Commonwealth Elections and COVID-19 Briefing Paper

Managing Elections in the Context of COVID-19: Perspectives from the Commonwealth

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The Commonwealth

Contents

Acknowledgements

Abbreviations and Acronyms

ANFREL	Asian Network for Free Elections
CEN	Commonwealth Electoral Network
CEP	Commonwealth Election Professionals
CSO	Civil society organisation
EMB	Election management body
ICT	Information and communications technology
IFES	International Foundation for Electoral Systems
NGO	Non-governmental organisation
PPE	Personal protective equipment

1. Introduction: Elections and COVID-19 – An unprecedented challenge

This paper provides election management bodies (EMBs) and other stakeholders with an overview of the many issues that need to be considered when managing election processes within the context of the COVID-19 pandemic. It recognises the careful balance needed between taking steps to protect the health and safety of citizens and safeguarding democratic rights and freedoms through the conduct of genuine elections.

As a global intergovernmental organisation with a diversity of member countries, the Commonwealth Secretariat is well placed to be able to identify and share innovative practices related to COVID-19 and election management. The Commonwealth Electoral Network (CEN) brings together EMBs from across the globe to share experiences and support each other in meeting common challenges. During the COVID-19 period, the Commonwealth Election Professionals (CEP) Initiative has conducted a number of regional webinars for its members to exchange experiences and good practices related to the management of elections in these exceptional circumstances. Commonwealth EMBs have appreciated the sharing of experiences, and the CEN and CEP will continue to facilitate such opportunities.

Other international election support organisations have also developed resources on COVID-19 and elections, some of which are referenced here. The publication of this paper will be followed by regional studies that will focus on the specific challenges and experiences faced in different parts of the Commonwealth.

To inform this paper, a survey was conducted to collect information on the specific experiences of EMBs in the Commonwealth. Between 10 June and 3 July 2020, it was completed by 33[1] (62 per cent) out of 53[2] Commonwealth EMBs. The authors would like to thank all those EMBs who participated and shared their valuable insights. The findings of the survey have been incorporated into the report, with specific data highlighted in the relevant sections. Additional sources of data included individual stakeholder interviews and a review of policy documents, webinars and the websites and social media presences of Commonwealth EMBs.

The paper ends with a list of conclusions – principles and lessons learned – which are offered to help guide EMBs through the difficult decisions and multiple tasks they face in these unprecedented times.

2. Trends and challenges

2.1 Global state of play

Around the world, COVID-19 has disrupted societies, economies and lives.[3] The pandemic has also created an unprecedented situation globally for the conduct of elections. Decision-makers and election authorities are faced with the difficult question of whether to postpone elections or to conduct them with the necessary safety measures in place to protect voters, election officials and other participants. While there has been a focus on the postponing of election day itself, in practice many other related processes around the electoral cycle are having to be delayed, and these are likely to impact on elections not only in 2020 but for years to come.

The initial reaction to the pandemic in March led to a large number of countries declaring states of emergency (or de facto states of emergency), putting their populations into lockdown. Many countries postponed election preparations such as voter registration, training of election officials and voter education, as well as election dates themselves. Other countries scrambled to put in place the necessary health and safety measures in order to conduct elections. Globally, at the time of writing, at least 67 countries have postponed national and subnational elections while 48 countries have held such elections.[4]

Since COVID-19 has affected countries and regions differently, the impact on electoral

processes has also been uneven. The virus is currently spreading rapidly in some parts of the world while other countries have loosened restrictions in an effort to revive damaged economies. As a result, elections are increasingly taking place, albeit with health and safety measures that could become part of the process for some time to come. Localised lockdowns are also becoming a feature as countries attempt to contain new outbreaks, thus affecting the ability to hold elections in those areas. Meanwhile, many national elections around the world have taken place, and others are still on schedule to be held this year.

At the same time, leading international bodies and non-governmental organisations (NGOs) are warning of the risks to democracy that measures taken during the pandemic can bring – whether deliberate or not – and highlighting the need for vigilance.[5]

2.2 The role of election management bodies

Dealing with the implications of COVID-19 has placed a huge set of responsibilities on EMBs. Regardless of whether it is the EMB itself or the government that is responsible for setting dates, or postponing elections, EMBs will have to cope with an array of challenges posed by organising elections in the COVID-19 period.

Issues facing EMBs include making adjustments to operations and planning at every stage of the electoral cycle, reviewing regulations and procedures, enhancing coordination with health, security and other authorities and increasing public outreach. At the same time, EMBs themselves are struggling with adjusting their own work practices to COVID-19 realities and with potential budget cuts as a result of national economic crises. Such pressures have meant that EMBs have had to prioritise which health and safety measures to implement, find solutions for new logistical challenges and make tough choices regarding the conduct of elections at this time.

COVID-19 has been a test of EMB preparedness. EMBs with crisis management plans have been better positioned to respond to the pandemic than those that did not have them. Countries that experienced earlier epidemics such as severe acute respiratory syndrome (SARS), Ebola or avian influenza in some cases developed preparedness measures that have meant they are better placed for dealing with the current crisis, with appropriate legislation or regulation already in place. All countries can learn from COVID-19 to anticipate future *forces majeures* on their elections – be they pandemics, natural disasters, cyberattacks or something else.

3. Ensuring human rights and international standards for democratic elections

3.1 The primacy of human rights

The Commonwealth is committed to "equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies." The Commonwealth Charter reinforces the commitment of Commonwealth members to the international human rights framework, including the Universal Declaration of Human Rights and other relevant international human rights instruments. It recognises 'the inalienable right of individuals to participate in democratic processes, in particular through free and fair

elections in shaping the society in which they live'. It further emphasises members' opposition to all forms of discrimination and their commitment to the rule of law as an essential protection for the people of the Commonwealth.[6]

As the United Nations has stated, human rights are key in shaping the COVID-19 response, both for the public health emergency as well as for the broader impact on people's lives and livelihoods.[7] The exceptional circumstances of the pandemic and the need to preserve lives may require states to adopt extraordinary measures, including those that restrict some human rights, including civil and political rights. However, human rights also provide states with

the means to navigate such crises and limit potential negative consequences.

International human rights instruments allow states to derogate from their international obligations 'in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed'.[8] However, such derogations must be those strictly required by the situation, prescribed by law, proportionate and non-discriminatory. Some human rights, including the rights to life and to freedom of thought, conscience and religion, cannot be derogated.

3.2 Protecting fundamental freedoms

International law recognises a number of fundamental freedoms that provide the basis for a democratic society as well as an enabling environment for the conduct of genuine elections. At the same time, the pandemic has required states to introduce unprecedented restrictions to prevent the spread of COVID-19, in line with their public health obligations. Restrictions have included lockdowns and bans on public gatherings, which have had the effect of also limiting some fundamental freedoms - in particular the freedom of movement and freedom of assembly. However, while these limitations can be justified by the need to protect public health, the urgency of the health response should not be used as a pretext to unreasonably limit these and other fundamental freedoms, such as freedom of expression, freedom of association, freedom from discrimination and the right to an effective legal remedy.

In an election context, any restrictions on fundamental freedoms may call into question the ability to provide a level playing field, in particular during the campaign, and ultimately raise doubts about the legitimacy of the election process.

3.3 Maintaining key election principles

International human rights instruments set out a number of key election principles. These include:

- Periodic elections
- Genuine elections
- Right to vote
- Right to stand for election
- Universal suffrage
- Equal suffrage
- Secret ballot
- Free expression of the will of the electors.

The pandemic is challenging the ability of states to maintain these key election principles. The concept of 'periodic elections' means that they will take place according to a regular timetable, set by law. While practice differs about how long the timeframe should be, this principle gives certainty to all political actors that elections take place on a regular basis. Postponement of elections runs contrary to this principle and therefore should be carefully handled to maintain stakeholder confidence (see below, 'Political considerations').

Once elections are held, other key election principles must be facilitated. In particular, universal suffrage protects the rights of all eligible persons to vote, and the right to vote requires state authorities to facilitate this regardless of circumstances. Providing arrangements that allow all voters to register and cast their ballot safely will continue to be a challenging task for election authorities during this period. At the same time, the increased use of some alternative voting methods, such as postal voting and proxy voting, may make it more difficult to guarantee the secrecy of the vote.

Despite the difficulties, it is crucial that states and election authorities maintain their commitment to these key election principles in a time of crisis. The conduct of genuine elections during this period (when circumstances allow) provides governments with the necessary popular legitimacy to meet the significant challenges they face.

3.4 Inclusive participation

One of the biggest challenges for election authorities at this time is to ensure inclusive participation.[9] Now more than ever, EMBs need to take measures to facilitate the participation of vulnerable groups. While it is true that 'COVID-19 does not discriminate' in terms of who it infects, certain groups are at greater risk of poor outcomes and are therefore taking extra precautions that may affect their ability to participate. At the same time, those who are self-isolating or in quarantine because of possible exposure or who are infected and at home or in hospital also have the right to vote and should be able to exercise it.

