

# **New development:**

## **Running elections during a pandemic**

**Toby S. James**

University of East Anglia, UK

### **ABSTRACT**

The Covid-19 pandemic posed a profound challenge for the delivery of elections worldwide. Elections are indispensable for democracy, but the high volume of human interactions within the electoral process risked spreading the virus. Electoral officials therefore found themselves planning or managing an election during an emergency situation, often for the first time. This article argues that there are several major organizational ‘elephant traps’ that polities will need to side-step during pandemics in order to safely protect the healthy running of elections.

### **IMPACT**

Elections often take place in during emergency situations such as pandemics, floods, earthquakes and hurricanes. In order to secure electoral integrity, this article encourages governments, legislators and electoral management bodies to: build political consensus, consider the impact on the whole electoral cycle, include a wide range of stakeholders in meetings, invest in sufficient resources, undertake risk assessments and avoid late major changes to electoral law.

Keywords: Covid-19; democracy; electoral integrity; electoral management; emergencies; natural disasters; public services.

Forthcoming in [\*Public Money and Management\*](#).

Please download and cite the final published version.

The outbreak of Covid-19 posed a profound challenge for the management of elections worldwide. The high volume of human interactions within the electoral process means that holding an election during a pandemic could accelerate the spread the virus—causing further humanitarian loss and suffering. During the first half of 2020, at least 62 countries and territories across the globe postponed national and subnational elections due to Covid-19 (International IDEA, 2020b).

At the same time, the holding of elections is indispensable for the realization of democratic ideals. Elections were therefore held as scheduled in Australia, Bangladesh, Germany, Israel, Iran and many other countries during the early months of 2020.

Covid-19 was not the first pandemic and it will probably not be the last. There are also a much wider set of emergency situations, for example floods, earthquakes and civil wars, where preparations for elections need to be adjusted for humanitarian reasons and to maintain democratic ideals (James and Alihodzic, 2020). The global spread of Covid-19 has therefore forced countries and territories to radically rethink how elections should be run during pandemic situations. The decisions taken have a further profound effect, shaping the of health of democracy now and in the future.

What action should be taken? Options to adapt elections to a pandemic include:

- The introduction of safety mechanisms, such as the issuing of personal protective equipment at polling stations.
- Enabling early voting so that citizens could vote over several days thereby enabling greater social distancing.
- Moving to remote voting such as postal voting—although there were also some renewed discussions about online voting (Buril, Darnolf, and Aseresa, 2020; International IDEA, 2020a; Krimmer, Duenas-Cid, and Krivososova, 2020).

The range of decisions to be made goes far beyond the public face of elections, however. They include the positioning of the polls, the recruitment of polling staff, candidate registration, the timing of the electoral calendar, the deployment of domestic/overseas observers and the management of the electoral register. There are a much richer set of micro-decisions that need to be made behind the scenes that the public and most politicians are usually completely unaware of. The stakes could not be higher because turnout, inequalities within the electoral process, and public confidence in democratic institutions can all be undermined. There are also risks of wider democratic backsliding or civil conflict—all in addition to risks to the public posed by the pandemic. Much more is now known about the management of elections around the world than two decades ago in the heat of the infamous 2000 US Presidential Bush versus Gore contest—where new frailties in electoral democracy

were exposed by disputes about ‘butterfly ballots’ and ‘hanging chads’. Electoral management research has become internationalized with new frameworks developed to provide assessments of electoral management quality (Elklit and Reynolds, 2005; Garnett, 2017; Norris, 2014). Elections are very similar in many respects to other public services and it therefore makes sense to evaluate them in these terms. In my work, frameworks for evaluating public services (Boyne, 2002) have therefore been explicitly adjusted to evaluate running elections (James, 2020, pp. 59-86).

This article argues that there are at least five ‘elephant traps’ that polities could fall into when deciding how to adjust elections to a pandemic. The usage of the ‘elephant trap’ metaphor suggests that these are obvious dangers that can be seen from afar and only the unwitting would fall into. There are a number of political and logistical pressures, however, which will herd polities towards them and make them difficult to avoid to the aghast of citizens. Falling into the traps are therefore not always the fault of individuals—and usually not even the electoral officials themselves. They are the result of system level failures of steering that result from the interactions, politics and strategies of a variety of actors through electoral governance networks.

### **Organizational elephant traps**

#### *Inaction*

Short on time to adjust for an imminent election during a pandemic, there is a major risk that no corrective preparations will be made. When posed with an imminent threat, stress and head-burying are understandable psychological responses. Inaction is more likely to occur, however, through political stalemates or constitutional constraints. There is a risk that some tribal partisan instincts might kick in if legislators or incumbents smell an opportunity for partisan advantage, for example. The US has examples of incumbents pushing substandard elections, which have deliberately discouraged citizens to cast a vote, for partisan advantage (Hasen, 2012; Keyssar, 2009; James, 2012; Piven, Minnite, and Groarke, 2009). These strategies have not traditionally been found as frequently in other polities (James, 2011), but the anticipated effects of early voting and postal voting on turnout and electoral outcomes might make politicians consider the electoral calculus. Debates about whether remote voting will enable electoral fraud or compromise the secret ballot in each polity may not therefore be quickly resolved and legislation might fall (for contrasting views, see: Elklit and Maley, 2019; Minnite, 2010; Sobolewska et al., 2015).

