

Commonwealth Elections and COVID-19 Briefing Paper

COVID-19 and Election Management in Africa: Challenges, Innovations and Opportunities

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Abbreviations and Acronyms

Africa CDC AU Centres for Disease Control and Prevention

AU African Union

CSO Civil society organisation

ECN Electoral Commission of Namibia

ECOWAS Economic Community of West African States

EMB Election management body

EV Electronic voting

EVM Electronic voting machine

INEC Independent National Electoral Commission (Nigeria)

PPE Personal protective equipment WHO World Health Organization

1. Introduction

This paper examines the way election management bodies (EMBs) in Commonwealth Africa are coping with the outbreak of the COVID-19 pandemic. It identifies the challenges encountered by EMBs but also documents the innovations introduced and the opportunities presented by the public health crisis. It is part of a series of papers commissioned by the Commonwealth Secretariat to help EMBs conducting elections in the midst of the pandemic to prepare adequately to mitigate the impact of COVID-19 on the electoral process and secure the political rights of their citizens.

The first novel coronavirus case in Africa was reported in Egypt on 2 February 2020. As of 30 September 2020, the World Health Organization (WHO) was reporting a total COVID-19 cumulative case count for the Africa region of 1,175,271, with 985,103 recoveries, 25,825 deaths and 164,343 active cases. Of the six African countries recording the highest case counts, four are Commonwealth countries: South Africa (672,572), Nigeria (58,647), Ghana (46,482) and Kenya (38,378).

During the early stages of the spread of the virus, when infection and death rates in Africa were low compared to Europe, North America and later Latin America, sub-Saharan countries including Benin, Burundi, Cameroon, Guinea and Mali decided to go ahead with scheduled elections. These elections were conducted without a full understanding of the virus, though countries such as Benin drew on the successes of Germany and South Korea to put in place strong measures to reduce the risk of spread of the disease.³ However, in response to the pandemic other countries went into lockdown, making it difficult to organise electoral activities.⁴

The world is now emerging from lockdown and countries are seeking to manage the disease as they gradually reopen. Many African countries do not have the resources or infrastructure to put in place some of the measures adopted in other regions. This discussion paper therefore captures the most recent lessons from Commonwealth countries in Africa working

with limited resources in order to guide EMBs that are yet to conduct elections or are in the planning phase for elections.

The paper is the second in the Commonwealth Elections and COVID-19 Briefing Paper series. The first offers a pan-Commonwealth perspective and outlines the international standards and key election principles that should be taken into consideration when responding to the pandemic. This paper organised as follows: section two highlights ongoing challenges relating to election management in the Africa region before the outbreak of the COVID-19 pandemic and provides a calendar of upcoming elections in Commonwealth Africa. The next six sections discuss key elements of the preelection phase, including:

- tackling issues of additional elections financing because of COVID-19;
- changes in legal and constitutional frameworks to respond to the health emergency;
- adapting to operational challenges to deliver credible elections;
- managing voter registration processes;
- coordinating and collaborating with state agencies to secure operational success; and
- managing communications and stakeholder engagement to ensure successful implementation of changes to electoral programming.

The penultimate section discusses voting day issues, election results management and innovations and adjudication of election-related cases. The paper ends with some final conclusions around good electoral practice in the context of the pandemic.

The paper draws on survey data collected by the Commonwealth Secretariat from EMBs across the Commonwealth for the previous issue in the series, webinars, interviews with senior EMB officials in Commonwealth Africa, articles on elections and COVID-19 and official documents outlining regulations and policy.

2. Elections in Commonwealth Africa

2.1 Pre-COVID-19 challenges to elections in Africa

COVID-19 compounds many of the existing challenges to managing elections in Africa. The most recurrent and problematic of these tend to relate to voter registration, election day and result processes, vote tabulation and transmission, legal challenges, acceptance of results and election-related violence. This section will examine the key challenges, drawing primarily on elections that took place in African Commonwealth countries between 2018 and 2019.