When planning election processes during this period, election authorities must consider the needs of all of these specific groups and how their participation can be facilitated. This may require the introduction of alternative voting

methods, such as those mentioned above and the use of mobile ballot boxes/polling stations. It will also require specific voter education initiatives so that all citizens know how they can vote safely.

Election authorities should also be aware that any digital solutions implemented during this period to facilitate participation and information sharing, such as providing voter information online, may not be accessible to all citizens. Therefore, any such solutions should also have a low-tech component. For example, information could also be circulated via radio, telephone or printed materials.

4. Key considerations for election management

We have seen that authorities deciding whether to hold or postpone elections during the COVID-19 period must carefully balance a number of competing priorities. On the one hand, there is a democratic imperative to hold elections on a periodic basis in line with the timetable set by law and ensure that government – at all levels – has the legitimacy that comes from a democratic mandate. On the other hand, there is the responsibility to protect lives by following the guidance of health authorities and creating a safe environment that enables people to exercise their right to vote. While at the beginning of the pandemic there appeared to be a stark choice for countries to make between postponement of elections and their conduct with mitigating measures in place, experience in the past months have shown that in practice most countries will experience both of these options at various times.

It may be necessary for health reasons to postpone an election for a certain amount of time, but eventually elections will need to be held – either because of a legal deadline or because of pressure from stakeholders or the public to go to the polls. Survey data have shown that some election authorities in the Commonwealth are postponing by-elections while trying to keep the timetable for eventual nationwide elections on track. One risk when elections are postponed is that a backlog develops, which may be difficult for election authorities to handle in future.

While in some countries, the EMB has the authority to set the date of elections or decide to postpone them, in most jurisdictions these decisions are made by government or parliament and the EMB has to carry out its responsibilities according to these decisions. The unprecedented nature of the pandemic has meant that in some countries, it has been up to the judicial system to make the final decision on whether an election can go ahead or should be postponed.

As of July 2020, 19 Commonwealth countries had postponed elections (including by-elections and local elections as well as national elections) since the beginning of the pandemic, and 12 Commonwealth countries have now held elections, including several countries that initially postponed them.[10]

The diversity of the Commonwealth community means that states' COVID-19 experiences to date vary considerably. Some small island states in the Pacific or Caribbean are either yet to have COVID-19 cases or have successfully contained a limited number of incidences but remain on alert. Other countries are experiencing an exponential rise in cases and still do not appear to have reached the peak. Meanwhile, countries coming out of lockdown are nervous about the prospect of a second wave of infections.

The general responses from EMBs to the survey indicate that regardless of where countries currently stand in relation to the pandemic and what stage of the electoral cycle they are at, EMBs expect that COVID-19 will have long-term implications for their work, in what has been referred to as the 'new normal'.

This section looks at the range of issues that EMBs and other relevant authorities need to consider when managing elections during the pandemic as well as in future unexpected crises.

4.1 Health and safety considerations

A clear lesson coming out of the pandemic is the need for close cooperation between election authorities and health ministries. In the survey,

Are you in regular contact with the health authorities about Covid-19 and how it might impact the election process?

22 commissions (67 per cent) reported being in regular contact with the relevant health authorities (see Figure 1).

Health authorities generally provide overall guidance on what types of activities are allowed/recommended, based on the latest evidence of the presence and spread of the coronavirus in a country. Such guidance and restrictions provide a framework for what election-related activities may be allowed and what mitigating measures may need to be taken. In some countries, there may be restrictions that, for example, limit the number of people who can congregate. This may negatively impact the ability of political parties or contestants to hold rallies or other mass events, but it may be possible to open polling stations. If there is a 'lockdown' on public activity to limit the spread of the virus, however, then it may not be possible for certain election preparations or voting to go ahead until the restrictions are lifted. As the spread of the pandemic is unpredictable, the advice from health officials can also change quickly so it is important to maintain regular contact and adjust measures accordingly.

Where election authorities have been working closely with health authorities, they have in some cases developed specific measures for how elections can be held safely. Such guidance may include guidelines for polling officials, measures for health and safety measures in polling stations and codes of conduct for voters or other stakeholders. A number of EMBs – including **Australia** (for the 4 July Eden-Moreno by-election), **Namibia** and **Sri Lanka** – have developed guidance together with health authorities.

4.2 Legal considerations

As mentioned above, all considerations for managing elections during a pandemic or other crisis should be framed by the rule of law. This will ensure that the democratic and constitutional order is upheld.

In countries where the government has put in place a lockdown (or other serious restrictions on citizens' mobility) or where a serious health threat has been identified, government and election authorities may need to consider whether there are legal possibilities for the postponement of elections.[11] The options will depend on the legal or constitutional framework and whether there are provisions that contemplate postponing elections in crisis/emergency situations. In the survey of Commonwealth EMBs, 45 per cent of respondents (15) said their country had *force majeure* legal provisions in relations to elections; while 63 per cent (21) said that their EMB had preparedness/crisis management provisions in place, of which two thirds (14) covered health-related emergencies. According to international law, such a postponement of elections as a derogation of civil and political rights under the International Covenant on Civil and Political Rights (ICCPR) should be exceptional and temporary and therefore time bound – by setting either a new date for elections or a date when the decision will be revisited.

In countries without legal provisions allowing for postponement, it will be important to understand whether rules on term limits and electoral deadlines can be legally modified or temporarily overridden through emergency provisions.[12] In some cases, it may be necessary for countries to pass emergency legislation to allow for election-related deadlines to be extended. A number of countries have adopted 'states of emergency' that grant extensive powers to the Executive, which usually call for elections to be delayed. While such exceptional measures may be necessary in the context of the pandemic, they should not be misused for political purposes, particularly if elections take place under extraordinary circumstances. Again, international law requires that such emergency measures be proportionate, based in law, time-limited and non-discriminatory.[13]

The body responsible for postponing an election may not be the same as the body that has responsibility for announcing an election. For example, in **New Zealand** the executive sets the dates for an election while an election can be postponed through a super-majority in the parliament. Once an election is postponed,

the constitutional and legal framework may call for a caretaker government or the current term of the government representatives may be extended. In the **United Kingdom,** local councillors had their term of office extended by one year after emergency legislation was passed to postpone local elections, and in New Brunswick, **Canada**, local elections have been postponed for up to one year with the local councils remaining in place.

Regardless of the legal framework in place, transparency in the decision-making process and consultation with all political forces in the country are crucial when considering postponement of elections. An open approach to the question will help to avoid politicisation and will promote public confidence in the authorities during a critical period. Ultimately, however, it may not be possible in some circumstances to reach political agreement on the postponement of elections, and it may be necessary for the judiciary to provide legal or constitutional interpretation and guidance, as has happened in a number of countries during this period.

4.3 Political considerations

While political parties and candidates will inevitably be considering the political impact of the timing and potential postponement of elections, it is crucial that the election authorities avoid any potential politicisation of the decision-making process and proactively demonstrate their independence and impartiality. Again, transparency and inclusive political party consultations by EMBs promote confidence among the public and election stakeholders and make it more likely that necessary steps can be taken with broad political acceptance.

There may be political contexts where public pressure for elections is such that no postponement of elections is possible, or where to do so would be seen to risk the democratic gains/foundation of the country. In such cases, it may be necessary to go ahead with elections as originally planned, putting in place all necessary mitigating measures to protect the health of election officials and voters.

In conflict-affected countries, decisions to either maintain or change the timetable of elections may carry increased risks of sparking unrest or political tensions and should be carefully considered. The increased economic

hardships, including widespread youth unemployment and diversion of budgetary resources during the pandemic, are likely to be increasing drivers of conflict as well during this period.
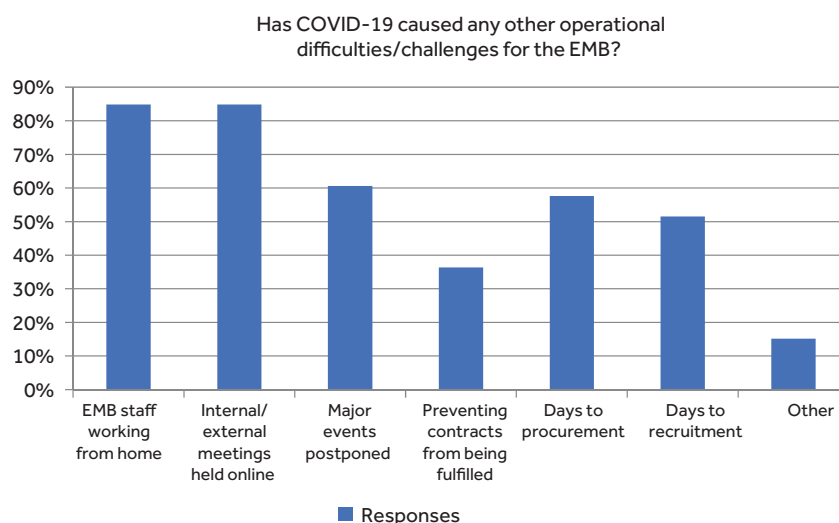
4.4 Operational considerations

Elections are operationally complex and require meticulous planning to be successful. Election authorities need to consider the feasibility of all aspects of election operations, and how they may be impacted by the pandemic. As the health situation and guidance from the health authorities continues to develop, election officials will need to constantly make adjustments to election planning and preparations. During the planning process, election officials will need to anticipate emerging needs as much as possible and prioritise measures that can be implemented to mitigate risks around transmission. While many challenges concern costs, equally important are practical considerations such as identifying adequate spaces and personnel for new measures.

