HOLDING ELECTIONS IN THE CONTEXT OF COVID-19 PANDEMIC MEASURES ENVISAGED TO BE UNDERTAKEN IN ALBANIA IN THE FRAMEWORK OF THE PARLIAMENTARY ELECTIONS OF APRIL 25, 2021

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Abstract - Coronavirus-19 generated not only a global economic and health crisis but also placed states facing the difficult challenge of finding a balance between maintaining citizen health safe and the fundamental human right. Inevitably, it has changed the electoral processes, starting from the way of voting, the way of organizing electoral campaigns, issues in the focus of political discourse addressed by the candidates during the electoral campaign, etc. Since the beginning of the pandemic, there have been states that have postponed electoral activity or referendums, just as there have been states that have conducted them even during the period of world lockdown or in quarantine conditions, trying to hold elections not only safe for the health of citizens but also legitimate. In the coming months, Albania will have to face with the challenge of organizing, managing and holding parliamentary elections in the context of the COVID-19 Global Pandemic. While in less than two months the election campaign begins, what measures are foreseen to be taken by the government and responsible structure to organize the elections in an unprecedented situation? This paper aims not only to answer the above question but also through a qualitative comparative approach of the measures taken by states that have already held elections in the context of COVID-19, to identify which measure are provided by law and regulations and can be legally applicable,in Parliamentary Elections of 25 April 2021 in Albania.

Keywords - Applicable Measure, COVID-19 Global Pandemic, Election in Albania, Electoral Processes.

I. INTRODUCTION

COVID-19 has fundamentally changed the way of life of individuals all over the world, starting from daily activities, such as the way we work, the way we are doing shopping, organizing important events of our lives, how students attend university, children go to school, the manner of participation in public life, the exercise of our rights as citizens, including the right to vote and to stand as a candidate at election. Due to COVID-19 elections worldwide have been postponed or held under difficult circumstances, requiring legislators and electoral administrators to consider altered voting procedures, re-examine election timelines and find ways to ensure elections continue to be conducted freely, fairly and transparently[1].

According to the International Institute for Democracy and Electoral Assistance (IDEA) from 21 February until 27 December at least 75 countries and territories across the globe have decided to postpone national and subnational elections due to COVID-19. From the other hand at least 101 countries and territories have decided to hold national or subnational elections despite concerns related to COVID-19 of which: at least 79 have held national elections or referendums and 49 countries and territories have held elections that were initially postponed due to concerns related to COVID-19.[2]

On April 25, 2021, Albania will hold the next parliamentary elections and of course it will inevitably face almost the same challenges and dilemmas faced by the other countries that have already held elections during pandemics times.

In the coming months, Albania, as a member of the Council of Europe since 1995, will have to strictly implement one of the basic recommendations of the latter: "Whether member States decide to hold or to postpone elections, specific arrangements will be required for administering such elections and for ensuring the basic tenants of a public debate allowing citizens to be properly informed and to debate the options on offer."[3] But what are the measures that Albania has taken so far to hold safe elections in the context of COVID-19? Answering this question could give an overview of the current state of affairs of the electoral process in Albania, on the main propose to identify at the same time the steps to be taken by decision makers in order to approve the necessary measures to safeguard the health of the citizens but also to guarantee their freedoms and rights enshrined in the constitution. To answer the above question it is

[1] ACE- The Electoral Knowledge Network. *Understanding COVID-19 Related Election Challenges*. Retrived from: http://aceproject.org/covid-19

[2] International IDEA- ELlection and COVID-19: *Global overview of COVID-19: Impact on elections*. Retrived from: https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections

[3] Council of Europe, Directorate General of Democracy. (2020, March 29).*Elections and COVID19.* Pg. 3. Retrieved from:https://rm.coe.int/election-and-covid-19/16809e20fe

necessary to consider a series of questions that coincide with different stages of the electoral process such as: What are the legislative arrangements for an election campaign that not only informs citizens about the offers of candidates and political parties but also have a focus on maintaining their health?How will the citizens vote in the Polling Stations?What are the measures and steps they should follow? What about polling station staff, what instructions should they consider?

