HOLDING ELECTIONS DURING THE COVID-19 PANDEMIC

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What can Ireland learn from international experience?

The objective of this Note is to inform Members of the Oireachtas about some of the policy instruments available to address the challenges of holding elections during the Covid-19 pandemic in advance of legislation on this issue which is anticipated from the Government. Based on international experience and the principles of electoral integrity the Note considers the challenges to holding elections during the Covid-19 pandemic and the policy options, including special voting arrangements, which may help to address them.

Key points

- There are two options when it comes to elections during the Covid-19 pandemic, postponement or the introduction of special voting arrangements to mitigate the threat of spreading the virus. Both options present issues for electoral integrity.
- There are five key challenges to holding an election during Covid-19: 1) threats to the opportunities for political campaigning by candidates and parties; 2) incumbents have additional advantages over other candidates; 3) ensuring all voters can vote safely; 4) effective electoral management; 5) institutional certainty.
- There is a balance to be struck between facilitating voters through special voting arrangements and safeguarding the integrity of the election with appropriate measures against fraud and other abuses. There is evidence presented of strong electoral integrity in Ireland.
- Postponement of elections is not an option in Irish electoral law.
• Introducing advance voting/voting on two consecutive days/over a weekend would facilitate social distancing and avoid queueing at pinch points during the day, like the traditional ‘teatime rush’.
• Postal and special voting arrangements in Ireland are very limited. Any expansion would need to preserve strong measures to verify the identity of voters and ensure the secrecy of the ballot.
• Election counts would need to be broadcast to overcome the limitation on attendance at counts and ensure stakeholders can monitor the count.
• As political campaigns will move online the regulation to bring transparency to online political advertising needs to be put in place.
• An election or referendum during Covid-19 would be significantly more costly than an election in normal times and it would require a significant communication strategy.

1. Holding elections during a pandemic: challenges and the policy options

The Covid-19 pandemic has presented severe challenges to the management and scheduling of elections across the world in 2020. While natural disasters and other emergency situations pose similar challenges, typically they have a more localised impact on elections. For example, elections were postponed for public health reasons in West Africa, Democratic Republic of the Congo and Liberia during the Ebola crisis (2013-2016), and campaign restrictions were introduced in Mexico in 2009 during the Swine Flu epidemic to prevent the spread of the virus.¹

There are two core options when it comes to addressing the challenges Covid-19 poses to holding elections, postponement or the introduction of special voting arrangements to mitigate the threat of spreading the virus. Both options present challenges for electoral integrity.

While there is an ongoing debate over a single, universal definition of electoral integrity, it can generally be defined as "any election that is based on the democratic principles of universal suffrage and political equality as reflected in international standards and agreements, and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle." (Kofi Annan Foundation, 2012)² Throughout this Note we use the IDEA International Electoral Standards, Guidelines for reviewing the legal framework of elections as a tool to consider issues of electoral integrity.

In going ahead with elections there is a balance to be struck between facilitating voters through the provision of special voting arrangements and safeguarding the integrity of the election with appropriate measures against fraud and other abuses.

Using evidence from elections held during natural disasters around the world, and early experiences during the Covid-19 pandemic, James and Alihodzic identified five key challenges to holding elections and maintaining electoral integrity during natural disasters, including the Covid-19 pandemic.³ We set out some of the options available to policy makers in addressing the five challenges.
1. **Threats to the opportunities for deliberation**, for example political meetings and door-to-door canvassing may not be possible. While this may be considered an issue mainly for candidates and parties unable to get their message out, it denies voters opportunities to formulate their preferences through engagement with candidates. To some extent candidates and parties may be dependent on the media to get their message out, though TV debates for example. Virtual rallies were also held at elections in the US and India this year.\(^4\) Creative use of online platforms and digital technology is probably the safest way to facilitate engagement between voters and candidates.

2. **Equality of contestation**, incumbent advantage over newcomer candidates can be more pronounced during a natural disaster or a pandemic. In times of crisis the management of the crisis can become a more salient issue for voters than other subjects.\(^5\) In the case studies presented below it is notable that the incumbents were successful even where the polls appeared to suggest otherwise before the pandemic (South Korea, New Zealand and Poland).

3. **Equality of participation**, how can all groups vote safely? Special measures, like introducing or extending postal or mobile voting, may be required to facilitate those most vulnerable to the virus, those who are self-isolating or those who have the virus at the time of an election. Early/Advanced voting, voting over a number of days, is another option to spread the voter traffic and facilitate social distancing.

