Elections amid Pandemic: International Practices and Recommendations for Ukraine

CONCLUSIONS AND RECOMMENDATIONS

International Practices

1. The growing pandemic caused by COVID-19 has had a major impact on the electoral management around the world. Over 50 countries have postponed their voting. Parliamentary elections in Serbia, Ethiopia, and Sri Lanka, presidential elections in Poland and Bolivia, or local elections in the UK and Romania were put off. Russia, Italy, and Chile postponed a number of referendums, while the United States moved presidential primaries to a later date.

2. Rescheduling elections to a later time or, in some nations, for an indefinite period has been a serious challenge for international election standards. The UK put off the London mayoral election for a year, Romania extended the powers of local governments until the end of the year, and Sri Lanka rescheduled its parliamentary elections for two months. Some countries have faced big scandals related to potential election postponements. In particular, Bolivian opposition accused the interim president of trying to retain the power by postponing the elections. On the contrary, the Polish president was accused of attempts to conduct the voting at the planned date at any cost despite the situation with COVID-19.

3. Postponement of the elections has challenged the international principle of the election periodicity, as the previously elected officials would see their term of office extended. However, elections should not only comply with the principle of periodicity, but also contribute to the implementation of other basic electoral standards, namely free and fair elections based on the universal and equal suffrage and secret ballot principles. Periodic elections held without compliance with other basic standards cannot be seen as a fully valid voting of citizens and are not a true expression of the will of the people. Therefore, elections should be conducted not only with a reasonable periodicity, but also under conditions that enable free voting of citizens. The electoral process should be as safe as possible for all electoral process actors without any risks to their health.

4. Despite the existing risks, some countries did not cancel elections and conducted voting amid the pandemic. Certain governments still had to admit their inability to organize the electoral process, and they held partial elections. France, for example,

organized the first round of local elections in mid-March, while Iran conducted parliamentary elections late in February. However, the electoral process could not be completed and the run-off in both countries was postponed. On the other hand, the Republic of Korea, Germany, Australia and Israel are the nations that held elections amid the pandemic, though in different periods and with due regard to the epidemiological situation. While Israel had almost no patients with confirmed COVID-19 infection (special voting options were offered only to the quarantined citizens), the Republic of Korea had thousands of sick voters.

5. To hold elections amid the pandemic, nations had to take special safety measures to prevent the spread of COVID-19. The Republic of Korea tightened its requirements to individual voter protection: the voters had to keep social distance, use masks and gloves, the polling stations were regularly disinfected, and special voting algorithms were developed for the voters with COVID-19 and quarantined nationals. The voting resulted in a record-breaking turnout, with 66% of citizens voting. Israel set up special polling stations with higher safety standards for the quarantined voters. Germany held the second round of local elections by postal voting.

6. The situation with COVID-19 gave rise to discussions of new voting formats, particularly Internet voting. Such discussions grew as the role of digital technologies and remote communications increased during the pandemic. Although the idea of Internet voting looks attractive, such a decision requires a detailed pros and cons review, because online voting bears a number of serious risks related to cybersecurity and data protection, prevention of vote buying and the use of other unfair technologies to influence voters. People's trust in the new mechanisms and general election results should be built. Given these factors, a number of nations have abandoned the idea of introducing online voting over the past few years (Lithuania, Finland, Norway, and France, to name a few).

7. Voting by mail has been an alternative to the traditional voting at the polling stations and controversial Internet voting. Some countries have publicly discussed the postal voting option in view of the COVID-19 situation. Russia and Poland amended their legislation and integrated the changes into the electoral laws. Just like online voting, postal voting can avoid traditional risks associated with the spread of COVID-19. Yet, it must be properly arranged and meet international election standards. Both online and mail-in voting are vulnerable to all kinds of manipulation and pressure on voters, whereas the ability to properly manage the process depends directly on the quality of the national postal services.

Recommendations

8. Ukraine is one of the countries where electoral processes are susceptible to the spread of COVID-19. Next local elections here are scheduled for October 2020. Over 13 million Ukrainians took part in the previous local elections in 2015, attending almost 30,000 polling stations countrywide. A significant number of people are involved in the election management, i.e., voters, candidates, their representatives, commission members, and election observers. The epidemiological situation remains unpredictable, therefore the government should develop basic recommendations and actions in advance if the COVID-19 situation aggravates. Consultations between the Verkhovna Rada, the Cabinet of Ministers, the Central Election Commission, and the Ministry of Health of Ukraine should result in the development of specific safety protocols for the electoral process. New safety measures will require additional financing from the national budget. This issue is crucial now since the parliament earlier cut general funding for local elections.

