

Coronavirus and elections in selected Member States

SUMMARY

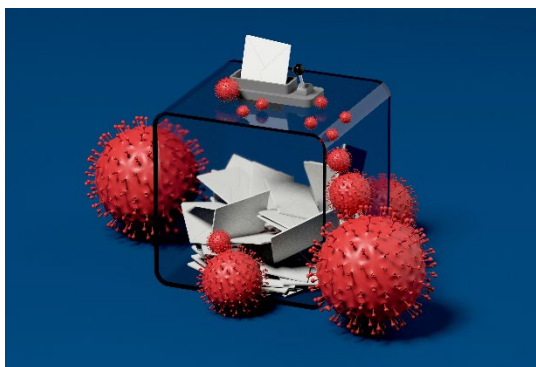
With the outbreak of the coronavirus pandemic, many countries around the world that were or are due to organise elections or referendums, have had to decide whether to hold them as originally planned, introducing mitigating measures, put them on hold or postpone them to a later date.

When deciding whether to continue with elections or not, decision-makers have needed to take into account a variety of legal, technical and sanitary parameters and implications, as well as constitutional arrangements, to ensure that democratic institutions function as they would in normal circumstances and to ensure people's fundamental rights and freedoms are upheld.

While postponing an election may be the most feasible and responsible option from the public health perspective, the decision may open the door to other risks, including undermining people's trust in democracy and casting doubt on the regular nature of elections. However, as experts suggest, democracy can also be undermined by holding elections during the pandemic, as their free and fair nature might be questioned.

In order to protect election staff and voters, health and safety procedures can be built into election-related procedures, and special voting arrangements can be introduced, such as postal or e-voting, that allow citizens to cast their votes remotely. These entail other technological, security and social challenges, however, that need to be taken into account.

This briefing provides example of how selected EU Member States have dealt with elections and referendums that were due to take place during the coronavirus pandemic.



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Introduction

With the outbreak of the Covid-19 pandemic, countries around the world have adopted measures to contain the spread of the virus, which have had a significant impact on citizens' daily lives in many ways, limiting their freedom of movement, right of association, right to education and to practise religion, as well as, to a certain extent, their right to stand for and to vote at elections. Those countries that were or are due to organise local, regional, parliamentary or presidential elections, or referendums, have had to decide either to hold them as originally planned, introducing [mitigating measures](#), or to put them on hold or postpone them to a later date.

According to the [International Institute for Democracy and Electoral Assistance](#) (International IDEA), at the time of writing at least 65 countries and territories across the globe have decided to postpone national or subnational elections owing to the pandemic, whereas at least 33 countries and territories have decided to hold national or subnational elections as originally planned despite concerns related to the coronavirus.

In the European Union (EU), the issue of elections in emergency situations is relatively novel but other countries around the world have already had to look at the issue, as a result of terrorist attacks, natural disasters or public health crises (e.g. the [US](#) in the first two instances and [Liberia](#) in the third) that disrupted governmental operations, including the organisation of elections.

The decision as to whether or not to continue with an election is not straightforward. Decision-makers need to take into account an array of legal, technical and sanitary parameters and implications as well as constitutional arrangements for scheduling and organising elections and election campaigns so as to ensure that democratic institutions function as they would in normal circumstances and that individuals' fundamental rights and freedoms are upheld.

International standards and norms governing the appropriate conduct of elections

Democracy is one of the founding values of the EU as laid down in Article 2 and Title II of the [Treaty on European Union](#) (TEU). Democracy is unthinkable without a credible electoral process, which includes not only voting but also equal possibilities to campaign for all the candidates, freely exercising the right of assembly and participating collectively in the political process and ensuring pluralism of ideas. As stated by the European Court of Human Rights, for example in cases [29221/95 and 29225/95](#) and [42461/13](#), freedom of expression and of assembly and association are essential foundations and among the paramount values of a democratic society.

Article 21(3) of the [Universal Declaration of Human Rights](#) and Article 25 of the [International Covenant for Civil and Political Rights](#) specify that people should have the right and the opportunity to participate in periodic and genuine elections that must be by universal and equal suffrage and held by secret vote, guaranteeing free expression of their will.

