ELECTORAL OPERATIONS DURING THE COVID-19 PANDEMIC

A practical guide for UN electoral advisers

May 2020

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ACKNOWLEDGEMENTS

INTRODUCTION

PURPOSE AND SCOPE

The COVID-19 pandemic[1] obliges countries to consider how to proceed with scheduled elections[2] while at the same time trying to protect lives. Decisions on postponing or proceeding with elections raise complex legal, political, human rights and public health challenges; responses will depend on the specific context of individual states.

In those member states which decide to proceed with elections at this time, lockdown measures, closures, restrictions on gathering sizes, quarantines and guidelines on physical distancing will have a significant impact on electoral operations. Electoral management bodies (EMBs) and other national authorities should keep in mind the advice and requirements of national public health authorities, as well as guidance and recommendations provided by the World Health Organization (WHO), in planning and implementing electoral processes -- for example, WHO's planning recommendations for mass gatherings, and advice to the public on protecting oneself and others from the spread of COVID-19.[3] All electoral activities should take into account the health consequences for election officials, voters and other stakeholders – and prevent the spread of the virus.

The present document has been prepared by the United Nations Electoral Assistance Division (EAD) and the United Nations Development Programme (UNDP), with contributions from the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Education, Social and Cultural Organization (UNESCO), the United Nations Office for Project Support (UNOPS), and the WHO.

The purpose of this document is to offer options on how electoral operations can be carried out during the COVID-19 pandemic, in ways that respond to public health requirements and concerns. This is an internal UN document intended for UN electoral advisers working with national authorities and may also inform other UN officials. The focus is on aspects of an election that are particularly affected by the pandemic and related public health measures. While a variety of operational adjustments are discussed, the document concentrates primarily on a short- and medium-term horizon; that is, measures that may be considered for elections which are planned to take place during this time of critical risk to health.

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[1] According to the nomenclature adopted by the WHO, "COVID-19" is the name of the disease caused by the coronavirus, more formally known as "severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)". See https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/naming-the-coronavirus-disease-(covid-2019)-and-the-virus-that-causes-it, accessed on 06 May 2020. The present guideline discusses measures in the context of the coronavirus and of COVID-19, or simply of "the pandemic", without distinguishing between the disease and the virus. On 30 January 2020 the WHO declared that the outbreak constitutes a "Public Health Emergency of International Concern". https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-(2019-ncov). On 08 March 2020, the Director General WHO announced that WHO had "made the assessment that COVID-19 can be characterized as a pandemic". https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020

[2] Unless otherwise indicated, "elections" in this document refers to all balloting events organized by an EMB, including presidential, legislative and local elections, and also referenda.

[3] https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/points-of-entry-and-mass-gatherings; https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public. Subject to updates and change by WHO.

Naturally, every national context is complex and different, and the pandemic itself and health responses will also evolve. The situation within one country may also vary from place to place, depending on population density or other factors. No attempt is made here to offer prescriptions or "solutions". Furthermore, the country examples are not meant to be recommendations or UN endorsements, but rather an illustration of state practice. It is intended that a revised version of this document will be issued in a number of months, to reflect additional experiences.

PRINCIPLES OF UN ELECTORAL ASSISTANCE

As established by existing UN policy, UN electoral assistance is provided only upon request of the country concerned (or where mandated by the Security Council and General Assembly) and after a UN needs assessment and decision by the UN Focal Point for Electoral Assistance to meet the request. Any new request in the context of COVID-19, or any changes to the approved assistance occasioned by the pandemic, would follow established procedures.

As with elections at any other time, UN advice to national authorities should follow the principles set out in existing UN policy. These principles include neutrality and impartiality, and inclusiveness. Yet perhaps now more than ever, UN advice must try to be responsive to the needs, requests and demands of all stakeholders, to facilitate the expression of the will of the people. This includes promoting women's equal participation in electoral processes, as well as youth and under-represented or marginalized groups, such as minorities, persons with disabilities, internally displaced persons and other vulnerable populations. In the context of COVID-19, this also includes the needs of persons who are ill or quarantined or isolated, as well as health care workers and security personnel.

UN advice should also emphasize the continued importance of transparency in electoral processes, including through timely information about possible changes to normal operations. The adoption of special measures in the context of COVID-19 should also leave the public – as well as election observers, party agents, and media - ample opportunity to monitor and verify the operational stages as it would under normal circumstances. Furthermore, given the political nature of elections – and the importance of a level playing field – any decision related to changes to the electoral process under the pandemic should ideally be taken in consultation with a broad spectrum of stakeholders. UN advice should encourage consensus-building from an early stage.

When human contact is not possible, or possible only under significant limitations, digital technology and online solutions naturally come to mind as alternative means of communication, and they are discussed in various places in this document. In reading those passages, it is useful to keep in mind comments made by the UN Secretary-General about new technologies in elections: "The process of considering innovations and of procuring equipment, if so decided, must [...] be credible. Broad outreach and consultations with all stakeholders and comprehensive and consultative feasibility studies should be carried out before introducing technological solutions, including on their financial sustainability. Furthermore, a gradual introduction through pilot projects is important, in order to thoroughly test innovations."[4] This means that for elections that are only months away, the introduction of new technology on a large scale will probably not be a feasible option.

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[4] Report of the Secretary-General, A/72/260, August 2017. https://digitallibrary.un.org/record/1302192?ln=en

This guideline focuses on situations in which a Member State has decided to proceed with an election, whether on schedule or with some delay. Nevertheless, UN electoral advisers should be aware of the following general UN messaging around making decisions on holding, or not, elections during this crisis:

1. Any decision to proceed with or postpone an election – and/or to adopt any COVID-19-related restrictions, measures or procedures — is for each country to make, based on its own specific circumstances.

2. Any decision or set of decisions, including altering electoral calendars and decisions fundamentally altering or affecting the electoral process, would ideally:

    - ***Be based on broad consultation –*** Decisions of such national importance are best taken following broad consultation across the political spectrum, with the aim of consensus. Decisions taken unilaterally or without serious consultation risk being perceived as motivated by political gain rather than national interest.

    - ***Have a sound legal basis –*** Decisions should be consistent with the country's Constitution and relevant laws, as interpreted by its courts. Where the situation is not expressly foreseen in national legal frameworks, provisions would ideally be adopted through regular and accepted processes, to provide a clear legal basis for necessary changes. Those processes may include judicial decisions/interpretations.

    - ***Be based on sound technical information.*** In particular, national electoral authorities and public health officials should be engaged in consultations early and extensively.

    - ***Be based on a broad assessment*** of legal, political, financial and operational aspects, including potential for violence.

    - ***Be particularly mindful of vulnerable groups.*** While all may be affected by the pandemic, decisions – including on new measures – should be mindful both of traditionally marginalized groups (minorities, disabled, migrants, IDPs etc.) and of those particularly vulnerable during the health crisis (elderly and those with pre-existing medical conditions; hospitalized or isolated; medical professionals; law enforcement, etc.)

    - ***Include women and gender equality concerns in decisions and decision-making processes.*** Women generally represent half the voting age population, yet are systematically excluded from leadership and decision-making roles and processes. Women are also often among the most vulnerable. Women should be equally represented, and systematically consulted, in decision making, and gendered implications of the crisis factored prominently into all decisions taken.

    - ***Have clear timelines.*** Postponement to a specific date increases certainty and may reduce tensions. In the absence of agreement on specific dates (including due to pandemic related uncertainties), postponement may be accompanied by agreement on a clear consultative process to determine a new date.

    - ***Be communicated clearly and comprehensively.*** The general and voting public will wish to understand early and clearly any changes to the electoral calendar and the process, and how it will affect both their electoral rights and their health concerns.

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Any restrictions or limitations on or derogations from fundamental freedoms should be in conformity with human rights obligations, norms and standards, and be consistent with the principles of legality, necessity, proportionality, and non-discrimination, while being time bound and subject to approval and oversight.[5]

1. LEGAL CONSIDERATIONS

Changes to electoral operations – as discussed throughout this guideline – will need to have the proper legal basis. For some operational changes, this could entail having to update the legal framework. Depending on the context, the adoption of these rules could be in the form of amendments to EMB procedures or regulations, or of an ordinance or decree, or a law, or possibly even a constitutional change. The need for a legal basis is clear: it provides legal certainty for parties, candidates and voters, and offers protection against challenges to (the outcome of) an election conducted under modified procedures. Ideally, the necessary legal changes would be adopted based on broad political consensus, and be informed by the best technical advice from both public health and election officials.

Although terms of offices are usually set out in the constitution, the election date itself might be regulated in other types of legal instruments. Changes to those legal instruments may be necessary, as least as a temporary measure, if delays take place. If the election date is set by the constitution, but the latter does not provide for a delay during situations of emergency, a postponement may raise constitutional issues. One way to resolve this could be by amending the constitution; however, this might not be practical or even legal, as some constitutions prohibit amendments during emergency situations. Therefore, a solution based on legal norms and procedures simply may not be feasible, leaving some kind of a political agreement among key political actors as the only option. From a legal standpoint, courts have sometimes used a "doctrine of necessity" to resolve this tension and ultimately accept a political agreement as a stop-gap measure in order to resolve the legal impasse.

Emergency declarations based on the COVID-19 outbreak[6] should not be used as a basis to target particular individuals or groups, including minorities. Measures taken must not involve prohibited discrimination on any grounds such as race, colour, sex, sexual orientation and gender identity, disability, language, religion, political or other opinion, national or social origin. They should not be used to stifle dissent. Transparency and the right to information strongly militate in favour of media freedom being protected, as journalism serves a crucial function during an emergency.

International human rights law makes allowance for restrictions or limitations to be imposed for reasons that may be relevant in the situation that has been created by the COVID-19 pandemic. For example, freedom of movement within a country can be restricted where necessary to protect public order or public health. Such allowances are not made for other human rights, however; the right to hold opinion without interference is an example.

Nevertheless, States may lawfully derogate from their international human rights obligations, even those that do not provide for restrictions or limitations, "[i]n time of public emergency which threatens

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[5] OHCHR Emergency Measures and COVID-19: Guidance, 27 April 2020; https://www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf, accessed on 18 May 2020
[6] For details, see OHCHR "Emergency Measures and COVID-19: Guidance", 27 April 2020; https://www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf

the life of the nation and the existence of which is officially proclaimed".[7]. Such derogations must be limited to those strictly required by the exigencies of the situation, as to their duration, their geographical coverage and, most importantly, their material scope. Certain rights, though, may never be subjected to derogation. The right to life is an example.