Inaction is also plausible where reforming electoral laws are subject to veto points and constitutional constraints (Tsebelis, 2002). Changes may need to pass through several legislative stages, be subject to judicial review and may even require constitutional amendments with considerable majorities.

### *Forgetting election preparation*

Elections are more than just the election day. They involve an electoral cycle (ACE, 2017). This begins with a pre-electoral period where vital preparations are made, for example the recruitment and training of staff. Many polities face major challenges with the recruitment of poll workers at the best of times (Burden and Milyo, 2015; Clark and James, 2016)—let alone when their physical health could be threatened by long shifts and exposure to the public. The electoral registration process, meanwhile, might involve an annual canvass of households to check the accuracy and completeness of the electoral register. This would certainly be difficult during a pandemic and South Africa therefore postponed their voter registration activities (SABC, 2020). Without activities to maintain the completeness and accuracy of the electoral register, however, their quality will decline. Incomplete electoral registers can lead to citizens not being able to vote on election day—and other public services that rely on them for their data being affected.

Despite this avalanche of activities, there is a natural tendency for policy-makers to focus in on election day. Ministers, legislators and purse-string holders often think little about elections outside of the immediate electoral period. There are clear risks and dangers to public health and democracy at each and every stage of the electoral cycle, however. Elections are often said to only be as strong as the weakest link in the cycle. A pandemic threatens them all.

### *Closed decision-making*

Elections are not usually run by a single body or organization since there are many bodies involved (Catt et al., 2014). It is more helpful to consider the electoral process as being run by a governance network to reflect that societal and international actors are often playing a proactive role (James, 2020, 125-59). These networks come in different forms. At one extreme, there are closed statist systems found in autocratic systems where there is a limited range of actors ceded control. Power will reside with a single Soviet-style organization under the tight direction of a ruler. At the other extreme there are pluralistic networks that involve many state and societal actors—and there is much more fluid debate and contestation over how to run elections.

Most polities are thought to have systems somewhere in the middle of the scale: contested statist, governmental or asymmetric networks. The more pluralistic the network, however, the more voices that will be heard. Running an election during a pandemic is a time for these voices to be proactively sought out and heard. The state needs to hear from electoral officials, disability groups, political parties, gender advocates, ethnic minority campaigners, civil rights groups and more. This contestation of ideas will ensure that elections are built within inclusion in mind and that faults and pitfalls in proposals are spotted and ironed out (James and Garnett, 2020). It therefore matters not just what decision is made, but how that decision is made and who makes it.

### *Rickety resourcing*

Running an election during a pandemic is likely to have major resource consequences. For example, providing personal protection equipment for staff will incur additional costs—especially if prices spike because of limited supply. A move to early voting, where polling stations are open several days in advance, will involve additional staff and the further hiring of premises. The costs of running postal ballots at a higher volume will involve further printing and postage costs.

There are therefore major risks that elections will be inadequately resourced during a pandemic. Although there might be aspirations to increase staff and voter safety, if adequate resources are not made available, these aspirations will not be realized. The availability and release of funds is also time-sensitive. Electoral officials will be reluctant to place orders for equipment until there are guarantees that these costs will be covered by the purse-string holder—often central government ministers. Despite the obvious importance of the issue gaining the attention of the purse-string holders is often difficult for electoral officials. It involves advocacy and lobbying during times when the central government might be overwhelmed by demands (James, 2020, pp. 252-65).

### *Late legislation*

Putting mechanisms in place to adjust the election for Covid-19 will often require new legislation. Late legislation, however, can often pose a major threat to the electoral process itself. Late legislation in the UK was also seen as a contributory factor towards the huge volume of rejected ballots at the Scottish 2007 parliamentary elections. An independent enquiry into that election pointed to the late introduction of an electronic counting system being made as a major contributory factor and therefore discouraged the passage of late legislation (Gould, 2007). At the international level, the Council of Europe has previously set out that electoral rules should not be open to amendment less than one

year before an election (Venice Commission, 2002, 10). Legislation was proposed in the Polish parliament to hold their May 2020 presidential election entirely by postal ballot. Major concerns were raised by OSCE/OHIDR, however, that these last-minute changes would threaten the stability of electoral legislation and legal certainty (OSCE/OHDIR, 2020). The Polish election was postponed only hours before the poll was due to open, creating huge political instability.

There are therefore major traps here. Changes may need to be made to the electoral process to adapt to a pandemic situation, but late legislation will undermine the administrative capacity of electoral officials to deliver the election. Meanwhile, there is also a risk that electoral officials will be experimenting with new electoral officials in the middle of a perfect storm. Those states with no prior experience of postal voting will face major challenges introducing it within a short period of time.