Methodologically under a qualitative comparative approach, for each of the above questions, there are presented some of the measures taken by countries that have held elections in pandemic time to be further compared with the measures envisaged to be undertaken in Albania. This comparison is not intended to assess what are the best practices to be further applied in Albania because there is no better recipe, as long as the ingredients vary depending on the context in which they are implemented (as in many other processes that have aimed at borrowing and implementing legislation, policies, systems in another country). However, the research of practices and instruments used by countries that have already passed this path is an important source of information for policy makers in Albania to assess the possibility of applicability in accordance with the legal framework, the domestic system, this is exactly the objective and the focus of this paper, and of this comparison.

In Albania, the Central Election Commission (hereinafter CEC) is responsible for managing and administering the electoral process, which has already published a series of decisions in the framework of the Parliamentary Elections of April 25, 2021, like: Appointment of members and secretaries of Electoral Administration Zones (hereinafter CEAZ) [4] ; The establishment of CEAZs;[5]The Approval of the Format and specifications of the CEAZ stamp, the VCC stamp, the stamp of the VCC chairman, and the Reserve stamp; The Approval of the Voter Education, Information and Awareness Program,[6] etc. Organized in eight parts, it aims to inform and sensitize citizens on the voter list, polling station, identification procedures in the voting process, voting method, immigrant voting, violations which are categorized as criminal offenses, etc.

None of the above documents mentions that the elections are being held in the context of COVID-19 or even in the Education, Information and Awareness Program where are described in detailall the instruments, media, duration of the transmission of awareness messages.

From the above it is very necessary and immediate to discuss the measures that will be taken by the Albanian government to hold safe elections, as COVID-19 is still an undeniable part of our reality and life in Albania but also around the world. This paper is an attempt to fill this gap in the public discourse on the parliamentary elections of April 25 in Albania, which is also the novelty of this paper.

The measures taken by the states that have so far conducted elections during the COVID-19 Pandemic can be categorized into three groups, which coincide with three different stages of the electoral process: measures during the selection of candidates of political parties, measures during the electoral campaign as well as measures during the voting day, including the counting and announcement of the results. Taking into account that in Albania the electoral system is regional proportional with closed lists, where the candidates are determined by political entities through a process defined in their statutes and internal regulations, the object of this paper are the measures taken in the last two phases, discussed in detail in the second and third part, while in the first part of the paper are highlighted some of the factors that should be taken into account by decision makers when drafting and approving measures.

II. EVALUATING THE BEST PRACTICE

To assess which of the measures taken by different countries are good practices and whether they can be applied or not in Albania, it is necessary to take in consideration two important moments.

First of all, the evaluation of the effectiveness of a protective measures taken during elections in the context of COVID-19 is an aspect that has raised much debate among researchers, due to the large number of variables that influenced the implementation. A group of researchers argue that a comparison between statistical data on the number of COVI-19 infected/mortality before and after the election can be a measurable indicator to assess the effectiveness of the measures taken. However, it is worth noting that the increase or not of the number of people infected with COVID-19 after the elections depends not only on the instruments (measures) themselves but also on a number of other factors such as: rigorous implementation or not of the applied measures; the culture of a country; the level of involvement and commitment required from voters;the typology of electoral meetings, the type of elections (local,

[4]Central Election Commission in Republic of Albania. *Decision No. 14, dated 25. 01. 2021 " On The appointment of members and secretaries of the Commissions of Electoral Administration Zone Commissions for the General Election of April 25, 2021."*

[5]Central Election Commission in Republic of Albania. *Decision No. 15, dated 25. 01. 2021 " For the first meeting of the Commissions of Electoral Administration Zone Commissions for the General Election of April 25, 2021."*

[6]Central Election Commission in Republic of Albania. Decision No. 9, dated 19. 01. 2021 "For the approval of the Program of Education, Information and Sensitization for the General Election of April 25.".

parliamentary, presidential), typologies of party systems, etc.

Secondly, even if it would be successfully passed the first aspects in identify the most effective measures taken by countries that have held elections in pandemic time, to decide if it can beimplemented further in another country must consider a series of factors: such as the typology ofthe electoral system (as argued above), the relevant legal framework for the regulation andmanagement of the electoral process, the level of technology applied during the electoralprocess, and of course no less important the period during which elections are held. If elections were held during the period of a global lockdown, the measures taken by the stateswere more restrictive, while if the cases when the statistical data on COVID-19 infections andmortality were lower, the measures were also less restrictive.