It is important to note that, though a State may declare a state of emergency under its constitution or laws, that does not necessarily mean that it is seeking to make use of its ability to derogate from certain of its obligations under international human rights law. It may "simply" be positioning itself to make use of certain limitations or restrictions for which some of those obligations provide. A number of States have done just this in connexion with the COVID-19 pandemic. If a State considers it necessary to take a different course and to derogate from its obligations under international human rights law, it must, if it is party to the International Covenant on Civil and Political Rights[8], inform the other States Parties, through the Secretary-General, of the provisions that it is derogating from and why. A number of States have done so in connexion with the COVID-19 pandemic.

Whatever the case, state of emergency legislation and measures should always be: (i) strictly temporary in scope; (ii) the least intrusive necessary to achieve the stated public health goals; and (iii) include safeguards such as sunset or review clauses, in order to ensure return to ordinary laws as soon as the emergency situation is over. Supervision of the exercise of emergency powers is essential to give substance to democracy and the rule of law. Emergency measures, including derogation, or suspension, restriction or limitation of certain rights, should be subject to periodic and independent review by the legislature. They should also be subject to judicial review.

Restrictions on gatherings and rules on physical distancing may affect legislative bodies in their ability to attain a quorum, or to gather in person at all. In turn, this could result in a pause, or delay, in legislative activities. This may present a challenge if changes to the electoral operations need to be urgently adopted through laws. To address this, parliaments and legislatures may be able to make arrangements for virtual meetings and the online adoption of motions with the same legal effect as if the body concerned had met in person. This may require amendment of the applicable law, or of a parliament's rules of procedure.

In **Angola**, in late April 2020, the National Assembly held its first plenary session by video conference. Its internal regulations allow for electronic voting. Similarly, in **the Maldives**, the People's Majlis has held sittings via web conference platforms, with members participating from their homes. In countries where remote voting in legislative bodies is not possible, other arrangements have been made to allow parliamentary work to continue. In **Latvia**, for example, where no online sessions are provided for, in-person meetings are distributed over separate premises to ensure proper distancing of parliamentarians.[9]

ELECTORAL DISPUTE RESOLUTION

Similar considerations may apply to the resolution of electoral disputes, with restrictions affecting the ability of EMBs to receive and consider complaints in person, and the ability of courts to hold in-person

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[7] International Covenant on Civil and Political Rights, Article 4.

[8] 173 States are Parties to the ICCPR as of 17 May 2020, at the time of writing.
https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en

[9] These, and many other country examples, compiled by the Inter-Parliamentary Union, see https://www.ipu.org/country-compilation-parliamentary-responses-pandemic, accessed on 06 May 2020.

sessions, including with parties or their representatives. Here, too, states may consider shifting to online proceedings, or proceedings by telephone, including by adopting the necessary laws or rules of procedure to do so.

A shift to online proceedings or proceedings by telephone to administer electoral dispute should still guarantee equal access to the dispute resolution process. Furthermore, these platforms should not warrant unnecessary delays in the process and needs to ensure that challenges are filed and addressed in an expeditious manner. Similarly, EMBs and courts are to consider measures to guarantee the integrity and transparency of the process, despite the lack of physical presence. In short, the electoral dispute resolution mechanism should be underpinned by accountability, access and responsiveness.

In **Mexico**, the Federal Electoral Tribunal has decided to conduct all proceedings remotely, and in April 2020 it adopted extensive regulations for online public sessions, giving ample attention to the need to protect the rights of all stakeholders.[10] In March, judicial authorities in **France** announced that all courthouses would be closed except for "essential litigations" in both civil and criminal matters, and to hear only "matters where it is certain that a delay in the decision of the judge would harm the parties". Measures have been adopted to allow electronic filing of documents and remote conduct of hearings.[11] In May 2020, the Supreme Court of the **United States of America (USA)** held its first-ever remote session to hear oral arguments (in a case not related to elections), thereby joining a number of state supreme courts and lower federal courts in the USA that have switched to holding arguments by telephone or video-conference.[12] In **The Netherlands**, the national Judicial Council adopted temporary regulations in April 2020 to allow virtually all court sessions (not specifically related to elections) to take place by video-conference, distinguishing between various levels of urgency and different needs for confidentiality.[13]

2. CONTINUITY OF OPERATIONS

In addition to considering how to conduct specific election operational processes during the crisis (as discussed in sections below), an EMB may find it useful to assess and strengthen its institutional preparedness to work under circumstances that impact on its ability to function as normal, such as during a strict public health regime. In some contexts, such efforts are referred to as *continuity of operations* or business continuity plans, and may be linked to a risk management plan.[14] The EMB may also assess its preparedness to continue planning for the different phases of an election under such circumstances.

In ensuring continuity of operations during the COVID-19 pandemic, an EMB could consider the following:

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[10] https://www.te.gob.mx/media/pdf/1f47c16ef136d8e.pdf, accessed on 07 May 2020.

[11] See https://www.justice.fr/info-coronavirus, accessed on 07 May 2020.

[12] See https://www.scotusblog.com/2020/04/courtroom-access-faced-with-a-pandemic-the-supreme-court-pivots/, accessed on 06 May 2020.

[13] See https://www.rechtspraak.nl/coronavirus-%28COVID-19%29/Paginas/COVID-19-Algemene-regeling-zaaksbehandeling-Rechtspraak.aspx#590451c9-1c18-475c-9ce7-9fc1788f49d9a32b6908-c069-45db-a355-94c5665ca9a99, accessed on 06 May 2020.

[14] Some templates of business continuity plans: https://www.publications.qld.gov.au/dataset/business-continuity-planning-template; https://www.ready.gov/business-continuity-planning-suite; https://dbei.gov.ie/en/Publications/Business-Continuity-Planning-A-checklist-of-Preparatory-Actions-in-Responding-to-the-COVID-19-Outbreak.html, The Electoral Commission of South Africa has a comprehensive Business Continuity Plan. Ethiopia's NEBE and Somalia's NIEC are developing one now.

- Introducing temporary working arrangements, including telecommuting, rotational presence in the office and staggered working hours, and revising HR policies as needed. Providing information and instructions to all EMB staff, contractors and other stakeholders on adjustments to their work practices. Identifying essential staff who need to be physically present at the office.

- Assessing whether the organization has the necessary IT platforms, communication tools and internet capacity as well as hardware and software needed to work remotely, and whether staff are equipped and trained to used them.

- Ensuring decision making processes are defined for periods of remote or rotational working.

- Assessing whether policies and measures relating to internet security, data protection and electronic signatures are adequate and resilient, and back-up systems are in place.

- Revising internal business processes, and considering the use of online approval rights and enterprise resource planning systems.

- Ensuring the EMB's field offices have their own continuity of operations plans, in addition to adopting the EMB's policies and procedures.

- Purchasing and distributing personal protective equipment (PPE) and other items such as sanitizers and disinfectants.

- Developing maintenance plans for the EMB's premises and assets.

- Building partnerships with health care departments and other government agencies, including for the recovery and resumption process.

- Developing scenarios for recovery and resumption, to plan for a gradual return to normal operations.

To strengthen preparedness for election planning, an EMB could also consider the following:

- Establishing contact with the national health authorities to consult on applicable restrictions and on ways to incorporate sanitary requirements in election operational plans and activities.

- Sourcing avenues for temporary election staff (See 'Recruitment and training of election officials').

- Reviewing the state of relevant suppliers, such as in procurement, transportation, training, logistical support, printing, etc. If these service providers are not functioning or functioning at limited capacity, this will affect whether and how the EMB can plan for an election during a crisis; it may require finding alternatives to those services/providers.

- Assessing the impact of travel restraints on international procurement and logistics (including airport closures and limitations on air transportation; flights being confirmed only shortly before departure; increased prices for air freight, etc.)

- Reviewing budgets, and accommodating operational, production and logistic price increases. Assessing funding needs and limitations, including ways to rationalize expenditures during and in the aftermath of the COVID-19 crisis.

- Maintaining partnerships and continuing to work in full transparency with other stakeholders, including parties, observers, media, civil society; ensuring consultations on changes to the legal framework and implementation of electoral processes.

- Reviewing the impact of legislative changes, including on timelines, procurement needs, and costs.

- Ensure contingency plans are in place for all phases of the electoral cycle, as well as communication and technology failures, shortages of election materials and shortfalls in staff.

- Considering a postponement in elections not as postponement of all planning and preparation, but as valuable extra time for procurement/logistics.

The Supreme Electoral Tribunal of **Costa Rica**, for example, has developed a "Crisis Management Handbook" to address potential risks and emergency situations which includes the protocols that have to be followed by the response team in regard to strategic communication and policy issues.[15] The **Australian** Election Commission (AEC) updated its Business Continuity Management Policy in February 2016 and developed a Business Continuity Management Handbook to assist staff in understanding and applying business continuity management processes.[16] The US Election Assistance Commission (EAC) in the **United States of America** have produced a number of resources for election contingency planning.[17] The board of the Electoral Commission of **Cameroon** has introduced meetings by video-conference as part of its continuity efforts, and held its first-ever session through an online platform in late March 2020.[18]

3. BOUNDARY DELIMITATION

The need for the periodic redrawing of electoral district boundaries depends on a country's electoral system. In countries where, by law, delimitation needs to take place in the near future, the pandemic and the associated restrictive measures may pose challenges for national authorities. If countries have digital cartographic information, the technical boundary delimitation can take place even under the pandemic, if physical distancing and hygiene measures at the cartography/IT/GIS office are carried out.

For countries without digital cartographic information and equipment, field surveys may need to take place. Field surveys which require direct human interaction will be difficult while physical distancing requirements are in place. One option is to use a combination of existing population centres (villages, wards, towns) to create new constituency boundaries, which will be easy for voters and candidates to identify with. Another option is to conduct the field survey but with the necessary protective equipment and strict adherence to hygiene measures by field staff, such as frequent hand washing and sanitizing of equipment. A further option is to use the existing electoral boundaries and delay the delimitation exercise, depending on the constitutional and legal requirements, and if this is agreed to be politically acceptable.

Whatever option is chosen, the decision should be based on wide stakeholder consultation for the exercise to be seen as credible. Public health restrictions may affect the ability of the authorities to

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[15] Cited in International IDEA, *Risk Management in Elections*, Policy Paper no. 14 (2016), p. 17, at https://www.idea.int/sites/default/files/publications/risk-management-in-elections.pdf, accessed on 07 May 2020.

[16] https://annualreport.aec.gov.au/2016/managing/continuity.html , accessed on 17 May 2020.

[17] https://www.eac.gov/election-officials/contingency-planning, accessed on 17 May 2020.