Many countries still struggle with reliable and trusted data sources to affirm the citizenship and eligibility of a person to register to vote which, in turn, makes in difficult to update registers and ensure accuracy.⁵ Several EMBs have sought to resolve tensions related to the reliability of the register and the verification of voters through the introduction of technology.6 However, new technologies – for example, to capture citizens' biometrics to verify voter identity on election day - have also caused problems in some Commonwealth countries.7 Principally, technology can make electoral processes more robust but can also give rise to issues of trust between the EMB and citizens or political parties if not implemented effectively.

EMBs also face some critical issues pertaining to logistics and security on election day. These include opening polls on time, closing polling stations too early and securely transporting sensitive election materials to tally/collation centres. The collation and transmission of results may be an additional source of delay and tension. In recent years, it has led to legal challenges contesting the integrity of the

elections, and in some cases has even resulted in the results being overturned and new elections held, as witnessed in Kenya in 2017.

Another severe challenge to the delivery of credible elections is violence and the threat of conflict throughout the electoral cycle. A significant number of African countries have reported cases of violence of varying degrees during election periods. While this is driven by a range of country-specific factors, research suggests that tensions over minor issues that voters and party agents face are often escalated by political systems that are entrenched with patronage and clientelism, as well as the tendency for politicians to take sides in ongoing conflicts over resources as part of their campaigns.⁹

These existing challenges are compounded by the COVID-19 pandemic, as EMBs have to follow health regulations to protect citizens while continuing to work to mitigate issues that have impacted elections in the past. Government COVID-19 measures that restrict movement and social gatherings significantly hinder election preparations and delivery, and risk reducing scrutiny, transparency and participation in the electoral process. High anxiety due to public health concerns coupled with ever-rising political tensions means that EMBs have to be even more careful to assess possible challenges from the past and the present to ensure safe, reliable and credible elections in the future.

2.2 The Commonwealth Africa election calendar (2020–2021)

Tables 1 and 2 show the elections that have already taken place and those carded to be held later in 2021.

Table 1.	2020	Commonwe	ealth Africa	elections	calendar ¹¹

Country	Election	Date
Cameroon	neroon National Assembly, Senate & Local	
	Regional Councils	6 Dec 2020
Ghana	Presidential & National Assembly	7 Dec 2020
Malawi	Presidential	23 Jun 2020
Namibia	Regional & Local Councils, National Council (indirect by Regional Councils)	25 Nov 2020
Seychelles	Presidential and National Assembly	22-24 Oct 2020
United Republic of Tanzania	Presidential, National Assembly, Zanzibar House of Representatives, Zanzibar Presidential & Local	28 Oct 2020

Country	Election	Date
Mauritius	Local	Due 2021
Rwanda	Local	Due Feb 2021
South Africa	District & Municipal	Due Aug 2021
The Gambia	Presidential	Due 4 December 2021
Uganda	Presidential, National Assembly, local	14 Jan 2021
Zambia	Presidential, National Assembly, local	Due 12 Aug 2021

Table 2. 2021 Commonwealth Africa elections calendar¹²

3. Election financing

3.1 Identifying additional costs

The cost of elections has been rising in Africa, imposing significant financial burdens on countries to secure multiparty democracy. While Ghana spent US\$24 million on its elections in 2008,¹³ in 2016 the costs increased to an estimated US\$180 million.¹⁴ In Nigeria, the cost has also remained very high, with US\$647 million spent in 2011¹⁵ and US\$532 million in 2019.¹⁶

As such, the outbreak of a pandemic presents additional financing challenges for countries doing their best to safeguard the health of their citizens and protect their right to vote. For example, in the Malawian fresh presidential election in June 2020, the EMB spent US\$1 million on personal protective equipment (PPE) alone. This was not originally budgeted for and necessitated support from development agencies to finance its election programming.¹⁷