4. **Robust electoral management delivery**. The delivery of elections is reliant on a large and temporary workforce, experienced workers may not be available during the pandemic. Additional funding is required to run safe and accessible elections during the pandemic, to provide suitable venues for voting and counting and to provide appropriate personal protective equipment (PPE) and hand sanitizer etc. for voters and election workers along with other measures to facilitate social distancing. One study on the cost of running eight covid-19 elections, based on publicly stated estimates, found increased costs of between $0.37 and $7.84 per voter.\(^6\)

5. **Institutional certainty**. Although there are challenges to be overcome in holding an election, going ahead with an election provides political stability and encourages the participation of candidates and voters.

On the other hand, late changes to electoral law can threaten the legal certainty and voters can perceive changes to benefit one party over others. The Venice Commission Code of Good Practice in Electoral Matters 2002 recommends that electoral rules should not be changed within the year on an election. In addition to reducing legal certainty, late changes to electoral legislation could undermine the administrative capacity of the election management bodies to deliver an election.\(^7\)

There are also several **issues arising when elections are postponed**, including:

- The Covid-19 pandemic doesn’t have a clear timeline. Can a new date for an election be set with certainty?
• The election must be run at some point, postponement could result in multiplicity of ballots which could confuse voters.
• Running different types of elections could cause problems for the electoral management body.
• Postponing elections can cause political uncertainty and instability.

Postponed elections must be held eventually, and the postponement can incur additional problems. Postponing an election during a natural crisis can challenge the political system through what James and Alihodzic describe as the postponement paradox:

“The postponement paradox is that postponing will break institutional certainty, and this may lead to partisan scrabbling which could trigger democratic break-down and undermine trust in the system—especially presidential systems that are used to fixed terms and states with low levels of political trust.”

How have countries dealt with these challenges?
At least 99 countries and territories held elections and referendums between 21 February and 13 December 2020. In the same period 75 countries and territories postponed elections and referendums due to concerns Covid-19, 48 of these have held elections that were initially postponed, leaving 30 countries and territories where elections and referendums have been postponed. See the IDEA map of where elections have been held since Covid-19 pandemic began – the Irish Seanad election is included on the map.

The approaches taken in South Korea, New Zealand, UK and Poland, illustrate four different approaches to handling elections during the Covid-19 pandemic. The timing of the elections and the status of Covid-19 in each country was a significant influence in the approach taken, this aspect is not treated in the case studies. There are two examples of postponed elections: a short one-month postponement of a General Election in New Zealand to build logistics and wait for a lower alert level; and, a one-year postponement of local elections in the UK (provided for in legislation), in the belief that integrity would be compromised by going ahead with the elections. The Polish case study illustrates the danger to political stability of amending electoral legislation close to an election. South Korea, one of the first countries to hold an election in the Covid-19, expanded special voting arrangements, already provided in electoral law, which were strengthened by good public-health measures to mitigate the spread of the virus.

While the case studies presented are illustrative there are some common experiences worth noting, however, there are not enough examples to describe these points as trends in Covid-19 elections:

- the challenges faced by candidates and parties when campaigning,
- the importance of agreement among election stakeholders on new rules,
- the high level of voter turnout and the success of incumbents.
Case Study 1. South Korea – one of the first countries to hold a Covid-19 election

The National Assembly elections in South Korea in April 2020 were one of the first elections to be held during the pandemic. Initially there was public and political debate about whether the election could go ahead as planned. The National Electoral Commission (NEC) launched a communication plan to advise voters of the measures being taken to minimize the risk to voters and to encourage early voting. Apart from the hygiene measures to prevent the spread of the virus, no new electoral measures were introduced, but some measures like home voting/postal voting were extended. Drive-in voting was also considered but there was not enough time to introduce it.¹⁰

Advance voting has been available to all voters in South Korea since 2013; for the 2020 election advance voting took place over two days (10 and 11 April). Home voting/Postal voting was extended for this election to voters hospitalized with Covid-19 or in quarantine due to the virus. Prior to Covid-19 postal voting was only available to people with disabilities, elderly people with mobility issues, those in hospital and nursing homes and prisoners.¹¹

Stringent measures to protect voters and election staff during in-person voting included a Code of Conduct for Voters that stipulated the use of face masks, temperature checks, physical distancing, hand sanitizer and gloves.¹²