[18] http://www.crtv.cm/2020/03/covid19-elecam-electoral-board-meets-via-video-conference/, accessed on 08 May 2020.

conduct such broad stakeholder consultations – an essential component in ensuring broad support for, and awareness of, new electoral districts. Alternative means for consultations can be considered using traditional and social media. Alternative means for appealing the delimitation, including through online platforms, can be considered as well.

There are as yet no examples of states adopting alternative measures in this area of work. Countries where delimitation exercises are planned include *Zimbabwe* (2021), *Iraq* (2022) and the *United States of America* (before the 2022 congressional elections, based on demographic data from the 2020 census).

4. RECRUITMENT AND TRAINING OF ELECTION OFFICIALS

Holding elections during the pandemic has implications for the recruitment and training of temporary election officials in three main areas. Firstly, health factors may limit the number of people who are able and willing to serve as election officials, as well as their availability to carry out their tasks on the day. Secondly, health guidelines may necessitate review of training methods to ensure the programme itself conforms to requirements and minimizes risks to trainers and trainees. Thirdly, the need for the EMB to maintain stringent health and hygiene standards throughout its operations requires a focus on the content of trainings that (a) reflects procedural changes and (b) ensures that all election officials understand their responsibilities in assuring adherence to these standards.

These implications may be relevant for temporary staff hired to carry out any electoral process, but will have greater potential impact for wide-scale operations that involve large numbers of staff in multiple locations, such as voter registration and polling.

RECRUITMENT OF ELECTION OFFICIALS

During the pandemic, the normal pool from which the EMB draws its temporary staff is likely to be more limited, as individuals who regularly serve as election officials may be unable or unwilling to do so. Adjustments to processes may also impact on the numbers and roles of staff required in order to carry out supplementary tasks instituted as health measures. Additionally, those already recruited and trained may not report for duty for health reasons; this may result in fluctuating numbers of available staff which is difficult to predict in advance.

EMBs, therefore, should anticipate the possibility of shortfalls and incorporate into their recruitment planning timely and proactive outreach for staff that goes beyond traditional sources. This could target specific groups, such as youth and voluntary associations, or negotiate the temporary assignment of public officials for election duties, and may serve within the national context as an opportunity of further advancing inclusiveness in recruitment. Information can be provided on measures in place to mitigate risks to personal health to encourage applicants. The recruitment and contracting process itself can avoid personal interactions as much as possible, utilizing online, telephone, postal and drop-off services for application and selection activities.

EMBs may also consider increasing the number of reserve staff recruited and trained, if this is possible, to allow for last minute shortages. Alternatively, they may recruit and train individuals for a broader range of tasks, to enable flexibility of reassignment on the day.

In the *United States of America,* for state presidential primaries this year, the Washington D.C. Board of Elections noted that a number of their usual pool of candidates, particularly the elderly, were not available to serve as polling officials, and many of those recruited did not attend on election day, due to

health concerns. To counteract similar shortfalls, the Wisconsin Election Commission actively sought recruitment of university students, as well as the support of the Governor who requested members of the National Guard to volunteer in their individual, civilian capacity to help fill the gap.[19] In **France**, an official circular issued by the Ministry of the Interior on "the organization of municipal elections during the COVID-19 pandemic" held in March 2020 specified that shortfalls in polling officials could be met by municipal councillors and employees, and shortfalls in counting officials through utilizing polling officials.[20]

Seeking staff through new channels may, in the short term, result in a greater number of inexperienced staff, who require more detailed training. This and the possible need to recruit additional staff places greater burden on the training programme overall. However, the alternative scenario of staff shortfalls will impact the EMB's ability to implement operations as planned, or may result in consolidation of election facilities (such as combining polling or voter registration centres), which may increase health risks and pressure on staff managing the processes, as well as reducing facilities available to voters.

DESIGN AND DELIVERY OF THE TRAINING PROGRAMME

EMBs already utilize a range of different methodologies in delivering training to election officials in ways that cater for different learning needs, but in-person training is the preferred primary medium. Restrictions on movements and gatherings, physical distancing and other health requirements may prompt EMBs to adopt more remote methods of training, and/or adjust arrangements for in-person training appropriately. Different methodologies are not exclusive and may be combined.

Remote methods of training: Several means of remote training are available. The more advanced of these rely on technology but there are other options. These include:

- Live virtual training. This allows for live interaction between trainer and participants, and direct questions and answers. It is thus the closest method to in-person training, but requires reliable internet connectivity and an appropriate device (laptop, tablet or telephone).

- Self-study training materials. These can include online self-study training courses, instructive CDs or videos, electronic or printed training manuals, and other visual aids. As there is no direct inter-action between trainer and participants, it is best followed by a test and/or communication that ensures that content has been properly understood and provides opportunity for questions and answers.

For presidential election primaries in **United States of America** held during the pandemic, the Washington D.C. Board of Elections cancelled in-person trainings and held training instead through virtual sessions. This, however, excluded a number of people who did not have adequate equipment or understanding of ICT to access the training. These people were unable to serve as polling officials on election day.[21]

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[19] Information cited by representatives of Board of Elections Washington D.C and Wisconsin Election Commission at webinars on "COVID-19 and Elections" hosted by UNDP Regional Electoral Support for Middle East and North Africa Project, held on 21 April and 06 May 2020 respectively.

[20] https://www.interieur.gouv.fr/Elections/Elections-municipales-2020/Organisation-des-elections-municipales-des-15-et-22-mars-2020-en-situation-d-epidemie-de-coronavirus-COVID-19, accessed on 17 May 2020.

[21] Information cited by representative of Board of Elections Washington D.C at webinars on "COVID-19 and Elections" hosted by UNDP Regional Electoral Support for Middle East and North Africa Project, held on 21 April 2020.

Adaptations to in-person training: If it is permitted and the EMB wishes to go ahead with in-person trainings, the EMB can make various adjustments to conform to restrictions and minimize health risks. These may include:

- Conducting trainings in smaller groups: This could be accommodated by a) increasing the number of trainings and the overall time needed for the training programme, which may also have associated cost implications, or b) increasing the number of levels of cascade trainings, which reduces time but has a tendency to dilute the quality of the training.

- Limiting in-person training to selected personnel in smaller groups. For example, in-person training is provided to one or two members of each team and other team members undertake self-study. Staff trained in-person staff can brief the rest of the team and undertake a supervisory role on the day.

- Using larger spaces or outdoor spaces to conduct trainings to reduce possibilities for close interactions and allow for ventilation.

- Replicating as part of training all health and safety measures that will be applied during the electoral process, such as maintaining physical distance, sanitizing surfaces and equipment, wearing personal protective clothing, washing hands and checking for symptoms on arrival; Reinforcing throughout the training the rules and standards relating to health precautions and personal interactions.

In *Ghana*, a presidential directive aimed at containing and combating the COVID-19 outbreak currently prohibits public gatherings of more than 20 people. To comply with this within its cascade training programme for general elections planned for late 2020, the Electoral Commission of Ghana has decided to train in groups of 20 people and repeat the training as many times as necessary. Personal protective equipment, sanitization products and distancing measures introduced to polling processes will also be applied during training.[22] In *Central African Republic* UN Women is supporting capacity building of EMB officials on implementation of their gender strategy. Prevention measures to be adopted include limiting the number of participants to 15, maintaining physical distancing, providing hand sanitizing kits and recommending the use of masks by all participants.[23]

TRAINING CONTENT

Particular emphasis will need to be placed in training on any changes to the relevant laws, regulations and procedures, which people may not be familiar with, and also on health measures, and responsibilities of officials towards protecting the health of others. This may include personal hygiene for officials and voters; sanitation of the facility and equipment; physical distancing; materials handling; and procedures for checking/handling voters showing symptoms on entry.

Training may also need to consider sensitivity on how these measures are applied with regard to voters and other stakeholders, in particular women, the disabled and other vulnerable groups. It may also need to cover how these health measures may be enforced.

For the 2014 elections in *Liberia*, which were conducted in the midst of the Ebola virus epidemic, the Liberian Electoral Commission adjusted the content of its in-person trainings for polling officials to place

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[22] Information provided by UNDP Ghana, citing a statement of the Electoral Commission of Ghana at ECOWAS-ECONET discussions on impacts of the coronavirus pandemic on the upcoming elections in the ECOWAS region, 15 April 2020.
[23] Information provided by UN Women.

particular emphasis on health and safety precautions, including taking the voters' temperature at the entrance of the polling station and hygiene measures.[24] In **Vanuatu** in 2020, training of presiding officers and queue controllers emphasized in particular the physical distance requirement during polling.[25]

5. VOTER EDUCATION

The scale and unpredictability of the pandemic gives rise to fear and uncertainty, and this may impact on citizens' participation if they believe voting will pose a critical risk to their health. Voter education will be important in fostering broad confidence that election authorities are doing what is necessary to enable voters to participate safely, as well as informing them of any changes in how they may participate. In order to communicate this widely, the EMB may need to adjust its strategies to reach people at home, particularly those most isolated during the pandemic.

Voter education messages. To ensure that citizens are fully informed on how to exercise their electoral rights without significant risk to their health, and to promote confidence and participation in processes, the EMB and other relevant authorities can consider emphasizing in their voter education messages:

- The decision and reasons for why the elections are going ahead and what changes have been made in light of the pandemic (or, if elections are postponed, the reasons for doing so and the measures being taken in the meantime);

- When and how voters are to participate in registration and voting; this may include both in-person and remote options available and any alternative arrangements for special target groups;

- Preventative health measures adopted by the EMB so citizens can participate as safely as possible;

- Instructions on behaviour at election facilities in order to prevent the spread of the virus.

In **Vanuatu**, general elections were held on 19 March 2020, eight days after the WHO announced that 'COVID-19 can be characterized as a pandemic'.[26] Within this short timeframe the EMB developed a public information campaign targeting voters and polling officials on physical distancing and hygiene measures adopted for polling and displayed WHO COVID-19 information posters at polling sites[27]. The National Election Commission (NEC) of the **Republic of Korea** developed an information campaign entitled "Come and Vote Safely" that explained "the Operation of Polling Stations and Voting Process in Response to COVID-19" for legislative elections on 15 April 2020. This included videos that covered special measures in place for early and election day voting and procedures at temporary polling stations for electors with symptoms.[28] These were aired on the NEC's own broadcasting channel eTV and national television and made available on YouTube. The NEC also produced and disseminated nationwide materials on a "Code of Conduct" for voters that governed standards for voters' behaviour in polling centres.[29]

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[24] https://www.devex.com/news/opinion-elections-and-covid-19-what-we-learned-from-ebola-96903, accessed on 08 May 2020.

[25] Information provided by UNDP Vanuatu Electoral Environment Project (VEEP).

[26] WHO media briefing on COVID-19, 11 March 2020; https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020, accessed on 14 May 2020.