As regards the European context and the right to free elections, [Article 3](#) of Protocol No 1 to the [European Convention on Human Rights](#) (ECHR) provides explicitly for the right to periodical elections at reasonable intervals by free and secret suffrage. A 1990 [Copenhagen Document of the Conference on Security and Cooperation in Europe](#) (CSCE) made commitments that included free elections at regular intervals; universal and equal suffrage; the right to establish political parties; the right to campaign in a free and fair atmosphere and the right to have unimpeded access to media. Similar commitments are stated in [OSCE Election Observation Handbook](#), which contains practical guidelines for election observers.

When it comes to elections under a state of emergency, the Council of Europe Venice Commission gives a detailed account of [standards](#) that should be met when holding or postponing elections in

order for the elections to comply with the main principles set out in the [Code of Good Practice in Electoral Matters](#).

Different constitutional approaches to postponing an election during an emergency

There is no formal rule in international law to prevent countries from holding elections or referendums during emergency situations. However, many constitutions provide for postponement or an opportunity to postpone elections during emergencies, for example by extending the term of parliament. This is the case in Croatia, Italy, Germany, Greece, Poland, Lithuania, Slovenia, Spain, Hungary and Canada). In other countries' constitutions an emergency situation precludes the dissolution of parliament, e.g. Germany, Spain, Portugal, Poland, Hungary and Russia).

Source: [Venice Commission](#).

To hold an election or postpone?

The main objective of electoral processes is to deliver reliable electoral results. Credibility is achieved through broad participation of the public, ideally with a high turnout and equal levels of participation across different segments in a society, giving legitimacy to elected officials. The simple fact of voting means standing in line, entering crowded polling stations, and sharing pens or electronic devices.

Under the threat of the pandemic many people are self-isolating and everyone else is required to abide by various 'social distancing' measures, in an attempt to slow down the spread of virus (i.e. 'flatten the curve'). Authorities therefore need to [balance](#) the risk of holding an election, with people either voting in person in a polling station – with the potential health implications of bringing people together in a confined space – or using alternative voting methods, with that of postponing an election, with a potential impact on democratic standards.

While postponing an election may be the most feasible and responsible option from the public health perspective, the decision may open the door to other risks. As set out in papers by [Democratic Audit](#) and [International IDEA](#), postponing an election entails the following risks:

- **Loss of voice:** citizens lose the opportunity to remove and replace a representative or government for a period of time.
- **Political opportunism:** if incumbent legislators and leaders extend their term of office without consulting the public and without seeking consensus between all major political parties, this could undermine confidence in the process.
- **Political risk:** there may be no opportunity to bring about a change in policy direction, especially in countries where there has already been some democratic backsliding and leaders have been criticised by civil society for using the coronavirus crisis to extend their mandate.
- **Operational risks:** alternative dates may not be not feasible because of other risks (e.g. monsoon season, winter).

However, as both papers suggest, holding elections during these times, forcing the electorate to choose between their democratic right to vote and their health and that of their family also entails risks that could undermine democracy, as set out below:

- **Effect on turnout:** turnout may decline, especially among groups more likely to be affected by the disease. The result of an election could therefore be shaped by some groups more than others, undermining the principles of inclusivity and equality in the electoral process.
- **Effect on political campaign:** campaigning, including freedom of association, assembly and movement, may be restricted owing to limitations on public

gatherings, making it more difficult for voters to find out about all the candidates' manifestos and make an informed choice.

- **Effect on public debate:** debate may focus solely on the current public health crisis, thereby preventing a wider discussion about other important topics.
- **Political risks:** the level playing field may be distorted and the opposition undermined, as governments may use emergency restrictions on rights to repress opposition candidates or critical media and individuals.

Holding an election might also [divert human and material resources](#) from more urgent, potentially lifesaving activities, and measures imposed for limiting the spread of the virus could affect the administrative side of organising elections, such as affecting the production and distribution of ballot papers, voting booths, seals and other supplies needed during the process. Poll workers may also fear infection or get infected and therefore not assume their roles.

The [Venice Commission report](#) lists a range of issues that need to be taken into account when deciding whether to hold or postpone elections during a state of emergency, in order to ensure respect for human rights, particularly freedom of expression and of the press, and freedom of assembly and association for political purposes. For example, care must be taken to:

- prevent abuses by, for instance, involving all political parties and stakeholders in the discussion regarding the postponement;
- analyse the impact on campaigning possibilities and means of campaigning;
- take into account campaign costs, especially if the electoral campaign had already started before the extraordinary circumstances occurred;
- consider the legitimacy of a second round of elections, if these are held months after the first round, especially in the light of public opinion about candidates dealing with the crisis;
- give consideration to alternative voting methods, such as postal voting, mobile ballot boxes and voting by internet.

