMBs) worldwide, the Independent National Electoral Commission (INEC) of Nigeria among them, to choose between postponing elections and going ahead—with the risk of exposing the public to an unprecedented health hazard (see James and Alihodzic 2020; Landman and Splendore 2020). Nigeria confirmed its first case of Covid-19 on 28 February 2020 (BBC 2020; Vanguard 2020a). At the beginning of September, confirmed cases had risen to 55,000 and there had been 1,000 deaths (NCDC 2020a). The Nigeria Centre for Disease Control (NCDC) reported that the virus had spread exponentially between 27 February and 15 September (NCDC 2020b).

Given the novelty of the virus, there were very few opportunities to learn from past experience, and international best practices were barely emerging. Internationally, election practitioners, public health experts and civil society groups could not immediately reach a consensus on the most appropriate responses. The dilemma remained whether to postpone elections or seek to modify electoral procedures so as to minimize infection risks (Asplund and James 2020; Ellena 2020; James and Alihodzic 2020; Landman and Splendore 2020; Spinelli 2020).

Before the first cases of Covid-19 in Nigeria were identified, the INEC had scheduled two gubernatorial elections in Edo and Ondo states—the subject of this case study—for 19 September and 10 October 2020, respectively. Also, within the same period, the electoral body had to schedule nine by-elections. These were the five senatorial district by-elections of Bayelsa Central and West, Imo North, Plateau South, and Cross Rivers North, and four state constituency

by-elections of Nganzai and Bayo of Borno state, and Bakori and Nasarawa Central state constituencies of Katsina and Nasarawa respectively. It was difficult legally for INEC to postpone these latter two elections in particular. The 1999 Constitution (as amended) and the Electoral Act 2010 (as amended) provided, for instance, that the earliest date for election into the office of the Governor of Edo and Ondo states was 15 June 2020 (150 days away). The latest dates were 13 October and 27 September (Nigeria 1999, section 178(1) and (2); Nigeria 2010, section 25(7) and (8)). Therefore, the postponement was difficult because the Commission could only postpone elections if '... there is a reason to believe that a serious breach of the peace is likely to occur if the election is proceeded with on that date or it is impossible to conduct the elections because of natural disasters or other emergencies' (Nigeria 2010, section 26(2)).

This case study outlines how the INEC held the Edo and Ondo state governorship elections under Covid-19 conditions. The case study documents the Commission's Covid-19 mitigation measures, actions of other electoral stakeholders, and lessons learned, including by way of a poll worker survey.

27.2. BACKGROUND

The Edo and Ondo governorship elections are among the few off-season elections in Nigeria, that is, ones not conducted together with other regular general elections—presidential, Senate, National Assembly, governorship (x 36) and state Houses of Assembly elections. The INEC conducts governorship elections to fill in an Executive Governor vacancy when one arises in any of Nigeria's 36 states. Each Governor has prerogative executive powers and is the Chief Executive of their state (Nigeria 1999, section 176).

A candidate must score the highest number of votes cast (first-past-the-post) but also with a minimum threshold, namely not less than one-quarter of all the votes cast in at least two-thirds of all the local government areas in a state. The Edo and Ondo elections were always likely to be competitive; being strategically important for the ruling All Progressive Congress (APC) ahead of the 2023 general elections, and the movement of Governor Obaseki of Edo state from APC to the People's Democratic Party (PDP) in the build-up to the Edo governorship elections, further added to the tension. The Governor claimed that the decision to join PDP was made after wide consultation within the state and across the federation and expressed confidence that the party is rooted in democratic practices of justice and fairness to its members (Vanguard 2020b). Several political parties fielded in candidates for the governorship elections (see INEC 2020a for details of candidates fielded in Ondo by the APC, its main opposition the PDP and others).

While Nigerian electoral law had not envisaged a pandemic, it provided the INEC some flexibility to develop and modify certain electoral procedures and to ensure Covid-safety. INEC released the timetable and schedule of activities

for the Edo and Ondo governorship elections as early as 6 February 2020. Subsequently, on 30 March it had to suspend all non-essential activities and close its offices nationwide for an initial 14 days. During the previous two months confirmed cases of Covid-19 had begun to climb, with a total of 162 recorded in Nigeria by March (NCDC 2020b).

The Commission nevertheless decided to hold the two states' elections as planned on 19 September and 10 October 2020.

The Commission nevertheless decided to hold the two states' elections as planned on 19 September and 10 October 2020. The INEC Chairman explained that INEC considered it imperative to synchronize all electoral planning and activities to avoid a possible legal lacuna, arguing that '[o]ur democracy and electoral processes cannot be truncated due to [a] pandemic' (Yakubu 2020). It also decided to implement the 14 senatorial and State Assembly elections on 31 October 2020, including four senatorial by-elections in Bayelsa, Imo and Plateau states postponed in March (Opejobi 2020). Those elections were later further postponed in the wake of the 'End SARS' movement (mass protest by young people against the Special Unit Anti-Robbery Squad, SARS, of the Nigerian Police) and associated violence (Vanguard 2020d).

Table 27.1 provides details of the elections that the INEC conducted under Covid-19 conditions in Nigeria. The INEC conducted elections in 62 local government areas (LGAs), as shown by column two. Edo and Ondo each had 18 LGA elections. This involved 4,032,880 prospective registered voters, 5,636 polling units and 395 registration areas.

27.3. IMPLEMENTATION CHALLENGES

The elections posed challenges because the number of registered voters in Edo and Ondo had increased substantially in recent years. The Edo governorship elections conducted in 2003, 2012 and 2016 saw 1.4 million, 1.6 million and 1.9 million registered voters respectively. The 2.2 million registered in 2020 was therefore much higher again. The INEC also had to recruit a large number of poll workers; 62,724 were needed to conduct both the Edo and Ondo governorship elections and the other rescheduled by-elections. This number is in addition to the police, army, civil defence corps, and other security personnel required to provide election security, and excludes also the election observers—domestic and foreign, media and other civil society groups—and INEC permanent staff deployed to monitor the elections.

The Commission designed and released its *Policy on Conducting Elections in the Context of the Covid-19 Pandemic* (INEC 2020b) on 21 May. The policy sought to protect the health of electoral officials, voters, and other stakeholders in the electoral process by establishing protective measures. These included using infrared thermometers in the registration centres and polling units (PUs), mandating face masks in all election areas, and the use of hand sanitizers for election officials in all polling stations (INEC 2020b: 3).

Also, the INEC explained how it would deal with voters and electoral officials showing symptoms of Covid-19. How these protocols were applied in practice is described in more detail below. Candidate nomination by political parties, accreditation of media, and selection and accreditation of foreign and domestic observers were all carried out online via a dedicated website created and managed by the Commission (Yakubu 2020).

Poll worker survey

A survey of poll workers was conducted by the INEC to ascertain the problems experienced on the ground in conducting the election. The survey was developed from earlier poll worker surveys by Alistair Clark and Toby James (Clark and James 2017; James and Clark 2020) for any EMB seeking to do evaluations. The survey was circulated to INEC staff via WhatsApp groups. Respondents were selected from the various categories of poll workers:

The policy sought to protect the health of electoral officials, voters, and other stakeholders in the electoral process by establishing protective measures.

Table 27.1. Nigeria's subnational elections schedule during Covid-19

No	Constituency/election	LGAs	Registration areas	Polling units	Registered voters	Staff required
1	Edo governorship	18	192	2,627	2,210,534	20,974
2	Ondo governorship	18	203	3,009	1,822,346	17,913
3	Bayelsa Central senatorial district, Bayelsa state	3	43	788	418,109	4,662
4	Bayelsa West senatorial district, Bayelsa state	2	26	396	234,649	2,281
5	Imo North senatorial district, Imo state	6	64	692	389,245	3,874
6	Plateau South senatorial district, Plateau state	6	68	712	671,209	6,374
7	Cross River North senatorial district, Cross River state	5	51	56	429,488	4,042
8	Nganzai state constituency, Borno state	1	12	85	34,871	362
9	Bayo state constituency, Borno state	1	10	59	48,319	456
10	Nasarawa Central state constituency, Nasarawa state	1	7	44	71,919	673
11	Bakori state constituency, Katsina state	1	11	179	124,261	1,113
	Total	62	687	8,647	6,454,950	62,724

Source: INEC, 'Forthcoming Elections: Constituencies & Delimitations Details', 30 May 2020c.

presiding officers (POs); assistant presiding officers (APOs) I, II and III; collation officers at registration areas and LGAs, and state collation officers. The survey had 132 responses but the responses from ad hoc staff were over-represented in the sample; 84 respondents (75.7 per cent) were ad hoc staff employed and trained by the Commission and 25 (22.5 per cent) were INEC staff, with a remaining 6 (5.4 per cent) being volunteers.

Table 27.2 summarizes the respondents' demographic profiles. More than half were aged under 30 years. This trend was unsurprising as the National Youth Service Corps (NYSC) remained the Commission's major recruiting pool. These are NYSC members who are on national service after completing a university degree or equivalent—reflected also in the finding that a majority (64.7 per cent) of respondents had this level of qualification.

While the survey had 132 respondents, only 111 responses were recorded for the multiple answer question—How did you come to work on the election? yet, ad hoc staff were adequately represented by the sample 84 respondents (75.7 per cent) were ad hoc staff employed and trained by the Commission and 25 (22.5 per cent) were INEC staff, with the remaining 6 (5.4 per cent) being volunteers.

Table 27.2. Social profile of poll workers surveyed

Age	Frequency	%
20–29 yrs	62	52.9
30–39 yrs	31	26.6
40 and above	23	21.1
Educational qualification		
Post-secondary education or below	2	1.7
University Bachelor's degree or equivalent	75	64.7
University Master's degree/equivalent and above	36	31
Gender		
Male	68	62.4
Female	41	37.6

Source: Toby J. Alistair, C. and Sani, I, 'Nigeria Election Workers Survey', 2020, Questions 9, 10 and 11.

Note: Multi answer questions: Percentage of respondents who selected each answer option (e.g., 100% would represent that all this question's respondents chose that option).

27.4. STAKEHOLDER ENGAGEMENT

Among the first steps taken by INEC to conduct the elections in the context of Covid-19 was its partnership with the Nigeria Centre for Disease Control (NCDC). Together, they introduced several public health measures to ensure Covid-safe elections. The NCDC Guideline was released later (on 7 July 2020—see NCDC 2020c) than the INEC’s abovementioned Covid-19 election policy, made available to electoral stakeholders on 21 May (INEC 2020b; Vanguard 2020b). The NCDC paper recommended the following risk mitigation measures: (a) no mass gatherings; (b) strict adherence to physical distancing of at least two metres; (c) adequate provision for hand hygiene by providing handwashing facilities/sanitization with an alcohol-based sanitizer; and (d) mandatory, correct wearing of face masks, as wearing the mask inappropriately is as good as not wearing it at all (Vanguard 2020C).

Together with the INEC, the NCDC developed protocols for political party campaigns and candidate rallies. These were developed on the assumption that individuals with the virus might not show any symptoms at the early stage of infection, and could be present at various party rallies, campaign venues and PUs. The INEC embarked on early awareness strategies by sharing messages about how campaigns should run, and Covid-safe arrangements for polling day. The INEC used voter education posters, videos, and radio jingles to inform the electorate of the necessary precautions. It also engaged political parties and undertook outreach to communities, sharing public information about the safe exercise of the right to vote and express one’s choice.

To achieve public inclusion, accountability and transparency when physical meetings were almost impossible, the INEC used web conferencing to engage relevant electoral stakeholders—political parties, civil society organizations (CSOs), the media and election observer groups, both foreign and domestic, including for its regular consultative meetings. The INEC’s Covid-19 election policy was announced on the 1, 2 and 3 June 2020.

Media outreach

The INEC tried to allay voters’ fears and reassure them that their health was protected at the polls. Voter education clips were aired routinely across several media houses two weeks prior to elections in both Akure and Benin City, and the ads’ frequency increased as the elections drew closer (Director of Voter Education and Publicity 2021). The INEC Citizens Contact Centre (ICCC) used its social media platforms—INEC Twitter handles, Facebook, Instagram, and YouTube accounts—for the same purposes.²⁸ Figure 27.1 shows three typical examples of such Covid-19 safety.

The INEC accredited both the print and electronic media that would cover the elections on the proviso that each outlet must observe all the health protocols issued by the NCDC/PTF (Covid-19 Presidential Task Force), Commission,

Together with the INEC, the NCDC developed protocols for political party campaigns and candidate rallies.

²⁸ See, e.g., <<https://twitter.com/inecnigeria/status/1293878839026868224?s=08>>; <<https://twitter.com/inecnigeria/status/1306457445129162752?s=08>>.

and various state governments. The same accreditation process applied to all election observers, including CSOs.

Safety of the electoral campaign

The INEC adopted several measures to give political parties the chance to advertise their various candidates and manifestos, engage with the public and canvass for votes in a safe manner. For instance, the guidelines indicated that political parties must observe the 2 metre/6 ft social distancing rule at rallies and in all campaign activities (NCDC 2020c: 3, 5; INEC 2020b: 11). The traditional way of campaigning through mass gatherings was discouraged.

The traditional way of campaigning through mass gatherings was discouraged.

Political parties and candidates of course made full use of Twitter, Facebook groups and other social media platforms. Also, several achievements and failures of both the incumbent governors of Edo and Ondo were publicized by these means. However, to completely discontinue mass gatherings in favour of media and virtual campaigning methods would have been unrealistic and

Figure 27.1. Examples of pre-election health and safety advertisements



Source: INEC website [n.d.], <www.inecnigeria.org>, accessed 16 August 2021.

socially excluding in Nigeria given the unreliability of Internet and power supply in the country, as well as literacy and poverty levels.

Between these two extremes, door-to-door campaigns would have been an apt alternative. But the public health repercussions of the campaign as practised have not been scientifically established.

27.5. VOTING PROCEDURES

While election managers and other stakeholders alike recognized the need for special voting arrangements such as early and postal voting, these were not adequately provided for in Nigerian electoral law. Alternative methods of voting would have expanded the overall voter turnout by enfranchising those under quarantine and at isolation centres.

On the other hand, and again due to legal limitations, a voter whose temperature was above 37.5°C would be requested, but not compelled, to leave the PU and seek medical attention. Such individuals could decide to vote as there were no legal grounds to refuse people with symptoms the right to vote.

The INEC was, however, able to introduce changes at polling and collation centres. For example, to achieve social distancing a two-tier queuing system was used at polling stations—an outer queue and an internal queue. Persons wishing to vote were required to join the former, from which the APO III would bring voters into the internal queue in manageable batches. The APO III was also required to ensure that voters in the queues observed minimum distances using twines and markings. Anybody without a face mask was to be politely requested by the PO to leave the PU or voting point. Voters were encouraged to wash their hands thoroughly before joining the queue.

There was also a requirement for the periodic disinfection of all furniture and work areas, and adequate ventilation, at all electoral venues. The APO III was mandated to frequently sanitize the Smart Card Reader (SCR) with a prescribed disinfectant provided by the Commission after reading each voter's fingerprint. Similarly, the INEC insisted that poll workers must disinfect electoral materials during sorting and counting. All other used personal protective equipment (PPE)—both reusable and disposables—were hygienically packaged for processing.

Compliance and effectiveness

Information about the revised polling process was described in a Voters' Code of Conduct and explained through signage (see Figure 27.2). An election observation group assessed compliance with these guidelines and PTF protocols during the two elections and reported strong observance in both cases. According to the Abuja-based CSO YIAGA Africa, voters' fingers were cleaned with disinfectant before the card reader was used in 98 per cent of PUs, and hand sanitizers were provided at all PUs in Edo (YIAGA Africa

There was also a requirement for the periodic disinfection of all furniture and work areas, and adequate ventilation, at all electoral venues.

2020a). In Ondo state the group reported compliance with INEC Covid-19 protocols on the two-tier queuing system in 88 per cent of PUs, and in 74 per cent, compliance with use of infrared thermometer and disinfectant/sanitizers (YIAGA Africa 2020b). However, in both states, the group insisted that there was poor observance of social distancing across all the PUs observed (YIAGA Africa 2020a and 2020b).

Evidence from the poll worker study tentatively supports the view that INEC public health measures were effective. Table 27.3 shows the proportion of respondents who agreed with the statement that 'the safety of elections staff,

Figure 27.2. Voters' Code of Conduct (INEC)*

INDEPENDENT NATIONAL ELECTORAL COMMISSION
Plot 436 Zambezi Crescent, Maitama District, Abuja.

VOTING IN SAFETY
Voters Code of Conduct (VCC) for Elections During the COVID-19 Pandemic

- Wearing of face mask at Polling Units and all election locations is mandatory. Please come with your own face mask, which you can make yourself using a handkerchief, scarf or such materials. You may be asked to lower your mask for identification when necessary.
- Voting starts by 8.30 am and stops at 2.30 pm.
 - There shall be two queues – one inside and one outside the polling area. You will be called from the outer queue into the voting area in batches.
 - By 2.30 pm, the outer queue shall close, but you will vote if you are already on the queue.
 - Maintain order while on the queue and keep a distance of 2 meters (6 feet) from other people.
- Any voter showing symptoms of COVID-19 such as high temperature, coughing, sneezing, etc. will leave the queue or voting area to be attended to by designated officials. Obey all directives by the officials to keep yourself and others safe. Report any health emergencies urgently to an official at the Polling Unit.
- After you cast your vote, move away from the voting area. You may observe the counting of votes and announcement of result from a designated area.
- Avoid touching of surfaces or leaning on walls and other surfaces at the Polling Unit. Hand sanitizer will be provided on request, if available.
- Please take away your used protective materials such as face masks and hand gloves when leaving the Polling Unit. Do not litter the Polling Unit!
- An election official may ask to clean your fingers with an antiseptic before your fingerprint is read with the Smart Card Reader.
- Remember that cell phones or any other device that can take pictures are still not allowed in the voting cubicles.
- Please show your voters' card to election officials whenever requested.
- Obey all directives issued by election officials, including security officials, and be orderly at all times. INEC shall not tolerate assault of any election official and you may be prosecuted for doing so.

icc@inec.gov.ng
@inecnigeria
www.inecnigeria.org
www.inecnews.com

0700-CALL-INEC (0700-2255-4632)
09030858429, 08180958715,
09025038466, 07042896047
Download 'MyInec' Mobile App

Source: INEC, 'EC of Voting in Safety: Voters Code of Conduct (VCC) for Election during the Covid-19 Pandemic', 21 May 2020d.

*See also 'Voting in Safety' video clips, <<https://www.youtube.com/watch?v=Jnlr09hYPhM>>.

voters, and candidates from Covid-19 was adequately provided for' by the changes introduced by the INEC during the elections.

Training and human resources

The INEC designed new training for election personnel, including election security personnel. A revised manual for election officials was developed, which elaborated on the necessary processes and procedures put in place to ensure that voters, all permanent and ad hoc electoral staff, election observers, and the public were adequately safeguarded from the danger of contracting the virus. The manual was named 'Covid-19 Edition' with a slogan: #Wear Your Mask; #Stay Safe.²⁹

It was anticipated that there might be a shortage of poll workers to run the polling stations (a total of 5,636 in Edo and Ondo states combined). However, many ex-NYSC members attended the various training venues thus enabling a reserve pool in case of absentees, withdrawal or other unforeseen circumstance.

The INEC also trained both poll workers and party agents to understand that safety and health measures are imperative to health protection and democratic development. Despite widespread education campaigns, the Centre for Democracy and Development (CDD) Nigeria reported clear cases of disregard of the PTF and INEC Covid-19 protocols by political parties and their supporters during political rallies and campaign activities (CDD 2020a and 2020b). The two-tier queuing system and social distancing in all electoral locations was mandatory. To prevent overcrowding, the INEC also explained to polling agents that only one polling agent of a party on the ballot should have been allowed into the polling and collation areas during collation. The Commission extended the same training to election security personnel who were encouraged to observe the NCDC and INEC protocols.

The two-tier queuing system and social distancing in all electoral locations was mandatory.

Table 27.3. Perceptions of 'adequate' Covid-safety by respondent

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
Election staff	4 (3.7%)	9 (8.3%)	5 (4.6%)	41 (37.6%)	50 (45.9%)
Voters	4 (3.7%)	8 (7.5%)	10 (9.3%)	50 (46.7%)	35 (32.7%)
Candidates	5 (4.8%)	9 (8.6%)	10 (9.5%)	48 (45.7%)	33 (31.4%)

Source: Toby J. Alistair, C. & Sani, I, Nigeria Election Workers Survey, 2020, Questions 5.10, 5.11 and 5.12.

²⁹ See related video, <<https://www.youtube.com/watch?v=YRegQY84T4o>>.

The poll worker survey did reveal that some citizens showed hesitancy in voting.

27.6. LESSONS LEARNED

The pandemic posed a severe threat to life and a major challenge for the INEC, as it did for many EMBs. The delivery was nonetheless adjudged positively by YIAGA Africa, a civil society group that monitored the elections and which urged all contesting parties and candidates to accept the results (Ibileke 2020). Also commended was the INEC's and other public health institutions' Covid-19 prevention and mitigation measures (YIAGA Africa 2020b: 2).

The poll worker survey did reveal that some citizens showed hesitancy in voting: 30 per cent agreed and 25.5 per cent strongly agreed that 'voters showed hesitancy to vote because of fear of Covid-19'.

The successes notwithstanding, anecdotal evidence revealed other challenges too. Some survey respondents complained that 'people at the rural level barely follow instructions' and reported 'difficulty in controlling voters to adhere to the Covid-19 rules and maintain the social distance on the queue'. There were 'not enough hand sanitizers, water in the container and soap as promised by INEC', and 'most of them [voters] find it difficult to wear their face masks'. One poll worker complained that 'there were not enough vehicles to carry ad hoc staff and election materials on election day'.

Beyond the issues related to Covid-19, innovations were introduced which proved to add value to the outcome's integrity and credibility. The new portal for uploading election results at the PU level is worth mentioning. This single innovation has improved the election's credibility by eliminating opportunities to fraudulently change election results. Edo's and Ondo's elections have rekindled the INEC's hope for regaining public trust and accountability. They have also set the stage for building a comprehensive but disaggregated election database that would provide researchers, policy analysts and electoral practitioners with a pool of data for in-depth analysis of Nigerian electoral politics.

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Chapter 28

CASE STUDY: POLAND

Vasil Vashchanka

The Covid-19 pandemic presented politicians and electoral management bodies (EMBs) around the world with difficult choices. Numerous elections were postponed and during elections that were held, additional measures needed to be undertaken to protect public health. This case study of Poland's 2020 presidential election offers insights into some of the choices faced when decision-makers become aware that elections cannot proceed as planned. The debates surrounding Poland's postal voting have attracted considerable attention also outside the country and are explored in some detail (see also Kalandadze 2020). Emphasis is also given to changes in the legal framework that were made before the election was held on 28 June 2020, and the public health protection measures accompanying the polling. The Polish case holds lessons for other countries who face political, legal and administrative challenges in organizing elections during the current pandemic and the compromises that may be necessary. It illustrates the danger of proceeding with solutions that do not enjoy broad political support: one element among several that is ultimately required for holding a successful election.

28.1. POLITICAL AND INSTITUTIONAL CONTEXT

Poland's 1997 Constitution provides for a directly elected president who may serve no more than two five-year terms. While this post is largely ceremonial, the president does hold a powerful legislative veto, which the parliament may only override with a three-fifths majority. In addition to the written Constitution, elections in Poland are regulated by a codified act—the 2011 Election Code. The president is elected under a two-round system: if no candidate secures a majority (over 50 per cent) of

valid votes cast in the first round, a second round is held between the two top candidates within two weeks.

Since unseating a government led by the Civic Platform party (PO—Platforma Obywatelska) in 2015, the conservative Law and Justice party (PiS—Prawo i Sprawiedliwość) has embarked on controversial reforms that have been criticized for eroding the political independence of institutions that underpin the functioning of the rule of law. Various legislative changes have extended the government's influence over the Constitutional Tribunal, National Council for the Judiciary, courts, prosecution service, civil service, and the public media. Reforms of the judiciary have been particularly contentious, leading to investigations by the European Commission and its referrals of Poland to the European Court of Justice (ECJ 2019).

Against this background, the government's electoral reforms have also been viewed with suspicion. The Election Code underwent considerable revision in January 2018, which included changes in campaign and campaign financing rules as well as changes in election administration. Changes to the composition of the National Election Commission (NEC) took effect after the October 2019 parliamentary elections. The previous NEC was composed of nine judges: three from each of the Constitutional Tribunal, the Supreme Court and the Supreme Administrative Court. The new NEC includes two judges (from the Constitutional Tribunal and the Supreme Administrative Court) and seven members appointed by political parties in proportion to their representation in the Sejm (lower house of Parliament). Concerns were voiced by international observers that political appointments may compromise the independence and neutrality of election administration (ODIHR 2020a: 6).

At the same time, PiS popularity at home remained relatively stable as it presided over a growing economy and initiated social welfare programmes. In the October 2019 parliamentary elections, PiS retained its majority in the Sejm, although it narrowly lost control of the upper chamber (Senat). The incumbent President Andrzej Duda of PiS, who defeated PO's Bronisław Komorowski in May 2015, was well-positioned to face his challengers in the 2020 presidential election.

28.2. PRESIDENTIAL ELECTION SCHEDULED FOR 10 MAY

The date of the presidential election in Poland is ordered by the Marshal (speaker) of the Sejm. The Constitution requires that the election be held no sooner than 100 days and no later than 75 days before the expiry of the term of office of the serving president. In line with this provision, on 5 February 2020 the Speaker of the Sejm called for a presidential election on 10 May 2020. This set in motion preparations by the election administration. The NEC appointed District Election Commissions and proceeded with other tasks including the registration of candidates. Elections are managed by a three-tier administration: the NEC and its executive body, the National Election Office

Elections are managed by a three-tier administration.

(NEO) at the central level, District Election Commissions (DECs) at the regional level, and Precinct Election Commissions (PECs) at each polling station.

Candidates for presidential office are nominated by electoral committees, which are created with the support of at least 1,000 voters. Electoral committees apply to register with the NEC no later than 55 days before the election date (in this case, by 16 March) and submit supporting documents for registering their candidates no later than 45 days before the election date (by midnight of 26 March). These registration documents must include supporting signatures from at least 100,000 voters. In practice, this requirement can only be fulfilled by a well-organized and sizable team of signature collectors. Of 34 electoral committees registered with the NEC, only 10 were successful in registering their candidates for the 10 May election. Among them was PO's candidate Małgorzata Kidawa-Błońska—the only woman in the race.

Postponement: cui bono?

The first cases of the Covid-19 virus were confirmed in Poland in early March (see TVN24 n.d., which has rolling updates of new cases and deaths in Poland). By mid-March, the threat of an epidemic was clear and the government began introducing restrictions and lockdown measures, which continued to be extended throughout April. With the prohibition of non-essential movement, use of public spaces, and all meetings and gatherings, by the end of March it was evident that the election could not proceed as planned and calls for postponing the election could be heard from various quarters, especially from opposition political parties (see, e.g. Wiadomosci 2020; Lewica2019.pl 2020). However, the Constitution provides only one clear avenue through which an election can be postponed: a state of emergency.

Three kinds of extraordinary regimes exist in the Constitution: martial law, a state of emergency, and a state of natural disaster.

Three kinds of extraordinary regimes exist in the Constitution: martial law, a state of emergency, and a state of natural disaster. There are differences in their legal consequences and who may declare them but they do have one result in common: for the duration of any extraordinary regime, and for 90 days following its termination, national and local elections shall not be held, and the term of office of elected bodies shall be appropriately extended. The government was constitutionally authorized to declare a state of natural disaster for up to 30 days, but doing so would push the election date into the autumn.

The Minister of Justice, one of the leaders of the ruling coalition, said in a TV interview on 5 April 2020 that '[a]n election in the autumn, according to many experts, leading experts on epidemic issues [...] would be an election at the worst possible moment for the health and life of Poles' (*Gazeta Prawna* 2020). It is true that some public health experts expressed concerns about a second wave of the pandemic in the autumn, although it was far from evident that it would be any worse than the current one. It was already evident, however, that the lockdown restrictions would take a heavy toll on the economy, and the government would inevitably face popular discontent. Political analysts widely assumed that an autumn election would not favour PiS, which is why it chose to press ahead with the election on 10 May. Polls in March indicated that Duda

could win the May election already in the first round, with the PO's candidate far behind (WNP 2020). As to the hindrance of the Covid-19 pandemic, PiS' answer was postal voting.

Postal voting planned...

Postal voting was initially introduced in the Election Code in 2014 as an alternative voting arrangement in national elections, available to any voter upon request. It was previously primarily used by voters abroad. In the 2015 parliamentary elections, some 9,900 postal ballots were mailed to voters in Poland and around 35,700 ballots were mailed to voters abroad, which was a rather modest scale for an electorate numbering nearly 30.7 million.

In 2018, the Election Code's provisions on postal voting were amended, limiting postal voting only to people with disabilities. Commenting on this change, its authors—PiS politicians—complained that postal voting was not sufficiently secure, did not safeguard secrecy and was vulnerable to fraud, although without citing any specific evidence (see e.g. Monitor Konstytucyjny 2020). So when in early April 2020 PiS unveiled legislative proposals to hold a presidential election solely by postal voting, the irony was not lost on its critics.

The legislation proposed by the government provided for postal voting as the only voting method. Unlike the current postal voting procedure envisioned by the Election Code, no prior application to vote by post would be necessary. Postal voting packets were to be sent to all registered voters, who would return their ballots to designated collection boxes on election day (only). The postal service would be collecting returned ballots throughout the day and delivering them to the PECs. Fewer PECs would now be formed—one per municipality or city district. These and other details of the proposed postal voting procedure were spelled out in a draft act that was adopted by the Sejm on 6 April 2020 (hereinafter 'postal voting bill') and submitted to the Senat (an English translation of the bill is available in the Annex of the OSCE ODIHR Opinion, ODIHR 2020c: 11). In addition to this separate bill, several election-related amendments were inserted into draft 'anti-crisis' legislation on supporting the economy during the Covid-19 epidemic.

The PiS government did not show much appetite for a wider debate or consensus-building on its postal voting initiative. Rather, it used its majority in the Sejm to push the bills through as quickly as possible. The draft postal voting bill, introduced by the government on 6 April, went through all three readings in the Sejm on the same day. Opposition parties accused PiS of disregarding public health and pursuing its narrow political interests. While the Senat could not delay anti-crisis legislation, its Speaker made it clear that they would use all legally permitted time (30 days) to discuss the postal voting bill. This meant that this bill could realistically become law only days before 10 May.

Responding to numerous requests for comment, on 9 April the NEC issued a carefully worded statement explaining its position regarding the government's legislative proposals (NEC 2020). The NEC recalled that on 31 March it had

The legislation proposed by the government provided for postal voting as the only voting method.

requested the Chief Sanitary Inspector to provide guidance on the necessary health protective measures to be observed in electoral procedures. It underscored that the NEC itself was not part of the law-making process; as the body in charge of overseeing compliance with electoral law it would act in accordance with the legislation in force. The NEC also emphasized that electoral law should be based on clear and unambiguous rules derived directly from the Constitution, that it should be stable, and that its amendment process should not raise any legal doubts. In closing, the NEC reiterated its earlier call for all stakeholders to cooperate in organizing the election with due regard to the health of citizens and the effective exercise of constitutional electoral rights.

Knowing or anticipating that the NEC would not be able to carry out its postal voting plan until the requisite law was in force, PiS sought to bypass the NEC in preparations for the 10 May election. An amendment adopted with anti-crisis legislation removed the powers to approve ballot design and oversee the printing of ballots from the NEC. Another provision authorized voter registration data to be handed over to the postal service (Sejm/ISAP 2020). The draft postal voting bill gave the authority to print ballots and conduct other preparations to the Minister of State Assets. The Minister did not wait for these powers to be legally conferred and proceeded with the printing of ballots and preparing voting packets.

The government also had an answer to the ticking clock and the Senat taking its time with the postal voting bill. The bill included a provision allowing the Sejm Speaker to set a later date for the election within the constitutionally permitted period, which could push the election date until 23 May 2020. This rescheduling option was seen by many experts as constitutionally questionable. However, the Constitutional Tribunal had already been effectively disabled by disputes over the appointment of judges, so it was hardly expected to provide a check on PiS' moves.

...And reconsidered

As Covid-19 cases continued to rise and the lockdown continued in April, the government's plans for the May election came under mounting criticism at home and abroad. Several candidates, including PO's Kidawa-Błońska, threatened to boycott an all-postal election and objected to the incumbent President benefitting from favourable public TV coverage, while they struggled to campaign amid the Covid-19 restrictions (see, e.g., BBC 2020). The Polish Ombudsman criticized the postal voting bill and questioned the legality of ongoing preparations for the election. Rapporteurs of the Council of Europe's Parliamentary Assembly, mandated to monitor the functioning of democratic institutions in Poland, expressed their concern that 'organizing these elections under the current circumstances will undermine the legitimacy of the electoral process, and as a result undermine the legitimacy of the new President-elect, irrespective of their outcome' (Council of Europe 2020).

The Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), based in Warsaw, emphasized the importance of 'genuine

The Polish Ombudsman criticized the postal voting bill and questioned the legality of ongoing preparations for the election.

campaign and real public debate' to democratic elections and warned that 'if the presidential election goes ahead under the current circumstances, it may fall short of a number of international standards' (ODIHR 2020b). A legislative review of the draft postal voting bill by ODIHR concluded that its implementation within the timeframe envisaged 'may place an unreasonable burden on the implementing bodies and jeopardize important principles of democratic elections' (ODIHR 2020d).

Problems also became evident in the election administration, which relies on cooperation with regional and local authorities. Mayors of the municipalities controlled by opposition parties questioned the authority of the postal service to receive voter lists and refused to hand them over. District Election Commissions, which are composed of current or retired judges, saw dozens of withdrawals. In his testimony to a Senat committee, the NEC Chair pleaded for clear rules and admitted that the number of applications received was insufficient to appoint fully complemented PECs required for voting to be held in polling stations (Polskie Radio 24 2020). On 30 April the NEC Chair indicated that holding any election on 10 May was unrealistic (NEC n.d.a).

As the deadline for the Senat to return the draft postal voting bill to the Sejm drew nearer, attention increasingly turned to a man who would become decisive to the fate of the 10 May election. Jarosław Gowin was formerly a prominent PO politician and a government Minister, who had fallen out with PO's leadership in 2013 and left the party. Now elected on a PiS ticket, he led his own grouping in the parliament called *Porozumienie* ('agreement' or 'understanding'), which had enough MPs to deprive PiS of its majority. From early April Gowin made it known that he did not believe the election should be held in May amid the Covid-19 epidemic. His proposed solution was amending the Constitution to allow Duda to serve two more years, without possibility of re-election. This idea was roundly rejected by the opposition but Gowin remained in dialogue with PO. He understood that PO would be more cooperative if it had a chance to replace its presidential candidate, who was polling poorly.

On 7 May 2020 Gowin announced an agreement with Jarosław Kaczyński, the PiS Chairman. *Porozumienie* would support the postal voting bill but the election would not take place on 10 May. A later date would be set by the Sejm Speaker, and a new draft law on the presidential election would be developed by *Porozumienie*. Through this agreement the postal voting bill which provided for holding a presidential election on 10 May was adopted by the Sejm, signed by the President and published in the official gazette, and it entered into force on 9 May 2020—but it was never implemented.

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28.3. LEGAL CONUNDRUMS AND PRACTICAL SOLUTIONS

The agreement announced by Gowin and Kaczyński on 7 May included an understanding that the Sejm Speaker would set a new election date after the

10 May election was declared invalid by the Supreme Court. This scenario assumed that the Supreme Court (which has a new chamber after controversial PiS reforms that is responsible for resolving all election petitions after the poll and certifying an election's validity) would recognize an election which de facto did not take place, as being an invalid election. The President of the Supreme Court's chamber charged with resolving electoral disputes quickly expressed her surprise at the notion of any particular outcome from the Supreme Court's decision-making being assumed in advance (TVN24 2020a). Any speculations about the Court's eventual decision are just 'part of a public discourse', she affirmed, and would not influence the Court. The legal solution announced by Gowin and Kaczyński thus appeared somewhat uncertain.

A more certain legal basis to reschedule the election was supplied by the NEC on 10 May, when it adopted a decision stating that there was 'a lack of possibility to vote for any candidates' in the presidential election scheduled for 10 May 2020. The NEC explicitly equated this situation with article 293 of the Election Code, which applies if 'voting would be conducted only for one candidate' or no candidates had been registered to contest a presidential election. According to the Election Code, within 14 days after the NEC's publishing its decision in the official gazette—stating the circumstances of article 293—the Speaker of the Sejm shall schedule a new election date. This legal solution relieved the Supreme Court of the burden of paving the way for implementing an agreement that was political in character. It was helpful, although perhaps not unassailable, since the NEC relied on a legal provision designed to prevent uncompetitive elections. Be that as it may, the Supreme Court chose not to add to the legal conundrum and dismissed appeals against the NEC's decision of 10 May as inadmissible (see Supreme Court 2020).

On 12 May 2020 a new draft act on conducting the 2020 presidential election was adopted by the Sejm and submitted to the Senat the following day. The Sejm's Speaker made no secret that she expected the Senat's cooperation in adopting this bill faster than the ill-fated postal voting bill. But might the Senat choose to 'run down the clock', i.e. sit on the draft act until the 14-day deadline for setting the new election date had expired? To mitigate this risk the government took the unusual step of delaying publication of the NEC's decision of 10 May in the official gazette until the Senat returned the draft act to the Sejm (which it did on 1 June). On 2 June, the Sejm voted on the Senat's amendments and President Duda signed the adopted act. It was published in the official gazette the same day. On 3 June speaker of the Sejm announced the new election date for 28 June.

28.3. LEGAL PROVISIONS FOR THE PRESIDENTIAL ELECTION OF 28 JUNE

The Act of 2 June 'On Special Rules for the Organization of the General Election of the President of the Republic of Poland Ordered in 2020 with the Possibility of Postal Voting' (Sejm/ISAP 2020a), hereinafter referred to as the

'Special Election Act', introduced a number of changes for the conduct of the 2020 presidential election compared to the Election Code. These changes reflected the circumstances of the Covid-19 epidemic situation and provided for continuity of the electoral process after the failed election of 10 May.

The Election Code provides deadlines for carrying out electoral activities and mandates the Speaker of the Sejm to publish key electoral deadlines together with the announcement of the election date. The Special Election Act gave the Sejm speaker the power to issue electoral deadlines different from those contained in the Election Code (upon receiving the opinion of the NEC). The election calendar was thus compressed to fit all necessary activities within the time period remaining until 28 June.

The Special Election Act provided an option to vote by post to any voter in Poland. Postal voting would also be organized abroad, except for countries where it was unfeasible for organizational, technical or legal reasons. If the Covid-19 epidemic did not allow for voting in-person in a given country, only postal voting would be held in that country. The deadline for PECs to report voting results from precincts abroad was extended from 24 hours to 48 hours.

Voters in Poland had to apply for a postal ballot through their municipal office; those abroad had to apply to the respective consul. In the case of a sudden and significant worsening of the epidemic in specific municipalities or areas in Poland, upon a recommendation from the Minister of Health, the NEC could decide that the election in these municipalities would be held exclusively by means of postal voting. This decision could be made no later than seven days before the election.

Importantly, the Special Election Act preserved the leading role of the NEC in conducting the election, similarly to the Election Code. Unlike the postal voting bill, the Act of 2 June did not give any role to the Minister of State Assets in the process and all other bodies involved in organizing the election would have a supplementary or supporting role. While the Election Code provides that only judges may be nominated to DEC, the Special Election Act replaced this requirement with the less demanding 'people with higher legal education'. The minimum membership of a PEC was reduced to three members, compared to the minimum of five envisaged in the Election Code. Both DEC and PECs were appointed anew for the 28 June election.

Under the Special Election Act, electoral committees created to contest the 10 May 2020 election and their registered candidates would be entitled to contest the newly scheduled election. New electoral committees could also be created and nominate new candidates. The same requirements of the Election Code applied to the registration of new electoral committees and candidates, subject to the now compressed election deadlines. Thus, the period between the notifying the NEC of a new electoral committee and the deadline for the submission of candidate nomination with supporting signatures was reduced from 10 to five days.

The Special Election Act provided an option to vote by post to any voter in Poland.

The compressed election calendar also reduced the campaigning period. A candidate was entitled to start campaigning from the day the NEC received the documents to register her or his electoral committee, which had to be done by 5 June. Among the Senat's amendments to the draft Special Election Act submitted to the Sejm was a proposal to increase the amount of free programming for candidates in the public media, in light of the reduced campaigning opportunities during the epidemic. This amendment was rejected by the Sejm. However, by the end of May restrictions on public gatherings were eased, allowing candidates to hold rallies.

The Special Election Act authorized electoral committees to use campaign funds accumulated for the 10 May election for the 28 June election. It also clarified that the limits on donations to electoral committees by individuals and by candidates set by the Election Code would apply cumulatively to the 10 May election and the newly scheduled election. For the electoral committees registered for the 10 May election who stayed in the race, the campaign spending limit established by the Election Code was increased by 50 per cent. For new electoral committees created since, the campaign spending limit was capped at 50 per cent of the spending limit set by the Election Code.

The deadline for lodging election petitions to the Supreme Court against the presidential election was reduced by the Special Election Act to three days, as compared to 14 days envisioned in the Election Code. The deadline for the Supreme Court's ruling on the validity of the presidential election was also reduced: to 21 days as compared to 30 days in the Election Code.

Health protection measures

The Special Election Act mandated the Minister of Health to determine personal protective equipment for members of PECs as well as detailed sanitary rules applicable to polling stations. These guidelines were issued on 15 June and provided for the following measures:

- disposable gloves for PEC members;
- hand sanitizer for PEC members and for voters at the entrance to each polling station;
- face masks and vizors for PEC members;
- social distancing for PEC members and for voters;
- regular airing of polling station premises;
- not covering tables with cloth or other absorbent material; and
- regular disinfection of surfaces touched by voters and other people inside polling stations.

The Special Election Act mandated the Minister of Health to determine personal protective equipment for members of PECs as well as detailed sanitary rules applicable to polling stations.

For polling stations abroad, these measures would not apply if they were not required by the epidemic situation in the host country.

On the eve of the election the NEC reminded voters that the existing requirement to cover their mouth and nose in public places also extended to polling stations, and encouraged them to observe social distancing and other health precautions.

28.4. THE CONDUCT OF THE 28 JUNE ELECTION

Following the agreement on a new election date, PO's candidate Kidawa-Błońska withdrew and the party put forward a new candidate for the 28 June election—Rafał Trzaskowski, the Mayor of Warsaw. Trzaskowski's campaign was reported to have succeeded in collecting over a million voter support signatures in the shortened period—well over the required 100,000. Another nominated candidate, Waldemar Witkowski, who did not succeed in registering for the 10 May election due to insufficient support signatures, submitted additional signatures for the 28 June election. He was initially rejected by the NEC but the Supreme Court upheld his appeal and ordered his registration, bringing the total number of candidates on the ballot to 11.

Preparations for the 28 June election had to proceed quickly, given the tight election schedule. As the NEC chair explained: 'We have 25 days for activities that we would normally perform in three months' (*Gazeta Prawna* 2020b). Still, the NEC and the NEO, its executive arm, were able to complete their tasks and no serious problems were reported. Formation of PECs proved to be challenging due to the low numbers of applications, and some PECs had only the statutorily allowed minimum of three members. Training of PEC members was carried out both in personal meetings and via distance learning technologies.

According to the NEC, some 185,000 postal ballots were mailed to voters in the country (of which around 177,500 were returned) and some 343,000 ballots were mailed to voters abroad (of which about 285,000 were returned) (NEC n.d.b). A record number of voters abroad registered to vote—some 373,000—and the total number of eligible voters for this election exceeded 30.2 million. At the recommendation of the health ministry, the NEC ordered postal-only voting in two municipalities, affecting some 10,500 voters (TVN24 2020b). Due to Covid-19 concerns, voting abroad was not organized in several countries including Afghanistan, Chile, Peru and Venezuela.

Turnout on 28 June was the highest in the first round of presidential elections since 1995, over 64.4 per cent. According to exit polls, the highest turnout was estimated to be among voters aged 50 to 59 (72.8 per cent) and it was somewhat lower among voters aged 60 or more (55.9 per cent), indicating nevertheless that these older voters had not been put off by the epidemic (TVN24 2020c). Long queues of voters were reported on election day in some

Training of PEC members was carried out both in personal meetings and via distance learning technologies.

Due to Covid-19 concerns, voting abroad was not organized in several countries including Afghanistan, Chile, Peru and Venezuela.

polling stations, especially in large cities, prompting the NEC to emphasize that PECs should adhere to the social distancing guidelines provided by the health authorities and not impose their own rules, e.g. by allowing only one voter at a time into the polling station (TVN24 2020d). Voting hours were the same as provided by the Election Code (07:00 to 21:00) and all voters in the queue by 21:00 were allowed to vote.

The NEC provided preliminary results from 99.8 per cent of polling stations by 10:00 on 29 June, confirming exit poll expectations that Duda and Trzaskowski will compete in the second round to be held on 12 July.

Voters were comfortable with in-person voting in polling stations, as evidenced by the nearly all-time high turnout on 28 June.

28.5. CONCLUSION

The 2020 presidential election in Poland offers both negative and positive lessons for other countries holding elections during the Covid-19 pandemic. Once the regular course of the electoral process was disrupted, it became more susceptible to political interference, from which it is normally shielded by rule of law safeguards, including the principle of stability of electoral legislation. The ruling party's postal voting legislation had been opportunistic and poorly conceived, putting in jeopardy the quality and credibility of the electoral process and creating a real risk that the election and its results could be rejected by a part of the electorate and some of the key political actors.

Positively, an electoral misadventure was averted. The revised electoral rules adopted on 2 June were acceptable to the main stakeholders and largely reflected the necessities of the epidemic, even though the compressed time frame was an unwarranted stress-test for the election administration. Basic health precautions were undertaken, and at the time of writing it does not appear that holding the election caused a new spike in Covid-19 infections. The election was carried out using familiar voting methods, albeit postal voting was offered more widely in this election than before through special legislation. It remains to be seen whether postal voting will again become an alternative option for every voter in the Election Code. Still, more voters opted to vote by post abroad than in Poland. Voters were comfortable with in-person voting in polling stations, as evidenced by the nearly all-time high turnout on 28 June.

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Chapter 29

CASE STUDY: PORTUGAL

Carla Luís

29.1. INTRODUCTION

Elections for the President of the Republic took place in Portugal on 24 January 2021. To accommodate the challenges of the Covid-19 pandemic, two key changes were made: expanded early voting and a reduction in the number of voters in each polling station. These aimed to reduce crowding on election day and to make the process smoother. However, the need for more polling stations and corresponding polling staff posed additional challenges to electoral administration. In a pandemic situation concerns of contagion among poll workers, especially for high-risk groups (such as those aged 65+), posed an extra challenge to electoral administration. The number of cases spiked in the last weeks of the official campaign, severely affecting the events that candidates could organize. The country went into full lockdown on 15 January, two days before early voting (17 January), adding to uncertainty and public unease.