In relation to the latter it is very important that decision makers before deciding what measures should be taken should consider the epidemiological data and behavioral drivers of disease transmissions. [7] But could one, based on initial observations of the increasing rates of COVID-19 growth, estimate how the cases would evolve? It is a challenging and complex question, as many aspects should be considered for its answer. [8] There are differing views among researchers on methods that can help predict the growth of the epidemic proactively such as: Improved mathematical models; Machine Leading (ML), cloud computing. [9] On the other hand epidemiological models fall into two broad classes: statistical models that are largely data driven and mechanistic models[10].

Currently in Albania with a population of 2'926'000 are confirmed 72 274 cases and 1315 confirmed deaths. [11] With the Distribution of active cases, as follows:

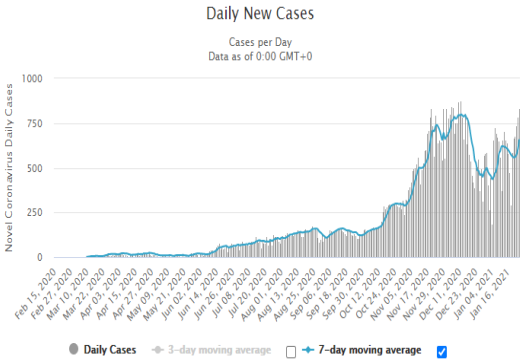


Figure 1: Daily New Cases- Albania[12]

Even though the number of cases may be low, the spread of COVID-19 is always something to be cautious of given instances of resurgence in a number of countries[13]emphasizing once againthe importance of this paper and the necessity to articulate in public debate the instruments andhow aspects of the electoral process will adapt into the COVID-19 pandemic.

Decision makers should be very cautious when deciding which measures should be taken to make safe choices by navigating carefully through constitutional and legal parameters.[14] In Albania, all the necessary rules for the organization and conduct of elections, including those for voter registration, the conduct of the election campaign, the administration, the validity of elections and the announcement of their results[15] are regulated through the Electoral Code. Which is approved and amended only by 3/5 of the deputies of the Assembly, and can't be changed in a state of emergency which may require the taking of extraordinary measures. From the above, all measures that will require changes to the Electoral Code will be made only from the parliament.

At this point of these paper it is important to emphasize once again that the purpose of this paper is not to analyze what are the legal changes that need to be undertaken to apply specific measures. The legal framework has served as a benchmark to assess whether some of the measures, most often applied by some states, are provided for in laws and regulations, are in accordance with the legislation, are they legally applicable?

[7]UK Research and Inovation. (2020, October 28). *Epidemiology – What it is and how it's mapping the spread of COVID-19*. Retrived from:: https://www.ukri.org/our-work/tackling-the-impact-of-covid-19/understanding-coronavirus-covid-19-and-epidemics/epidemiology-what-it-is-and-how-its-mapping-the-spread-of-covid-19/

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[11] World Health Organization.(WHO) Statictical data. Latest update: 25 January 2021. Retrived from: https://www.who.int/countries/alb/

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[13]Aman. A. (2020, August 2020).Elections in a Pandemic: Lessons From Asia Mongolia, Malaysia, Japan, Singapore, and South Korea prove that COVID-19 elections are possible, but difficult. Retrieved from: https://thediplomat.com/2020/08/elections-in-a-pandemic-lessons-from-asia

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[15]Constitution of the Republic of Albania.Approved by referendum on 22 November 1998, promulgated on 28 November 1998, amended in January 2007. Article 68.

III. MEASURE DURING THE ELECTORAL CAMPAIGN

Election are not a one day event but a complex long term process and to explain these process UNDP, International IDEA and European Commission developed a planning and programing tool: The Electoral Cycle[16] (organized in three different periods: Pre-electoral, Electoral and Post-electoral, each one divided in 8 sub-segments, in each of them different activities are involved.) Albania is currently in the pre-electoral period, which belongs to 5 of the 8 segments of the Electoral Cycle.