Additional expenses that EMBs must now consider include the cost of:

- PPE such as face masks, face shields, gloves and non-contact thermometers.
- Sanitising equipment/items such as hand sanitiser, hand washing buckets, soap, paper towels, fumigation services and alcoholbased disinfecting wipes.
- Staggered training for permanent and temporary staff due to social distancing measures and restrictions on mass gatherings.
- Recruiting additional temporary staff to manage queues and additional tasks related to COVID-19 protocols.
- Additional logistics including transportation, warehousing, rentals of chairs and sometimes canopies to help ensure adequate

- social distancing for voters or registrants at polling/registration centres and additional voting/registration centres to decongest existing centres. This can be complicated by disrupted supply chains that warrant sourcing materials outside traditional channels.
- Supplementary educational and communication products to educate voters or registrants on measures to contain the spread of the virus.
- New technology to improve communication or move some activities online.
- Litigation as potential voters and political parties challenge new measures and decisions of the EMB.
- Health cover and COVID-19 tests for election personnel.

There may also be additional operational costs associated with national COVID-19 restrictions – for example, staff working from home – as well as costs incurred as a result of disrupted timelines for key electoral cycle activities.

3.2 Managing costs through innovation

The COVID-19 pandemic has wreaked havoc on the world economy. In Africa, the World Bank estimates that the pandemic will hit economies in sub-Saharan Africa particularly hard, leading to a decline in gross domestic product from 2.4 per cent in 2019 to between -2.1 and -5.1 per cent in 2020, the first recession in the region for 25 years. In such a context, EMBs have to compete with other critical sector agencies such as health and security for the very limited resources available.

EMBs must therefore find innovative ways to reduce expenditure and protect health even

as costs are likely to increase across the board. They must analyse the entire electoral process for critical entry points regarding innovation in respect of addressing COVID-19 challenges.

Some of these innovations can come through the adoption or adaptation of technology, including using online applications to process candidate nominations. Others may be achieved by operational changes such as, for example, adjusting how the EMB transports and distributes its materials to minimise transportation costs.

In Nigeria, for example, the Independent National Electoral Commission (INEC) issued detailed regulations and guidelines to inform stakeholders on how new measures and changes in procedure are to be implemented. In their First Supplementary to Regulations and Guidelines for the Conduct of Elections in 2019, INEC provides for a dedicated portal to take candidate nominations.¹⁹ Eligible candidates are given an access code to the system to submit their applications for processing. The use of technology helps eliminate need for candidates to present themselves at the INEC offices, thus reducing the risk of infections. Efficiency savings are also made as this approach reduces the staff time needed to process nominations that would have come as hard copies.

In Ghana, supplies are usually dispatched to each region in a 40-foot container ahead of electoral events. During the 2020 registration exercise, some regions were batched together to receive the supplies from the capital at one location, where regional officials could then collect them. This ensured that supplies were available during the tight registration schedule and reduced the cost of transportation. In The Gambia, where a full voter registration is planned for January-February 2021, the EMB is looking at how to manage fumigation costs for its centres. The African Union (AU), which has been supporting countries through the Africa Centres for Disease Control and Prevention (CDC), sees a significant opportunity for countries to mass produce some PPE locally, particularly sanitisers and masks, which would help EMBs to manage some of the additional costs.

In countries with smaller populations, such as Mauritius, a legal requirement for an electoral census to be conducted in January every year ensures that the registration of voters is easier to manage. For example, in the electoral census of 2020, 940,000 citizens out of the estimated 1.2 million citizens were captured, so the voter registration exercise later in the year was used to verify the details of registrants, with only 1,139 new voters added to the list. Most people could check their names through SMS text messaging, Facebook or the EMB website.²⁰ These approaches can help to promote efficiency and reduce cost without compromising the integrity of electoral processes.