Under Portugal's system of early voting for presidential elections, citizens can register to vote at any polling station in the country a week ahead of the election. Considerable use was made of this voting arrangement, resulting in large queues, amplified by the media. Those who gave up waiting retained their right to vote on polling day as provided for in the law and reiterated by the Electoral Commission in a press release (Electoral Commission 2021). However, this prompted concern about system readiness for the election and for conventional voting on election day itself. Early voting for those in special circumstances—voters in prisons and hospitals, and (new for the pandemic) people with Covid-19, self-isolating or resident in care homes for the elderly—took place the week before election day and also suffered some setbacks. There were again several issues, adding uncertainty and expectation

To accommodate the challenges of the Covid-19 pandemic, two key changes were made: expanded early voting and a reduction in the number of voters in each polling station.

to the whole electoral process. In the same week, the incumbent candidate tested positive for Covid-19 just days after a televised debate with all other candidates. This proved to be a false positive, but added to the general climate of uncertainty, leading to further concerns. The final stages of the campaign took place predominately online.

Election day went smoothly, amid great expectations and concerns. Poll workers showed up to polling stations, despite an enormous number of replacements all over the country. The public was cooperative and patient in the face of queues. Voter turnout was substantial, despite the lockdown. The results were unanimously accepted and there was widespread praise for people working on the election (Portuguese Parliament 2021; Renascença/Lusa 2021; SIC Notícias 2021a).

There remained room for improvement, nonetheless. Electoral legislation to accommodate the needs of the pandemic arriving late on the scene in November 2020 put a considerable burden on the electoral process, undermining long-term planning in such a demanding context. Electoral workers, particularly from municipalities and civil parishes, faced a huge workload, and their commitment was crucial to delivering the election. This case study draws out lessons learned for the future. In order to broaden and enrich the analysis with experience from the ground, it includes findings from a focus group of electoral officials held in February 2021, as well as official data and documents, media reports and other sources.

29.2. BACKGROUND AND CONTEXT

Portugal has a semi-presidential system. Elections for the President of the Republic are held every five years and the President must be elected by an absolute majority of the votes cast. If no candidate secures an absolute majority in the first round, there is a second round between the two most successful candidates. This is the only majoritarian election in Portugal. All Portuguese citizens over the age of 18, resident in Portugal or abroad, are eligible to vote.

Electoral administration in Portugal is very decentralized. The Electoral Commission, an independent body, oversees the election and adjudicates complaints, guaranteeing equal opportunities and equality before the law. The Ministry of Internal Affairs ensures the operational side, in close coordination with the 308 municipalities. Municipalities are part of the local administration and have important roles in implementing the election. This includes operationalization of polling stations and all associated logistics, in close cooperation with central bodies as mentioned, in particular the Internal Affairs, and the civil parishes. Over 3,000 civil parishes cooperate closely with municipalities, contributing to determining the location of polling stations and their smooth running on election day.

Polling stations are key within the Portuguese electoral system. Their five-member teams are appointed for election day only, but polling stations are legally considered bodies of the electoral administration, with special powers and duties, and are sovereign and autonomous in their decisions. This model ensures checks and balances within the system, but requires a smooth cooperation between all entities. Overall, there is great familiarity with it.

29.3. TIMING OF THE PRESIDENTIAL ELECTION

Holding the election on time was required because of constitutional provisions. The presidential mandate is of five years of duration and was due to end on 9 March 2021. Presidential elections were set to take place by 24 January, to allow time for a possible second round. The elected candidate must secure an absolute majority of valid votes (50 per cent +1). If this is not secured on the first round, there is a second round with the two most voted candidates. The incumbent secured high degrees of approval and popularity (polls suggested at least 60 per cent of the vote) making a second round very unlikely, but the official calendar had to allow for it. Postponing the election date would mean a presidential mandate lasting more than five years, violating the Constitution. Should a postponement be deemed necessary, a constitutional amendment would therefore be needed. However, a state of emergency had been declared on 6 November 2020, to enter into force on 9 November (President of the Republic 2020a); according to the Constitution, no amendment process could take place during a state of emergency, for understandable reasons. In addition, the situation was so uncertain that it was not clear when the election could be re-held. This would risk spreading uncertainty to the highest sovereign body, especially in a period when its role was key, due to its constitutional powers, particularly regarding the state of emergency.

A postponement was therefore not widely debated. Some candidates supported the idea, but only in the last weeks before the election (Esteves 2021). As the health situation worsened, these candidates feared that conditions for a fully democratic access to the vote could not be assured, given the campaign had already been severely affected (Esteves 2021). In a survey of the public carried out two days before the election, 68 per cent of respondents considered that the election should be postponed (Jornal de Notícias 2021a). At the same time, in another survey carried out that week, 81 per cent of respondents had firm intentions to vote despite the pandemic (Amaral 2020), 65 per cent said they were unafraid to do so, and only 9 per cent had strong concerns.

29.4. THE STATE OF EMERGENCY AND POLITICAL RIGHTS

Legal provisions for a state of emergency are covered in the Portuguese Constitution. This is the only mechanism that allows for the suspension of

Holding the election on time was required because of constitutional provisions.

A state of emergency was declared for the first time in Portugal's democratic history on 18 March 2020, imposing a lockdown, among other measures.

fundamental rights, such as freedom of movement. A state of emergency can only be declared by the President, upon hearing the Government, and after the formal approval of Parliament. These three sovereign bodies having been engaged, the Government issues the decree of execution of the state of emergency. The Constitutional Court, too, can be called to intervene, should any questions of constitutionality arise. A state of emergency can only be issued for a maximum period of 15 days, renewable under the same procedure. Each declaration of a state of emergency must specify which fundamental rights can be restricted—duly grounded—and only these can be subsequently affected. Certain fundamental rights such as the right to life, personal integrity and personal identity can never be affected. Further, restrictions to fundamental rights must always be proportional and strictly necessary to respond, and aimed at restoring ‘constitutional normality’.

A state of emergency was declared for the first time in Portugal’s democratic history on 18 March 2020, imposing a lockdown, among other measures (President of the Republic 2020b). This was further renewed, finally ending on 2 May 2020. There was no restriction to political rights in any of these decrees, the only exception being health workers’ right to strike, and this only in the first decree. With no elections during this first period, fundamental rights connected to elections were unaffected. However, the traditional Workers’ Day event on 1 May 2020, organized by a trade union, raised the question of how political rights would be made compatible with the new scenario. Despite some public outcry, it was very clear for all public authorities that, according to the law, political rights could not be curtailed even during the state of emergency and that any other rights necessary to ensure these, such as freedom of movement, would also have to be guaranteed. This meant that even during the lockdown period, protesters could go to the place where the Workers’ Day demonstration would take place. The Workers’ Day event went ahead, though with a significant reduction in numbers. Social distancing, personal protective equipment (PPE) and controls on how participants circulated among themselves were also put in place.

After a peaceful summer, the health situation in Portugal worsened in late 2020. A state of emergency was declared again, coming into effect on 9 November (President of the Republic 2020a). Preparations for presidential elections had already begun. It was always expected that the state of emergency would have no direct impact on political rights, especially those concerning the election and its overall preparation. However, the new situation and the measures adopted would impact life in general and, as a consequence, political activities, which meant that broader electoral activities would be indirectly affected.

According to the Constitution no political events could be forbidden by public authorities, much less by the Government.

29.5. ELECTORAL CAMPAIGNING

Political activities started to take place in the summer, when the pandemic situation was smoother. Party rallies and other activities fall under the right

to freedom of peaceful assembly, freedom of expression and thought, among others. This must be communicated to municipal bodies, and public venues can also be used for these purposes, hence municipalities have a particular role to play in their management. The question arose whether campaign activities were still allowed under the pandemic situation, on what basis and under which requisites. In fact, health authorities had not issued any particular guidelines regarding political activities or electoral campaigns in general. Earlier in the year, there was a working group of several entities working on elections, such as the Electoral Commission, Internal Affairs and health authorities, expecting to reach concrete guidelines on this. However, no document was produced. This caused uncertainty for political parties and candidates, municipalities and the general public.

In particular, a big three-day event organized by the Communist Party, held annually in September, sparked controversy in the media, with some public opinion calling on the Government to forbid it (Macau Business/Lusa 2020). However, according to the Constitution no political events could be forbidden by public authorities, much less by the Government. This was always very clear to public authorities, despite the outcry. Health authorities worked closely with the Communist Party to ensure that all safeguards were in place (SNS 2020) and the contingency plan was made available by the party (PCP 2020), with the event facing severe restrictions. The event was held outside with its normal capacity greatly reduced, among other safety measures agreed with health authorities (Donn 2020).

The Electoral Commission was subsequently requested to intervene in the first concrete case, issuing a general ruling. The political party Bloco de Esquerda wished to conduct a political event, and the municipality refused to authorize it, requesting a contingency plan. The party reported the issue to the Electoral Commission, who produced a decision to be used in all further cases (Electoral Commission 2020d; 2020a). The decision stressed that political rights were fundamental rights, as recognized in the Constitution. These could only be restricted under the state of emergency—if and only if specified by the decree, and compliant with all other applicable criteria, such as proportionality.

At the time, no state of emergency was in place and no entity could restrict these rights. However, due to the pandemic, the organizers of political events had the duty to respect the recommendations of health authorities and to exercise their political rights with due respect for citizens' rights to life and health. Health authorities' recommendations (e.g. on face masks, social distancing, ventilation, etc.) should be respected and included in event planning. A contingency plan was desirable, to be made available to relevant authorities and to the public, where possible. Overall, the Electoral Commission stressed that political activities were not subject to any restriction, although their proponents should respect the general recommendations of health authorities.

Media climate and contributions

Media and social media reaction to the Communist Party's event, earlier in September, had a strong effect on public perceptions of political activities in the pandemic and blurred the correct understanding of its legal framework. For a time, the topic was brought into nearly all interviews and news pieces (see Ribeiro 2020; Oliveira 2020; Donn 2020). A major television station even broadcast a false *New York Times* cover image in an apparent attempt to suggest that the decision to allow the event had been newsworthy internationally (Martins 2020). Besides this clear case of fake news, more generally media coverage of public gatherings was very uneven, with political events more negatively portrayed than other kinds (Observador 2020). Somewhat negative public perceptions of political and campaign activities were amplified by social media and the media in general, and even the international press adhered to this perspective (Ames 2020). This then formed part of the context for the presidential elections.

This pattern spread beyond mainland Portugal to campaigning for October's elections to the Legislative Assembly of the Autonomous Region of Azores, making it harder for political parties there to carry out campaign activities in person. Access to campaign activities in other formats, such as social media, was uneven in this small archipelago. The media became the main vehicle, yet there was no media regulation for this particular election. Public perception of political and campaign activities was somewhat negative, and this context paved the way for the presidential elections of January 2021.

The campaign for presidential elections was in general safe, with candidates generally complying with safety measures, also due to strong social pressure. The exception was the populist far-right candidate, whose non-compliance culminated in a dinner for 170 people a few days before the election, in a closed space, without ventilation or social distancing with scarce use of face masks, and after a negative decision from health authorities. While the country was in full lockdown due to a surge of Covid-19 cases, the dinner was held behind closed doors, without public scrutiny (RTP 2021). With journalists also barred from covering the event, media attention was correspondingly intense. A criminal process for civil disobedience was launched (Jornal de Notícias 2021c); its outcome was unknown at the time of writing.

Most candidates carried out their campaign activities complying with applicable safety rules.

This was, however, an exception. Most candidates carried out their campaign activities complying with applicable safety rules, being overall very cautious and even willing to serve as an example (Jornal de Notícias 2021b). The final stage of campaigning took place under lockdown, and candidates clearly chose to shift campaign activities online (Notícias ao Minuto 2021). Television debates between all candidates were organized by television broadcasters, gathering far more attention than in previous elections. The debates were generally accessible and perceived as a fair process, sparking great attention to the ongoing electoral campaign (Marcela 2021).

29.6. CANDIDATE APPLICATIONS: A LENGTHY PROCESS

The presidential election has a unique legal framework in Portugal, as presidential candidates must be legally independent from political parties. They can be formally supported by one or more political parties, or none at all. The candidacy procedure is quite bureaucratic, and the same for all candidates, but in practical terms easier for those supported by the machinery of a political party— and more so amid the disruptions of the pandemic. Candidates must collect the support of 7,500 to 15,000 eligible voters, through the signature of an extensive form, plus a certificate of the right to vote for each supporter, and submit these and other documents before the Constitutional Court. Since voter registration certificates can only be issued locally, at the parish where each voter is registered, this means that candidates need to formalize each individual request with the more than 3,000 parishes throughout the country (Pordata 2020). Parishes are obliged to deliver certificates in three days, although levels of compliance can be uneven. A legal reform could have modernized and eased this process, made especially difficult in the circumstances (and foreseeably so), but had not been made a priority. This posed a great burden on prospective candidates, especially those not able to secure formal support from political parties.

The process usually starts well before the formal setting of the election date, to allow time to comply with all requirements. The final deadline to submit candidacies to the Constitutional Court was 24 December 2020, 30 days before the election date. The state of emergency on 9 November 2020 posed an extra burden. There were no legal restrictions to political activities, but people in the streets who could be approached for nominations decreased sharply. Signatures could be collected electronically, through certified signatures, but these digital mechanisms were not easily accessible to all citizens.

Ultimately there were seven successful candidacies, and an eighth that was rejected having failed to deliver sufficient signatures (just 11 of the 7,500 required—Público/Lusa 2020). This candidate was in a very particular situation, as he was also in the military. As such, he needed a special licence from the state to run for the election, and the licence terminated with each declaration of the state of emergency (as all military personnel were required to be available). As such, he argued that he was not given adequate conditions to prepare the process (Lai Men and Vasconcelos 2020). In the 2021 election there were therefore 7 candidates, as compared with 10 in 2016 and 6 candidates in 2011 (Electoral Commission n.d.a).

29.7. EARLY VOTING

‘Early voting in mobility’, categorized as early voting by International IDEA, has become very familiar to citizens in Portugal, since the approval of its generalization in 2018 (International IDEA 2021). Before 2018 early voting was restricted to people displaced from their polling stations on election day

for specific reasons (professional, educational, those in custodial situations or hospital) and this was organized by municipalities. Professionals would cast their ballot in the municipality, days ahead of the election; votes from hospital patients, prisoners or students were collected by the municipality. Every ballot would then be expedited to the polling station where each person was registered. The system of 'early voting in mobility', on the other hand, was created in 2018 and made accessible to every citizen (in most elections), without the need for a justification. Having proven popular in the European Parliament elections (May 2019—see SG MAI 2019) this would take place on the Sunday before election day, with people registering the week before on an electronic platform organized by the Ministry of Internal Affairs. While legal requisites were loosened in 2018, geographic access was reduced: votes would have to be cast in the municipality capital of each district (18 in the whole country) or island—11 in total, 9 in the Archipelago of Azores and 2 in Madeira—rather than in any of the 308 municipalities.

Voting always takes place on a Sunday in Portugal, complicating access to public transport in a country with very large rural areas, and the same problem affected early voting (especially for the elderly or those on low income). Early voting for incarcerated people or those in hospitals was maintained. As the number of voters registering was uncertain, the Ministry of Internal Affairs sent daily figures to municipalities to assist them in discharging their responsibilities. This allowed some time to plan for the number of polling stations, locations, staffing and other logistics.

Electoral reforms to accommodate pandemic conditions in the presidential elections only began at the end of September and were finally approved in November 2020, for elections taking place the following January.

29.8. LATE LEGAL AMENDMENTS

The pandemic started in March 2020. Electoral reforms to accommodate pandemic conditions in the presidential elections only began at the end of September and were finally approved in November 2020, for elections taking place the following January. Early voting was expanded as a strategy to mitigate the effects of the pandemic, and allow in practice an extra day for ballots to be cast, reducing risks of crowding or infections. A special procedure was also created for people with Covid-19 or under prophylactic isolation, decreed by health authorities. The latter were provided for in a separate law, to be in force for all elections taking place in 2021. Those under isolation measures or testing positive could register for an early vote and a team from the municipality would collect their ballot at their registered address (the address of confinement had to be located in the municipality where the voter was normally registered, or in a contiguous municipality).

These health measures had to be decreed by relevant health authorities and entered in the Covid-19 database. This database would cross check with the voter registration database and if all data matched, automatically validate the registration. Registration was possible between 14 and 17 January, and the ballot was collected by the municipality between 19 and 20 January, to be securely stored and quarantined, and sent to the original polling station

on election day. This was again a great burden on municipalities, and health guidelines for collecting the ballots were just published a month before the voting period (SG MAI n.d.). In total 12,906 people registered and 11,990 voted (SG MAI n.d.). This mechanism left out people to whom these measures were applicable after the 10th day before the election (SIC Notícias 2021b) and no mechanism allowed them to vote. Some voters were also disenfranchised due to issues with databases, and in practice, many of the elderly in care homes.

Early voting turnout—a qualified success

Electoral laws were amended in late 2020 to broaden early voting. For general early voting, voters could register on an online platform and the voter could choose any municipality in the country where they preferred to vote, allowing flexibility in terms of both time and geography. The exception was local elections, where early voting in mobility is not possible, as logistics are more complicated. Early voting was broadened and generalized, with a great response from voters, as further described.

This meant that each of the 308 municipalities had to organize early voting. This would be new to most of them, except for the 18 district capitals and 11 island capitals of Azores and Madeira, as earlier mentioned. According to the 2020 legal reform, early voting would now take place in a proper polling station, composed of five polling officials each, and not before municipality officials collecting the ballot, as previously. This meant the need for more polling staff, in the context of the pandemic. With some members of polling stations belonging to high-risk groups, particularly those over age 65, this created extra pressure on the system. The appointment of members of polling stations was also an important challenge in this election.

Early voting takes longer. Voters may belong to different constituencies, so ballots are expedited back to their polling station of origin, via municipalities. The voter is therefore given the ballot paper, plus two envelopes: once filled, the ballot is folded and inserted in a blank envelope, then into a bigger blue one, with a sticker label with their data, name and polling station of origin. This requires extra time and some physical skills for the voter to handle the materials, especially for those not familiar with the process, making it much longer. In most elections, except for presidential ones, there are multiple constituencies, and the voter needs the corresponding ballot paper, to be properly selected by polling staff.

Early voting turnout was also expected to be high, as voters that previously register to vote early are more likely to show up at the polls. In previous elections in 2019, the lowest turnout for early voting was 78 per cent (SG MAI 2019). In the 2021 presidential election turnout for early voting 'in mobility' was 80.2 per cent (almost 198,000 out of just under a quarter of a million registered) (SG MAI 2021a and see Section 29.12. Turnout below). Despite taking place during a lockdown, long queues formed for early voting, as mentioned. This could have been due to poor organization in some municipalities, due to a slower voting process or the need for social distancing. Images of the queuing in the broadcast media raised some concerns about

Despite these important challenges, early voting in mobility can be considered a success.

infection risks. In the circumstances, it may be that density should have been set at even fewer voters per polling station. In the focus group, electoral workers also highlighted the need for clearer guidelines for municipalities regarding facilities and queue management. Some polling stations lacked adequate spacing and multiple queues formed, producing crowding in covered areas (corridors). More voter information was also mentioned as crucial, as this helps to speed up the process at the polling station; voters were reported as attending without any knowledge of early voting procedure.

Despite these important challenges, early voting in mobility can be considered a success. It was used for the first time in the 2019 election for the European Parliament, where 19,584 voters registered. The 2019 parliamentary election followed, with 56,291 voters registering. In the 2021 presidential election 246,922 voters registered, an increase of 339 per cent. People registering for early voting are very likely to vote, as the registration already shows commitment. Of the 246,922 people who registered for early voting in the 2021 presidential election, 197,903 voted early—80.2 per cent, according to official figures (SG MAI 2021d).

The legal reform approved in November 2020 reduced voters per polling station to 1,000.

29.9. LEGAL REFORMS AND DEMAND FOR POLL WORKERS

The legal reform approved in November 2020 reduced voters per polling station to 1,000 on election day (formerly 1,500) and 500 for early voting in mobility (formerly 750). This reversed the electoral reform that took place in 2018, which had increased the number of voters from 1,000 to 1,500 per polling station. In the 2021 presidential election the appointment of polling staff was a great challenge for both voting channels. Early voting in mobility took place in all municipalities involving a total of 675 polling stations (SG MAI 2021a) and 3,375 polling staff. This was over a three-fold increase on the parliamentary election in 2019 (SG MAI 2019). For presidential election day 2021 there were 12,287 polling stations, with approximately 61,000 polling staff. In the previous election, the parliamentary election of 2019, early voting was carried out with 214 polling stations and 1,066 polling staff (SG MAI 2019). The 2021 data are a consequence of a surge in the demand for early voting, as mentioned, but also a consequence of the reduction of voters per polling station. The figures in Table 29.1 below provide a sense of the challenge.

In Portugal members of polling stations are appointed for election day only. Polling staff play a crucial role in the election, being at the forefront and the visible face of electoral administration before the public. It is therefore crucial that they are knowledgeable and impartial on electoral procedures, which include vote counting and tabulation at the polling stations. However, no specific training is provided.

For the presidential election polling staff are appointed by the local mayor, and the law does not contain any further specification. This is a singularity of the Electoral Law for the President of the Republic. In all other elections, positions

at polling stations are filled after an agreement between candidacies, with people appointed by the latter. The principle of plural composition of polling staff is a cornerstone in the Portuguese electoral system. It ensures mutual accountability (checks and balances against fraud), as competing candidacies are entitled to appoint members of polling stations, to reduce the possibility of fraud, and abide by common rules and procedures. In 2020 the Electoral Commission reiterated this principle, stating that polling stations should also have a plural composition for the presidential election, as in any other, and as understood by the Constitutional Court (Electoral Commission 2020b). As such, mayors should seek cooperation from candidates and their supporters and political parties, among others, to fill the five posts per polling station with plurality.

In other elections, poll workers being appointed by candidacies might be an incentive. However, in the presidential election this is not the case, and the availability of poll workers decreased. Furthermore, the incumbent candidacy, that of Marcelo Rebelo de Sousa, sent a communication to the Electoral Commission, stating that it would not appoint any polling members, as it trusted the electoral system. The Electoral Commission responded, underlining that the electoral system relies also on candidacies and their cooperation, particularly in such a challenging context, and it called on the candidacy to appoint members for polling stations (Electoral Commission 2020e). As this candidate was supported by the second largest political party, the Social Democrats, and others, this resulted also in a general lack of poll workers appointed by these. The Socialist Party did not officially support any candidate, and this resulted in fewer people being appointed for polling stations. This was

Table 29.1. Polling stations and poll worker numbers, general elections since 2019

Elections	Type of voting	Voters/polling station (reference)	Polling stations	Poll workers
European elections 2019	Early voting in mobility	750	43	213
	Election day	1,500	11,363	55,939
Parliamentary elections 2019	Early voting in mobility	750	214	1,066
	Election day	1,500	11,193	55,782
Presidential elections 2021	Early voting in mobility	500	675	3,369
	Election day	1,000	12,287	61,435

Source: SG MAI (2021) 'Eleição para a Presidência da República - Informações e Números sobre o processo eleitoral', <https://www.sg.mai.gov.pt/AdministracaoEleitoral/EleicoesReferendos/PresidenciaRepublica/Documents/Relat%C3%B3rio%20de%20N%C3%BAmeros%20e%20Informa%C3%A7%C3%B5es_PR2021.pdf>, accessed: 23 April 2021.

highlighted by electoral workers in our focus group as adding to other factors, worsening the situation.

Despite the challenging context, no extra financial incentives were offered to poll workers. They are paid a compensation of EUR 51,93, exempt from taxes (Electoral Commission n.d.b), and are exempt from professional duties on election day and the day after. This amount has remained the same since 2013, when it was cut from EUR 76 to EUR 50, due to the financial crisis. This can also take several months to be paid and it is thus decreasing as an incentive to serve in this position.

The availability of poll workers decreased.

Numerous replacements of poll workers took place, also due to Covid-19 infections or fears, with an associated burden of paperwork and demand on human resources in already overloaded electoral staff in municipalities (Público/Lusa 2021). To serve as polling staff is technically mandatory, unless exempt for specific reasons such as age or health. However, as the priority is usually to fill vacant positions, municipalities are more likely to seek replacements than to force someone to be present. Replacements of polling staff are common, often at the last minute (or on election day), posing a great challenge to municipalities and consuming great organizational resources. Some have a database of volunteers, but this is not mandatory. Municipalities across the country reported having to replace numerous poll workers, some by the hundreds, while other had difficulties appointing polling staff. Some municipalities reported recruiting poll workers from within the workers of the municipality, in order to fill vacant posts. Overall, other channels for recruitment of polling staff, such as schools, universities or civil society organizations, remained unexplored. Two days before the election, the Secretary of State publicly reported difficulties in 15 municipalities, though ensuring all polling stations would open on Sunday (Público/Lusa 2021). All vacant positions were ultimately filled, both for early voting and on election day, demonstrating a general societal commitment to support the electoral process.

Despite being crucial in the design of the electoral system, there is scarce public recognition of the importance of polling stations and polling staff. In this election, and probably for the first time, public authorities and political actors recognized the under-valued effort and dedication of electoral workers and poll workers in particular (Renascença/Lusa 2021). However, it remains to be seen whether this will motivate any administrative reforms or publicity drives in the future. Civil society lacks information on the possibility of being a member of a polling station, despite numerous reports from authorities on the lack of people available to fill these positions. There is a mismatch of information, and a wider public information campaign on this would be desirable.

29.10. LAST MINUTE LEGAL REFORMS: CARE HOME RESIDENTS

Some legal reforms took place only days before the election. In the weeks before the polls, it became obvious that for elderly people in care homes it would be extremely difficult to vote. They were under very strict health measures to protect them from the many surges in care homes and leaving the premises would force them to quarantine for two weeks, according to public health norms issued for care homes. This population was overlooked in the legal framework for the election and there was no legal basis allowing them to vote under a specific procedure. The incumbent President of the Republic proposed in the media to allow them to vote under special procedures, to be determined. To accommodate this, the state of emergency before the election (approved 13 January) mentioned elderly people in care homes (President of the Republic 2021). Under the same special voting procedure as people isolating or infected with Covid-19, they would be allowed to vote from care homes, and the municipality would collect their ballots.

However, this provision was general and did not account for the specificities of the situation. Further, it took place outside the relevant legislative process, not having been adopted by the relevant body or in due time. Implementation would be extremely hard, obviously, with scarce time for due planning. There were many challenges in the registration process and the number of people in care homes able to vote was very uneven. There was an electronic platform where people could register for early voting. This electronic platform for registration was intended to cross check with the database of Social Security, the entity responsible for care facilities. However, lead times did not allow for the database to be fully operational. Some care facilities and voters were entered on the platform, while many were excluded (Cruz and Monteiro 2021) and could not apply for any other form of early voting. There were public accounts of numerous problems and an overall difficulty of access to the registration system (Jornal de Notícias 2021b). Some care homes reported that they were given just hours to enter their residents on the database (TSF Rádio Notícias 2021), and in the autonomous region of Azores problems in the platform meant no voters were registered (RTP Açores 2021). There is no official data for the early voting in care homes, despite municipalities being required to provide these. These figures were included by the Internal Affairs in the figures of people with Covid-19 or in prophylactic isolation, not allowing for a specific analysis.

29.11. MITIGATION MEASURES AT POLLING STATIONS

The list of safety measures concerning elections was expected to be approved at an early stage in 2020, resulting from a working group composed of electoral and health authorities. However, it did not produce this outcome (Electoral Commission 2020c). A local referendum taking place on 13 September 2020 (Electoral Commission 2020f) highlighted this need, and the

In the weeks before the polls, it became obvious that for elderly people in care homes it would be extremely difficult to vote.

first relevant material was produced on the initiative of the Ministry of Internal Affairs (SG MAI 2020a and 2020b). This consisted of the general measures applicable to all other activities, such as social distancing, disinfection and use of PPE, with these materials being supplied centrally by the Internal Affairs. The National Electoral Commission produced subsequent information materials for the Azores election, following this model, with the campaign 'Voting is Safe!' (Electoral Commission 2020g). This was further adopted for the presidential elections. However, no specific guidelines were produced for the campaign, as mentioned. In terms of public communication and voter information, coordination between these two electoral authorities was scarce, as well as visibility of the information. This produced contradictory messages at times (e.g., on whether voters were required to take their own pen on election day), generating public confusion.

In the same period, the public campaign carried out by the Electoral Commission generated public controversy. Its slogan used the masculine article for the President of the Republic throughout. This disregarded several recommendations on the use of inclusive language and was accused of using a sexist and non-inclusive language (see Leal 2021) and, perhaps more importantly from the point of view of inadvertent bias, disregarded the fact that there were two female candidates in the race (see Peralta 2020). This generated an outcry shortly before the election, with several formal complaints; yet the Commission did not withdraw these materials (Electoral Commission 2020e). The image of the Commission and its public campaign was weakened as a result. Instead, a stronger dissemination of health electoral information from public authorities, in a coordinated and stronger fashion, would have been desirable. Even for early voting, and after many legal amendments for the 2021 election, there was scarce information for voters in general on the adaptations to the pandemic.

Electoral workers in the focus group referred to lack of coordination from central electoral authorities a number of times, and how this made it harder for municipalities on the ground to implement central decisions and messaging. Above all, there was a lack of clear and consistent public information on aspects such as early voting, health and safety and special procedures. In some cases, poorly resourced municipalities were the first institutions to reach voters with relevant information for the process, such as eligibility to vote and location. The focus group emphasized that wider public information would have eased the process at the local level and reinforced trust in the system.

The official turnout rate for the 2021 presidential election was 39.3 per cent.

29.12. VOTER TURNOUT

Turnout in this election needs context and a careful analysis. A 2018 legal reform automatically included in the voters' roll all Portuguese citizens residing abroad. Formerly these had to actively register in order to vote and to show a bond with the country, as foreseen in the Constitution. However, the reduction of Portugal's network of embassies and consulates made this

process gradually more challenging. The 2018 legal reform thus expanded the absolute number of possible voters, regardless of their effective bonds with the country or interest in voting. This was expected to produce effects in the 2021 presidential election, where there is a single constituency and voters from abroad are entitled to vote. The abroad abstention rate would likely increase, as well as being affected by the pandemic. As such, percentage comparisons of turnout with previous elections become more difficult to interpret.

The official turnout rate for the 2021 presidential election was 39.3 per cent and in the Portuguese national territory it was 45.45 per cent (SG MAI n.d.). Voting from abroad had a turnout rate of 1.9 per cent (29,153 votes cast out of over 1.5 million eligible voters), as compared with 4.7 per cent in 2016 but, as mentioned, with fewer absolute numbers involved (14,150 votes cast out of just over 300,000 eligible voters) (SG MAI n.d.a). During election day, turnout sample figures in the national territory were promising. Turnout at 12:00 was 17.07 per cent (15.8 per cent in 2016) and at 16:00 35.4 per cent (37.7 per cent in 2016) (SG MAI n.d.). These figures include all forms of early voting: one of the first electoral operations is to take account of early votes, mark the voters and enter these ballots in the ballot box.

Overall, in 2021 there were 10,847,434 voters, of which 4,258,356 (39.3 per cent) went to the polls. In 2016 there were 9,751,398 voters, of which 4,744,597 (48.7 per cent) went to the polls. The absolute number of voters decreased by nearly half a million, but turnout rates from 2021 and 2016 are difficult to compare. In 2021 there could well have been a pandemic effect on abstention, as at-risk groups such as those over 65 years of age are typically the ones who vote the most. The election was held during a peak of transmission, with the country in full lockdown. Finally, the election result was also foreseeable, and in Portugal turnout tends to be lower for elections for the second term of the presidential mandate. Plus, given the whole pandemic context and general lockdown, there were worse concerns regarding abstention.

29.13. CONCLUSIONS

Presidential elections in Portugal were naturally expected to be challenging in the face of the pandemic. However, late approval of legal amendments posed an extra and unnecessary burden in an already difficult process. Broad legal reforms were approved in November 2020 for the January 2021 election, with some guidelines published only weeks ahead of polling. People in care homes had a special framework approved days before the election, as part of the state of emergency decree. This was truly unexpected, and its implementation fell necessarily short. The foreseeable electoral outcome, in favour of a very popular incumbent, hid the effects of an uneven implementation, but in a more contested election this could have been very problematic.

Covid-19 infections spiked two weeks before the election, with the country going into full lockdown. This was unexpected and extremely severe. Political

rights were not curtailed in any way, and were fully respected by all relevant authorities, something that must be highlighted. However, conditions on the ground impacted the campaign, with most activities shifting online. The media played a crucial role and television debates, which gathered large audiences, were seen as fairly organized.

Despite the challenges, some of them very avoidable, the Portuguese electoral system and administration was shown to be resilient, through its multiple entities, and high levels of public trust.

Early voting showed fragilities, with large queues being their visible face, adding to organizational flaws such as the lack of social distancing and adequate space at polling stations in some municipalities. Early voting for people self-isolating or testing positive for Covid-19 went fairly well, although it left many voters out (SIC Notícias 2021b). Early voting for people in care homes was particularly uneven, due to lack of adequate time for implementation, among other reasons (Jornal de Notícias 2021b; RTP Açores 2021). Election day went fairly well considering the severe public health situation in the country. This was largely due to strong commitment and cooperation on the ground, especially from thousands of poll workers and others at municipality and parish levels, as well as voters themselves.

Despite the challenges, some of them very avoidable, the Portuguese electoral system and administration was shown to be resilient, through its multiple entities, and high levels of public trust (Soares 2020). However, more timely preparation is needed, starting with the legal framework. Vulnerable groups should be taken into account, and more public information campaigns are necessary, in a coordinated fashion, particularly addressing special procedures and those with specific needs. Innovation in this field was lacking, and would undoubtedly ease preparation and smooth the process on the ground, in a pandemic or in other difficult contexts.

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Chapter 30

CASE STUDY: RUSSIA

Iuliia Krivonosova

30.1. INTRODUCTION

An all-Russia vote on the question of approving changes to the Constitution (hereinafter 'the all-Russia vote') took place on 1 July 2020, following substantial delays and changes in procedures due to the Covid-19 pandemic. On 25 March 2020 the President of Russia decreed a postponement (Ukaz Prezidenta RF ot 25.03.2020 N 205), the all-Russia vote having originally been scheduled for 22 April 2020 (Ukaz Prezidenta RF ot 17.03.2020 No. 188). Prior to the July date being set (Ukaz Prezidenta RF ot 01.06.2020 No. 354), on 3 April 2020 the Central Electoral Commission (CEC) announced that the all-Russia vote would be indefinitely postponed.

The all-Russia vote concerns an amendment to the 1993 Constitution of the Russian Federation. This amendment proposed 206 changes to 46 articles of the Constitution (Kommersant 2020c). All those changes are considered together, as a package, and therefore the changes are referred to as one amendment. The proposed changes vary from establishing that a marriage could be a union only between a man and woman, to major institutional changes including the maximum term of the Russian presidency, which would allow both current and previous Presidents to stay two more terms in power.

This case study shows how a hybrid regime (as defined by The Global State of Democracy Indices, International IDEA n.d.) has held and postponed different levels of elections amid the pandemic (overall, more than 10,000 individual electoral events), and has managed to adapt the international recommendations on holding elections during the pandemic to its own political needs. The case study proceeds as follows: it starts with the legal framework, followed by a section on election administration, then it moves to

the measures taken to deliver this voting amid the Covid-19 pandemic and their impact (on both Covid-19 and electoral integrity); the final part focuses on how the practices trialled in the all-Russia vote have since become institutionalized.

'All-Russia vote' is a new and unique legal concept for Russia, which has not been used previously and has not been defined by existing legal acts.

30.2. LEGAL PROVISIONS FOR THE 1 JULY ALL-RUSSIA VOTE

On 14 February 2020, the President issued a Presidential Order to the appropriate public bodies—albeit these are not comprehensively defined in the relevant law—to start preparing for conduct of an 'all-Russia vote on the question of approval of the changes to the Constitution' (Rasporyazhenie Prezidenta Rossijskoj Federacii ot 14.02.2020 No. 32-rp). 'All-Russia vote' is a new and unique legal concept for Russia, which has not been used previously and has not been defined by existing legal acts. The term therefore does not straightforwardly identify a type of contest which takes place across the whole of Russia, as opposed to some of the country—as the term might imply. Rather, 'All Russia voting' was introduced by Vladimir Putin in the aforementioned Presidential Order (Ukaz Prezidenta RF ot 17.03.2020 No. 188) with the aim of differentiating it from an election or a referendum. Unlike an election or a referendum, this new form of voting does not have a turnout threshold, can be called by the President, and asks voters to vote on all changes as a package. Moreover, campaigning and conduct of voting are regulated differently: not by a federal law, but by procedures established by the CEC (CEC 2020a). These procedures do not envision any campaigning at all, only provision of information to voters by election management bodies (EMBs).

On 14 March 2020, the President signed the Law on the amendment to the Constitution (Zakon RF o popravke k Konstitucii RF ot 14.03.2020 No. 1-FKZ). Article 2 of this Law established the additional procedure that after it is passed, the Constitutional Court should provide an opinion on the constitutionality of the proposed changes. If the opinion is positive, an all-Russia vote should be organized. If the opinion is negative, voting does not take place and the constitutional amendment is not introduced. Law N1-ΦK3 places the power of calling an all-Russia vote with the President, who also defines the date of voting, and moreover makes the day of polling a paid holiday—which has not been a norm for electoral events previously. The Law establishes a threshold for approval, namely at least 50 per cent of ballots cast.

Even before the spread of the pandemic in Russia, experts doubted the necessity of the all-Russia vote given that legally, the approval of the population was not required for introducing changes to the Constitution. Therefore, the electoral event served solely a legitimatizing purpose (Andreychuk 2020). Experts also doubted the necessity of holding the all-Russia vote in the form proposed: voters should be able to vote on each individual proposed change to the Constitution, not on all of them together as a package.

On 16 March 2020, the Constitutional Court issued a positive opinion about the constitutionality of the proposed changes (Zakljuchenie KS RF ot 16.03.2020).

The Court clarified that 'all-Russia vote' has a special legal nature and, although according to the current legal regulation it is not required in order to make such a constitutional amendment, the President had the right to establish this new instrument with the aim of the constitutional legitimation of the proposed measures.

Rescheduling; variegated polling

On 17 March 2020, the President of Russia issued a decree setting the voting day for the all-Russia vote as 22 April 2020 (Ukaz Prezidenta RF ot 17.03.2020 No. 188). Subsequently the CEC set the procedures for the conduct of voting (CEC 2020a). This regulation introduced:

- the option of advance voting, including voting outside polling stations. Advance voting could be offered during three- to seven-day periods, with the length of an advance voting period determined by regional EMBs;
- voting outside polling stations, in outdoor public spaces, to be conducted by at least two EMB members. EMBs to provide at least two observers with an opportunity to reach the voting venue; in their presence, voting could be organized by just one EMB member;
- an EMB registers all voters in the list of voters and uses a separate ballot box for advance ballots than those to be used on the day of polling;
- sanitary requirements for both voters and members of EMBs; and
- continuation of the 'Mobile voter' instrument whereby voters could apply to vote (in person, on election day) at a polling station other than where they were registered to do so.

These measures were reportedly introduced with the aim of ensuring social distancing between voters, in order to reduce the risks of Covid-19 transmission.

On 25 March 2020, the President issued a new decree introducing changes to the previous decree regarding the polling date (Ukaz Prezidenta RF ot 25.03.2020 No. 205); this established that a new date for the all-Russia vote would be set by a further presidential decree. Therefore, the changes to the conduct of the all-Russia vote (outlined above) were made five days before the formal announcement on postponement. On the proposal of the Head of the CEC, the President then established (on 1 June) a new date: 1 July 2020 (Ukaz Prezidenta RF ot 01.06.2020 No. 354). (A chronology of the key events is provided in Table 30.1).

On 23 May 2020, the President signed Federal Law No. 154 introducing the option of postal voting and remote electronic voting at all levels of elections, as well as the option of voting outside the polling station, in outdoor public spaces (these have included playgrounds, car parks and the like), and electronic

Table 30.1. Chronology of key electoral events during the Covid-19 pandemic in Russia, 2020

Date	Event	Daily confirmed new cases of Covid-19
14 February	Presidential Order to public bodies initiating preparation for conduct of an 'all-Russia vote on the question of approval of the changes to the Constitution' (hereinafter the 'all-Russia vote')	0
14 March	President signs the Law on the amendment to the Constitution	15
16 March	Constitutional Court provides a positive Internet opinion on constitutionality of proposed changes to the Constitution	4
17 March	Presidential decree sets the voting day for the all-Russia vote as 22 April 2020	30
20 March	The CEC sets the procedures for the conduct of the all-Russia vote, introducing advance voting, voting outside polling stations, requirements of the sanitary measures for both voters and members of EMBs, and the continuation of the usage of the 'Mobile voter' instrument	52
22 March	Seven federal subjects hold local elections and referendums (27 electoral events in total)	53
25 March	Presidential decree postpones the all-Russia vote	57
3 April	The CEC postpones elections at all levels during April–July 2020	771
22 April	Originally scheduled date of the all-Russia vote	5,642
23 May	President signs Federal Law No. 154 introducing the option of postal voting and remote electronic voting at all levels of elections, as well as the option of voting outside the polling station in outdoor public spaces, and of electronic signature collection for nomination of candidates at regional elections	8,894
1 June	President establishes a new date for the all-Russia vote: 1 July 2020	9,268
Undefined	Pre-vote Covid-19 testing for members of EMBs	
25–30 June	Advance voting for the all-Russia vote (including voting from abroad); Internet voting for the all-Russia vote in two federal subjects (Moscow and Nizhny Novgorod region)	7,176–6,719
1 July	Rescheduled date for the all-Russia vote (held as planned)	6,693
3 July	The CEC announces the final electoral results	6,760
12 July	Three electoral events take place in two federal subjects, the Chechen Republic of Ichkeria and Pskov region	6,611
24–25 July	Levada Center organizes a phone opinion poll on participation in the all-Russia vote	5,848–5,811
31 July	President signs Federal Law No. 267 introducing the option of three-day voting at all levels of elections, and specifying that voting can be organized in outdoor public spaces	5,509

Table 30.1. Chronology of key electoral events during the Covid-19 pandemic in Russia, 2020 (cont.)

Date	Event	Daily confirmed new cases of Covid-19
30 August	By-election scheduled in one federal unit	
11–12 September	Advance voting for the nationwide voting day, for which 8,970 electoral events are scheduled	
13 September	Nationwide voting day, 8,970 scheduled electoral events	

Source: [Covid-19 data]: Ritchie, H. et al., 'Coronavirus Pandemic (Covid-19)—the data', <<https://ourworldindata.org/coronavirus-data?country=~RUS>>, accessed 2 October 2020.

collection of signatures for nomination of candidates at regional elections (Federal'nyj zakon ot 23.05.2020 No. 154-FZ).

The hectic pace of organization for the all-Russia voting resulted in a few legal issues. Some legal acts were introduced shortly before the voting day, making their implementation challenging. For instance, 30 hours before the start of advance voting, the CEC passed a decision that all polling stations should work full hours during advance voting, from 08:00 to 20:00, even though the regional electoral commissions had previously decided to work shorter hours (Golos 2020a).

Additional measures introduced by the CEC on 2 June 2020 (Postanovlenie CIK Rossii ot 02.06.2020 No. 250/1840-7) included extended home voting (meaning that an EMB official visited voters at their residence). The Head of the CEC reported that home voting would be contactless, without direct interaction with voters. Contactless voting is performed in the following way: the electoral commission visits a voter at her/his location, knocks on their door, leaves a ballot and a ballot box in front of the door and stays away from the door at two metres' distance, until a voter returns a filled ballot.

Meanwhile, voting at the local level was still being conducted in the normal fashion despite the development of the Covid-19 pandemic: seven federal subjects of the Russian Federation held local elections and referendums on 22 March 2020 (27 electoral events in total). Between 21 and 57 per cent of eligible voters participated in these subnational electoral events.

Other electoral events postponed

On 3 April 2020 (i.e. after the decree postponing the all-Russia vote) the CEC decided to postpone elections and voting at all levels, affecting 46 elections in April, 32 in May and 24 in June (Postanovlenie CIK Rossii ot 03.04.2020 No. 246/1820-7). Due to the Covid-19 situation, some of those elections had already been called off by regional and local EMBs (including seven more electoral events scheduled for 29 March 2020); the CEC by their decision

Some legal acts were introduced shortly before the voting day, making their implementation challenging.

approved these postponements retrospectively. Some electoral events were rescheduled to 13 September 2020.

Later, the CEC reported that 94 electoral events in total planned for the period between 5 April and 21 July 2020 were affected by this decision (RIA 2020). Three electoral events nevertheless took place in two federal subjects, the Chechen Republic of Ichkeria and Pskov region on 12 July. Between then and 30 August no elections were held or planned. A nationwide day of voting, involving 8,970 electoral events (Golos 2020b) remained on schedule for 13 September 2020.

30.3. ELECTION ADMINISTRATION

Campaigning and voter education

As per the procedures for the conduct of the all-Russia vote, campaigning was not envisioned at all: the CEC regulation (CEC 2020a) only established the process of providing voter information and delegated this responsibility to EMBs and the media. Campaigning was neither explicitly allowed or disallowed, but unlike in an ordinary election or referendum, there was neither allocation of free airtime nor advertising spaces, nor the opportunity to purchase it.

As per the procedures for the conduct of the all-Russia vote, campaigning was not envisioned at all:

The CEC published information on the proposed changes to the Constitution and explained when and where to vote at the dedicated web portal. The CEC in cooperation with the Association of Volunteer Centres undertook a project entitled the 'Volunteers of the Constitution' from February, whose participants later performed a significant role in informing voters about the all-Russia vote via face-to-face communication (with the usage of personal protective equipment). Over 100,000 volunteers took part, staffing 3,000 information points nationwide that operated on the day of polling and for several weeks beforehand. As with previous electoral events, social media (especially Instagram) played a significant role in 'unofficial' campaigning: celebrities campaigned in favour of the changes to the Constitution, drawing accusations that such activity had been organized and paid for (Znak 2020b). A ban on political campaigning is usually in force from the day before election day in Russia, but was absent in this case.

According to a report by the election watchdog Golos (Golos 2020a), voter education as performed by the CEC and the media was frequently skewed towards covering the cultural and social changes proposed to the Constitution, rather than the political ones. Golos also claimed that the CEC had openly taken a side instead of providing voters with unbiased information or the arguments both for and against the changes. The CEC had earlier removed messages (in favour) from its website, in response to a complaint filed by the 'No' campaign, a movement formed by opposition parliamentarians in January 2020 which had undertaken voter education and disseminated commentaries

from lawyers. The 'No' campaign's monitoring activities also identified biased messages on the official website for online voting.

The 'No' campaign's own webpage had been blocked by the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) since March 2020. After the day of polling, this movement switched to collecting signatures to file a court case challenging the all-Russia vote results. The 'No' movement had encouraged voter participation, persuaded that a higher turnout would operate to their benefit; opinion polls conducted by the Levada Center (Levada 2020) had suggested that among those who did not plan to vote, 58 per cent were against the amendment to the Constitution, while among those who planned to vote, 55 per cent were in favour. The Communist party also called for voters to vote against the amendment. However, the opposition was split on this, given that Alexey Navalny and the opposition 'Yabloko' party favoured a strategy of non-participation in the vote (Znak 2020a).