To ensure the transparency around voting and counting the NEC livestreamed activities in polling stations as well as all stages in the counting process.¹³

Turnout in the South Korean election was at its highest since 1992 (66%), however commentators noted that this may be partially due to lowering the voting age from 19 to 18.¹⁴

The election result saw the incumbent government, the Democratic Party, secure the largest majority since the first democratic elections in 1987. In January, the party’s prospects had not looked so good due to economic issues and political scandals. The government’s successful management of the Covid-19 response is credited with its election victory.¹⁵

There were two problems caused by Covid-19 that could not be overcome. First, campaigning was reported to be low profile with parties and candidates shifting to the creative use of online platforms and digital technology. Second, out-of-country voting was negatively impacted as South Koreans overseas must attend in person to vote and 86 out-of-country voting facilities were closed due to the pandemic.¹⁶
Case study 2. New Zealand – a short postponement

New Zealand held a General Election and Referendum on Saturday 17 October 2020. The election had originally been scheduled for 19 September (date set in January 2020). Postponement of the election, due to the coronavirus pandemic, was announced on 17 August. Opposition parties had sought a postponement as the health restrictions were hampering election campaigning.\(^\text{17}\)

Advance voting opened on 3 October and 1.97 million people took advantage of advance voting compared to 1.2 million in 2014.\(^\text{18}\) Advance voting for a two-week period is standard practice in New Zealand.

Additional measures to mitigate against the risks of Covid-19:

- There were additional voting places open with space for physical distancing, contact tracing and hand sanitiser was provided at voting places. Voters were asked to bring their own pens.
- Voters were asked to vote locally - voters in New Zealand can vote at any voting place but are required to fill in an extra form if voting outside their own area.
- Additional capacity was introduced for postal and takeaway voting was introduced to facilitate those unable to go to a voting place. Takeaway voting is where a voter authorises someone to pick up their voting papers from a voting place for them. In 2020, 504,625 people voted using the special voting options available, postal, takeaway and overseas voting, this was 17% of total votes - the same percentage of total votes as in 2014.\(^\text{19}\)
- People in managed isolation or quarantine were able to vote using a telephone dictation service.\(^\text{20}\) This is a standard voting service for blind and vision-impaired voters and voters who have a physical disability that prevents them from marking the voting paper independently and in secret.\(^\text{12}\)

Before the Government closed New Zealand’s borders on 20 March, opinion polls had pointed to a close election, but support moved sharply to the Labour party as the country eliminated community transmission in a matter of months. Most commentators observed this was largely a Covid-related election.\(^\text{21}\) Voter turnout at 82.2% of registered voters was the highest since 1999 when it was 84.8%.\(^\text{22}\)
Case Study 3. UK – local elections in England postponed for a year

In March 2020, the UK Government confirmed that the local elections in England and police and crime commissioner elections in England and Wales, due to take place on 7 May 2020, would be postponed for a year. The postponement was provided for in emergency legislation (Coronavirus Act 2020). According to the Government, the decision to postpone was taken following “advice from the Government’s medical experts in relation to the response to the Covid-19 virus. Additional risks include to polling station safety, the possible demands on local authority electoral staff to support other key services, and the impracticality or potential impossibility of campaigning activity.”

The Electoral Commission and the Association of Electoral Administrators (AEA) had both called for a postponement. The AEA highlighted the risks of running the elections during the pandemic:

“The delivery of the polls could be put at risk if returning officers and their staff become ill and need to self-isolate. As elections were due in all parts of England and Wales the possibility of staff from another area assisting may have been limited;

Candidates must deliver nomination paper in persons. If some council premises needed to close candidates may be unable or unwilling to deliver their nomination papers;

Polling stations only have a relatively small number of people in them at any one time, but across polling day hundreds of people would be in attendance. The AEA sought guidance on best practice about measures to sanitize polling stations;

Election counts involves large numbers of people gathered in one place. If people are reluctant or unable to attend the counts the transparency of the electoral process could be called into question;

Staff may be unwilling or unable to staff polling stations.”

Another issue highlighted by the AEA was the availability of specialised suppliers capable of delivering electoral services, such as printing ballot papers, postal voting packs, polling cards and specialised electoral software.

Local elections were delayed in 2001, when they took place one month late due to the foot and mouth outbreak.
Case study 4. Poland – lessons from late changes to the electoral code

The 2020 presidential election in Poland offers lessons to other states on the effect of late changes to well defined electoral law.

