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Pandemic democracy: elections and COVID-19

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ABSTRACT

This article provides an initial assessment of the many risks posed by the COVID-19 pandemic on the conduct of genuine and transparent elections in the world. It begins with explaining why elections are a vital part of democracy, and then using the notion of the electoral cycle, constructs a risk matrix that assesses the relative impact and likelihood of risks to the cycle, as well as proposes a number of potential mitigations to these risks. The variety and number of elections, dimensions of the electoral cycle that can be disrupted, and the need for solutions raises significant questions about the future of democracy itself.

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Introduction

On 7 April 2020, the state of Wisconsin held its primary election in the run up to the November Presidential Elections in the United States. The primary was held at a time when the global pandemic COVID-19 was on its upward trajectory in the US, where cases of infection and death were increasing at a dramatic rate, most notably in New York City, the hardest hit region in the country. The conduct of the primary was hotly contested across the political spectrum, as significant concerns were raised about the health risks to voters, the conduct of the election using traditional ballot paper methods of voting, and the possibility of biased results that would compromise the ability for the state to guarantee a genuine and transparent election.

In contrast to Wisconsin, 14 other states postponed their primaries: Alaska, Connecticut, Delaware, Georgia, Hawaii, Indiana, Kentucky, Louisiana, Maryland, New York, Ohio, Pennsylvania, Rhode Island, and Wyoming, as well as Puerto Rico. Outside the United States, The Republic of Korea voted on April 15 and set out various measures so that voters were able to participate in the election without safety concerns, where a turnout of more than 66% was the highest in the last three decades. In Mali, first round elections were held on 29 March, the day its first coronavirus death was announced with very low turnout and its second-round was held on 19 April. France cancelled its second round of local elections due to be held on 29 March, and turnout in the first round on March 22 was much lower than in the previous election.

These different approaches to managing elections during a pandemic raise a number of questions about the risks to democracy in the presence of an external threat of the kind the world has experienced with the spread of COVID-19, and join a wide range of questions concerning risk, democracy, and public participation (see, e.g. Webler and Tuler 2018). In this article, we argue that the COVID-19 pandemic poses significant risks to the ability for countries to

Table 1. Elections during COVID-19, March–May 2020.

Country	Type of election	Date of election
Israel	Parliamentary elections	2 March 2020
Taiwan	Kuomintang Chairperson election	7 March 2020
France	Local elections	15 March 2020 ^a
Germany	Local elections (Bavaria)	15 March 2020
Moldova	Local elections (Hâncești)	15 March 2020
Dominican Republic	Municipal elections	15 March 2020
United States	Primaries (Arizona, Florida, Illinois)	17 March 2020
Vanuatu	General elections	19 March 2020
Zimbabwe	Municipal elections	14–22 March 2020
Poland	By-election	22 March 2020
Guinea	Constitutional referendum	22 March 2020
Canada	Shoal Lake 39 council elections	26 March 2020
Mali	General elections	29 March 2020
Australia	Local elections (Queenstown)	29 March 2020
Switzerland	Local elections (Luzern)	29 March 2020
United States	Presidential primary (Wisconsin)	7 April 2020 ^a
South Korea	Legislative elections	15 April 2020
Russian Federation	Referendum	22 April 2020 ^b
Chile	Referendum	26 April 2020 ^b
Kazakhstan	Kazakh House of Representatives	30 April 2020
Bolivia	Chamber of Deputies, Senate, Referendum	3 May 2020 ^b

Source: Election Guide, available at <http://www.electionguide.org/digest/post/17597/>

^aPartially postponed (14 states in the US and Puerto Rico postponed primary elections)

^bPostponed

guarantee genuine and transparent elections, and that without well-considered and appropriate measures, the conduct of elections may have significant impact on both public health protection and electoral integrity. We illustrate how the pandemic may affect critical elements that constitute the electoral cycle and consider different measures to mitigate the electoral risks from the pandemic, including cancellation, postponement, postal voting, and electronic voting.