Inter-agency collaboration

The Covid-19 pandemic brought the Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing (Rospotrebnadzor) into the voting process for the first time. This public body has become one of the key actors in fighting Covid-19 in Russia. Rospotrebnadzor issues regulations regarding testing and quarantining, and provides recommendations to the regions on imposing or lifting restrictions. Together with the CEC, it developed recommendations on conduct of voting during the pandemic (for voters, media representatives and observers), particularly advising on voting in the open air and temperature checks for voters at polling station entrances. Temperature checks were performed by poll workers with the help of thermal scanners. Voters with a high temperature were supposed to vote contactlessly, in a separate room (RBC 2020).

Pre-electoral Covid-19 testing for EMB staff

Initially, the CEC planned to test all poll workers across Russia for Covid-19, in accordance with recommendations issued by Rospotrebnadzor (Kommersant 2020d). Later, the CEC delegated the decision on the necessity of testing to the regions, on grounds that the spread of Covid-19 varies between regions. In the event, all poll workers and EMB staff were tested in only eight of 85 federal subjects. Election administrators from the roster replaced those diagnosed as being Covid-19 positive (CEC 2020b).

At the beginning of June, some poll workers from all around Russia started a petition against working in the all-Russia vote during the Covid-19 pandemic. However, support for a boycott was negligible: by the day of polling only 533 of around 1.2 million active poll workers signed the petition.

The Covid-19 pandemic brought the Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing (Rospotrebnadzor) into the voting process for the first time.

30.4. VOTING ARRANGEMENTS FOR THE 1 JULY ALL-RUSSIA VOTE

Procedures at polling stations

Advance voting was available from 25 to 30 June 2020. On 1 July all polling stations were open from 08:00 to 20:00 (although with breaks—see below). As for the safety measures against the spread of Covid-19, the CEC presented a significantly new model of polling station:

- entrances and exits should be separated, to avoid bottlenecks; voters' temperatures to be checked before entry, before providing each voter with a mask, gloves, and a pen;
- a disinfectant mat to be placed at entrances; inside, floor markings indicating the safe distance between voters and poll workers;
- all poll workers obliged to wear personal protective equipment and regularly change it during the working day;
- maximum capacity of polling stations established as just 8–12 voters per hour, for social distancing; furthermore
- every polling station to close for 10 minutes every hour, for the purpose of sanitization.

The last measure raised significant concerns among election observers, who would not be able to observe proceedings during these 10-minute periods.

Voting from abroad

Despite the Covid-19 pandemic, Russia opened 254 polling stations in 144 countries. These polling stations were mostly located at embassies and consulates, but also at military bases, Russian cultural centres, and even at nuclear power plants in Belarus and Iran. In the 2018 Presidential elections, 400 polling stations were opened in 145 countries—in respect of provision, then, Russia was doing relatively well in the pandemic context. Some of those polling stations were open not only on the election day, but also during the period of advance voting (25–30 June 2020). At these polling stations, 146,788 voters cast a ballot.

Remote electronic voting

The all-Russia vote is the second time that remote electronic voting has been used in Russia. Remote electronic voting means voting over the Internet in an uncontrolled environment, from any location. The first trial of Internet voting in legally binding elections happened in the 2019 Moscow City Duma elections. For the all-Russia vote, the experiment was extended to Moscow and the Nizhny Novgorod region (Table 30.2). The number of eligible voters in those two federal subjects (over 10 million voters) makes this trial one of the largest trials with Internet voting in the world.

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The Internet voting system (IVS) has been developed by the Moscow Department of Information Technology. It works on a private blockchain platform, Exonum. Internet voting was available only during the period of advance voting, 25–30 June 2020. For Internet voters registered in Moscow, the facility was available from 10:00 on 25 June 2020; for those registered in Nizhny Novgorod region—it was available from 14:00. Internet voting finished in both regions at 20:00 on 30 June 2020. On 1 July itself, then, Internet voting was not possible. To vote online or on paper was a voluntary choice. However, multiple instances of coercion to vote electronically were reported to the media (Meduza 2020a), as well as to the CEC.

Residents of Moscow and Nizhny Novgorod region participated in Internet voting upon application. According to the CEC, of around one million voters who applied for Internet voting, 93 per cent cast an e-ballot. Unlike in the 2019 trial, the IVS was not organized at the e-government portal, but at a purpose-built web portal, 2020og.ru. The IVS was device-independent: a voter could cast a vote from any personal computing device (laptops, tablets and desktops, as well as smartphones). To cast a vote electronically, an individual needed to conduct two-step voter identification. It included, first, authentication at the web portal 2020og.ru, and second, identity confirmation by SMS verification. Once an Internet vote has been cast there is no option of re-voting, neither electronically, nor on paper on the election day. Furthermore, voters did not have an opportunity to verify their votes.

Postal voting

Despite Federal Law No. 154's (Federal'nyj zakon ot 23.05.2020 No. 154-FZ) having introduced the option of postal voting and remote electronic voting at

Table 30.2. Applications for special voting channels

Voting channel	Nature of the voting channel	Number of applications
Remote electronic voting (available only in two federal subjects)	Remote Uncontrolled environment	Applied: 1,215,926 (incl. 1,075,488 in Moscow, 140,438 in Nizhny Novgorod region) Granted: 1,190,726 (1,051,155 or 97.74% in Moscow; 139,571 or 99.38% in Nizhny Novgorod region)
'Mobile Voter'	Not remote Controlled environment	3,767,293*
Home voting	Remote Uncontrolled environment	4,425,904**

Source: Central Election Commission.

* The official figure as reported by the CEC on 23 June 2020, <<http://www.cikrf.ru/news/cec/46634>>, accessed 27 October 2020.

** Available official figure as reported by the CEC on 24 June 2020, i.e. before applications deadline of 17:00 on 1 July 2020, and not fully reflective of the final number of applications, <<http://www.cikrf.ru/news/cec/46647>>, accessed 27 October 2020.

all levels of elections, the CEC decided not to provide postal voting in the all-Russia vote on the ground that this voting channel is outmoded, especially in comparison with the abovementioned 'Mobile voter' instrument (Gazeta 2020). It is up to the CEC to decide whether postal and/or remote electronic voting will be provided in any given election.

'Mobile voter'

This instrument, allowing any voter to apply for voting at another polling station than where they are registered, had been already available in Russia for a couple of electoral cycles. Applications had been submitted in advance, by 21 June 2020, either in person or digitally. In the application, a voter indicates at what particular polling station he or she wishes to vote on the day of polling. Approximately 3.75 million voters (3,767,293, or 3.45 per cent) out of a total electorate of 109 million (109,190,337) applied for this option (Table 30.2).

Home voting

The option of home voting has been available to voters in Russia before. However, the all-Russia vote was the first occasion when voters could apply without having to give a reason for doing so. Previously home voting was available only on election day. This time, voters could vote from home during six days of advance voting and, furthermore, in an uncontrolled environment—another first under the new regulation (Table 30.1). Previously, the members of the electoral commission would enter the premises and observe the home voting process. In the all-Russia vote, for safety reasons, the electoral commission stayed outside the premises of a voter, in order to guarantee contactless voting.

The option of home voting has been available to voters in Russia before. However, the all-Russia vote was the first occasion when voters could apply without having to give a reason for doing so.

30.5. IMPACT OF VOTING ARRANGEMENTS ON COVID-19 AND ON INTEGRITY OF THE ALL-RUSSIA VOTE

On 3 July 2020, the CEC announced the final voting results: of 74,114,217 votes cast (a turnout of 68 per cent), 77.9 per cent were in favour of the constitutional amendment. Voting patterns displayed significant change:

- an exceptionally high share of voters cast their ballot in advance of the day of polling—overall, around 80 per cent of the turnout; however, the distribution between regions varied significantly (Golos 2020a); and
- a significant share of the electorate (5.2 per cent) applied to vote from home, either electronically or on paper (1,215,926 and 4,425,904 applications respectively). Approximately 7.6 per cent of the voter turnout.

However, when the CEC organized an opinion poll on social media after the close, asking if voters would find it convenient to be able to vote over more than one day, more than 90 per cent of 1,000 respondents on Twitter and more than 90 per cent of 15,500 respondents on the Russian social network Vkontakte answered 'No' (Znak 2020c). On the face of it, voters should find the

opportunity to vote on more than one day convenient: this measure increases their chances to find a convenient time to vote. Hence, when voters explicitly state that they do not find that opportunity convenient they might have considerations other than convenience in mind. One such reason could be a lack of trust in the EMB and in its true motivations for making special voting channels available.

Historically, home voting and advance voting have been criticized by independent experts and even by the CEC in Russia (Andreychuk 2020). There is consistently a discrepancy between the electoral results obtained in ordinary polling stations on election days, and those obtained via home and advance voting (as was reported once again in the September 2020 elections). It is more difficult to organize election observation during home and advance voting—which results in even greater lack of transparency than during ordinary voting—and so on this argument, the discrepancy in results is frequently attributed to electoral fraud. The ‘Mobile voter’ instrument has been criticized for the risk of double voting since its introduction (Barabanov, Pushkarskaja and Gorjashko 2020). After the all-Russia vote, the CEC announced a check against double voting on a control group of 23,000 voters (Glikin 2020), but the results of it have not yet been reported. Every instance of double voting will result in a fine imposed on a voter (RUB 30,000), and disciplinary action against members of the respective EMB.

At the end of July, the Levada Center organized a (phone) opinion poll on participation in the all-Russia vote (Levada 2020). According to the opinion poll results, the turnout might have been lower than reported by the CEC. Further, only 60 per cent of respondents reported voting in favour of the amendment, 26 per cent voted against it, and 14 per cent did not reveal their choice. This distribution differs significantly from the one reported by the CEC. The opinion poll also provided the sociological profile of voters who participated in the all-Russia vote: the highest participation rates were among women, over 55 years old, with higher education. This contradicts the expectations that people from the older age groups would be disproportionately deterred from voting due to a higher risk from Covid-19. In the previous national elections—the 2018 Presidential election—participation rates were similar among all age groups (WCIOM 2018). The high participation rate among older age groups could perhaps be explained by the Covid-19 measures and the opportunity to vote in uncontrolled environments (at home, at the mobile polling stations, or at work). The opinion poll emphasizes the high share of respondents who did so (21 per cent), especially among the retired (35 per cent).

The independent election watchdog Golos reported multiple instances of election misconduct: voter impersonation, voter coercion by employers, denial of voting for those quarantining at home (due to the lack of personal protective equipment at the disposal of local EMBs), and ballot box stuffing detected thanks to video monitoring. In rare instances, the results of the all-Russia vote at such polling stations were cancelled. However, these decisions did not have any consequences for the overall results of the all-Russia vote; the results were

The independent election watchdog Golos reported multiple instances of election misconduct.

Furthermore, the media reported that the personal data of Internet voters (passport information) were available and open to public access.

established without re-running the vote in those areas where the results were cancelled (Golos 2020c).

Regarding Internet voting, its organizers stated that IVS is not entirely a 'black box', as it was in the 2019 trial, but a 'black and white box' (Kommersant 2020a), meaning that while some aspects of IVS are available for observation, some other aspects are still not transparent and not comprehensible to voters. Besides, the CEC received a number of complaints (particularly from public sector employees) regarding coercion to register for IVS. Furthermore, the media reported that the personal data of Internet voters (passport information) were available and open to public access (Meduza 2020b). The 2019 trial with Internet voting had also experienced leakage of voters' personal data.

In the absence of the centralized monitoring of the spread of Covid-19 among poll workers, we need to refer to individual reports. According to independent election watchdog Golos reports, at two polling stations in Saint Petersburg one member per each electoral commission was diagnosed Covid-19 positive during the period of advance voting. As a result, two other members of the same commission refused to work any longer. In Omsk, Altai and Stavropol regions, where all poll workers were obliged to undergo testing, EMB members tested positive (17, 13 and 50 of them, respectively) before the start of the voting (Taiga.info 2020). At one polling station in Moscow, the local head of the EMB was diagnosed with Covid-19 but kept working (Kataev 2020).

Regarding the spread of Covid-19 among the population, by 1 July new daily confirmed cases in Russia had peaked (on 12 May 2020) and had since been decreasing. As of September 2020, it had continued to do so. The occasional spikes were explained by reporting specifics. However, the number of daily confirmed new cases was 1.19 times higher on 1 July than on the originally planned day of polling, 22 April (see Table 30.1). There are no public reports of voters having been infected with Covid-19 in the all-Russia vote.

At first glance, the mitigation measures taken seem to have followed the recommendations of major international organizations, and those of academia (Wolf and Kalandadze 2020; James and Alihodzic 2020; Krimmer, Duenas-Cid and Krivososova 2020): ensure social distancing at the polling stations, prolong the voting period, and provide options for remote voting. Indeed, Russia had all of this. However, the way these actions implemented imposed a significant threat to the integrity of the all-Russia vote, trust in which had already been low. Furthermore, it goes against the principle of electoral law stability: that new laws should not be introduced earlier than one year before election day. According to the independent election watchdog Golos, the all-Russia vote failed to meet over 30 international norms and recommendations on the conduct of voting (Golos 2020d).

30.6. EFFECTS ON THE 13 SEPTEMBER 2020 SUBNATIONAL ELECTIONS

Some of the practices trialled in the all-Russia vote have been already institutionalized into law for future electoral events. On 31 July 2020, the President signed Federal Law No. 267 (Federal'nyj zakon ot 31.07.2020 No. 267-FZ) introducing the option of three-day voting at all levels of elections, particularly specifying that voting could be organized in outdoor public spaces. Legally, this new instrument abolishes the practice of advance voting, while in practice, it extends the eligibility to participate in advance voting to all voters (which was previously only available for those with good reasons). Some experts believe that the extension of the election day to three days might make voter coercion easier, especially in regards to forced voting at work: in Russia, election days are on a Sunday, so that a three-day election day would guarantee that voting happens during a working day as well (Lyubarev 2020).

On the nationwide voting day on 13 September 2020, voters cast a ballot at national (by-election to the State Duma), regional (regional dumas and gubernatorial elections) and local elections. These elections took place according to the new rules: voting lasted three days, with advance voting taking place on 11 and 12 September 2020. This created some challenges to election administrators: most of the polling stations were situated in schools, where both 11 and 12 September were studying days. The Ministry of Education did not have a central strategy for addressing this issue, so every region reacted differently. Some established these days as a holiday for pupils, some organized classes outdoors, while others again conducted both activities simultaneously, teaching pupils and conducting elections (Kommersant 2020b). The IVS has been used in these elections as well. Polling places functioned in line with the same measures against the spread of Covid-19 as had been established by the CEC for the all-Russia vote.

Some of the practices trialled in the all-Russia vote have been already institutionalized into law for future electoral events.

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Legal framework

- Zakljuchenie o sootvetstvii polozhenijam glav 1, 2 i 9 Konstitucii Rossijskoj Federacii ne vstupivshih v silu polozhenij Zakona Rossijskoj Federacii o popravke k Konstitucii Rossijskoj Federacii «O sovershenstvovanii regulirovanija ot del'nyh voprosov organizacii i funkcionirovanija publichnoj vlasti», a takzhe o sootvetstvii Konstitucii Rossijskoj Federacii porjadka vstuplenija v silu stat'i 1 dannogo Zakona v svjazi s zaprosom Prezidenta Rossijskoj Federacii
- Zakon RF o popravke k Konstitucii RF ot 14.03.2020 No. 1-FKZ "O sovershenstvovanii regulirovanija ot del'nyh voprosov organizacii i funkcionirovanija publichnoj vlasti"
- Postanovlenie CIK Rossii ot 02.06.2020 No. 250/1840-7 «O vnesenii izmenenija v Porjadok obshherossijskogo golosovanija po voprosu odobrenija izmenenij v Konstituciju Rossijskoj Federacii»
- Postanovlenie CIK Rossii ot 03.04.2020 No. 246/1820-7 "Ob otlozhenii golosovanija na vyborah, referendumah na territorii rjada sub#ektov Rossijskoj Federacii"
- Rasporjazhenie Prezidenta Rossijskoj Federacii ot 14.02.2020 No. 32-rp "Ob organizacii podgotovki provedenija obshherossijskogo golosovanija po voprosu odobrenija izmenenij v Konstituciju Rossijskoj Federacii"
- Ukaz Prezidenta RF ot 17.03.2020 No.188 "O naznachenii obshherossijskogo golosovanija po voprosu odobrenija izmenenij v Konstituciju Rossijskoj Federacii"
- Ukaz Prezidenta RF ot 25.03.2020 No. 205 "O perenose daty obshherossijskogo golosovanija po voprosu odobrenija izmenenij v Konstituciju Rossijskoj Federacii"

Ukaz Prezidenta RF ot 01.06.2020 No. 354 "Ob opredelenii daty provedenija obshherossijskogo golosovanija po voprosu odobrenija izmenenij v Konstituciju Rossijskoj Federacii"

Federal'nyj zakon ot 23.05.2020 No. 154-FZ "O vnesenii izmenenij v ot del'nye zakonodatel'nye akty Rossijskoj Federacii"

Federal'nyj zakon ot 31.07.2020 No. 267-FZ "O vnesenii izmenenij v ot del'nye zakonodatel'nye akty Rossijskoj Federacii"

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Iuliia has served in election observation and election assessment missions and worked with NGOs (Varieties of Democracy, Transparency International, British Council), as well as popularizing knowledge on elections via op-eds for various think tanks and magazines.

Chapter 31

CASE STUDY: SOUTH KOREA

Antonio Spinelli and Luke Butcher

31.1. INTRODUCTION

This case study looks at the administration of the 21st National Assembly elections held in the Republic of Korea on 15 April 2020, one of the first nationwide elections held after the onset of the pandemic. During the early months of Covid-19, countries and states were faced with an unprecedented dilemma as to whether to hold or postpone scheduled elections, resulting in controversies in either case. The Republic of Korea was one of the first to face this decision and thus at the forefront of elaborating new practice. The elections for the 300 members of its unicameral legislature represented a critical test for being able to fulfil the social contract between a government and its citizens while at the same time protecting the health and lives of candidates, voters and the wider population from a highly contagious virus.

Data collected and regularly updated during the pandemic (International IDEA 2020–2022) confirms that during the early months of 2020 at least 50 countries, states and territories—faced with the prospect of potentially spreading the virus by holding elections—opted to defer them. However, the elections in Korea were a symbol that safe elections could be held during the pandemic and would later prove an example for other countries to study as the pandemic continued and the need to devise a plan for Covid-safe elections became unavoidable.

Public health conditions in April 2020

The Republic of Korea recorded its first Covid-19 case on 20 January 2020, triggering a nationwide response of contact tracing based on Korea's previous experience with SARS and MERS virus outbreaks (V. Cha 2020). After weeks of cases remaining low, on 18 February 'patient 31' caused a spike in cases

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(related to a minor religious sect) that lasted from 20 February to 25 March. Beginning in the Daegu region and spreading around the country, this outbreak was linked to 4,259 cases (Yonhap News 2020) and by 23 February the Korean health authorities had raised the infectious disease crisis alert level to 'Severe' (NEC 2020d). However, by 9 April 2020, the day before early voting for the National Assembly elections began, the spread of Covid-19 had largely been brought under control at around 10,423 total cases confirmed and with recorded daily cases not above 100 since 31 March 2020.

This relative success—at a time when the pandemic was reaching crisis levels in Europe and the Americas—was as a result of a stringent, whole-of-government approach. The combination of testing and monitoring, contact tracing, self-isolation, social distancing, and strict quarantine for those arriving from overseas, was praised by the World Health Organization (WHO 2020). The Korean response drew widespread praise during 2020 despite some concerns about the intense and highly transparent nature of contract tracing: in the first months of the pandemic personal information of Covid patients was made available online and sometimes sensitive information was demanded of such patients by the authorities (Martin and Yoon 2020).

Elections had never been postponed in Korean history, including during the Korean War.

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31.2. LEGAL PROVISIONS AND POLITICAL CONTEXT

Elections in Korea are governed by three main pieces of legislation: the Public Official Election Act (Korea 2020, hereafter 'the Election Act'), the Political Parties Act and the Political Fund Act. According to the former, the three main election types—presidential, National Assembly and nationwide simultaneous local elections—are held separately and the election dates are fixed. In the case of National Assembly elections, they are held on the first Wednesday from the 50th day before the expiration of the terms of office. This meant that the date for the 21st National Assembly elections (15 April 2020) could not be changed by the electoral management body (EMB). Article 196 of the Election Act empowers the President alone to postpone an election in the event of 'a natural disaster, terrestrial upheaval or for other unavoidable reasons'.

Initial uncertainty in political and public debates as to the feasibility of the original electoral schedule was—in time—curbed by the successful containment of the virus. In addition, there were political factors affecting the decision to go ahead. The country had only moved to a democracy in 1988 after years of authoritarianism, and therefore any move to cancel or postpone elections might have been viewed by voters as a backward step. Incumbent President Moon Jae-in himself was a former democracy campaigner and human rights lawyer, so his public image could have been compromised by a postponement. As was observed at the time, elections had never been postponed in Korean history, including during the Korean War, which is a further measure of the potential risk to government legitimacy if elections did not go ahead (Klingner 2020).

The sole EMB in Korea is the National Election Commission (NEC), a body established by the Constitution to manage all elections for public office. The NEC asserted its independence after the 1987 presidential elections and increased its capacity after the unification of election law in 1994. The NEC is at the top of a four-tier organizational structure with 17 metropolitan city/provincial commissions (Si/Do), 250 small city and district-level commissions (Gu/Si/Gun), and 3,481 local-level commissions (Eup/Myeong/Dong). The NEC is an example of a robust and well-funded EMB, with a total of 3,085 staff (Ministry of Personnel Management 2020) and an operational budget of KRW 702 billion (USD 588 million) in 2020 (Ministry of Economy and Finance n.d.).

The Covid-19 pandemic had a significant impact on the issues at stake in the elections. At the beginning of the year, just prior to the outbreak, it appeared that the vote would be dominated by more 'conventional' issues, such as the country's economic growth and the recent electoral reform³⁰ and its relationship with the Democratic People's Republic of Korea, among others. However, the perceived poor handling of the pandemic in its initial period surged in importance, rapidly becoming an electoral issue.

Held in such exceptional circumstances, the 2020 elections became an opportunity for political and electoral gains for both political fronts. For President Moon Jae-in, his government and the ruling Democratic Party of Korea (DPK), it became vital to demonstrate their capacity to respond to the ongoing crisis and the effectiveness of the measures adopted. The largest opposition party, United Future Party (UFP)—an uneasy alliance of three conservative factions, still reeling from impeachment and dismissal of President Park Geun-hye in 2017—placed its efforts on convincing the electorate of the opposite: that the government's presumed failure to contain Covid-19 would shatter the national economy. The UFP had been beginning to make gains into the DPK's lead in opinion polls throughout February and March, but as the Korean Government's response began to be viewed favourably when compared with other nations resorting to lockdowns, it recovered. By early February the ruling party took a commanding 20-point lead in Gallup's opinion polls (Gallup Korea 2020).

Alternative voting channels

Although the NEC is responsible for the administration of elections, it can only recommend changes to election law, and otherwise works within the constraints of the three main acts that govern elections. This presented a particularly difficult task for the NEC in the run up to the 21st National Assembly elections. Given the chequered record of elections during the 1970s and 1980s, and in particular postal voting, the Election Act only allows mail voting in very specific circumstances, for which only those in hospital with Covid or being required to self-isolate would have been eligible (Korea 2020).

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³⁰ . Adopted in December 2019, just a few months ahead of the April 2020 elections, the two main changes to the electoral law of the Republic of Korea were: (a) the amended electoral system for the National Assembly now requires voters to cast two ballots simultaneously: one for a candidate, on a first-past-the-post (FPTP) basis, in single-member districts (accounting for 253 of the 300 seats); the other for a political party, to fill the remaining 47 seats through a proportional party list system; and (b) the lowering of voting age from 19 to 18 years.

The NEC was able to work closely with the Korea Disease Control and Prevention Agency (KCDC), who had developed public health measures for pandemic scenarios following from Korea's previous experiences with SARS and MERS.

This was further complicated by the fact that registration for postal voting closed 17 days before the election, so anybody who caught Covid or was required to isolate after this period could not use mail voting.

Therefore, without the option of utilizing postal voting, the NEC's only option was to make early voting and voting on polling day as safe as possible within the existing legal framework. Certainly, the NEC was fortunate that early voting was available. This voting method was introduced for the first time in 2013 during by-elections and implemented nationwide in local elections a year later. It allows all voters to cast their ballots at any polling station around the country for two days (starting five days before the election). The voter puts their ballot in an envelope printed with the address of the correct local election commission and places this in the ballot box, allowing the NEC to then mail the ballots to the correct jurisdiction for counting. This compromise system—which is essentially controlled postal voting—gave the NEC two extra days of voting to reduce congestion on election day and the opportunity to set up additional, special polling stations in facilities being used for Covid patients. More details on special voting arrangements (SVAs) in 2021 are given below.

31.3. RISK MITIGATION MEASURES

From the outset of the Covid-19 crisis, and as soon as the decision to go ahead with the elections was formalized, the NEC took immediate action to assert its commitment and capacity and to reassure the public of the safest possible voting environment: 'With the belief that disinfecting as much as possible is the best election management, the National Election Commission will prepare and carry out measures to ensure voters can cast their ballots without concerns about their safety', said the NEC Chair (NEC 2020d). The NEC was able to work closely with the Korea Disease Control and Prevention Agency (KCDC), who had developed public health measures for pandemic scenarios following Korea's previous experiences with SARS and MERS.

To that end, the NEC promptly followed its pledge by announcing several extraordinary measures it was putting in place to minimize the risk to voters of contracting and spreading the virus when casting their ballots.

Adapting the election campaign

Rallies, public speeches and debates, fundraising events, and even door-to-door canvassing were among the in-person campaign methods and activities prohibited, in effect, under the new public health regime. Although Koreans were not under a national lockdown or any legal restrictions, from 22 March the government asked people to 'delay or cancel nonessential gathering, dining-out, events, travel; Refrain from going out except for buying necessities, visiting a doctor, commuting' (MoH 2022) and this was then further extended until 19 April. In the same communication, guidance was given for public officials to avoid crowded environments, and the operation of public facilities such as libraries, museums and galleries was suspended.

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These restrictions obliged political parties and candidates to resort to alternative campaigning methods to reach out to their voters. There was a shift to online and digital technology, mainly video messages disseminated through social media platforms, SMS and mobile phone apps. Some candidates went as far as using innovative methods, employing augmented reality (AR) technology³¹ to interact with their supporters remotely. Other candidates conducted volunteer Covid-related work, which involved cleaning neighbourhoods in their constituencies and disinfecting the streets. Others, more conventionally, sent their manifesto and campaign materials through direct mail to households nationwide. But, inevitably, election campaigning activities for the 2020 elections had a much lower profile than in any previous election.

Special voting arrangements

The first important measure was to confirm that postal voting (referred to in Korea as home voting) would be applicable to Covid-19 patients who were being treated in hospitals and other medical facilities. As mentioned, only special categories of voters would usually have been entitled to postal voting provisions under the Election Act (persons with disabilities that mean they cannot go to the polling station; the elderly with limited mobility; persons unable to leave hospitals and nursing homes; and those confined in prisons or other custodial settings). On 5 March 2020 the NEC decided that COVID-19 patients who were hospitalized, in a care centre or in isolation at home would be eligible under the statute (NEC 2020e). To vote by mail, a postal voting application had to be submitted to a local administrative office between 24 and 28 March, and the NEC worked with the Ministry of the Interior and Safety and the Ministry of Health and Welfare to ensure those voters received an application and then could cast their vote from where they were residing (NEC 2020e).

The next measure was to encourage the electorate to take full advantage of early voting provisions. For the 2020 elections, early voting took place on 10 and 11 April, at any of the 3,508 polling stations, including the 8 special early voting polling stations additionally installed at Covid-19 care centres across the country. The rationale for encouraging more early voting was to reduce the number of voters gathering at polling stations on election day.

The last two special measures were to guarantee the voting rights of people diagnosed with Covid-19 or their close contacts who were asked to isolate at home after the postal voting registration period ended (28 March) or who did not register during the designated period. Therefore, the NEC developed two solutions to allow those persons to vote.

One of these was setting up the abovementioned special early voting polling stations. At the time in Korea, all persons who were diagnosed with Covid-19

For the 2020 elections, early voting took place on 10 and 11 April, at any of the 3,508 polling stations, including the 8 special early voting polling stations additionally installed at Covid-19 care centres across the country.

³¹ . For example, one candidate allowed supporters to endorse his election pledges through a mobile application and their phone cameras. Other candidates launched AR mobile services that enabled voters to digitally 'meet' and interact with a 3D animated party representative; this character could appear on photos and videos taken by users, who could then share these with other supporters.

were required to isolate and receive treatment in the eight designated care centres. Article 149 of the Election Act empowers the local election commission to establish an early voting polling station in a location such as a hospital, prison or residential facility for persons with disabilities if at least 10 persons register for postal voting (Korea 2020), a threshold that was easily met at all eight facilities. Further, as early voting is not restricted to those who register for it, anyone in the facility who was eligible to vote and had not yet done so—staff and healthcare workers isolating in the facilities, as well as their patients—was able to use these special early voting stations. They were run for a single day on either 10 or 11 April, for between four and eight hours, depending on the number of voters. Special measures included Level D PPE (personal protective equipment), the highest medical level, for all polling staff; separate voting times for staff and patients; and disinfection of all items, including the envelopes with ballots inside (NEC 2020d).

The final measure put in place was to allow voters who were isolating at home (as a close contact of a Covid case) to vote only from 18:00 on election day, the time when polling stations closed to all other citizens. In this the NEC was able to take advantage of existing provisions. According to Article 155 of the Election Act, any voter standing in line waiting to vote at the close of polls (18:00 for election day) is given a numbered ticket and allowed to vote even after that time. The NEC therefore agreed with the Ministry of the Interior and Safety that they would release those in isolation at home from 17:20 to 19:00 to allow them to vote. The local authorities provided a list of such voters to the relevant election commission the day before election day and also informed the voter to arrive at their registered polling station by 17:55 and wait in line to vote. These voters waited in a separate location and were given a ticket, and once all other voters had cast their ballot and left the polling station, preparations were made. Polling booths were moved outside in a well-ventilated space, and a designated member of staff wore Level D PPE to supervise the voting. The voters then followed the instructions of the local authorities and immediately returned to isolation (NEC 2020e). This was a deft and creative way of ensuring voters in this category could be separated and kept safe at the polling station—3,640 made use of it—and within the law.

The NEC therefore agreed with the Ministry of the Interior and Safety that they would release those in isolation at home from 17:20 to 19:00 to allow them to vote.

Ensuring a safe voting environment

The NEC enacted stringent measures to guarantee a safer voting environment for those intending to cast their ballot through in-person voting, which took place on 15 April (no additional polling days were added) at 14,330 polling stations nationwide—one per electoral precinct. To this end, the NEC adopted important safeguards throughout the steps of the in-person voting process, from queuing outside the polling stations, to limiting crowding in voting areas, to the safe handling of election materials (see Box 31.1). All these measures were reinforced by publishing a Code of Conduct for Voters, which provided detailed instructions and precautions that voters were required to follow. The NEC made significant efforts to disseminate the Code of Conduct as widely as possible so voters would be well prepared on election day.



Image credit: The Republic of Korea National Election Commission, <<https://www.nec.go.kr/site/eng/main.do>>

The NEC also had contingency plans in case of polling station workers testing positive or developing Covid symptoms. This was put to the test at around 12:30 on the second day of early voting, 11 April, when one polling staff worker who had been checking voter IDs began showing symptoms (high temperature and chills). They were immediately instructed to report to a testing centre. The polling station was closed, and a sign was posted outside directing voters to another station. A bus from the local election commission waited outside the station to relay voters to another polling station as required. Meanwhile, polling staff were kept inside the polling station at a safe distance and with food and water, while awaiting the test result. At 21:30 the test was confirmed as negative and the polling station's staff were released from isolation.

Maintaining safety during counting

Counting for public official elections in Korea is done using centralized counting centres, usually a gymnasium or large community centre, one for each constituency of the National Assembly. Counting centres in some ways posed an even greater Covid risk than polling stations, as thousands of staff, observers and media would usually have to gather in an indoor location. Therefore, the following measures were put in place during counting:

- on entering the premises, polling centre staff had temperature checks and had to walk over a disinfectant mat;
- staff wore masks and gloves at all times;
- tape was used on the floor to indicate appropriate distancing and ensure one-way flow during the counting process;
- additional ventilation systems were installed; and

- equipment and items were regularly disinfected after use, including door handles and ballot sorting machines.

Communicating with the public

The NEC used a range of communication channels to reach the electorate, including messages on its own broadcasting channel (NEC eTV), frequent information slots on national television, posters and banners around the country, and print copies of the Code of Conduct (posted to all voters ahead of the election with their polling card, as well as displayed inside polling stations). NEC eTV started as an Internet-only channel providing information for the 2014 elections; however, in 2017 it began broadcasting also as a 24-hour TV channel, as well as providing content to major news channels. With low viewing figures of below 0.1 per cent, NEC eTV has received criticism from the National Assembly for being poor value for money (Yonhap News 2019) but the channel did allow the NEC an avenue to provide public information on Covid-19 when needed in this election.

Transparency of voting and counting

While solely directed to protect public health, the stringent safeguards and precautions adopted by the NEC had an inevitable impact on the transparency and accessibility of voting and counting operations. In response, the NEC increased its livestreaming of polling station activities on its eTV and national channels at regular intervals, both during the two-day early voting period and on election day. Livestreaming cameras provided viewers nationally and globally with remote access to the various stages of the electoral process: the preparation and start of voting; voting in progress; the close of voting and the transferring and storing of the voted ballots; the preparation and the start of counting; the counting process as it was progressing; and the close of the vote counting. As a practice, livestreaming had started in 2014 at counting centres and some polling stations when early voting was introduced.

Domestic observation essentially remained unaffected, with party and individual observers allowed in the polling stations and counting centres in normal numbers. However, with strict border controls in place in the Republic of Korea, international observation was unable to take place. The NEC provided both livestreams and a summary video of voting for election officials from around the world. These videos were watched by around 120 international observers in real time. Following the election, the NEC met with election officials from the Kyrgyz Republic, Mongolia, the United States and other countries to take questions on how the elections were managed. The US embassy arranged a conference call following the election for election officials from each state to supplement the livestreaming provided with further information.

31.4. TURNOUT AND OTHER INDICATIONS OF PERFORMANCE

Already at the closing of the polling stations, two initial successes for the 2020 National Assembly elections were evident. The seamless management of these elections by the NEC, and the level of voter participation despite the pandemic, offered an early indication that for the most part, the stringent safeguards that were put in place by the NEC had worked well. There had been significant concern that the risk of exposure to infection would keep voters away, reducing turnout and possibly putting the credibility of the elections at stake, as happened in France's mid-March mayoral elections and in Mali's parliamentary elections held in the same period.

Participatory elections

With slightly over a quarter of those eligible voting in advance, early voting provisions considerably helped decrease the concentration of voters at the polling stations on election day. As shown in Table 31.1, early voting ended on 11 April, with a recorded turnout of 26.7 per cent, and the NEC confirmed that approximately 12 million voters had used this voting method. This marked a sharp increase in early voting compared to previous National Assembly elections and the highest on record (also 6 per cent higher than for the 2017 presidential election, despite that having an 11 per cent higher turnout overall).

The extension of postal voting provisions to hospitalized patients being treated for Covid-19 was also an important measure. While it did not significantly increase turnout, with 364 voters taking part in this way, it was symbolically important in demonstrating commitment to the enfranchisement of vulnerable citizens who were most directly affected by the pandemic.

For in-person voting on 15 April, the voters of the Republic of Korea queued patiently and took part in large numbers, amid unprecedented circumstances and safety measures. Results released by the NEC indicate that 66 per cent of the country's nearly 44 million eligible voters participated in the elections. This was the highest turnout since 1992, and 4.7 million more ballots cast compared to the last National Assembly election in 2016 (see Table 31.1).

These participation figures are testament to Korean voters' resolve—as well as to the efforts exerted by the NEC in encouraging them—to fulfil their civic duty and right to vote, despite the risks. The NEC methodically announced and explained to the public the extraordinary measures it had devised to protect their safety, also clarifying the reasons for adopting them. This transparent and proactive approach to risk management not only reassured the electorate but also gave time to political parties and candidates to adapt and cope with the stringent limitations placed on their campaigning activities.

Preventing the spread of Covid-19

Thanks to the intense contact tracing undertaken by the KCDC it is beyond reasonable doubt that no transmissions occurred due to election. Yoon Tae-ho, director general for public health policy, confirmed two weeks after the election that 29 million voters having participated on 15 April, 'Not one case related to

streaming as provided viewers nationally and globally with emote access to the various stages of the oral process.

Box 31.1. Stringent safeguards for in-person voting

Voters

- Voters were required to wear face masks when queuing to vote.
- Before accessing the polling station, all voters' temperatures were checked with non-contact thermometers; those showing a temperature higher than 37.5 degrees Celsius, or displaying respiratory problems, were redirected to special polling stations with even higher degrees of protection.
- Voters had to keep a safety distance of at least one metre from each other, with signs and marks strategically placed throughout the voting premises to assist with compliance.
- Keeping their IDs ready to be inspected, voters had to sanitize their hands and wear the disposable plastic gloves provided.
- Once allowed to enter the polling station, voters temporarily lowered or removed their mask to facilitate identification.
- Putting back their masks and keeping their gloves on, voters then received, handled and cast their ballots.
- On leaving the polling station, voters removed their gloves and left them into a disposal box, located at the exit.

Polling staff

- Polling stations were sanitized the day before election day and no one was allowed to enter until staff arrived to open the polling station.
- All staff were required to wear masks and plastic gloves and were provided with face shields for additional protection.
- Staff were asked to periodically disinfect the polling booths and ballot marking devices.
- Polling stations were required to keep windows open at all times to ensure ventilation.



Image credit: The Republic of Korea National Election Commission, <<https://www.nec.go.kr/site/eng/main.do>>.

the election [had] been reported during the 14 days of incubation period' (S. Cha 2020). The KCDC were able to confirm that one voter came to a polling station after being infected with Covid-19, but they were asymptomatic at the time and had not yet tested positive. However, after all staff and persons who went to the polling stations were tested, it was confirmed there was no additional spread (Newsis 2020).

31.5. OVERSEAS VOTERS

One part of the electoral process that was adversely affected by unavoidably drastic public health measures was the out-of-country voting (OCV) operation. According to Korea's election law, overseas voting is conducted by setting up polling stations in diplomatic missions around the world. However, the NEC was forced to cancel this channel in 55 countries due to (a) concerns over the safety of voters and embassy staff of the Republic of Korea in countries with high rates of Covid infection; and (b) expatriate Koreans' inability to go out to work or to vote under the lockdowns and other strict restrictions of movement imposed by host governments. Other diplomatic missions conducted OCV but were forced to shorten the voting period (scheduled for 1–6 April 2020). With no provisions in the election law allowing for mail voting from overseas, there was a drastic reduction in the number of Koreans able to exercise their voting rights through OCV (NEC 2020c).

The NEC was forced to close 68 OCV facilities in 43 countries including some with large populations of Korean nationals such as Canada, China and the US, which together accounted for as many as 87,000 (approximately 51 per cent) of the total 172,000 voters registered abroad. As the operation concluded, the OCV turnout of 41,000 (23.8 per cent) was the lowest since this voting method was introduced in the Republic of Korea and significantly lower than the previous National Assembly election in 2016 (see Table 31.1).

Resourcing the mitigation measures

Within its overall operational budget, the NEC had KRW 226.7 billion (USD 189 million) earmarked to hold the 21st National Assembly elections. After deciding in consultation with the KCDC on the health and safety measures that would be needed, the NEC estimated that an additional 22 billion Korean won (USD 18.4 million) would be necessary, an increase of approximately 9 per cent. It secured KRW 17.6 billion (USD 14.5 million) of that from the National Assembly after making a request to the Ministry of Finance; the remainder was taken from the NEC's own budget reserved for other purposes. The budget increase was mainly spent on disinfecting polling stations and counting centres; purchasing masks for polling and counting staff; and thermometers, hand sanitizer, medical gloves, disinfecting tissues and face shields to prevent infections among voters (for a full breakdown see annexes in: NEC 2020e).

By making requests to other public bodies, the NEC secured a reserve group of staff made up of 'public officials, teachers, and members of the public

Counting centres in some ways posed an even greater Covid risk than polling stations, as thousands of staff, observers and media would usually have to gather in an indoor location.

Results released by the NEC indicate that 66 per cent of the country's nearly 44 million eligible voters participated in the elections. This was the highest turnout since 1992, and 4.7 million more ballots cast compared to the last National Assembly election in 2016.

This transparent and proactive approach to risk management not only reassured the electorate but also gave time to political parties and candidates to adapt and cope with the stringent limitations placed on their campaigning activities.

considered fair and neutral' in case polling or counting staff either tested positive for Covid-19 or were asked to isolate. Training was operated at a reduced level, and textbooks and videos were distributed to supplement any in-person or direct training. In regions with high Covid-19 caseloads, such as the Daegu area, training was held through video conferencing or, when possible, at a small-scale by visiting the trainees directly, for example (NEC 2020e). It should be noted that most polling and counting staff in Korea are public officials and are compensated around KRW 50,000 (USD 42) per day. Many of the staff work numerous elections and therefore were experienced in their roles. The additional training required was mainly focused on implementing the new health measures for polling stations and counting centres, as described.

Table 31.1. Turnout in the Republic of Korea by voting method (2016–2020)

	21st National Assembly elections (15 April 2020)	7th Nationwide simultaneous local elections (13 June 2018)	19th Presidential elections (8 May 2017)	20th National Assembly elections (13 April 2016)
Number of eligible voters	43,994,247	42,907,715	42,479,710	42,100,398
Total ballots cast	29,126,396 (66.2)	25,832,076 (60.2)	32,807,908 (77.2)	24,430,746 (58.0)
Early voting ballots cast	11,742,677 (26.69)	8,640,897 (20.14)	11,072,310 (26.06)	5,131,721 (12.19)
Postal voting ballots	100,529	82,225	101,089	97,354
Ballots cast at special early voting stations	446	N/A	N/A	N/A
Postal voting ballots cast by Covid patients	364	N/A	N/A	N/A
Ballots cast on election day by voters in isolation	3,640	N/A	N/A	N/A
Overseas voting turnout	40,858 (23.8% of registered overseas voters)	N/A	221,981 (75.3% of registered overseas voters)	63,797 (41.4% of registered overseas voters)

Source: Authors', data from the NEC homepage and the NEC's report *Election Management in Response to Covid-19*, <<https://www.nec.go.kr/site/eng/main.do>>.

Post-election outcomes and disputes

After the election, there was a theory promoted by a fringe element of the leading conservative party, the UFP, that the election was rigged, pointing specifically at the early voting system. Led by defeated representative and former news anchor Min Kyung-wook, the group made a variety of claims including allegations of 'early voting ballots being destroyed' before counting, the 'NEC working with Huawei to help the Chinese government' ensure President Moon's party were able to win, and 'Chinese hackers working to infiltrate the NEC's counting systems' (Kim 2020). Those in Korea casting doubt on the result also jumped on a paper by Professor Walter Mebane that raised questions about the voting data (Mebane 2020), while conservative elements in the US such as commentator Grant Newsham repeated the allegations of fraud and Chinese involvement (Newsham 2020).

However, these theories were unsubstantiated and failed to gain any serious mainstream traction. The UFP ejected Min Kyung-wook after publishing its own report that refuted evidence of vote rigging, and Min's appeal to the Supreme Court was dismissed (Kim 2020; Korea JoonAng Daily 2020). The former head of Statistics Korea under the last conservative President Park Geun-Hye also launched his own report into the administration of the elections on behalf of the leading opposition party, dismissing the possibility of election fraud and the statistics put forward by Mebane (Yi 2020). This meant that the legitimacy of the elections remained intact. These groundless theories were, in some part, driven by increased early voting turnout and the relatively new system being misunderstood. The NEC addressed misunderstandings of its systems after the election by hosting an open day (28 May) during which observers and the media were briefed about the process and the data generated, and could inspect election equipment and question members of the election administration team (NEC 2020a). Further transparency measures and education will likely be needed in the future.

Thanks to the intense contract tracing undertaken by the KCDC it is beyond reasonable doubt that no transmissions occurred due to election.

31.6. WHAT CAN BE LEARNED FROM THIS EXPERIENCE?

As one of the first countries³² to have run a national election amid the Covid-19 pandemic, the Republic of Korea attracted global interest from the early stages of their preparation. From all continents, the eyes of EMB officials, electoral experts, academics, civil society and politicians alike, were all pointed at Korea. Pressing questions that existed at the time included:

- What measures were adopted to try to ensure a safe voting environment? And to what extent did such measures provide the electorate with enough reassurance and confidence to vote?

The NEC was forced to close 68 OCV facilities in 43 countries.

³² . Alongside (also in March 2020) Australia (local elections in Queensland); Dominican Republic (municipal elections); France (local elections); Germany (local elections in Bavaria); Guyana (general elections); Israel (general elections); Mali (general elections); Switzerland (local elections in Lucerne); and Vanuatu (general elections) (see International IDEA 2020).

- How had the pandemic impacted the ability of political parties to campaign and reach their audiences?
- Had the Covid-19-related health risks kept voters away from the ballot box and, therefore, affected voter turnout? Was the disruption created by the pandemic of such a level that it undermined the credibility and legitimacy of the elections?
- Finally, had the decision to go ahead with the elections exposed voters and polling station officials to increased health risks?

The NEC addressed misunderstandings of its systems after the election by hosting an open day.

At the time of writing Korea, like many other countries—with effective vaccines in existence and the milder Omicron variant in circulation—has changed to a long-term strategy focused on living with Covid-19 and rolling back restrictions (Hankyoreh News 2022). Future elections are likely to seek a more permanent solution outside of continuing emergency measures such as extended postal voting. Meanwhile this election is an example of how the more traditional polling station voting method can survive in the Covid era, while other lessons remain relevant to other future pandemic scenarios.

As we have seen, the NEC succeeded in delivering a technically sound national election under extremely difficult circumstances. The NEC was able to share its experiences and offer crucial points of reflection in the months following the election. It worked together with The Association of World Election Bodies (A-WEB) and International IDEA to host two webinars in June 2020 in Spanish and English, participated in events by other EMBs such as the Election Commission of India, and arranged bilateral meetings at the request of election officials. In addition, with election officials remaining unable to visit Korea throughout 2020 due to travel restrictions, the NEC invited embassy officials to visit the NEC to respond to questions for various countries planning on holding elections in 2020 and 2021.³³

The NEC was able to share its experiences and offer crucial points of reflection in the months following the election.

However, as in all matters of electoral management it is not necessarily possible or straightforward to adopt and adapt these experiences in other countries. When considering the lessons learned, any country, state or territory should carefully evaluate its own specific context against the existence of those fundamental conditions that are essential to deliver credible, safe and fair elections amid the outbreak of a pandemic.

