

**Monitoring Committee Meeting, 39th Session of the Congress of Local and Regional Authorities – Remote meeting, 17 September 2020**

## Speech by Jos WIENEN (Netherlands, EPP/CCE)

*Check against delivery - Seul le prononcé fait foi*

### **Debate on “ Local and regional elections in major crisis situations”**

Dear colleagues,

it is my pleasure to present at today's committee a very topical report which we compiled with the support of our Congress expert on electoral matters, Professor Christina Binder. This new report deals with local and regional elections in major crisis situations. Let me emphasise that this is an essential contribution to our broader debate in the Congress on the challenges related to the ongoing COVID-19 pandemic and possible solutions.

Probably many of you have recently been confronted with a situation in your countries where elections scheduled for this year have been postponed due to the outbreak of the pandemic. More and more among us, I assume, have seen elections being held despite the risks and practical obstacles the current unprecedented situation entails. Each country faces this major challenge in its own way and that is normal. The present report builds on different approaches adopted by states, in Europe and beyond, recently and during past crises, and provides an exhaustive compilation of practices recommended in the view of well-established international electoral standards.

Let me begin by saying that one cannot overemphasise the role of free and fair elections that are held periodically in line with constitutional or legal deadlines. Voting remains a powerful expression of the political community and ensuring free and fair elections is a fundamental mission of the Council of Europe. In the Congress we have a specific mandate to oversee that local and regional representatives continue enjoying democratic legitimacy that can be bestowed on us, the politicians, from the people only by elections. The current situation shows that local and regional authorities are very often in the forefront of coping with repercussions of the crisis situation at hand. In this context, the democratic legitimacy provided by free and fair election is even more essential than ever.

At the same time, the report acknowledges that states as well as local and regional authorities have a fundamental obligation to protect life, health and security of individuals under states' jurisdiction, the citizens, voters, and anyone else who can be affected by uncontrolled impacts of the crisis, most importantly vulnerable groups. This often proves challenging in the face of emergencies such as natural disasters, armed conflicts and terrorist threats, and indeed, as we continue seeing today, in case of a fundamental health crises such as the current COVID-19 pandemic.

In the past months, we have seen that large gatherings of people have contributed to the uncontrolled propagation of the virus. Gathering of people at campaign rallies and during the Election Day is, however, under normal circumstances, vital to truly democratic elections. So apparently, there is a tension between periodic elections on the one hand and the protection of people's lives, health and security on the other. The present report, nonetheless, makes a strong argument that this seeming tension is indeed

surmountable. We could see in Bavaria that postal voting can provide an alternative to in-person elections and thus limit transmissions on the Election Day. In France we saw an enormous effort to ensure that masks and gloves were provided to voters and poll voters to mitigate the risk.

There is however no easy recipe for holding elections in times of crisis. The risks can be only mitigated, not entirely eliminated, in most situations. Voting by post, on the other side, requires very reliable postal service and public trust in the security of the ballot. Last but not least, any widespread measures to overcome the challenges to elections in times of crisis need to be carefully planned and sufficient funding is required, since both the implementation of mitigating measures on the Election Day as well as the introduction of remote voting methods bear significant costs. A temporary postponement may be therefore under certain circumstances the most responsible decision, if provided by law.

Apart from practicalities some of which I have just listed, the report views the holding of elections in times of major crisis also from the perspective of international electoral standards. As I highlighted earlier, free and fair elections are one of the core values of our democracies. While this still holds true, and even more so, in times of crisis, the highest electoral standards that we normally seek to live up to may not always be upheld, while facing an unprecedented situation such as the current pandemic. Yet, certain core values of democratic elections are irreducible and that is undeniable, as we can all agree.

In this view, the report provides invaluable guidelines on how to preserve the principles underlying Europe's electoral heritage in the face of a crisis situation, namely the universal, equal, free, and secret suffrage as enumerated by the Venice Commission in the Code of Good Practice in Electoral Matters. The present report brings these fundamental principles to the centre and seeks to reconcile them with many of the challenges caused by major crisis situations. It also addresses the existing mitigation measures and alternative voting methods and evaluates their advantages and drawbacks from the perspective of electoral principles.

Dear colleagues, I could obviously continue talking about many aspects of this timely report, but I will end here and I invite you to explore some of them further. I think that my colleague and co-spokesman Stewart Dickson would like to briefly address some of the more particular points, so I am going to pass the floor to him.

Thank you for your attention.