Elections and democracy

Elections are a mainstay feature and ‘basic predicate’ of democracy (Ginsburg and Huq 2018), which provide the primary mechanism through which political leaders are chosen and held to account and through which individuals participate in the governance of their country (see Dahl 1971; Lijphart 1999; Lindberg 2006; Landman 2013; Webler and Tuler 2018; Pzeworski 2019). The ability for countries to conduct elections is further bolstered by a robust regime of human rights protection; rights such as freedom of movement, freedom of assembly, freedom of association, and freedom of speech (Dahl 1971; Landman 2013).¹ Elections aggregate citizen interests and mediate their relationship to government across several different dimensions: (1) the electoral unit (local, regional, and national), (2) the branch of government (executive and legislature, which can be bicameral or unicameral), and (3) the timing and type of elections (mid-term, primary, and general). The rise in the number of democracies, despite a recent backslide (see Chu et al. 2020), over the ‘third’ and ‘fourth’ waves of democracy since the 1970s (Huntington 1991; Doorenspleet 2005; Landman 2013) means that any given year has seen a very large number of elections across all continents of the world, and as the pandemic runs its course, political leaders will need to focus on measures that mitigate the worst and most probable risks facing these processes.

According to the latest figures for 2020, 28 countries have had national elections in which more than 88 million people have voted, while at the height of the pandemic between March and May 2020 there have been 22 elections scheduled (see Table 1). Between April and October 2020, the world is scheduled to have more than 30 national elections, and many more elections at the local and state level,² while the United States Presidential Elections are scheduled to be

held on 3 November 2020, when in addition to the executive, all seats in the House of Representatives and two-thirds of seats in the Senate will be contested. While some elections are scheduled to take place as the pandemic reaches its peak in many countries, the measures to manage the worst risks during the subsidence of the virus will continue to have widespread impact on subsequent elections around the world.

COVID-19, government response, and the electoral cycle

The January outbreak and subsequent global spread of the coronavirus pandemic has claimed a significant number of lives across the world with varying degrees of severity and prevalence. Data collected by the Centre for Systems Science and Engineering at Johns Hopkins University, for example, have tracked the time-series and cross-national spread of reported cases, deaths, and recoveries.³ Government responses to the pandemic tracked, for example, by the Blavatnik School of Government at Oxford University, include lockdowns restricting freedom of movement, a variety of social distancing measures to reduce community transmission, and severe restrictions on economic freedom, business operations, and other organizational activity;⁴ the combination of which may have significant implications for the conduct of genuine elections for the foreseeable future. Stay at home measures have reduced productivity, led to stock market convulsions, consumer stockpiling, rising levels of unemployment,⁵ disproportionate impact on vulnerable populations and minority communities,⁶ and some instances of civil unrest (e.g. in Michigan, Virginia, Colorado, parts of South Africa, and in certain suburbs of Paris).⁷

Mainstream media reporting, social media commentary, and ‘fake news’ have fuelled a large number of conspiracy theories about the origin of the virus, debates about ‘flattening the curve’⁸ through tough measures, and pleas from national health services for personal protective equipment (PPE),⁹ rapid development of a vaccine,¹⁰ and the deployment of emergency testing sites to manage the worst periods of the pandemic.¹¹ Travel restrictions imposed during the crisis have affected 100 countries and any relaxation in any of these measures has varied according to the vagaries of the pandemic and the national political contexts in which it spreads. The intersections between scientific debate and guidance, public awareness and acceptance of the pandemic, and the trade-off between concerns over public health and economic sustainability have affected government consideration for so-called ‘exit-strategies’ from life under lockdown.¹²

The spread of the virus and various government responses may have a significant impact on what is known as the *electoral cycle*, or the set of steps and processes involved in the conduct of elections. The electoral cycle involves a number of elements relating to: (1) the pre-electoral period (training, information, and voter registration), (2) the electoral period (nominations, campaigns, voting, and results), and (3) the post-electoral period (review, reform, and strategies).¹³ Under more normal circumstances, these elements should be in place to provide the appropriate processes, provide opportunities for voters to inform themselves, and to conduct elections in ways that allow for the maximisation of democratic participation and for the arrival at trusted and legitimate results.