The International IDEA paper adds further general principles, stressing the need for inter-agency consultation and communication mechanisms that include both electoral authorities and public health authorities. When deciding whether or not to postpone an election, policy-makers should carefully consider staff and public safety, constitutional constraints and procedures, and implications for democracy (inclusion, equality and accountability). If they decide to postpone an election, they must address imminent electoral issues and adopt guidelines for caretaker authorities. They must also inform the public about the issues at stake, the reasons for the decision and the procedures in place to safeguard democracy.

Innovative ways to preserve in-person democratic participation

Health and safety measures can be incorporated into election-related procedures in order to protect election staff and voters. In addition to encouraging early or off-peak voting to reduce crowds throughout the day, sanitary measures can reduce the risk of spreading the virus. The United States (US) [Centers for Disease Control and Prevention](#) and the [International Foundation for Electoral Systems](#) have developed recommendations on preventative actions for election officials, polling staff and the general public. These encourage voting methods that reduce contact with other people, and involve cleaning and disinfecting voting equipment, social distancing measures for in-person voting and measures to mitigate the risk to highly vulnerable populations.

Furthermore, special voting arrangements, such as postal or internet voting, that allow citizens to cast their votes remotely, can reduce the density of people in polling places, decrease the risk of infection and address the likely shortage of willing polling staff. The [digitalisation](#) of democratic decision-making could result in the implementation or further development of alternative voting methods, including via blockchain technology, sometimes already used at local level.

However, while the expansion of remote (e-)voting options is important, it does involve [challenges](#). There are technological and security concerns, as well as social issues; these relate to vote transparency, voting secrecy, the danger of third-party interference, vote buying, the possibility of system attack or breakdown, inequalities in access to the internet, and technological literacy, to name just a few. These serious threats posed by e-voting can undermine [electoral integrity](#).

When deciding either to proceed with or postpone an election, decision-makers must therefore weigh the public safety and security risks, the constitutional constraints and procedures and the democratic implications carefully.

The coronavirus pandemic and elections and referendums in selected Member States

Germany

In Germany, the Bavarian **municipal elections** were the most prominent example of election scheduled in recent months. Bavaria, one of the highest populated states in Germany, was set to hold municipal elections on 15 March 2020, mobilising more than [10 million voters](#) to choose their mayors and municipal council members. Despite Bavaria having one of the highest infection rates in Germany, the Bavarian authorities decided to hold the first round of the municipal elections on 15 March as scheduled, following [strict hygiene rules](#). For instance, polling stations were equipped with hand sanitisers and voters were asked to bring their own pens and to keep a minimum distance at all times. People who were not able to cast their vote in person on that given day [could authorise a relative or friend](#) to pick up the documents at the town hall, cast their vote at home and then have the documents dropped off by the same person at the polling station. In contrast to the first round, in the second round of the Bavarian municipal elections, set for 29 March, votes were [cast entirely by postal vote](#). Given the strict lockdown imposed by the Bavarian government in the meantime, holding an election would have appeared counterproductive, thus the extraordinary use of postal voting. While postal voting is not unusual in Germany, the Bavarian example constitutes a historic precedent of organising an entire election by postal vote – a procedure for which a sufficient legal basis had thus far been lacking. The [Bavarian state parliament amended](#) the Bavarian municipal electoral law and inserted a new [Article 60a](#), which stipulated that the Bavarian municipal elections of March 2020 would be held entirely by postal vote. Consequently, all eligible voters automatically received the voting documents from their municipal administrations. Generally, the transformation of the election into a postal vote was regarded as a success: the 2020 elections recorded an increase in turnouts across Bavaria ([58.8 %](#)), mobilising 4.1 % more voters than in the [2014 municipal elections](#).

Other German states, such as [Hessen and Saxony](#), did not follow the Bavarian example and instead decided to postpone their municipal elections, originally planned for April and May 2020. In the state of Hessen alone, more than [36 municipal elections](#) were pushed back to November 2020. In contrast, the state of North Rhine Westphalia recently announced that it would [go ahead](#) with its municipal elections scheduled for 13 September 2020, while taking strict hygiene measures and extending the deadline to request a postal vote.