The electoral campaign is one of the five segments of the pre-electoral period, which is often considered in the political science literature as one of the most culminating moments of the activities of political parties, because they intensify meetings with the electorate, set up specific structures and headquarters etc. At a time when the minimalism of physical contacts between individuals has become the basic recommendation of health institutions, the way the election campaign will be managed and administered should be the focus of decision-making and policy-making structures. Political parties and candidates play an essential and key role during the election campaign as they are directly responsible for organizing meetings, door-to-door campaigns, engaging party structures, etc.

There are three areas that political campaigns should consider when planning for safe campaigning during the election [17] : campaign events; community engagement; and campaign offices. The following are some of the instruments that can be considered by candidates and political parties during the organization of the election campaign, in such a way as to minimize physical contact by finding alternative ways to achieve their objectives[18]: Go paperless; Consider single use pens or pencils; Minimize contact; Avoid Pets; Enjoy the outdoors.

In addition to the above recommendations addressed mainly to political parties and candidates, various states have taken a number of measures to organize safe election campaigns ranging from the most extreme ones banning the organization of electoral meetings to more moderate measures such as holding meetings with a reduced number of participants. More specifically, Benin was one of the states that categorically banned the holding of electoral meetings in the local elections of May 17, 2020, allowing only cars equipped with megaphones to disseminate information, or spots of political parties through that certain schedule. The election campaign was conducted mainly in the local and national media under the strict supervision of the relevant media monitoring authorities to ensure transparency and equality throughout the voting process. Political Parties subsidized by the state for this media campaign.[19] On the other hand other countries like Serbia allowed the gathering of individuals from 100 people indoors activity or 500 people in outdoors activity.[20]

In some countries there were interesting innovations in the way that meetings were organized, as was the case in the United States of America, where in the framework of the parliamentary elections some of the electoral meetings, especially those of candidate Biden,were held in parking lots where supporters listen to the event in their vehicles, honking their horns instead of applauding.[21]

But what are the measures that Albania envisages to take for the progress and administration of a safe electoral campaign for citizens where, referring to the Electoral Code of the Republic of Albania, Article 77, "The election campaign begins 30 days before the election date", about 60 days separate us from the beginning of the election campaign? So far, the Central Election Commission, as the institution responsible for the organization and administration of elections, has not yet issued specific instructions on how to organize elections in pandemic times, and especially on the election campaign. However, it is worth mentioning that currently in Albania, gatherings with more than 10 people indoors or outdoors, conferences, party gatherings, holiday ceremonies, wedding ceremonies and non-family gatherings of wedding ceremonies and funeral ceremonies by family members are forbidden[22].

Although the election campaign has not really started yet, in Albania various political entities have frequented their meetings with supporters, organizational structures, the electorate, etc. Referring to the publications of political parties on their official websites, social networks and various television

[16] International IDEA. *Electoral Cycle*. Retrieved from: https://www.idea.int/data-tools/tools/online-electoral-cycle

[17] Election BC. (2020, September) *Information On How To Campaign Safely During Covid-1*. Retrieved from: https://elections.bc.ca/provincial-elections/provincial-candidates/guidelines-for-campaigning-during-covid-19/

[18] ElectionBC (September 2020). *Guidelines for Campaigning during Covid-19. September 2020. Pg. 1-*2. Retrieved from: https://elections.bc.ca/provincial-elections/provincial-candidates/guidelines-for-campaigning-during-covid-19/

[19] Ibid

[20] Reuters. (2020, July3): *Serbia's capital declares state of emergency over rising COVID-19 cases*. Retrieved from: https://www.reuters.com/article/us-health-coronavirus-serbia-idUSKBN24416T

[21] Chaggaris. Steve.(2020, October 29) How the COVID-19 pandemic has changed the US election Analysis: The coronavirus has upended the way Americans are approaching going to the polls and deepened already widedifferences. Retrieved from: https://www.aljazeera.com/news/2020/10/29/how-the-pandemic-has-changed-the-u-s-election

[22] Ministry Of Health. Order no.633 dated 17.11.2020.

chronicles, some of them implement the measures provided by the Technical Committee of Experts, others do not. There are also political party that have borrowed some of the alternative methods used by other states such as the Democratic Party in one of its meetings with the electorate used the form of organizing meetings like Biden (described above), where supporters attended the meeting from their car.