Containing Covid-19 infections

In the Republic of Korea, the incumbent government and the health authorities, albeit with a sluggish start, rapidly assessed the situation and based on previous public health experiences was able to limit the outbreak and flatten the curve of new infections. Without imposing any lockdown or major restrictions on citizens' freedom of movement, the pandemic remained at

³³ . For example, one candidate allowed supporters to endorse his election pledges through a mobile application and their phone cameras. Other candidates launched AR mobile services that enabled voters to digitally 'meet' and interact with a 3D animated party representative; this character could appear on photos and videos taken by users, who could then share these with other supporters.

contained levels throughout the pre-election and election periods. Thanks to this approach, the NEC had a safer, more stable environment in which to reassure voters, put Covid-safety adjustments in place and run the election. It is doubtful that any country could have held in-person voting on this scale, at this point of the pandemic, without the intensive contract tracking and tracing that Korea implemented. These systems managed to keep Covid-19 cases at a reasonable level.

A solid electoral framework

The response provided by the NEC, and the extraordinary precautions and safeguards adopted to minimize the risks to public health involved in the act of voting, were unprecedented in the Republic of Korea and worldwide. These measures, however, could not have been so smoothly implemented without numerous pre-existing legal and procedural provisions to facilitate voter inclusion and participation. Because postal and early voting procedures—both in-person and through remote voting—were already in place prior to the Covid-19 outbreak, these could be suitably and swiftly extended to meet new challenges. Perhaps most notably, early voting measures allowed any voter to cast their ballot in-person at any polling station in the country without prior registration. Furthermore, the EMB had proven administrative, procedural and operational capacities to implement these provisions.

The NEC also displayed its ability to use existing provisions of the electoral framework to advantage rather than revamping election law itself—as seen in the separate voting times introduced for voters who were isolating. This is also an example of the close cooperation with health officials that EMBs require in emergency situations.

Timely and appropriate resources

Unequivocally, the timely availability of adequate resources (financial, human, assets and supplies) played a major part in the sound electoral management by the NEC and the high turnout of the 21st National Assembly elections. The fact that not all countries, states and territories may possess, or be able to mobilize, similar levels of resources is a significant obstacle to achieving equivalent outcomes elsewhere. Nevertheless, this experience should be a lesson to countries around the world that in withstanding serious tests like public health emergencies, a well-resourced EMB that is independent yet able to cooperate closely with local administrative authorities is essential.

A conducive political environment is another important factor behind the success of these elections was a societal and whole-of-government consensus that the pandemic was worthy of a serious response. No major politician or political party questioned the additional measures brought in by the NEC in the face of the pandemic, which helped to build awareness and support for early voting and, ultimately, confidence in the process and results (NEC 2020b). According to a poll conducted on behalf of the NEC post-election, 64.7 per cent of respondents described the election as 'fair', 28.9 per cent responded that the election was 'average' and 6.4 per cent responded that the election was 'unfair' (NEC 2020f).

It is doubtful that any country could have held in-person voting on this scale, at this point of the pandemic, without the intensive contract tracking and tracing that Korea implemented.

This experience should be a lesson to countries around the world that in withstanding serious tests like public health emergencies, a well-resourced EMB that is independent yet able to cooperate closely with local administrative authorities is essential.

31.7. CONCLUSION

Korea will have to factor in Covid-19 safety measures for the foreseeable future in-line with its new strategies of focusing on high-risk groups (rather than intensive tracking and tracing as practised in the early pandemic phase). Indeed, with presidential elections and local elections scheduled separately in 2022, the NEC has kept a vast majority of these measures in place, including the voters' Code of Conduct, Covid-19 measures in polling stations and counting stations, and the mail-in voting option for those testing positive.

For other countries now preparing to 'live with' Covid-19 in similar circumstances to Korea's—that is, relaxing restrictions despite high case rates, on the basis of high vaccination rates—many of the measures from this election can be used as a gold standard for maintaining the more traditional form of in-person voting in a safe manner. The early voting system, allowing voters to vote from any polling station around the country and acting as a form of in-person controlled mailing voting, could be a serious option for countries seeking a compromise between all-mail voting and the less flexible in-person voting. After more than two years of dealing with the pandemic, voters and staff in many countries are familiar with the kinds of health and safety measures used, and some will now wish to take further steps in mask wearing, sanitization and ventilation. In many ways, this first major national election of the pandemic remains one of the most helpful case studies available, as the worldwide public health risk posed by Covid continues to evolve.

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Chapter 32

CASE STUDY: SPAIN

Jordi Barrat Esteve

32.1. INTRODUCTION

Three regional elections were scheduled in Spain for 2020: in the Basque Country, Galicia and Catalonia. In the Basque Country and Galicia parliamentary mandates were expiring, while in Catalonia a political agreement led to early elections. When a state of emergency was declared in mid-March, the Basque Country and Galicia had already started the electoral process. Elections would have taken place on 5 April, but a decision was made to cancel them; they later took place on 12 July. By contrast the Catalan Government did not call for elections before the state of emergency. Catalan elections were eventually scheduled for 14 February 2021, then postponed to 30 May for fear that pandemic restrictions would weaken the legitimacy of the outcome, but complaints were lodged to the Court (Tribunal Superior de Justicia de Catalunya 2021), who maintained the first date. The text limits its scope to the Basque and Galician elections.

This case study begins by considering whether the provisions for states of emergency in Spanish law allow governments to cancel elections. It outlines the distribution of activities concerning electoral matters in Spain and identifies which actors would be responsible for taking such a sensitive decision. Finally, the case study considers the administrative aspects related to the right to vote during a pandemic: electoral precincts, recruitment of polling staff, implementation of postal voting, disenfranchisement of Covid-19 positive voters, transportation of ballots and electoral campaigning.

In general terms, the Spanish case demonstrates that elections can be held during a pandemic, provided certain regulatory and organizational measures are implemented. Regarding the electoral law, specific voting procedures

The Spanish case demonstrates that elections can be held during a pandemic, provided certain regulatory and organizational measures are implemented.

are needed for those people who are not allowed to attend regular polling stations and are thus disenfranchised. Flexible deadlines for postal voting or home voting could be considered. Electoral precincts performed reasonably well on election day and measures in place, such as sanitizers, re-location of certain polling stations, and mandatory use of masks, were effective enough to maintain voting procedures. Finally, future policymakers should pay close attention to the electoral campaign. Political parties adapted their strategies to pandemic restrictions and in this case, all managed to undertake campaigning. No major criticisms arose, but it should be noted that social networks played a pivotal role under Covid-19 conditions.

32.2. BACKGROUND

In Spain, there are four types of elections—municipal, regional, nationwide and European. While all municipalities hold elections at the same time (the last Sunday of May) and every four years, regional and nationwide elections may vary. Relevant parliaments have a four-year mandate, but early elections are also accepted. European Parliament elections are held every five years.

With the exception of elections to the Upper Chamber, all contests follow a proportional system (i.e. D'Hondt), closed lists are used, constituencies are normally based on the provincial territorial division and thresholds apply for obtaining representation.

Spain has a parliamentary system, at both central and regional level, and therefore prime ministers must have the confidence of the assemblies to govern. Since 1978, when the current constitution was established, the partisan structure combined an imperfect bi-party system (i.e. two main parties with other minor actors) at a central level with important regional parties in the Basque Country and Catalonia. Such regional parties have seats at the Spanish Parliament too; they are deeply involved at the national level and at times have even become key parliamentary supports for a ruling government. However, since 2015 Spain has moved to a multi-party system, with new political parties (such as Cs, Vox, and Podemos) having substantial representation.

The Spanish electoral administration is led by the Central Electoral Commission (Junta Electoral Central, JEC), a permanent administrative body which is tasked with all electoral-related matters. However, the practical arrangements are normally undertaken by either the central government or regional ones, such as the Basque and Galician regional cabinets in this case. Other entities, such as the Census Office or municipalities, are also involved. Finally, when elections are called, temporary electoral commissions are set up under the supervision of the JEC. These are provincial, sub-provincial (zonal) and, for certain elections, also regional election management bodies (EMBs). They are supposed to take decisions and resolve electoral-related disputes as a first administrative resort.

32.3. CANCELLING ELECTIONS: CONSTITUTIONAL PROVISIONS

According to the Spanish Constitution (Spain 2011a), there are three different states of emergency (alarm, exception and *sitio*). Given the challenges caused by Covid-19, the national government declared a state of alarm on 14 March 2020. The parliament upheld its validity until the end of June 2020.

The Basque and Galician elections had already been called on 10 February and, under the state of alarm, both regional cabinets decided to cancel them. The relevant decrees, Decree 7/2020 in the Basque Country, of 17 March (Eusko Jaularitza 2020a); and Decree 45/2020 in Galicia (Xunta 2020a), a day later withdrew preparations that had already finished, such as the nomination of candidates. Decrees calling for new elections would have to resume the whole process from the very beginning. Legally speaking, therefore, these were annulments of procedures that had already taken place.

However, the Constitution was ambiguous on how to proceed. Firstly, it was not clear whether elections could be cancelled. Secondly, there were no indications as to which body was supposed to take such a decision.

Contrary to what happens in the states of exception and *sitio* (Spain 2011a: article 55SC), there is no constitutional provision allowing for the suspension of fundamental rights under a state of alarm. Doubts therefore arose as to whether the Basque and Galician decrees, which cancelled elections and directly affected the fundamental right to vote, were lawful (see Montilla Martos 2020; Arroyo Gil 2020; Teruel Lozano 2020). Having in mind such constraints related to the state of alarm, the Constitutional Court (83/2016, 28 April) had already developed a distinction between *suspension* and *limitation* of fundamental rights. The state of alarm would admit limitations, but no suspensions. The distinction is far from clear, both from a theoretical angle and in practice, but the lawfulness of the above-mentioned decrees hinged upon it. Should cancelling elections be deemed a suspension (and not a mere limitation) of a fundamental right, a state of alarm would not sanction it. For their part, electoral authorities decided to continue on the basis that it was a human rights limitation only.

As for which entity was constitutionally entitled to cancel elections, the electoral code was silent on the matter. The Organic Law on the General Electoral Procedure (Ley Orgánica del Régimen Electoral General, LOREG) (Spain, 2011b) enumerates tasks to be undertaken by JEC (article 19), but none of them covers the cancellation of an election. Governmental regulations provided no clear guidance either.

The Galician Government therefore struggled to prove that cancelling elections was the most convenient solution at the time, insisting that: 'a systematic, teleological, integrative and constitutional-driven interpretation of the legal framework related to the state of alarm imposes, for the sake of the effectiveness of the right to vote and its proper exercise, cancelling elections'

Given the challenges caused by Covid-19, the national government declared a state of alarm on 14 March 2020.

(Xunta 2020a). Galicia's regional electoral commission acknowledged that no specific legal provision existed for cancelling elections and therefore decisions should be taken according to the 'rule of law mechanisms and the *consensus among electoral contestants*' (Xunta Electoral de Galicia 2020a, 2020b; emphasis added). The Basque electoral commission was slightly more conclusive. It also shared the opinion of the political parties, which had been formalized in a written statement (Euskadiko Hateskunde Batzodea 2020a), and considered lawful the decree cancelling the elections that had been proposed by the Basque cabinet, but no further grounds were provided (Euskadiko Hateskunde Batzodea 2020b).

From a political perspective, political parties accepted that the cancellation was an appropriate, necessary and proportionate measure given the circumstances.

Instead of governmental decrees with such weak legal grounds, a more orthodox solution would have been an urgent parliamentary modification of the Spanish electoral law (see Presno Linera 2020a, 2020b). Neither the Basque nor the Galician assemblies could modify their relevant electoral laws because their plenaries had already stopped sitting and neither Basque nor Galician regulations oversee urgent decrees from the government (see De La Iglesia Chamarro 2013), but the Spanish Parliament could still have used certain powers that may apply to both central and regional institutions. No parliamentary act was modified, however, and despite legal concerns, both the Basque and the Galician governments approved the two decrees. From a political perspective, political parties accepted that the cancellation was an appropriate, necessary and proportionate measure given the circumstances.

32.4. EVENTUAL IMPLEMENTATION OF THE 2020 ELECTIONS

The announcement to hold new elections was published when the state of alarm was still in force—Decree 72/2020 for Galicia (Xunta 2020b) and 11/2020 for the Basque Country (Eusko Jaulartiza 2020b), both on 18 May—and therefore elections took place under very challenging conditions. The rationale was that the health situation had already improved since March, and that if elections were postponed any longer they would likely be held in autumn, when the mandate of both Galician and Basque parliaments had expired and when the pandemic was expected to escalate again. Some parties voiced their opposition to making any hasty decisions about the election schedule (Cebrián Zazurca, 2020: 31–32), including EH Bildu and Elkarrekin-Podemos in the Basque Country and in Galicia, Galicia en Comun, Bloque Nacionalista Galego (BNG) and Partido dos Socialistas de Galicia (PSdeG) (Diario Vasco 2020a, 2020b; *Faro de Vigo* 2020a, 2020b; *Nosdiario* 2020). In the Basque case, an appeal against the decree was filed and the Basque judiciary confirmed that elections could be held, provided specific Covid-19-related measures were taken (Izarra 2020). Health authorities were also consulted, and in neither region did civil society explicitly oppose the move to hold elections.

Upholding the right to vote under a pandemic and a state of alarm presented political, legal and operational challenges for national as well as regional governments. As the regional elections approached, Covid-19 figures worsened

in some areas and how to avoid the disenfranchisement of Covid-19-positive voters became vigorously debated. This was just one among a number of concerns.

On 12 July 2020, both the Basque Country and Galicia managed nevertheless to hold elections efficiently and professionally. Electoral activities were successfully conducted by polling staff and preliminary results were delivered at approximately 22:00 on polling day, in line with previous operational forecasts. According to official information, in Galicia all 3,952 polling stations were open at 10:30 (Xunta 2020c) with no major incidents to be noted. In the Basque Country, with 2,678 polling stations, the situation was the same at 10:11 (Hauteskundeak 2020).

Turnout and outcomes

Turnout reflected more absenteeism than usual in both regions. In Galicia, whose voters' list included just over 2.7 million citizens, turnout is normally low. In 2020 it was 49 per cent whereas in 2016 it had been 53.6 per cent (Xunta 2016). In Burela, the zone most affected by Covid-19, elections ran smoothly (*Faro de Vigo* 2020c) and turnout was a respectable 51.7 per cent (Xunta 2020c, 2020d). While higher than the Galician average, Burela's turnout was, however, almost eight points down on 2016's (when it was 59.6 per cent) and the drop for Galicia as a whole was just five points. It is difficult to determine how far Burela's turnout was related to the pandemic. Some days ahead the incumbent President had pleaded with elderly people, in general normally supportive of his political party, to be unafraid and vote (*Faro de Vigo* 2020d).

In the Basque Country, whose voters' list encompassed just under 1.8 million citizens, turnout was 50.8 per cent, as compared to 60 per cent in 2016 and an even higher figure in 2012 (64 per cent). In the municipality of Ordizia, turnout was 55.9 per cent in 2020 and 65.1 per cent in 2016 (Eusko Jaularitza 2020c). Again, the most affected zone achieved a higher turnout than the Basque average, but here both Ordizia and the whole Basque Country saw the same 10 per cent drop since the last regional elections.

It is important to note that neither election was *expected* to be closely contested; both ruling parties could reasonably expect to maintain and even increase their vote shares, as was finally the case. Such forecasts may also help to explain the lower turnout, as well as the lack of controversy or much academic investigation into the pandemic's possible impacts. In Galicia, the Partido Popular increased its parliamentary support gaining one seat and achieving 48 per cent (from 47.6 per cent in 2016) of valid votes. In the Basque Country, with a more fragmented assembly, the ruling Basque Nationalist Party (EAJ-PNV) again achieved first place with 39.1 per cent (from 37.6 per cent in 2016). While the results in Galicia allowed for one-party government, in the Basque Country EAJ-PNV continued its coalition with the Socialist Party of the Basque Country–Basque Country Left (PSE), the third party with a vote share of 13.7 per cent.

On 12 July 2020, both the Basque Country and Galicia managed nevertheless to hold elections efficiently and professionally.

In summary, the political landscape did not change much in either region. When it comes to parliamentary support for the cabinets, both governments maintained the same structure and partisan compositions. On the other hand, important readjustments took place in the distribution of seats in the assemblies. These include a stronger weight of the ruling parties, poor results for left-wing Podemos in both elections, the remarkable second place position of a Galician party (BNG), and the arrival of a very new player in the Basque Country, namely the far-right Vox.

It is also worth noting that the final distribution of parliamentary seats was decided on a very close margin in both regions. Galicia has a tradition of out-migration, and expatriates therefore have a weight in local politics, thus the final distribution of seats was slightly modified due to out-of-country voting (OCV, see below). Overseas votes, which are tallied after the election day, gave an extra seat to the ruling party in Galicia, with a narrow margin of 45 votes (*Última Hora* 2020). In the Basque Country, another seat was re-allocated thereby making more difficult a political alternative to the incumbent Prime Minister. The margin was 108 votes (Alonso 2020). The voters that were formally disenfranchised due to Covid-19 measures (see Quarantined voters, below) might conceivably have affected the final outcome, therefore.

That said, general turnout figures among expatriates are aligned with the general outcome, being lower in both cases. In Galicia, 1.2 per cent of overseas voters cast a ballot, compared to 2.4 per cent in 2016. In the Basque Country, 3.5 per cent of overseas voters did so, down from 4.7 per cent. Consideration should be given to some particular areas—OCV, and how Spanish and foreign postal services handled electoral material—because this is where the Electoral Commission itself recognized that the pandemic had an impact (Decision 73/2020, and see JEC 2020a). However, there is no direct evidence that this extended to the outcomes.

The total number of polling station premises, their location and their internal set up were assessed under new health criteria and modified when needed.

32.5. MITIGATION MEASURES

Electoral precincts

Both Galician and Basque authorities adjusted electoral logistics so that the voting process could be carried out according to Covid-19 mitigation requirements (Diario Oficial de Galicia 2020a; see also Xunta 2020f, 2020g; Euskal Herriko Agintaritzaren Aldizkaria 2020; see also Eusko Jaularitza 2020g).

The total number of polling station premises, their location and their internal set up were assessed under new health criteria and modified when needed. In the Basque Country, for instance, the assessment was that the traditional, larger polling centres (those with more than 10 polling stations) complied with Covid-19 obligations, whereas 85 polling stations were split into new ones, 100 premises were relocated and 42 additional ones were used (761 in total) (Eusko Jaularitza 2020c, 2020d). Polling centres that were located at care

institutions were considered for relocation, and steps were taken to avoid sharing entrances with other services (Eusko Jaularitza 2020c). Information about polling station location is always included on polling cards in Spanish elections, but on this occasion, it was of renewed importance to avoid confusion for voters.

Health measures regarding the layout and procedures in polling stations were similar in the two regions. All were sanitized prior, during and after election day. Restrooms were only available for polling staff; sanitizer liquid was available for polling staff and at general disposal. Physical distances were respected regarding electoral equipment (booths without curtains, ballot boxes, larger tables). A steady flow of voters was maintained over the election day by dedicated polling staff, who offered instructions on minimum distances required and gave precedence to vulnerable groups. The time voters spent at the polling centre was also minimized, with appropriate signage guidance on checking polling cards ahead, and proactive measures taken when people remained on the premises after having voted.

Masks were mandatory, but they could be temporarily removed for identification purposes (when the polling board needed to authenticate the ID card produced by the voter). Voters were recommended to use gel sanitizers both at the entrance and when leaving. Moreover, it was recommended that both the ID card and the ballot envelope were not handed over to polling staff but were just presented for visual inspection. Finally, in the Basque Country nitrile gloves and FFP2 masks were mandatory for tallying operations at polling stations and for the general tally a few days later. Gloves and masks for polling staff were provided by the authorities.

All these measures were communicated to voters, party agents and polling staff. Information clips were displayed on the relevant institutional websites, for instance (Eusko Jaularitza 2020f, 2020g; Xunta 2020j). Moreover, every member of the polling staff was given an operational handbook (Eusko Jaularitza 2020g; Xunta 2020g). For the most part, training sessions or rehearsals were not undertaken, but that is also the norm in Spanish elections under usual conditions. Online or blended training was not considered either.

It is difficult to quantify the financial burden of such measures, as in general terms no disaggregated budget figures were published. However, Basque electoral authorities informed municipalities that they would receive EUR 300 instead of EUR 205 per polling station. Municipalities were tasked with accommodating polling stations and costs were expected to increase as a result of these new health measures. The total budget for Basque elections was EUR 6 million (Eusko Jaularitza 2020d).

Polling staff

Any citizen can be recruited as polling staff in Spain. They are appointed by lottery according to the catchment area of each polling station. Electoral service is a legal duty and there are criminal sanctions for breaching it. Citizens may be exempted only with reasonable cause, but the electoral code does

not clarify which cases will be deemed reasonable and which not. Moreover, exemptions are approved by zone electoral commissions with no appeal to a higher administrative body (article 27.3 LOREG). Historically, different and even contradictory criteria have been applied for such exemptions and in 2011 the Electoral Commission was obliged to establish minimum parameters that any electoral body should follow (JEC Instruction 6/2011, 28 April).

Health constraints caused by Covid-19 created an unexpected recruitment scenario and no useful precedents existed. In Vigo, for the very first time the municipality was asked to appoint new members because 158 out of 3,348 had exempted themselves as of 29 June 2020 (*Faro de Vigo* 2020e). On 23 June Bilbao's zonal EMB also highlighted that some (*'diversas'*) petitions of exemption had been filed covering citizens at risk of Covid-19, citizens living with infected persons or pregnant women, to name a few. 'Given such plurality of cases', the Bilbao EMB wanted to know whether any general instruction existed in this regard (Euskadiko Hateskunde Batzodea 2020c). Although zone EMBs were likely to use different criteria to judge exemptions, the Electoral Commission refused to be involved in the adjudication of such cases. JEC Decisions 122 and 123/2020 (9 July) and 131/2020 (17 July) confirmed that these matters belong to zonal EMBs and the Electoral Commission refused therefore to again establish common criteria.

Every polling station has a president and two deputies. In 2020 two substitute members of staff were appointed by lottery at the same time, to address potential vacancies. In total, polling staff, both active and substitutes, numbered 35,568 in Galicia and 24,102 in the Basque Country. Lack of clarity in the procedures could have been problematic. However, no problems were documented on election day and all polling stations, with all staff assigned to them, operated normally.

Postal voting

Spain allows votes to be cast by postal means and no specific excuses are needed to use such a voting method. This appears to have been very helpful for mitigating the effects of Covid-19 in the 2020 elections. Applications for postal voting increased in Galicia and in the Basque Country. In Galicia, 77,057 petitions were processed in 2020, compared to 46,037 in 2016 and 33,757 in 2012. Likewise, in the Basque Country, there were 124,473 applications in 2020 compared to 51,981 in 2016 and 46,107 in 2012 (INE 2020). In the Basque Country, the postal service hired 470 temporary staff (*Diario Vasco* 2020b).

The Electoral Commission (JEC Decision 56/2020) modified some procedural steps to make the postal voting process easier for the voter, no longer requiring them to go to a post office to request a postal vote. However, that administrative decision did not entirely match what the higher electoral parliamentary Act stipulates (see Table 32.1).

Firstly, electronic applications were now permitted and, given that electronic signatures were required, voters' authentication was not a concern. But it is worth recalling that the electoral law establishes that the application must be

Health constraints caused by Covid-19 created an unexpected recruitment scenario and no useful precedents existed.

filed 'at any post office' (article 72.1 LOREG), where ID cards and signatures are to be checked (article 72.2 LOREG).

Moreover, once the voter was handed the electoral material (i.e. ballots, envelopes, census affidavit), he or she was now exempted from signing the receipt. This contradicted the electoral code: 'the receipt will have to be signed by the voter once his/her identity having been accredited' (article 73.2 LOREG). According to the Electoral Commission, this requirement would have been 'interpreted in an exceptional way' and, upon requests from the Spanish Ombudsperson and one political party, it made an analogy with cases of illiterate people who apply for postal voting despite not being able to stamp a signature (see JEC Decisions 67/1993, 90/2020 and 91/2020).

Finally, the same 56/2020 JEC Decision foresaw the ballot being cast just after the relevant documentation was handed over to the voter. Although the traditional practice consisted in again attending a post office, legally speaking article 73.3 LOREG does not establish such a requirement. Obligations are limited to using registered mail—and the voter may even delegate this final step to a proxy. Completing both steps (i.e. delivering of electoral material and casting a ballot) at the same time is a proposal that had not hitherto been considered, but Covid-19 may thus have eased cumbersome postal procedures in future elections.

Out-of-country voting

The Electoral Commission's approach was also flexible for out-of-country voting (OCV). Overseas voters are normally entitled to send postal ballots to their Consulate up to five days before election day. Their documentation is then sent to Spain and tallied by the provincial EMBs a few days after in-person voting (e.g. 20 July 2020 in Galicia). The Consulates are usually required to send ballots to Spain on the eve of the election day. Given the extraordinary juncture and contradicting articles 75.4 and 8 LOREG, the Electoral Commission extended deadlines and thus out-of-country voters were able to send postal ballots until 11 July; the processing of OCV postal ballots by Consulates was also extended beyond election day itself (JEC Decision 73 and 84/2020, 3 and 11 June 2020). On the other hand, the Electoral

Covid-19 may thus have eased cumbersome postal procedures in future elections.

Table 32.1. Postal voting procedures: before and during pandemic

	Ordinary procedures (Electoral Act)	Special Covid-19 procedures (JEC Decision)
Application	At postal offices only	Electronic means admitted
Delivering of voting documentation at voter's home	Voter's signature mandatory	Voter's signature not needed
Casting a ballot	At postal offices only	At postal offices or at home when voting documentation is handed over

Commission did not accept a petition from the Galician Government asking for a postponement of the overseas tally. It also acknowledged that OCV was not feasible at all in some countries, such as Venezuela or Cuba (JEC Decision 134/2020, 17 July 2020).

During the 2020 regional electoral cycle, the Electoral Commission's role was difficult as it was asked to facilitate new and easier voting channels while the law remained unchanged. While decisions about postal voting seemed reasonable, certain aspects openly contradict what is established by the Electoral Act and therefore concerns existed about their legal validity. In this regard, JEC Decision 93/2020 went beyond a formal adjudication and makes clear that the Electoral Commission would have very much welcomed a proactive approach from other institutions, namely the parliament: 'once elections were announced under a pandemic [. . .] consideration should have been given to inevitable risks and obstacles that would make difficult and even sometimes impossible a normal implementation of the right to vote [. . . but] whatever the reasons in place [. . .] the necessary legal modifications were not approved'.

Quarantined voters

Covid-19 cases were widespread in some areas of both Galicia and the Basque Country a few days ahead of the elections. Polling stations remained open, but both governments decided not to allow those testing Covid-19 positive to vote in person (RTVE 2020; Eusko Jaularitza 2020e). These citizens were therefore disenfranchised (Pérez Royo 2020). One case was reported, for example, of a Basque woman being formally notified by the Health Service that she 'should stay at home for 10 days and she [was] not allowed to go out and vote on Sunday' (Euskadiko Hateskunde Batzodea 2020d).

In Galicia, 253 voters were recorded as Covid-19 positive on election day, 185 of whom were in the district of A Mariña (Xunta 2020h, 2020i). In the Basque Country, there were some 160 Covid-19-positive voters, most of them resident in the Ordizia ward (Eusko Jaularitza 2020e). Quarantined citizens, that is, close contacts to Covid-19-positive cases, were allowed to vote. They had to wear masks and limit their mobility to the voting itself, which was deemed as a justified exception to ongoing restrictions (see e.g. the explanatory memorandum of the Galician Decree in Diario Oficial de Galicia 2020b).

No specific measure was established to guarantee the right to vote of these Covid-19-positive citizens.

Some political parties asked for a cancellation of the elections at least in zones with high rates of Covid-19 infection. The BNG in Galicia raised a petition for an election cancellation in A Mariña seven days ahead of the election day, when the Covid-19 cases were high. Marea Galeguista, an electoral coalition formed in May 2020, proposed this solution too (BNG 2020; *Faro de Vigo* 2020f). Likewise, on 8 July most mayors of A Mariña (10 out of 14) who belonged to Galician opposition parties supported this strategy of advocating for a cancellation (*Faro de Vigo* 2020g).

No specific measure was established to guarantee the right to vote of these Covid-19-positive citizens. Neither postal voting, whose procedural deadlines

had already expired, nor proxy voting, which is not accepted in Spain, were available. Home voting was not considered by electoral authorities either. Moreover, Basque authorities even warned that ignoring the obligation to stay at home and instead going to vote would be understood as a criminal offence against public health (Eusko Jaularitza 2020e). Despite the predictable challenges, electoral authorities treated Covid-19 like an unpredicted infectious disease that could suddenly affect certain citizens during the election day.

The Gipuzkoan provincial EMB, as well as two political parties, addressed petitions to the Basque Electoral Commission about measures for Covid-19-positive voters. The Basque Electoral Commission resolved the first (filed by EH Bildu on 10 July) by stating that ‘measures taken by the public administration ensure appropriate conditions for the freedom of movement in order to allow attendance at polling stations, *let alone reduced groups of people duly justified on health grounds*’ (emphasis added/Euskadiko Hateskunde Batzodea 2020h). Such phrasing had already been used by the Central Electoral Commission in other decisions (JEC Decisions 126 and 127/2020, on 9 July), but it is worth noting that those dealt with generic petitions intending to accommodate voting procedures in certain Covid-19-affected zones of Galicia, that is, they did not directly address particular cases of disenfranchised voters.

The decision of the Basque authorities was brought to the Central Electoral Commission, who acted as the last administrative resort, by the Elkarrekin-Podemos party. On the eve of the election day the Electoral Commission President dismissed the appeal on the same grounds that had been used by the Basque commission. The Electoral Commission also emphasized the decision of the Supreme Court in dismissing urgent temporary measures (*cautelarísimas*) for the previous Galician case (Supreme Court 2020). The court stressed the petition’s vagueness, with just a generic demand to adopt ‘appropriate strategies’. Given these precedents, the Electoral Commission concluded that ‘there is no information according to which measures taken by Basque authorities intend to disenfranchise citizens from their right to vote. Instead, they intend to guarantee another fundamental right [i.e. the right to life] in an adequate, proportionate and motivated way’ (JEC 2020b; see also JEC Decisions 128 and 129/2020, on 17 July, which resolved the appeal and confirmed the JEC President’s decision).

A special postal voting procedure established for police corps stationed in Catalonia in 2019 (Supreme Court 2019; JEC Decision 695/2019, 8 November) was proposed as a model for assisting voters infected with Covid-19, but rejected by the Electoral Commission in July 2020 (Decision 127/2020, 9 July; see also Presno Linera 2020a).

Pre-filled ballots

In Spain voters can bring ballots from home. Political parties are paid to deliver them to every household and both ballots and envelopes can even be printed by political parties themselves. This is a measure that had already caused concerns about vote secrecy when the colour or the shape of ballots slightly differed from the official samples (see e.g. JEC Decision 192/2004

or 445/1999). In the pandemic context this existing practice was officially encouraged as a means of reducing physical handling of ballots at polling stations, in both Galicia (article 4.1/Order 29 May 2020; *Diario Oficial de Galicia* 2020a) and the Basque Country (article 6.4/Order 25 June 2020, *Euskal Herriko Agintaritzaren Aldizkaria* 2020; see also *Eusko Jaularitza* 2020g).

Despite the obvious benefits to public health, not all political parties were able or willing to mail ballots, possibly compromising the level playing field. In Galicia, seven political parties filed complaints. The Electoral Commission responded that 'the recommendation of bringing ballots from home jeopardizes neither equality nor political pluralism [. . .] The Covid-19 pandemic fully justifies the recommendation, which intends to ease how ballots are cast and reduce the time that is necessary to exercise the right to vote' (Decisions 81/2020, on 11 June, and 125/2020, on 9 July). On 7 and 11 July, the Basque EMB used the same grounds for dismissing petitions from two other political parties (*Euskadiko Hateskunde Batzodea* 2020e, 2020f). The same position was taken regarding a petition from *Equo Berdeak-Verdes de Euskadi*, who sought to deliver political party ballots just to quarantined voters, namely in the most problematic areas (*Euskadiko Hateskunde Batzodea* 2020g).

Electoral campaigning

According to Spanish electoral law, the electoral campaign lasts two weeks and ends two days before election day. The eve of the election is considered a rest day. In Galicia and the Basque Country, the official campaign therefore started on 26 June and ended on 10 July. The state of emergency had already expired (on 21 June) when the official campaign began, but certain health restrictions remained in place, namely those regarding social distancing and maximum capacity of events. Moreover, an informal campaign had already started before 26 June, when restrictions were higher and the state of alarm was still enforced. Therefore, the whole electoral campaign needed to be reconsidered and adapted if parties were to reach the voters.

Massive rallies were substituted by smaller gatherings with limited audiences.

In the Basque Country, despite legal regulations establishing two weeks for the campaign, some political parties and even the government advocated for a shorter period (i.e. one week) (*Diario Vasco* 2020a). However, complete political agreement was not achieved so the electoral campaign stuck to the legal calendar.

Massive rallies were substituted by smaller gatherings with limited audiences. Political parties (e.g. *EH Bildu*) also strengthened their phone-based campaign (*Diario Vasco* 2020c). When Covid-19-positive cases were reported in specific areas, such as *A Mariña* (Galicia) in the beginning of July, some political parties such as *PSdeG* and *BNG* decided to discontinue campaigning in the most affected zones (*PSdeG* 2020; *Faro de Vigo* 2020h).

32.6. CONCLUSIONS

Elections should be held regularly and therefore any postponement or cancellation raises alarms about democracy (see James and Alihodzic 2020). Such extraordinary scenarios are only acceptable when no other options exist, and with careful consideration of all legal principles in place. They cannot be allowed to become routine. However, the Covid-19 pandemic obliged many countries to accommodate their electoral calendars to a public health emergency (International IDEA 2020). They have also been forced to set up new mechanisms aimed at upholding the right to vote under very restrictive public health measures. This was the case for both the Basque Country and Galicia.

In general terms, the Spanish case in 2020 demonstrates that elections can be held during the Covid-19 pandemic, provided certain regulatory and organizational measures are implemented. Voting at polling stations, for example, was carried out successfully with protective health measures in place. However, there were also some specific legal, operational and political concerns. Among other legal aspects, Spanish states of emergency do not establish a clear path to cancel elections and therefore there is room for improving Spanish law in the future. Doubts persist on whether a state of alarm covers a measure that is close to a total suspension of a fundamental right. Neither does the electoral code establish which entity is tasked with approving such an electoral cancellation.

Additionally, anyone testing positive for Covid-19 in the last 10 days before the election was disenfranchised, with no contingencies in place for them. Although specific measures were adopted for the wider electorate, such as expedited postal voting, a more flexible approach—in both legal and operational terms—would have avoided excluding this category of citizens.

Last, but not least, the electoral campaign was readjusted due to pandemic restrictions and therefore social networks and digital political advertising gained a more important role. No major political criticisms have been made in this regard, but the different dynamics of competition online mean that the level playing field and campaign finance rules must be kept under review.

Spanish states of emergency do not establish a clear path to cancel elections and therefore there is room for improving Spanish law in the future.

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Chapter 33

CASE STUDY: UGANDA

Nic Cheeseman

Results have often been disputed and the source of political controversy.

33.1 INTRODUCTION

Elections have been a frequent feature of Ugandan politics from the late colonial period onwards, but results have often been disputed and the source of political controversy (Cheeseman et al. 2020). The first Legislative Council election was held in 1958 and the first National Assembly election in 1962. After gaining independence the same year, under the leadership of Milton Obote, initial hopes for a new era of political rights and civil liberties quickly faded as the government lost legitimacy and began to rely increasingly on coercion (Mazrui 1973). A 1971 coup led by Idi Amin resulted in nine years of often chaotic military rule before Amin's defeat at the hands of Tanzanian forces paved the way for the reintroduction of multiparty elections in 1980. However, while the international community and many Ugandans hoped that the elections would heal old wounds and give rise to a more legitimate government, this was not the case. Instead, accusations that the elections were rigged in favour of Obote—who was seen as the favoured candidate of the Tanzanian government, which retained a strong presence in the country—led to the outcome being rejected by some of the losing candidates (Willis et al. 2017).

In particular, Yoweri Museveni refused to accept Obote's victory and instead launched a long-running insurgency as the leader of the National Revolutionary Army. Museveni finally took power in 1986, when his forces captured the capital, Kampala, and has ruled ever since. The new president's outlook on elections was heavily shaped by his negative experience in 1980. In particular, he came to view multiparty competition as a potential source of division, in which unscrupulous leaders could manipulate voters for their own ends. Partly as a result, Museveni initially refused to legalize opposition parties, instead

operating a 'no-party' system in which candidates were supposed to be elected on the basis of 'individual merit' (Kasfir 1998).

Non-partisan presidential and parliamentary elections were held in 1996 and 2001, in what was effectively a one-party state dominated by candidates loyal to the National Revolutionary Movement (NRM). This changed in 2005 when a referendum led to the reintroduction of multiparty politics. However, this made little difference to the composition of the government, as President Museveni won the 2006, 2011 and 2016 elections with large majorities. In each case, opposition parties alleged that the elections had been manipulated through a range of strategies, including the violent intimidation of opposition candidates and supporters, vote buying, ballot box stuffing and media censorship. Uganda is therefore a classic example of a 'competitive-authoritarian' state that is officially democratic but in reality maintains power through a range of repressive strategies (Tripp 2010).

Given this backdrop, it is unsurprising that surveys have found that a majority of Ugandan voters do not believe that it is possible to change the government via the ballot box. Despite this well-founded cynicism, however, the 2021 general elections generated considerable public interest due to the emergence of a new opposition leader, Robert Kyagulanyi Ssentamu, a popular singer and political activist elected to the National Assembly in a by-election in 2017 who is better known by his stage name, Bobi Wine (Osiebe 2020). In particular, Wine's strong popularity in urban areas and among younger voters was seen as representing a different challenge to Museveni who, at 76-years old, had to remove constitutional age limits—having already removed term limits—in order to be able to stand. As a result, it seemed likely even before the campaign had begun that the election would be particularly intensely contested and controversial.

33.2. THE ELECTORAL CONTEXT IN 2021

Uganda holds simultaneous elections for the president and the National Assembly. The president is elected in a direct election in which the winning candidate must secure at least 50 per cent +1 of the votes. Members of Parliament are elected on a first-past-the-post basis to single-member constituencies, according to the 'Westminster style' system.

Eleven candidates contested the presidency. Although the Democratic Party and the Forum for Democratic Change (FDC) have a long history of standing in elections against the NRM, most analysts saw the poll as a two-horse race between Yoweri Museveni and Bobi Wine. Wine had enjoyed widespread popularity as a musician before he entered mainstream politics, his stringent criticism of President Museveni had resonated with opposition supporters and a number of the parliamentary candidates he campaigned for in by-elections had been victorious. In addition, he had suffered heavy-handed treatment from the government and the security forces, who had detained and tortured him

The election was overseen by the Ugandan Electoral Commission, which has consistently been accused of favouring the ruling party.

for taking part in public protests such as those held in July 2018 against the introduction of the 'social media tax', which increased the cost of using popular platforms by 200 Ugandan Shillings (5 cents) a day (Ratcliffe 2019).

Fifteen parties contested the legislative elections, but many parties only stood candidates in a small number of constituencies. The NRM had by far the greatest coverage, followed by Wine's National Unity Platform and the FDC. Voter registration was completed in December 2019. This had led to accusations that some people who would be of voting age between January 2020 and the elections in January 2021 would be disenfranchised (Ahimbisibwe and Ezaruku 2020), but it also meant that the process was completed before the onset of the pandemic.

The election was overseen by the Ugandan Electoral Commission, which has consistently been accused of favouring the ruling party (Fisher 2013). According to Afrobarometer data from 2016, an absolute majority of Ugandans (54 per cent) do not trust the Electoral Commission (Afrobarometer 2021). In the context of the 2021 elections, it was notable that the process through which the Electoral Commission adopted Covid-19 measures was criticized for not sufficiently taking the opinions and interests of opposition parties and civil society groups into account (Mumbere 2020).

Uganda has been widely praised for its response to the Covid-19 pandemic.

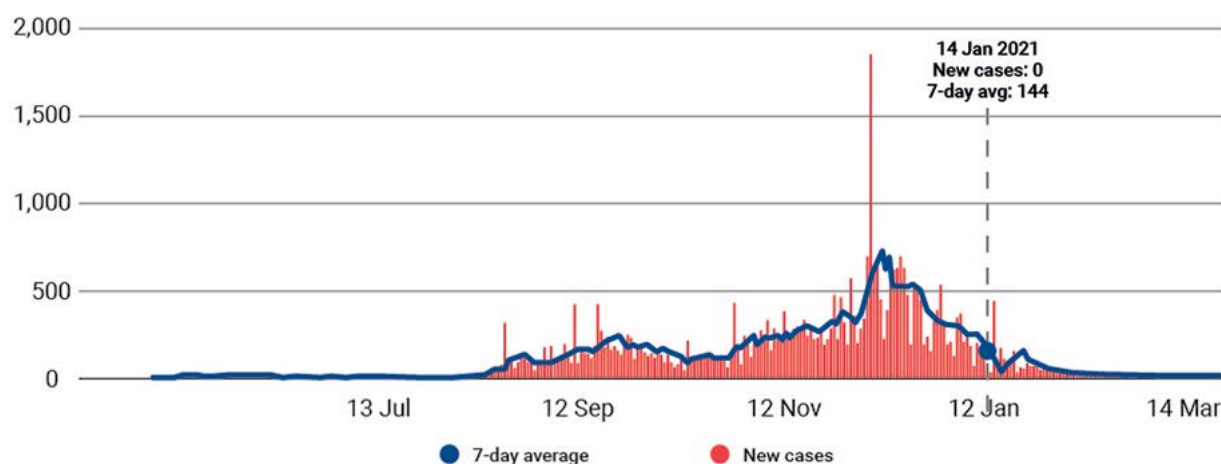
33.3. COVID-19 IN UGANDA

Uganda has been widely praised for its response to the Covid-19 pandemic (Lumu 2020). Along with Rwanda, it was one of the first countries in Africa to introduce a wide range of measures designed to halt the spread of the disease. On 18 March, four days before the country had its first confirmed case, the government announced that public gatherings would be suspended for 32 days and that anyone arriving in the country would be forced to undergo a 14-day period of quarantine in designated hotels.

The Ministry of Health confirmed a further eight cases on 24 March, and the same day announced that all schools and universities would be closed for 30 days. Public transport was suspended for 14 days on 25 March. However, the country's Covid-19 response was not without controversy. There were reports that measures requiring returning Ugandans to quarantine in a hotel created considerable hardship for those who could not afford it (Nyeko 2020), as well as a number of reports of human rights abuses committed by the security forces when implementing Covid-19 restrictions—a notable forerunner of what was to come during the election campaign.

On 30 March, President Museveni declared a nationwide curfew from 19:00 to 06:30 for 14 days to halt the spread of the virus. Similar restrictions continued to be used in response to rising numbers, generating further controversies. On 23 July, the day Uganda confirmed its first death from Covid-19, the BBC ran a story that more people (12) had been killed by the security forces' heavy-

Figure 33.1. Covid-19 cases in Uganda



Source: Johns Hopkins University, <<https://coronavirus.jhu.edu/region/uganda>>.

handed enforcement of coronavirus restrictions than by the virus itself (BBC 2020).

Nonetheless, the government's ability to keep cases and deaths low meant that its strategy was widely seen to have been a success in health terms. Data produced by the Lancet Commission for the month of August, for example, identified Uganda as the best African country for containing Covid-19, and ranked it 10th of 191 nations worldwide (The Lancet Commission, n.d.).

Figure 33.1 shows that official cases remained under 50 a day until August, when the number began to rise. On the day the campaign for National Assembly, Local Government Council and Division Chairpersons and Councillors got under way on 9 November, the number of cases was 171, with a seven day average of 229. This average remained under 500 until 9–25 December, and then fell once again so that on election day (14 January) there were no new cases recorded and the seven-day average was just 144.

As of 25 May 2021, the country had experienced just over 40,000 cases and just over 300 deaths, although this—and all the official figures cited above—might underestimate the true magnitude of the pandemic due to limited testing.

33.4. COVID-19 PROTECTION MEASURES

In line with its approach to restricting Covid-19 more generally, Uganda introduced restrictive measures to restrict the spread of coronavirus during campaigning. However, the stringency of some of the measures in the context of a comparatively low number of cases, combined with the fact that they were

The stringency of some of the measures suggested an ulterior motive of seeking to undermine the ability of Bobi Wine to use his charisma to win new voters.

unevenly enforced across opposition and ruling party campaigns, suggested an ulterior motive of seeking to undermine the ability of Bobi Wine to use his charisma to win new voters.

Although the vast majority of the coverage has focused on the 2021 general elections, Uganda also held Special Interest Group (SIG) elections in 2020. These elections to the SIG committees were for positions designed to ensure more inclusive representation, and take place at the village/cell level for 68,740 villages. To an extent, the management of these polls laid down a blueprint for the later general elections.

In early April, the Electoral Commission announced the ‘postponement of the programme’ of SIG elections. According to the Commission Chair, Justice Simon Byabakama, the postponement was ‘made as a result of the ongoing mass gatherings in the country as a measure to prevent the spread of the deadly coronavirus’ (Waswa 2020). The SIG elections were subsequently held on 11, 13 and 17 August 2020. Although this gave more time for individuals and the Electoral Commission to prepare, the domestic electoral observation group, the Citizens’ Coalition for Electoral Democracy in Uganda (CCEDU), concluded that it also had negative implications for the smooth-running of the process. Most notably, ‘The postponement of the Special Interest Group elections caused confusion with the party primaries of some political parties. The elections of the political parties at times were conducted on the same day and time as Electoral Commission activities, using the same method of election-lining up’ (CCEDU 2021).

There was considerable support for the idea of postponing the date of the general elections.

The general elections timetable also experienced some disruption. In February, the Electoral Commission postponed the nomination dates—and hence the deadlines for the completion of party primaries—for the presidential, parliamentary and local council elections from August to October 2020. However, this change was less related to Covid-19 and appears to have been driven by concerns that government business would suffer if parliamentarians and ministers had to take time off to engage in campaigning in August (CCEDU 2021). As noted above, the February postponement occurred before the government had put in place any Covid-19 containment measures and before the country had experienced its first case.

There was considerable support for the idea of postponing the date of the general elections, especially within the ruling party and among members of the East African Legislative Assembly (CCEDU 2021). The Interparty Organization for Dialogue also called for an extension of the timetable, arguing that political parties had been forced to suspend their activities. However, although President Museveni initially spoke publicly about the potential for the date of the general elections to be pushed back due to Covid-19, they ultimately took place as scheduled on 14 January 2021. One reason for this might be that, under Article 110 of the Ugandan Constitution, general elections can only be postponed if a State of Emergency is declared, and this would have required changes to government practices in a number of areas and the modification of some legislation (CCEDU 2021). Once the campaign had

begun, the government may also have been wary of further extending a period of considerable political controversy and instability.

Ahead of the SIG elections, on 21 June 2020, the Minister for ICT and National Guidance published a road map for what was called a 'scientific campaign' (ICT Ministry 2020). In practice, this meant that the elections would take place digitally, through social media, television and radio, rather than 'in person'. In line with this approach, the road map called on political parties and organizations to focus on learning and understanding how to use the current media landscape to achieve the desired political goals, and putting in place smart media and communications task teams to guide campaigning and communications objectives.