In the light of these developments at municipal and state level, the federal government is also contemplating [proposing an amendment to the federal electoral law](#) in order to ensure that the Bundestag elections take place in 2021. The governing coalition is supposedly drawing up plans to make next year's parliamentary elections [postal vote only](#), should the coronavirus still be present. A finalised version of these plans has yet to be presented.

Spain

In Spain, **regional elections** were due to take place in the Basque Country and Galicia on 5 April 2020. The Spanish government addressed the situation caused by the coronavirus pandemic

[declaring](#) a state of alarm on 14 March 2020. According to [Article 116 of the Spanish Constitution](#), the Spanish *Congreso de los Diputados* (lower house) cannot be dissolved and, therefore, general elections cannot be called if a state of alarm (or any other of the emergency states provided for under that provision) has been declared. However, those provisions do not apply to regional or local elections. Nevertheless, on 16 March 2020, political leaders of the autonomous regions of Galicia and the Basque Country announced the [postponement of elections](#); as agreed during videoconferences held with other regional political parties.

On 17 March 2020, the president of the Basque government (*Lehendakari*) issued [Decree 7/2020](#) suspending elections to the Basque parliament. The decree was adopted following an [order](#) of the Minister of Health on 13 March adopting preventive public health measures in the Basque Country as well as [Decree 6/2020](#) of 13 March according to which the *Lehendakari* took over the direction and coordination of the emergency activities in the civil protection plan in view of the health crisis caused by the spread of the coronavirus. The [electoral legislation](#) does not explicitly envisage how to proceed in case of a material impossibility of continuing with the electoral process, which would guarantee the participation of citizens and the right to vote. However, Article 46 of [Act 5/1990](#) on elections to the Basque parliament and Article 51 of [Act 7/1981](#) on the government give *Lehendakari* the powers to call elections to the Basque parliament, setting the date for the vote after the discussions by the governing council. Those powers are also maintained after the publication of Decree 7/2020 until the elections are held.

On 18 May 2020, after the health emergency resulting from the coronavirus pandemic in the Basque country was declared to be over and after hearing the political parties, the *Lehendakari* issued a [decree](#) calling for elections to the Basque Parliament to be held on [12 July 2020](#).

On 18 March 2020, the President of the Galician autonomous region (*Xunta de Galicia*) issued [Decree 45/2020](#) suspending elections to the Galician parliament. The decree was adopted following the [agreement](#) of the *Consello de la Xunta de Galicia* (regional government) of 12 March 2020 adopting preventive measures in matters of public health in Galicia, and an [agreement](#) of the regional government of 13 March 2020, declaring a health emergency in the territory of the autonomous community of Galicia and activating Galicia's territorial emergency plan. As stated in the decree, the impact of the declaration of the state of alarm on the elections to the Galician parliament is not expressly provided for in the applicable regulations. Nevertheless, this cannot be understood as a necessary continuation of the electoral process initiated prior to the declaration of the state of alarm. The decree justified the decision to suspend the regional elections on the basis of the regional president's competence to dissolve the regional parliament and call for elections, as provided for under Article 24 of [Act 1/1983](#) of the regional government and Article 12 of [Act 8/1985](#) of the regional electoral code.

As in the case of the Basque parliament, on 18 May 2020, after hearing the political parties, the regional president issued a [decree](#) calling for elections to the Galician parliament to be held on [12 July 2020](#), bearing in mind that they could be postponed again if the pandemic situation worsens.

France

In France the first round of **local elections** took place on 15 March 2020, despite the public health situation owing to the spread of the coronavirus already having become quite alarming in the preceding days. For that reason, on 7 March 2020, the French prime minister wrote a [letter](#) to the French mayors stating that the elections constituted a key element of French democracy and that there was no question of postponing them. On 9 March the Minister of the Interior issued a [circular](#) with sanitary provisions to ensure the safe conduct of the votes. These included facilitating the washing of hands with or without hydro-alcoholic gel at the entry and exit of polling stations, marking the ground to limit prolonged vicinity (i.e. too many people in the same limited area), cleaning the polling stations and equipment thoroughly before and after each round in the elections. While the wearing of medical masks was not required, voters were allowed to bring their own pens on the condition that these were black or blue and with indelible ink. The circular also

allowed the possibility of exceptionally postponing the closing time of the polling stations, considering that the management of polling stations might slow down the voting process. Despite the precautionary measures in place, the turnout for the first round was a relatively low [44.66 %](#) compared with 63.5 % in 2014, thus down almost 20 % [compared](#) with six years earlier. As mentioned above, a low turnout can [undermine](#) the legitimacy of the electoral process. Indeed, one of the main objectives of any election is to ensure broad participation across society. A very poor turnout can therefore cause an election to be perceived as less inclusive.