It can be conclude that in Albania from the responsible structures it is necessary to compile detailed guides on how to organize the election campaign in the three components of the above as on how to organize election meetings and the standards to be implemented, providing barriers protection, maintaining distances, determining the chairs and places where participants should sit, as well as for the various electoral activities of electoral subjects.

IV. MEASURES ON ELECTION DAY

Almost all states that have organized elections in times of pandemics have paid special attention to the measures taken on election day, defining: standards to be met by polling stations, responsibilities of citizens, responsibilities of commission members of polling stations voting, observers etc. The following are some of the measures taken for the above elements:

- Regarding polling stations: in some countries the numberof polling stations increased; special stations were set up for individuals who had a temperature above 37.50C or showed symptoms of COVID on election day; all states were obliged to set up disinfection stations; another measure was to limit the number of individuals present at polling stations (some 50 individuals, some 100); special staff was hired to help maintain voter turnout at polling stations; the voting schedule was extended. But which of the above measures has Albania foreseen to take and what does the relevant legal framework provide?

- Voters responsibilities: In some countries citizens were
required not only to wear masks but also gloves (which as soon as they left the polling station they had to throw them in specific bins); in almost all states that held elections in pandemic times the temperature at the entrance to the polling station was measured with a distance thermometer and the hands were disinfected; voter had to maintain a physical distance of at least 6 (six) steps, as well as vulnerable groups such as the elderly, the chronically ill were advised to vote early in the morning in order to avoid queues;

- From the point of view of materials and technical instruments some of the measures were: the use of cotton swabsone useinstead of markers to mark voters on the finger; At the same time, some states recommended voters to use their personal pens, disinfecting ballots, common means often, avoiding the distribution of information leaflets on how to vote on election day, and so on.

- Polling station employeesand observers were required to frequently disinfect their vehicles, hands, ventilation, standing behind protective barriers, wearing masks and gloves, physical distancing, etc. At the same time several states engaged replacement personnel in case of emergency of illness of one of the members of the voting commissions, observers;

- In order to increase security on election day, many states stimulated and encouraged citizens to choose alternative ways to in-person voting.[23] These ways of voting are important not only for maintaining the health of citizens but also to create opportunity to vote for individuals who on election day can be self-isolated because they are diagnosed with COVID-19.

But which of these measures has Albanian Institutions currently approved or envisaged to implement? What has the Albanian legal framework provided on the applicability of some of the above measures? If the measures regarding the way citizens behave in polling stations, wearing masks, gloves, using their own pen, frequent disinfection of the work tools of polling station commissioners, ventilation, require an intensive training and education campaign on the other hand some measures require a more specific arrangement of the respective structures. For this reason in the following are analyzed in detail the measures taken for polling stations, voting instruments and alternatives to in-person voting.

A. Polling stations

- Increasing the number of Polling Stations was one of the most frequently applied instruments by states to increase security on election day. To determine how much to increase the number of polling stations different states used different criteria such as based on the size of the electoral precinct, a maximum of one person would be allowed per 15 square meters.[24] Referring to the Albanian legislation, the Prefect of the Region no later than 60 days must present to the CEC the facilities destined for the voting and counting centers, always in accordance with certain specific criteria.In the context of the April 25 elections, the polling center must be designated by February 25, where apart from the criteria set out in the Electoral Code, the CEC has not defined any specific criteria

[23] Maizland.L. (2020, September 17). *How Countries Are Holding Elections During the COVID-19 Pandemic*. Council on Foreign Relations. Retrieved from: https://www.cfr.org/backgrounder/how-countries-are-holding-elections-during-covid-19-pandemic

[24]International Foundation for Electoral Systems. (2020, October 21. *Featured Elections Held and Mitigating Measures Taken During COVID-19*. Pg. 9.

within the pandemic, including financial cost for the establishment of disinfection centers, distance thermometers, etc.