3.3 Managing partners to support elections financing

The executive: Securing adequate funding to run an election is hard enough, let alone getting additional funding approved during a pandemic. Furthermore, getting monies released in time to secure necessary supplies during an emergency may also be challenging even when the budget is agreed. For example, during the Malawian election in June 2020, the EMB received most of its US\$38 million allocation a week beforehand²¹ due to budgetary pressures as a result of COVID-19. This demands that EMBs strengthen their engagement with government early to ensure that adequate resources are available to support the safe delivery of electoral activities.

Parliament: Another key stakeholder that EMBs should engage early is parliament, particularly the requisite parliamentary committee. For example, if an additional allocation is required, the government may be submitting a supplementary budget to parliament. National budgets are likely to be stretched because of COVID-19, and EMBs must therefore demonstrate increased cost-efficiency during a time of heightened fiscal stress. In engaging with parliament, EMBs should endeavour to work with all shades of political opinion, particularly opposition parties, to ensure that multiple perspectives about financing elections are accommodated and necessary budgets are approved.

Development partners: The same applies to development partners, who have been supporting the conduct of elections in the Africa region for several decades. These partners may not always provide cash but can facilitate or provide PPEs and other logistics as well as technical

support (an area in which the Commonwealth Secretariat specialises). These types of in-kind help can be invaluable to an EMB responding to the challenges of managing an election while the COVID-19 pandemic is ongoing. In many countries, there are donor coordination platforms that can be activated early to consider

the needs of the EMB and explore opportunities for funding. EMBs should also work with development partners to review the impact of the pandemic on an election, conduct risk assessments and refocus programmes to ensure effective support and delivery in the context of the pandemic.

4. Legal frameworks

4.1 Key legal and constitutional issues to consider

The conduct of elections is a rules-based activity. As such, all the procedures that apply to election activities are grounded in constitutional or statutory law. However, many electoral frameworks around the world lack provision for health-related emergencies, making decision-making in the context of the COVID-19 pandemic more challenging. In many cases, the measures taken by governments to contain the spread of COVID-19, including restrictions on movement, mass gatherings and health-related protocols, affect the ability of EMBs to execute their mandate and ensure potential voters can exercise their political rights. Such restrictions also impact campaigning and the ability of political parties and voters to interact in the run up to the election. EMBs must consult widely and be conscious of potential legal and constitutional issues as they adapt their processes to deliver their electoral calendars.

It is also important that countries comply with the Commonwealth Charter, the AU Charter on Democracy, Elections and Governance and other sub-regional protocols even when they are adapting to the COVID-19 situation. For example, countries in the Economic Community of West African States (ECOWAS), should note Article 2 of the Protocol on Democracy and Good Governance that prohibits a "substantial modification" to electoral law six months before the election date unless there is an agreement among political actors.²² It also obligates State Parties to respect the conduct of elections on the dates prescribed in constitutions or other laws. An EMB's response to COVID-19 can lead to

breaches of these international obligations, so it is important that EMBs engage early with stakeholders within and outside of the country.

Postponing electoral activities: Adapting to the COVID-19 situation and delivering elections on schedule is normally preferable to postponing an election, which can result in instability or violence. However, measures to curb the spread of COVID-19 – such as restrictions on movement, lockdowns and bans on mass gatherings – can significantly disrupt the delivery of electoral activities. In these situations, the EMB may need to consider postponing an electoral activity.

The authority or capacity to make decisions on postponing election day itself is usually determined by the constitution of the country. If there are clear provisions in the constitution, then it should be easier for the relevant entity (whether it is the EMB or the government) to consider this option. However, if these provisions are in the entrenched chapters of the constitution, postponement would require an amendment and potentially a referendum, which would run into the same problems as holding elections in the first place. For example, The Gambia was expected to organise a referendum in June 2021 to approve a new constitution ahead of Presidential elections in December 2021, which would have necessitated the delivery of two national electoral processes. However, the National Assembly rejected the Constitution Promulgation Bill 2020 so the referendum will not go ahead.