While, initially, President Emmanuel Macron ruled out the possibility of postponing the municipal elections, events evolved rapidly. As the number of Covid-19 cases in France increased, so did the restrictive measures taken by the government. On 17 March 2020, the Minister of the Interior presented a [decree](#) postponing the second round of municipal elections initially set for 22 March 2020 by decree [No 2019-928](#) of 4 September 2019. A few days later, on 23 March, the French Parliament passed [Law No 2020-290](#), declaring a state of [sanitary emergency](#) for two months and imposing severe restrictions on the free movement of individuals and on economic activities. The same law also referred to the municipal elections, stating that by Wednesday 27 May 2020 at the latest a Council of Ministers decree would fix the new date for the second round, if the health situation allowed. On 22 May, it was [announced](#) that the second round of the local elections would most likely take place on 28 June; this was later confirmed by a [decree](#) of 27 May. In the meantime, the results of the first round of the elections remain valid and by derogation from Article L. 224-1 of the [electoral code](#), the mandate of those in office before the first round has been extended until the second round (it was originally due to expire in March 2020).

Italy

In Italy, a **constitutional confirmatory referendum** together with several regional elections were due to take place between March and May 2020. The [referendum](#) to modify Articles 56, 57 and 59 of the Italian Constitution should originally have taken place on 29 March. The referendum question touched upon the reduction in the number of members of parliament (MPs), specifically from 630 to 400 members of the chamber of deputies, and elected senators, from 315 to 200. The law for the constitutional reform was approved by the parliament and [published](#) in the official journal (*Gazzetta Ufficiale*), but according to [Article 138](#) of the Italian Constitution the law can be submitted to a popular referendum if within three months of its publication in the official journal, one fifth of the members of a chamber or 500 000 voters or five regional Councils request it. In this case, the request was signed by 71 senators and filed on 10 January 2020. Owing to the seriousness of the coronavirus pandemic and the [measures](#) taken to deal with it, the government [proposed](#) to revoke the [Decree](#) of the President of the Republic of 28 January 2020, which had fixed the date for the referendum as 29 March 2020, in order to allow an effective election campaign including the provision of proper and adequate information for the public. The decision was formalised in a new [Decree](#) of the President of the Republic on 5 March 2020.

In the light of the prolonged emergency situation caused by the pandemic, on 20 April 2020 the government also approved a [decree](#) introducing urgent provisions for **regional and other elections** due to take place in 2020 and derogating several existing legal provisions. For instance, the term for holding elections for senate and chamber seats declared vacant before 31 July 2020 was extended from 90 to 240 days and the term for holding annual ordinary local elections, such as municipal ones, was moved to a Sunday between 15 September and 15 December 2020. **Regional elections** were also due to take place in several regions, notably in Veneto, Liguria, Campania, Toscana, Marche, Puglia and Valle d'Aosta, the latter being a [special statute](#) region. The government established that elected officials in regions with an ordinary statute, where elections were expected to take place by 2 August, would remain in office for five years and three months. Therefore, elections would take place within 60 days of that date. In the region of Val d'Aosta, elections were first postponed from 19 April to 10 May 2020 ([Decree](#) of the President of the Region,

of 10 March 2020, No 103) and then further delayed ([Decree](#) of the President of the Region, of 23 March 2020, No 118).

Austria

In Austria, both the state of [Vorarlberg](#) and the state of [Steiermark](#) had planned to hold **municipal elections** in mid-March 2020. These eventually had to be postponed because of the pandemic. In an extraordinary session on 17 March, the [state parliament of Steiermark passed a bill](#) allowing the postponement of the elections, but stating that they must take place within the following six months. Recently, the Steiermark government announced [28 June 2020](#) as the new date, encouraging citizens to make increased use of postal voting. The authorities have stated that the election will be held with the formerly selected candidates and that votes cast prior to the postponement will remain valid.