Postal voting was first introduced in Poland in 2014 for any voter on request. In 2018 postal voting was limited to voters with disabilities, the then government stated that postal voting was not sufficiently secure. In April 2020, ahead of the Presidential election due to be held during the Covid-19 pandemic in May, the government introduced legislation to provide that the election would be solely by postal vote.

The proposed legislation, the administrative plans to deliver a postal vote to all registered voters, and plans to use of the postal service to collect the votes from designated collection boxes, would have by-passed the normal electoral administration system. The bill passed the Sejm (lower house) but its passage was delayed by the Senat. The timing and substance of the proposed changes to the electoral rules drew criticism from the opposition parties and the Polish Ombudsman. Some candidates threatened to boycott the election because of the legal changes and the difficulties they had campaigning due to Covid-19. The local system for electoral management was breaking down and on 30 April the National Electoral Commission Chair stated that holding any election on 10 May was unrealistic. There was criticism from international observers including the Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and Rapporteurs of the Council of Europe’s Parliamentary Assembly, mandated to monitor the functioning of democratic institutions in Poland.

After further legal and political wrangling new legislation was introduced, this time with the support of the other parties, which restored the lead role in organising the election to the NEC and made postal voting available on request only again. A new election date was set for the election, which resulted in a short campaign period, by this time restrictions on gatherings had been lifted which permitted political rallies. Turnout (64.4%) was higher than in the first round of any Presidential election since 1995. The incumbent, Andrzej Duda was elected with a narrow margin (51.21%) after the second round of voting on 12 July. Turnout, at 68.1% was even higher at the second round.

The experience from South Korean and New Zealand, where there were special voting arrangements in place that could be expanded, would suggest the Irish Government is prudent in providing special arrangements in the case of a Covid-19 election. It may be sensible to have the arrangements on the statute book for other emergency situations.
6. Contingency Planning for COVID-19 elections in Ireland

There is no provision in Irish law for an election to be postponed due to the declaration of a state of emergency or similar as exists in some other countries.30

There are no Irish elections imminent. Assuming a five-year cycle the next general election is expected in 2025. However, circumstances could arise that would see the Dáil dissolved prior to that date prompting a general election within 30 days.31 A bye-election is probably more likely, in this case the timeframe is a maximum 7 months from the vacancy arising.32 The next Local Government and European Parliament elections will be held in 2024 and the next Presidential election in 2025. A referendum is possibly more likely to be held with Covid-19 restrictions in place, although the Government has more flexibility in setting the date for a referendum.

In addition to any legislative changes made to facilitate elections during the Covid-19 pandemic there will need to be a significant publicity campaign to inform voters, candidates and political parties about the specifics of election arrangements and other advice. The case studies from South Korea and New Zealand would support such an information campaign.

The Legislative Programme Autumn 2020 includes an Electoral Reform Bill, one of the purposes of which is to bring forward proposals aimed at assisting with the holding of electoral events where Covid-19 type restrictions are in place.33

It is expected that the Bill will contain proposals similar to those discussed in May 2020, when it was reported that the Department of Housing was drawing up contingency plans for the holding of a general election during the pandemic in case the talks broke down and the 33rd Dáil was dissolved. 34 The plans are reported to:

1. Allow voting to take place over a number of days to ensure proper adherence to social distancing regulations (allocating specific days to those living at certain addresses or on certain streets),
2. Allow ‘cocooners’ (vulnerable people such as those over the age of 70 and those with pre-existing health conditions) to vote via a postal ballot, and
3. Allow for special polling, where votes may be cast in hospitals, nursing homes or similar settings.
4. Consideration is also being given to how staff could work at polling stations and how the count could take place. One idea for the count that has been mooted is to follow the procedure used for the latest Upper House (Seanad Éireann) election, where a limited number of people were present at the count, but the count was televised live.

These contingency plans include some of the policy instruments identified for holding Covid-19 elections by the IDEA set out above.
We examine each of these proposals in more detail noting that it is important that any measures introduced to facilitate Covid-19 elections do not dilute the integrity of the electoral process which, at present, is quite strong, with some specific risks. The OSCE Office for Democratic Institutions and Human Rights found a high level of confidence in the Irish electoral process and administration among stakeholders during its Needs Assessment Mission (NAM) to Ireland from 22 to 24 January 2020. Ireland ranked 27th of 167 countries in the most recent report Electoral Integrity Worldwide Report 2019. Campaign finance and voter registration are identified as the weakest elements of the electoral process. It is important that any measures introduced to facilitate Covid-19 elections do not dilute the integrity of the electoral process. The threat of unregulated online political advertising was considered to be a high risk in the Government’s assessment of risk to the electoral system in 2018.