Even if a provision is a non-entrenched clause and can be amended through a super-majority vote in parliament, it is no small undertaking and would necessitate broad stakeholder consultation. Amendments to election regulations: EMBs are responding proactively to the COVID-19 challenges by modifying subsidiary legislation to protect groups of voters who can be susceptible to COVID-19 infections, particularly the elderly, people with comorbidities and persons with disabilities. For example, a number of the countries that have already held elections revised their training manuals to reinforce existing requirements that mandated registration or polling officers to give preference to the elderly.

EMBs should consider similar special legal arrangements for other categories of voters or registrants including out-of-country voters, particularly state officials working abroad. The registration and voting for out-of-country voters were a particular challenge during the period of lockdowns as nationals could not return for registration and/or voting. Plans to reopen air travel or relax restrictions abroad reduce the challenges that EMBs are likely to face in enabling the participation of citizens who are out of the country. However, some EMBs are cautious. In Mauritius, for example, where the virus has largely been kept under control, officials are still wary about the return of tourists and the real danger of an escalation in cases, which could impact on planned electoral activities.²³ This issue is discussed further in section 9.3.

Amendments related to the nomination of candidates: Many EMBs are trying to fully or partially introduce technology to reduce the incidence of mass gathering of candidates and supporters to submit their applications to the EMB. Nigeria, Malawi and South Africa have adopted such procedures. Most amendments to such protocols are done as an administrative fiat, which involves changing how the applications are received and processed. However, not all EMBs are adopting this trend. In Cameroon, for example, where the EMB is planning for regional elections, the process will remain physical. The 700 or so candidates are to apply and submit their forms at the divisional level. At the divisional office, there will be strict COVID-19 protocols for candidates, including wearing of masks, hand washing and hand sanitising. Applicants will also have a longer period of 15 days to submit.

Amendment to campaigning activities: Powers to regulate election campaigns

generally fall under public order legislation that is enforced by the government, although there are some EMBs with legal powers to give direction on this activity (for example, INEC in Nigeria). COVID-19 significantly impacts on the ability of political parties to campaign effectively. It also presents an opportunity for various countries to look at creating incentives for more online and multimedia campaigning (although accessibility and connectivity barriers should always be taken into account). This is a difficult issue to enforce in an election year, so the relevant authorities must engage political parties and document and disseminate necessary guidelines as early as possible.

Amendments to election day activities: There are a number of processes to consider for the days leading to election day and the election day itself. These issues include queue management, early voting, transfer voting, proxy voting, postal voting, out-of-country voting and staggered voting (voting over a number of days). Several countries are trying to reduce the number of registered voters per polling station by creating more stations. This will help reduce the number of people at each and reduce the spread of the disease. Any changes to voting options will likely require a change in the law, so EMBs must consider these matters early and liaise with relevant stakeholders to enact and publicise any changes in a transparent manner.

Amendments to judicial procedure: It is important for the EMB to look at the electoral process as a value chain. That means that it should plan with the expectation that legal changes may be challenged in court and that the judiciary should also be alert to the changing environment in response to COVID-19 and adapt, particularly in looking at procedures to fast track electoral disputes. The significant impact of judicial decisions in this context means the EMB and other election stakeholders must work to sensitise the judiciary on the practicalities of electoral processes during sensitive periods. The judiciary in some countries has adopted rules to allow for them to sit virtually to hear cases. This is happening in Ghana, Kenya and Nigeria, for example.24 Kenya has gone further in responding to the challenges of ensuring equal access to justice by introducing an e-filing system - though still with challenges - and open-air courts to accommodate those who cannot avail themselves of technology.²⁵

Ensuring consistency in the law: Generally, it is good practice for EMBs to ensure that the revisions captured are reflected in the guidelines and manuals for training and operations. Attention to detail is necessary as inconsistencies can lead to confusion among voters and administrators as well as legal challenges.