The constitution of the state of Vorarlberg stipulates that in case of exceptional circumstances municipal elections [may be postponed for up to nine months](#) (Article 14(3)) but in that case the electoral process must be started again from scratch, meaning that new candidates may run for office. Both states declared that it had not been possible to make the elections postal-vote-only at such short notice, mainly for [practical reasons](#). From a legal perspective, the Austrian Constitution allows the use of a postal vote under some circumstances (Article 26) and the Austrian Federal Constitutional Court has clarified that a postal-vote-only election is not barred by the Constitution, provided a reasonable justification is given. The coronavirus pandemic would generally have satisfied these requirements.

Poland

According to Article 128 of the [Polish Constitution](#) of 2 April 1997, presidential elections must be held on a non-working day falling within between 75 and 100 days of the end of the term of office of the incumbent president of the republic. In the event of the office of president of the republic falling vacant, elections must be ordered no later than on the 14th day thereafter, and must be held on a non-working day, within 60 days of ordering the election. The term in office of the incumbent president, Andrzej Duda, ends on 6 August 2020. Therefore, in line with the constitutional requirement, the first round of elections should have been held between 27 April and 22 May 2020, and the possible second round (if none of the candidates received an absolute majority) two weeks later, i.e. between 11 May and 5 June 2020. In line with the above, on 5 February 2020 the speaker of the Sejm (lower house of Polish parliament) [ordered](#) that the presidential elections should take place on 10 May 2020 (first round) and a possible second round two weeks later, i.e. on 24 May 2020.

However, the coronavirus pandemic broke out shortly afterwards and on 4 March 2020 the Polish Minister of Health [confirmed](#) the first case of a Covid-19 infection in the country. The Polish Constitution provides for a special constitutional state of emergency – a state of natural disaster. Governed by Article 232 of the Constitution, it can be introduced by the Council of Ministers for a definite period of no longer than 30 days, and may be extended with the consent of the *Sejm* as many times as needed. An [act of 18 April 2002](#) on the state of natural disaster specifically includes a 'massive occurrence of ... infectious diseases of human beings' in its definition of a natural disaster. No elections may take place, including presidential elections, during a state of emergency or within 90 days of its completion. The term in office is prolonged automatically. During any constitutional state of emergency, including the state of natural disaster, it is prohibited to modify electoral laws.

Postal voting in Poland

[Postal voting](#) was introduced in Poland by an [act of 11 July 2014](#) amending the electoral code, and applied for the 2015 parliamentary and presidential elections. An [act of 11 January 2018](#) limited it to citizens with disabilities however. An [Act of 31 March 2020](#) broadened the possibility for postal voting to include also citizens over 60 years of age and citizens in quarantine ([Chapter 6a](#) of the Electoral Code).

However, no state of emergency has been introduced, and the pandemic seems now to be receding, with various restrictions being [lifted](#).

Instead of declaring a state of natural disaster, on 13 March a state of epidemic risk was [declared](#), followed by a [declaration](#), on 20 March, of a state of epidemic on the basis of ordinary legislation ([act of 5 December 2008](#) on the prevention and combatting of contagions and contagious diseases in humans). In contrast to a state of natural disaster, the state of epidemic implies neither postponement of elections, nor prolongation of the incumbent president's term in office. Therefore, the dates of 10 and 24 May 2020 remained legally unaffected. Consequently, in order to organise the elections despite the coronavirus pandemic, the electoral laws were modified. On 6 April 2020 – more than a month before the scheduled elections – a group of MPs put forward a [draft act](#) on the special principles of organising the universal elections of the president of the Republic of Poland ordered in 2020. The proposal was adopted by the Sejm on the same day and sent to the upper house (the senate), which vetoed the act [by resolution of 5 May 2020](#) (within the 30-day time-limit set by the Constitution). On 7 May, the Senate's veto was rejected by the Sejm, and once the president had given his signature, the act was [officially published](#) on 8 May, entering into force on 9 May 2020, just one day before the planned date of the elections. The act provided that the elections would be conducted by postal voting exclusively, and that they would be organised by the Polish postal service and the Ministry for State Assets. Each voter would receive an electoral package no later than seven days before the elections. Votes would be posted in designated post boxes. The act also empowered the speaker of the Sejm to modify the date of the elections, but only within the limits set in the Constitution (see above). The Ministry for State Assets and the Post Office began their preparations for the elections even before the entry into force of the act.