Survey respondents identified a number of operational challenges currently faced by EMBs: 85 per cent reported that their staff had been working from home, conducting meetings online, while 60 per cent reported that they had had to postpone major events (see Figure 2). Two thirds foresaw logistical difficulties in relation to COVID-19 for their next elections, ranging from problems recruiting staff to challenges in enforcing social distancing, an issue that was specifically highlighted by a number of EMBs.

More than half of respondents (58 per cent) reported experiencing delays to procurement. Many EMBs import election materials from abroad, and international supply chains have been deeply disrupted by the pandemic. Countries holding elections during this period will probably also need to procure additional materials to comply with safety requirements, such as personal protective equipment (PPE – masks, gloves, visors) and hand sanitiser, which may be difficult to obtain during this period. At least one EMB foresaw that distribution of materials would take longer and staff would need to be paid overtime.

Electoral timelines also present challenges. One EMB mentioned their concern that deadlines (especially those in the constitution) not be missed because of the added challenges from

Figure 2. Responses to the survey regarding operational challenges

Has COVID-19 caused any other operational difficulties/challenges for the EMB?

COVID-19. Another EMB pointed out that, although they do not have elections planned for a while, they still need to be ready in case snap elections are called.

4.5 Financial considerations

Almost all of the Commonwealth survey respondents (94 per cent) said that they expected budgetary implications related to COVID-19 for their next elections, including increased staffing costs, the need to procure PPE and the cost of voter information and education regarding any new measures.[14] A number of survey respondents further explained that the anticipated increased costs came at the same time as they expected fewer budgetary resources to be allocated because of competing COVID-19 priorities and the overall economic crisis resulting from the pandemic. One EMB said that it

had already had its budget cut. Several EMBs reported having to postpone investments due to budgetary constraints, including the mass purchasing of election materials, a planned decentralisation of election administration offices and the introduction of new digital systems. Several EMBs also expressed concern that government hiring freezes would prevent them from conducting recruitment or hiring temporary staff for the elections.

There are no easy solutions to budgetary issues, and EMBs are likely to face tough choices. Given these constraints, they may need to prioritise putting in place those measures that they believe will have the greatest impact on the safety and integrity of the election process rather than introducing a broad range of all possible measures in response to COVID-19. Low-cost solutions can also be identified.

5. Ensuring the safety and integrity of elections: Pre-election phase

5.1 Adequate legal/procedural frameworks

In addition to the legal considerations discussed above for considering how an election date might be postponed, legal or regulatory changes may need to be made to accommodate any necessary measures to conduct elections safely during the COVID-19 period. For example, any actions taken to introduce alternative

voting methods, extend voting over more than one day or reduce contact during the election preparations and election day will need an adequate legal basis. Issues that are regulated in law will require changes by the parliament, while issues that are in election regulations and/or procedures can typically be changed by the EMB or relevant authority.

Some countries have electoral frameworks in place that foresee emergency situations, including pandemics, and therefore provide the necessary flexibility for implementing the mitigating measures required to prepare for and hold elections. Often, however, legal changes are needed. In a number of countries that have been affected by COVID-19, public health measures such as a ban on public gatherings and social distancing have caused parliaments to suspend their sessions or limit them to urgent business only, while others have been able to continue through virtual proceedings.[15] Such circumstances make amending legislation more challenging.

Although the principle of legal certainty argues against changing laws just prior to elections, the circumstances brought about by COVID-19 may make certain changes necessary. It is crucial, however, that any legal changes involve wide consultation with political actors as well as civil society to promote public and stakeholder confidence in the process.

Limitations on the functioning of parliaments during the pandemic have also affected longer-term election reform processes, especially in countries where virtual proceedings may not be possible. For example, in **The Gambia**, the country's major constitutional and electoral reform process was paused because of the temporary suspension of parliament. Similarly, **South Africa**'s EMB also reported delays to their own electoral reform process due to the suspension of regular parliamentary processes.

> ### Box 1. Adapting legal frameworks for pandemics
>
> **New Zealand's** Electoral Act 1993 has been amended at various points to specifically provide for polling disruptions caused by terrorist acts, an epidemic notice or a cyberattack on the Electoral Commission's electronic operating systems as well as by natural disasters and riots or disorder. The Act was further amended on 11 March 2020 to provide for using alternative voting processes in response to polling disruption.
>
> http://www.legislation.govt.nz/act/public/2020/0002/latest/LMS234392.html

5.2 Voter registration

An up-to-date voter register is generally seen as a requirement for conducting genuinely democratic and inclusive elections. However, voter registration processes have also been disrupted by COVID-19.

Voter registration is either active and periodic, where voters are requested to come and register prior to each election, or passive and continuous, where the voter list is updated between elections on an ongoing basis and then typically displayed for checking with a request for voters and stakeholders to indicate any changes prior to an election. Although both types of voter registration are impacted by COVID-19, active registration exercises are particularly affected as voters are generally required to come in person to register, and only after their physical participation will the draft register be created. Voters are then usually encouraged to return during the voter display period to ensure their registration was properly recorded or to request any changes.

While there are a few countries (e.g., **Australia**, **India**, **New Zealand** and the **United Kingdom**) where remote (online or postal) voter registration is an option, in most cases active voter registration will require voter's physical presence to check identification and, in the case of biometric voter registration, to collect the biometric data. In some cases, states have postponed voter registration – in the survey, 12 states (36 per cent) reported having had delays in this regard. In other cases, voter registration has moved ahead with safety measures in place such as the use of hand-washing/hand sanitiser, PPE, social distancing and minimising contact. In the survey, 14 EMBs (42 per cent) reported having made changes to voter registration procedures. In **Samoa**, the Office of the Electoral Commissioner conducted door-to-door voter registration. In **Ghana**, the in-person compilation of a new biometric voter register was initially postponed because of the pandemic but later proceeded (after a further delay due to legal challenges). Health measures – including social distancing, temperature checks, use of PPE and biometric scanner cleaning between uses – were introduced to protect staff and the public.[16]

In most countries, the preliminary voter lists are displayed by the authorities for a number of days so that voters can check the accuracy of the information and request any changes. While the voter list display is usually done in person, countries have shifted this process

online or over the phone where there is adequate capacity to do so to minimise personal contact at this stage of the process. A number of Commonwealth countries also allow the possibility for voters to check their voter registration status online or over the phone (e.g., **Jamaica, Nigeria** and **Trinidad and Tobago**).

It is also important to note that changes made to voting methods may need to be reflected in voter registration – for example, the ability to send postal ballots would rely on the inclusion of postal addresses on the register. Measures that either increase or decrease the size of a polling station may also affect where a voter votes, and this information will need to be adjusted on the voter list as well as provided to the voter.

Finally, using alternative voting methods – for example, proxy voting or mobile ballot boxes –generally requires some form of specific registration/application during the pre-election period. These procedures must also be adjusted to mitigate risks of COVID-19 transmission and be accessible to people with COVID-19 symptoms or in quarantine.

Box 2. Online voter registration services

South Africa's Independent Electoral Commission provides an online platform 'MyIEC' that allows voters to check their voter registration status as well as to make any address changes online.

India's National Voters Services Portal (https://www.nvsp.in/) allows voters to register online, correct their entries and check the status of their application.

Figure 3. Graphic from the voter education programme of the Electoral Commission of India encouraging voters to check their registration status online or by phone
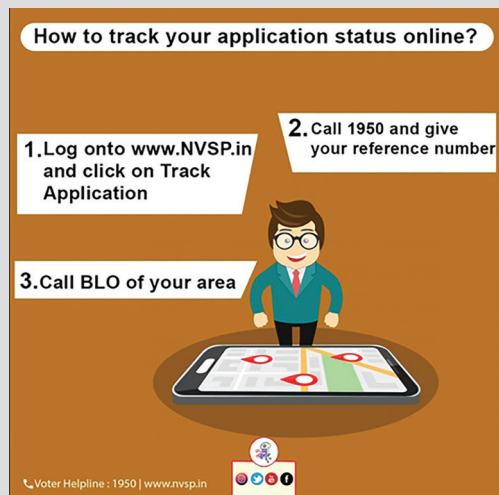
5.3 Candidate nomination

The candidate nomination process also usually involves a degree of personal contact. In some cases, legal provisions require potential candidates to collect a certain number of voter signatures to access the ballot. In such cases, signature collection must follow the health guidance and would ideally be held outdoors. During this period, it may be difficult for vulnerable groups to participate. Remote signature collection solutions may be possible where the infrastructure and legal framework allow for them.