- Extension of the voting hours - The Electoral Code of the Republic of Albania in its article 11 specifies that "When the election date is set in the election period from April 15 to May 15, the polling stations open at 7:00 and close at 19:00 and No one can vote after the closing time of polling stations, except for voters waiting to vote at the closing time, according to the procedures provided in this Code." As the elections will be held on April 25, the time is set from 7.00 to 19.00 and as explained above the extension of the voting time is a change that must be approved by parliament. It is not yet publicly articulated whether or not the voting schedule will be changed.

B. Hygienic-sanitary measures (instruments) voting

Various instructions of the Ministry of Health and Social Affairs in Albania on hygienic and sanitary measures COVID-19 provide that indoor disinfection stations should be set up, thermometers should be provided at a distance, indoor ventilation, marking of standing positions with physical distance of at least 1.5 m, prove that the application of a series of measures implemented by other states mentioned above in Polling Stations is possible. However, health protocols have not yet been drafted for the health safety of citizens in the Voting Centers. It is important that these protocols are adopted as soon as possible in order to start the process of educating citizens and training members of voting or counting commissions.

If with the above measures many of the citizens are already familiar, with some others which are directly related to the voting process, they are not. For example the use ofcotton swabs to cover voters fingers with ink instead of common ways such as marker etc. TheCEC, as the responsible body charged by the Electoral Code of the Republic of Albania, hasrecently approved the specifications of the special material for the timbering of voters, for theupcoming parliamentary elections of April 25, 2021.

Although it has not been specified yet inwhich way the timbering will be applied, in a paragraph of the CEC decision it specifies that " The special material approved by the Central Election Commission and used in election processes,type "marker"; with a content of 20% silver nitrate has had an immediate effect."; Considering thatmany public health experts see painting of the finger with non single– use tools as unhygienic and dangerous for the spread of COVID-19, it would be appropriate for therelevant structures in Albania to consider the use of Cotton swabs single use to cover votersfingers with specific identifying paint.

C. Special Voting Arrangement's

From an electoral management perspective, voting in a polling station is optimal safeguard the integrity of an election.[25] But in the conditions of the COVID-19 Pandemic, many of the states in many of the countries stimulated the citizens to choose the voting via email, by mail, by phone in order to preserve their health.

The Electoral Code of the Republic of Albania defines what is "voting for a third party", which is voting when the voter votes in the name and on behalf of other persons, present or not at the polling station. Except when assisted voting takes place under this law, voting for third parties is illegal and punishable under the Criminal Code.

Assisted voting is provided only for those individuals who for physical reasons cannot vote on their own. Through a request addressed to the Mayor of the Local Unit, these voters are registered as voters who cannot vote on their own and seek the help of a family member or another voter. It is worth noting that in any case both voters must be physically present at the polling station. The deadline for submitting such a request is within the voter list review period which is 60 days before the voter date, which is until February 25, 2021.

Even if Albania decides to apply one of the Special Voting Arrangement's it should not ignore one of the essential recommendations of IDA regarding the Special Voting Arrangement's (SVA = such as mobile voting, postal voting, email voting, proxy voting etc.): the state have to be very carefully if you decide to implement these methods during the election for the first time and to take into consideration four import success factors: Broad support, reasonable timelines and ideally already existing legal frameworks and prior experience with SVA. Introducing them too fast and without broad stakeholder buy-in is problematic.

V. CONCLUSION

While the next parliamentary elections in Albania will be held in about 90 days, the respective structures have not yet defined the modality on how the electoral process will be administered and managed in the context of COVID-19. Although many political parties have already intensified their activities, there are still no detailed guides and guides and security plans on how to organize the election campaign, meetings with organizational structures, etc.

On the other hand Central ElectionCommission as responsible institution in Albania for managing and administering the electoral process, has approved a set of decisions in the framework of the Parliamentary

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Elections of April 25 and published on its official website how citizens can find the polling station although there is still nothing approved on health and safety measures in place because of COVID-19 as if the elections are being held in a parallel dimension where the world has never faced pandemics.

In conclusion, it is very important that decision-makers immediately, in cooperation with the health structures, compile detailed health protocols for the organization of safe electionsby never alienating the political rights and freedoms of citizens.The measures and instruments used before many countries that have already passed on this journey can serve as an essential reference point for Albanian policymakers and decision makers, always taking into account not only legal parameters but also a number of local factors.

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