[27] Information provided by the UNDP Vanuatu Electoral Environment Project (VEEP), which supported this activity.

[28] https://www.nec.go.kr/engvote_2013/04_news/01_02.jsp?num=215&pg=1&col=&sw, accessed on 09 May 2020.

[29] https://www.youtube.com/watch?v=R9U4wWg--7k, accessed on 11 May 2020.

Voter education strategies. The pandemic may necessitate a review of the strategies for disseminating information to voters, with a shift away from public gatherings and face to face communications and an increase in focus on other mediums that can reach people at home. These include, for example, use of press, radio, television, telephone, internet (websites and social media), SMS, post, megaphones or even drones. Any meetings or group activities that do take place will of course need to conform with relevant health and safety guidelines on physical distancing, hygiene methods, movements and gatherings.

Voter information will need to reinforce messages relating to health measures that will be applied in and around all election facilities, as this may be critical to preventing further spread of the virus through electoral events. Posters and other visual aids can be useful tools to offer clear reminders at registration and polling centres.

The increase in isolation experienced by some individuals or communities also poses challenges for voter education to reach out to all voters. This may be particularly so for women and vulnerable groups, who traditionally face obstacles to electoral participation, as well as for those who are at high risk and isolated due to the health crisis itself. This may also be the case for communities with little or no access to digital/electronic media.

With efforts to reach voters channelled mostly through online means, EMBs may need to consider robust strategies to tackle disinformation and misinformation about the electoral process spread online and through social media (see below, under 'Electoral campaign'). Incorporating components of media literacy in education efforts, such as how to access and analyse media content, may help to promote a critical mind-set among the public regarding information available in the media.

The National Election Commission (NEC) of the ***Republic of Korea*** was required to change some locations of polling stations due to reasons such as the location being designated as a COVID-19 screening centre. The Commission made efforts to inform voters of their polling locations through establishing platforms on the NEC homepage and on portal sites and sent to each household information on how to participate in voting. The NEC also sent election material to 254,100 soldiers and police officials who could not receive election materials sent to their homes because they are staying in a compound or with their unit.[30]

Revival of a previous collaboration in the ***Solomon Islands*** is being explored to disseminate information during COVID-19 restrictions. For elections in 2019, the Solomon Islands Electoral Office[31] partnered with a private rice-wholesaler company, who agreed to distribute through their nationwide network voter information leaflets fixed by an adhesive pouch to the bags of rice. This proved to be an effective means of reaching voters scattered across numerous islands with poor internet and mobile telephone access.[32]

OTHER CONSIDERATIONS

Specific information messages and adjustments to voter education strategies may require development, production and dissemination of a range of new audio/visual materials in different languages and for

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[30] https://www.nec.go.kr/engvote_2013/04_news/01_02.jsp?num=214&pg=1&col=&sw, accessed on 09 May 2020.
[31] Supported by UNDP's Support to the Electoral Cycle in Solomon Islands Project (SECSIP).
[32] https://eeas.europa.eu/delegations/fiji_en/58166/EU,%20Government%20of%20Australia%20and%20UNDP%20Support%20Voter%20Education%20in%20Solomon%20Islands, accessed on 08 May 2020.

different target groups. This can have significant cost implications. Possible greater reliance on television and radio may be particularly costly.

The current context does offer opportunities for some novel approaches in combining awareness raising on electoral processes with sensitization on health issues. One example can be seen in **Cameroon**, where during the voter registration period in April 2020, the EMB, Election Cameroon, in partnership with UN Women, launched a three-day sensitization campaign in two cities highly affected by the pandemic under the theme "Women and politics: ways and means of ensuring the full participation of women even in the context of the health crisis COVID 19." This aimed to promote the voter registration of women during the pandemic, through providing protective equipment, launching handwashing campaigns and providing guidance to women coming to register on the prevention of the virus.[33]

Consideration can be given to voter education initiatives that promote discussion between EMBs and authorities responsible for regulating or guiding health concerns during the pandemic. For example, a live-streamed radio show where the audience can pose questions to the EMB and health authorities may provide valuable information and serve as a confidence boosting measure.

The pandemic may also offer opportunities for promoting coordinated collaborations between the EMB and public authorities, through utilizing EMB strengths to support official health communications during the current crisis. The Comissão Nacional de Eleições (CNE) in **Mozambique** is supporting efforts to disseminate messages on preventative measures against Coronavirus (COVID-19) in the remote areas of the country. The CNE's technical secretariat (Secretariado Técnico de Administração Eleitoral (STAE)) is developing awareness materials on the virus and prevention measures in local languages, which are disseminated through social media, television and radio and utilizing NGO and political party networks. Hardcopies of these materials are also distributed to the STAE offices nationwide, and disseminated locally, including to health centres, by STAE civic education officers.[34]

6. VOTER REGISTRATION

Voter registration modalities are always closely connected to polling operations and the two should be considered together when making changes to either process. In the context of the COVID-19 pandemic, an EMB may choose to adapt a remote polling modality (see chapter on 'Remote Voting'), and this may prompt the need for a new voter list that reflects the new polling structure.[35] Furthermore, changes to polling locations - including an increase or a consolidation of polling stations - would necessitate changes in the voter registry to ensure that voters are linked to their new location. An EMB can also use voter list data to test the feasibility of any polling option under consideration – to confirm that a voter can be given a correct polling location assignment and can be notified thereof, that the voter can be verified as a registrant during polling, and that attempts to register or vote multiple times will be detected.

In addition to this, irrespective of changes to the manner of polling, health measures instituted under the pandemic may affect the process of registering voters itself, particularly in cases where voter

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[33] https://africa.unwomen.org/en/news-and-events/stories/2020/04/un-women-cameroon-supports-the-voter-s-registration-campaign; http://www.elecam.cm/?q=en/content/elecam-hand-gloves-un-women-against-propagation-covid-19

[34] Supported by the UNDP Support to Electoral Authorities of Mozambique (SEAM) Project.

[35] In general, an EMB will need to collect enough voter registration data to determine: Identity, eligibility, polling location, and also where to send a ballot. The EMB will need to make these determinations not only during registration but also when polling officials use the voter list during polling and when evaluating eligibility of same-day registrants (where offered).

registration is normally done in person. This may be relevant whether voter registration takes place on a continuous basis or periodically; and whether voter registration requires active participation to enrol on the voter list, or it is passive and citizens need only to check and confirm their status and information on the voter list.

Since voter registration, like polling, is a such a large and lengthy operation, it is advisable for EMBs to incorporate contingency planning into every step of the process. Most voter registration activities will likely be slower, more complicated and more expensive under the current pandemic. This may require adjustments to timelines for voter registration, and possibly to overall timelines for election preparations.

While technology can play an important role in voter registration, and may reduce the need for in-person services, decisions on introducing new technologies would need to be carefully considered by assessing overall feasibility, including time, cost, transparency, accessibility, among others. It is unlikely that a major innovation is a feasible option in the short to medium term.

In responding to COVID-19 measures, the EMB could evaluate different approaches for voter registration – or the possibility of applying a combination of approaches – ranging from high-contact operations (in-person activities without restrictions) to low-contact (in-person with physical distancing measures) to no-contact (remote) operations.

In-person voter registration. If registration and verification continue to take place in-person, naturally all health guidelines will need to be observed with respect to physical distancing and sanitization, minimizing contact with equipment and handling of documents, and the protection of both election officials and registrants. The process may take more time for each registrant, in which case an adjustment to timelines may be needed.[36] It will be also important to consider whether institution of health measures would necessitate any adjustments to observation/monitoring of the process.

Special provisions may be required for individuals who are under self-isolation or hospitalised, as well as for those from high risk groups. Options for servicing these registrants through specially equipped mobile teams could be considered. Proxy registration could reduce the need for some human contact (but obviously not eliminate it altogether) and could be of benefit to certain categories of voters. However, it may also have serious drawbacks in certain contexts: it may further marginalize vulnerable groups from participating in the registration process and could be potentially abused, if not properly managed.

Remote voter registration. Options for remote voter registration and verification include the postal submission of documents, or verification using telephone, online applications, and email, among others, if those means are widely available, reliable and trusted in a country. These are not options for the use of biometric data, as such data can only be collected in person.

Several countries offer remote voter registration as part of their regular services to voters. In **New Zealand**, voter registration forms can be downloaded and sent online or by post, or individuals using a New Zealand driver licence, passport or RealMe verified identity can either enrol to vote or check or

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[36] Voter registration in Malawi, for example, had already started in April 2020 when the Government announced lockdown measures. The electoral commission thereupon suspended the registration process. See https://www.msn.com/en-za/news/africa/covid-19-and-the-future-of-malawi-s-2020-presidential-election-re-run/ar-BB12Vly9, accessed on 08 May 2020.

update their details online. In the ***India*** individuals can register to vote online or by post, as in the ***United Kingdom***, where registrants can also confirm details over the telephone. Other countries utilize remote methods for some services, such as ***Lithuania*** which utilizes online services for checking registration status and making changes, or ***South Africa*** for checking registration status only.[37]

Voter list display and challenges. As under normal circumstances, the display of the voter list for challenges and corrections is an essential component of ensuring the reliability of the voter list and transparency of processes. This can be done remotely through online display, or with limited contact through providing CD or hard copy voter lists to political parties and on request. Physical display of the voter list, for scrutiny by citizens in person can be done in a controlled environment, through limiting numbers of persons present and instituted health and hygiene precautions.

"Same-day" registration and voting. Special arrangements can be made for "same-day" registration and voting at a voting facility on election day. This limits the number of times a voter needs to attend an election facility in-person. However, it requires availability of data to project the number of voters who may present themselves, and brings its own demands for the timely and transparent adjudication of applications, as well as the need for robust mechanisms to counter the potential risk of fraud.

The EMB should consider using different approaches for different kind of services. For example, voters already registered and requesting changes to their data (change of constituency, polling location or request for special voting) might be allowed to apply online or by postal services (if available), while new registrants who need their eligibility evaluated may need to come in-person.