There are several ways in which the pandemic and government response can affect any one of these processes. First, the virus itself could discourage voters from casting their votes and affect overall levels of turnout. Voter turnout is seen by many as a crucial factor underpinning the legitimacy of an election, providing electoral mandates to leaders, and as a barometer for the health of democracy in general. Mature democracies have been experiencing a secular decline in voter turnout over the last several decades, a trend which may well worsen as a result of the pandemic in these democracies, as well as affecting newer democracies around the world.

Second, the consequences of formal postponement varies by regime type. For example, in full or ‘flawed’ democracies (The Economist Intelligence Unit 2019),¹⁴ postponement can lead to intensifying polemics, e.g. in US, France, Italy, and Poland. In the US, the outbreak has plunged

Table 2. Electoral cycle risk matrix.

Electoral cycle	Risk	Impact	Likelihood	Possible mitigations
Pre-electoral period				
Planning	Limited potential for physical meetings	Low	High	On-line meetings for planning
Training	Limited potential for physical training	Low	High	On-line training
Information	Limited leafletting	Low	High	On-line messaging, social media, news media (restricted)
Registration	Limited access to registration offices	Medium	High	One-line and postal registration
Electoral period				
Nomination	Disruption to primaries	High	High	Postal voting On-line voting Hybrid models of voting
Campaign	Limited physical campaigning and party conventions	High	High	On-line campaigning Paid media advertisements One-line conventions
Voting	Limited potential for physical voting	High	High	Postal voting On-line voting Hybrid models of voting
Results	Disrupted vote counts and processing	High	High	Electronic voting integrity Postal vote verification Physical/virtual vote tallies
Post-electoral period				
Review	Limited potential for physical meetings	Low	High	On-line review meetings and stakeholder interviews On-line documentation archives
Strategy	Limited potential for physical meetings	Low	High	On-line meetings and stakeholder strategy sessions On-line documentation archives
Reform	Limited potential for physical meetings	Low	High	On-line reform meetings and stakeholder consultations One-line legislative drafting and passage; virtual parliaments

Source: compiled by the authors, using the electoral cycle model: <https://aceproject.org/electoral-advice/electoral-assistance/electoral-cycle>

the 2020 political campaign calendar into uncertainty. The discussion on alternative voting methods has become a partisan political dispute. In hybrid systems with some presence of electoral processes (Levitsky and Way 2010), postponement can lead to increased political uncertainty and an undermining of the rule of law. In Bolivia the pandemic emergency overlaps with the political crisis triggered after the controversial elections held in October 2019 (Human Rights Watch 2020). On 21 March the planned elections for 3 May were postponed. The electoral administration body sent parliament a proposal for the new elections to take place between 7 June and 6 September, which will decide on the new date when confinement measures are lifted. In elected authoritarian regimes (Schedler 2006; Levitsky and Way 2010), postponement can create a power vacuum, abuse of power, and the abuse of state of emergency measures, which further consolidate authoritarian rule, undermine the rule of law, and further threaten the protection of human rights (e.g. as has occurred in Hungary, where a slate of authoritarian measures have been passed under the premiership of Victor Orbán).¹⁵

Third, many different elements in the electoral cycle may be affected. Voting operations on Election Day and campaigns in the run up to an election can be disrupted. Already, in the United States, the Biden campaign is appealing to voters remotely, while the national party conventions will be unlikely to take place in their normal format.¹⁶ Training and voter registration can be affected, as has been in the case in the Wisconsin primary. There is also speculation that the November Presidential Elections could be postponed, as the Republicans under the leadership of President Donald Trump weigh up the costs and benefits of staging the election on time.¹⁷

Mitigating the risk of electoral disruption

Talking a formal risk-based approach to the disruption of the electoral cycle demonstrates that there are significant risks with a high likelihood of causing disruption. Table 2 is a risk matrix that sets out the different elements of the electoral cycle and the possible mitigations that could be implemented to reduce these risks. The table shows that the electoral period has risks with the highest impact and highest likelihood for candidate nomination processes, campaigning, voting, and tallying results. For the pre-electoral and post-electoral periods, there is less impact of the risks, but high likelihood. The final column of mitigations shows that there are a number of on-line and pragmatic ways to address these risks. For the pre-electoral period, it is possible to have on-line planning, training, information, and registration processes developed. For the electoral period, there are on-line, postal, and hybrid solutions available, while for the post-electoral period, there are on-line solutions and 'virtual parliament' solutions available for reviews, stakeholder engagement, and the promulgation of electoral reform legislation. Remote working and on-line solutions that have been implemented quickly during the pandemic by business organisations, universities, and other organisations can be adapted for the electoral cycle.

