Special Voting Arrangements

Between the Convenience of Voting and the Integrity of Elections

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About International IDEA

The International Institute for Democracy and Electoral Assistance is an intergovernmental organization with the mission to advance democracy worldwide, as a universal human aspiration and enabler of sustainable development. We do this by supporting the building, strengthening and safeguarding of democratic political institutions and processes at all levels. Our vision is a world in which democratic processes, actors and institutions are inclusive and accountable and deliver sustainable development to all.

What does International IDEA do?

In our work we focus on three main impact areas: electoral processes; constitution-building processes; and political participation and representation. The themes of gender and inclusion, conflict sensitivity and sustainable development are mainstreamed across all our areas of work. International IDEA provides analyses of global and regional democratic trends; produces comparative knowledge on good international democratic practices; offers technical assistance and capacity-building on democratic reform to actors engaged in democratic processes; and convenes dialogue on issues relevant to the public debate on democracy and democracy building.

Where does International IDEA work?

Our headquarters is located in Stockholm, and we have regional and country offices in Africa and West Asia, Asia and the Pacific, Europe, and Latin America and the Caribbean. International IDEA is a Permanent Observer to the United Nations and is accredited to European Union institutions.

In-person voting at a polling station on election day remains the integrity gold standard. In the controlled environment of an ideal-type polling station, voters from the local community can be visibly matched against the voters' register, their identification checked and their fingers marked with ink. There is only a short observable distance between key moments of the voting process: receipt of the ballot, the act of voting in a booth, and placement of the ballot in the ballot box. Key people are present to resolve or record any issues that might arise on the spot—the voter, election officials, election observers and the police. The systems are tried and tested. Each protagonist knows what to expect from this civic ritual and understands her or his role.

Traditional polling station voting—that gathers people under the same roof simultaneously—stands in stark contrast to health authorities' advice in a pandemic. For this reason, many election authorities have been exploring alternative ways of voting that allow voting to be spread out—whether in time, through early or extended voting, or location, such as mobile polling, e-voting and postal voting. In electoral management, these special voting arrangements (SVAs) are the hot topic of 2020. Ensuring voter participation has, of course, been the driving force behind the introduction of these measures.

Holding participatory elections is a challenge at the best of times, as demonstrated by declining voter turnouts worldwide. The reasons can be personal, social or structural: voters may be busy, may choose not to vote, might not know what to do or might lack the formal requirements. Voters may have difficulty accessing polling stations. Elections during the Covid-19 pandemic accentuate all these existing challenges and add a new one—people may be afraid for the impact on their health. The foundational principle underpinning SVAs is to accommodate all the groups and individuals hindered from voting or hesitant to vote.

The use of SVAs has been increasing globally, and this increase gathered pace in 2020. In New Zealand, voting in advance increased by 60 per cent in the 2020 elections compared to the previous elections in 2017. Requests for postal ballots in Vienna's City Council elections doubled from 200,000 in 2015 to 400,000 in 2020—representing 40 per cent of the electorate. Discussions on remote voting emerged as part of a broader debate on whether to hold elections at all during a pandemic. Our case studies (see <https://www.idea.int>) demonstrate how the urgent need to upscale all types of modalities for voting outside of an election day polling booth mobilized legislative and electoral management bodies at an unprecedented pace.

The public visibility of SVAs also rose dramatically because of the pandemic. The topic of postal voting has been on the front pages of newspapers from

Warsaw to Wisconsin. What might normally be considered the procedural minutiae of envelope design has been the object of bitter partisan struggle in the United States. For this reason, International IDEA placed extra focus throughout 2020 on providing global lessons on SVAs and how they are best introduced. We are mid-way on a journey to learn more about everything from best practice on mail-in voting to how political consensus-building works in practice.

Interest in and curiosity about SVAs preceded the pandemic. Alternatives such as postal voting and multi-day voting have coexisted alongside developments in the polling station model from the earliest days of the public franchise. In the past decade, demographic shifts, movements of people and lifestyle changes have made these alternatives increasingly attractive. In Stockholm, nearly half of all voters take advantage of the convenience of early voting whether at railway stations on their daily commute or in shopping centres while running errands.