9. Ukraine is one of the countries with some experience of elections held amid the pandemic. Constituency No. 179 in Kharkiv Oblast conducted an interim election of a member of parliament on March 15. The election was held at the beginning of the national lockdown and the situation with COVID-19 had only an indirect impact on the electoral process. Nevertheless, the elections saw manipulations on the part of some candidates demanding to stop preparations for voting, which resulted in an extremely low turnout: only 27 per cent of citizens voted (44% in 2014 and 55% in 2012).

10. Different aspects of the electoral process that require major attention need to be considered to prepare for the local elections in Ukraine amid possible aggravation of the COVID-19 pandemic. These aspects are not only the day of voting, but also the work of the election commissions, candidate nomination and registration, campaigning, working conditions of the polling stations, and preparations for the voting day. The Central Election Commission should develop a Voter Code of Conduct outlining special voting conditions in the context of COVID-19. It is important that such a document should be made accessible and available in advance for the voters to read.

11. Congestion and direct contacts between people should be avoided during the electoral process amid the pandemic. Such campaigning actions as pre-election

concerts, sports competitions, children's celebrations, film screenings, rallies, marches, and demonstrations are potentially dangerous in terms of the COVID-19 spread. Campaigning can be limited in view of the epidemiological situation in the country. Meetings with voters should be held with good use of personal protective equipment (masks and disinfectants) and social distancing guidelines. Public events of the candidates should comply with the recommendations of the Ministry of Health regarding protection against viral infections.

12. Risks of COVID-19 spread can arise if the candidates offer certain goods or services to the voters as it involves mass distribution of food packages that often creates long lines and crowds. In addition, demonstrable handshakes of the candidates with the voters and joint photo sessions are common practices at local elections that also bear big risks of COVID-19 propagation.

13. Election commissions must work according to the COVID-19 related guidelines. For instance, if commissions can not meet on-site, a legal opportunity should be provided so they can hold remote meetings, e.g., in the format of videoconferences. Similar mechanisms were have been earlier introduced for the parliamentary committee meetings because of the pandemic.

14. Political parties should develop candidate nomination algorithms that do not require crowded party congresses and can be held remotely with due regard to the electoral laws.

15. The mechanisms of the exchange of documents between electoral commissions and election participants should be upgraded by adding online document filing as an alternative for registration of candidates, their representatives, and official election observers. Respective mechanisms can also be used for filing candidate's complaints and financial statements.

16. Special attention should be paid to the participation of vulnerable and high risk groups in the electoral process (the elderly, people with cardiovascular diseases, diabetes, or chronic respiratory diseases). Engaging such individuals to work as election commission members or observers, or in campaigning, e.g., to distribute campaign materials, can be a risky step in terms of COVID-19 spread. The situation is even more complicated since a significant share of commission members in Ukraine are the elderly, especially in rural areas and small towns. It may also be undesirable to engage in the commission work medical workers who have had direct contact with COVID-19 patients.

17. The voting process on the election day should meet the standards of social distancing, disinfection, and availability of personal protective gear. Voting should

be in line with the social distancing guidelines requiring at least one meter between the voters. The voting process should be held in a way to avoid lines and crowding. Elderly citizens should vote separately from the majority of voters, for example, in the morning. Voting equipment should be placed to keep the distance, i.e. by installing polling booths further one from another. Some sort of barriers may be placed between commission members and the voters.

18. Premises of the polling stations should have individual protective equipment and antiseptics and be aired regularly. The election appliances and furniture should be cleaned and disinfected regularly during the day. The use of traditional polling booths, that have an increased risk of COVID-19 spread, should be avoided.

19. Temperature screening should be arranged at the entrances to the polling stations if the epidemiological situation aggravates. Members of the election commissions and observers should also undergo regular thermometry during the day. Voters and all those present at the stations should wear individual protective gear (masks and gloves). Voters should use their own pens for voting.

20. Special voting procedures should be offered to the voters with confirmed COVID-19, for example, voting at home and voting at special polling stations with enhanced safety measures. Special voting procedures should also apply to the quarantined voters, with an option to vote at the regular polling stations but after the other citizens have voted.

The full report can be read in Ukrainian on the website of Committee of Voters of Ukraine (CVU) here
http://cvu.org.ua/nodes/view/type:news/slug:doslidzhennia-kvu-vybory-v-umovakh-pandemii-mizhnarodnyi-dosvid-i-rekomendatsii-dlia-ukrainy