However, according to press reports, as of 5 May preparations for the elections were 'lagging', and the head of the state electoral commission said it would be impossible to hold them at such short notice ([Reuters](#)). Indeed, planning for the 10 May elections is said to have 'collapsed at the last minute over rifts within the coalition and its opponents over how to hold the vote amid the coronavirus pandemic' ([Euractiv](#)). In the end, the 10 May 2020 elections did not take place but were not formally called off. Such a situation has no precedent and is not provided for in the electoral code. In reaction to that, on the same day the state electoral commission adopted [Resolution No 129/2020](#), in which it found that in the elections of 10 May 'there was no possibility of voting on candidates' (point 1), which – in the Commission's view – was legally equivalent to a situation in which there were no candidates (point 2), as provided for in Article 293(3) of the [electoral code](#). Under Article 293(2) of that code, the speaker of the Sejm should then order new elections within 14 days of the resolution. The resolution was [published](#) in the Journal of Laws on 1 June.

On 2 June 2020, the Sejm adopted the [Act on special principles of organising universal elections of the president of the Republic of Poland ordered for 2020, with the possibility of postal voting](#). The Act of 2 June 2020 repeals the earlier Act of 6 April 2020, mentioned above. The new act entered into force on the day of its promulgation and allows all voters to vote by post – those wishing to do so in Poland need to register five days before election day, and those wishing to do so abroad must do so 15 days before election day. All electoral committees registered for the elections of 10 May 2020 may participate in the new elections by simply declaring that intention. Their combined electoral expenses for the elections of 10 May and the new elections, must not exceed 150 % of the statutory limit (which is set currently at approximately PLN19.2 million, i.e. approximately €4.3 million). New electoral committees may register, but

Changes to electoral laws in Poland

The Polish Constitution does not provide for special thresholds to amend electoral laws. The Constitution (Article 228(6)) prohibits modifications of electoral laws during one of the constitutional states of emergency, none of which is currently in force. However, according to a judgment of the Constitutional Court of 20 July 2011 ([Case K 9/11](#)), confirming earlier case law of that Court, 'essential changes' to electoral laws must be introduced no later than six months before the beginning of the electoral calendar. Nonetheless, that case-law does not consider a situation of pandemic.

they will have a limit of 50 % of the total limit of electoral expenses. This means that 'old' committees will be allowed to spend a total of €6.5 million (for the 'old' and 'new' electoral campaigns combined), while newly registered committees will have €2.2 million (for the 'new' campaign only). If the public health situation deteriorates in a given municipality, the State Electoral Commission may order a municipality or part of it to use postal votes only (up to seven days before election day).

On 3 June 2020, the speaker of the Sejm issued an [order](#) providing for the presidential elections to take place on 28 June 2020, and a full electoral calendar. Most importantly, new committees could be organised by 5 June, and had only six days, until 10 June, to collect 100 000 signatures in order to register a new candidate. All the original 10 May candidates but one (Małgorzata Kidawa-Błońska) declared their intention to take part in the 28 June elections. Only one new candidate presented the required number of signatures – Rafał Trzaskowski, mayor of Warsaw and former MEP – collecting [1.6 million signatures](#), 16 times more than the legally required minimum.

Coronavirus pandemic and elections in EU Member States, up to June 2020

Country	Type	Initial date	New date	Comments
Germany	Municipal elections, 2nd round, Bavaria	29 March	Held	Held by postal voting only
Germany	Municipal elections Hessen	Various dates between 26 April and 25 October	Postponed	Earliest date envisaged 1 November 2020
Germany	Municipal elections in Saxony	Various dates between 19 April and 14 June	Postponed	Earliest date envisaged 20 September 2020
Spain	Regional elections Basque Country and Galicia	5 April	12 July	
France	Municipal elections, 2nd round	22 March	28 June	The first round was held as planned on 15 March
Italy	Referendum	29 March	Postponed	
Italy	Regional elections - special statute (Val d'Aosta)	19 April	Postponed	
Italy	Regional elections – ordinary statute (Veneto, Liguria, Campania, Toscana, Marche, Puglia)	31 May	Postponed	
Austria	Municipal elections (Vorarlberg)	15 March	Postponed	Recommencement of the entire electoral process
Austria	Municipal elections (Steiermark)	22 March	28 June	
Poland	Presidential elections, 1st round	10 May	28 June	

Data source: Council of Europe, Compendium of [electoral data](#).

According to the data available, elections already scheduled for June 2020 are so far confirmed.

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eprs@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

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