

ACEEEO Recommendations - Elections in the ACEEEO region in times of Covid-19

I. Constant dialogue – Reviewing Interim Recommendations

The Association of European Election Officials (ACEEEO) reacted to the COVID-19 crisis in a timely manner; we published our interim recommendations 9 April 2020. Our aim was to – based on the research of our partners – to give an overview of the situation, and to provide some interim guidelines that may be of help for EMBs. Since 9 April ACEEEO has organized three online symposiums, dealing with the topic of elections in times of COVID-19, touching upon experiences from Poland, South Korea, Croatia, Serbia, Ukraine and the U.S. with the participation of electoral experts and representatives of EMBs and international organizations. Moreover, during our online Annual Conference (8-10 September, 2020, Tbilisi) the pandemic was discussed with regard to communications, offering general insights as well as country-based case studies involving Croatia, Lithuania, North Macedonia and Poland.

Based on the experiences of these three Online Symposiums and of the Annual Conference, as well as on the internal discussion within ACEEEO, we have reviewed and updated our recommendations. It is to be noted, however, that the pandemic is ongoing, as well as our dialogue, therefore reviews in the future might be necessary.

II. Elections in the ACEEEO region in times of COVID-19

Since the COVID-19 pandemic went worldwide, the ACEEEO community has been heavily affected by the virus. Certain countries decided to postpone elections, others introduced special measures in the conduct of elections. As our primary goal is to promote the institutionalization and professionalization of democratic procedures in the ACEEEO region, it is our mission to facilitate a meaningful discussion on elections in times of epidemic and provide alternatives, when it is needed. The current document brings up some of the most important considerations.

Nevertheless, it is a sad truth that the Covid-19 will be among us for some time, and that means that a continuous discussion is needed – today's good practices may be outdated tomorrow. Thus, the most important recommendation is to keep an eye open and engage in the international discussion as much as it is possible.

1. Key challenges

The main dilemma is whether to hold or to postpone elections during the epidemic. Neither of these options is exclusively accepted or rejected; as of 23 October 2020, at least 73 countries and territories decided to postpone the elections, whereas at least 74 countries chose to hold elections.¹ This means that there is no general agreement whether elections should or should not be held in times of epidemic.

This is due to the fact that there are valid arguments on both sides. Postponing elections involves the risk that the postponement may be politically motivated and abused to prolong undemocratically the mandate of the incumbents. Moreover, in times of emergency the political process may be an important check on the executive. Furthermore, as International IDEA put it, 'elections are the opportunity for citizens to either reconfirm, or remove and replace, an elected representative or government. A decision to postpone an election suspends political rights, and as such undermines the social contract between a government and its citizens.'²

¹ International IDEA: Global overview of COVID-19: Impact on elections, accessible at: <https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections> (last download: 2020.10.23.).

² International IDEA: Elections during COVID-19: Considerations on how to proceed with caution, accessible at: <https://www.idea.int/news-media/news/elections-during-covid-19-considerations-how-proceed-caution> (last download: 2020.10.23.).

*On the other side, holding elections may involve considerable risks. One of the most important risks is the low turnout. On the one hand low voter turnout in itself causes the decrease of legitimacy. On the other hand, as the epidemic is more dangerous to the elderly, the low turnout may be at the same time discriminative, thus distorting the results. Furthermore, as in person abroad voting may be impossible under the host country's emergency laws, those staying abroad but eligible to vote are also discriminated. Moreover, low turnout is not only present among the voters, but among poll workers as well. Technical and organizational difficulties are also caused by the virus. Technical and other organizational staff may be also reluctant to be present personally. A further risk is that elections may exacerbate the spread of the virus, and thus may imply health hazard. Moreover, as the International IDEA pointed out, elections 'might divert human and material resources from more urgent, potentially lifesaving activities.'*³

*Country-examples might be useful to prove that it is not impossible to hold elections in times of epidemic. In South Korea successful elections were held 15 April. As Antonio Spinelli noted in the First ACEEEO Online Symposium, the safe conduct and high turnout should be regarded as a success, and there is much to learn from the South Korean experience, however, this success may not be easily adopted to other context, therefore when drawing insights from the said election, countries should carefully evaluate their own context – capacity to contain the spread of the virus; previously existing absentee voting system; availability of resources; political environment; civic duty and multilateral cooperation.*⁴

2. Key considerations

In case it is decided to hold elections, there are some key considerations that need to be addressed during the planning and executing phase.