In relation to ongoing or planned voter registration services, countries are responding to the pandemic in different ways. In ***Cote d'Ivoire***, an in-person voter registration process is proceeding – for now – according to a schedule established before the pandemic.[38] The EMB has adopted a number of measures at all registration centres, including hand-washing facilities, temperature detection tools and masks for all staff and visitors. In ***Ghana***, a new registration process that is set to capture biometric data and which was scheduled to start in April 2020, has been suspended by the authorities due to the outbreak of the pandemic; a date has yet to be determined for its resumption.[39]

Some countries that normally offer in-person and remote voter registration options, have ceased in-person voter registration activities during the pandemic in favour of remote mechanisms. For example, in ***Australia*** the electoral commission (AEC) has announced that during the pandemic 'AEC moves to online service delivery only'. Individuals can enrol on the voter register online, or can download the form and return it to the AEC by scan or fax. Similarly, in the ***United States of America***, the Alaska state Board of Elections announced on 31 March 2020 that Division of Elections offices are closed for in-person

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[37] https://vote.nz/enrol-to-vote/enrol-check-or-update/, https://www.opindia.com/2019/01/voter-registration-a-step-by-step-guide-to-register-online-on-the-voter-list/, https://www.gov.uk/register-to-vote, https://www.vrk.lt/en/elektronines-paslaugos and https://www.rinkejopuslapis.lt/as, https://www.elections.org.za/IECOnline/CheckIDNumber and https://www.elections.org.za/MyIEC/Account/Register respectively, accessed on 18 May 2020.

[38] https://www.cei-ci.org/news/223, https://www.africanews.com/2020/02/26/ivory-coast-concern-voter-registration-centres-the-morning-call//, accessed on 07 May 2020.

[39] https://newsghana.com.gh/ec-postpones-voter-registration/ and https://www.businessghana.com/site/news/politics/209198/Official-EC-suspends-April-2020-voter-registration-exercise

services. Voter registration services are instead available online, or forms can be returned by mail, email or fax.[40]

7. CANDIDATE NOMINATION

The most challenging element of candidate nomination during a pandemic – in particular under "stay-in-place" or lockdown arrangements – is the collection of verifiable signatures, if so required. In addition, remote working arrangements or reduced staffing of public authorities may limit their ability to issue other official documents that may be required in support of a nomination. For the same reason, the verification by EMBs of information provided by nominees may be affected. The pandemic may also impact on the candidate application process and how documentation is filed with the EMB, particularly when this normally takes place in-person. Furthermore, in some jurisdictions, a party's candidates are normally identified through so-called primaries or caucuses, which involve a voting process open to all or parts of an electorate. Such voting processes would be subject to the same concerns and considerations as for general elections, as discussed throughout this guideline.

To deal with the challenges around signature collection, consideration could be given to relaxing or amending the requirements – for example, by reducing the number of signatures, or by extending the time for the submission of signatures and other documentation. If this is not possible for all candidates, EMBs might consider introducing special measures for certain categories of candidates, such as easing eligibility and registration criteria with respect to women only, to counter the disadvantages they face.

One such example is the state of Illinois, **United States of America**, where the candidate filing process was amended by court order on 23 April 2020 for independent and new party candidates seeking placement on the ballot. In response to a lawsuit that raised concerns that the pandemic (including a state wide order limiting social contact), impaired ability to gather sufficient signatures and meet the filing deadline for new party and independent candidates, the court ruled that these applicants are required to submit 10 percent of the normal number of signatures and may file them six weeks later than originally scheduled.[41]

Consideration can also be given to establishing more remote mechanisms for signature collection. If the existing infrastructure allows, this part of the process could be digitized and done online. This could entail a tailored platform whereby party members or eligible voters could append their support to a candidate using their national ID data (for verification) and some form of digitized signature, or some other means of identity verification accepted by national authorities.

For other documentary submission requirements, and verification of this documentation, it may be useful for the EMB to liaise with the relevant parts of the civil administration at an early stage to discuss whether such services can be provided. Again, where feasible, consideration could be given to allowing candidates more time to obtain and submit documents, and/or to do so electronically.

In some jurisdictions, the law or EMB regulations require that nominees appear in person to submit their nomination papers. Where possible, to minimize physical contact with election officials, regulators could consider relaxing this requirement to allow online, postal or drop off submissions, or at least doing so

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[40] https://aec.gov.au/enrol/ and http://www.elections.alaska.gov/img/COVID-Statement3_31_2020.jpg, accessed on 18 May 2020.

[41] https://www.nass.org/sites/default/files/04_23_20PressRelease_637235766065408963.pdf, accessed on 17 May 2020.

for certain, more vulnerable, categories of nominees. If required, original documents can be submitted at a later date, when the context of the pandemic allows this. If remote submission is not an option, the EMB could consider allowing a longer time window for the submission and facilitating in-person submission in a controlled environment (for example, by servicing applicants one at a time, perhaps through scheduling appointments). This would place a limit on the number of people doing so on any given day.

In the **United States of America**, changes at the state level to candidate nomination have included: allowing nominees to collect signatures electronically and submit these and other qualifying documents electronically; exempting nominees for state-level office from filing statements of economic interests for a certain amount of time; postponing deadlines for submitting petitions (signatures) by unaffiliated candidates; reducing petition signature requirements, or suspending them altogether.[42] In **Lithuania**, for legislative elections due in October 2020, the Central Electoral Commission decided that during the "quarantine period" of the pandemic candidates can submit their registration documents by e-mail, including signed documents. The original documents are to be submitted once restrictions are lifted.[43]

8. ELECTORAL CAMPAIGN

EMBs are often mandated to play a role in bringing about or enforcing a certain "level playing field" among contesting parties and candidates. This responsibility may relate, among other areas, to spending limits, campaign contributions, public funding (if any), equitable access to public media (if any) and debates. As under normal circumstances, EMBs, or other regulatory bodies, will need proper authority and capacity to monitor and enforce the relevant regulations.

To the extent that campaigning is associated with the movement of people (door to door canvassing, for example) and large gatherings (rallies, etc.), political parties and candidates will need to find alternative approaches to communicate with voters during the pandemic. In strict lockdown situations, campaigning is likely to rely almost exclusively on media coverage and the parties' own use of social media. The reliance on social media is, of course, not a new phenomenon and the virtues and pitfalls are, by now, well-covered topics: they democratize the ability for voters and candidates to convey information, as they can freely access information and directly engage with each other, but can also be tool for misinformation and manipulation, hate speech, and harassment (particularly against women candidates).

The pandemic itself has been characterized by high volumes of incorrect information, particularly through digital media. Holding an election at this time offers opportunities for misinformation and disinformation, including efforts to manipulate citizens' voting choices or to undermine their confidence in electoral processes (not necessarily by parties and candidates, of course). There are, as yet, no standardized legal and policy answers to these challenges. In many countries the ability of the EMB to monitor and act on possible abuse may be limited, as these issues go well beyond the electoral process itself.

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[42] https://ballotpedia.org/Changes_to_election_dates,_procedures,_and_administration_in_response_to_the_coronavirus_(COVID-19)_pandemic,_2020#Candidate_filing_changes, accessed on 06 May 2020.
[43] See https://www.vrk.lt/naujienos/-/content/10180/2/vrk-priima-politines-kampanijos-dalyviu-registracijos-dokumentus-ir-elektroniniu-pastu, accessed on 08 May 2020.

Nevertheless, the EMB should be aware of the risk of the spread of misinformation and work closely, through a multi-stakeholder approach, with audio-visual regulatory bodies, internet platforms and statutory press councils, as well as media and CSOs, to limit this threat. This should bear in mind that measures to regulate and combat misinformation should be crafted with care, so that they do not lead to censorship and limit freedom of expression. Other methods can also be considered such as promoting independent fact checking, education and media literacy. Codes of conduct that promote ethical behaviour amongst political parties and candidates can be supported, with inclusion of provisions that aim to deter propagation of false information and counter disinformation during electoral campaign periods. The EMB may also wish to consider, at the least, robust strategies to combat false information about the electoral process (such as where and when to register, or where and when to vote) and to provide reliable, continuous sources of correct information.

For the 15 April 2020 legislative elections in the **Republic of Korea**, an effort was made to address the issue. The National Election Commission issued special campaign guidelines on campaigning by those running for both constituency and proportional representation seats. Under those guidelines, campaigning was permitted for candidates and voters above 18 years old through the internet, by email, text message and on social media. It was also made clear that the starting, sharing or spreading of slander or false information on social media was a violation of the electoral law.

In a few Member States, the limited role of EMBs in the realm of monitoring political behaviour on social media is beginning to show change in one specific area: the violence against women in elections (and/or in politics), including the harassment and intimidation of women candidates through the internet and social media. Countries like **Bolivia** have adopted relevant legislation[44], and EMBs such as in **Mexico** have developed protocols with law enforcement agencies, to detect and prevent gender-based political violence.[45] In other countries, EMBs conduct civic education and voter outreach initiatives to prevent violence against women in elections, like the Electoral Tribunal in **Guatemala** ahead of the 2018 elections.[46] At a time when political processes will play out, even more than before, through the internet and social media, legislators and EMBs could consider whether the advances and good practices made by these and other Member States in this field can be implemented in their own country.

In relation promoting equality among contesting parties and candidates, in addition to regulated measures relating to campaign financing and equitable access to public media, there may be other ways that facilitate their ability to reach voters equally through online or other forms of political advertising. For the 12 April 2020 local elections in **Kyrgyzstan**, for example, (ultimately suspended due to a state of emergency), the Central Election Commission offered all candidates and political parties the opportunity to place their materials on its website. For 15 April 2020, legislative elections in the **Republic of Korea**, the National Election Commission (NEC) also placed political party platforms on the 'election pledges and policies site' and provided the opportunity to political parties with registered candidates to include materials in the voter information packs sent to all households.[47]

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[44] http://www.diputados.bo/leyes/ley-n°-243; and http://www.diputados.bo/leyes/ley-n%C2%B0-1096
[45] Mexico: https://www.te.gob.mx/protocolo_mujeres/media/files/7db6bf44797e749.pdf
[46] See civic education materials informed by the UNDP/UN Women Programming Guide:
https://elecciones2019.tse.org.gt/sites/default/files/2019-06/VOTEMOS%20SIN%20VIOLENCIA.pdf;
https://elecciones2019.tse.org.gt/sites/default/files/2019-06/DELITOS%20ELECTORALES.pdf
[47] https://www.nec.go.kr/engvote_2013/04_news/01_02.jsp?num=214&pg=1&col=&sw, accessed on 09 May 2020.

9. IN-PERSON VOTING

While there are options for enabling voters to cast a ballot without attending a polling station in person (see the next chapter, 'Remote voting'), it is likely that most countries will continue to rely on some form of in-person voting for an election, for some or all of the voters. This is partly because it may not be feasible to change the entire voting method, for reasons of infrastructure, cost, trust or internal political considerations. It is also because the controlled environment of established polling locations allows an EMB to protect vote secrecy and minimize voter coercion.

There is no question that the way in which in-person voting traditionally takes place – with high volumes of people converging on and passing through designated locations in a short period of time – creates an environment conducive to spread of the virus. Even if efforts are made to minimize the number of people at polling stations, there is inherent risk in in-person voting. EMBs need to consider how to minimize this risk through preventative measures that protect individuals' health, reduce congregations of people and create an environment in which people feel sufficiently safe to turn out to vote.