Potential candidates are typically required to submit their nomination documents in person to the election authorities. Where this is necessary, election authorities may be able to take measures such as lengthening the available time for submission of nomination papers and allocating time slots to candidates to avoid queues, as in **Malawi**. Remote and drop-off solutions may also be possible.

In some electoral systems, political party primaries are held for internal selection of candidates. In such cases, the same health measures foreseen for election day will need to be followed, regardless of whether primaries are organised by the EMB or by the political parties themselves.

5.4 Recruitment and training of election officials

Recruitment of an adequate number of polling officials can be a difficult task in any election but is likely to be more challenging during the COVID-19 period. Experience so far has shown that in some countries, polling officials may be reluctant to participate due to health concerns. Depending on the recruitment practices of different election authorities, polling officials may include categories that are more vulnerable to COVID-19, such as the elderly. At the same time, countries will typically require a greater number of polling officials to, for example, control the queue and cover any additional polling stations, early voting or multiple days voting that may have been introduced to lower the risk of transmission of the virus (see below, 'Voting operations'). Election officials may therefore need to make extra efforts to identify suitable additional polling officials and to explain the protective measures they have put in place.

In a typical election, there are a number of trainings conducted by the election authorities:

for voter registration officials, for election commission members and staff in the headquarters and regional offices and – usually a massive effort – for polling officials around the country before election day. With new health and safety measures in place because of COVID-19, it is crucial that election officials at all levels are trained in any new procedures and provided with necessary information to prevent transmission of the virus during election-related activities.

Health restrictions that limit public gatherings and travel are likely to make in-person trainings impossible. Where restrictions allow public gatherings up to a certain number of people, trainings may be held with limited numbers and with relevant safety measures in place (social distancing, masks, hand sanitisers), although this is likely to require additional resources as more training sessions will need to be held. For example, in **Ghana**, trainings for election officials are limited to up to 20 persons per session. Trainings may also be held outside where possible to further decrease the chances of transmission of the virus.

In countries where in-person trainings cannot be held, election authorities will need to consider whether it is possible to conduct trainings remotely. A number of election authorities have shifted their trainings to online platforms; however, such an approach requires a certain level of resources and information and communications technology (ICT) infrastructure. Even where such infrastructure exists, some officials may struggle to gain access to the training – for example, those in rural areas or older officials who may lack ICT skills. One option may be to use radio programmes for this purpose. Printed training guides should also be produced alongside trainings, although it may be challenging to keep them up to date as health measures continue to evolve.

Box 3. EMB training practices

Election authorities in **Fiji** are conducting all in-house training and workshops in the form of internal online training/webinars through the use of Google Meet videoconferencing.

In **Bangladesh,** in-person training based on institutional curricula have been changed to an online training system.

In **St Vincent and the Grenadines**, the Electoral Office is preparing a training handbook that will also serve as a guide for its public relation sessions on elections and COVID-19.

5.5 Voter education

Voter education is always an important responsibility of election authorities; however, this is a crucial function during a pandemic. Voter education campaigns serve a dual purpose at this time: explaining to voters how they can participate in elections, highlighting in particular any changes that have been made to procedures or voting options; and providing information on the measures that have been put in place to ensure their health and safety. The latter is necessary to bolster public confidence in the election process and encourage participation. If voters do not have confidence that they can vote safely, turnout could be adversely affected, potentially impacting on the legitimacy of the process overall.

It is particularly important to reach vulnerable groups with voter education during a pandemic. The elderly and those with underlying conditions are the most at risk from COVID-19 and therefore will need to be persuaded that measures are in place for them to vote safely. Voters in self-isolation due to COVID-19 will also need to be reached with information about how they can cast a ballot. Voters in remote locations and those speaking minority languages also need to be considered.

Depending on the health restrictions in place, it may not be possible or advisable to hold in-person voter education events. Therefore, other means of communication will need to be used, including traditional media, social media, online platforms and printed materials. Materials and messaging from the health authorities can also be usefully integrated into voter education.

Civil society organisations (CSOs) also carry out voter education initiatives, amplifying the efforts of EMBs (see below, 'Relations with civil society'). CSOs can be particularly adept at targeting specific groups of voters, including vulnerable groups.

5.6 Election campaign

Political parties and candidates typically engage with citizens and provide information on their platforms during the election campaign. Health restrictions that limit or ban public gatherings also limit the ability of political contestants to conduct in-person campaign events such as rallies and to participate in events such as candidate debates and roundtables. Door-to-door

campaigning is also likely to be prohibited or limited. In countries where elections are held in these circumstances, opportunities for campaigning will be primarily on traditional media (TV, radio, print) and online.

Such limitations on the campaign raise issues of a level playing field, as incumbents typically receive a certain amount of coverage in their official capacity and are therefore likely to be significantly more present in the media than their opponents. The cost of political advertising may be prohibitively expensive for certain parties and candidates. While the internet can offer relatively inexpensive opportunities for political parties and candidates to get their message out, parties are likely to have varying levels of technical capacity to mount online campaigns, and more sophisticated online operations are also expensive.

The likely increased importance during elections under COVID-19 of media campaigns, especially using broadcast media, makes levelling the playing field in the media even more crucial than it usually is.

Limiting the campaign to media and online outlets may also raise questions about whether voters receive sufficient information to make an informed decision. Inclusivity may also be an issue, especially if the campaign shifts primarily online, as not all voters have access to the internet. The lack of regulation of the online campaign in most countries may also allow a greater degree of disinformation and misinformation to be shared and potentially make women candidates and those from other vulnerable groups more susceptible to online abuse.

> ### Box 4. Improving conditions for a level playing field
>
> While election authorities have differing responsibilities regarding the campaign depending on the context, there have been examples of EMBs taking steps to promote a level playing field and ensure that voters receive information on contestants.
>
> In **Jamaica**, the Electoral Commission has the possibility to increase the campaign finance limits for justifiable reasons, which could include extra spending needed to conduct a virtual campaign.

5.7 Complaints and appeals

The right to effective redress is a key principle of democratic elections. Voters and contestants alike should have the possibility to challenge decisions of the EMB both for administrative problems and for any violation of their electoral rights during the process. While election commissions may have to handle certain types of complaints, there should be access to judicial review or equivalent process[17] on specific aspects, including the results.

The pandemic is likely to exacerbate existing issues and challenges regarding access to electoral justice. In many countries, there are issues of access to representation and 'legal illiteracy' that represent obstacles for people to access electoral justice and are likely to prove more daunting during this period. The costs of representation already act as an obstacle to many people but will be compounded by the economic hardship brought by COVID-19.

The complaints and appeals process for elections held during the COVID-19 period will probably also have to be adjusted, depending on the circumstances. The submission of complaints is often done in person at the office of the election commission or the court. Depending on the restrictions in place, this may not be possible, or it would need to be done with appropriate health and safety measures. Alternatives might include for complaints to be submitted remotely or the provision of a drop-off box at the relevant authority.

More challenging may be the actual proceedings to consider complaints. During the COVID-19 period, many EMBs and courts alike are not open to the public and have personnel working from home. In some cases, courts are operating with virtual proceedings – either on online platforms or by phone. Where health restrictions are less stringent, it may be possible to hold in-person hearings with health and safety measures in place.

If processes are transferred online, then consideration should be given to ensuring access to all persons to bridge issues of the 'digital divide'. Legal professionals and judicial officials may also lack the necessary ICT skills for online proceedings and may require relevant training or assistance. Electronic evidence may require specific handling and may be affected by video quality and other technical issues.

The principle of effective redress requires bodies adjudicating election complaints to ensure that these are considered in a timely way. However, timelines for adjudication are likely to be affected by lockdowns and other

restrictions and case backlogs may develop. Case management in such circumstances will be especially important to address such issues and avoid unnecessary delays.

It is also possible that complaints might arise specifically related to any special COVID-19 measures adopted for the elections if, for example, they could be considered discriminatory, impact the right to vote or affect the level playing field.

6. Ensuring the safety and integrity of elections: Voting operations

Despite COVID-19, elections will need to take place eventually in order to preserve democratic rights, even if they are initially postponed during infection peaks. Indeed, several Commonwealth countries have already held national elections since the advent of the pandemic.[18]

6.1 Early voting and/or multiple days voting

A number of Commonwealth countries previously had some provisions for early voting and others have put provisions in place in response to COVID-19. The main advantage of early voting in the current situation is the potential avoidance of large crowds and long queues as voters, particularly from vulnerable groups, can choose to vote in advance of the main polling day. However, such arrangements also have cost implications for EMBs, such as extra staffing. Polling centres – which in many countries are school buildings – also have to be available for more days or alternative venues found. Moreover, sensitive materials including the ballots and ballot box must be kept secure over the voting period.