These and other challenges require a set of solutions that will need to be in place relatively quickly as the uncertainty of the virus continues. There are on-line and mail solutions for training, registration, and voting itself, each of which has a number of problems that need to be overcome, and that will be subject to the influence of political self-interest from political parties and candidates. Any on-line solution faces problems relating to information security, the threat of cyber attacks, and hacking more generally, as well as questions over the integrity of the results, as was seen during the Iowa caucuses before COVID-19. Postal voting, while used for absentee ballots, has become highly contentious in the US owing to the belief that such a system may be biased to particular party affiliations. Online and mail voting can generate mistrust in elections and the rejection of an unfavourable outcome (in these systems, the full secrecy of the vote is not guaranteed).

Procedures for "early voting" in South Korea, as well as many precautionary measures, provided conditions in which the turnout reached 66% in 2020 (58% in 2016). The turnout of early voting in 2020 hit 26% (12% in 2016). A special "code of conduct of voters" was implemented due to COVID-19 (i.e. Spinelli 2020). The system itself may have generated new voters by providing different ways of voting, while also creating some form of voting substitution effects. Every context is unique, the South Korean case certainly cannot be generalised all over the world. Nevertheless it appears that a mixed voting possibility led to higher turnout.

These legal and procedural provisions to facilitate inclusion and participation of voters were already part of the South Korean electoral framework. Nevertheless in Poland, the lack of multiple modes of voting created many political disputes. Under virulent political polemics on April 6, the Parliament voted to conduct the next presidential elections completely through postal voting or to delay the date of the election, if necessary.¹⁸ Both decisions by parliament required approval from the Senate.

Quite apart from the technical details relating to the conduct of genuine and transparent elections, there are additional concerns over public health and public security that require more holistic solutions and inter-agency cooperation at levels that have not been present in pre-COVID-19 elections. The recent popular (and in some cases armed) protests against stay at home restrictions in Michigan and other states illustrate this intersection of concerns that may well affect forthcoming elections.

Conclusion

This brief overview of the many challenges for the conduct of elections during the time of the pandemic shows that there remain many unknowns as the pandemic progresses and as governments respond. There are clearly no single or simple solutions to the election quandaries we set

out here; however, given the number of elections, some of which are very significant for global politics, due to take place under the shadow of COVID-19, make it imperative that solutions need to be found, tested, and legitimacy secured if democratic institutions and accountability are not to be damaged. All electoral authorities need to focus on an election risk management plan in case of an outbreak. In the medium term perspective, every country needs a backup plan to hold the election. A solid electoral framework needs to contemplate pandemic solutions. It is crucial to avoid delaying the election and to incentivize participation under an outbreak.

For the electoral period, Table 2 suggests a mixed system of voting as a potential solution. Such a mixed system of voting may include, for example, (1) postal voting for out-of-country people and those who are over 65, (2) online voting for people with certificate electronic signature, and (3) standard voting in polling stations under strict safety measures for the rest of people (i.e. polling stations disinfection, social distancing, compulsory masks for voters and temperature checking upon arrival). The trade-off whether to hold or postpone scheduled elections is complex, resulting in controversies in either case. Introducing reforms to the electoral law shortly ahead of the election is not compatible with the principles of stability of electoral legislation and legal certainty (OSCE 2020). Postponement or electoral law reforms need a high level of consensus among political parties, civil society and all stakeholders.

Given the centrality of elections to democracy and the large number of elections scheduled around the world during the pandemic, it is vital that solutions for the conduct of genuine and transparent are found quickly. Failure to find suitable and effective solutions can undermine the health of democracy and compromise the fundamental human rights to vote and participate in the governance of a country.