This will have other consequences, however. Physical distancing requirements (between voters, polling officials, observers/agents and security personnel) limit the number of people who may be present in a location at any one time, and preventative measures may slow down the voting process. This means that polling locations may be able to service far fewer voters than normal. Established polling facilities may no longer be suitable for safely servicing all voters during the pandemic.

DETERMINING POLLING LOCATIONS

Polling facilities, which may have previously been selected on the basis of accessibility for as many voters as possible, will need to be reassessed as to whether they can service voters safely. This should be done in a timely manner, as any changes to voting locations may have implications for voter registration and development of the voter lists (see chapter on 'Voter registration'). Criteria for assessment may be revised in light of new requirements. These may include:

- Suitability of location: This may include ensuring the location is sufficiently far away from high risk populations, such as care homes and residences for elderly persons.[48], as well as ensuring there is sufficient space outside to ensure physical distancing in the approach and queue areas.

- Suitability of premises: This may include review of whether the centre allows for sufficient separation of polling stations and movement of voters without overcrowding, and whether it may be utilized for safely servicing voters who are high risk or show symptoms of the virus alongside other voters. It may also consider whether there is water available for handwashing and facilities for disposing of waste, to ascertain what supplies may be needed. It can also assess whether voting outside may be a suitable option, if vote secrecy and adequate shelter can be ensured.

- Number of polling stations: The need to prevent crowding necessitates review of how many polling stations may safely be accommodated. Tests should also be done to ascertain how many voters may be serviced in one polling station using planned voting procedures and physical distancing measures, to gauge the overall capacity of a polling location in a given time period.

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[48] The US Centre for Disease Control and Prevention included in its *Recommendations for Election Polling Locations*, updated on 27 March 2020 "Encourage moving election polling locations away from long term care facilities and facilities housing older persons to minimize COVID-19 exposure among older individuals and those with chronic medical conditions."

Determining any changes to polling locations must also consider the impact on other vulnerable groups, such as women, voters with disabilities and from minority communities, to ensure changes do not adversely discriminate against certain sectors of the population.

OPTIONS FOR IN-PERSON VOTING

Increasing polling locations: The need to accommodate distancing and slower voting processes could in theory be realized by increasing the number of polling locations. However, this would also require more polling staff, which may not be feasible (See chapter on 'Recruitment and training of election officials').

Timing of voting: Reducing concentrations of voters may also be achieved through changes to the timing of voting. More limited options are to extend the period of voting on election day, providing voters with time-slots for attendance or simply encouraging voters to come at less busy times.

A more substantial option would be to extend the number of days for voting. This should limit the number of voters at each location at any one time. This does, however, give rise to other considerations. It may require changes to the legal framework, if voting days and times are stipulated by law or regulation. It would necessitate mechanisms to secure the ballot boxes and other sensitive materials over multiple days. It may also require confidence amongst citizens in the mechanisms in place to prevent multiple voting, and would need to consider the implications for observer and agent presence over more than one day. In relation to staff, there may be cost and logistical issues associated with deploying teams over a longer period, and concerns that it may expose polling officials to an unacceptable level of risk.

Examples of countries that have previously extended voting over multiple days include **South Sudan** referendum, which took place from 9 to 15 January 2011, on whether the region should remain a part of Sudan or become independent. **Bosnia and Herzegovina** which conducted polling for legislative elections over two days on 22-23 November 1997. [49]

Polling for special categories of voters: Consideration also needs to be given to how in-person voting may be extended to voters who may be particularly adversely affected by the virus. This includes voters who are at high risk if they contract the virus, such as the elderly and those with underlying health conditions; those who are ill with the virus or who are self-quarantined; and those who work in close contact with these people, such as workers in care homes and hospitals.

The EMB may consider establishing fixed voting locations in areas where there are larger concentrations of such voters, such as care homes or retirement areas. Alternatively, mobile teams may be an option. These mobile teams can either service a number of designated locations, or else facilitate home voting at voters' places of residence.

Some EMBs may already use methods such as these within their normal election processes to provide voting services to vulnerable or isolated populations, such as the disabled, those in hospital, prisoners or minority communities in areas where there are risks to their personal security. They can take place either on election day or as part of an early voting programme. They are, however, highly resource intensive and require careful operational planning. They may also have implications for the legal

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[49] https://ballotpedia.org/Southern_Sudan_Independence_Referendum,_2011 and
https://www.osce.org/odihr/elections/1997, accessed on 17 May 2020.

framework if not already permitted under the law, trust in the secrecy of the vote and observation. Each different type of process requires its own procedures and training, and may require additional staff.

In the **Republic of Korea** for 2020 legislative elections the National Election Commission (NEC), in consultation with health authorities, established special early voting polling stations at eight care centres to service voters who had contracted the virus (who were in-patients on the day of early voting) as well as medical and support personnel. Voters were kept apart during the voting process, and after voting, all equipment, ballot boxes and return envelopes were disinfected and sterilized before transportation.[50] **Israel** established special polling centres for those self-quarantined for having potentially come into contact with the virus, with additional protective clothing and transparent barriers for protection of election officials, but did not, however, facilitate voting for the small number of voters who had tested positive with the virus.[51]

In **United States of America**, in recent state primary elections, "drive-through" voting locations were established in Wisconsin and Milwaukee, that allowed voters to vote from their vehicles. This minimized contact with election officials and other voters.[52]

If an EMB is unable to provide separate services for these categories, then consideration can be given as to how to best accommodate them within the regular polling process (see below).

THE POLLING PROCESS

Measures to prevent the spread of the virus can be interwoven with all polling activities: with polling procedures, access and crowd control, facility management and personal behaviour of election officials, voters and others present. EMBs can establish these measures as rules to be followed, and either issue separate guidelines or integrate them into existing polling procedures, standards for polling centre management and codes of conduct that govern behaviour. EMBs should also clearly define responsibilities for enforcement, as polling centre and station management will be key to ensuring the measures are properly adhered to. Additional staff may be required for implementation of specific measures.

The following outlines examples of how preventative measures can be incorporated into polling centre and station processes. Similar measures would also need to be integrated into off-site in-person voting.

1. **Physical distancing** to maintain recommended safe distances between people and prevent crowding.

   - Separating polling stations to reduce overcrowding and allow sufficient space for queues;

   - Managing access to limit numbers of people; ensuring voters leave as soon as they have voted;

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[50] NEC Press release, https://m.nec.go.kr/engvote_2013/04_news/02_02.jsp?num=586&pg=1&col=&sw=, accessed on 11 May 2020.

[51] https://thejewishnews.com/2020/03/02/israelis-in-quarantine-due-to-coronavirus-exposure-vote-at-special-polling-locations/, accessed on 12 May 2020; https://www.timesofisrael.com/health-ministry-urges-israelis-to-vote-says-no-need-to-worry-about-coronavirus/, accessed on 12 May 2020.

[51] https://www.reuters.com/article/us-health-coronavirus-israel-votes/masked-israeli-monitors-count-coronavirus-votes-carefully-idUSKBN20R1ST, accessed 09 May 2020.

[52] https://www.kcrg.com/content/news/569456462.html; https://www.youtube.com/watch?v=c7_5UUpEWkU; https://eu.greenbaypressgazette.com/story/news/local/door-co/2020/04/08/door-county-election-sees-drive-thru-voting-and-many-wearing-masks/2968228001/, accessed on 11 May 2020.

- Ensuring queues outside and inside the polling centre are appropriately spaced; queue barriers and floor markings can be used, and officials can be deployed to manage this;

- Managing movements of people to ensure one-way movement and appropriate distancing; this needs particular attention in smaller rooms and corridors;

- Setting up the polling station to ensure sufficient space between the polling officials, voters and observers/agents; floor markings and signs can be used.

In *Australia* for local elections in Queensland in 2020, the National Cabinet stipulated a maximum of 100 persons present in a polling location. Additional staff were deployed to manage queues and help voters vote in the most efficient manner.[53] For March 2020 general elections in *Vanuatu*, physical distancing measures of two metres were applied through polling centres and stations[54] and for recent primary elections in Wisconsin state, *United States of America*, floor markings within polling stations were placed to indicate three foot distance from desks and polling booths.[55] In the *Republic of Liberia* for legislative elections during the Ebola outbreak in 2014, the National Elections Commission issued supplementary procedures that stated: "Each queue shall be formed about 4 feet from the next; 3. Each voter in line shall stand three (3) feet away from the next person; […] there shall be NO body contact; 4. [….] staff shall label lines by using the Precinct and Polling Place codes".[56]

2. *Handling of materials*, including adjustments to polling procedures, to minimize contact with and exchange of materials.

- Verifying the voter's identity without touching the document, such as through the voter showing the document or placing it in a holder, or through photographs in the voter list (if relevant);

- Ensuring safe use of pens for ballot marking and signing the voter list, such as allowing the voter to bring her/his own pen or providing single use pens; alternatively pens, or other ballot marking device if one is used, can be disinfected between each use;

- For voter fingerprints, where relevant, using a single-use applicator (such as cotton buds) to transfer ink from the pad to the finger, and ensuring safe disposal after use;

- Applying voter marking ink using a single-use applicator if possible, or else at entry to the polling station immediately after the voter has washed her/his hands;

- Ensuring officials who need to handle materials, including ballots, do so with gloves (which are changed or disinfected on a regular basis);

- Prohibiting distribution of leaflets and other materials in the polling centre; messages can be communicated through posters or information stands that do not require direct contact.

In 2014 during the outbreak of the Ebola virus in the *Republic of Liberia*, the electoral commission amended its polling procedures to reduce opportunities for contact with contaminated materials.

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[53] https://www.ecq.qld.gov.au/elections/election-events/2020-local-government-elections-covid-19-protection-measures, accessed on 09 May 2020.
[54] Information provided by UNDP Vanuatu Electoral Environment Project (VEEP).
[55] https://edition.cnn.com/2020/04/07/politics/wisconsin-primary-coronavirus/index.html, accessed on 11 May 2020.
[56] National Elections Commission of the Republic of Liberia "Addendum to Polling and Counting Procedures".

This introduced relatively low-cost adjustments that were close to the original procedures. These included verifying and punching the voter's documentation without touching it, applying voting ink and ink for thumbprints using single-use cotton buds as an applicator, and issuing a pen for ballot marking to each voter, for disposal in a designated bin immediately after use.[57] For local elections in Queensland, **Australia**, in 2020 voters were encouraged to bring their own pens, although pencils were also made available if needed,[58] and in **France** for municipal elections voters were permitted to bring their own pen "provided that the ink is blue or black and indelible".[59]

3. **Hygiene measures**, including personal hygiene practices and sanitation of the facility.