1. Voting over a number of days

Currently, the legislation provides that Irish elections/referendums are held on one day with in-person voting at polling stations. In terms of electoral integrity, in-person voting offers the best means to maintain the secrecy of the ballot and avoid fraudulent voting. Island voting is the only advance voting that occurs in Ireland, with voters living on the islands off Donegal, Mayo and Galway voting between one and six days before polling day on the mainland to ensure weather conditions don’t impact on the poll.

The Joint Committee on the Constitution in its Review of the Electoral System for the Election of Members to Dáil Éireann (2010) recommended that voting take place at weekends and over two consecutive days (Recommendation 21). This was with a view to increasing turnout. The Convention on the Constitution (2013) recommended an extension of polling days and polling hours and greater access to postal voting in its fourth report and in the Dáil debate on the report several TDs agreed with the proposal, acknowledging it would increase the cost of elections.

While there is mixed evidence on the impact of weekend voting on turnout, voting on two consecutive days/over a weekend, in the context of Covid-19 would facilitate social distancing and avoid queueing at pinch points during the day, like the traditional ‘teatime rush’.

A Private Members Bill (PMB), Electoral (Amendment) (No. 3) Bill 2014, introduced by Éamon Ó Cuív in 2014 proposed same day voting for the islands and the mainland, arguments for the change included the unequal treatment of island voters and their exclusion from political debates in the final day of election campaigns. The government supported the Bill, although the Minister highlighted some issues with ensuring the ballot boxes were at the count centre in a timely fashion. The Bill was restored to the Dáil Order Paper in September 2020.
2. Expansion of postal and special voting

Under the Electoral Acts, most Irish voters must cast their vote in person at a specific polling station. The availability of postal and other special voting arrangements is very limited, and voters must register for these arrangements ahead of the election. An expansion of such measures could facilitate voters who otherwise could not attend at polling stations, thus ensuring that more registered voters have the opportunity to cast their ballot. At election 2020 less than 20,000 votes were cast using either postal or special voting arrangements, 0.009% of the total valid poll. See Table 1 for details of eligibility for a postal or special vote.

Table 1. Eligibility for a postal or special vote

<table>
<thead>
<tr>
<th>Voting by Post</th>
<th>Special Voters List</th>
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<tbody>
<tr>
<td>• Irish Diplomats and their spouse/civil partner posted abroad;</td>
<td>Voters who live in a hospital, nursing home or similar institution can apply for inclusion on a Special Voters List to vote at these locations.</td>
</tr>
<tr>
<td>• Members of An Garda Síochána and whole-time members of the Defence Forces;</td>
<td><em>Electoral Act 1992</em></td>
</tr>
<tr>
<td>• People with physical illness or disability;</td>
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<tr>
<td>• Full time students at an educational institution in Ireland, away from their home address where they are registered;</td>
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<tr>
<td>• Person who cannot vote at their local polling station because of their occupation;</td>
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<tr>
<td>• Prisoners; and</td>
<td></td>
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<tr>
<td>• Certain election staff.</td>
<td></td>
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<tr>
<td><em>Electoral Act 1992 as amended</em></td>
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</tbody>
</table>

Postal voting and advance voting have been suggested as ways to increase voter turnout through making it more ‘convenient’ to vote. To ensure the integrity of postal voting in Ireland, postal voters are generally required to register in advance for a postal vote and to attend a Garda Station to vote and have their identity verified by a member of An Garda Síochána (*Electoral Act 1997, s. 68*).

Those on the Special Voters list vote in their nursing home or other location in the presence of a special presiding officer appointed for the task and a member of An Garda Síochána (*Electoral Act 1992 s.82*). In this case it is the special presiding officer who verifies the identity of the voter, in the presence of the Garda who is guarding the ballot papers as well as witnessing the election. Special voting is sometimes referred to as ‘mobile voting’ in other countries as the ballot box comes to the voter.