Across Europe, Asia, the Americas and Africa, the pandemic placed tremendous pressures on the authorities and challenged public trust. From March 2020, countries scrambled to determine whether to postpone or when to hold scheduled elections, and how to do so legally, legitimately and safely. SVAs (alongside health and hygiene measures) were key enablers of the shift from postponing to holding elections that occurred midyear. Legal-administrative acrobatics and rapid political consensus-building were required for the Covid-19 SVA measures. Typical examples were extensions of eligibility criteria and conditional relaxations of strict interpretation and enforcement of electoral laws, such as occurred in Italy and France.

In response to these pressures, there have been examples of resilient and resourceful authorities—and citizens—adapting to radically new conditions at breakneck speed and we have seen inspiring examples of how SVAs and health measures have helped at-risk citizens to vote safely. Bavaria moved to an all-postal election in just two weeks. We have seen drive-through voting in Czechia, and mobile ballot boxes to take to the sick and elderly, such as the 'hiking urns' of Switzerland. New Zealand established several additional voting options for its 17 October elections: advance voting began two days earlier than usual, voters were given the option of a postal vote and voters could ask someone to take their voting papers to the polling station for them. In addition, a special call centre was set up to assist people who were self-isolating with these special voting options. In the elections in Lithuania on 11 and 25 October, infectious and self-isolating voters could vote from home, and special locations for advance voting were also established. In the Singapore election on 10 July, mobile polling teams brought ballot boxes to the hotels where Singaporeans who had recently returned from overseas were in quarantine. Several measures were implemented for the South Korea election on 15 April. Voters were encouraged to take full advantage of early voting provisions. In addition, home voting through early voting by mail was extended to Covid-19 patients in hospital, as well as citizens in quarantine or self-isolation following contact with infectious people. Early voting was also organized at special polling stations established in hospitals and other medical facilities. Our extensive case study collection shows that stable, trusted and well-resourced electoral institutions were best placed to manage these complex dynamics.

There have also been cases where voter turnout has been higher than usual—in Rajasthan, a 13 per cent increase in Poland, a 10 per cent increase in South Korea, a 6.5 per cent increase Montenegro and a 4.2 per cent increase in local elections in Bavaria. We have also seen, such as in Poland, where close results were accepted despite the strange new circumstances.

The extension of existing arrangements to new groups and the relaxation of the rules about usage to include those concerned about Covid-19 have been reasonably successful as short-notice responses. In examples ranging from India to Bermuda, absentee or early voting options have been extended to Covid-19 patients or those who were displaying symptoms. The extension of e-voting in New Zealand and the extension of postal voting in Germany built on existing provisions and mechanisms. In US states such as Michigan, absentee arrangements intended for limited groups were extended to the general public. The scalability of absentee voting arrangements such as postal voting has depended on both the robustness of existing legal, technical and logistical infrastructures and their resilience—their ability to handle shocks and uncertainties.

While scaling-up has been a challenge, introducing SVAs at short notice where none previously existed was even harder. The legislative, procurement and implementation requirements within short time frames for 2020 elections increased the risks of mistakes and unintended consequences—and the largest risks were to credibility. The reason why political consensus is so important—and the reason why SVAs are on the front pages of newspapers—is that an inherent tension must be navigated between the convenience of voters—the participation dividend—and the genuine risks to electoral integrity that increase the further voting moves away from the controlled environment of the polling station.

The lessons from the Covid-19 response and the rapid expansion of SVA are important for calibrating the convenience–integrity balance moving forward. Organizing ordinary elections at polling stations can be difficult enough in normal circumstances, involving complex logistics, pressing deadlines and an army of temporary workers all under intense political scrutiny. The pandemic led to sudden intense pressure to introduce untested or scaled-up voting and health protection measures within very tight timeframes. These pressures exposed gaps and weaknesses in legal frameworks, capacity and infrastructure.

The gaps and weaknesses exposed by the Covid-19 elections created controversy and confusion and undermined public trust. Despite the increases described earlier, there has been a general decrease in turnout around the world. There was anger in Poland when the initial plans to hold an election with all mail-in ballots were announced without consultation or due process. Last-minute court interventions and litigation have overturned electoral decisions. In the United States, where individual states set their own electoral rules, changes to the rules on SVAs were caught up in state-level litigation. In Croatia, the non-availability of a postal voting option led to a decision by the electoral management body, which was later overturned as unconstitutional, to bar infectious and quarantined citizens from voting.