- Spraying facilities with disinfectant before the start of polling to ensure sterilization;

- Providing mandatory personal protective equipment for polling officials;

- Encouraging or requiring voters to wear masks (and gloves); where this is not a national requirement, these may need to be procured and issued to voters;

- Establishing protocols to limit or control the placement of bags and mobile telephones, and protocols for food and water for election officials, observers/agents and security personnel;

- Providing hand-washing stations with soap and water, or alcohol-based hand sanitizer at entrances and exits, and mandating this before entry into the polling station;

- Regularly disinfecting voting materials, such as voting screens (ideally between each use), ballot boxes, electronic equipment, and also regularly touched surfaces (tables, door handles, etc.);

- Ensuring safe disposal of waste and single use items;

- Ensuring adequate ventilation of facilities.

In the **Republic of Korea** for April 2020 legislative elections, polling stations were disinfected prior to the start of polling day, and entry was prohibited until the start of voting. Voters were required to sterilize their hands with disinfectant provided and wear sanitary gloves for entry into the polling station.[60] The election commission of **Guinea,** for the 22 March 2020 legislative elections and constitutional referendum, also disinfected polling stations before election day and required voters to wash their hands before entering the polling station.[61] In Wisconsin, **United States of America**, transparent (plexiglass) barriers were used to reduce contact between voters and polling officials.[62] For recent elections in **Mali** handwashing stations were set up and polling stations and materials were disinfected; most polling officials and voters wore masks.[63]

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[57] National Elections Commission of the Republic of Liberia "Addendum to Polling and Counting Procedures".
[58] https://www.ecq.qld.gov.au/elections/election-events/2020-local-government-elections-covid-19-protection-measures
[59] https://www.interieur.gouv.fr/Elections/Elections-municipales-2020/Organisation-des-elections-municipales-des-15-et-22-mars-2020-en-situation-d-epidemie-de-coronavirus-COVID-19, accessed on 17 May 2020.
[60] https://www.nec.go.kr/engvote_2013/04_news/02_02.jsp?num=592&pg=1&col=&sw, accessed on 10 May 2020.
[61] Announced by the Vice-president of the Commission Electorale Nationale Indépendante (CENI) at the 15 April virtual meeting of the ECOWAS Network of Electoral Commissioners (ECONET).
[62] https://www.npr.org/2020/04/06/827122852/it-s-madness-wisconsin-s-election-amid-coronavirus-sparks-anger?t=1589187867215, accessed on 10 May 2020.
[63] Information provided by UNDP Mali.

4. **Polling for high risk voters or those showing symptoms.** If no alternative voting locations or mechanisms are available, the EMB may provide additional service for voters who are at high risk to the impact of the virus, such as the elderly. This can be through designating separate polling areas, through providing a specific time early in the day when they can vote, or else through facilitating a fast, priority service, to reduce the time they spend at the voting location. All these measures attempt to limit their exposure to other voters.

   Procedures also need to be clear on how to deal with voters or visitors who are self-quarantined for being in contact with the virus, or those who show symptoms of the virus once in polling locations. Some countries have instituted screening at access, such as taking the temperature of every person before they enter.[64]. Voters showing symptoms may be serviced in a separate area.

In the **Republic of Korea**, for April 2020 legislative elections, dedicated staff at the entrance of polling stations used non-contact thermometers to make temperature checks. Anybody showing signs of fever or with respiratory symptoms was directed to vote at a temporary polling booth, which was disinfected immediately after use.[65] Voters in quarantine were also permitted to vote in separate polling booths at the dedicated time of 6pm.[66] In **France**, for municipal elections held during the pandemic in March 2020, polling officials were instructed not to prevent a voter who shows symptoms of the virus from voting if s/he has taken all necessary protective measures (washing hands and wearing a mask). If the voter had not taken the necessary protective measures, s/he should not be permitted to enter the polling station.[67]

10. REMOTE VOTING

Given the concerns over COVID-19, different remote voting options may be considered to reduce the number of people congregating at polling locations on election day. Additionally, remote voting may be an appropriate option for a number of voters who may not be in a position to be present at polling stations on election day, including voters who are hospitalized or in isolation due to the virus; elderly and those with pre-existing health conditions; health care workers; detainees and prisoners; law enforcement and military personnel deployed to assist in the crisis.

Remote voting options may further enable electoral participation as an additional measure to supplement other voting options, or may be the only option made available - a decision that requires careful deliberation. Any remote option should be comprehensively evaluated regarding overall feasibility in a broad and inclusive manner and with due consideration to implications on the secrecy and integrity of the vote, as well as impact on transparency and the overall trust and public confidence in the electoral process. Furthermore, the introduction of remote forms of voting – or an increase in the use of existing provisions for remote voting – will have significant implications for EMB staffing and training, and the resources needed, as well as for counting processes.

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[64] WHO states, "Temperature screening alone, at exit or entry, is not an effective way to stop international spread, since infected individuals may be in incubation period, may not express apparent symptoms early on in the course of the disease, or may dissimulate fever through the use of antipyretics…" https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/q-a-on-mass-gatherings-and-covid-19a, accessed on 12 May 2020.

[65] https://www.nec.go.kr/engvote_2013/04_news/02_02.jsp?num=592&pg=1&col=&sw, accessed on 10 May 2020.

[66] https://www.nec.go.kr/engvote_2013/04_news/02_02.jsp?num=591&pg=1&col=&sw=, accessed on 17 May 2020.

[67] https://www.interieur.gouv.fr/Elections/Elections-municipales-2020/Organisation-des-elections-municipales-des-15-et-22-mars-2020-en-situation-d-epidemie-de-coronavirus-COVID-19, accessed on 17 May 2020.

POSTAL VOTING

Postal voting is an option where ballots are distributed to voters and/or returned by mail. In general, this process is done prior to election day. It is a common form of early or absentee voting in some parts of the world.[68], and is also often used as the primary means in those cases where voting abroad is permitted.[69] While postal ballots may be mailed to voters or collected at a post office, the means to return them could be by mail, or in-person through drop-off at a polling location or other designated site.

Postal voting may be an option made available to all voters, or voters may be required to make a specific request and provide justification for a postal ballot. The wider the options for postal voting and the more complex the operation, the greater the need for administration and oversight by the electoral authority.

A number of issues related to integrity should be considered in any context with postal voting. These include how to ensure the secrecy of the vote, whether the voter is the individual completing the ballot, and if voting can take place free from intimidation. The existence of a reliable postal service and an accurate, updated and functional address system is essential. Chain-of-custody aspects should be evaluated, throughout issuing, receiving and storing ballots, including the efficiency and security and accuracy of the mail service. Postal voting does not enable direct observation of voting by candidates, political parties or observers.

Legal amendments should address voter eligibility (all voters or certain groups of voters), how postal voting may be carried out in relation to other voting channels and the allocation of responsibility for different steps in the process by various institutions, including the electoral authority and the postal service. A separate memorandum of understanding between institutions may be required.

Postal voting requires a number of costs to be considered and factored into the overall feasibility study. These include material printing (ballots, envelopes, and other related materials); postage costs; drop-off boxes for ballots; ballot tracking services, to ensure that ballots are reaching voters in a timely manner; postal ballot processing, which may include signature verification, high-volume mail processing and sorting; additional facilities; and staffing.[70]

In some cases, a full and complete postal voting option may not be possible. An alternative option could consider having election officials deliver ballots to voters, if only for certain categories of voters, where a broader delivery plan for the electorate may not be feasible. Ballots could similarly be returned to a drop-off point at a polling location or other designated site.

In the current context of COVID-19, a few countries have opted for the introduction of postal voting as the only voting option provided:

- *Germany:* local run-off election in Bavaria, 29 March 2020.

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[68] Examples of countries using postal voting as one of several voting options (some of which have limited voter eligibility): Austria, Australia, Bhutan, Canada, Finland, Germany, Malaysia, Slovenia, Spain, Switzerland, United Kingdom.

[69] Examples of postal voting from abroad as the only option: Austria, Bangladesh, Bosnia and Herzegovina, Canada, Denmark, El Salvador, Fiji, Germany, Ireland, Italy, Lesotho, Liechtenstein, Luxembourg, Malaysia, Marshall Islands, Norway, Switzerland, Tajikistan, Zimbabwe.

[70] Further reading: postal voting in Finland, https://vaalit.fi/en/postal-voting; postal voting in Canada, https://www.elections.ca/content.aspx?section=vot&dir=vote&document=index&lang=e

- *Switzerland:* second round municipal elections in Geneva, 04 April 2020.

- *United States of America:* 2020 presidential primary elections. Five states will conduct voting entirely by mail (building on earlier experiences with postal voting, not necessarily in response to the crisis). In other states, where legislation does not currently provide for an *exclusively* postal vote, electoral authorities have actively encouraged voters to request a postal ballot and have made processes easier, while at the same time planning for in-person voting at polling stations, as required by law.

- *Poland:* In May 2020, a bill was adopted to allow all-postal voting. At the same time, however, the election was postponed to a date that is yet to be defined.

ELECTRONIC BALLOT TRANSMISSION

There are variations to the option of postal voting involving an electronic transmission of a ballot (either in distribution or return, or both). While this may use an electronic means to transmit a ballot - via fax, email or web portal – it is not considered electronic voting as the ballot itself would still need to be printed and counted along with other paper ballots. This system has been used in India, where postal votes for limited categories of voters are issued electronically and returned by mail, and United States, where several states allow limited categories to return ballots by web-based portal, email or fax.

As postal voting, quite a few factors would need to be considered before this could be adopted, including legal/policy changes, as well as technical requirements and costs.

REMOTE ELECTRONIC VOTING

Electronic voting in what are known as "uncontrolled environments" – through internet voting, or voting by mobile phone application, or by telephone – is a potentially appealing option to enable voter participation without close human contact. Nevertheless, there are numerous complexities and risk factors, both technical and political, which would need to be carefully considered. While not ruling this out as an option for future elections, for most countries remote voting is not likely to be an alternative in the short term. A realistic timeline to implement such technologies may take a number of years.

Internet voting can affect accessibility for different communities, especially those that may have highly unequal internet and technology access. Computer illiteracy can also be an issue; this tends to be more prevalent among women, particularly in rural areas, as well as the elderly and rural communities.

The use of electronic voting and counting technologies should be well defined in the legal framework, including on vote secrecy; physical and procedural aspects of the system; transparency mechanisms; voter identification and authentication; and provisions for election dispute resolution.