*First of all, a strong cooperation is needed between epidemiologist and election professionals. As IFES president and CEO Anthony Banbury pointed out, 'elections are possible in dangerous public health conditions if election officials cooperate with health, security, and other key authorities.'*⁵

The voting process needs to be designed in a way that takes into consideration the most up-to-date knowledge on the virus. Continuous exchange of knowledge is needed, and the process should be designed to be flexible in case new information arises on the virus. This involves the constant monitoring of the international multilogue.

Health routines should be included in the process, and voters and other participants of the process need to receive concise and up to date information on these routines. It needs to be made sure that voters and other participants, especially polling workers are equipped to carry out the health routines.

Special voting methods, such as internet- or postal voting may help a higher voter turnout. However, these methods need sufficient legal and other infrastructural prerequisites. As IFES white paper pointed out, internet voting should be assessed in at least five parameters: cost, participation, efficiency, trust and security.⁶ Moreover, as these methods may require changes well within the one-year-freezing period recommended by the Venice Commission,⁷ it is of utmost importance that all relevant stakeholders are invited to give feedback on the changes to the electoral legislation.

Furthermore, epidemic related fake-news should be effectively reduced. In times of epidemic the trust of the society is fragile, and fake-news may have bigger impact than in ordinary times. Moreover, it is recommended that voters can access information on election and the related procedures straight from the official sources of EMBs.

³ International IDEA footnote 7.

⁴ International IDEA's paper on the South Korean elections is available at: <https://www.idea.int/publications/catalogue/managing-elections-under-covid-19-pandemic-republic-korea-crucial-test?lang=en>

⁵ See at: <https://www.devex.com/news/opinion-elections-and-covid-19-what-we-learned-from-ebola-96903> (last download: 2020.08.28.).

⁶ https://www.ifes.org/sites/default/files/considerations_on_internet_voting_an_overview_for_electoral_decision-makers.pdf

⁷ See Venice Commission: Code of Good Practice in Electoral Matters section II. 2.

Lastly, the arrangements before the elections should be made in a timely manner. The Polish example shows that if relevant stakeholders are left out,⁸ then an ambiguous situation may arise, in which even a few days before the elections it is impossible to tell what is going to happen.

3. Recommendations

Based on the above mentioned, the ACEEEO considers the following recommendations:

- *Decision-makers in the electoral field should weigh-up carefully the dangers and risks of holding or postponing elections. All relevant stakeholders should be included in the process and given the necessary information.*
- *All relevant stakeholders of the electoral process need to constantly monitor the international scientific and electoral dialogue.*
- *The constitutional and legislative background should give clear answers as to the legal possibilities of postponing elections.*
- *Interim elections may serve as 'pilot elections' so when the general elections are held the new measures have been applied in practice.*
- *Continuous communication with the relevant stakeholders is of utmost importance, and it is recommended that voters and other stakeholders may access information on the elections and related procedures on the official site of the EMBs.*
- *In case elections are held:*
 - *Special attention needs to be paid to upholding the voter turnout, especially with regard to those groups that are limited the most in accessing the ballot.*
 - *Special voting arrangements should be introduced only if the necessary infrastructural prerequisites are met, and the process should take into consideration the factors of cost, participation, efficiency, trust and security.*
 - *Special health routines and protocols needs to be adopted.*
 - *Voters and other participants of the process needs to receive concise and up to date information. They should be encouraged to acquire information from authenticated sources such as EMB platforms.*
 - *Fake news should be effectively combated.*
 - *If change of the electoral legislation is needed, all relevant stakeholders should be involved in a meaningful debate.*
 - *It needs to be made that voters who are in isolation or quarantine are allowed to vote in a safe manner.*
 - *Broadening of the possibilities of absentee voting should be considered.*
 - *It should be ensured that no relevant stakeholder questions the results afterwards.*
- *In case elections are postponed:*
 - *All relevant stakeholders, especially the public should be informed on the legal basis of, and reasons for postponing the elections.*
 - *Public authorities and politicians need to give explicit commitment that postponed elections are held as soon as possible.*
 - *EMBs and election professionals should use the delay to design epidemic protocol, in case the situation lasts longer than expected, and elections cannot be postponed any further.*

As the situation is constantly changing, we invite the ACEEEO community to make suggestions to these observations and recommendations.

⁸ See OSCE-ODIHR's legal opinion on the Polish Draft Act, accessible at: <https://www.osce.org/files/f/documents/d/3/450856.pdf>