There are several reasons for this contestation or the resistance to the introduction of SVAs. First and foremost are the very real risks and vulnerabilities exposed by each SVA deviation from the gold standard of the controlled environment of a polling station. Remote voting is always less safe and less secret than in-person voting.

Infrastructure, cost and capacity are also considerations. We have seen how a move to mass-scale postal voting from a base of servicing only a few, special or limited categories of 'excuse' voters has seriously tested the operational capacities of electoral and postal authorities. Many African countries still require a physical presence to vote. The Ondo elections in Nigeria, for example, made no provision for absentee voting; those with Covid-19 symptoms were simply advised not to come to the polling station. In Wisconsin in the USA, the electoral and postal infrastructure struggled to cope as the use of postal ballots went from 6 per cent in previous elections to over 80 per cent in the March primary and judicial elections.

Another reason why SVAs are often controversial is that including or excluding groups can have political or social consequences, and the choice of SVA can affect the various at-risk or societally vulnerable groups in different ways. These dynamics played out in the endemic, partisan wave of litigation across the United States as 2020 drew to a close.

The trade-offs between integrity and participation are difficult to navigate. Measures to increase inclusion can compromise secrecy and safety if they deviate from the polling station ideal, but the more rigorous the protective measures, the more difficult it will be for voters to navigate procedures correctly and the greater the risk of invalid votes. Examples of these trade-offs lie in technical choices such as: (a) postal voting registration/application processes should be simple and voter-friendly (e.g. by email) or include stringent address and identity checks (e.g. in-person applications or via websites using online identity verification); (b) whether simple visual inspections of signatures on return envelopes are credible and sufficient or a detailed comparison of signatures against those on record is required; and (c) whether database analysis is required of unusual registration activities. Rigorous checks can be a deterrence to potential fraudsters but also risk deterring genuine voters, for example, by requiring voters to follow complicated procedures or if

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the 'checking' is seen as discriminatory or heavy-handed. Where societies fall on the continuum will change over time depending on stakeholder demands, the degree of political polarization, and risk assessments of potential voting system abuse such as ballot harvesting or identity theft. Integrity measures therefore need to be re-evaluated and adjusted regularly.

One highly positive trend is an increased understanding of the need for a periodic and systematic review of the rules that govern the organization of elections, including mechanisms such as user-testing of new channels and research into public views on the new channels. Until recently, established democracies took pride in the fact that they were working with voting arrangements that were decades or even centuries old and thus had unquestioned integrity. These arrangements are now seen as anachronistic and requiring review and adjustment to modern contexts. Participating in global engagements on peer exchange, responding in a timely and constructive manner to election observers' recommendations, examining and learning from international comparative examples, and the purposeful inclusion of opposition and civil society voices in reform processes are all now standard elements of electoral management practice.

Clearly, balancing the trade-offs between participation dividends and integrity risks requires a multi-pronged approach. First and foremost, careful attention is required to the small but important procedural and operational details that can make all the difference between a system that is easy to access and one that is difficult to access or easy to misuse. Second, it is important to ensure that not only the rules but also the reasons for them are both accepted and clearly understood. Finally, it is important to foster a sense of shared purpose through political consensus and consultation.

These lessons will be important beyond 2020. Beyond this pandemic, there will be predictable and unpredictable reasons to accommodate the special needs of voters through special voting arrangements. Beyond this pandemic remains the growing demand from voters for more convenient ways to participate in elections that correspond with their increasingly mobile lifestyles. Once new voting channels have been offered, it will be difficult to roll them back. Each voting channel brings additional and lasting cost burdens to the public purse.

There is no 'one-size-fits-all' answer to how a city or state should accommodate its voters with special voting requirements. No single, precise mechanism or regulation can ensure that voting will be safe from deliberate or unintentional abuse, but we can learn some lessons from a global perspective. A legal basis, political will, robust implementation and sufficient preparation time are essential ingredients for success.

For details on all of the cases mentioned above see International IDEA, 'Taking stock of global democratic trends before and during the Covid-19 pandemic', The Global State of Democracy in Focus, Special Brief (December 2020), <https://doi.org/10.31752/idea.2020.66> and the 'Global overview of Covid-19: Impact on elections', International IDEA, <https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>.