There are a number of costs associated with any electronic voting system. Initial costs could include software development and testing licenses, as well as infrastructure to house the system itself, and for ancillary electronic processes. For example, *Estonia*[71], the only country to offer internet voting as an option to all voters, has devoted significant resources and time to develop its e-governance services, including internet voting, which are accessed using an electronic ID card.

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[71] Internet voting in Estonia: https://www.valimised.ee/en

Apart from the widely acclaimed example of **Estonia**, there are not many countries that currently offer this option. In fact, a few countries have introduced and stopped internet voting, either due to security concerns, lack of political support or other public concerns (**France, Norway, Switzerland** and **Ireland**). Some use internet voting partially, either for limited categories of voters (**Australia**), or for specific polls (**Canada** in municipal elections; **Russian Federation** in local Moscow city elections 2019). Others have developed a mobile telephone application for voting, for example in West Virginia, **United States of America**, in midterm elections. Voting by telephone is also permitted for certain categories of voters in **New Zealand** and **Australia**.

PROXY VOTING

In countries that allow proxy voting, voters who meet certain legal requirements may be allowed to appoint another voter to vote on their behalf. The use of proxy voting worldwide is very limited (and may be considered controversial in some jurisdictions due to the potential for abuse). It could be helpful to certain categories of voters who are not able to vote in person, including those who are hospitalized or in isolation due to the virus or in a high-risk category; health care workers; law enforcement and military personnel deployed to assist in the crisis. It does not resolve physical distancing requirements, as someone – the voter's proxy – will still need to cast the ballot in person.

While proxy voting may enable the participation of voters who may not otherwise be able to vote, it may also challenge the principle of vote secrecy and individual choice. Given the lack of certainty that the voter's intent is followed by the appointed proxy, such a practice may be subject to potential abuse. This is of concern if an individual can act as a proxy for multiple voters, including for others in the same household, who may face pressure or intimidation. Women are particularly vulnerable in cases of abuse of proxy voting.

To introduce proxy voting, changes to electoral legislation may be required (after broad and inclusive discussion). Additional coordination and regulation may be needed between the electoral authority and other institutions, such as the police or judiciary, as well as additional fraud prevention measures and supplementary training for polling officials. Substantial voter education would also be needed to inform voters the public of the availability and process of proxy voting, including the responsibilities of the appointed proxy.[72]

In **France**, for the first round of municipal elections that took place in March 2020, the communiqué issued by the Ministry of the Interior on administration of the elections during the pandemic allowed for "special arrangements" for the exercise of the right to vote by proxy. This service could be requested by was extended to those who were confined by quarantine measures due to illness or vulnerability to the virus as determined by medical authority.[73]

11. COUNTING AND TABULATION OF RESULTS[74]

Counting and tabulating results during the pandemic present similar challenges for EMBs to protect the safety of the staff involved. While there are variations in methods and procedures, the two processes

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[72] Examples of countries that offer proxy voting: France, Nauru, the Netherlands and the United Kingdom.
[73] https://www.interieur.gouv.fr/Elections/Elections-municipales-2020/Organisation-des-elections-municipales-des-15-et-22-mars-2020-en-situation-d-epidemie-de-coronavirus-COVID-19, accessed on 17 May 2020.
[74] Considerations are relevant for other processes where data entry centres may be used, such as voter registration.

both usually take place in confined and secure areas, with a number of staff often in close proximity to each other under close supervision, and with documents and materials passing between them. This creates an environment where infection may spread easily, without measures to mitigate this risk.

The health risks are higher in more crowded counting centres and data processing centres, with many staff concentrated in one location. The risks are also higher in the case of manual processes, where ballots are counted by hand or forms data entered manually, as these require a greater number of staff and more contact with materials. Although more systematized methods are being implemented in some countries, manual counting and data entry are by far the most common methods.

For both counting and results tabulation, to reduce these risks, the same precautionary measures may be considered as discussed for other processes. This includes reducing inter-personal contact and applying physical distancing where possible, good hygiene and regularly sanitizing workspaces and equipment, and encouraging or mandating the use of protective clothing. Given that count and data processing centres often operate on the basis of shifts, all working areas should be thoroughly disinfected between shifts. Procedures can also be put in place to minimize risks in the movement and handover of materials, and to facilitate observation without increasing overcrowding.

It is noted that for both counting and results tabulation processes, efforts to increase distancing and other supplementary health measures may increase the time it takes to complete the processes. This may then impact the timeliness of the delivery of results. It is therefore important that this is communicated to stakeholders as part of the EMB's strategy to manage expectations on results.

COUNTING

For counting in both polling stations and counting centres, one option may be to limit the number of staff who handle or exchange ballots, while ensuring that ballots are visible to all those responsible for counting them. Use of cameras to display ballot markings is used in some countries, but for reasons of integrity and transparency, this should not be used as a substitute for verifying markings and double checking the count of physical ballots. Distancing may therefore be difficult, particularly in counting centres with larger numbers of staff and multiple activities taking place concurrently, and may also slow down the count, which would mean staff are exposed to the risks for a longer period. For elections that have taken place during the pandemic so far, EMBs have therefore tended to place greater emphasis on the use of protective clothing, such as gloves and masks, for all counting staff.

Even in countries that count ballots in polling stations, counting centres are used for counting of absentee ballots, such as postal ballots and ballots cast through other special arrangements. In countries where in-person voting is reduced in favour of more remote voting methods, counting centres could be handling a large volume of ballots. Dividing counting into multiple rooms may to some extent limit contact between staff. However, this may present other challenges for supervision and observation.

For March 2020 legislative elections in *Israel,* a separate facility was established for counting ballots cast in special polling centres for those under self-quarantine due to possible exposure to the virus. Counting staff, who were volunteers from the EMB wore protective clothing (some wearing full protective suits) and processes were supervised through a nylon partition.[75] In the ***Republic of Korea***, the National Electoral Commission issued "a code of conduct for counting-related persons" in count centres in April

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[75] https://www.reuters.com/article/us-health-coronavirus-israel-votes/masked-israeli-monitors-count-coronavirus-votes-carefully-idUSKBN20R1ST, accessed on 09 May 2020.

2020. This stated "all counting staff should wear masks and medical gloves and refrain from unnecessary conversation", and observers and media need to keep an appropriate distance "in an effort to pay special attention to safety within counting stations as many people are together for a long period…".[76]

Countries have also developed some creative solutions for ensuring observation of counting processes, while needing to maintain physical distancing and reduce crowding. In **Vanuatu** for the March 2020 general elections, observation during central count verification and recounting was facilitated through live streaming with cameras from four angles, to avoid the assembly of more than five people at a time, but still enabling observers and candidates to follow the process.[77] In Queensland, **Australia,** for local elections this year, candidates and scrutineers were permitted to observe the preliminary count through windows and doors from outside the polling station. Polling officials were instructed to keep doors and windows open where possible to facilitate this.[78]

RESULTS TABULATION

Most results tabulation centres rely on high numbers of data operators working together for concentrated periods of time, using computing equipment to manually data enter forms. In addition, data centres commonly rely on the use of air-conditioning, which may exacerbate health risks that this environment presents. The choice of facility may mitigate this, if a data centre can be identified that has sufficient space to allow for physical distancing between operators, and between staff and equipment. The facility could be periodically ventilated, if this is possible, and the use of barriers between operators could also be considered. If space is problematic, the EMB can consider increasing the number of shifts while reducing staff for each shift. It is also important that the EMB communicates with equipment vendors to identify appropriate cleaning methods to avoid damaging the equipment. Consideration can be given to ways of reducing physical handling of forms, such as by using scanned results sheets rather than physical forms.

There are other technical solutions for results tabulation in use that rely on more advanced technology. These including scanning devices, which capture the image of a manual result form and transfer it to a centralized data entry centre, and electronic voting machines which automate and link voting, counting and tabulation processes. These two systems are potentially less affected by the pandemic, as they require fewer staff and are more easily adaptable to physical distancing. However, the introduction of such systems would likely not be feasible as a short-term solution in the context of a pandemic. In most instances, as well, these methods have not replaced the need for manual tally, either because automated results need to be audited by manual processes or because there was insufficient trust in the new technology. Therefore, while there may be some benefits in using electronic technology, paper based tabulation, open to the scrutiny of observers, remains globally the most trusted, secure and politically accepted mode of electoral results tabulation to date.

In the **Democratic Republic of the Congo**, in 2018 the use of electronic voting machines coincided with the outbreak of the Ebola epidemic in the east. Yet there was some mistrust of the new system amongst voters and stakeholders. The authorities did not replace the manual tabulation process with the

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[76] NEC press release 14 April 2020, https://www.nec.go.kr/engvote_2013/04_news/02_02.jsp?num=592&pg=1&col=&sw, accessed on 09 May 2020.
[77] Information provided by UNDP Vanuatu Electoral Environment Project, video streaming at: https://www.facebook.com/vbtc.vu/videos/562338891067960/?t=26
[78] https://www.ecq.qld.gov.au/__data/assets/pdf_file/0025/9691/Email-to-Candidates-and-Scrutineers-at-Particular-Places.pdf, accessed on 09 May 2020.

machines, preferring to rely on the manual count and tally, and use the electronic tally for validation purposes and to dissuade electoral malpractice.[79] Similarly, in **Afghanistan** in 2019, a results scanning device was introduced, but utilized to verify the manual tally using paper forms and not replace it.[80]

ANNOUNCEMENT OF RESULTS

Finally, once tabulation is completed, the EMB will need to give thought to how to announce results in a way that gives the event the media profile it requires, but does not compromise restrictions on gatherings and physical distancing that press conferences would usually entail. This could include live-streaming the event, for broadcasting in the media and on social media, as was done in **Vanuatu** for March 2020 legislative elections.[81] Another option would be to hold the event with restricted numbers and precautionary measures, as in the **Republic of Liberia** for certification of winners, defined by the electoral commission as "a basic tradition which ensures the closure of an electoral process. It is a mass gathering of all stakeholders, partners and winners from the election." In 2014, restrictions were imposed that a winner may come with only one guest and physical distancing of three feet between people was maintained at the ceremony.[82]

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[79] Information provided by UNDP Support to Electoral Assistance in Afghanistan Project; https://www.afghanistan-analysts.org/en/reports/political-landscape/afghanistan-elections-conundrum-21-biometric-testing-likely-to-spawn-host-of-new-problems/, accessed on 14 May 2020.
[80] Information provided by UNDP Democratic Republic of the Congo.
[81] Information provided by UNDP Vanuatu Electoral Environment Project (VEEP).
[82] Election Commission of the Republic of Liberia, Guidelines on measures to prevent the spread of Ebola Virus Disease (EVD) during the conduct of the 2014 Special Senatorial Elections.