Similar to early voting, extending voting over more than one election day also has the potential effect of decreasing crowding in polling stations. Again, this would have cost and security implications, and legal provisions would likely to need to be changed to allow for it.

Countries that allow for out-of-country voting will also need to review procedures in light of COVID-19.

6.2 Alternative voting options

Alternative voting options include postal, telephone, online, proxy and mobile voting. Some Commonwealth countries already have these systems in place while others are looking at them as potential solutions as part of their COVID-19 response (see Figure 4). For example, one country responded in the survey that it is considering mobile ballot boxes for those in quarantine while another is considering changing legislation in order to introduce proxy voting.

On the other hand, one EMB that has alternative voting measures in place (mobile polling stations for care homes/hospitals) explained that they are not planning to use these for their next elections because of the risks of bringing COVID-19 into such institutions. This contribution highlights the need for EMBs to consult

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Box 5. Early voting and multiple days voting

Voting for the 2020 **New Zealand** general election will start two days earlier than usual, in response to COVID-19, in order to ensure everyone has time to vote.

In **Canada**, four days of advance polling have long been available for all voters starting 10 days before an election – a measure that was designed to boost turnout but will be useful for conducting elections during the COVID-19 period.

In **South Africa**, voters can apply for a special vote on a pre-determined day before election day as specified in the electoral calendar if they are not able to travel to their polling station because they are physically infirm, disabled or pregnant, or if they cannot vote at their polling station on election day.
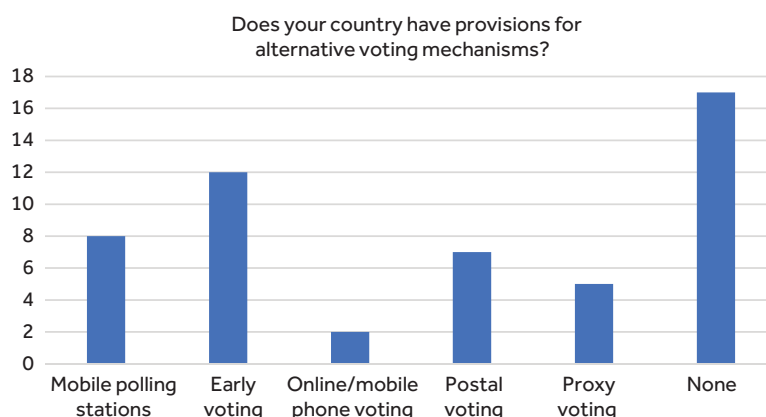
In **Trinidad and Tobago**, voters in at-risk groups receive 'special elector status' that allows them to cast their ballots at an earlier date at special polling stations to reduce their risk of exposure to the virus. Special polling stations will also be opened in quarantine facilities.

Figure 4. Responses to survey regarding alternative voting mechanisms

Does your country have provisions for alternative voting mechanisms?

Category	Value
Mobile polling stations	8
Early voting	12
Online/mobile phone voting	2
Postal voting	7
Proxy voting	5
None	17

with the health services over such matters for the latest advice, particularly for vulnerable groups.

The introduction of any new system should not be rushed through. If such options are not already foreseen in the legislation then they would require legislative changes, which may be difficult to pass with the appropriate scrutiny during a pandemic (see above, 'Legal framework'). Remote voting systems such as by post or online can also raise concerns over the secrecy of the ballot, and it is important that any changes to voting systems are preceded by a wide consultation of all stakeholders to ensure maximum public confidence. Postal voting relies on the capacity of a country's postal system and may not be an option in many countries as a result, especially when postal services are also under pressure due to the pandemic. Internet voting brings a number of technological challenges and trust issues. Countries may therefore prefer to expand any existing provisions for established alternative voting provisions in their countries rather than introducing new ones, at least in the short term.

While COVID-19 has given renewed impetus to debates on alternative types of voting, new voting systems are best considered as long-term plans that require investment and time as well as new legal provisions. Systems that involve the introduction of digital technologies in particular need to be carefully considered with a feasibility study and broad stakeholder consultations and then piloted before being used in an election.[19] According to the survey, two countries, **Australia** and **Pakistan,** have used forms of internet voting in some elections for specific groups of voters such as people overseas or with visual impairments.

Box 6. Alternative voting methods

In **Sri Lanka**, for the first time, procedures have been introduced for medical staff to be able to vote by post as they will be on duty on polling day.

In **Canada**, an internal working group set up by the EMB to develop a new operational approach in the context of the pandemic and post-pandemic period is looking at the capacity of the existing vote-by-mail system to handle a much larger number of electors, among other issues.

6.3 In-person voting on election day

The use of handwashing, disinfectant gels and sprays and PPE for polling station officials are becoming increasingly standard practice to reduce the risk of transmission. Although some measures have cost implications, many low-tech, low-cost solutions are also available to help prevent the spread of the virus on election day.

Social distancing both in and outside of polling stations is likely to be a key feature of voting under COVID-19. Queue management is an important part of this process, and experience shows that extra staff may be required to safely manage voters as they stand in an expanded line with social distancing. Larger venues may also be needed for polling stations to accommodate social distancing.

As well as the regular cleaning of surfaces in polling stations, such as voting booths and tables, it is also possible to reduce the number of surfaces touched by, for example, asking voters to hold up their documents or place them on the table for inspection rather than handing them over to staff. Voters can also be encouraged to bring their own pens to mark the ballot paper and/or be required to wear facemasks, which can include homemade face coverings.

Procedures may also be put in place to deal with people who show symptoms of COVID-19, although care should be taken that any such actions are carried out in a sensitive way to protect those potentially affected from being stigmatised and to avoid creating panic. Where possible, alternative arrangements should be made for them to cast their ballot to safeguard their right to vote while also ensuring the safety of other voters and polling officials.

Each EMB will need to decide which measures to adopt given available resources, precise

voting procedures and the advice of the health authorities. The advice given to voters, and new behaviour or actions required from them, will also vary from country to country depending on the health situation and specific election arrangements. Care should be given to ensure that any requirements are reasonable and not likely to result in disincentives for people to vote, particularly those from vulnerable or minority groups.

As knowledge of how the virus spreads develops, advice may change on which measures are

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Box 7. Sri Lanka tests new procedures in mock election

The Election Commission of Sri Lanka conducted mock elections and mock counting ahead of its 5 August parliamentary elections to see how its COVID-19 measures worked in practice. Such measures include asking voters to wear facemasks, to bring their own pen or pencil to mark the ballot paper and to respect social distancing while queuing. Polling officials were shielded behind plastic barriers and wore masks and gloves. Voting ink was applied using disposable cotton buds.

Civil society representatives were able to observe the mock poll and invited to provide feedback. The exercise allowed officials to better estimate the extra time required for voting and to make adjustments to procedures based on the experience. For example, having voters washing their hands with water proved unsuccessful because the ballot papers got

wet; an alcohol-based spray was found to be more effective.[20]

Figure 5. Photo of Sri Lanka's mock poll, published by the Election Commission

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Box 8. Minimising crowds, protecting the vulnerable

For the 5 June 2020 **St Kitts and Nevis** elections, an additional poll worker per polling station was recruited to identify and give voting priority to fragile elderly, heavily pregnant and differently abled persons.

Nigeria has developed a policy document on conducting elections under COVID-19. Among many topics it covers are plans for a voter code of conduct and protocols for voters or election officials presenting COVID-19 symptoms on election day.

Malaysia plans to designate special polling places for voters with COVID-19 symptoms.

In **Singapore**, to minimise crowding at polling stations during the 10 July 2020 elections, voters were allocated a two-hour 'time-band' during which they were strongly encouraged to go to vote. They could check the queue status at their polling station online beforehand (https://voteq.gowhere.gov.sg/). A time band in the morning was also reserved for the over-65s, and there was a priority queue for seniors and persons with disabilities.

Figure 6. Detail from Singapore's voter information material

the most important and effective, and EMBs should keep in regular contact with health authorities throughout their election planning and preparations.

6.4 Counting and tabulation

Typical conditions for the vote count may be particularly risky for transmission of the virus, with large numbers of people (polling station officials, counting officials, party agents, observers) congregating in enclosed spaces, often for many hours. Added to that is the fact that counting typically lasts well into the night, if not over several days, meaning people are likely to be tired and may be less attentive to respecting guidance on social distancing and hygiene. Good preparation and anticipation of potential problems is therefore essential for this phase.

Measures similar to those used in polling centres can also be applied to counting and tabulation centres, such as use of PPE and hand sanitiser and regular cleaning of surfaces. The layout of counting tables and places for party agents and observers may also need to be adjusted for social distancing. However, it is important in doing so that measures are not imposed that would reduce the transparency of the count and tabulation – which is a critical stage for any election – for example, by excessively restricting access to party agents and observers. As with other measures, prior consultation on new measures with election stakeholders is essential.