Under the current arrangements the integrity of postal and special voting is ensured by members of An Garda Síochána, and the special presiding officer in the case of special voting, to verify the identity of voters and ensure the secrecy of voting. A significant increase of postal and/or special
voting would place an increased burden on An Garda Síochána and electoral staff or require the introduction of an alternative way to verify the identity of the voter that could dilute the integrity of an election.

As there is a commitment in the Programme for Government for the Electoral Commission to examine postal voting with a view to expanding it, the issue of maintaining the integrity of postal voting in Ireland will arise again outside the context of Covid-19 elections.

3. Arrangements for an Election Count

The special arrangements introduced for counting votes in the Seanad vocational seats give some indication about how an election count at other elections might be organised. It is the responsibility of the Returning Officer to appoint the place where votes are counted and make arrangements for all furniture, equipment and staff. The Electoral Act 1992, s.113 sets out who, in addition to the electoral staff, can attend the count in Dáil elections to observe the conduct of the count to ensure the integrity of the count, see the extract from the legislation.

Extract from Electoral Act 1992, s.113

(2) The returning officer, his assistants and clerks, members of the Garda Síochána on duty and the agents of the candidates duly appointed for the purpose under this Act may be present at the counting of the votes and no other person shall be present without the permission of the returning officer.

(3) The returning officer shall give the agents of the candidates all such reasonable facilities for overseeing the proceedings at the counting of the votes (including, in particular, facilities for satisfying themselves that the ballot papers have been correctly sorted) and all such information with respect thereto as he can give them consistent with the orderly conduct of the proceedings and the performance of his functions.

The Seanad count for the vocational panels in 2020 was conducted in the Printworks at Dublin Castle, to facilitate social distancing of count staff and observers. Usually Seanad election counts are held in Leinster House. Attendance was restricted to candidates and their agents, the minimal attendance permitted by law. No journalists were allowed attend the count. The count was live streamed on two Oireachtas social media platforms (Facebook and Twitter), the detailed results of every count and video clips of the Returning Officer’s announcements were also put out on the four Oireachtas social media platforms (Twitter, Facebook, Instagram and LinkedIn). The counts for the National University of Ireland (NUI) and Dublin University (TCD) were also held in larger venues, the Shelbourne Suite of the RDS and Dargan lecture theatre in TCD respectively, and the counts were livestreamed on the university websites.

Based on the Seanad experience there are three specific issues that would need to be addressed for future pandemic election counts:

1. **Venue**: venues must be capable of facilitating appropriate social distancing and broadcasting.
2. **Attendance**: attendance must to be kept to the legal minimum to ensure that candidates and parties can observe the count.
3. **Broadcasting**: live broadcasting of the count for reasons of transparency and accessibility.
Under electoral legislation the selection of the venue for counting votes is a matter for the Returning Officer and the attendance is limited by law. Any new legislation to facilitate elections during the Covid-19 pandemic should provide for live broadcasting.

4. Protecting election workers and voters – non legislative requirements

It has been noted above that additional funding and staffing are required to run safe and accessible elections during the pandemic. The Returning Officer is responsible for the venue and staffing of polling places under the Electoral Acts. Polling places are usually schools or other public buildings, like libraries. For a Covid-19 election additional polling places would be required to facilitate appropriate social distancing of voters and electoral staff.

The *Electoral Act 1992, s.98* sets out who can attend a polling station (see extract below), the ‘other’ authorised persons would have to be kept to a minimum in the context of Covid-19 restrictions.

**Electoral Act 1992, s.98**

No person shall be admitted to a polling station other than—

(a) the returning officer and any representative of his,

(b) the presiding officer and poll clerk for the station,

(c) a candidate, his election agent and his deputy agent for the polling district concerned,

(d) the personation agents duly appointed in writing for the station by or on behalf of the candidates,

(e) Dáil electors admitted for the purpose of voting at the polling station,

(f) companions of Dáil electors whose sight is so impaired or who are otherwise so physically incapacitated or who are unable to read or write to such an extent that they are unable to vote without assistance, while such companions are assisting such electors,

(g) members of the Garda Síochána on duty,

(h) messengers sent by or on behalf of the returning officer, and

(i) other persons authorised by the returning officer to be present in the station.

People are recruited specially to work at polling stations and at count centres for the election day and counting period. 50 As in other countries, it is common for some Irish polling staff to be retired and of an age that would make them more vulnerable to Covid-19. Additional staff would be required to staff additional venues and to maintain compliance with Covid-19 restrictions.