The Electoral Commission further developed this framework on 24 July 2020, setting out a set of Standard Operating Procedures (SOPs) in line with the general guidance already issued by the Ministry of Health for the elections (Electoral Commission of Uganda 2020, see Table 33.1). Separate guidance on campaigning made it clear that rallies were effectively banned, as the maximum number of people allowed to attend an event was set at 70 (Isilow 2020), although this was subsequently increased to 200 for the general elections (CIPESA 2021). The Electoral Commission also required all actors to respect social distancing measures (two metres), use facemasks and enable regular hand washing.

These changes increased the cost of organizing the elections, and the Electoral Commission requested an additional SHS 54 billion (USD 15,288,312) from the Ministry of Finance to fund the new timetable and Covid-19 materials (Kazibwe 2020). It is unclear how much of this funding was used productively, however, given the poor performance of the Electoral Commission at safeguarding polling stations (see below).

The new constraints were less of an issue for the SIG elections, for which public participation tends to be considerably lower. However, it represented a major divergence from normal practice for general elections, which, in line with most African countries, tend to be heavily concentrated on rallies, with candidates at all levels holding public events, some of which attract tens of thousands of people. According to Afrobarometer survey data, 59 per cent of Ugandans had attended a campaign rally in the previous election campaign (Afrobarometer 2021).

Many civil society and opposition political leaders criticized the restrictions. Opposition leaders and some journalists suggested that the number of Covid-19 cases was too low to justify such restrictions, arguing that the measures had been introduced to empower the government to hamper the activity of rival parties. On 22 June 2020, for example, Bobi Wine issued a statement: 'We unequivocally dismiss Museveni's move to hold what he calls a "scientific election", to yet again stage a coup & crown himself life President. We must have a free & fair election. We have advised him not to provoke the PEOPLE of Uganda!' (Mumbere 2020).

Meanwhile, civil society groups such as the Executive Director of the Forum for Women in Democracy argued that the decision to rely on digital campaigning would disenfranchise women and youth (*The Independent* 2020) who are less likely to have access to such media. The measures were therefore criticized on the grounds of both inclusion and participation.

A number of court actions were subsequently initiated against the restrictions, including by the journalist and pastor, Joseph Kabuleta, who stated that: 'The Presidential, Parliamentary and LC Elections Act do not allow for "scientific" elections. For the EC to consult with Museveni then seek to dictate to other candidates is mockery of an election process. Candidate M7 has to be equal to all other candidates. We off to court' (Mumbere 2020). Nonetheless, these challenges ultimately came to nothing.

Partly to iron out legal complications related to tensions between the new restrictions and the constitutions of the political parties, which in some cases stipulated the need for in-person meetings, and partly to head off legal challenges, the government introduced The Political Parties and Organizations (Conduct of Meetings and Elections) Regulations Statutory Instrument (in relation to sections 10 and 27(1) of the Political Parties and Organizations Act 2005) on 2 July 2020 (Government of Uganda 2020). The Instrument aimed to 'safeguard the health of participants in activities organised by a political party or organisation' by enabling 'a political party or organisation to elect leaders and sponsor candidates for nomination for general elections without compromising the health and safety of its members or the public'.

Finally, it is important to note that the Ugandan Electoral Commission reserved the right to halt campaigning activities in areas with a rising number of cases of Covid-19—a power it used towards the end of the campaign period, triggering considerable controversy.

33.5. COVID-19 ENFORCEMENT, COMPLIANCE AND THE CAMPAIGN

Enforcement of the Covid-19 protocols was only a partial success. In the SIG elections, the government struggled to effectively communicate the protocols, and electoral officials and the security forces failed to enforce compliance with the SOPs on voting day. In the general elections, both parties held events at which more than 200 people attended. The Electoral Commission and the security forces responded by selectively enforcing Covid-19 protocols, shutting down opposition events and detaining and harassing Bobi Wine, while allowing ruling party meetings to continue unhindered.

Special Interest Group Elections

The SIG elections were held on 11 August for older people's groups, 13 August for people with disabilities and 17 August for youth. There was a very low turnout in all three elections, but particularly in those for people with

disabilities. National turnout figures are not provided on the Uganda Electoral Commission's website but according to the CCEDU, '6,234 of CCEDU's 10,029 observers reported that there were as low as between eight to 10 voters at each of the polling stations observed' (CCEDU 2020). This was in part because information was so poorly communicated and the government largely relied on the radio to disseminate key information, which effectively excluded deaf voters.

In general, the CCEDU was critical of the way in which the elections were run, in terms of both the quality of democracy—the NRM won 78.88 per cent of the vote in the village youth elections—and the enforcement of coronavirus measures, where the SOPs were regularly flouted. In particular, many young voters did not wear masks or respect social distancing measures when waiting in queues at polling stations. However, many polling stations were outdoors, which mitigated the risk of spreading Covid-19 to some extent.

General Elections

The situation was considerably more complicated and problematic when it came to the general elections. The campaign period was extremely conflictual, and the security forces regularly harassed Bobi Wine and his supporters. For example, Wine was arrested on 18 November for allegedly breaching Covid-19 restrictions, and NUP supporters were subject to beatings and arbitrary arrests throughout the campaign period. Following Wine's arrest, mass protests in Kampala against his detention resulted in clashes with the security forces in which around 100 people died and 500 were injured (Human Rights Watch 2020).

Similar incidents continued throughout the campaign period, leading to an increasingly conflictual atmosphere. Most notably, on 2 December Wine announced that he would be temporarily suspending his campaign following clashes between the security forces and his supporters during which his car was shot at and members of his campaign team were injured. After resuming campaigning, Wine was detained again on 30 December after police dispersed a meeting he was speaking at with teargas. He was then placed under a period of house arrest.

Alongside the constant harassment of Wine, the security forces consistently detained—and in some cases abducted—hundreds of opposition activists and supporters in raids on their homes and opposition rallies. In most of these cases it appears that due legal process was not followed and that correct documentation was not completed, such that the government was not even able to confirm how many people were held or where. There is widespread concern that many of those detained may have been tortured and that some have been killed (Burke 2021). Where Covid-19 is concerned, it is clear that the government's own protocols were not followed during this process, placing both those detained and members of the security forces at greater risk of contracting the virus.

In stark contrast to the treatment of the NUP, rallies organized by the NRM did not respect the SOPs but were not shut down (Schwikowski 2020). As a result, the CCEDU concluded that the 'electoral body failed to strike a balance between public safety, mitigation of health risks from Covid-19 and electoral freedoms and rights' (CCEDU 2021: 4).

The politicization of health protocols increased mistrust of the Electoral Commission, the security forces and government health protocols among opposition supporters. Thus, when campaigning was halted in Kampala on 26 December, and in 10 other areas notable for their large populations—Jinja, Kabarole, Kalungu, Kasese, Kazo, Luweero, Masaka, Mbarara, Tororo and Wakiso—official explanations that the prohibition was necessary due to rising Covid-19 numbers were disputed by opposition leaders and supporters. NUP leaders countered that the restriction was motivated by the fact that the opposition had proved to be particularly popular in these more urban areas—and that Bobi Wine had rallies planned in Kampala for the following week. Wine himself tweeted that: 'The dictatorship is in panic. They have been surprised by the massive enthusiasm and support we have received within all parts of the country. They just can't imagine what would happen if they allowed our people to meet in these areas.'

Despite the focus on 'scientific' campaigns and the use of Covid-19 to justify decision making, no special provisions were made for voting in the light of the pandemic, bar requests to voters to maintain distancing, wear masks and use hand sanitizer. In other words, there was no attempt to allow vulnerable individuals to vote on a separate day, introduce postal voting or use new forms of technology. Instead, voting took place as usual, starting at 07:00 and closing at 16:00 (at which point, only those already present are allowed to vote), with mixed queues of voters lining up to cast their ballots manually, using pen and paper (Electoral Commission of Uganda 2016). Pregnant, disabled and particularly elderly voters were allowed to go to the front of the queue, as is standard practice in Uganda and not a new measure introduced in the light of Covid-19 (CCEDU 2021).

Moreover, as in the SIG elections, the SOPs were poorly observed on voting day. According to the Intergovernmental Authority on Development Election Observation Mission, a surprising number of polling stations lacked hand washing facilities and hand sanitizers, and social distancing was not observed in the majority of polling stations (IGAD 2021). Worryingly, the CCEDU found that there was no social distancing in 99 per cent of the polling stations it observed, and that only 43 per cent had hand washing facilities with soap provided (CCEDU 2021). Again, the risk of Covid-19 transmission was mitigated to an extent by the fact that most polling stations were outdoors.

The absence of hand washing facilities is particularly significant given that Uganda purchased 38,500 biometric voter verification kits (BVVK) (Macdonald 2021), which required voters to place their finger on a digital scanner so that their fingerprint could be read and matched to a database before they were allowed to cast a ballot. In some polling stations, the scanner was not

Table 33.1. Standard operating procedures for the conduct of activities for the elections of special interest groups from village to district level countrywide, 2020

5.1. Packing of election materials

- Sanitize the work environment (warehouse/stores, door locks, tables, chairs, vehicles, etc.);
- Wash hands with soap, conduct body temperature checks before accessing the warehouse/stores;
- Wear hand gloves while handling materials/documents;
- Practice and observe social distancing as recommended by the Ministry of Health; and
- Avoid unnecessary movement within the work premises.

5.2. Training of election officials

- Develop training curriculum that facilitates e-learning;
- Where training involves physical presence of trainees, provide ample venue to ensure social distancing;
- All participants to wash hands with soap;
- All venues, furniture and equipment to be sanitized; and
- Use of gloves in handling documents.

5.3. Nomination of candidates

5.3.1. The commission

- Nomination papers and guidelines to be issued at each Subcounty/Town/Municipal Division across the country and uploaded on the EC website for on-line access by Stakeholders;
- Election Officials to wear hand gloves while handling nomination papers;
- Nomination venues to be sanitized;
- Election officials to wash hands with soap;
- Nomination officials to wear face masks; and
- Nomination venue layout to comply with social distancing.

5.3.2 Aspiring Candidates

- Aspiring Candidates to turn up at the nomination venue accompanied by only proposer and seconder;
- Aspiring Candidates, proposers and seconders to wear face masks;
- No processions allowed during nominations and campaigns; and
- Aspiring Candidates, Proposers and seconders to wash hands with soap.

5.4. Campaigns

- Campaigns to be conducted in a manner prescribed by the Electoral Commission.

5.5. Polling

5.5.1. The Commission

- Polling by lining up to be done in open air and spacious venues that include; playgrounds, public grounds, public roads, etc.;
- Election officials and voters to wash hands with soap;
- Election officials and voters to wear face masks; and
- Counting of voters in the line to be contactless;

Table 33.1. Standard operating procedures for the conduct of activities for the elections of special interest groups from village to district level countrywide, 2020 (cont.)

5.5.2. The Voters

- Voters to turn up at the polling station wearing face masks;
- Voters to wash hands with soap; and
- Voters to assemble and line up in strict observance of social distancing of at least one metre between persons in the line.

Source: The Electoral Commission of Uganda, <<https://www.ec.or.ug/sites/default/files/press/SOPs%20for%20SIGs%20Elections%202020.pdf>>, accessed 15 June 2021.

systematically cleaned between voters. The potential impact of this on the spread of Covid-19 was mitigated, however, by the fact that the verification kits did not work at 56 per cent of polling stations, and in some polling stations 'officials did not know how to operate the BVVK machine' (CCEDU 2021). As a result, many voters cast ballots without having to place their fingers on the scanner.

Ultimately, voter turnout was relatively low at 59.4 per cent, down from 67.6 per cent in 2016 (International IDEA n.d.). This appears to reflect public concern about the prospects for political violence, and a widespread belief that voting cannot change the government due to Museveni's refusal to accept defeat, rather than health concerns (Electoral Commission of Uganda 2021).

President Museveni was ultimately declared to have won the elections with 58 per cent of the vote, an outcome that was immediately rejected by Bobi Wine who alleged widespread electoral manipulation and rigging. Instances of repression and intimidation continued after the polls, along with continuing controversy over the fate of the hundreds of people still in detention or abducted by the security forces.

33.6. THE IMPACT OF ELECTIONS ON COVID-19

Despite the limited compliance, both elections appear to have resulted in a relatively small increase in cases of Covid-19. Where the SIG elections are concerned, the increase was particularly minor. On 6 August 2020, when campaigning began, the number of cases per day stood at just 10, with a seven-day average of 11 (note that 'highs' and 'lows' refer to the seven-day average rather than the number of new cases per day, in order to even out the effect of weekends and delays in counting cases). By the final day of voting on 17 August, this had risen to 60 new cases and a seven-day average of 38. However, as 17 August was 11 days after the start of the campaign, and thus falls within the 14-day incubation period, it seems that this increase may not have all been due to campaigning, but to other factors.

An increase in cases is noticeable two weeks after the final day of voting, with 44 new cases and a seven-day average of 87. Moreover, the number of cases continued to increase until 23 September, when they peaked at 185 and a seven-day average of 241, before dropping off again. The correlation of this increase with the election date is strongly suggestive—although not conclusive proof—of a causal relationship, but there are a number of points worth noting. First, this is a relatively small increase and at no point in the month after the elections did the number of new cases exceed 500 a day. Second, the low number of voters in these elections combined with the fact that the number of cases may already have been rising suggest that this increase may not be wholly attributable to the elections. Moreover, August was the month in which the Lancet Commission identified Uganda as the best African country at containing Covid-19.

There was also an increase in cases around the general elections. When campaigning began on 9 November 2020, there were 171 new cases and a seven-day average of 229. This increased to a peak of 702 cases and a seven-day average of 698 on 13 December. However, the number of cases subsequently declined and on the day of the general elections there were no new cases recorded and the seven-day average was just 144.

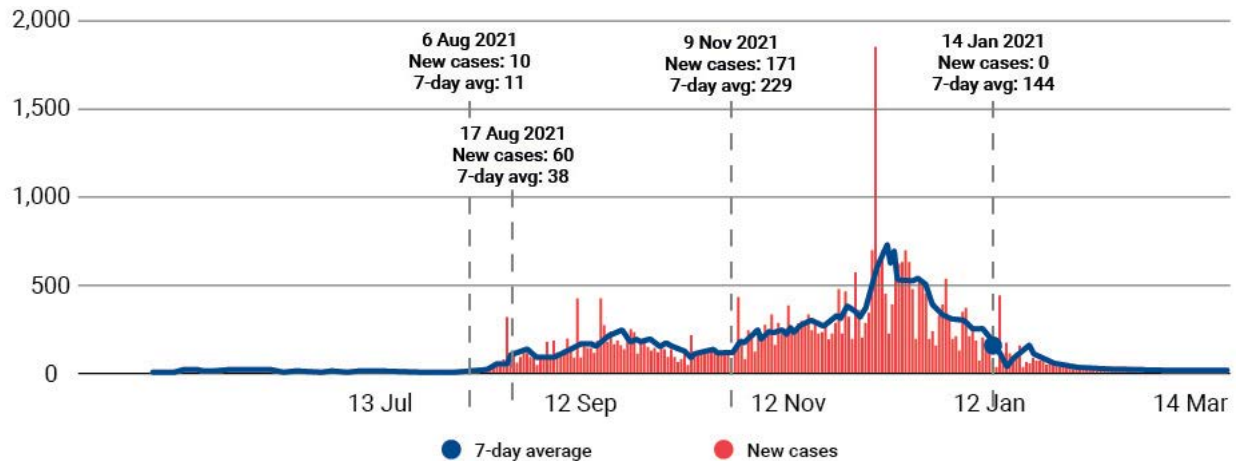
There are three features of this pattern that suggest the election led to a modest increase in the number of cases. First, having fallen since mid-September, the number of cases increased following the start of the general election campaign on 9 November. Second, after the end of the election period on 14 January, the number of cases declined to levels only previously seen before the SIG elections in August. Third, the falls in numbers following December 13 and then again in mid-January are correlated with two of the most significant periods in which election campaigning was halted: Bobi Wine's announcement that he was temporarily suspending his campaign on 2 December; and the decision by the Electoral Commission to suspend campaigning in Kampala and 10 highly populated districts on 26 December. This suggests that campaign activities resulted in higher transmission rates, which fell when campaign activities were halted.

However, there are also a number of points that are important to note in order to contextualize this finding. Even though the number of cases increased during the general elections, this only occurred during the campaign itself. There is no evidence that election day facilitated the spread of Covid-19. Indeed, the seven-day average on 2 February, two and a half weeks later, was just 56. At the same time, an increase in new Covid-19 cases throughout December was to be expected due to the higher levels of socializing with friends and family around Christmas. Finally, at no point did the seven-day average exceed 1,000 cases a day, and for much of the campaign it did not exceed 500 a day.

It therefore seems reasonable to conclude that although elections in 2021 may have resulted in an increase in transmission, this increase was limited and driven by the campaign period rather than polling day.

Both elections appear to have resulted in a relatively small increase in cases of Covid-19.

Figure 33.2. Covid-19 cases in Uganda with key election dates



Source: John Hopkins University, <<https://coronavirus.jhu.edu/region/uganda>>.

The inconsistent application of Covid-19 protocols clearly advantaged the ruling party.

33.7. CONCLUSIONS

The Ugandan general elections of 2021 represent a clear case in which Covid-19 restrictions were manipulated for political ends. While keeping coronavirus under control is a laudable aim, the inconsistent application of Covid-19 protocols clearly advantaged the ruling party, leading to considerable controversy. We lack the evidence to say for sure whether this had a direct impact on compliance, but the widespread perception that some restrictions were motivated by political rather than health reasons may have undermined discipline, especially among opposition supporters. Moreover, the heavy-handed security response to opposition meetings and protests, which included detaining a large number of opposition supporters with little respect for social distancing measures, probably contributed to the spread of the disease.

Although Uganda has become known for its stringent Covid-19 restrictions, and the quick introduction of curfew and social distancing measures played an important role in preventing the spread of the disease from March onwards, there was poor enforcement of and compliance with the SOPs during both the SIG elections and the general elections. This ranged from the ruling party breaching the 200-person limit for political meetings, to opposition supporters taking part in mass protests and the failure of many individuals to wear masks or respect the need for social distancing. Nonetheless, the increase in the number of cases of Covid-19 around the elections was relatively small and did not lead to an uncontrollable wave of infections or place pressure on the health system.

More broadly, another flawed election has further reinforced the popular belief that President Museveni cannot be voted out of power, while the instrumentalization of Covid-19 restrictions may have lasting implications for popular trust in the country's health policy and systems, with negative consequences for popular compliance.

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Chapter 34

CASE STUDY: UNITED KINGDOM

Alistair Clark and Toby S. James

This case study reviews the UK Government's decision to postpone the May 2020 sub-national elections in England, placing it in international context, and discusses the challenges that electoral administrators and policymakers faced in preparing for major elections in England, Scotland and Wales in May 2021.

34.1 INTRODUCTION

Given the novelty of the coronavirus and uncertainty about its spread, Covid-19 was always likely to hit social, economic and political interaction hard. Most countries due to hold elections early in 2020 either made rapid changes to voting methods and processes, or rescheduled them for later in the year (International IDEA 2020; James and Alihodzic 2020). Towards the end of March, England eventually followed suit, postponing a range of local and other elections by one year (from May 2020 to 6 May 2021) despite a recommendation from the UK Electoral Commission that the postponement be shorter. This can be seen as considerably out of step with international practice. However, the new schedule was adhered to, and with elections for the devolved parliaments in Scotland and Wales also held in May 2021, in line with a fixed five-year basis, the whole of Britain was at the polls on the same day a year and a half into the pandemic.³⁴

This case study reviews the UK Government's decision to postpone the May 2020 sub-national elections in England, placing it in international context, and discusses the challenges that electoral administrators and policymakers faced in preparing for major elections in England, Scotland and Wales in May 2021. The account proceeds as follows. The second section considers how British elections are run, before moving on to discuss the process leading to postponement of England's May 2020 local elections in the third section. The fourth section examines the plans to hold these major elections across Britain in May 2021. The fifth section goes on to assess whether the preparations

³⁴ This paper discusses elections in Great Britain i.e. Scotland, Wales and England. The UK is distinct from Great Britain, however, and also comprises Northern Ireland. There were no elections in Northern Ireland during the period discussed. Consequently, Northern Ireland is not covered by the discussion here.

put in place successfully preserved some key aspects of electoral integrity. To do so, we draw from the results of a survey of poll workers undertaken at the May 2021 elections, which we undertook in collaboration with the Electoral Commission. This covered England, Wales and Scotland and included responses from upwards of 4,000 officials. The conclusion reflects on lessons learned more broadly for electoral integrity under difficult, uncertain and changing circumstances.

34.2. BACKGROUND: ELECTORAL SYSTEMS IN BRITAIN

British elections are decentralized. They are run by returning officers (ROs) who are responsible for delivery, alongside local authorities who muster the resources and personnel and have discretion within statutory requirements for how elections are implemented. Electoral registration is run by Electoral Registration Officers (EROs) in local authorities.³⁵ An independent Electoral Commission was established in the Political Parties, Elections and Referendums Act 2000 to regulate party finance and advise on electoral conduct. The Commission would become the Chief Counting Officer for referendums. It can also set performance standards for EROs and ROs and penalize them for poor performance (James 2013). The government department with responsibility for elections at the time the pandemic began was the Cabinet Office, although in late 2021 responsibility was moved to the department overseeing local government and communities. For elections to the Scottish and Welsh parliaments, electoral law has been devolved to those institutions, which can set their own franchises and establish different electoral practices to those of England. Scotland has its own EMB (the Electoral Management Board for Scotland), established after difficulties in elections in 2007, which has power of direction over Scottish electoral administration and acts as a coordinating body in running Scottish Parliament and local elections. A non-statutory Welsh Electoral Coordination Board was established in 2017.

The cycle of sub-national elections is messy and confusing in England. In most of England there is a four-year cycle of local elections. Twenty-six county councils have whole council elections every four years, as do 131 district councils and 38 unitary authorities. Thirty-three metropolitan district councils elect a third of seats annually, missing every fourth year, as do 54 district councils and 17 unitary authorities. Seven district councils elect by halves every two years (Clark and Middleton 2022). Directly elected mayors are elected separately to councils and under a different electoral system, the supplementary vote. Police and Crime Commissioners in England and Wales are elected for a four-year term. Scotland and Wales are less complex, having five-year fixed term elections to their respective parliaments, conducted under mixed member proportional systems.

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³⁵ In England. In Scotland EROs are located in bodies called Valuation Joint Boards, which represent groups of local councils.

After a considerable amount of indecision as the virus spread throughout the UK's constituent counties, its initial lockdown was announced on 23 March 2022 in a national televised address by Prime Minister Boris Johnson. The delay in doing so has subsequently been argued to have cost many lives.³⁶ The first UK-wide lockdown began to be lifted in May 2020, but a second was imposed on 5 November 2020, with a third following quickly in January 2021. This began to be lifted in late March 2021 (Institute for Government 2021).

34.3. POSTPONEMENT IN 2020

A range of sub-national elections were scheduled in England and Wales for 7 May 2020. These included: the local elections for scheduled councils, the London mayoral and assembly elections, elected mayors for local authorities and combined authorities, and also Police and Crime Commissioners (PCCs). On the afternoon of Friday, 13 March, the UK Government finally agreed to postpone the English local and mayoral elections due in May 2020 (including in London), following advice from medical advisors. The elections were postponed for a full year, and would be held alongside the next scheduled local elections in England in May 2021. The move came only after the government had earlier in the day seemed to refuse a request from the Electoral Commission, and also separately from the Association of Electoral Administrators (AEA), for a delay to the polls.

British electoral administration faced this challenging and uncertain context after having been through a torrid few years prior to the pandemic, with two unplanned general elections in 2017 and 2019, a major referendum in 2016 on the UK's membership of the EU, and the introduction of major reforms to electoral registration.

The AEA's letter to the Minister for the Constitution, Chloe Smith MP, cited a range of potential difficulties in holding the elections under the circumstances prevailing in March 2020 (see Buchan 2020). These included:

- that potential candidates might not be willing to visit council premises to deliver their nomination papers;
- difficulties in polling stations, from the numbers of voters passing through, to problems recruiting staff;
- worries about the virus being spread via postal votes;
- supply chain difficulties if, for example, ballot paper printers were forced to close because staff had been infected; and

³⁶ See for instance: BBC News, <<https://www.bbc.co.uk/news/uk-politics-52955034>>, accessed 23 March 2022.

- the impact on those running council elections if they were infected.

In support of the AEA's position, and various other bodies involved in running elections, the Electoral Commission's letter of 12 March requested a delay until the autumn. It argued that:

Clearly any decisions to delay elections which are due is significant and would not normally be desirable; however, we are in unprecedented times. The risks to delivery that have been identified are such that we cannot be confident that voters will be able to participate in the polls safely and confidently, nor that campaigners and parties will be able to put their case to the electorate.

(Electoral Commission 2020a)

The UK Government, via the Prime Minister's spokesperson, initially announced that the elections would go ahead (Tolhurst 2020). The London Mayor, Sadiq Khan, was also reported as having been led to believe that they would proceed as planned with little risk. As mentioned, the UK Government eventually bowed to the inevitable and postponed the polls. It is unclear both why the request was refused in the first place, and why the change was eventually made while also ignoring the Electoral Commission's recommendation that the postponement be only until the autumn. The length of the postponement has never been adequately explained by the UK Government. At the time, staff who had previously worked for the 'Leave' campaign in the 2016 EU Referendum were central to the UK Government. They had little sympathy for the Electoral Commission, having clashed with it on numerous occasions. Moreover, confusion in messaging, prioritization and decision-making was endemic throughout the UK Government's response to Covid-19 (Freedman 2020).

The delay did not resolve all issues around running impending elections in Britain. Numerous local authorities were still having to deliver local by-elections, for instance. Several were planned for the following week. There was no clear legislative route for those to be delayed, until the Coronavirus Act 2020 became law on 25 March 2020 after a single day's parliamentary scrutiny. This provided retrospectively for various obligations on returning officers—such as running by-elections—to be legally put aside, and also provided legal cover for the postponement of the local and mayoral elections in England until May 2021.

There was some precedent: in 2001, English local elections were postponed for a month because of foot-and-mouth disease (Tempest 2001). Policymakers were undoubtedly in an unenviable position. No-one could know how the Covid-19 trajectory would play out in practice. A year, however, was a long time, and out of step with international practice. There are at least two reasons to think that delay until autumn, as recommended by the Electoral Commission, might have been preferable.

Local elections are ultimately seen through the prism of national politics. Delay until May 2021 meant that Johnson's Conservative administration effectively had an 18-month period where it remained untested and unaccountable at the ballot box.

The first was political. Local elections are ultimately seen through the prism of national politics. Delay until May 2021 meant that Johnson's Conservative administration effectively had an 18-month period where it remained untested and unaccountable at the ballot box.

Covid-19 followed swiftly on the heels of UK parliamentary elections in 2019 fought around Brexit. This was a major constitutional change agenda that brought appeals to plebiscitary legitimacy into conflict with a range of existing systems. Before any Covid effects on freedoms of expression and assembly, written and unwritten constitutional checks and balances had therefore already come under pressure. It could be argued that in these circumstances, all available mechanisms of accountability acquired renewed importance, subnational elections included.

Secondly, delay until May 2021 meant that there would be a bumper set of polls taking place at the same time. There would be elections for: English councils, PCCs, the London mayor, the London assembly, regional mayors and local mayors. In addition, the Scottish and Welsh parliaments would be holding their next scheduled elections in May 2021. In other words, the whole of mainland Britain would be at the polls. While Covid-19 was a clear threat to electoral administration, research into British election administration suggests that holding different rounds of elections at the same time leads to lower performance, while those councils running only one election demonstrated higher levels of performance (Clark 2017). Therefore, the additional combination of polls in May 2021 necessitated by the delay was likely to lead to further stresses on electoral administrators.

Electoral Commission research suggested that there was likely to be a considerable increase in postal vote applications, but that most people felt safe voting in polling stations, providing appropriate distancing and Covid-19 measures were in place. Therefore, in England, 71 per cent would feel safe voting in a polling station under those conditions, although 21 per cent would feel unsafe, while anything up to 69 per cent could be registered for a postal vote. For Scotland, a November survey suggested that 77 per cent of eligible voters would feel safe voting in a polling station, 16 per cent would feel unsafe, and around half of all voters would apply for a postal vote if encouraged to do so. The figures in Wales showed similar patterns (Electoral Commission 2020b).

Scotland was the first country to publicly share any of its thinking about holding elections under Covid-19 circumstances.

34.4. PREPARING FOR 2021

Scotland was the first country to publicly share any of its thinking about holding elections under Covid-19 circumstances. The Scottish Parliament Information Centre (SPICe) published an article outlining likely necessary mitigations to the May 2021 Scottish Parliament elections in June 2020 (Atherton and Clark 2020). Behind the scenes the Scottish Electoral Management Board, government and Electoral Commission were beginning

to plan for what would be complex elections. Among many issues likely to need planning for were changes to postal vote deadlines (to accommodate more applications for the expected increased levels of postal voting, up to and including an all-postal election); locations to hold election counts that could accommodate distancing; the potential for extending the voting period; and the need for Covid-19 mitigation in polling places. Scotland was the only part of Britain that had any experience in holding pandemic elections; a handful of council by-elections had been permitted and held successfully at the end of 2020, having been postponed from earlier in the year (Democracy Volunteers 2021a; see also Electoral Commission 2021a).

Contingency legislation, the Scottish General Election (Coronavirus) Bill, was introduced to the Scottish Parliament on 16 November 2020. The aim was for the Scottish Parliament election to go ahead as planned, but with increased postal voting, and with potential contingencies already legislated for. Scrutiny on the bill was limited. A call for evidence by the parliamentary committee scrutinizing the bill was only open for a week, and contributions to plenary debates in parliament were limited. The Act legislated to bring forward the Scottish postal vote deadline to 6 April 2021, two weeks sooner than normal. This was (a) to make dissolution only one day in duration in case further electoral legislation needed to be passed; (b) to give ministers the power to hold an all-postal election, and to have polling over several days if necessary; (c) to give added flexibility to reconvening parliament post-election; and (d) to give the current Presiding Officer the power to postpone the election by up to six months under particular circumstances (meaning that any election had to be held by November 2021 even if postponed) (Scottish Parliament n.d.).

The need to hold an all-postal election was one circumstance under which postponement would have been necessary, given the logistical challenges involved and the need to maintain the integrity of the postal vote system. A key question was whether the postal vote deadline had been timed optimally. An earlier deadline would help administrators process increased numbers of applications, but, if voters missed that deadline, they would have to either vote in person, potentially undermining the social distancing aim, or nominate a proxy. The Act became law on 29 January 2021 after being passed 117-0 on a cross-party basis at the end of December 2020.

Neither Wales nor England seem to have been as prepared. The Welsh Government established an Elections Planning Group in June 2020 to begin planning, but the complication in Wales was that it would be running the Police and Crime Commissioner (PCC) elections concurrently with those for the Welsh Parliament (each with different franchises, electoral systems, and electoral boundaries). While Wales could legislate for its own parliamentary elections, it could not do so for PCCs which were run by the UK Government. Therefore, if postponement for the Senedd Cymru (Welsh Parliament) was deemed necessary by Welsh ministers, Welsh election administrators might still find themselves having to run elections on 6 May if the UK Government did not agree to postpone PCC elections, and then follow this up by holding separate Senedd elections.

While administrators in England had been preparing as best they could throughout 2020, there was largely silence from the UK Government about its intentions.

The Welsh Elections (Coronavirus) Bill was introduced to the Senedd on 27 January 2021, and passed—by 36 votes to 5, with 9 abstentions—on 10 February 2021. This provided for potential postponement by up to six months, and permitted a day's dissolution but, crucially, did not change the postal voting deadline or introduce scope to extend voting. This reflected the limitations the concurrent PCCs imposed on election administration in Wales. (Similarly, the 2021 Senedd elections would be the first to extend the vote to 16- to 17-year-olds and also introduce resident voting, but these franchise extensions did not apply to PCCs).

While administrators in England had been preparing as best they could throughout 2020, there was largely silence from the UK Government about its intentions. In November a story appeared in the *Municipal Journal*, a specialist local government newspaper, stating that elections would go ahead (Jameson 2020)—but this seemed very far from being a robust, national announcement or commitment. As will be discussed below, a debate commenced in early January 2021 about whether the elections should go ahead given new variants of Covid-19. There were contradictory reports about whether elections would be postponed, with journalists seemingly being briefed differently. It was only a month after this debate commenced, on 5 February 2021, that the UK Government finally published what it called a 'delivery plan' for the local elections (Cabinet Office 2021). This did not add much detail and was not accompanied by any primary legislation. Although the UK Government claimed to be 'taking steps to support an increase in capacity to process postal votes' (Cabinet Office 2021), there was no change to deadlines for either postal votes or emergency proxy votes. Those infected by Covid-19 could apply for the latter up to 17:00 on polling day. A short section set out what to expect in polling stations. This included social distancing, masks worn by staff and voters, regular sanitization, and the opportunity for voters to use their own pens/pencils, which had always been the case. There was a promise to cover some Covid-19 mitigation costs, with a figure of GBP 31 million put on this. In short, the delivery plan offered minimum changes to the administration of the English elections when they were set to be considerably more complex and difficult for administrators than usual.

Much of this took place against the backdrop of a debate conducted in the media of whether or not the May 2021 elections should go ahead. This debate took place separately in England, Scotland and Wales but the arguments for postponement were similar in each country. It was claimed that parties could not campaign properly. Electoral administrators could not find polling station staff to work at the polls, nor find locations for polling stations or counts, because many were already being used for Covid-19 testing or vaccination efforts. Further, it was said that postponement for a few months would not make any difference, because the risk of contagion was too high, particularly with more transmissible variants. While electoral administrators had done considerable work on thinking about the challenges, it was clear that political parties and their activists seemed unwilling to adapt their campaign strategies, even with a year's lead time to consider what was necessary.

The three countries were in different places with regard to postponement of the May 2021 polls. Scotland and Wales had yet to postpone any elections since none had been scheduled for 2020. Any postponement was therefore arguably more serious in England, which had already postponed for a very long period. By comparison with international practice this made England something of an outlier, where democratic rights had clearly not been prioritized by the government during the pandemic. The postponement agenda was highly politicized. In Scotland, it seemed to be promoted by the opponents of the ruling Scottish National Party (SNP), particularly Labour and the Conservatives. In England, while there were certainly cross-party voices calling for postponement, there was a perception that elements of the Conservative Party were behind some postponement calls (see e.g. Labour MP Cat Smith's remarks in: Hansard 2021). It also became apparent that a section of the local government community, which would in practice be running the elections, were also in favour of postponement, and that some of the briefing around this was coming from the Ministry of Housing, Communities and Local Government (Hill 2021; Savage 2021).

An urgent question on the elections was granted in the House of Commons on 13 January 2021. The Minister, Chloe Smith MP, indicated that while the situation remained under review, 'there should be a high bar for any delay' (Hansard, 13 Jan 2021, Col. 312). However, there seemed little appetite for delay among MPs, highlighting a gap between parliamentary debate on the issue and that being conducted through media briefings and social media. By the start of March, the UK Government announced that campaigning could commence from 8 March, and changes had also been made to the candidate nomination process to make it Covid secure by reducing the number of signatures needed per candidate (see UK Government 2021). Interestingly, a paper for the Welsh Government released around the same time had concluded that holding elections as close to the lifting of lockdowns as possible was the best way of avoiding elections contributing to the spread of the virus (Technical Advisory Group 2021).

34.5. CONDUCT OF 2021 ELECTIONS

Campaigning

As mentioned, there was much concern about how parties would campaign. Advocates of postponement had been concerned that parties would not be able to go door-knocking in communities to identify and mobilize their vote. Restrictions were eased towards the end of March, thereby enabling some local canvassing to take place, although this appears to have been in very small groups instead of the larger ones that would descend on localities previously. In Scotland, street stalls and physical hustings were not permitted at any point (Scottish Government 2021).

Otherwise, the expectation was that campaigning would look different, with fewer in-person rallies and events, more media work from senior party figures

and more online campaigning (Clark 2021). It is possible to get some sense of how campaigning was affected by examining campaign spending returns for the Scottish and Welsh parliament elections. Regulated and published by the Electoral Commission in both countries,³⁷ these documents show a considerable increase on the previous round of election spending in 2016: by GBP 1.7 million across all parties to a total just over GBP 5 million in Scotland, and by GBP 553,827 to GBP 1.8 million in Wales.

In Scotland unsolicited mail to electors (e.g. direct mail) accounted for more than GBP 1 million of the overall increase in campaign spending. Media spending increased more than ten-fold from GBP 7,559 to GBP 95,864, while transport spending increased three-fold from around GBP 48,000 in 2016 to GBP 157,000 in 2021. Spending on rallies and events remained the same at around GBP 70,000 while that on manifesto material almost halved to GBP 36,256. In Wales, unsolicited material spending increased by around 60 per cent to just under GBP 1.1 million, while spending on advertising tripled to GBP 365,748. By contrast, spending on rallies and events fell to only GBP 2,563 from around ten times that five years earlier. Causation is difficult to show, not least since in Scotland this election was highly motivated by the issue of Scottish independence. Nonetheless, these are suggestive patterns in line with the more remote campaigning expected during Covid circumstances.

Voter participation

Table 34.1 examines turnout by comparison with the previous rounds of non-pandemic elections for each of the levels of election contested. It also reports levels of postal voting, expressed as a percentage of the electorate. On the basis of aggregate turnout, voters do not seem to have been discouraged from participating in these elections. With most of the local elections in England the level of turnout, although low, was marginally higher than it had been in the previous round for the councils and seats at stake. The only exception to this was the London mayoral contest, where turnout decreased to 42.9 per cent. Elections to both devolved parliaments in Scotland and Wales set record high turnouts against a backdrop of constitutional conflict running concurrently with the Covid-19 pandemic.

Turnouts were undoubtedly helped by increased levels of postal voting, which saw an increase of around 4 per cent in the local and London mayoral election, and by 5.6 per cent in the Scottish Parliament election. Postal voting levels did not come close to the levels suggested by Electoral Commission research in the early days of the pandemic, however. Provision for emergency proxy votes for those isolating made very little difference in either the English or Scottish Parliament elections. For example, in the English local elections, those using this emergency proxy facility amounted to only 0.01 per cent of the electorate (Electoral Commission 2021b).

Aggregate turnout, however, cannot provide a complete picture of these elections conducted under very difficult circumstances. For this, data from

³⁷ The Electoral Commission does not regulate campaign spending for English local elections.

election administration is also helpful. A poll worker study therefore provides another way to consider whether participation was hit by the pandemic.

Table 34.2 presents data from a survey of poll workers, conducted by the Electoral Commission in collaboration with the authors. This suggests that turnout was affected, albeit in a moderate way. In England and Wales, 5.8 per cent of poll workers agreed that citizens were showing a hesitancy to vote because of a fear of Covid-19; the figure was 4 per cent in Scotland. More tellingly, 23.8 per cent of poll workers in England and Wales said that turnout was lower at the polling station than expected. This compares to 4 per cent

Turnouts were undoubtedly helped by increased levels of postal voting.

Table 34.1. Turnout and postal voting

Body	Turnout (%)		Postal voting (%)	
	2016	2021	2016	2021
County council	35.0	36.6	16.0	19.0
Local council	33.8	35.6	17.0	21.0
Police and Crime Commissioners (England)	26.0	33.0	16.0	18.0
London Mayor	46.1	42.9	15.0	19.0
Scottish Parliament	56.0	64.0	18.1	23.7
Senedd Cymru (Welsh Parliament)	45.6	46.8	17.6	19.2

Source: Electoral Commission (reports of each separate election available at <<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums>>, accessed 2 March 2022.

Table 34.2. Perceptions of participation and accessibility

(Key: combined figures for England and Wales, Scotland in italics)	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
Voters showed hesitancy to vote because of fear of Covid-19	25.3 <i>28.2</i>	44.1 <i>49.8</i>	24.9 <i>17.8</i>	4.1 <i>2.2</i>	1.7 <i>1.8</i>
Turnout was lower at the polling station than expected	11.7 <i>38.0</i>	31.0 <i>35.2</i>	33.6 <i>19.8</i>	17.4 <i>5.5</i>	6.4 <i>1.6</i>
The safety measures introduced at the polling station for Covid-19 caused problems for voters with disabilities	33.2 <i>26.5</i>	46.5 <i>47.0</i>	12.8 <i>14.7</i>	5.7 <i>9.0</i>	1.8 <i>2.8</i>

Source: Poll worker survey, authors/Electoral Commission.

The parliamentary election in Scotland helped to maintain a high turnout.

in Scotland. This suggests that the importance of the parliamentary election in Scotland helped to maintain a high turnout, while the mainly local elections in England were an insufficient draw to increase turnout significantly beyond normal levels.

Table 34.2 also suggests that the safety measures put in place caused problems for some voters with disabilities. This was flagged as a problem by 11.8 per cent of poll workers in Scotland and by 7.5 per cent in England and Wales.

34.6. HEALTH AND SAFETY

All jurisdictions had difficulties in recruiting sufficient staff to work in polling stations. One important shift was in training for those volunteering to serve on election day: instead of in-person sessions, this training was delivered online.³⁸ For polling day, the Covid mitigation measures that were introduced in polling stations were similar across Britain (Cabinet Office 2021; James 2013) and included:

- social distancing in polling stations;
- a reduced number of people allocated to polling stations;
- increased physical sizes of polling stations;
- floor markings;
- personal protective equipment for polling station staff;
- mandatory masks for voters in polling stations;
- use of hand sanitizers;
- recommendations that citizens brought their own pen; and
- protective Perspex screens for use between staff and voters (and at counts).

Data from the survey of poll workers working in the polling stations suggests that the measures were effective

Data from the survey of poll workers working in the polling stations suggests that the measures were effective (Table 34.3): only 1.7 per cent of respondents in England and Wales disagreed or strongly disagreed that the safety of voters from Covid-19 was adequately provided for. The figure was slightly higher in Scotland at 3.2 per cent, but still very low. Importantly, the guidance and procedures put in place were largely followed. Only 1.1 per cent of poll workers

³⁸ A discussion (podcast) on this between International IDEA's Erik Asplund and AEA's Peter Stanyon is available at: <<https://www.idea.int/news-media/podcasts/uk-2021-local-elections-role-association-electoral-administrators>>.

in England and Wales raised concerns about voter compliance with mask-wearing in polling stations, and only 1.8 per cent did so in Scotland. Candidates and party agents were reported to have followed the guidance. The level of information provided to the public was also largely thought to be adequate. Overall, poll workers unanimously said that they felt safe.

One consequence of these procedures were queues; 38 per cent of poll workers in England and Wales said that electors had to wait longer than usual to access the polling station because of social distancing requirements—the figure was higher in Scotland at 54.4 per cent. Polling station queues were reported in some areas in Scotland and Wales at close of poll. One polling station in Newport, Wales, closed a full 2 hours and 45 minutes after the normal time (22:00). Another reason given for longer queueing times in Wales was that some of the usual polling places were unavailable because they were being used for another pandemic purpose.³⁹

Election observation

There were concerns internationally that election observation might be more difficult during the pandemic. In the UK, legislation allows anyone over 16, including those from outside the UK, to apply to be an election observer, provided that they are impartial. International observation has become common at UK general elections since 2005, with the Organization for Security and Co-operation in Europe observing all general elections from then until 2017 (there was only a needs assessment mission in 2019). International missions are rare for sub-national elections. However, a recently established domestic group, Democracy Volunteers, deployed small teams to each of the different election types in 2021.

Data from the poll worker surveys (Table 34.4) suggests that observation efforts were largely unhindered—with only 1.3 per cent of respondents disagreeing that observers were prevented from observing.

34.7. STRAIN ON ELECTORAL OFFICIALS

There have been concerns in recent years about the pressures placed on electoral officials in the UK. Research has found that many were put under pressure and considered leaving the profession following the introduction of individual electoral registration in 2014 (James 2014). Stress and burnout has been a major concern for officials (James 2020). There has been increasing complexity in the law which has made elections more difficult to administer (Law Commissions 2016; House of Commons 2020). There is also evidence that authorities have had to operate with limited budgets (Clark 2019; Democracy Volunteers 2021b; James and Jervier 2017). The professional association therefore further raised concerns about how the pandemic might

One consequence of these procedures were queues; 38 per cent of poll workers in England and Wales said that electors had to wait longer than usual.

³⁹ For discussion of these queues at close of poll, see the Electoral Commission's reports on each of the separate elections available at <www.electoralcommission.org.uk>.

Data from the poll worker surveys suggests that observation efforts were largely unhindered.

affect electoral officials' ability to deliver the election without sufficient further support.

Figure 34.1 below illustrates answers from poll workers about whether they found these elections under Covid-19 circumstances harder to deliver than in previous years. The picture was very mixed—with a relatively even distribution of answers. This suggests that many were able to accommodate the pandemic and 'take it in their stride' as they delivered elections. However, it also suggests that many others were put under very serious strain—nearly 10 per cent of the polling workforce in each of the nations. Given the very decentralized nature of the UK electoral administration, this picture is not surprising but is a cause for concern.

Table 34.3. Mitigation measures: perceived compliance and effectiveness

(Key: combined figures for England and Wales, Scotland in italics)	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	No. of participants
The safety of voters from Covid-19 was adequately provided for by the changes introduced	0.7 <i>1.1</i>	1.0 <i>2.1</i>	2.7 <i>3.5</i>	46.5 <i>53.4</i>	49.0 <i>39.8</i>	3,625 <i>819</i>
The polling station had sufficient public information for voters to understand what new measures in response to Covid-19 had been introduced	0.6 <i>1.0</i>	1.0 <i>3.8</i>	3.1 <i>5.7</i>	46.2 <i>54.2</i>	49.1 <i>35.3</i>	2,483 <i>819</i>
Voters wore face masks inside the polling station	0.5 <i>0.6</i>	0.6 <i>1.2</i>	1.6 <i>1.7</i>	37.6 <i>43.2</i>	59.7 <i>53.2</i>	3,625 <i>819</i>
Voters followed the distancing restrictions outside the polling station	0.7 <i>0.6</i>	1.4 <i>3.3</i>	14.2 <i>27.4</i>	41.8 <i>39.7</i>	42.0 <i>29.1</i>	3,625 <i>819</i>
Voters had to wait longer to access the polling station because of social distancing requirements	12.5 <i>6.3</i>	30.9 <i>18.8</i>	18.6 <i>20.5</i>	27.4 <i>36.9</i>	10.6 <i>17.5</i>	3,625 <i>819</i>
The polling station staff had access to the necessary safety and hygiene equipment and supplies e.g. sanitizer, masks and screens	0.5 <i>1.0</i>	0.7 <i>1.8</i>	0.9 <i>1.8</i>	29.5 <i>34.1</i>	68.4 <i>61.3</i>	3,625 <i>819</i>
There were sufficient staff working at the polling station	1.0 <i>3.8</i>	2.8 <i>10.1</i>	2.0 <i>3.3</i>	33.1 <i>37.7</i>	61.2 <i>45.1</i>	3,625 <i>819</i>
I felt safe working in the polling station	0.5 <i>0.9</i>	0.6 <i>1.7</i>	2.7 <i>4.6</i>	35.3 <i>42.2</i>	60.9 <i>50.5</i>	3,625 <i>819</i>
Candidates, political party members and agents followed the distancing restrictions around the polling station	0.5 <i>0.5</i>	1.0 <i>2.0</i>	35.1 <i>23.8</i>	31.3 <i>42.6</i>	32.0 <i>31.1</i>	3,625 <i>819</i>

Source: Poll worker survey, authors/Electoral Commission.