Legislating for the future: These lessons provide opportunities for EMBs currently planning for elections in the near future. One of the areas where EMBs can do more in terms of legislation and policy is to ensure they have comprehensive provisions on *force majeure* and an election emergency preparedness/crisis management plan. The plan should envisage the impact of a health-related emergency and how to respond. In a Commonwealth Electoral Network survey (see 4.2), EMBs in Botswana, Lesotho, Nigeria, Rwanda and Sierra Leone have indicated that they have some form of *force majeure* provision in either the constitution or electoral laws or both.²⁶

4.2 How countries have sought to address challenges

In the survey of EMBs mentioned above, conducted by the Commonwealth Electoral Network to ascertain how the pandemic was affecting their preparations, the majority stated that procedures for voter registration, voting, counting of results, collation and declaration were going to be affected and would require legal changes.²⁷

INEC Nigeria, for example, has been proactive in terms of responding to the legal challenges brought about by COVID-19. In May 2020, the EMB published its policy on conducting elections in the context of the pandemic, laying out the specific issues that needed to be addressed to ensure the safe implementation of electoral activities. It then issued a supplementary to its existing regulations on conducting elections. This document outlines detailed procedures for dealing with key stages of the electoral process, including management of the voting area to ensure strict adherence to COVID-19 protocols, queue management, nominations, suspension of continuous registration and instructions on the collation of results and announcement procedures.

INEC's swift response has been necessary in part due to the high volume of by-elections it has been conducting: it conducted 135 between

2015 and 2019 and, as at July 2020, nine were pending.²⁸ The pressure triggered by the frequency of by-elections and their associated costs, compounded by COVID-19, is forcing INEC to look at amending the law that requires the conduct of by-elections for various categories of elected officials. INEC is also piloting the use of electronic voting machines (EVMs) in by-elections with the intention of integrating an electronic voting and results transmission system into national and regional elections in the country. Nigeria has also set up a portal for the display of election results sheets, an excellent example of increased transparency.

Similarly, the Ugandan Electoral Commission created policy guidelines for presidential, parliamentary and local government candidates during their campaign. The country's EMB made changes to various aspects of candidates campaigning, including the standard operating procedures for campaign conduct and the time and manner in which campaigns are conducted, as well as addressing meetings and security.²⁹ Other countries that have introduced such guidelines include Kenya and Namibia.

4.3 Managing litigation

Even as legal revisions and amendments are considered, EMBs should also recognise that in changing electoral procedures or provisions, the effect of the law may interfere with the existing rights of voters or registrants. It is therefore important that they consult extensively with key stakeholders such as political parties in order to build consensus around the changes. Even if it is at short notice, this process is key to ensuring voter rights are protected and reducing the risk of litigation where possible.

However, EMBs cannot prevent an aggrieved person or group from challenging actions taken. They should therefore seek out high quality legal advice when changes are being considered and budget for legal representation if there is none in-house. Ghana's EMB, for example, had to deal with four legal and constitutional challenges to its decision to compile a fresh voter register for the 2020 presidential and parliamentary elections. These challenges would likely have been made regardless of COVID-19, but time spent in court litigating these issues is likely to compound the compressed electoral calendar that has to be implemented with strict adherence to COVID-19 protocols.

5. Pre-election operations

5.1 Procurement of equipment and other logistics

Elections are substantial logistical operations, with EMBs required to procure a wide range of goods and services over the course of the electoral cycle. COVID-19 has introduced an additional range of items that are required to reduce the spread of the virus at electoral events. In Ghana, for example, the EMB purchased an estimated 156,000 paper towels and 336,000 hand sanitisers for the conduct of its voter registration exercise. EMBs also have to contend with the impact of COVID-19 restrictions on election materials and PPE supply chains, with manufacturing sites sometimes in lockdown or workers' movements restricted.