Other measures required would include supply of hand sanitizer and appropriate personal protection equipment as well as regular cleaning of the polling station and polling booths. As in New Zealand voters could be asked to bring their own pencil.

Box 1 provides some insight into the scale of the challenge of holding an election during the Covid-19 pandemic in Ireland, based on the administration of General Election 2020. Full details about the numbers or recruitment of staff for the polling stations and count centres were not available, nor were the number of Gardai typically engaged in election duties.
Box 1. Administration of General Election 2020 in numbers

- 19 returning officers*
- 39 constituencies
- 6,500 polling stations*
- 530 candidates
- Total electorate 3,509,969**
- Postal and Special ballots issued 27,665**

Sources: *OSCE 2020 and **Dáil Éireann 33rd DÁIL GENERAL ELECTION 8 February 2020 Election Results

5. Impact of Covid-19 on political campaigning

Setting out the five challenges to holding elections and maintaining electoral integrity during natural disasters, James and Alihodzic describe the challenge faced by parties and candidates trying to conduct election campaigns as the threat to the opportunities for deliberation. Election campaigning by parties and candidates was an issue noted in the case studies from South Korea, New Zealand and Poland. Novel approaches have been reported from several elections, including TV debates without a live audience, virtual or drive in rallies, and a reliance on online campaigning as well as posters.

Political advertising is banned on broadcast media in Ireland (except for party-political broadcasts) and political advertising in print media is regulated under the Electoral Acts. The forthcoming Electoral Reform Bill will address the regulation of online political advertising. As campaigns are likely to move online, the anticipated regulation to bring transparency to online political advertising would need to be in place before any Covid-19 election or referendum is held in Ireland.

Any provisions to support election campaigning by parties and candidates are possibly limited to increasing spending limits at elections to allow for additional costs associated with campaigning with Covid-19 restrictions.

Census 2021 was postponed until April 2022. This is likely to delay the regular legislative revision of Dáil constituencies for one year, until 2023, as the Constituency Commission must wait for the final results of the census before publishing its report on which the amending legislation is based. This reduces the probability of campaigning in revised constituencies for candidates and parties during the pandemic.

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2 ACE. The Electoral Knowledge Network website Electoral Integrity — (aceproject.org)
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4 Ibid p. 351
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8 James and Alihodzic (2020) p. 345
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21 Uk House of Commons Library https://researchbriefings.files.parliament.uk/documents/CBP-9034/CBP-
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29 Irish Times (13 July 2020) Duda wins re-election as Polish president after bitter campaign
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Bunreacht na hÉireann Article 16.

The Electoral (Amendment) Act 2011 amended s. 39 of the Electoral Act 1992 to provide that should the writ not be ordered by the Dáil within six months, the Chairman should issue the writ. The election must then be held between the 18th and the 25th days after the issue of the writ (disregarding excluded days – Sundays, Public holidays, Good Friday) (s. 96 of Electoral Act 1992).

The purpose of the Electoral Reform Bill, as set out in the Legislative Programme, is to establish a statutory, independent electoral commission, to provide for the modernisation of the registration of electors, to regulate online political advertising during election period and to bring forward proposals aimed at assisting with the holding of electoral events where Covid-19 type restrictions are in place.

Irish Times (16 May 2020) General election during crisis could see voting spread over days General election during crisis could see voting spread over days (irishtimes.com)


Electoral Act 1992, Part XV


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Dept of Housing. (14 January 2020) Minister Murphy makes an order appointing Saturday 8 February as the General election polling day

19,687 valid votes cast using Postal and Special Voting ballot papers and total valid poll 2,183,489. Houses of the Oireachtas (2020) 33rd Dáil General Election 8 February 2020 Election Results p.82

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Irish Times 29 March 2020 Coronavirus: Fianna Fáil Seanad candidates to stay away from count centre; Communication with Seanad Returning Officer 9 December 2020.

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The Journal 8 February 2020 How do people get those jobs at polling stations (and how much do they pay)?

James and Alihodzic (2020) p.350

CSO Statement on the postponement of Census 2021 15 September 2020

The Electoral (Amendment) (Dáil Constituencies) Act 2017 was enacted in December of that year following the Census taken on 24 April 2016. CSO published Preliminary Results of 2016 Census 14 July 2016. Dáil Constituency Commission established 14 July 2016 and required to report within three months of the final result of 2016 Census. Final results for Census 2016 were published on 6 April 2017.
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