Notes

1. In addition to these civil and political rights, enshrined most notably in the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights, human rights to education and health as set out in the 1966 International Convention on Economic, Social, and Cultural Rights are also important for maximising participation in elections, since provisions for and fulfilment of state obligations on these rights provides the necessary capacity and capability for individuals to take part in elections meaningfully. Limits to the fulfilment of these rights can lead to the de facto disenfranchisement of many eligible voters. For more on the human rights implications of COVID-19, see https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf.
2. See: <https://aceproject.org/today/upcoming-elections/>.
3. See the Center for Systems Science and Engineering here: <https://systems.jhu.edu/>.
4. The Blavatnik School of Government tracking of government response to COVID-19 is available here: <https://www.bsg.ox.ac.uk/research/research-projects/coronavirus-government-response-tracker>. The school's 'Stringency Index' (OxCGRT) collects publicly available information on 17 indicators of government responses, including containment and closure policies, economic policies, and health system policies.
5. For an analysis of the socio-economic impact of COVID-19 on the UK, see the analysis of scenarios available from PwC: <https://www.pwc.co.uk/services/economics-policy/insights/uk-economic-update-covid-19.html>.
6. See, for example: https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf.
7. See, for example, Mudde, C. (2020) 'The "Anti-Lockdown" Protests are About More Than Just Quarantines,' *The Guardian*, 21 April 2020, London: The Guardian. Available at: <https://www.theguardian.com/us-news/commentisfree/2020/apr/21/anti-lockdown-protests-trump-right-wing>.
8. Spektor, B. (2020) 'Coronavirus: What is 'flattening the curve,' and will it work?' *Livescience*, 16 March 2020; Available at: <https://www.livescience.com/coronavirus-flatten-the-curve.html>.
9. See, for example, The Royal College of Nurses (RCN) statement on personal protection equipment (PPE), available at: <https://www.rcn.org.uk/covid-19/rcn-position/ppe-position-statement>.
10. See, for example, Gartner, A. and Roberts, L. (2020) 'How close are we to a coronavirus vaccine? Latest news on UK trials,' *The Telegraph*, 1 May 2020, London: The Telegraph; Available at: <https://www.telegraph.co.uk/global-health/science-and-disease/coronavirus-vaccine-latest-news-trial-covid-19/>.
11. The availability and accessibility of testing sites for COVID have been hotly debated in the press and vary significantly by country. See, for example, the guidance issued by the Centers for Disease Control and Prevention (CDC); Available at: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/testing.html>.

12. All governments across different jurisdictions face a number of challenges in devising exit strategies. See for example, Highfield, R. (2020) 'Coronavirus: Exit Strategies,' The Science Museum Group; Available at: <https://www.sciencemuseumgroup.org.uk/coronavirus-exit-strategies/>.
13. Election Guide, available at <http://www.electionguide.org/digest/post/17597/>.
14. Full democracies have a long history of legitimate elections, peaceful transfers of power between political leaders, and a strong regime of human rights protection in place that allow for the maximisation of citizen participation in the political system. Flawed democracies have many elements missing, where elections take place, but there are significant shortcomings with respect to media laws, freedom of expression, and the arbitrary use of coercion and repression to affect electoral outcomes. See, for example, Zakaria (2007), Landman (2013, 2018).
15. See, for example, Euronews (2020) 'Hungary's Viktor Orbán handed sweeping new powers with COVID-19 law,' Available at: <https://www.euronews.com/2020/03/30/blank-cheque-hungary-expected-to-pass-controversial-covid-19-law>.
16. See, for example, Lange, J. (2020) 'Democrats delay presidential convention until August, citing coronavirus,' Reuters, London: Tomson Reuters; Available at: <https://uk.reuters.com/article/uk-usa-election-biden-convention/democrats-delay-presidential-convention-until-august-citing-coronavirus-idUKKBN21K36C>.
17. See, for example, Zurcher, A. (2020) 'Coronavirus: Could Donald Trump delay the presidential election?' BBC, London: BBC; Available at: <https://www.bbc.co.uk/news/world-us-canada-52326166>.
18. See, for example, Dalhusen, J. (2020) 'EU must call out the follies of Poland's Covid-19 election,' *The Financial Times*, London: The Financial Times; Available at: <https://www.ft.com/content/b1a6457c-7a5c-11ea-bd25-7fd923850377>.

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