## Conclusion

Elections are difficult enough to run during normal times. Pandemics, however, propose a major further challenge to the governance networks involved in delivering elections. The health of citizens, the functioning of the electoral process and democracy are all at risk. There might also be longer-lasting consequences, such as conflict and autocratization, if an election goes wrong. This is not a challenge that will disappear. There will be other emergency situations that electoral officials will face in the future. Collaborative working, risk management and lesson-sharing will be central to navigating the organizational elephant traps explained here. A one-size-fits all approach will also not necessarily work as solutions will need to be tailored for administrative capacity and prior experience. Democratic ideals and the prevention of humanitarian suffering should guide these choices.

## References

- ACE. 2017. Electoral Cycle. <http://aceproject.org/ero-en/topics/electoral-management/electoral%20cycle.JPG/view>.
- Boyne, George A. 2002. "Concepts and Indicators of Local Authority Performance: An Evaluation of the Statutory Frameworks in England and Wales." *Public Money & Management*, 22, (2), p. 17-24.
- Burden, Barry C, and Jeffrey Milyo. 2015. "The Quantities and Qualities of Poll Workers." *Election Law Journal*, 14, (1), p. 38-46.
- Buril, Fernanda, Staffan Darnolf, and Muluken Aseresa. 2020. *Safeguarding Health and Elections*. Washington D.C.: IFES.
- Catt, Helena, Andrew Ellis, Michael Maley, Alan Wall, and Peter Wolf. 2014. *Electoral Management Design: Revised Edition*. Stockholm: International IDEA.
- Clark, Alistair, and Toby S. James. 2016. "Why volunteer? The motivations of polling station workers on election day." In *Paper for the Political Studies Association Conference*. Brighton.

- Elklit, Jørgen, and Michael Maley. 2019. "Why Ballot Secrecy Still Matters." *Journal of Democracy*, 30, (3), p. 61-75.
- Elklit, Jørgen, and Andrew Reynolds. 2005. "A framework for the systematic study of election quality." *Democratization*, 12, (2), p. 147-62.
- Garnett, Holly Ann. 2017. "Open election management bodies." In *Election Watchdogs*, edited by Pippa Norris and Alessandro Nai. New York: Oxford University Press.
- Gould, Ron. 2007. *Independent review of the Scottish Parliamentary and local government elections*. Edinburgh: Electoral Commission.
- Hasen, Richard L. 2012. *The voting wars: From Florida 2000 to the next election meltdown*. Grand Rapids, MI: Yale University Press.
- International IDEA. 2020a. *Elections and Covid-19: International IDEA Technical Paper 1/2020*. Stockholm: International IDEA.
- . 2020b. Global overview of Covid -19: Impact on elections. <https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>.
- James, Toby S. 2011. "Only in America? Executive partisan interest and the politics of election administration in Ireland, the UK and USA." *Contemporary Politics*, 17, (3), p. 219–40.
- . 2012. *Elite Statecraft and Election Administration*. Basingstoke and New York: Palgrave.
- . 2020. *Comparative Electoral Management: Performance, Networks and Instruments*. London and New York: Routledge.
- James, Toby S., and Sead Alihodzic. 2020. "When is it democratic to postpone an election? Elections during natural disasters, Covid-19 and emergency situations." *Working paper*.
- James, Toby S., and Holly Ann Garnett. 2020. "Introduction: the case for inclusive voting practices." *Policy Studies*, 41, (2-3), p. 113-30.
- Keyssar, Alexander. 2009. *Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books.
- Krimmer, Robert, David Duenas-Cid, and Luliia Krivonosova. 2020. "Debate: safeguarding democracy during pandemics. Social distancing, postal, or internet voting—the good, the bad or the ugly?." *Public Money & Management*, p. 1-3.
- Minnite, Lorraine C. 2010. *The Myth of Voter Fraud*. Cornell University Press: Ithaca, New York.
- Norris, Pippa. 2014. *Why Electoral Integrity Matters*. New York: Cambridge University Press.
- OSCE/OHDIR. 2020. *Opinion On The Draft Act On Special Rules For Conducting The General Election Of The President Of The Republic Of Poland Ordered In 2020 (Senate Paper No. 99*. Warsaw: OSCE/OHDIR.
- Piven, Frances Fox, L. Minnite, and M. Groarke. 2009. *Keeping Down the Black Vote*. London and New York: The New Press.
- SABC. 2020. By-elections in George postponed due to Covid-19 pandemic. <https://www.sabcnews.com/sabcnews/by-elections-in-george-postponed-due-to-covid-19-pandemic/>.
- Sobolewska, Maria, Stuart Wilks-Heeg, Eleanor Hill, and Magna Borkowska. 2015. *Understanding electoral fraud vulnerability in Pakistani and Bangladeshi origin communities in England. A view of local political activists*. Manchester and Liverpool: Centre on Dynamics of Ethnicity.
- Tsebelis, George. 2002. *Veto Players: How Political Institutions Work*. Princeton University Press.
- Venice Commission. 2002. *Code of Good Practice in Electoral Matters: Guidelines and Explanatory report*. Strasbourg: Venice Commission.