A key consideration is the management of the procurement function in such a way as to ensure value for money, speed and efficiency regardless of the challenges. The procurement laws in many countries allow for methods such as sole sourcing and restricted tendering when responding to emergencies. These methods were necessary for some of the countries that held elections early, but others have subsequently shown that it is possible to use competitive bidding processes to secure COVID-19-related goods and services on time and at a lower cost. For example, in Ghana, the COVID-19 pandemic created new business opportunities for suppliers who were sourcing PPE from abroad and internally. The EMB advertised for PPE providers and received as many as 20 bids, ultimately enabling it to secure a much better price.31 It is worth noting that reviewing the bids in line with procurement laws took time and, due to the quantities required, the order had to be delivered in batches. Decisions may therefore be made based on the state of the supply chain in the country and the time available.

Some items are generally more difficult to secure in terms of both availability and cost – for example, non-contact thermometers (also known as temperature guns). In several cases, this has influenced the decision of the EMBs not to use these thermometers on voting day. It is therefore necessary for EMBs to prioritise resources in the implementation of the electoral calendar.

5.2 Logistics planning and deployment

Once the materials are procured, it is necessary to distribute them to the various polling/registration centres in a timely and efficient manner. The Electoral Commission of Ghana combined the use of helicopters, cargo planes, haulage trucks and collaboration with the Ghana Navy to move supplies to the regions and districts. Adopting a zoning approach (discussed in 3.2 above), they moved supplies to a regional capital for pick up by nearby regions and districts, reducing the distribution time compared to previous elections. The Malawi Electoral Commission had to operate within government restrictions on the number of persons that could travel in private and commercial vehicles, which necessitated securing extra vehicles and increased the cost of transporting materials and personnel to the various destinations.³² INEC Nigeria's approach has been to seek to reduce the number of people handling the distribution of materials to minimise the risk of spreading the disease. The objective is to get the materials moved from the warehouse straight to the delivery point after the necessary disinfection has been completed.

The lesson from these examples in respect of operations is for EMBs to be adaptable, have back-up plans and be ready to modify plans to ensure supplies are delivered on time. EMBs must also consider scenarios for the cleaning or disposal of potentially contaminated materials after the election.

5.3 Staffing and training

The COVID-19 pandemic has impacted the management of personnel at various EMBs. In many cases, staff have been required to work from home and, in most cases, it has been necessary to implement stringent COVID-19 protocols in offices to control the spread of the disease. INEC Nigeria, for example, moved some of its operations online, with all meetings held virtually. Malawi's Electoral Commission requested that all pregnant staff work from home to reduce the risk of infection. The Ghana Electoral Commission set up protocols to stagger meetings of the Inter-Party Advisory Committee (over two days). In Cameroon, The Gambia and Mauritius,

EMB staff have been returning to work with strict protocols in place and in a shift system to ensure they can still comply with social distancing measures.

Another key area that COVID-19 has impacted is the training of both permanent and temporary staff. The restrictions on conferencing in Ghana, for example, meant that it took seven rather than the usual two days to deliver a training of trainers workshop for registration officials because the numbers had to be reduced

significantly to comply with COVID-19 protocols. It then took 21 days to train supervisors and other officials when it normally takes 14. As governments ease restrictions on the maximum number of people allowed at gatherings, it is likely to ameliorate this challenge and reduce the cost for EMBs. Nonetheless, regardless of the limit, it will still be important to ensure proper social distancing and the enforcement of COVID-19 prevention protocols for some time to come.

6. Voter registration

6.1 Compiling a new register vs. keeping the old register

Most EMBs have legal provisions that govern the process for compiling or updating voter registers. The voter registration process in Africa has been a frequent source of concern for various observers of the region. This is because it straddles important identity and citizenship issues as well as forming the basis for political parties assessing the strength of their support base ahead of an election.