Table 34.4. Perceptions of transparency and accessibility

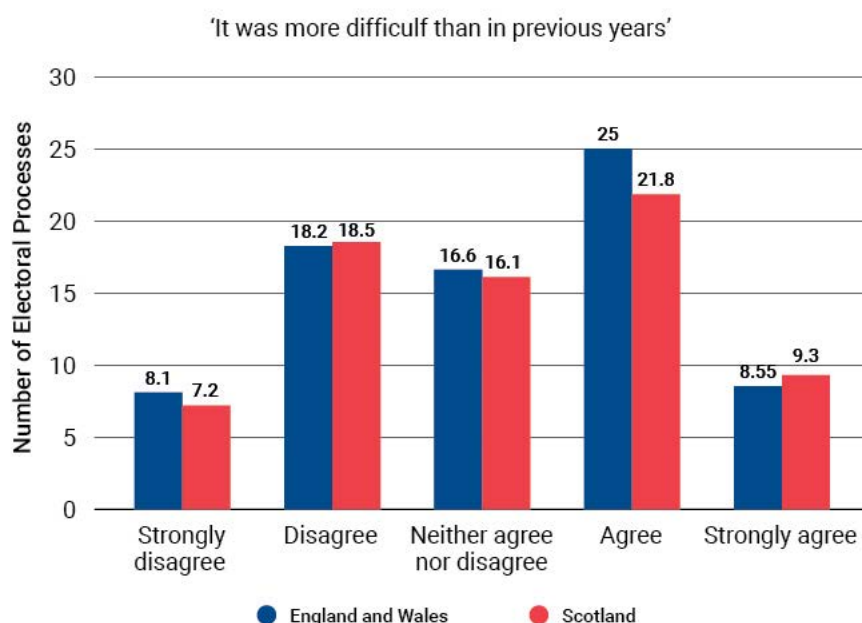
(Key: combined figures for England and Wales, Scotland in italics)	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	No. of participants
Accredited observers were still able to observe in the polling station despite Covid-19 restrictions being in place	0.6 <i>0.7</i>	0.7 <i>0.4</i>	41.1 <i>28.2</i>	30.1 <i>39.8</i>	27.2 <i>30.9</i>	3,625 819

Source: Poll worker survey, authors/Electoral Commission.

34.8. CONCLUSIONS AND LESSONS

With local elections scheduled in May 2020, England was one of the first countries to be faced with questions about whether and how to deliver elections during the pandemic. A number of lessons are suggested by the British cases reported here, relevant to both the UK and other countries.

Firstly, the importance of early preparations. After the initial decision to postpone elections in England in 2020, there seems to have been a long lapse in time before there were public signs of preparations. This meant that by the time the elections were imminent many options, such as early voting, became

Figure 34.1. Perceived difficulty of running the 2021 elections

practically impossible. While pandemics by nature bring uncertainty, there was greater scope for early risk management and introduction of more inclusive voting practices. Scotland, by contrast, appeared more prepared in its thinking, and legislated early for a range of potential contingencies in a way that England and Wales, for various reasons, did not.

The British cases reconfirm that elections can be held safely during a pandemic.

Secondly, the British cases reconfirm that elections can be held safely during a pandemic. Although epidemiological data is not presented here, the sense among poll workers was that good organization and resources helped to ensure safe conditions for voters and elections staff. This was made possible by compliance with the regulations, but also by the fact that the elections were held quite soon after the lifting of lockdowns, meaning that spread had already been curtailed in advance of the main electoral processes getting underway.

Thirdly, while other cases have suggested that turnout might be affected negatively by the pandemic, these cases show that (a) second order effects in turnout clearly remained under pandemic circumstances in Britain: lower turnouts continued to be found in local elections, and higher turnouts for the more powerful devolved parliaments; and (b) turnout was nevertheless bolstered by the drive towards increased postal voting. Understanding how special voting arrangements such as postal voting might work in pandemic circumstances is therefore crucial.

Fourthly, pandemics will continue to create severe pressures for electoral officials. This reinforces the importance of early planning, but also the early availability of funds so that procurement is not delayed.

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Chapter 35

CASE STUDY: UNITED STATES OF AMERICA

Kate Sullivan and Charles Stewart III

35.1. INTRODUCTION

This case study⁴⁰ looks at how the administration and environment of the 2020 US presidential election was affected by the onset of the Covid-19 pandemic. US presidential elections are in reality over 50 separate contests, held concurrently with elections for a wide variety of other federal, state and local offices, along with referendums or ballot measures. Unsurprisingly then, there was no unified response to the pandemic.

Unless specifically noted, this case study does not examine the impact of the pandemic on the political party nominating contests, or other federal and state elections. It looks instead at the impact on various elements of the electoral process and what actions were taken to provide open but safe participation in the face of the pandemic. The study also addresses efforts made after election day to discredit legally cast and counted ballots in an attempt to overturn the results. However, to fully account for these events—whose repercussions are still not fully known at the time of writing—would require a separate accounting all its own. Here, we address those events to the degree they shed light on administrative adaptations to Covid-19 and the character of the US electoral administration system.

The elections were delivered relatively smoothly (and with notable turnout), but in an environment of continued uncertainty about which arrangements to make and how they would be funded, and with repeated recourse to litigation.

This case study looks at how the administration and environment of the 2020 US presidential election was affected by the onset of the Covid-19 pandemic.

⁴⁰ This case study was first published on 20 November 2020, but this updated version includes post-election analysis. It is part of a series of case studies on elections and Covid-19, available at <www.idea.int>. Research for this case study covered the period June 2020 up until January 2022. Therefore, some references may be outdated. This case study does not include analysis of the 2022 US general election.

The large rise in postal voting and the expanded provision of early voting saw voters have access to a range of voting channels, allowing them to choose the one that best suited their (Covid-altered) circumstances. Being able to deliver such choice, albeit in an acrimonious and tense political environment, marks a real achievement for US electoral officials.

In the United States, there is no uniformity in electoral arrangements for federal elections.

A unified response to the Covid-19 epidemic proved hard to reach in many states.

35.2. BACKGROUND

In the United States, there is no uniformity in electoral arrangements for federal elections; powers to make laws and rules for federal electoral administration are dispersed between federal, state and local governments. The US Congress has some power to mandate electoral arrangements for federal offices, and they have done so in the case of uniform election days, districting requirements, voter registration, and polling arrangements for members of the military and US citizens abroad. This dispersion of policy-setting, decision-making and funding responsibilities, and the heightened partisan divisions in present-day US politics, meant that a unified response to the Covid-19 epidemic proved hard to reach in many states.

Nevertheless, there are communities of practice within US electoral administration, and there has been sharing of Covid-19 experience and resources within and across states. The federal Election Assistance Commission (EAC) made efforts to share information on how to deliver Covid-secure elections, though with some criticism (Huseman 2020) that internal divisions in the agency's leadership limited its role as the pandemic emerged. This, in turn, pushed election jurisdictions that were scrambling to expand vote-by-mail options to rely on advice from their overstretched peers.

The fragmentation of decision-making was exacerbated by the partisan nature of decision-making. Of course, it is a fact the world over that electoral laws are made by legislatures that have been elected on a partisan basis. However, implementation is then often handed over to non-partisan administration; independent electoral management bodies are a feature of arrangements in 137 countries (64 per cent) around the world (International IDEA n.d.). In the USA, partisan implementation of electoral laws is built into the system, either through the use of an elected official as a state's chief electoral officer, as occurs in 26 states, or through the use of partisan-based oversight boards and commissions (NCSL 2020a).

There are two federal commissions related to electoral matters – the Federal Election Commission (FEC), which oversees federal political finance matters, and the Election Assistance Commission (EAC), which has an advisory and sometimes a funding role in support of electoral administration. Both agencies were established by statutes that require appointment of commissioners on an equal partisan basis.

The USA also has an unfortunate history of using discriminatory electoral arrangements to exert political and societal control over minority groups, and for the achievement of electoral outcomes that amplify the societal position of the majority group. In many parts of the country, especially the Jim Crow South, blatant and deliberate exclusion of African-American citizens from the electoral process was practised up until the passage of major civil rights legislation in the 1960s; various organizations (Brennan Center for Justice n.d.) have detailed modern practice and policy that achieve similar ends.

The US Constitution stipulates a four-year presidential term, and federal statute sets a uniform voting day. In 2020, the incumbent President Donald Trump of the Republican Party stood for re-election. His main challenger was former Vice-President Joe Biden of the Democratic Party. A variety of other candidates appeared on presidential ballot papers in some states, including candidates from the Green Party and the Libertarian Party (US Federal Election Commission 2021). However, the two major parties have held a duopoly on the first and second places in presidential elections since 1916. Prior to the election, Mr Trump's Republican Party held a majority in the Senate, and the Democratic Party the majority in the US House of Representatives; 35 Senate seats were to be elected in 2020 (including one special election to fill a vacancy), and all 435 House seats.

Covid-19 in the United States

The national Centers for Disease Control and Prevention (CDC) are responsible for compiling statistics on Covid-19 cases in the United States (see CDC n.d.a). Between 21 January and 31 October 2020, the nation reported 9,105,230 cases and 229,932 deaths. The USA experienced noticeable peaks in the average number of confirmed cases being reported in April, August and October with a continued rise to the end of October, three days before the statutory polling date of 3 November (Johns Hopkins n.d.).

Unlike many western and central European countries, the United States did not 'flatten' its Covid curve during the summer months (NB, of the 11 such countries in the Johns Hopkins dataset, only Romania did not experience a full flattening of the curve). The continued transmission of the virus in the wider community meant that electoral administrators and their political stakeholders had to plan for an election to take place in pandemic conditions. (Some states also held party primary elections and other state and local elections under pandemic conditions prior to the November general election).

As with the administration of elections, responsibility for responding to health emergencies in the USA is shared across levels of government, with most states decentralizing primary authority to local governments (CDC 2020). Therefore, the response to the Covid-19 pandemic by US authorities has been similarly varied. The CDC issued guidance for electoral officials, their staff and voters on how to vote in a Covid-safe manner (CDC n.d.b). It is also clear that at state level, electoral officials consulted with state public health authorities on how to arrange Covid-safe elections.

The CDC issued guidance for electoral officials, their staff and voters on how to vote in a Covid-safe manner. It is also clear that at state level, electoral officials consulted with state public health authorities on how to arrange Covid-safe elections.

Fortunately, by November, mitigation measures (handwashing, mask wearing and physical distancing) were well-understood among both service providers and the voting public, and perhaps therefore easier to integrate into the election than for those primaries held earlier in 2020. However, there was a lack of consistency in public messaging around the pandemic in the USA, accompanied by efforts at all levels of government to shift blame and responsibilities onto other authorities. As the year progressed, the topic of the pandemic and how to respond to it became increasingly politicized, especially in relation to any measures that could be framed as affecting individual liberties, such as the imposition of lockdowns or requiring the wearing of face masks (Schaeffer 2021; Deane, Parker and Gramlich 2021). In an election year, it was no surprise that the pandemic became a key topic animating voters' decisions (Pew Research Center 2020; NPR 2020).

There was no serious discussion of moving the November date in the USA, although the dates of primaries, about which local authorities have a greater degree of control, were often moved back in response to the spring surge of Covid infection.

Litigating the election

As federal election dates are fixed and therefore known well in advance, it was clear from the early days of the pandemic's spread into the United States that the November election could be affected. Unlike countries that discussed or moved election dates due to the pandemic (see International IDEA 2020a), there was no serious discussion of moving the November date in the USA, although the dates of primaries, about which local authorities have a greater degree of control, were often moved back in response to the spring surge of Covid infection (Fortier and Stewart 2021).

In 2020, the need to adapt and amend electoral arrangements to enable a Covid-safe election indeed gave rise to a new batch of litigation. While President Trump did suggest on Twitter in July 2020 that an election delay should be considered, moving a presidential election date would require action by the US Congress; the Republican leader of the Senate was quick to dismiss the suggestion as unacceptable (*New York Times* 2020). Even if the election date were to have been moved, there is no mechanism for changing the expiry of the presidential term as set out in the Constitution, so an election would still need to be held and settled by that deadline (20 January 2021). In the end, electoral administrators continued their preparations for the November election, with broad political support, even as the virus spread across the country.

What is clear is that US elections are highly, and increasingly, litigious—especially compared with other developed democracies.

There is a lively academic debate as to whether and why the USA might be the world's most litigious society (see Lieberman 1981). What is clear is that US elections are highly, and increasingly, litigious (Hasen 2005, 2022)—especially compared with other developed democracies. The willingness of all participants in US elections to 'rush to law'—candidates, parties, electoral administrators, office holders and interest groups—means that electoral administrators must be prepared to change their arrangements at short notice because of court rulings. This is exacerbated by potential litigants' ability to 'forum shop' (that is, to choose among various courts when raising disputes), and it is common for the same election issue to be subject to concurrent litigation in both federal and state courts (see, e.g., Montgomery and Corasaniti 2020).

In 2020, the need to adapt and amend electoral arrangements to enable a Covid-safe election indeed gave rise to a new batch of litigation. As will be shown in sections below, almost all efforts to widen access to voting services and to improve the enfranchisement of citizens ended up in court at some moment in 2020. There were so many cases that to adequately respond, new resources needed to be created. Key resources for following election-related cases included a resource for federal judges maintained by the Federal Judicial Center (Federal Judicial Center n.d.), a litigation tracking project sponsored jointly by SCOTUSblog and Election Law at Ohio State (SCOUTUSblog n.d.), and a comprehensive tracking site maintained by the Stanford-MIT Healthy Elections Project (Stanford-MIT n.d.a).

It is a widely accepted international standard that electoral arrangements should not, unless in case of dire emergency, be changed less than 12 months before polling. In the USA, the 'Purcell Principle' is generally applied by courts to bar changes to election rules in the period immediately before the election (Hasen 2015). Despite this, US administrators commonly have to implement legal judgments passed *the day before*, or even *on*, polling day. Of the 432 cases in the Healthy Elections tracking database, 182 were still 'active' as of 31 October 2020.

35.3. FINANCING THE ELECTION

As in other countries, organizing and delivering a Covid-safe election in the USA required additional funds for electoral administration. Such funds were required to provide basic safety measures for staff and voters at in-person events (personal protective equipment (PPE), sanitizer, plastic screens etc.); to clean and keep clean electoral facilities to a Covid-safe standard, including the sanitizing of voting machines, touch screens and other multi-user equipment; and to provide additional voting opportunities, whether through the deployment of special voting arrangements to offer a new voting channel, or through expansion of an existing channel of voting (Asplund, James and Clark 2020).

In the USA, federal funds for electoral costs (when available) are provided through the Election Assistance Commission. Two special appropriations from Congress administered by the EAC were available to states to meet the challenges of conducting the 2020 election. The first was an appropriation of USD 805 million in 2018, primarily to improve election security and combat outside interference with elections. The second was the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which President Trump signed into law in March 2020 (Fortier and Stewart 2021, Chapter 6; US Election Assistance Commission 2021a). The CARES Act included USD 400 million in new emergency funds for states to prevent, prepare for and respond to Covid-19 in the 2020 federal election cycle.

The EAC distributed the funds in response to state requests and issued guidance on its usage (US Election Assistance Commission n.d.). Many

As in other countries, organizing and delivering a Covid-safe election in the USA required additional funds for electoral administration.

Approximately one-third of CARES Act funds were spent on 'voting processes', defined as additional costs associated with printing and mailing ballots, high-speed scanners, and the like.

electoral administrators continued to request additional federal resources to meet the cost of Covid-safe elections (Kelly 2020), but no wider financial package in response to Covid-19 passed the Congress.

The EAC reported on the use of the funds in 2021, although some money appropriated in 2020 was yet to be spent. As of July 2021, the Commission reported that USD 255 million of the 2018 election security funds and USD 326 million of CARES Act funding had been spent, leaving balances of USD 564 million and USD 72 million unspent, respectively (US Election Assistance Commission 2021a). Approximately one-third of CARES Act funds were spent on 'voting processes', defined as additional costs associated with printing and mailing ballots, high-speed scanners, and the like. The remaining funds were distributed in roughly equal proportions to supplies (PPE, disinfectant, etc.), communications, staffing, and subgrants to local jurisdictions.

A new development in 2020 was the deployment of substantial private funds to electoral administrators to meet such costs. Facebook founder Mark Zuckerberg, along with his wife, Priscilla Chan, made electoral administration grants to the value of USD 400 million. Former California Governor and movie star Arnold Schwarzenegger also provided funds (Levine and Vasilogambros 2020). The Schwarzenegger grants were available 'for local and state election officials who want to reopen polling stations they closed because of lack of funding' (USC Schwarzenegger Institute n.d.). Grants were distributed to 32 local jurisdictions in eight states. Chan-Zuckerberg funds were distributed by the Center for Tech and Civic Life (CTCL) to 2,518 separate recipients, almost all of which were local jurisdictions. The CTCL's final report on grantees did not indicate how the funds ended up being spent (Center for Tech and Civic Life 2021a, 2021b, 2021c), but their initial report about application information indicated that local jurisdictions intended to spend grant funds in a fashion similar to CARES Act funds (Center for Tech and Civic Life 2020). Using 11 broad categories of expenditures, the top 5 were temporary staffing, mail/ absentee equipment supplies, poll workers, PPE and election equipment.

While private funding has long been the engine of US political parties, and is used to fund complementary electoral efforts such as voter registration drives and provide donated polling places, 2020 was the first year when large sums were provided from private donors to meet the costs of providing electoral administration services. Not surprisingly, this development was itself subject to legal challenge (Federal Judicial Center 2020) and criticism from conservative organizations (Flanders, Petersen and Koenen n.d.; Doyle 2021). In early 2021, at least 11 states controlled by the Republican Party passed laws that either prohibited or limited the use of private funding in future elections (Schouten 2021).

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35.4. REGISTERING VOTERS

The methods and processes of voter registration are largely determined at the state level. There is a requirement for states to accept the National Mail Voter Registration Form, mandated in law in 1994 for federal elections. States are free to impose their own registration requirements for state and local elections, and many do so.

In the 49 states and the District of Columbia that require registration—North Dakota does not have voter registration—voters register using a variety of channels. The following options are available in all states: using papers forms at the local electoral office; registering at the state Department of Motor Vehicles (DMV), usually in connection with a driver's licence application; using a paper form at other state agencies providing public-facing services; and registering through a third-party organization such as a political party or civil society organization. In addition, more and more states have allowed voters to register online, using systems that are integrated with DMV databases.

In the two years leading up to the 2020 election, 38.5 per cent of new registrations were generated at state DMVs, 14.2 per cent used mail forms, and 8.9 per cent were in person at local election offices (Fortier and Stewart 2021). The corresponding statistics for the two years leading up to the 2016 election were 39.7 per cent, 15.6 per cent and 12.9 per cent, respectively. The biggest change from the past was that 29.5 per cent of new registrations in 2020 came from online registration portals, compared to only 15.4 per cent four years before.

Many administrative systems that had previously been instrumental for registration, especially DMVs, were suspended for substantial periods of time, blocking the channels that nearly half of voters had used to get registered in 2016. These effects were felt in a variety of states. In New Jersey, the state added 8,002 new voters in April 2020, compared to 29,000 added in April 2016 (Biryukov 2020). Arizona took 48,614 new registrations in March 2016, but only 31,872 in March 2020 (Center for Election Innovation and Research n.d.). Closures of government agencies were concentrated in the spring and had the biggest effects on registration for presidential primaries. By November, registration rates matched those of 2020. Indeed, new registrations for 2020 exceeded those for the 2016 election by between 13 and 16 per cent (Fortier and Stewart 2021).

In addition to these governmental offices being closed to registrants, the registration efforts usually mounted by political parties and civil society rely heavily on face-to-face interactions in those states that stipulate a paper-based registration process. Opportunities to do so, such as door-knocking, setting up stalls at events and shopping locations, mobilizing through music festivals, religious services and other activities were all obstructed by Covid-related restrictions on gatherings and events (see e.g. Wines 2020; Garrison 2020). Statistics reported to the US Election Assistance Commission indicate that the

The biggest change from the past was that 29.5 per cent of new registrations in 2020 came from online registration portals, compared to only 15.4 per cent four years before.

percentage of new registrations that came through face-to-face registration drives fell by half compared to 2016, to 1.8 per cent from 3.7 per cent.

Forty states offer some form of online voter registration, supplementing their paper-based channels. While this may appear to offer an easy solution to the lack of face-to-face services, there is a catch: 'In most states, online voter registration systems work for people who have state-issued driver's licenses or identification cards, although a few states provide online access for other potential voters as well' (NCSL 2021). So, if a voter is new to the state, or does not have a state-issued identification document, they will be unable to use the online system. In 2020, this barrier was compounded by the lack of opportunities to have such identification issued at a government office in the spring, as discussed. At a national level, delays were also experienced throughout 2020 in the processing of US passports (Morello 2020), another commonly accepted identification document.

Among states that offered same-day registration in both 2016 and 2020, the number registered at the point of voting nearly tripled, from 1.3 million to 3.5 million.

Similar issues arose in the 19 states (and the District of Columbia) that offer what is known as 'automatic voter registration': these states register voters 'automatically' when they undertake a qualifying transaction with a state government agency such as the DMV. Closed offices limited the qualifying transactions that could be made.

Twenty-one states and the District of Columbia also offer some form of 'same-day registration', where a voter can register and vote on the same day, whether at an election office, early voting centre or traditional polling station. All these states require proof of residency, and some require photo identification. Again, the issuance of such documents was significantly impacted by pandemic restrictions in 2020. Nonetheless, the number of same-day registrations grew in 2020 compared to 2016. Among states that offered same-day registration in both 2016 and 2020, the number registered at the point of voting nearly tripled, from 1.3 million to 3.5 million (Fortier and Stewart 2021).

Closely related to the issue of voter registration is that of voter identification. Thirty-five states require voters to show a form of identification document (ID) when they come to vote (or to note the document's details on a postal voting declaration) (NCSL 2022); 17 of these states require the ID to have a photo. Commonly accepted forms of photo ID are again those issued by the DMV and other state agencies; in many states these documents must be currently valid to be accepted. Just as with registration, there may have been a pandemic-related impact for some of those voters refused a vote due to lack of valid and acceptable ID. However, there were not widespread reports of such issues arising on 3 November, and in many states the relevant government offices were open again (see e.g. Sink 2020, for a case in Colorado).

35.5. CAMPAIGNING FOR PRESIDENT

US elections are long, drawn-out affairs—Mr Biden announced his candidacy on 25 April 2019 and was finally officially nominated on 18 August 2020. In that year both the Democratic and Republican parties held their nominating conventions online (at <<https://twitter.com/demconvention>> and <www.2020gopconvention.com>, respectively), a significant departure from the usual practice of gathering party delegates and office holders in a selected city for a multi-day jamboree (Klinghard 2020).

The US general election campaign was traditionally considered to start after Labor Day, the public holiday that marks the end of the US summer vacation (in 2020, this fell on 2 September). While many states relaxed their Covid-related restrictions over the summer months, by September the rate of infection was rising. This led to a decrease in traditional face-to-face campaigning, such as door-knocking, public events and large rallies.

However, as September and October unfolded, the two main campaigns diverged considerably in their approach. That of Mr Trump reverted to holding the large public rallies that had been a feature of his successful 2016 campaign. Rather than indoor arenas, however, the 2020 Trump campaign largely made use of outside venues, and often airfields where Mr Trump would fly in on Air Force One, hold the rally and depart. Reports indicate that Mr Trump was determined to deploy such rallies in 2020, even at short notice and with little preparation (Elfrink, Shammass and Griffiths 2020). The rallies reflected Mr Trump's own ambivalent relationship with Covid precautions, insofar as it was common to see large crowds without masks and not observing social distancing. A recent study (Bernheim et al. 2020) of 18 such rallies held by Mr Trump between June and September 2020 estimated that they 'ultimately resulted' in more than 30,000 incremental confirmed Covid-19 cases and 'likely led to' more than 700 deaths.

Mr Biden's campaign was slower to return to the road but in October began holding 'drive-in' rallies where supporters stayed in their cars at a parking area or sports ground to hear from Mr Biden and his campaigners. The distant nature of the crowds at such rallies contrasted poorly with television pictures of animated crowds at Trump rallies, but this may have been a deliberate campaign message of safety and sobriety (Reuters 2020).

Both campaigns continued the use of online tools that have been a feature of recent US elections. The use of video-conferencing software that became common during the pandemic lockdowns also entered the electoral sphere, with the Biden campaign utilizing the Democrats' connections with the entertainment industry to mobilize and motivate voters (see Chaney 2020), and also mixing old and new tools to give campaigning a personal touch (Hensley-Clancy 2020b).

Advertising, a traditional mainstay of modern US campaigning, enjoyed higher screen audiences than usual due to the pandemic. More people are at home

Nominating conventions online, a significant departure from the usual practice of gathering party delegates and office holders in a selected city for a multi-day jamboree.

Mr Biden's campaign began holding 'drive-in' rallies where supporters stayed in their cars at a parking area or sports ground to hear from Mr Biden and his campaigners.

watching television, listening to radio and podcasts, surfing the Internet—and therefore receiving campaign advertisements. One estimate is that total political advertising spending reached USD 8.7 billion, of which USD 1.8 billion was spent on the presidential general election contest alone (Passwaiter 2020). Digital campaign advertising also saw massive growth in 2020, with a USD 1 billion spend included in the predictions for advertising spend overall.

For the first time in US history, most votes for president were cast before election day.

35.6. CASTING BALLOTS

With an unmovable polling date, the experience of the primaries in some states, and the continued presence of Covid-19 in the community, it was clear for some months that US electoral administrators would need to find ways to accommodate voters in a Covid-safe manner. The clear priority was to find ways of moving the burden of voting away from single-day, in-person voting locations to either voting outside of a polling location or voting at polling locations over multiple days. Administrators were keen to find ways to space out voters, remembering that the multiple races to be contested on 3 November meant that US voters had dozens of different decisions to make in the voting booth. (In this context, ‘spacing out’ voters had both a physical and temporal dimension: voters needed to be kept physically apart to help limit the spread of disease, and the voting time period needed to be expanded to accommodate physical demands.)

In general, administrators seem to have met their aim of spacing out voters, with both early in-person voting and postal voting greatly increasing in 2020 (see Figure 35.1). For the first time in US history, most votes for president were cast before election day.

States followed a variety of paths in spacing out voters. This is illustrated using a ternary plot that shows the distribution of votes cast on election day at traditional polling locations, early in-person, and by mail (see Figure 35.2). States at the top of the ternary graph had all their votes cast on election day; those at the lower left corner all voted by mail; and those at the lower right corner all voted in-person early. In 2016, a dozen states saw nearly all their votes cast on election day, three saw all (or nearly all) ballots cast by mail, and the remaining states utilized some mix of Election Day ballots augmented either by mail or early voting as a supplemental channel. In contrast, no states are at the top of the 2020 graph. Most shifted in a south-westerly direction compared to 2016, indicating greater reliance on postal voting. However, a handful of states—all conservative Southern states with state legislators resistant to allowing many accommodations to the pandemic—predominantly relied on in-person voting before election day as the ‘escape valve’ for Covid concerns.

Postal voting

In the US context, postal voting encompasses voting methods known as ‘vote-by-mail’ and ‘absentee’, as well as those cast by military and overseas voters.

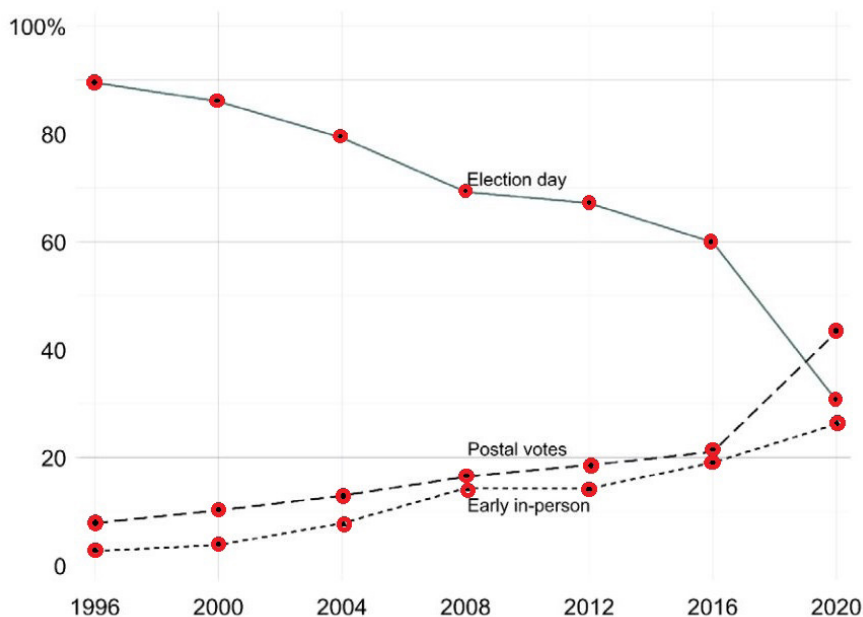
Postal voting has been steadily growing as a voting channel in the USA for two decades. As all states already offered some form of postal voting, scaling up this channel was an obvious choice in seeking to meet pandemic needs.

Before the Covid-19 pandemic arrived, five US states were already prepared to hold 'vote-by-mail' elections, where all registered voters were sent a voting pack and there were limited traditional in-person polling locations. (Three states—Colorado, Oregon and Washington—had already held all-postal elections for several years. Hawaii and Utah were already preparing to do so for the first time when the pandemic hit.) In 2020, four additional states and the District of Columbia also sent voting packs to all registered voters as a once-off expedient. Other states maintained their usual systems of application-based postal voting; some states required an 'excuse' to be provided to vote by post; 10 states amended their rules so as to make Covid-19 and related issues an acceptable reason to vote by mail (NCSL 2020b). In the end, all but five states made some form of accommodation to facilitate postal voting in 2020. The consequence of this was to create a massive increase in postal voting rates in 2020, to over 40 per cent of votes cast, more than 69 million in all (see Table 35.1).

The expansion of postal voting opportunities was not without its problems, as can be expected with such a large increase in numbers. Problems were

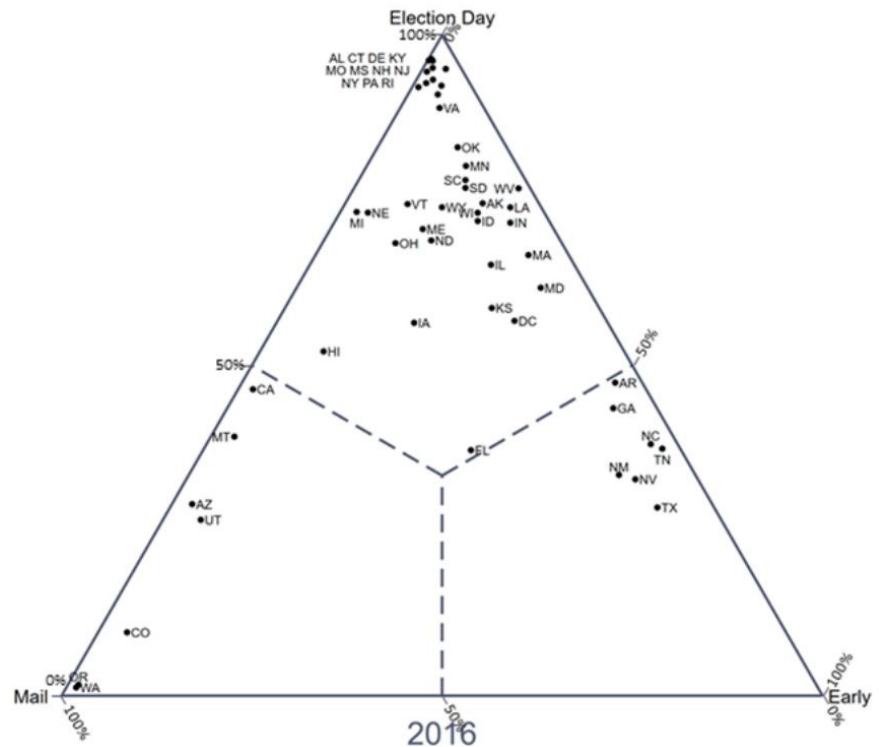
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Figure 35.1. Methods of casting ballots in presidential elections, 1996–2020



Source: Current Population Survey, Voting and Registration Supplement (US Census Bureau), various years.

Figure 35.2. Distribution of voting channels by state in 2016 and 2020, by state



Source: Data from Current Population Survey, Voting and Registration Supplement (US Census Bureau), 2016 and 2020.

experienced by electoral administrators with the issue of postal voting packs (see Villeneuve and Matthews 2020). Postal votes also require a significant amount of processing upon return before the ballot papers contained within can be counted.

Table 35.1. Postal voting at recent US presidential elections

Year	Postal voters (millions)	Total voters (millions)	% of voters who voted by post
2012	24.2	130.3	18.6
2016	29.2	138.9	21.1
2020	69.1	159.7	43.2

Source: Data from United States Elections Project <www.electproject.org> and Current Population Survey, Voting and Registration Supplement (US Census Bureau), various years.

Depending on the state, electoral administrators may have had to check that declarations are completed correctly, look at post marks on return envelopes, ensure ballot papers are contained in secrecy envelopes, and match signatures and other identifiers on postal vote declarations with those held on file at electoral offices. This a complex task that caught some administrators out during the primary elections (McKinley 2020) and needed careful management for the general election. In some states, electoral officials had asked for political agreement to allow for pre-processing of at least the declarations before 3 November (Chen and Marley 2020), but it was not always possible to reach a bipartisan consensus on the matter in time.

The task facing electoral officials in certain key states should not be underestimated. Every state saw an increase in postal votes, both as a share of votes cast and in absolute numbers. Some of the biggest increases came in states that drew less media attention (because they leaned decidedly towards one of the two major parties), but there were also so-called 'battleground states' that experienced up to a tenfold increase in the number of postal votes that needed to be processed (see Figure 35.3). Postal vote processing is a skilled job, which in the USA has several steps and requires the use of various IT applications. Electoral administrators had to increase staff and train vast numbers of people to handle the work volume generated. These staffing operations were especially challenging in light of disease-control protocols in place and space limitations to process the unprecedented volume of mail.

Over the course of 2020, there was repeated commentary—and in some areas, concern—about the ability and willingness of the US Postal Service (USPS) to handle the large increase in postal votes in a timely fashion. The USPS itself issued warnings that it would be unable to meet postal voting deadlines proposed in many states (Cox et al. 2020). The situation was further inflamed due to the appointment of a new Postmaster-General seen as a strong ally of incumbent President Trump. Discussions on funding and operational policies at the USPS became entangled in both Mr Trump's personal campaign against postal voting and wider discussions of government funding in the US Congress (Cochrane and Fuchs 2020). The performance of the USPS was heavily tracked and discussed during the electoral period (see USPS 2020) and became, predictably, the subject of litigation (Broadwater 2020).

In the days immediately after 3 November, additional scrutiny was directed on the USPS's performance, as states waited for returned postal votes to finalize their state electoral result. While concerns about USPS capacity were frequently expressed before the election, statistics released later by the states and the US Election Assistance Commission suggest that the number of ballots delivered too late to be counted was negligible (Fortier and Stewart 2021).

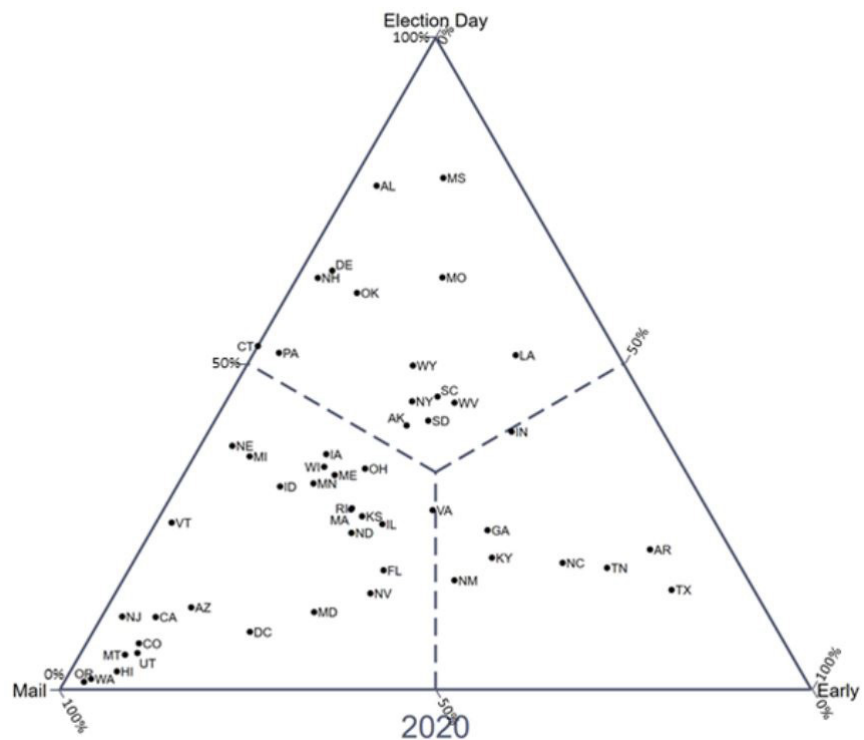
The expansion of postal voting has had two major impacts on the wider electoral process. The first is the repeated assertions (Rutenberg 2020) by Mr Trump and some of his supporters that postal voting is inherently 'bad' and subject to massive manipulation, assertions made with no evidence and at

While concerns about USPS capacity were frequently expressed before the election, statistics released later by the states and the US Election Assistance Commission suggest that the number of ballots delivered too late to be counted was negligible.

the same time as his own Republican Party expended considerable effort in encouraging voters to vote by post (Saul 2020). However, the prominence given to Mr Trump's comments may have caused some planned postal voters to switch their voting channel where possible. The use of postal voting certainly declined in the November general election compared to the primaries. Evidence of Mr Trump's influence over the propriety of voting by mail is found in the fact that Democrats used postal ballots at twice the rate (60 per cent of ballots cast) of Republicans (32 per cent), by far the largest partisan gap in the use of postal ballots ever seen in US elections (Stewart 2021: 9).

The second impact is that the administrative requirements of postal voting meant that not all ballot papers would be available for counting on 3 November itself. The calendar of when electoral administrators can open and undertake the preliminary processing of returned postal voting packs varied greatly across the states. In some, processing could only start soon before 3 November, while others were able to process them as they returned (well visualized graphically in Corasaniti and Lu 2020). Efforts to expand the processing period were, again, the subject of highly politicized debate (Kroll 2020).

Figure 35.3. Growth in postal votes compared to 2016, selected states



Source: Data from United States Elections Project <www.electproject.org> and Current Population Survey, Voting and Registration Supplement (US Census Bureau), 2016 and 2020.

Pennsylvania, a state that proved to be of great import to the outcome of the presidential election, was able begin processing the return postal votes only from 3 November itself; with 2.5 million returned before that day, this would obviously take some time. Other states such as Florida were confident of having nearly all returned postal votes ready to count when the in-person polls closed, as indeed was the case, with Florida's postal vote tallies being announced on 3 November. This patchwork of arrangements opened the way for commentary and concern to arise about the inclusion of so-called 'late votes' when in fact these are votes that were completed and returned by voters in accordance with state rules—such comments were a feature of Mr Trump's tweets.

With the rise in postal voting over recent years, electoral administrators developed a secondary return method for completed postal voting packs, namely ballot drop boxes. These boxes originally provided a free-of-charge delivery method for voters in states where the voter must pay the return postage on a postal vote, which was the case in 33 states (NCSL 2020d). As the offer of postal voting was expanded to meet Covid-safe demand in 2020, so too were drop box locations. Some areas also offered 'drive through' drop-off services, where voters could hand their completed postal voting pack to an official in a Covid-safe fashion.

There was more discussion of drop boxes in 2020 than another alternative method, which was to use an agent to return the completed postal vote on behalf of the voter. The agent could return the completed postal vote by either posting it, putting it in a drop box, or returning it directly to an electoral office. While usage of agents is a settled part of postal voting provision, usually designed for home-bound voters who cannot physically access a post box or drop box themselves, it can lead to accusations of 'ballot harvesting'. Accordingly, such return methods are regulated in state law (NCSL 2020e).

As with many other elements of the 2020 electoral arrangements, postal voting featured heavily in electoral litigation. Challenges were made to states' efforts to expand postal voting eligibility, ease administrative verification requirements and allow for earlier processing of returned postal votes and the expansion of drop box numbers and locations (for an example in Texas, see McCullough 2020). In the Stanford-MIT Covid-Related Election Litigation Tracker, 264 cases relate to postal voting (Stanford-MIT n.d.b). Other challenges were to clearly established deadlines and processes contained in state law. Whatever the merits and motivations of such litigation, it could increase the administrative burden on electoral officials while also raising voters' doubts about the wisdom of using their postal voting pack, possibly sending some voters back to in-person voting facilities, undermining the Covid-safe message.

In-person early voting

Similar challenges as were raised against expansion of postal voting were made against efforts to increase the availability of in-person voting prior to 3 November (in-person early voting). All but six states (NCSL 2020f) offered some amount of in-person early voting, and in 2020 this was another obvious

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All but six states offered some amount of in-person early voting, and in 2020 this was another obvious means of spreading out attendance at a polling location over a number of days to decrease crowds and queueing.

means of spreading out attendance at a polling location over a number of days to decrease crowds and queueing. This channel proved popular, with 26 per cent of voters reporting having used it (see Table 35.2), albeit the number of days provided for early voting varied widely from state to state.

The increase in early-voting usage was not as marked as that of postal voting, which makes sense during a pandemic when many voters wished to minimize social contact. Early in-person voting had in any case already been established as the preferred method of providing pre-election convenience to voters in some conservative states, such as Tennessee and Texas. The same political forces that had made legislatures in these states reluctant to loosen restrictions on postal voting in the past, now worked to limit postal voting during the pandemic. Almost by default, this led to increased use of in-person early voting.

One popular initiative was to use sporting arenas, which were not in normal use due to pandemic restrictions, as early voting locations.

Most states took what had become standard approaches to making early voting Covid-safe with use of PPE, requiring or encouraging mask wearing, enforcing social distancing, additional sanitizing (especially of voting equipment), use of voters' own pens and so forth (on e.g. approaches in Illinois and California, see Kane County Connects 2020; San Francisco Department of Elections n.d.).

States also innovated in their provision of early voting. One popular initiative was to use sporting arenas, which were not in normal use due to pandemic restrictions, as early voting locations. Such venues had much to recommend them: they were well known, large enough to allow social distancing, and had car parking and public transportation facilities (Parks 2020). The novelty value of the location was also thought to be attractive to less-regular voters. Finally, the publicity value of offering arenas for voting without charge provided a public relations boost for the sponsoring organizations.

Some electoral administrators also expanded days and times of early voting, such as the well-publicized 24-hour early voting centres in Houston, Texas (Hensley-Clancy 2020a). Such efforts married the traditional aims of early

Table 35.2. Early in-person voting at recent US presidential elections

	Early in-person voters (millions)	Total voters (millions)	% of voters who voted early
2012	18.6	130.3	14.3
2016	26.4	138.9	19.0
2020	41.8	159.7	26.2

Source: Data from United States Elections Project <www.electproject.org> and Current Population Survey, Voter and Registration Supplement (US Census Bureau), various years.

in-person voting (giving alternative times and places for those who cannot get to a traditional polling location) with the pandemic-mandated need to space voters out.

While there are many positive reports of early voting centres, some electoral administrators experienced problems in managing the volume of early voters (Jacobs 2020), though this may have been due to existing capacity and resourcing issues.

Average wait times to vote—the most direct measure of capacity sufficiency—ballooned during early voting in 2020 as compared to 2016. The average wait time to vote early in 2020 was 22 minutes, compared to 11 minutes in 2016 (Stewart 2021: 20). The provision of extra and sufficient early voting facilities was not always seamless, as some states remained constrained in the number and amount of early voting that could be offered. Many states did not allow early voting on weekend days, for example (NCSL 2020f). The Healthy Elections Litigation Tracker cites 24 Covid-related court challenges about the provision of early voting (Stanford-MIT n.d.b).

Recruiting poll workers and identifying polling places

Recruiting the legion of temporary staff required to run polling locations was of course common to both early in-person voting and polling on 3 November itself. These temporary staff are called ‘poll workers’ in the USA. At the 2018 general elections, two-thirds of poll workers were over 60 years of age. In 2020, with age a known risk factor for Covid-19, electoral officials were concerned about the pandemic’s potential impact on recruitment, an already difficult task in most electoral jurisdictions (US Election Assistance Commission 2019: 9–10). In the event, poll workers were slightly younger in 2020, although most remained over the age of 50 (Fortier and Stewart 2021).

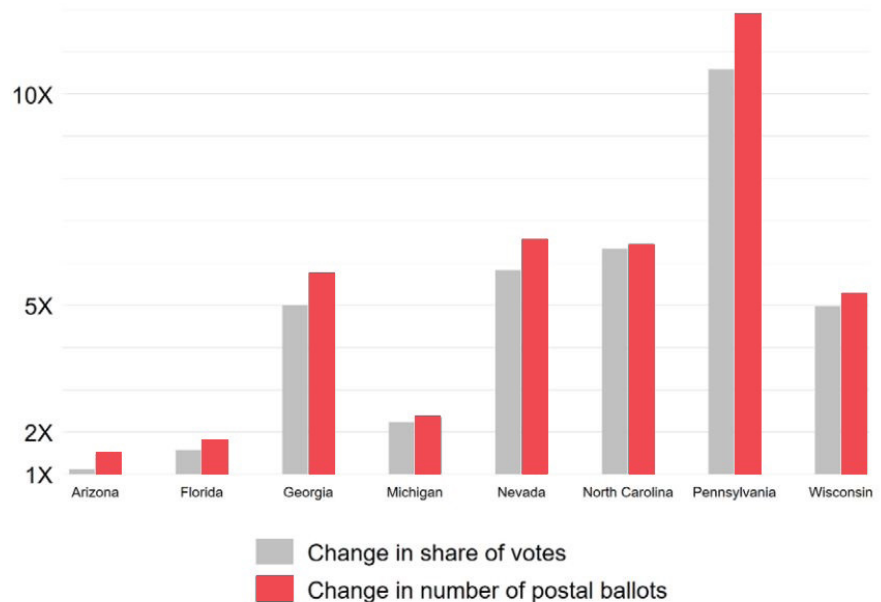
Efforts to help meet the expected shortage proceeded along multiple paths. Local electoral officials reported an increase in self-motivated volunteers compared to the past. To help meet the expected shortage, the EAC ran a National Poll Worker Recruitment Day, which used social media and provided generic information and guidance for gathering poll workers’ application details. Nonprofit organizations spent millions of dollars in campaigns to encourage volunteering and ran websites that paired up volunteers with local needs. These campaigns appear to have paid off. Most local electoral officials reported that they were at least satisfied with efforts to recruit poll workers (Fortier and Stewart 2021, Chapter 4). There were limited reports of poll workers being exposed during polling (Cole 2020), or of polling locations needing to close due to Covid exposure (Powers 2020).