Measures that could be considered include a reduction in the length of shifts of counting officials, cleaning between shifts of workers and the provision of outside spaces for canteens or refreshment areas. If social distancing means that fewer people are available to count ballots or compile data for tabulation, the process may take longer than normal; it would be advisable to communicate this to stakeholders in advance.

Box 9. Livestreaming enables observers to watch Vanuatu's vote count

Vanuatu went into a state of emergency in response to COVID-19 between polling day and the vote count in its March general elections.[21] The state of emergency measures limited public gatherings to just five people. The entire centralised count, which took place at the Electoral Office premises, was livestreamed through multiple camera angles, to allow observers and the general public to watch the process while respecting the limits on the number of people who could be physically present.

Box 10. Nigeria develops a code of conduct for security personnel

Security services play an important role around election day, protecting public order and securing sensitive election materials, and therefore need to be integrated into planning in relation to COVID-19. **Nigeria** has published a 'Code of Conduct and Rules of Engagement for Security Personnel on Electoral Duty', which includes a section on their responsibilities regarding elections conducted during the pandemic.

'In enforcing the provisions of the INEC Policy on the Conduct of Elections in the Context of the COVID-19 pandemic, security personnel shall at all times be professional, humane, polite, even-handed and non-partisan.' [Extract from the Code of Conduct]

7. Public outreach and stakeholder relations

7.1 The need to keep voters and stakeholders informed

Public confidence is essential in a successful election. Unless the electorate feels that the process has integrity and that they are safe in casting their vote, there is the risk of low turnout and a consequent reduced legitimacy of the election. Public trust is earned over time, and this requires a carefully planned communications strategy from the start of the process. Part of that strategy can include early engagement with the electorate to find out what their concerns are so that these can be addressed in a timely manner.

Transparency is also key, ensuring not only that stakeholders such as political parties, candidates and civil society are consulted in an inclusive manner but also that these efforts, and any decisions resulting from them, are clearly explained and communicated to the wider public.

Box 11. Engaging with the public

Jamaica's EMB has engaged directly with voters on social media, inviting them to share their COVID-19 concerns:

Australia's Service Plan for the Eden-Monaro by-election, published in May 2020, included a link to an online comment form for the public to send in feedback: https://www.aec.gov.au/eden-monaro/files/eden-monaro-service-plan.pdf.

New Zealand's EMB had already begun posting voter education posts about COVID-19 in May for its election scheduled for September 2020.

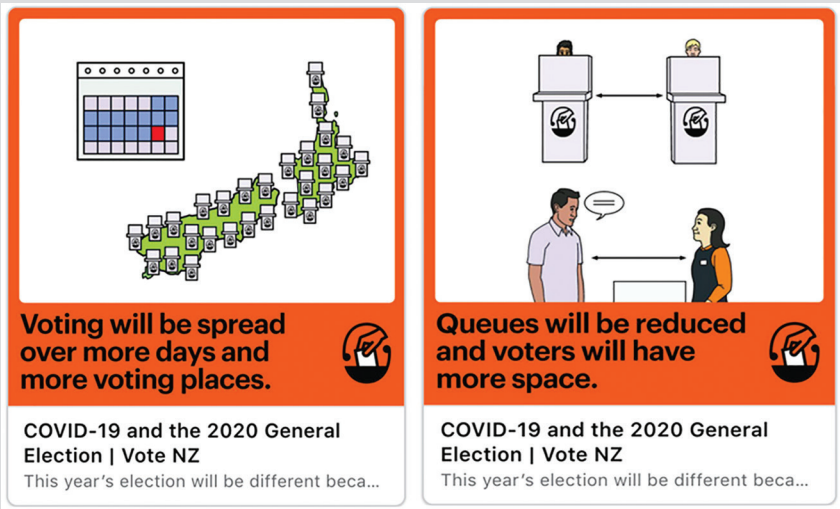Figure 7. Facebook post by the Electoral Commission of Jamaica
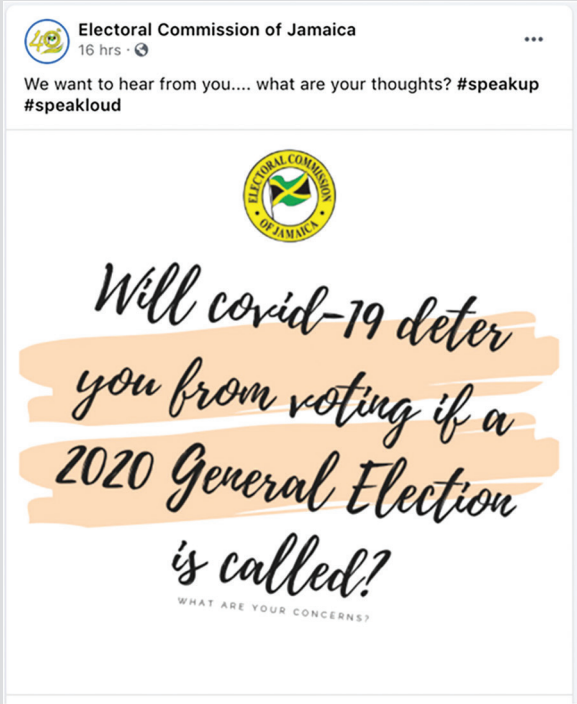
Figure 8. Facebook posts by New Zealand's Electoral Commission

7.2 Voter information

Voter information is essential in any election for providing voters with the information they need to know to participate. While most EMBs have websites and social media presences, not all populations have good internet access or high literacy rates. Voter information initiatives should therefore also utilise other channels,

such as radio, TV and printed materials. In **Sierra Leone**, authorities use the public address system to communicate voter information as well as information about COVID-19.

During the pandemic, increased efforts will be needed to communicate any special health and safety measures, both to reassure voters and to ensure they are adequately prepared for any changes and know what to expect prior to taking part in election processes, including voter registration and voting. Special measures might include being required to use face-masks, sanitise their hands with gel before and/or after registering/voting, registering/voting at specific hours and queuing to respect social distancing. It can also be advisable to warn voters that procedures might take longer than usual so as to manage expectations. If any usual practice is substituted – such as an alternative to the use of ink on voters' fingers – this should be sufficiently communicated and explained beforehand to avoid any pretext for accusations of fraud.

Publicising the cooperation between ministries of health and EMBs (such as the use of both logos on voter information materials or joint communiqués) is also an effective way of reassuring voters of the adequacy of and justification for any changes.

Figure 10. Facebook post by the Chief Electoral Officer of Meghalaya in India

Box 12. Informing voters of what to expect

An **Australian** voter information video on voting under COVID-19 takes voters through all the steps, from the different voting options to the hygiene measures inpolling centres.

Figure 9. Still from a voter information video produced by the Australian Electoral Commission

https://youtu.be/z4PrjRCgjPs
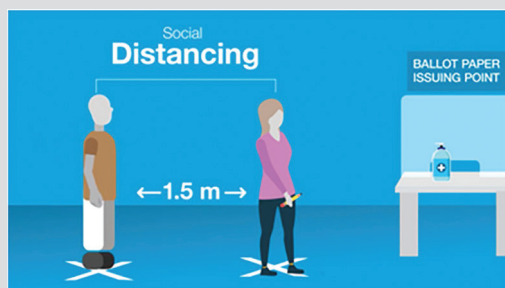
In India, COVID-19 safety procedures for voters and polling staff are communicated to the public through social media.

7.3 Media relations

Traditional media outlets and journalists have already been under pressure for a number of years due to both economic difficulties and, in some places, increasing restrictions on their freedom of expression, either directly or indirectly. The COVID-19 pandemic has only exacerbated these trends.

However, media remain key election stakeholders and partners for EMBs in disseminating information and providing scrutiny of the election process. Maintaining strong links with professional media helps EMBs to get their messages to the public as well as ensuring information vacuums are not left for unreliable sources of information to fill. EMBs should make sure that COVID-19 measures related to the media do not unnecessarily limit their access to the process and their freedom to report on all stages of it, including by providing admission to polling stations and counting centres for accredited journalists on election day.

7.4 Countering disinformation

Disinformation is a growing challenge to elections worldwide. The health crisis has also

seen a proliferation of disinformation related to COVID-19, particularly online – some intentionally malicious and some the result of ignorance. During election periods, there is an additional risk that malevolent actors will use health-related disinformation for political purposes, such as voter suppression.[22]

While disinformation is difficult to counter, especially given the fast-paced nature of social media, one of the most effective ways to prevent people being misled is to establish regularly updated trusted sources of information. This reinforces the need for EMBs to begin their public information strategies early, both in terms of their communication with the media and by establishing and maintaining their digital channels as the authoritative sources of information throughout the electoral cycle.[23]

Good practices include ensuring that EMBs have verified social media accounts (shown by 'blue ticks') and practicing good 'cyber hygiene'

to protect accounts from hackers, such as using strong passwords and ensuring staff who manage accounts are properly trained.[24]

Civil society organisations (CSOs) are increasingly getting involved in tackling disinformation around elections. Some tend to focus on fact-checking and de-bunking false narratives while others are developing methodologies to conduct social media monitoring of political actors and influencers. Encouraging CSOs to cooperate and exchange information, playing to their different strengths and areas of expertise – especially given the new and often still experimental nature of such activities – could be beneficial.

EMBs could also consider proactively approaching social media platforms such as Facebook and Twitter well in advance of elections to establish lines of communication for fast action in case dangerous disinformation that could impact elections is spread on social media.

Box 13. EMBs can become trusted sources on social media

The South African Electoral Commission uses its verified Facebook account to correct inaccurate media reports and to keep the public updated on developments:

Figure 11. Facebook post by the Electoral Commission of South Africa
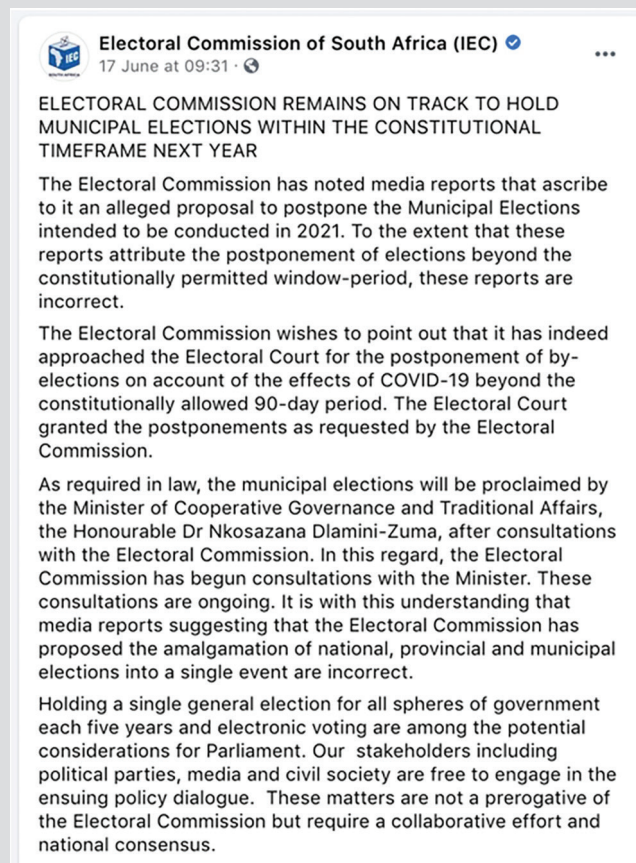
7.5 Liaison with political parties and candidates

As the election contestants, political parties and candidates are key election stakeholders. While it is always important for EMBs to liaise regularly with political parties and candidates, this is particularly crucial during the pandemic. As mentioned throughout this paper, the extraordinary steps taken during the pandemic to safeguard the health of citizens require a certain degree of consensus to be successful, including regarding postponement of elections and other restrictions. At the same time, as the health situation and advice continue to change, EMBs need to take decisions accordingly and these will also need to be discussed with and communicated to political parties and candidates. Decisions regarding the election timeline are particularly important for political parties and candidates for their ability to plan and should be openly discussed and communicated in a timely way to avoid any perception of bias. Measures will also need to be in place to allow for political party and candidate agents to be accredited and be present for election preparations and election day.

While in many Commonwealth countries in-person consultations have not been possible, some EMBs have still made efforts to meet virtually with political parties and candidates using online communication platforms or telephone calls.

Box 14. Consulting with stakeholders

According to the survey, Commonwealth EMBs have employed different methods to consult with political parties, candidates and civil society, including holding online group consultation meetings, having individual meetings/calls and engaging in written consultations. Some EMBs responded that lockdown had prevented them from engaging with stakeholders to date, while others were planning consultations closer to the next scheduled elections. Others responded that as they had not yet had any COVID-19 cases, they therefore had not engaged with stakeholders on this topic.

In **New Zealand**, in addition to multi-party consultation meetings and individual consultations, the EMB has also produced political party handbooks and regular updates for all parties.

In **Ghana**, the inter-party committee was convened to discuss voter registration and COVID-19 in an attempt to resolve political tensions.

In **Mauritius**, the EMB will distribute a brochure to all political parties represented in the assembly to explain the new procedures for voter registration.

7.6 Relations with civil society

While the work of CSOs themselves is generally negatively affected by the COVID-19 crisis, both in terms of the limits it imposes to their work and the implications for their budgets, they remain effective potential partners for EMBs.

CSO initiatives to support elections include voter education, observation of pre-election processes and election day and countering disinformation (fact-checking, social media monitoring). Given that information on COVID-19 is quickly changing, it is important for CSOs to have access to accurate and updated information on the latest developments in the planning of the election process, as well as health and safety measures for voters, so that their initiatives can help to disseminate this information.

In **Ghana**, the West African Network for Peacebuilding (WANEP) has issued an early warning policy brief on the upcoming parliamentary and presidential elections and COVID-19, highlighting potential risks in the process and recommending mitigation measures focused on building trust.

Box 15. A code of conduct for observers

The Asian Network for Free Elections (ANFREL) and six domestic observer groups developed a COVID-19 Code of Conduct for Observers ahead of the 5 August 2020 elections in **Sri Lanka**. The 8-point code covers issues such as hygiene measures, daily journals of places visited and people met in case of need for contact tracing, online communication and provision of health insurance.

https://anfrel.org/COVID-19-and-elections-anfrel-sri-lanka-election-orgs-coc/

7.7 The role of the international community

COVID-19 is in many places limiting the role of the international community in elections, slowing or temporarily halting technical assistance and restricting the deployment of international election observation missions. In terms of the former, international actors, including the Commonwealth, have responded by facilitating the exchange of expertise and good practice, with a significant number of documents produced and webinars held on various aspects relating to COVID-19 and election management.

It is notable that survey respondents expressed their particular interest in learning from the experiences of other EMBs. Specifically, 81 per cent were interested in case studies of other countries that have held elections during COVID-19 and 42 per cent in sample policy documents. In addition, respondents requested information on procedural changes (62 per cent) and sample voter education materials (55 per cent). There was also interest in potential technical assistance on voter information and public outreach and on social media and disinformation, reflecting the challenges facing EMBs. Election day procedures, recruitment and training of polling staff and voting for vulnerable groups elicited interest as well.

As regards election observation missions, these have been generally limited by health and travel restrictions since the start of the pandemic. There have been some cases where international observer groups have deployed limited missions or have observed in countries with a low incidence of COVID-19. Where international observation is not possible, or can only happen in a more limited way, the international community should consider extra support to citizen observer groups, who are likely to receive increased visibility as well as scrutiny.

International observer missions should be transparent about the methodologies they are using to observe elections during COVID-19 and the limitations they face. They should communicate about the extra measures they are taking to ensure their presence is not perceived as a health risk. In this respect, publishing a COVID-19 code of conduct for observers could also be useful.

Box 16. Election observation during COVID-19

Some international organisations and international NGOs are managing to conduct election observation. For example, the 5 June 2020 general elections in **St Kitts and Nevis** were observed by the Caribbean Community (CARICOM), while ANFREL has an observation mission in place to observe the 5 August elections in Sri Lanka.

The Commonwealth Secretariat supported the National Initiative for Civic Education (NICE) to observe the 23 June 2020 re-run of the presidential election in **Malawi**, which was conducted without the presence of international observers due to the pandemic.

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8. Conclusions

While the COVID-19 pandemic is still a developing situation, with many unknowns, it has become clear that for some time to come EMBs will have to continue to make adjustments in the way they manage election processes. Preparations for and postponements of elections, as well as the implementation of health and safety measures when elections go ahead, will continue to be part of the electoral landscape as the virus takes its course. This 'new normal', as countries adapt to living with COVID-19, could be a relatively short phase or could last for many elections to come. The following conclusions from experience to date can be drawn as countries go forward with their election planning and management:

Primacy of human rights
The importance of human rights during the pandemic cannot be overstated. While emergency measures might suspend some rights and freedoms in order to protect public health and order, these should always be proportionate, based in law, time-limited and non-discriminatory. Human rights are also the key to weathering the crisis, safeguarding democratic institutions and limiting potential negative consequences.

Adherence to the rule of law
All considerations for managing elections during the pandemic should be framed by the rule of law and should have a legal basis. It is through adherence to the rule of law that the democratic and constitutional order will remain on track despite difficult decisions that may need to be made regarding elections during this period.

Building and maintaining trust
Public confidence is key to successfully managing elections under COVID-19. Confidence in democratic institutions is necessary for maintaining legitimacy if elections are postponed as well as to convince citizens that measures are in place to ensure their safety when elections are

organised. For this, it is vital that institutions such as parliaments, EMBs, health authorities, the police and others make continued efforts to build and maintain trust through transparent decision-making.