Besides fresh poll workers, in many cases electoral officials needed to find new or additional polling locations (Corasaniti and Wines 2020). Many locations either were unsuitable as they were in, or close to, ‘Covid-sensitive’ sites such as care facilities for older people, or were too small to allow for physical distancing. Despite localized problems, electoral officials were able to harness broader community efforts to find suitable locations. In some warmer states,

Average wait times to vote—the most direct measure of capacity sufficiency—ballooned during early voting in 2020 as compared to 2016.

In some warmer states, polling was conducted outside to minimize infection risk.

Figure 35.4. Voter turnout, 1900–2020



Source: Data from United States Elections Project <<http://www.electproject.org>>.

polling was conducted outside to minimize infection risk (Fuller 2020). Most states requested voters to wear masks inside the polling location, which prompted the inevitable legal challenges (Izaguirre 2020) and some isolated voting day confrontations (Goodman 2020).

In general, polling on 3 November proceeded well, with limited reports of problems (Gardner, Viebeck and Ye Hee Lee 2020), and none that would be considered of an abnormal scale for such a large election. With 100 million votes already cast early or by post, significant pressure was removed from 3 November polling. There were isolated Covid-related problems—such as the case of hand sanitizer transferring onto paper ballots which then jammed a ballot scanner (Kornfield 2020)—but for an election putting in place new mitigation measures, it appeared the months of planning and debate paid off in a smooth final day of voting.

2020 saw the highest turnout rate of its adult population in US history.

Turnout

In all, despite the challenges to managing the election and the health risks taken by electoral officials and voters from participating in the process, turnout—which has been steadily increasing in the USA since the 2000 election—reached 67 per cent of the eligible population (see Figure 35.4). This is the highest rate since the presidential election of 1900. Considering that only men over the age of 21 were eligible to vote in 1900, this means that 2020 saw the highest turnout rate of its adult population in US history.

This increase fits with a trend noted by International IDEA whereby elections held later in the pandemic experienced increases in voter turnout, often as a result of the provision of alternative voting channels or special voting arrangements (International IDEA 2020b). Research into turnout in the USA has yet to establish what role the expansion of voting channels played in increasing turnout compared to other factors, such as political mobilization of a highly polarized electorate.

35.7. POLITICIZING THE RESPONSE TO VOTING DURING COVID-19

One clear feature of the 2020 election was that the electoral administration response to the pandemic was politicized. The federal system of electoral administration provided opportunities for partisanship to intervene in decision-making about how to respond to the special circumstances created by the Covid-19 pandemic, but in different ways in different states. Furthermore, the distributed nature of the judiciary (election-related lawsuits may be filed in both state and federal courts) produced opportunities for inconsistent judicial decisions, depending on geography.

Most consequential for the practical conduct of the election, partisan differences were evident in many states over how best to respond to Covid-19. This was most evident in so-called 'battleground states', highly contested states where partisan divisions in the electorate were close and officials from different parties controlled different branches of the state government. In a few battleground states—notably Florida, Georgia and Texas—Republicans held all the key executive positions and controlled state legislatures. In these states, relatively few major administrative or legislative changes were made to voting rules.

When partisan controversy arose in these states (i.e., those under fully Republican control), it generally concerned state officials opposing efforts undertaken by administrators in large, urbanized counties to expand election access beyond what state officials preferred. For instance, Governor Greg Abbott of Texas issued an executive order prohibiting more than one drop box location in a county. Harris County (Houston) wished to have 11 locations; other urbanized counties also wanted multiple drop box locations. Eventually a federal appeals-court panel, consisting entirely of judges appointed by President Trump, ruled in favour of Governor Abbott's restriction on the number of drop boxes (Chappell 2020).

But as mentioned, most battleground states were not controlled by officials from one party, and it was in these states where partisan acrimony was most obviously displayed. Of particular note were the states of Arizona, Michigan, Pennsylvania and Wisconsin, where state authorities were either Democrats or a non-partisan electoral board (as in Wisconsin) but the state legislature was controlled by a large Republican majority. Three of these states saw significant

This increase fits with a trend noted by International IDEA whereby elections held later in the pandemic experienced increases in voter turnout, often as a result of the provision of alternative voting channels or SVAs.

One clear feature of the 2020 election was that the electoral administration response to the pandemic was politicized.

expansion of postal balloting in 2020: Michigan and Pennsylvania, because of previous legislation to liberalize postal balloting that had passed before 2020, and Wisconsin, as a consequence of the spring presidential primary (Simkovitz 2021; Hufford and Maung 2021; Freeman 2021). (Arizona already had a history of postal balloting, owing to its use of a 'permanent early voting list').

Partisan divisions in these states hampered cooperation over passing legislation to streamline administrative processes that were threatened due to the pandemic. For instance, bargaining over allowing the pre-processing of postal ballots was characterized by brinkmanship in Michigan until an agreement was reached to give larger jurisdictions a small pre-processing window, whereas the Pennsylvania legislature never reached an agreement to allow pre-processing (Scanlan 2020).

In states such as Arizona, Michigan, Pennsylvania and Wisconsin, where Democrats had effective day-to-day control over electoral procedures in the face of opposition from Republican-majority legislatures, much of the partisan controversy was played out in the courts. When election authorities interpreted election laws more generously than legislative leaders would have preferred, lawsuits ensued that pitted Republican legislators, party leaders and allied groups against electoral officials. On the whole, electoral officials tended to prevail in these lawsuits, particularly in state courts. However, disgruntlement about these more liberalized procedures continued past the election, leading to a slew of post-election lawsuits that we address in the next section.

Overlooked by comparison were actions by several states and the District of Columbia to take a decidedly liberalizing path to expand access to postal balloting. In particular, the heavily Democratic states of California, Nevada, New Jersey and Vermont, along with the District of Columbia, took steps to send postal ballots to all registered voters as a once-off emergency measure. (Vermont later passed a law in 2021 to make this change permanent.) Other than Nevada, none of these states was a contested partisan battleground, which explains why the larger public generally did not take notice of these changes.

Because primary responsibility for electoral administration in the USA is with the states, congressional activity, including partisan disagreements, was limited. The most notable effort to use federal legislation to mandate the expansion of early voting options was the Natural Disaster and Emergency Ballot Act of 2020 (Senate S3529), introduced by US senators Amy Klobuchar and Ron Wyden and co-sponsored by 36 other Democratic senators. Among other things, this legislation would have mandated 20 days of early voting, no-excuse absentee voting, and the electronic delivery of postal ballots to all voters. As the Senate was controlled by the Republican Party in 2020, the bill died without even receiving a formal hearing.

The most consequential of federal action was the USD 400 million in funding for elections during the Covid-19 pandemic discussed above, which passed the Senate unanimously and the House with only six nay votes. In contrast with

other proposed election-related legislation that was highly prescriptive and elicited highly partisan responses, CARES Act funding for electoral assistance was simply provided ‘to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 election cycle’ (Public Law 116–136).

Taken as a whole, judicial decisions avoided overt partisanship. Still, decisions delivered through the federal courts did come under criticism from the observer team from the Organization for Security and Co-operation in Europe (OSCE) for betraying traditional partisan principles in their decisions (OSCE 2021: 30–31).

Partisan differences were seen in how different courts applied the two major jurisprudential doctrines that frame election litigation in the run-up to elections. On the one hand, the ‘Anderson-Burdick’ doctrine is a balancing test that weighs state interests against burdens imposed on voters (Mahmud 2020). Lower courts, following what has been termed the ‘democracy canon’ (Hasen 2009), have tended to side with voters when applying Anderson-Burdick balancing. A separate doctrine is the ‘Purcell Principle’, which holds that courts should refrain from rulings that change election regulations close to an election, so as to avoid confusion to voters. In the weeks preceding the election, the US Supreme Court tended to minimize Anderson-Burdick balancing and to give greater deference to state interests in limiting (or failing to expand) access to the polls.

The greater deference given to state interests in election litigation opened the US Supreme Court to criticism from those who advocated greater flexibility in administering election laws. At the same time, the stalwart refusal of the judiciary at all levels to follow partisan cues during post-election litigation demonstrates that it is simplistic to characterize judicial decisions about election practices purely in partisan terms.

35.8. RESISTING THE ELECTION OUTCOME

In light of the challenges that faced electoral administrators and voters during the Covid-19 pandemic, the 2020 election was widely regarded as a success by impartial observers of US electoral administration (Persily and Stewart 2021). Unfortunately, a competing narrative took hold after the election that was popular among supporters of Mr Trump and has animated a significant part of the Republican base since, even heading into the mid-term elections of 2022. According to this narrative—often referred to by opponents as the ‘Big Lie’ due to the lack of any evidence to support it, the election was stolen by widespread fraud (Miller and Weiser 2022). This narrative evolved to the point where supporters of Mr Trump, who was clearly defeated in both the popular and electoral vote, engaged in aggressive litigation strategies to get election results overturned in several states. Once those strategies failed, some sections of Mr Trump’s supporters turned to violence to stop the proceedings by which Mr

In light of the challenges that faced electoral administrators and voters during the Covid-19 pandemic, the 2020 election was widely regarded as a success by impartial observers of US electoral administration.

Biden was formally declared winner of the election, while some others provided the attempt with rhetorical cover.

Seeds for rejecting the outcome of the election had already been planted by Mr Trump and his supporters prior to the 2020 election and, indeed, during the previous presidential election cycle. In the 2016 campaign, then-candidate Trump refused to state outright that he would accept the result (Healy and Martin 2016) and later claimed, contrary to evidence, that he would have ‘won the popular vote if you deduct the millions of people who voted illegally’ (Wootson 2016).

Mr Trump’s unwillingness to pre-commit to accepting the 2016 election outcome continued into the 2020 election campaign. For instance, in a late-summer speech in Wisconsin, he stated that ‘the only way we’re going to lose this election is if the election is rigged’ (Chalfant 2020). In statements before the election, Mr Trump and his supporters often made clear that they believed postal ballots would be the major channel through which the election would be rigged (Kiely and Rieder 2020).

The US news networks have a decades-long tradition of projecting winners in presidential contests based on incomplete and unofficial election results.

Once ballots began to be counted on 3 November, the unfolding tally made it clear that the identity of the winner would be slow to emerge; recounts and other election challenges under established electoral laws were likely.

The US news networks have a decades-long tradition of projecting winners in presidential contests based on incomplete and unofficial election results (Pettigrew and Stewart 2020; Curiel, Stewart, and Williams 2021a, 2021b). By the morning following election day 2020, the status of election results released at that point indicated that neither candidate had accumulated enough electoral votes in the states that had been ‘called’ to identify the winner. Eight states remained uncalled by any of the major national news sources—Alaska, Georgia, Maine, Michigan, Nevada, North Carolina, Pennsylvania and Wisconsin. (The number goes up to nine if one counts Arizona, which was called in favour of Mr Biden early on election night by Fox News, but which other outlets waited until the next day to call.)

Once vote-counting restarted on Wednesday morning after an overnight hiatus, Arizona, Maine, Michigan and Wisconsin were projected to give victories to Biden, but this still left him six votes short of achieving the 270 Electoral College votes needed for victory. Pennsylvania was finally declared in favour of Mr Biden around noon on Saturday, 7 November, which put him over the top. The state of Georgia continued to be undeclared until 19 November, but by then its electoral votes were no longer decisive to the result.

The pattern by which ballots were counted and reported proved an important factor in the pro-Trump narrative that developed after election day. However, experts in the field of electoral administration and journalists who cover elections have long known that ballots are not counted in local US jurisdictions all at once. Larger jurisdictions take longer to complete their vote count than smaller ones. States that allow postal ballots to arrive after election day

(although postmarked by election day) will see ballot tallies evolve as those ballots are counted in the days following the election.

Because larger, slower-counting jurisdictions mostly support Democratic candidates and smaller, faster-counting jurisdictions mostly support Republicans, election returns tend to exhibit non-random trends with respect to partisanship. This has led to a pattern termed the 'blue shift', wherein early returns are favourable to Republicans, but trend in a pro-Democratic direction as all the ballots are counted. (It is termed the 'blue shift' because of the practice in the USA of associating the Democratic and Republican parties with the colours blue and red, respectively. Therefore, vote tallies tend to become 'bluer' in the days following the election.) This pattern had already been established in scholarly research prior to 2020 (Foley 2013; Foley and Stewart 2020). Using scraped media reports in 2020 starting within minutes of poll closures, it was possible to show how this pattern worked in the 2020 election in granular detail (Curiel, Stewart and Williams 2021a, 2021b).

Explaining the count: Georgia

The case of Georgia provides a glimpse into the patterns that were common across the states. Figure 35.5 illustrates how the blue shift emerged in Georgia, which ended up being the state that Joe Biden won by the smallest vote margin in percentage terms (0.24 per cent).

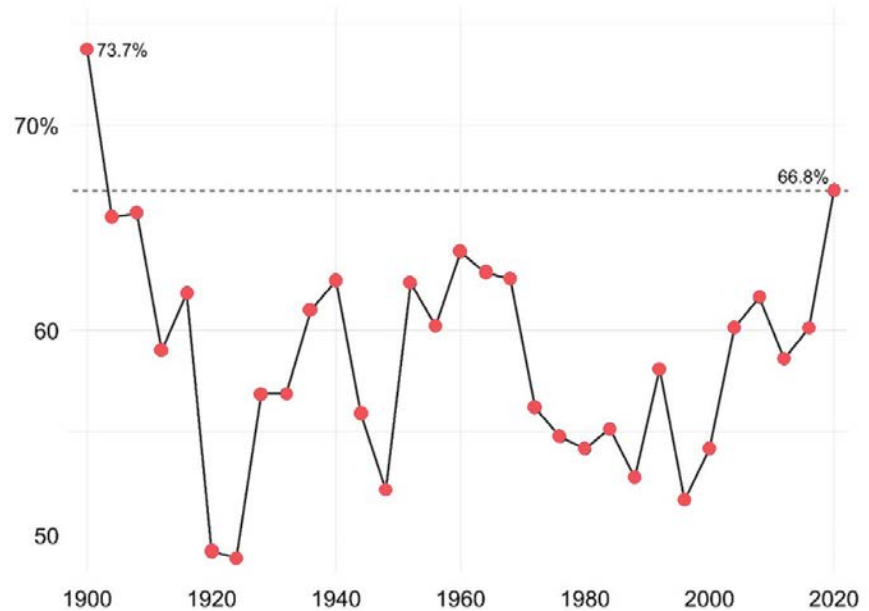
Figure 5 uses the vote reports from the state's election department to illustrate the two-party vote share between Joe Biden and Donald Trump each hour after the polls had closed (top half of graph) and how many votes had been counted and reported each hour (bottom half). The overall totals are reported, as are the totals for each voting channel used in Georgia: in-person on election day, early in-person, and mail. To help highlight the early period when the vote totals changed the fastest, the x-axis has been transformed by taking logarithms.

The upper portion of Figure 35.5 shows that in the very first hour after polls closed at 19:00, Biden and Trump were virtually tied among the half-million votes that had been reported at that point. (Georgia would eventually count almost exactly 5 million ballots.) However, in the second hour, Mr Trump took a large lead of 58 per cent to Mr Biden's 42 per cent. From that point forward, Mr Biden's vote-share gradually grew until he overtook Trump at the 58-hour mark, never to fall behind again.

Breaking the reported vote into its three major channels, we see that Mr Biden received a fairly constant share of the mail ballots throughout the count, at 65 per cent. In contrast, the early-reported in-person votes were heavily weighted toward Mr Trump, but became less so as the hours progressed. For instance, at the second hour after the polls closed, Mr Biden had received only 33 per cent of the reported early in-person vote and 25 per cent of the reported election day vote. By the time all the ballots had been counted, Mr Biden received 47 per cent of the early in-person vote and 38 per cent of the election day vote. These patterns reflect the fact that absentee ballots were counted no quicker in heavily Democratic areas of the state than in Republican areas, whereas votes

This has led to a pattern termed the 'blue shift', wherein early returns are favourable to Republicans, but trend in a pro-Democratic direction as all the ballots are counted.

Figure 35.5. Timing of votes reported in Georgia, by hour



Source: Georgia Secretary of State election night reporting system, gathered by the MIT Election Data and Science Lab.

cast in-person (both early and on election day) were counted more quickly in Republican areas than in Democratic areas.

The lower portion of Figure 35.5 shows that in the first hour after polls closed, it was the postal votes that dominated the vote count, not the in-person vote. This explains Mr Biden's relatively strong performance in the first hour vote reports. After the first hour of vote-counting, the newly reported votes primarily came from ballots cast in-person. Although these in-person votes were more pro-Trump than the postal ballots overall, they were also increasingly pro-Biden as time went on. That is because the in-person votes reported in the earliest hours tended to be in the rural, highly Republican parts of the state, while votes reported later tended to come from the cities and surrounding suburbs, which were predominantly Democrat.

The count and public perception

The temporal pattern by which votes were reported in Georgia was not the only one observed in 2020, but certain dynamics observed in Georgia were common in most states. The first is that immediately upon the close of polls, Mr Biden often surged to a quick lead in states that allowed the pre-processing of postal ballots, because mail ballots in even small, rural counties were heavily Democrat. However, that apparent lead quickly disappeared because the in-person votes from smaller, rural areas began to be reported in the second hour, eliminating the initial Biden advantage. Finally, with the most rural and most conservative parts of the state finished with all their counting early in the

evening, counting in larger, more liberal urban areas continued. This period, which started at the two-hour mark and continued until all the ballots were counted, was the most visible to the public that had settled in to watch election returns, and became the focus of those who wished to explain the pattern in terms of fraud.

Press accounts and political commentary before the election had already alerted the public to how the blue shift was likely to be exacerbated in 2020, both because of the surge in postal voting and because Democrats were anticipated to use this channel at a much greater rate than Republicans (Prokop 2020). Reporting before election day recounted how Mr Trump thought it 'terrible that we can't know the results of an election the night of the election' (Riccardi 2020) and was planning to declare victory prematurely on election night before all the ballots had been counted (Swan 2020). In the early hours of Wednesday morning, Mr Trump held a press conference where he declared that he had won the election, but that the ongoing vote count in states such as Georgia and Pennsylvania were 'a major fraud on our nation' (Rucker, Olorunnipa and Linskey 2020). On the day after election day, Mr Trump's campaign and political groups allied with the campaign went to court in at least four states—Georgia, Michigan, Nevada and Pennsylvania—to stop the counting of ballots, to no avail (Sherman 2020).

The pattern of the tallies became the basis on which Mr Trump and his supporters would charge that illegal post-election 'ballot dumps' in states such as Georgia, Michigan and Pennsylvania diluted legitimate ballots for Mr Trump, thus denying him victory. However, this was not the only basis on which the Trump campaign claimed that electoral administration irregularities amounted to widespread fraud and so rejected defeats in the various battleground states. The litigation tracker of the Stanford-MIT Healthy Elections Project records 129 cases filed after election day, 80 in state courts and 49 in federal courts. Almost all of these were filed by Trump-allied parties, including his campaign. All Trump-affiliated lawsuits were eventually dismissed (Cummings, Garrison and Sergent 2021; Rutenberg, Corasaniti and Feuer 2020).

Post-electoral disputes

The Trump-affiliated lawsuits charged numerous irregularities beyond ballot dumps. The most visible were those claiming that state decisions to adapt voting procedures to the exigencies of the pandemic were unconstitutional under a legal theory known as 'independent state legislature doctrine'. This doctrine states that 'a state legislature's power to regulate federal elections does not arise from its state constitution (like most of the legislature's other power) but rather from an independent grant of authority directly from the U.S. Constitution' (Morley 2021: 502–503). One extreme version of this doctrine holds that state and local election officials have no discretion whatsoever in implementing state election laws applied to federal elections, even in the face of emergencies, and even if state laws generally grant discretion to these officials. The doctrine further holds that governors rightfully play no role in the passage of these laws and state courts have no authority to interpret them under this doctrine. All authority starts and stops with state legislatures.

The most high-profile federal court case that was brought to overturn the results of the presidential election, *Texas v. Pennsylvania* (Supreme Court 2020), relied on an appeal to the independent state legislature doctrine. This lawsuit, which was filed by the attorney general of Texas and joined by 17 state attorneys general (Williams 2020) and 126 Republican members of Congress (Diaz 2020), argued that government officials in the states of Georgia, Michigan, Pennsylvania and Wisconsin loosened regulations governing the use of postal ballots under the cover of responding to the Covid-19 pandemic, thereby 'weakening ballot integrity' and 'flooding' those states with illegitimate postal ballots (Howe 2020a).

The Supreme Court's dismissal of *Texas v. Pennsylvania* four days after it had been filed (Howe 2020b) would normally have settled the issue, at least as far as mainstream law and politics are concerned. Members of the Electoral College met in their respective state capitals on 14 December and formally cast their ballots for president. Certificates of Vote from those meetings were forwarded, as is provided for under US law, to the Archivist of the United States and Vice President, in his role as President of the US Senate. Those certificates were then made ready for counting and official certification by the US Congress meeting in joint session on 6 January 2021.

Most troubling was the growing movement to disrupt the formal counting of electoral votes on 6 January, which led to the riot and invasion of the US Capitol building as the counting of electoral votes proceeded.

Of course, the normal course of mainstream law and politics did not flow from the Supreme Court's dismissal of *Texas v. Pennsylvania*. Lawsuits challenging the election continued to be filed—32 cases in all, according to the Stanford-MIT Election Litigation Tracker. During 6 January proceedings, formal objections were lodged against the slates of electors from Arizona and Pennsylvania. When roll call votes were finally taken on these challenges, 147 Republican members of Congress (8 senators and 139 representatives) supported objections to the legality of the electoral votes from either Arizona, Pennsylvania, or both (Yourish, Buchanan and Lu 2021).

Most troubling was the growing movement to disrupt the formal counting of electoral votes on 6 January, which led to the riot and invasion of the US Capitol building as the counting of electoral votes proceeded. That invasion led to a pause in the counting as members of Congress were evacuated and the rioting put down, but not before five individuals lost their lives (Healy 2021). Congressional leaders of both parties believed it important for the counting to resume as soon as possible, which led to Joe Biden being declared elected to the presidency by Vice President Mike Pence at 3:32 following an all-night session (Bella 2021). Shortly thereafter, Mr Trump announced that there would be an orderly transition of power (McGraw and Kumar 2021), despite having stated the day before that he would 'never concede' the presidency (Reuters 2021).

35.9. SYSTEM VULNERABILITIES—AND RESILIENCE

The events leading up to and including the riot continue to be under investigation by grand juries, Congress and journalists. The riot itself and its aftermath are beyond the scope of this case study, except to the degree that the episode reveals weaknesses in the US system of electoral administration and, perhaps surprisingly, some strengths.

Undoubtedly, the reaction to the 2020 election outcome reflects the deep partisan divisions in the USA and the willingness of Republican political leaders to use the anger that motivates those divisions to arouse their followers to action. A well-designed system of electoral administration should be resilient in the face of such sharp divisions.

The parts of the US system of electoral administration that held the firmest were those that can be termed the ‘fact-based’ part of that system: the portion that is constrained by clear rules of process and evidence. This starts with local election officials, who are bound by myriad rules regarding the acceptance of ballots, the safekeeping of those ballots, the reconciliation of inconsistencies, and the ultimate certification of the results. It was on the basis of adherence to these procedures that state election officials, including Republican officials, defended the integrity of the outcomes in the face of fierce opposition from those who insisted that Donald Trump was fraudulently denied re-election.

Lawsuits brought to overturn election results in pivotal states made no progress in impeaching the procedures used by local election officials to ascertain the correct vote totals in their jurisdictions. At most, these lawsuits brought ‘penny-ante’ complaints that would not have mattered to the outcome even if they were true (Millhiser 2020). Federal judge Timothy Batten, a Georgia jurist who had been appointed by President George W. Bush, wrote that the lawsuit sought ‘perhaps the most extraordinary relief ever sought in any federal court in connection with an election’ (Long and White 2020). In upholding the decision of a Trump-appointed federal judge challenging Pennsylvania’s election, a panel of appellate judges (all appointed by Republican presidents), called the demand that the state results not be certified ‘breathtaking’ (Long and White 2020).

The resilience of the fact-based part of the electoral administration system extended to the final certification of the electoral vote in the early hours of 7 January 2021. Despite strong pressure from Mr Trump and death threats from the crowd while it had attempted to invade the Capitol, Mike Pence in his constitutional role as president of the US Senate eventually followed the prescribed script laid down by federal law, congressional resolution, and the Senate parliamentarian, declaring Biden the victor (Woodward and Costa 2021).

In arguing that the formal, fact-based part of electoral administration held firm in the face of intense political pressures, we do not overlook the intense

The parts of the US system of electoral administration that held the firmest were those that can be termed the ‘fact-based’ part of that system.

pressure placed on electoral officials at every level, some of which tested the ability of the system to hold together. For instance, the Wayne County, Michigan (Detroit) Board of Canvassers, which is composed of two Republicans and two Democrats, initially deadlocked over whether to certify the county's election results. This was despite finding no irregularities that would provide a reason to withhold certification (Ruble and Hamburger 2020).

What remains to be seen is whether fragmentation and partisanship will play more active roles in undermining the integrity of US elections in the future.

Two criticisms that are commonly levelled against the system of electoral administration in the USA are the fragmented nature of responsibility for administering elections and the fact that electoral officials often achieve their positions through partisan processes. Although they seemingly played roles in stoking the post-election controversy that led to the 6 January Capitol riot, it is hard to argue that absent these factors, the ardour that motivated rejection of the election would have been any less. Indeed, it could be argued that in the event, the partisan credentials of Republican secretaries of state who declared that elections in their states were free of widespread fraud created a firebreak against baseless allegations of fraud spreading any further (Corasaniti, Epstein and Rutenberg 2020).

What remains to be seen is whether fragmentation and partisanship will play more active roles in undermining the integrity of US elections in the future. The election-rejection movement within the Republican Party spawned an effort to replace Republican electoral administration officials with pro-Trump activists (Homans 2021; Gardner, Brown and Dawsey 2021). Should this effort succeed in electoral officials implementing election laws in an avowedly partisan fashion, then at best the legal system will be beset with a rise in lawsuits ordering electoral officials to follow the law; at worst, the impartiality of electoral administration in certain states could be ruined.

Unless the ECA is clarified and reasons for rejecting electoral votes narrowed (or even specified), the door will be wide open in the future for a repeat of the events of 6 January in the halls of the US Congress.

Furthermore, the major role that fragmentation played in post-3 November developments was that there were more opportunities for supporters of Mr Trump to file frivolous lawsuits or to threaten to withhold certification of legally counted ballots. Looking forward to the 2022 and 2024 federal elections, it remains to be seen if activists will take advantage of this fragmentation to place even more roadblocks in the way of reaching closure to elections.

One of the reasons the legal system was so successful in beating back the myriad frivolous attacks on the outcome of the 2020 election is that election law runs along a set of well-worn paths in state and federal courts, with one exception. That exception pertains to the Electoral Count Act (ECA) of 1877, which is the federal law that lays out the procedures for counting electoral votes. The ECA is widely regarded by election law experts as incoherent (Alexander and Sheldon 2021; Hasen 2021). It was under the ECA that a single US senator or member of the House could file a frivolous objection to a state's electoral votes. The ECA is rarely litigated in the courts; it last made an appearance in the controversy over the 2000 recount in Florida. Unless the ECA is clarified and reasons for rejecting electoral votes narrowed (or even specified), the door will be wide open in the future for a repeat of the events of 6 January in the halls of the US Congress.

35.10. LESSONS LEARNED

It is astonishing that a year after the 2020 election was held and Joe Biden won a comfortable victory at the ballot box, legal efforts to challenge the results were still proceeding (Gardner, Brown and Dawsey 2021). As much as election deniers would like to make the case that the outcome should be doubted because of irregularities, no credible evidence has emerged to support this contention. Quite the contrary.

The persistence of election denial efforts should not be considered an indictment of US electoral administration. Instead, these efforts can be understood as a stage on which far-right elements in American politics—which have made their way into the Republican party (Gardner and Arnsdorf)—dramatize the narrative about how the USA is being stolen from ‘true’ Americans—white, Christian and native born (Gjeltén 2021). While there is danger that these movements may undermine free and fair elections in the short term, a bigger danger is that they will have a corrosive effect on support for liberal democratic institutions in the USA in general, not just electoral administration (Edsall 2021).

The dominance in the news of persistent efforts to undermine democratic legitimacy and the understandable wish to protect electoral officials from personal threats of violence has muted the degree to which the mainstream electoral policy community has been able to assess lessons learned from the 2020 election. The EAC has sponsored efforts to focus on administrative developments that should lead to learning, including a series of video interviews with state and local election officials (US Election Assistance Commission 2021b), a report on the effect of Covid-related changes on voters with disabilities (Schur and Kruse 2021), and a comprehensive report taking on issues ranging from voter registration to election finance (Fortier and Stewart 2021).

The increase in the take-up of early voting and postal voting will have a long-term effect on US elections. How extensive and persistent that effect will be is unlikely to be known for several federal election cycles. This is due to a combination of factors related to both what states offer to voters as officials attempt to return to ‘normal’ electoral administration, and how voters respond as they acclimatize to the presence of Covid-19 in their everyday lives. Although the majority of mail-ballot voters reported in surveys that they intended to vote by mail in the future, the small number of statewide elections held in 2021 saw a marked reduction in the fraction of voters using postal ballots, compared to 2020. For instance, 9 per cent of voters in the November 2021 gubernatorial election in the state of Virginia cast postal ballots, compared to 23 per cent in the November 2020 presidential election.

The coincidence of the pandemic with the presidential election calendar revealed that state laws related to emergency election procedures are often inadequate in the face of a disruption as comprehensive as Covid-19. The National Conference of State Legislatures notes that ‘[at] least 45 states have

statutes that deal with Election Day emergencies in some way, though there is little consistency between state on what events would be covered and exactly what plans will be followed in each emergency' (NCSL 2020c). Because it is possible, even likely, that comprehensive emergencies like the Covid-19 pandemic will continue to arise, it is important for states to develop clear election emergency statutes and that these be developed on a non-partisan basis.

A related issue to examine is the funding mechanism for federal elections. This has been the subject of debate for many years. While there was hope that the experience with the federal CARES Act during the 2020 electoral cycle would provide a template for future federal involvement, no movement was discernible in this direction during the first session of Congress that convened after the 2020 election. One clear lesson learned from 2020 is that if federal funding is to become regularized, political support will only be present if it is provided with few restrictions related to election policy itself.

Some lessons appear to have been learned during the 2020 electoral cycle itself, with the media reporting more accurately on election night (and the days following) about the projected nature of their data, the progress of actual counts and the impact of postal voting processing on electoral result timing. Relations between election officials and the media are often antagonistic in the reporting of results, with news outlets pushing for faster reports and officials concerned that reports of informal vote counts will be interpreted by the public as official results. Yet, 2020 demonstrated the importance of cooperation between election officials and the national mainstream media, both of which have interests in controlling the spread of misinformation and disinformation related to election results.

Finally, while electoral administrators are no strangers to strong partisan feelings among participants in the electoral process, 2020's was an electoral cycle that broke with long-established US political norms. The willingness of partisan participants—notably, top federal and state elected officials—to spread disinformation on the basics of the electoral process, to allege large-scale manipulation before any votes had been cast, and to continually misinform the public on the lawful nature of electoral officials' actions, will have long-term repercussions. That this all occurred while electoral officials were struggling to deliver safe elections in the midst of a pandemic is all the more concerning. Confidence in elections and electoral processes is a vital element of a functioning democracy; it takes time to build, but is quick to be lost.

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Further reading

Detailed discussion of the structure and nature of US electoral administration can be found in:

- Hale, K. and Brown, M., *How We Vote: Innovation in American Elections* (Washington: Georgetown University Press, 2020), <<https://doi.org/10.2307/j.ctv1169bgj>>
- Hasen, R. L., *The Voting Wars: From Florida 2000 to the Next Election Meltdown* (Grand Rapids, MI: Yale University Press, 2013)
- James, T. S., *Elite Statecraft and Election Administration: Bending the Rules of the Game?* (Basingstoke: Palgrave Macmillan, 2012), <<https://doi.org/10.1057/9781137035097>>

For historical trends in electoral administration see:

Foley, E., *Ballot Battles: The History of Disputed Elections in the United States* (New York: Oxford University Press, 2016)

Kousser, J. M., *The Shaping of Southern Politics: Suffrage Restrictions and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974)

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Part 5

Annexes

Annex A. Covid-19 health and safety guidelines by country concept

This annex is part of Chapter 5, Voting during the covid-19 pandemic.

Annex A. Covid-19 health and safety guidelines by country concept

Country	Publishing authority	Model of EMB	Title	Content	Published
Albania	Komisioni Qendror i Zgjedhjeve (Central Election Commission)	Independent	Anti-Covid-19 Measures	Voting operations, set-up of polling stations	12 April 2021
Argentina	Cámara Nacional Electoral; Dirección Nacional Electoral (National Electoral Chamber and National Electoral Directorate of the Ministry of the Interior)	Mixed	Health Protocol for Covid-19 Prevention – National Elections 2021	Set-up of polling stations, voting operations, training	3 August 2021
Bolivia	Órgano Electoral Plurinacional (Plurinational Electoral Organ)	Independent	Protocol of Sanitary Security Measures for the 2020 General Elections	Voting operations, set-up of polling stations, counting and tabulation	26 August 2020
Brazil	National Emergency Management Organization (NEMO); Tribunal Superior Eleitoral (Superior Electoral Court)	Independent	Health Security Plan for 2020 Municipal Elections	Training, campaigning, voting operations, set-up of polling stations	26 August 2020
Bulgaria	Ministry of Health	Independent	Approved by the Minister of Health Instructions for holding the elections for MPs in the country on July 11, 2021, in the conditions of a declared epidemic emergency situation in connection with Covid-19	Campaigning, electoral training, voting operations (including SVAs), set up of polling stations, counting and tabulation, transport of electoral materials.	15 June 2021

Annex A. Covid-19 health and safety guidelines by country concept (cont.)

Country	Publishing authority	Model of EMB	Title	Content	Published
Cabo Verde	Comissão Nacional de Eleições (National Elections Commission)	Mixed	Covid-19 Preventative Measures at Voting Assemblies	Set-up of polling stations	13 April 2021
	Comissão Nacional de Eleições (National Elections Commission)	Mixed	Covid-19 Prevention Measures: Arrangement of the Polling Stations	Set-up of polling stations	6 October 2021
Chile	Servicio Electoral de Chile (Electoral Service of Chile, Servel)	Independent	Sanitary Protocol for a Safer 2020 National Plebiscite	Production of electoral materials, training, campaigning, set-up of polling stations, counting and tabulation, result announcements	31 July 2020
	Servicio Electoral de Chile (Electoral Service of Chile, Servel)	Independent	Sanitary Protocol of the Second Vote of the Presidential Election 2021	Production of electoral materials, training, set-up of polling stations, campaigning, communication, counting and tabulation, result announcements	22 March 2021
Czech Republic	Ministry of Interior		Information for voters - hygienic-anti-epidemic measures when voting in polling stations	Voting operations, set-up of polling stations	10 September 2020
	Ministry of Interior		Hygiene and anti-epidemic measures in the organization of elections: Rules for municipal authorities and district election commissions	Voting operations, set up of polling stations, and counting and tabulation	22 September 2020

Annex A. Covid-19 health and safety guidelines by country concept (cont.)

Country	Publishing authority	Model of EMB	Title	Content	Published
Ecuador	National Emergency Operations Committee (COE) and National Electoral Council (CNE)	Independent	General Protocol for the Prevention of the Spread of Covid-19 in the 2021 Electoral Process	Production of electoral materials, training, campaigning, voting operations, set-up of polling stations, counting and tabulation, election observation	9 January 2021
Ethiopia	National Electoral Board of Ethiopia (NEBE)	Independent	Guidelines for the Prevention and Control of CV-19 Transmission During Elections	Voter education, voter registration, electoral training, election campaigning, set up of polling stations, voting operations, observation, dispute resolution, transport of election materials	2021 (2013 in the
Germany (Berlin)	Regional Returning Officer - Berlin		Instructions for action due to pandemics	Voter education, electoral training, set-up of polling stations, voting operations (including SVAs), counting and tabulation	16 September 2020
Honduras	National Electoral Council	Independent	The Biosafety Manual for General Election Day 2021	Set-up of polling stations, voting operations	21 June 2021
Iran	Ministry for Health and Medical Education	Mixed	Health and safety protocols for presidential election	Election campaigning, set-up of polling stations, voting operations	May 2021
Israel	Ministry of Health	Independent	Election Day Health Advisory	Voting operations, set-up of polling stations	1 March 2021

Annex A. Covid-19 health and safety guidelines by country concept (cont.)

Country	Publishing authority	Model of EMB	Title	Content	Published
Jordan	Independent Election Commission	Independent	Instructions No. (2) of 2020 Amending Instructions to the Implementing Instructions No. (7) of 2016 on Rules of Electoral Advertising Campaigns	Campaigning	2020
Italy	Ministry of Interior and Ministry of Health		Electoral and referendum consultations in September 2020: the anti-Covid-19 prevention measures Ministry of the Interior (interno.gov.it)	Voting operations, set-up of polling stations, counting	11 August 2020
Kazakhstan	Ministry of Health and Central Election Commission	Independent	Measures to prevent the spread of coronavirus infection during the organization and conduct of voting in elections of deputies of the Mazhilis of Parliament and Maslikhats of the Republic of Kazakhstan	Voting operations, set-up of polling stations, counting and tabulation	29 December 2020
Kyrgyzstan	Ministry of Health and Central Electoral Commission	Independent	Algorithm of actions to ensure sanitary and epidemiological safety and protect the health of citizens from Covid-19 during the preparation and conduct of elections and referendum of the Kyrgyz Republic January 10, 2021	Voting operations, set-up of polling stations, campaigning	21 December 2020
Laos	Government of Laos	Independent	Government guidelines on Covid-19 prevention	Voting operations, set-up of polling stations	8 February 2021
Liechtenstein	Ministry of Health		Protection concept vote August 30, 2020 / state election 2021	Voting operations, set-up of polling stations, counting and tabulation	n.d.

Annex A. Covid-19 health and safety guidelines by country concept (cont.)

Country	Publishing authority	Model of EMB	Title	Content	Published
Lithuania	Central Election Commission	Independent	Decision on the Approval of the Description of the Procedures for the Organization of Elections to the Seimas of the Republic of Lithuania when Freedom of Movement of Persons is temporarily restricted in the territory or part of the Republic of Lithuania	Voting operations, set-up of polling stations, counting and tabulation, training, election observation	5 August 2020
Macau Special Administrative Region	Health Services of the Macau SAR, Centre for Disease Control and Prevention		Guidelines for the management of electoral activity sites_	Campaigning	19 August 2021
	Health Services of the Macau SAR, Centre for Disease Control and Prevention		Epidemiological of pneumonia guidelines for polling places and polling stations_	Voting operations	6 September 2021
Mexico	Instituto Nacional Electoral (National Electoral Institute)	Independent	Protocols for the resu tn to activities in the INE: Electoral process 2021 (Several different protocols/guidelines are available at the link)	Training, campaigning, voting operations, set-up of polling stations, counting and tabulation	2020–2021
Moldova	Central Electoral Commission	Independent	Extraordinary National Commission on Public Health	Voting operations, set-up of polling stations, counting and tabulation	12 August 2020
	Central Election Commission	Independent	Extraordinary National Commission on Public Health	Election campaign, voting operations (including SVAs), set-up of polling stations, counting and tabulation, and transport of election materials	3 June 2021
Mongolia	Government of Mongolia	Independent	Temporary prevention procedures for coronavirus infection (Covid-19) during the 2021 Presidential election	Election campaign, set-up of polling stations, voting operations (including SVAs)	19 May 2021

Annex A. Covid-19 health and safety guidelines by country concept (cont.)

Country	Publishing authority	Model of EMB	Title	Content	Published
Myanmar	Union Election Commission	Independent	Polling station officer, deputy polling station officer, and polling station members manual	Voting operations, training, set-up of polling stations, counting and tabulation	2020
Namibia	Election Commission of Namibia	Independent	ECN Strategy to Mitigate the Covid-19 Impact on the 2020 Regional Councils and Local Authority Elections	Training, voter registration, campaigning, voting operations, set-up of polling stations, counting and tabulation, transport of electoral materials	2020
Netherlands	Electoral Council, Kiesraad	Mixed	Overview of main Covid measures at the 2021 elections to the House of Representatives	Voting operations, set-up of polling stations, counting and tabulation	2021
Nicaragua	Supreme Electoral Council	Independent	Health Protection Measures	Voting operations, campaigning	6 November 2021
New Caledonia	High Commissioner of the Republic		Presentation of the sanitary measures applicable to the poll	Voting operations, set-up of polling stations, counting	9 November 2021
Nigeria	Independent National Election Commission (INEC)	Independent	Policy on conducting elections in the context of the Covid-19 pandemic	Nomination processes, training, voter registration, campaigning, voting operations, set-up of polling stations, counting and tabulation	21 May 2020
	Nigeria Centre for Disease Control (NCDC)	Independent	Guidelines for conducting elections during the Covid-19 outbreak in Nigeria	Voter registration, campaigning, voting operations, set-up of polling stations, counting and tabulation	2020
Norway	Valgdirektoratet (Directorate of Elections)		Infection control guide for election implementation during the Covid-19 outbreak	Set up of polling stations and voting operations (including SVAs)	18 June 2021
North Macedonia	State Election Commission	Independent	A special part of handbook for educating electoral authorities	Voting operations, set-up of polling stations and transportation of election materials	2020

Annex A. Covid-19 health and safety guidelines by country concept (cont.)

Country	Publishing authority	Model of EMB	Title	Content	Published
Portugal	National Election Commission	Mixed	Public Health Strategies for Presidential Elections 2021	Voter registration, campaigning, voting operations, set-up of polling stations, counting and tabulation	11 November 2020
Republic of Niger	Election Commission	Independent	Measures against Covid-19	Voting operations, transport of election materials, set-up of polling stations	17 February 2021
Russia		Independent	Recommendations of Rospotrebnadzor to commissions, observers, voters	Set up of polling stations, voting operations (including SVAs), observation, counting and tabulation	July 8 2021
Singapore	Prime Minister's Office		The Covid-19 Special Arrangements Bill	Voting operations, set-up of polling stations	1 July 2020
South Korea	National Election Commission	Independent	Election Management in Response to Covid-19 (see appendix)	Voter education, voting operations, set-up of polling stations, counting and tabulation, training	15 April 2020
Sri Lanka	Ministry of Health and Indigenous Medical Services	Independent	Health Guidelines for Conducting the Elections amidst the Covid-19 Outbreak	Training, campaigning, voting operations, set-up of polling stations, counting and tabulation, transportation of election materials	1 June 2020
St Lucia	Department for Health and Wellness and the Electoral Department	Mixed	Covid-19 Protocols for Election Campaigning	Campaigning, voter education	Unknown; came into force 29 June 2021
St. Vincent and the Grenadines	National Emergency Management Organization (NEMO)		Advisory on the Health Protocol for the Conduct of Elections in St. Vincent and the Grenadines during the Covid-19 Pandemic	Campaigning, voting operations, set-up of polling stations	28 October 2020

Annex A. Covid-19 health and safety guidelines by country concept (cont.)

Country	Publishing authority	Model of EMB	Title	Content	Published
Taiwan	Central Election Commission	Independent	110-year nationwide referendum to deal with severe special infectious pneumonia epidemic prevention plan	Voter education, voting operations, set-up of polling stations, training	6 May 2021
Turks and Caicos	Ministry of Health and Election Office		Turks and Caicos Islands Government Ministry of Health and Elections Office General Elections Health Protocols Covid-19	Training, voting operations, set-up of polling stations	5 February 2021
Uganda	Electoral Commission	Independent	Resumption of Electoral Activities under the Revised Roadmap for 2020/2021 General Elections	Campaigning, voting operations, set-up of polling stations	16 June 2020
United Kingdom	UK Government (applies to all polls in England and to Police and Crime Commissioner elections in England and Wales)		May 2021 Polls Delivery Plan Elections May 2021: joint statement from the Scottish, UK and Welsh Governments	Nomination processes, campaigning, voting operations, set-up of polling stations, result announcements	5 February 2021 9 March 2021
	Scottish Government		Scottish General Election (Coronavirus) Act 2021 Elections May 2021: joint statement from the Scottish, UK and Welsh Governments Coronavirus (Covid-19): Scottish Parliament Election 2021	Voting operations (including SVAs) Voting operations, set-up of polling stations, campaigning Campaigning	Passed by the Scottish
	Welsh Government		Elections: Coronavirus guidance Elections May 2021: joint statement from the Scottish, UK and Welsh Governments	Campaigning, voting operations, set-up of polling stations, counting and tabulation, result announcements	12 March 2021 9 March 2021
Uruguay	Corte Electoral (Electoral Court)	Independent	Sanitary Protocol for Election Day of the Departmental and Municipal Elections	Training, voting operations, set-up of polling stations, counting and tabulation	3 August 2020

Annex A. Covid-19 health and safety guidelines by country concept (cont.)

Country	Publishing authority	Model of EMB	Title	Content	Published
USA	US Centre for Disease Control		Polling Locations and Voters: Interim guidance to prevent the spread of coronavirus disease 2019 (Covid-19)	Voting operations, set-up of polling stations	23 Nov 2020 (Updated)
Uzbekistan	Central Election Commission	Independent	Instructions to prevent the spread of coronavirus infections (Covid-19) in elections for the Presidency of the Republic of Uzbekistan	Voter education, training, voting operations (including SVA), set up of polling stations, observation, and counting and tabulation	25 August 2021
Zambia	Electoral Commission of Zambia, Ministry of Health (the Standard Operating Procedures were developed by the Technical Committee on Covid-19 in the Electoral Process)	Independent	Standard Operating Procedures Against Covid-19	Certification of register of voters, candidate nominations, campaigning, electoral training, voter education, voting operations, counting and tabulation, polling station inspection	12 May 2021

Source: Authors, constructed using EMB and country information as well as International IDEA Electoral System Design Database. All links to reports included.

Annex B. Health and safety measures introduced during the 2020-2021 national elections

This annex is part of Chapter 5, Voting during the covid-19 pandemic.

Annex B. Health and safety measures introduced during the 2020-2021 national elections

Measure	Country and year
Social distancing	Country and election (2020)
	Algeria, Belize, Bermuda, Bolivia, Burkina Faso, Chile, Croatia, Czech Republic, Dominican Republic, Egypt, Georgia, Ghana, Iceland, Iran, Jamaica, Jordan, Kyrgyzstan (annulled), Liberia, Lithuania, Malawi, Mali, Moldova, Mongolia, Montenegro, Myanmar, New Zealand, Niger, North Macedonia, Poland, Romania, Russia, Serbia, Seychelles, Singapore, South Korea, Sri Lanka, St Kitts and Nevis, St. Vincent and the Grenadines, Suriname, Switzerland, Tajikistan, Trinidad and Tobago, United States, Venezuela
	Country and election (2021)
	Albania, Algeria, Argentina, Armenia, Benin, Bulgaria (April parliamentary Elections; July parliamentary elections), Cabo Verde (April legislative Elections; October presidential Election), Canada, Chile (April constitutional convention elections), Chile (December presidential elections), Côte d'Ivoire, Curacao, Czech Republic, Djibouti, Ecuador, El Salvador, Ethiopia, The Gambia, Germany (Berlin), Gibraltar, Honduras, Iceland, Iran, Iraq, Israel, Japan, Kazakhstan, Kosovo, Kyrgyzstan, Laos, Liechtenstein, Macau SAR, Mexico, Mongolia, Moldova, Netherlands, New Caledonia, Nicaragua, Republic of Niger, Norway, Peru, Portugal, Qatar, Russia, São Tomé and Príncipe, Slovenia, Somaliland, St. Lucia, Switzerland, Trinidad and Tobago, Turks and Caicos, Uganda, UK, Uzbekistan, Vietnam, Zambia
Masks mandatory for voters entering polling stations	Country and election (2020)
	Algeria, Belize, Bermuda, Bolivia, Burkina Faso, Chile, Czech Republic, Dominican Republic, Georgia, Ghana, Iran, Israel (limited measure), Italy, Jamaica, Jordan, Kuwait, Kyrgyzstan (annulled), Mali, Moldova, Mongolia, Montenegro, Myanmar, Namibia, Niger, North Macedonia, Poland, Romania, Russia, Serbia, Singapore, South Korea, St Kitts and Nevis, Switzerland, Tajikistan, United States, Venezuela
	Country and election (2021)
	Albania, Algeria, Argentina, Armenia, Benin, Bulgaria (April Parliamentary Elections), Bulgaria (July parliamentary elections), Cabo Verde (April legislative elections), Cabo Verde (October presidential election), Canada, Czech Republic, Ethiopia, Chile (April constitutional convention elections), Chile (December presidential elections), Côte d'Ivoire, Curaçao, Djibouti, Ecuador, El Salvador, The Gambia, Germany (Berlin), Honduras, Hong Kong SAR (legislative elections), Iceland (early voting), Iran, Iraq, Israel, Japan Kazakhstan, Kosovo, Kyrgyzstan, Laos, Macau SAR (legislative elections), Mexico, Moldova, Mongolia, Netherlands, New Caledonia, Niger, Peru, Portugal, Qatar, Russia, São Tomé and Príncipe, Slovenia, St. Lucia, Switzerland, Taiwan, Trinidad and Tobago, Turks and Caicos, Uganda, UK, Uzbekistan, Vietnam
Masks recommended for voters entering polling stations	Country and election (2020)
	Croatia, Liberia, Lithuania, Serbia, St. Vincent and the Grenadines
	Country and election (2021)
	Liechtenstein, Norway (when risk of infection is high), Somaliland

Annex B. Health and safety measures introduced during the 2020-2021 national elections (cont.)

Measure	Country and year
Masks for voters provided by election commission	Country and election (2020)
	Czech Republic, Dominican Republic, Egypt, Kyrgyzstan (annulled), Mali, Moldova, Mongolia Myanmar, Niger, Russia
	Country and election (2021)
	Armenia, Canada, Cayman Islands, Germany (Berlin), Kosovo (for those voting from home by mobile ballot box), Mexico, Mongolia, Morocco, Portugal, Russia, São Tomé and Príncipe (to a limited extent), Uzbekistan
Mandatory use of hand sanitizers	Country and election (2020)
	Algeria, Belize, Bermuda, Bolivia, Burkina Faso, Burundi, Chile, Czech Republic, Dominican Republic, Georgia, Ghana, Iceland, Israel (limited measure), Italy, Kyrgyzstan (annulled), Mali, Moldova, Mongolia, Namibia, New Zealand, Niger, North Macedonia, Poland, Romania, Russia, Singapore, South Korea, St Kitts and Nevis, Switzerland, Tajikistan, Venezuela
	Country and election (2021)
	Albania, Argentina, Benin, Bulgaria (April parliamentary elections), Bulgaria (July parliamentary elections), Cabo Verde (April legislative elections), Cabo Verde (October presidential election), Cayman Islands, Chile (April constitutional convention elections), Chile (December presidential elections), Côte d'Ivoire, Curaçao, Cyprus, Czech Republic, Ecuador, El Salvador, Ethiopia, Hong Kong SAR, Iceland, Israel, Japan, Kazakhstan, Kosovo, Kyrgyzstan, Laos, Liechtenstein, Macau SAR, Mexico, Mongolia, Netherlands, Niger, Peru, Portugal, Russia, São Tomé and Príncipe, Slovenia, Trinidad and Tobago, Turks and Caicos, Uganda, Uzbekistan, UK, Vietnam, Zambia
Optional use of hand sanitizers	Country and election (2020)
	Croatia, Liberia, Lithuania, Malawi, Montenegro, Saint Vincent and the Grenadines, United States
	Country and election (2021)
	Algeria, Armenia, Canada, Djibouti, Iraq, The Gambia, Germany (Berlin), Gibraltar, Moldova, Morocco, Norway, Uzbekistan
Sanitizing of hands upon entering the polling station and before dipping into the voting ink	Country and election (2020)
	Belize, St. Vincent and the Grenadines
	Country and election (2021)
	Trinidad and Tobago, Mexico, St. Lucia

Annex B. Health and safety measures introduced during the 2020-2021 national elections (cont.)

Measure	Country and year
Sanitation of electoral materials/ periodic cleaning of polling station/vent polling stations	Country and election (2020)
	Bolivia, Chile, Croatia, Czech Republic, Dominican Republic, Egypt, Iran, Jamaica, Kyrgyzstan (annulled), Moldova, Mongolia, North Macedonia, Serbia, Singapore, United States, Venezuela
	Country and election (2021)
	Algeria, Argentina, Armenia, Bulgaria (April Parliamentary Elections), Bulgaria (July Parliamentary elections), Cabo Verde (April Legislative Elections), Cabo Verde (October Presidential Election), Canada, Chile (April constitutional convention elections), Chile (December presidential elections), Cyprus, Czech Republic, Ecuador, El Salvador, Ethiopia, Germany (Berlin), Gibraltar, Honduras, Hong Kong SAR, Iceland, Iraq Japan, Kazakhstan, Liechtenstein, Macau SAR, Mexico, Mongolia, Moldova, Morocco, Netherlands, New Caledonia, Nicaragua, Norway, Peru, Portugal, Russia, St. Lucia, Trinidad and Tobago, Turks and Caicos, Uzbekistan, Vietnam, Zambia
Personal Protective Equipment (PPE) for polling station staff	Country and election (2020)
	Algeria, Belarus, Bolivia, Burkina Faso, Burundi, Chile, Croatia, Czech Republic, Dominican Republic, Georgia, Ghana, Iran, Israel (limited measure), Jamaica, Jordan, Kuwait, Kyrgyzstan (annulled), Lithuania, Malawi, Mali, Moldova, New Zealand, Niger, North Macedonia, Russia, Serbia, Seychelles, Singapore, South Korea, Sri Lanka, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States, Venezuela
	Country and election (2021)
	Armenia, Bulgaria (April Parliamentary Elections), Bulgaria (July Parliamentary elections), Cabo Verde (October Presidential Election), Canada, Cayman Islands, Chile (April constitutional convention elections), Chile (December presidential elections), Cyprus, Czech Republic, Ecuador, El Salvador, Ethiopia, Germany (Berlin), Honduras, Hong Kong SAR, Iceland, Iran, Iraq, Japan, Kazakhstan, Kosovo, Macau SAR, Mexico, Moldova, Mongolia, Norway (when risk of infection is high), Peru, Portugal, Qatar, Russia, St. Lucia, Switzerland, Turks and Caicos, Uzbekistan, Vietnam, Zambia
Temperature checks	Country and election (2020)
	Bermuda, Jamaica, Kuwait, Kyrgyzstan (annulled), Moldova, Myanmar, Romania, Russia, Singapore, South Korea, Syria, Tajikistan
	Country and election (2021)
	Algeria, Bulgaria (for election officials), Chile, Ecuador, El Salvador, Hong Kong SAR, Japan, Kazakhstan, Kyrgyzstan, Laos, Macau SAR, Moldova, Mongolia, Peru, Russia, Taiwan, Uzbekistan, Vietnam, Zambia
Limitations on number of people allowed in polling stations	Country and election (2021)
	Algeria, Burkina Faso, Chile, Dominican Republic, Ghana, Mongolia, Montenegro, North Macedonia, Romania, Russia
	Country and election (2020)
	Bulgaria (April Parliamentary Elections), Bulgaria (July Parliamentary elections), Chile, Curaçao, Cyprus, Ecuador, Ethiopia, Germany (Berlin), Mexico, Moldova, Morocco, New Caledonia, Peru, Portugal, Turks and Caicos, UK, Zambia

Annex B. Health and safety measures introduced during the 2020-2021 national elections (cont.)

Measure	Country and year
Voters recommended to bring pens	Bolivia, Chile, Iran, Lithuania, Malawi, New Zealand, Poland, Sri Lanka
	Country and election (2021)
	Canada, Chile, Ecuador, Germany (Berlin), Gibraltar, Japan, Kazakhstan, Kyrgyzstan, Mexico, Mexico, Peru, Portugal, Turks and Caicos, UK
	Country and election (2020)
Disposable gloves mandatory for voters	Iran, Israel (limited measure), Kuwait, Poland, Russia, Singapore, South Korea
	Country and election (2021)
	Kyrgyzstan, Macau (for voters with a yellow health code and for voters voting in quarantine hotels quarantine hotels), Mongolia, Kosovo (for those voting from home by mobile ballot box), Russia, Taiwan (for those who have a high fever)
	Country and election (2020)
Extra polling station staff who will ensure compliance with health measures and social distancing	Chile, Jamaica, Jordan (military), South Korea, Venezuela (military)
	Country and election (2021)
	Ecuador, Kazakhstan, Netherlands, Uzbekistan
Increased number of polling stations	Country and election (2020)
	Bolivia, Myanmar, New Zealand, South Korea
	Country and election (2021)
	Argentina, Aruba, Cyprus, Curaçao, Ecuador, Israel, Macau (number of polling booths increased), Peru, Portugal, Turks and Caicos, Iran
Special accommodations and priorities in queues	Country and election (2020)
	Belize, Bolivia, Chile, Italy, Poland, Singapore
	Country and election (2021)
	Argentina, Cabo Verde (October Presidential Election), Chile, Ethiopia, Germany (Berlin), Hong Kong SAR, Mexico, New Caledonia, Somaliland
Queue control	Country and election (2020)
	Italy, New Zealand, Serbia, South Korea
	Country and election (2021)
	Cyprus, Ethiopia, Germany (Berlin), Iceland, Mexico, Moldova, Netherlands, Norway, St. Lucia, Turks and Caicos, Zambia

Annex B. Health and safety measures introduced during the 2020-2021 national elections (cont.)

Measure	Country and year
Gloves provided by EMB	Country and election (2020)
	Iceland, Jordan, Kyrgyzstan (annulled), Russia
	Country and election (2021)
	Kazakhstan, Kosovo (for those voting from home by mobile ballot box), Kyrgyzstan, Mongolia, Macau SAR, Russia
EMB provided disposable pens	Country and election (2020)
	Jamaica, Jordan, New Zealand, Romania, Russia
	Country and election (2021)
	Canada (pencils), Cayman Islands (pencils), Chile (pens are cleaned), Czech Republic (pens either disposed or cleaned), Japan (pencils), Kazakhstan, Moldova (where possible), Netherlands, Russia, Turks and Caicos, UK
Floor markings and barriers	Country and election (2020)
	Bermuda, Kuwait, Myanmar, Russia
	Country and election (2021)
	Bulgaria (April Parliamentary Elections), Bulgaria (July Parliamentary elections), Canada, Chile, Cyprus, Czech Republic, Djibouti, Germany (Berlin), Iran, Israel, Kyrgyzstan, Mexico, Moldova, Norway, Portugal, Russia, Turks and Caicos, UK, Uzbekistan, Zambia
Separate entry and exit points in polling stations	Country and election (2020)
	Russia
	Country and election (2021)
	Algeria, Argentina, Chile, Russia
Extended working hours of polling stations	Country and election (2020)
	Bolivia, Chile, Iran, Jordan, Singapore
	Country and election (2021)
	Cabo Verde (October Presidential Election), Iran
Mock election exercise with health and safety measures	Country and election (2020)
	Myanmar, Sri Lanka, Trinidad, and Tobago
	Country and election (2021)
	Hong Kong SAR

Annex B. Health and safety measures introduced during the 2020-2021 national elections (cont.)

Measure	Country and year
Restriction on commercial activities close to polling stations	Country and election (2020)
	Belize, Bolivia
	Country and election (2021)
	Ecuador, Cabo Verde (October Presidential Election)
Extension of e-day from one day to several days – multi-day voting or multi-day elections	Country and election (2020)
	Italy, Lithuania, Russia
	Country and election (2021)
	Chile, Netherlands, Russia
Recommended or mandatory use of national Covid-19 tracing app	Country and election (2020)
	New Zealand, Switzerland
	Country and election (2021)
	Qatar (mandatory)
Testing and vaccination of election officials	Country and election (2021)
	Cayman Islands (election staff vaccinated), New Caledonia (election officials tested for Covid-19 within 48 hours if not vaccinated), Russia (recommended that all working in polling stations were vaccinated)
Posters outside polling stations advising voter to take precautions against Covid-19	Country and election (2020)
	Chile, Tanzania
	Country and election (2021)
	Bulgaria (April Parliamentary Elections), Bulgaria (July Parliamentary elections), Canada, Cyprus, Mexico, Moldova, Turks and Caicos, Uzbekistan, Vietnam, Zambia
Size of polling stations increased	Country and election (2020)
	New Zealand, United States (sports stadiums)
	Country and election (2021)
	Germany (largest possible spaces selected for polling stations in Berlin), Liechtenstein (large halls), Portugal, UK

Annex B. Health and safety measures introduced during the 2020-2021 national elections (cont.)

Measure	Country and year
Delineation of voting times – for example, assigning voters specific hours or days (for instance, by last name or address)	Country and election (2020)
	Singapore
	Country and election (2021) Ecuador, Ethiopia (for voters exposed to Covid-19), Japan (voters encouraged to vote outside peak hours and could monitor traffic levels via local government websites), Mexico (those displaying symptoms did not cast their ballot at the same time as other voters), Macau SAR (voters encouraged to vote outside of peak hours and could monitor voter numbers at polling stations via real-time updates. Voters in quarantine hotels were designated a time slot), Peru, Turks and Caicos
Dedicated polling booths for persons with respiratory symptoms	Country and election (2020)
	South Korea
	Country and election (2021) Israel, Kazakhstan, Uzbekistan (symptomatic voters separate booth near to the entrance of the polling station)
Outdoor voting	Country and election (2020)
	Russia, United States (some states)
	Country and election (2021) Czech Republic (drive through polling station), Iceland (drive through polling station), Iran, Israel (drive through polling stations), Norway (for voters from Bergen municipality in quarantine), Peru, St. Lucia (12 tents used as polling stations)
The use of arial drones to monitor voting by car	Country and election (2021)
	Israel
No information on health and safety measures found	Country and election (2020)
	Burundi, Central African Republic, Côte d'Ivoire, Guinea (Presidential elections), Iran (first round of Parliamentary elections in February 2020),
	Country and election (2021) Chad (Presidential elections), Côte d'Ivoire, Greenland, Congo-Brazzaville, Samoa, Syria (Presidential election)

Source: Authors, constructed using International IDEA 2020d, media reports, and EMB data. Note: This table is based on 107 countries and territories that held 131 national elections from 21 February 2020 to 31 December 2021. All of the countries included in the table had one or more confirmed cases of Covid-19 infection. The table does not cover health and safety measures introduced during national by-elections or subnational elections.

Annex C. Covid-19 arrangements in polling stations by country

This annex is part of chapter 5, Voting during the covid-19 pandemic.

Annex C. Covid-19 arrangements in polling stations by country

Country	Election/Date	Quarantine	Isolation	Source(s) (see Annex J)
Czech Republic	Regional and Senate elections 2-3 October 2020	Drive-in voting	Drive-in voting	Czech Republic 2020
	Parliamentary elections 8-9 October 2021	Drive-in voting	Drive-in voting	Milan 2021
Ethiopia	General elections 21 June 2021	Special voting hours set at the polling stations for those exposed to Covid-19	Special voting hours set at the polling stations for those exposed to Covid-19	Ethiopia 2021.
Iceland	Presidential election 27 June 2020	Special voting facilities for those infected or quarantined. Voters were required to attend the polling station in a vehicle, be alone in the vehicle, show ID, and then write down the necessary information on paper. They then would hold up the paper to the electoral commissioner to show clearly who they vote for. Those unable to leave their homes could apply for mobile ballot box/at-home voting	Special voting facilities for those infected or quarantined. The voter must show up in a vehicle, be alone in the vehicle, show ID, and then write down the necessary information on a paper they then hold up for the electoral commissioner to show clearly who they vote for. Those unable to leave their homes could apply for mobile ballot box/at-home voting	Arnardóttir t 2021
	Parliamentary election 25 September 2021	Special voting facilities for those who are quarantined. The voter must show up in a vehicle, be maximum two people in the car, but seated so that they cannot see the other voter's vote, show ID, and then write down the necessary information on a paper they then hold up for the electoral commissioner to show clearly who they vote for.		Iceland 2020
Israel	Legislative election 2 March 2020	Specially equipped voting booths for those who were under home quarantine.		<i>Times of Israel</i> 2020a
	Legislative election 23 March 2021		500 'Vote and Go' tent stations located throughout the country. Drive-through voting	Allon 2021

Annex C. Covid-19 arrangements in polling stations by country (cont.)

Country	Election/Date	Quarantine	Isolation	Source(s) (see Annex J)
Jamaica	General election 3 September 2020		Polling stations were open between 16:00 and 17:00 on Election Day for Covid positive voters. Private transportation was available where the voters had to wear a mask, gloves, a face shield, and a disposable gown.	Jamaica Office of the Prime Minister 2020
Jordan	General election 10 November 2020		Special voting hours at the polling stations for voters in isolation (19:00-21:00)	Roya News 2020
Kuwait	Parliamentary election 5 December 2020	Designated polling stations, one in each electoral district. The voter needed to obtain a special permit via an app.		Xinhua Net 2020
Lithuania	Parliamentary election 11-25 October 2020	Drive-through voting	Only those in isolation and on an official list were allowed to vote via drive-in stations during the early voting period.	Lithuania 2020a
Norway (Bergen)	Parliamentary elections 13 September 2021	Drive-through voting		Bergen Kommune 2021b
St Vincent and the Grenadines	General election 5 November 2020	Special hours for voters to vote in a polling station where no other voter was allowed to visit. It was mandatory to wear masks and follow the other sanitation and spacing measures. The voter was responsible for ensuring proper safety conditions for transport to and from the polling station. Both the voter and the driver needed to wear masks and have sufficient space between them. This was only applicable to those who had already been quarantined for 6-14 days as they were considered low risk. Those who had only quarantined 1-5 days were not allowed to leave their quarantine.		St. Vincent and the Grenadines, National Emergency Management Organization (NEMO) 2020

Annex C. Covid-19 arrangements in polling stations by country (cont.)

Country	Election/Date	Quarantine	Isolation	Source(s) (see Annex J)
South Korea	Legislative election 15 April 2020		Special voting hours for voting at the polling stations	Bicker 2020b; Strother 2020
Sri Lanka	Parliamentary election 5 August 2020		Extended polling station hours in designated booths for voters who had completed the first 14 days of the quarantine voters. If not completed, voting was prohibited.	<i>Tribune India</i> 2020

Source: Authors, constructed using government, EMB and media reports.

Annex D. Turnout and in-country postal voting by country

This annex is part of Chapter 5, Voting during the Covid-19 pandemic.

Annex D. Turnout and in-country postal voting by country

Country	Election/Date	Turnout (%)		Postal Voting (%)		Source (see Annex J)
		Pre Covid-19	Covid-19	Pre Covid-19	Covid-19	
Australia	Local Election	83.0 (2016)	77.0 (2020)	7.2 (2016)	17.7 (2020)	Queensland 2020
	Local Government Elections (Victoria)/24 October 2020	72.2 (2016)	81.5 (2020)	73.8 (2016)	100 (2020, all postal election)	Victorian Electoral Commission 2017 Victorian Electoral Commission 2021
	Eden-Monaro Federal By-Election/4 July 2020	93.6 (2016)	89.1 (2020)	6.9 (2016)	13.1 (2020)	Australian Electoral Commission 2016; 2020
Germany	Bavaria, local elections second round	(2014)	59.5		100 (2020, all postal election)	Wagner 2020
Canada	Federal Elections/20 September 2021	67.0 (2019)	62.1 (2021)	1.2 (2019)	3.8 (2021)	Elections Canada 2021, Table 2 -Preliminary statistics: Ballots cast by voting method
	Provincial Election (British Columbia)/24 October 2020	61.2 (2017)	54.5 (2020)	0.3 (2017)	31.4 (2020)	Elections British Columbia 2021
	Provincial Election (New Brunswick, Canada)/14 September 2020	66.4 (2018)	66.1 (2020)	12.0 (2018)	17.2 (2020)	Elections New Brunswick 2019; 2021
	Provincial Election	60.7 (2019)	51.4 (2021)	4.3 (2019)	75.9 (2021)	Election Newfoundland and Labrador 2020 and 2021
	Provincial Election	56.8 (2016)	54.2 (2020)	1.0 (2016)	12.0 (2020)	Elections Saskatchewan 2017; 2021

Annex D. Turnout and in-country postal voting by country (cont.)

Country	Election/Date	Turnout (%)		Postal Voting (%)		Source (see Annex J)
Germany	Federal Elections/26 September 2021	76.2 (2017)	76.6 (2021)	28.6 (2017)	47.3 (2021)	Germany, Federal Returning Officer (Bundeswahlleiter), 2021a
	Local Election (Bavaria)/15 and 29 March 2020	55.1 (2014)	58.8 (1st round 2020), 59.5 (2nd round 2020)	N/A	(1st round 2020), 100 (2nd round 2020, all postal vote)	Wagner 2020
Gibraltar		87.9 (2002)	52.9 (2021)	N/A	74.2 (2021)	GBC 2021
Liechtenstein		77.8 (2017)	78.0 (2021)	95.9 (2017)	97.3 (2021)	Principality of Liechtenstein 2017; 2021
Lithuania		50.5 (2016)	47.8 (2020)	13.3 (2016)	N/A	Republic of Lithuania 2016; 2020
Netherlands		81.9 (2017)	78.7 (2021)	0.5 (2017)	10.2 (2021)	Netherlands Governmental advisory board on elections (Kiesraad) 2017; 2021
Poland	Presidential Elections/28 June 2020 and 12 July 2020		64.5 (1st round, 2020), 68.8 (2nd round, 2020)	N/A	0.9 (1st round, 2020), 1.0 (2nd round, 2020)	OSCE ODIHR 2020e
Spain	Regional Election (Basque Country) 12 July 2020	60.0 (2016)	50.8 (2020)	3.03 (2016)	7.24 (2020)	Spain, National Statistical Institute (Instituto Nacional Estadística) 2016; Barrat Esteve 2021
	Regional Election (Catalonia) 14 February 2021	79.0 (2017)	53.0 (2021)	1.53 (2017)	5.25 (2021)	Spain, National Statistical Institute (Instituto Nacional Estadística) n.d.b; nd.c.
	Regional Election (Galicia) 12 July 2020	53.6 (2016)	49.0 (2020)	2.03 (2016)	3.45 (2020)	Spain, National Statistical Institute (Instituto Nacional Estadística) n.d.a; 2020
Sri Lanka		77.7 (2015)	75.9 (2020)	N/A (2015)	5.7 (2020)	ANFREL 2020b

Annex D. Turnout and in-country postal voting by country (cont.)

Country	Election/Date	Turnout (%)		Postal Voting (%)		Source (see Annex J)
UK	County Council 7 May 2021	(2016)	36.9 (2021)	(2016)	18 (2021)	UK Electoral Commission, 'Local and County Council Election May 2021', 2021
	Police & Crime	26.0 (2016)	33.0 (2021)	16.0 (2016)	18.0 (2021)	UK Electoral Commission, 'PCC Election May 2021 England and Wales', 2021
	London Mayor 7 May 2021	46.1 (2016)	42.9 (2021)	15 (2016)	19 (2021)	UK Electoral Commission, 'Results and turnout at the 2016 Greater London Authority elections', 9 August 2019; UK Electoral Commission, 'London Mayoral Election May 2021', 2021
	Scottish Parliament 6 May 2021	56.0 (2016)	64.0 (2021)	18.1 (2016)	23.7 (2021)	UK Electoral Commission, 'Report on the Scottish Parliament election on 6 May 2021', 2021
	Senedd Cymru 7 May 2021	45.6 (2016)	46.8 (2021)	17.6 (2016)	19.2 (2021)	UK Electoral Commission, 'Report on the May 2021 elections in Wales', 2021
USA	General election 3 November 2020	59.2 (2016)	66.2 (2020)	17 (2016)	41 (2020)	Sullivan, K., and Stewart, C., Impact of Covid-19 on the 2020 US presidential election, (Stockholm: International IDEA, 25 August 2022) United States Elections Project 2018, 2020

Source: Authors using EMB websites, OSCE-ODIHR reports.

Annex E. Turnout and early voting by country

This annex is part of chapter 5, Voting during the covid-19 pandemic.

Annex E. Turnout and early voting by country

Country	Election/ Date	Turnout		Early Voting		Source(s) (see Annex J)
		Pre Covid-19	Covid-19	Pre Covid-19	Covid-19	
Anguilla*	General Election/ 29 June 2020	77.1 (2015)	60.1 (2020)	N/A	6.2 (2020)	Rey 2020
Australia*	Local Government Elections	83 (2016)	77.7 (2020)	19.2 (2016)	49.6 (2020)	Queensland 2020
	Australian Capital Territory Legislative Assembly Elections /17 October 2020	88.3 (2016)	89.2 (2020)	33.7 (2016)	69.9 (2020)	Elections Australian Capital Territory (ACT) 2017; 2020
Canada	General Elections/ 20 September 2021	67 (2019)	62.1 (2021)	26 (2019)	21 (2021)	Elections Canada 2020; OSCE ODIHR 2022a
	Provincial Elections (British Columbia)/ 24 October 2020	61.2 (2017)	54.5 (2020)	30.2 (2017)	35.4 (2020)	Elections British Columbia 2021
	Provincial Elections (New Brunswick)/ 14 September 2021	66.4 (2018)	66.1 (2020)	22.8 (2018)	34.9 (2020)	Elections New Brunswick 2021
	Provincial Elections	60.7 (2019)	51.4 (2021)	9.9 (2019)	17.6 (2021)	Elections Newfoundland and Labrador 2020; 2021
	Provincial Elections	56.8 (2016)	54.2 (2020)	25.5 (2016)	41.5 (2020)	Elections Saskatchewan 2017; 2021
Finland	Local Elections/ 13 June 2021	58.9 (2017)	55.1 (2021)	45.2 (2017)	60 (2021)	Statistics Finland 2021

Annex E. Turnout and early voting by country (cont.)

Country	Election/ Date	Turnout		Early Voting		Source(s) (see Annex J)
Ghana*	Presidential and Parliamentary Elections/ 7 December 2020	69.3 (2016)	79.0 (2020)	N/A	Ca 0.6 (2020)	Electoral Commission Ghana 2021
Iceland*	Presidential Election/ 27 June 2020	75.7 (2016)	66.9 (2020)	23.1 (2016)	31.1 (2020)	Statistics Iceland 2016a
	Parliamentary Elections/ 25 September 2021	79.2 (2016)	80.1 (2021)	16.2 (2016)	Not found (2021)	Statistics Iceland 2016b
	General	81.6 (2017)	78.7 (2021)	N/A (2017)	Not found (2021)	Netherlands Governmental advisory board on elections (Kiesraad) 2017
New Zealand*	General Elections/17 October 2020	79.5 (2017)	82.4 (2020)	39.5 (2017)	58.8 (2020)	New Zealand, Election Commission, n.d.a; n.d.b
Portugal	Presidential Elections/ 24 January 2021	48.7 (2016)	39.2 (2021)	(2016)	80.1 (2021)	OSCE ODIHR 2021e
Russia*	All-Russia vote/ 1 July 2020	N/A	68 (2020)	N/A	80 (2020)	See Chapter 29
USA*	General election/ 3 November 2020	65.4 (2016)	70.8 (2020)	16.6 (2016)	22.6 (2020)	See Chapter 34; United States Elections Project 2018; United States Elections Project 2020

Source: EMB websites; and OSCE reports.

*Countries where early voting is conditional (available for some voters only).

Annex F. Turnout and proxy voting by country

This annex is part of Chapter 5, Voting during the covid-19 pandemic.

Annex F. Turnout and proxy voting by country

Country	Election/ Date	Turnout		Proxy Voting		Source
		Pre Covid-19	Covid-19	Pre Covid-19	Covid-19	
Netherlands		81.6 (2017)	78.7 (2021)	9.1 (2017)	8.4 (2021)	Governmental advisory board on elections (Kiesraad) 2017; OSCE ODIHR 2021d
Poland		55.3 (2015)	64.5 (1st round, 2020), 68.2 (2nd round)	0.1 (2015)	0.1 (1st round, 2020), 1 (2nd round, 2020)	Poland, National Electoral Commission 2015; OSCE ODIHR 2020e
United Kingdom	County Council 7 May 2021	35.0 (2016)	36.6 (2021)	0.1 (2016)	0.1 (2021)	Rallings and Thrasher 2016; UK EC, 'Local and County Council Election May 2021', 2021
	Local Council 7 May 2021	35 (2016)	35.6 (2021)	0.1 (2016)	0.1 (2021)	UK EC, 'Local and County Council Election May 2021', 2021
	London Mayoral Election 7 May 2021)	46.1 (2016)	42.9 (2021)	0.2 (2016)	0.2 (2021)	Rallings and Thrasher 2016; UK EC, 'London Mayoral Election May 2021', 2021
	Police and Crime	26.0 (2016)	33.0 (2021)	0.08 (2016)	0.1 (2021)	Rallings and Thrasher 2016; UK EC, 'PCC Election May 2021 England and Wales', 2021
	Scottish Parliament 6 May 2021	56.0 (2016)	64.0 (2021)	0.4 (2016)	0.2 (2021)	UK EC, 'Scottish Parliament election 2016 – Electoral data', 2016; UK Electoral Commission, 'Scottish Parliament Election May 2021', 2021
	Senedd Cymru 7 May 2021	45.6 (2016)	46.8 (2021)	0.3 (2016)	0.1 (2021)	UK EC, 'National Assembly for Wales elections 2016-Results-Regions', 2016; UK EC, 'Welsh Senedd Election May 2021', 2021

Source: EMB websites, OSCE-ODIHR reports.

*In no country where proxy voting is available is the SVA universal, i.e., the SVA is conditional in all cases, except for the 2020 local elections in France.

Annex G. Turnout and mobile ballot box by country

This annex is part of chapter 5, Voting during the covid-19 pandemic.

Annex G. Turnout and mobile ballot box by country

Country	Election/ Date	Turnout		Mobile Ballot Box Voting		Source(s) (see Annex J)
		Pre Covid-19	Covid-19	Pre Covid-19	Covid-19	
Croatia	Parliamentary Elections/5 July 2020	63 (2015)	46 (2020)	N/A	0.1 (2020)	OSCE ODIHR 2020a
Georgia	Parliamentary Election/31 October 2020	25.2 (2016)	56.5 (2020)	N/A (2016)	0.5 (2020)	OSCE ODIHR 2021a
Kyrgyzstan	Parliamentary Elections/4 October 2020	59 (2015)	61 (2020)	0.9 (2015)	0.3 (2020)	OSCE ODIHR 2016a; 2020b
Moldova	Early Parliamentary Election/11 July 2021	49.2 (2019)	52.3 (2021)	N/A	2.5 (2021)	OSCE ODIHR 2021b
Mongolia	Presidential Election/9 June, 2021	60.7 (2017)	59.3 (2021)	2.0 (2017)	2.1 (2021)	OSCE ODIHR 2017b; 2021b
Montenegro	Parliamentary Elections/ 30 August 2020	73 (2016)	76 (2020)	2.6 (2016)	3.3 (2020)	OSCE ODIHR 2017c; 2020c
North Macedonia	Early Parliamentary Elections/ 15 July 2020	66.8 (2016)	52 (2020)	0.3 (2016)	0.9 (2020)	OSCE ODIHR 2017a; 2020d
Romania	Legislative Elections/ 6 December 2020	39.4 (2016)	31.9 (2020)	N/A	1.1 (2020)	OSCE ODIHR 2021f
Russia	all-Russia vote/ 1 July 2020	N/A	68 (2020)	N/A	5.2 (2020)	See Chapter 30

*No country in the table allows universal mobile ballot box voting.

Source: OSCE reports, EMBs' websites.

Annex H. Turnout and remote electronic voting by country

This annex is part of Chapter 5, Voting during the Covid-19 pandemic.

Annex H. Turnout and remote electronic voting by country

Country	Election/Date	Turnout		Remote Electronic Voting		Source (see Annex J)
		Pre Covid-19	Covid-19	Pre Covid-19	Covid-19	
Armenia	Parliamentary elections/20 June 2021	48.6 (2018)	49.3 (2021)	0.04 (2018)	0.04 (2021)	Republic of Armenia CEC 2021
Australia	Local Election (Queensland)/ 28 March 2020	83.0 (2016)	77.0 (2020)	(2016)	(2020)	Electoral Commission Queensland 2020
Russia	All-Russia vote/1 July 2020	N/A	68 (2020)	N/A	1.6 (2020)	See Chapter 29

Source: EMBs' reports.

Annex I. Compiled sources used on campaigns during the pandemic

This annex is part of chapter 4.

The following sources were used to compile data on how campaigns took place during the pandemic for Chapter 4:

- Agence France-Presse (AFP), 'Seychelles to hold three day election across archipelago', France 24, 22 October 2020a, <<https://www.france24.com/en/live-news/20201022-seychelles-to-hold-three-day-election-across-archipelago>>, accessed 11 November 2022
- , 'In Kuwait, lavish election campaign events off the menu', France 24, 1 December 2020b, <<https://www.france24.com/en/live-news/20201201-in-kuwait-lavish-election-campaign-events-off-the-menu>>, accessed 11 November 2022
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Annex K. Statistics

This annex is part of Chapter 6, the effects of the Covid-19 pandemic on voter turnout

Table A11.1. Pearson correlations with turnout changes against average of previous elections 2019–2008

Pearson Correlation		Beta Value	N
Timing	Days since start of pandemic	.023	105
	Delays in vote	-.164*	104
Covid Cases	Per capital number of cases in the seven days prior to the election	-0.047	103
	Per capital number of deaths in the seven days prior to the election	-.082	103
Quality of Democracy	V-DEM Liberal Democracy Index	.163	87
	Election boycott held	-.184*	105
Special Voting Measure	Overall	.112	105
	Postal voting	.284**	101
	Early voting	.059	100
	Mobile voting	-.104	100
	Proxy voting	.159	101

***Results statistically significant at 0.01 level (2-tailed).

**Results statistically significant at 0.05 level (2-tailed).

*Results statistically significant at 0.10 level (2-tailed).

Table A11.2. OLS regression models with decline in turnout as the dependent variable

		Model 1	Model 2
Timing	Days since start of pandemic	.047 (0.006)	.054 (0.007)
	Delays in vote	-.206* (0.013)	-.102 (0.015)
Covid Cases	Per capital number of cases in the seven days prior to the election	-.128 (1096.801)	-.050 (1165.158)
Quality of Democracy	VDEM Liberal Democracy Index	.122 (5.080)	-.065 (5.850)
	Election boycott held	-.154 (5.604)	-1.84 (5.676)
Special Voting Measure	Postal voting		.322** (.019)
	Early voting		.003 (4.323)
	Mobile voting		-.064 (2.421)
	Proxy voting		.079 (4.744)
Constant		-5.886* (3.130)	-4.496 (3.543)
N		87	87
R2		.096	.167

***Results statistically significant at 0.01 level (2-tailed)

**Results statistically significant at 0.05 level (2-tailed)

*Results statistically significant at 0.10 level (2-tailed)

Annex L. International Election Observation Missions on compliance with and enforcement of Covid-19 health and safety measures

This annex is part of Chapter 7, How international electoral observation was affected by the Covid-19 pandemic.

Annex L. International Election Observation Missions on compliance with and enforcement of Covid-19 health and safety measures

Country	International Election Observation Mission	Type of Mission (Election Observation Mission, EOM, unless otherwise stated)	Year	Observation methodology included information on Covid-19 health and safety measures
Albania	OSCE ODIHR (Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights), Final Report	Limited Election Observation Mission	2021	✓
Armenia	OSCE ODIHR Final Report		2021	✓
Belize	Caribbean Community (CARICOM) Preliminary Report		2020	✓
Benin	African Union (AU) Preliminary Declaration		2021	✓
Bolivia	The Carter Center (TCC) Final Report	Electoral Expert Mission	2020	✓
	European Union (EU) Final Report	Reinforced Election Expert Mission		✓
Bulgaria	OSCE ODIHR Final Report	Limited Election Observation Mission	2021	✓
	OSCE ODIHR Final Report	Limited Election Observation Mission	2021	✓
Burkina Faso	African Union (AU) Final Report		2020	✓
	European Union (EU) Final Report	Electoral Expert Mission		✓
Canada	OSCE ODIHR Final Report	Election Expert Team	2021	✓
Cabo Verde	Economic Community of West African States (ECOWAS)		2021	
	African Union (AU) Preliminary Statement		2021	✓
	Economic Community of West African States (ECOWAS) Preliminary declaration			✓
Cayman Islands	Commonwealth Parliamentary Association (CPA) Final Report	Election Expert Mission	2021	✓
Central African Republic	African Union (AU) Preliminary Report		2020	✓
Chad	African Union (AU) Preliminary Report		2021	✓

Annex L. International Election Observation Missions on compliance with and enforcement of Covid-19 health and safety measures (cont.)

Country	International Election Observation Mission	Type of Mission (Election Observation Mission, EOM, unless otherwise stated)	Year	Observation methodology included information on Covid-19 health and safety measures
Cote d'Ivoire	Electoral Institute for Sustainable Democracy in Africa (EISA) and The Carter Centre (TCC) Preliminary Statement		2020	
	The Electoral Institute for Sustainable Democracy in Africa (EISA) and the Carter Center (TCC) Preliminary Statement		2021	
	Electoral Institute for Sustainable Democracy in Africa (EISA) Final Report			✓
Croatia	OSCE ODIHR Final Report	Election Assessment Mission	2020	✓
Cyprus	OSCE ODIHR Final Report	Election Expert Mission	2021	✓
Czech Republic	OSCE ODIHR Final Report	Election Expert Mission	2021	✓
Djibouti	Intergovernmental Authority on Development (IGAD) Preliminary Report		2021	✓
	African Union (AU) Preliminary Declaration			✓
Ecuador	Organization of American States (OAS)		2021	✓
	European Union (EU) Final Report	Election Expert Mission		✓
Ethiopia	The International Republican Institute (IRI) and National Democratic Institute (NDI) Election Watch	Limited Election Observation Mission	2021	✓
	African Union (AU) Preliminary Statement			✓

Annex L. International Election Observation Missions on compliance with and enforcement of Covid-19 health and safety measures (cont.)

Country	International Election Observation Mission	Type of Mission (Election Observation Mission, EOM, unless otherwise stated)	Year	Observation methodology included information on Covid-19 health and safety measures
The Gambia	Westminster Foundation for Democracy (WFD) Final Report	Thematic Election Expert Observation Mission	2021	✓
	African Union (AU) Preliminary Findings			✓
	European Union (EU) Final Report			
	Report of the Commonwealth Observation Group	Observer Group		✓
	The Elections Watch Committee Preliminary Statement			✓
	Electoral Institute for Sustainable Democracy in Africa (EISA) Preliminary Statement			
Georgia	OSCE ODIHR Final Report	Limited Election Observation	2020	✓
	OSCE ODIHR Final Report		2021	✓
Germany	OSCE ODIHR Final Report	Election Expert Mission	2021	
Ghana	European Union (EU) Final Report		2020	✓
	African Union (AU) Final Report			✓
	Economic Community of West African States (ECOWAS) Preliminary Declaration			✓
Guinea	Economic Community of West African States (ECOWAS) Preliminary Declaration		2020	
	African Union (AU) Final Report			
Guyana	European Union (EU) Final Report		2020	
	The Carter Center (TCC) Preliminary Statement			
	The Commonwealth Interim Statement	Observer Group		

Annex L. International Election Observation Missions on compliance with and enforcement of Covid-19 health and safety measures (cont.)

Country	International Election Observation Mission	Type of Mission (Election Observation Mission, EOM, unless otherwise stated)	Year	Observation methodology included information on Covid-19 health and safety measures
Honduras	Global Exchange in collaboration with the Center for Democracy Studies (CESPAD) Report		2021	
	European Union (EU) Final Report			✓
Iraq	European Union (EU) Final Report		2021	
Kazakhstan	OSCE ODIHR Final Report	Limited Election Observation Mission	2021	✓
Kosovo	Westminster Foundation UK Election Expert Mission	Election Expert Mission	2021	✓
	European Union (EU) Final Report	Limited Election Observation Mission	2021	✓
Kyrgyzstan	OSCE ODIHR Final Report	Limited Election Observation Mission	2020	✓
	OSCE ODIHR Final Report	Limited Election Observation Mission	2021	✓
	OSCE ODIHR Statement of Preliminary Findings and Conclusions		2021	
Lithuania	OSCE ODIHR Final Report	Election Expert Mission	2020	✓
Mexico	Organization of American States (OAS)	Foreign Visitors Mission	2021	✓
Moldova	OSCE ODIHR Final Report	Limited Election Observation Mission	2020	✓
	OSCE ODIHR Final Report		2021	✓
Mongolia	OSCE ODIHR Final Report	Special Election Assessment Mission	2021	✓
Montenegro	OSCE ODIHR Final Report	Limited Election Observation Mission	2020	✓
Morocco	Council of Europe (COE)		2021	✓

Annex L. International Election Observation Missions on compliance with and enforcement of Covid-19 health and safety measures (cont.)

Country	International Election Observation Mission	Type of Mission (Election Observation Mission, EOM, unless otherwise stated)	Year	Observation methodology included information on Covid-19 health and safety measures
Myanmar	The Carter Centre (TCC) Preliminary Statement		2020	✓
	Asian Network for Free Elections (ANFREL) Final Report			✓
Netherlands	OSCE ODIHR Final Report	Election Expert Mission	2021	✓
Niger	ECOWAS Preliminary Declaration		2020	✓
	African Union (AU) Preliminary Declaration		2021	✓
	African Union (AU) Final Report		2020-2021	✓
North Macedonia	OSCE ODIHR Final Report	Special Election Assessment Mission	2020	✓
	OSCE ODIHR Final Report		2021	✓
Peru	European Union (EU) Final Report	Election Expert Mission	2021	✓
Poland	OSCE ODIHR Final Report	Special Election Assessment Mission	2020	✓
Portugal	OSCE ODIHR Final Report	Election Expert Mission	2021	✓
Republic of Congo	African Union (AU) Preliminary Declaration		2021	✓
Romania	OSCE ODIHR Final Report	Special Election Assessment Mission	2020	✓
Serbia	OSCE ODIHR Final Report	Special Election Assessment Mission	2020	✓
Seychelles	The Eastern African Standby Force (EASF) Initial Report		2020	
Somaliland – Somalia	The Brenthurst Foundation Summary	Election Monitoring Mission	2021	✓
Sri Lanka	Asian Network for Free Elections (ANFREL) Assessment Report	Election Assessment Mission	2020	✓

Annex L. International Election Observation Missions on compliance with and enforcement of Covid-19 health and safety measures (cont.)

Country	International Election Observation Mission	Type of Mission (Election Observation Mission, EOM, unless otherwise stated)	Year	Observation methodology included information on Covid-19 health and safety measures
St. Kitts and Nevis	Caribbean Community (CARICOM) Preliminary Statement		2020	✓
St Lucia	The Commonwealth Final Report	Observer Group	2021	✓
St Vincent and the Grenadines	Caribbean Community (CARICOM) Preliminary Statement		2020	✓
Suriname	Caribbean Community (CARICOM) Press Statement		2020	
	Organization of American States (OAS)			✓
Tajikistan	OSCE ODIHR Final Report	Election Assessment Mission	2020	✓
Tanzania	East African Community (EAC) Preliminary Statement		2020	
	Electoral Institute for Sustainable Democracy in Africa (EISA) Preliminary Statement			✓
	African Union (AU) Expert Mission Final Report	Expert Mission		
Turks and Caicos	The International Foundation of Electoral Systems (IFES) Technical Observation and Assessment Report	Technical Observation and Assessment	2021	✓
	CARICOM Preliminary Statement			✓
United States of America	OSCE ODIHR Final Report	Limited Election Observation Mission	2021	✓
Uzbekistan	OSCE ODIHR Statement of Preliminary Findings and Conclusions		2021	✓
Zambia	The Carter Center (TCC) Preliminary Report	Election Expert Mission	2021	✓
	European Union (EU) Final Report			✓
	The Common Market for Eastern and Southern Africa (COMESA) Preliminary Statement			✓

Annex L. International Election Observation Missions on compliance with and enforcement of Covid-19 health and safety measures (cont.)

Source: Authors, constructed using International IDEA, Asplund, E., (editor), 'Featured Cases of Risk Mitigation Measures during Covid-19—Global', Global overview of Covid-19: Impact on elections, International IDEA, 18 March 2020 (and updated), <<https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>>, accessed 11 November 2022. This table includes 95 EOM reports on 59 countries that observed national elections between March 2020 and December 2021.

Annex M. Compiled media sources used on voter turnout

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Annex N. Compiled media sources on Covid spread

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About the Partners

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- How and when do elections fail throughout the electoral cycle?
- What are the consequences of failed elections, such as for security, accessibility and trust?
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Electoral Integrity Project



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Elections often have to be held in emergency situations. The Covid-19 pandemic was one of the most serious emergency situations that the world has seen. The rapid spread of the virus presented a huge humanitarian threat –but also an unparalleled challenge to electoral stakeholders globally seeking to protect electoral integrity during times of uncertainty. This volume identifies how the pandemic affected electoral integrity, what measures were put in place to protect elections and what worked in defending them. It brings together a comprehensive set of 26 country case studies to explore how elections were affected on the ground, what measures were put in place and what worked. These case studies are of elections which took place in the eye of the storm when practitioners and policymakers were operating under uncertainty and without the benefit of hindsight.

To learn lessons in a more systematic way, this volume also provides a thematic analysis of electoral integrity during the pandemic using cross-national studies. This provides the big picture for policymakers, practitioners and academics looking back at the crisis. The volume therefore seeks to contribute towards the future development of policy and practice. However, it does so by using academic research methods and concepts which enable greater confidence in the policy lessons, as well as contributing directly to the scholarship on democracy, democratization and elections. The volume includes 11 areas of recommendation based on the evidence collected in this volume to protect electoral integrity in any future emergency situation.

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