Protecting the vulnerable

Elections should always be inclusive. However, with COVID-19, vulnerable groups such as persons with disabilities, the elderly and minorities are likely to have increased health risks as well as potentially facing enhanced exclusion. Authorities and EMBs therefore should take steps to facilitate their participation, including through targeted voter information/education and potential alternative voting methods. Those in self-isolation and in quarantine must also be able to exercise their voting rights.

Consensus is key

Where electoral calendars, processes, regulations or procedures may have to be modified in response to COVID-19, achieving political consensus is crucial. This requires broad consultation with all electoral stakeholders including political parties, candidates and civil society. Such consultation could also help avoid the kind of controversies that could lead to post-election legal challenges.

Levelling the playing field

Restrictions on movement and public gatherings are likely to also limit the ability of political parties and candidates to conduct in-person campaign activities. In such circumstances, extra efforts need to be made to ensure a level playing field, in particular given the advantages that incumbents in many states enjoy in terms of visibility and resources.

Public information is paramount

Maintaining confidence in the safety and integrity of the election, as well as ensuring turnout is not negatively affected, requires clear messaging about any changes or new measures, including any changes expected from the public in how they cast their vote. The earlier and more frequently the public are informed, the better.

Coordination with health authorities

Health authorities have a major role to play in consulting with EMBs on the necessary measures to ensure safe participation in elections. Regular contact with health authorities is recommended, as their advice is likely to change as the virus and our understanding of it develop. The visible involvement of health authorities in election processes will also help build public confidence and boost participation.

Prioritisation

As pressure on budgets increases with the economic turmoil brought by COVID-19, EMBs will have to plan and target their spending carefully. They may not be able to implement every possible precaution but instead should identify and prioritise those measures that are the most effective and efficient. Low tech and low cost innovations are possible.

Be prepared

Those EMBs that had crisis management plans in place and relevant emergency measures in their legislation have had less difficulty in responding to COVID-19. All countries can learn from this experience to anticipate and mitigate the impact of future crises on their elections – be they pandemics, natural disasters, cyberattacks or something else

Learning from peers

While the Commonwealth encompasses a rich diversity of countries, from small island states to large, populous countries, and countries with different levels of development, the exchange of experience between EMBs can continue to be a source of innovation and inspiration during this challenging period.

Notes

1   The respondents were Antigua and Barbuda, Australia, Bangladesh, Belize, Botswana, Cameroon, Canada, Fiji, The Gambia, Ghana, Grenada, Jamaica, Lesotho, Malaysia, Malta, Mauritius, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Papua New Guinea, Rwanda, Saint Lucia, Samoa, Sierra Leone, South Africa, St Kitts and Nevis, St Vincent and The Grenadines, Tonga, Trinidad and Tobago, United Kingdom and Vanuatu.

2   Brunei currently does not have an EMB.

3   COVID-19 has, at the time of writing, infected more than 15.3m people worldwide, and has caused c. 628,000 deaths. See WHO Coronavirus Disease (COVID-19) Dashboard: https://COVID19.who.int/ (accessed 24 July 2020). In the 54 Commonwealth countries, there have been c. 2.8m confirmed cases and more than 102,000 deaths. See Commonwealth COVID-19 Data Dashboard: https://www.thecommonwealth.io/corona-virustracker (accessed 24 July 2020).

4   See International IDEA (2020), 'Global overview of COVID-19: Impact on elections', https://www.idea.int/news-media/multimedia-reports/global-overview-COVID-19-impact-elections (accessed 16 July 2020).

5   For example, see: United Nations Human Rights Council (2020), 'Disease pandemics and the freedom of opinion and expression: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression', 23 April, A/HRC/44/49; International IDEA (2020), 'Global Monitor of COVID-19's impact on Democracy and Human Rights': https://www.idea.int/gsod-indices/#/indices/world-map?COVID19=1 (accessed 16 July 2020).

6   The Commonwealth (2013), *Charter of the Commonwealth*, available at: http://thecommonwealth.org/sites/default/files/page/documents/CharteroftheCommonwealth.pdf (accessed 19 August 2020).

7   United Nations (2020), 'COVID-19 and Human Rights: We are all in this together', April.

8   United Nations General Assembly (1996), 'Article 4', *International Covenant on Civil and Political Rights*, Treaty Series Vol. 999, p. 174, available at: https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf (accessed 18 August 2020).

9   See also Atkinson, V, M Applegate and R Aaberg (2020), 'Inclusion and Meaningful Political Participation', IFES COVID-19 Briefing Series, International Foundation for Electoral Systems (IFES), Arlington, VA, available at: https://www.ifes.org/sites/default/files/ifes_covid19_briefing_series_inclusion_and_meaningful_political_participation_july_2020.pdf (accessed 18 August 2020).

10 See International IDEA, https://www.idea.int/news-media/multimedia-reports/global-overview-COVID-19-impact-elections and IFES, https://www.ifes.org/publications/global-impact-COVID-19-elections for updated lists of elections and postponements worldwide.

11 For a detailed discussion of legal considerations, see Ellena, K (2020), 'Legal Considerations When Delaying or Adapting Elections', IFES, Arlington, VA, available at: https://www.ifes.org/sites/default/files/ifes_COVID-19_briefing_series_legal_considerations_when_delaying_or_adapting_elections_june_2020.pdf (accessed 24 July 2020).

12 Ibid, p. 4

13 United Nations (2020), 'COVID-19 and Human Rights: We are all in this together', p. 17.

14 See also Asplund, E, T. James and A Clark (2020), 'Electoral officials need more money to run elections during COVID-19', Democratic Audit, available at https://www.democraticaudit.com/2020/07/14/electoral-officials-need-more-money-to-run-elections-during-COVID-19/ (accessed 28 July 2020).

15 For more on how parliaments are operating in the COVID-19 era, see Murphy, J (2020), *Parliaments and Crisis: Challenges and Innovations*, Parliamentary Primer No. 1, International IDEA, Stockholm, available at: https://www.idea.int/sites/default/files/publications/parliaments-and-crisis-challenges-and-innovations.pdf (accessed 24 July 2020).

16 For more information on implementation of the registration exercise, including the COVID-19 protocols, see Mensa, J (2020), 'Presentation by the Chairperson of the Electoral Commission', 27 July, available at https://ec.gov.gh/presentation-by-chairperson-of-the-electoral-commission/ (accessed 28 July 2020).

17 See United Nations Human Rights Committee (1996), 'CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), the Right to Participate in Public Affairs, Voting Rights, and the Right of Equal Access to Public Service', CCPR/C/21/Rev.1/Add.7, para. 20.

18 Vanuatu held general elections on 19-20 March; St Kitts and Nevis held general elections on 5 June; Kiribati held presidential elections on 22 June; Malawi held its repeat presidential election on 23 June; and Singapore held general elections on 10 July 2020.

19 Further discussion on the topic can be found in Applegate, M, T Chanussot and V Basysty (2020), 'Considerations on Internet Voting: An Overview for Electoral Decision-Makers', IFES, Arlington, VA, April 2020, available at: https://www.ifes.org/sites/default/files/considerations_on_internet_voting_an_overview_for_electoral_decision-makers.pdf (accessed 18 August 2020).

20 Information provided by the Chairperson of Sri Lanka's Election Commission in a webinar organised by ANFREL, 30 June 2020, available at: https://www.facebook.com/ANFREL/videos/419012859072018/ (accessed 16 July 2020).

21 The vote count was delayed for legal reasons due to the sudden passing of the Electoral Commissioner. See, for example: Radio New Zealand (2020), 'Vanuatu Electoral Commission lacks quorum for official count', available at: https://www.rnz.co.nz/international/pacific-news/412747/vanuatu-electoral-commission-lacks-quorum-for-official-count (accessed 24 July 2020).

22 See Reppell, L, B Martin-Rozumilowicz and V Mohan (2020), 'Preserving Electoral Integrity During an Infodemic', IFES COVID-19 Briefing Series, International Foundation for Electoral Systems (IFES), Arlington, VA, available at: https://www.ifes.org/sites/default/files/ifes_covid19_briefing_series_preserving_electoral_integrity_during_an_infodemic_june_2020.pdf (accessed 18 August 2020)

23 See Bicu, I (2020), 'Communication guidelines for EMBs during COVID-19 crisis', International IDEA, Stockholm, available at: https://www.idea.int/news-media/news/communication-guidelines-embs-during-COVID-19-crisis (accessed 28 July 2020).

24 For more information, see Brown, I, C Marsden, J Lee and M Veale (2020), *Cybersecurity for Elections: A Commonwealth Guide on Best Practice,* Commonwealth Secretariat, London, Chapter 3.5, available at: https:// thecommonwealth.org/sites/default/filesinline/ Cybersecurity_for_Elections_PDF_0.pdf (accessed 18 August 2020).