The registration process entails capturing data, updating details, transferring registrations as required and issuing voter identity cards. Providing ample time for voters and other stakeholders to inspect the register and/ or conduct voter roll audits is also critical to building public trust. Although countries such as South Africa were bringing elements of the process online before the pandemic, most citizens in Commonwealth Africa have to turn up in person to register and this has generally remained the case. In some places, and where the law allows it, EMBs have chosen to conduct more limited voter registration exercises for those who have turned 18 to register to vote in order to make it easier to enforce COVID-19 protocols. Circumstances differ, however. In The Gambia, for example, the existing list was compiled 10 years ago so the EMB will be compiling a new register ahead of the election in 2021. In Nigeria, INEC has suspended continuous registration to reduce the number of citizens interacting with electoral officials. Citizens are able to check their voter status online. This is the same in South Africa and

Uganda, where citizens can also update their addresses.³³

If it is necessary to compile a fresh register, either as mandated by the law or because the existing register is not fit for purpose, then a number of the factors discussed earlier must be considered. This includes new legislation, financing, and operational issues in terms of the procurement and distribution of materials. The challenging part of compiling a new register is the length of time it takes from data gathering through to exhibition of the register. In Ghana, for example, the data collection was expected to take 38 days, but the Electoral Commission had to add an extra week to include additional registrants who were not served because of delays in the delivery of registration kits. Some aspects - for example, inspecting registration details and applying to transfer a registration can, however, be conducted online.

6.2 Stakeholder engagement, public education and participation

The complex nature of organising and compiling a voter register during a pandemic requires EMBs to engage stakeholders much earlier in the process. Whether the EMB is contemplating compiling a fresh register, updating the current register or even deciding to suspend registration temporarily, it is very important that this is informed by extensive consultation with all stakeholders including political parties, civil society organisations (CSOs), development partners, the media and citizens. Once the course of action is agreed, EMBs must invest in intensive public education on both the registration

procedure and how registrants are supposed to conduct themselves as well as provide information on the COVID-19 protocols at registration centres and how they are to be observed.

There is a risk that electoral exercises may experience low turnout if citizens do not feel adequate safeguards have been put in place to prevent the spread of COVID-19. It is therefore important for EMBs to set up a system for responding systematically to issues as they arise, while also giving the public assurances on an ongoing basis. For example, at the beginning of the voter registration exercise in Ghana a number of centres were not observing COVID-19 protocols. However, through intensive education and a new queue management system, the situation improved over the course of the exercise. Registration centres set a target of 100 people a day to be registered,³⁴ and the voter ID card printing machines were also programmed to print 'queue cards'. The first 100 people to obtain cards were given time slots so they could go away and return for processing at their allotted time. This helped decongest the queues. Sometimes, applicants who could not be registered on the day received cards to return the next day and were processed then. This was a low cost and innovative way of managing queues and reducing the risk of infection at the registration centres.

6.3 Planning for first-time voters and vulnerable groups

Most EMBs will give priority to vulnerable groups during registration and voting. This was implemented in the elections in Malawi and Nigeria, for example. During its 2020 registration exercise, the Electoral Commission of Ghana went one step further and set up dedicated registration centres at their district offices for seniors and other vulnerable applicants, such as persons with disabilities and pregnant or nursing mothers, so as to significantly reduce the risk of the spread of disease to these populations. Similar arrangements were made for first-time voters at secondary schools. The Electoral Commission announced a date for a special exercise to register students who were in their final year and had turned 18. To comply with the electoral laws, applicants were assigned the number of the closest designated registration centre even though the registration took place on the school premises. Further legal arrangements are planned for these students to change their voting centres since they will not be in school on election day.

7. Stakeholder coordination

7.1 Coordination with public health authorities

Coordination between EMBs and public health authorities is critical to the successful delivery of a safe election. EMBs organising election activities in the context of COVID-19 rely heavily on the advice of the national task force (or equivalent) for the content of the COVID-19 prevention education materials and the adaptation of polling stations or registration centres to ensure compliance with protocols. The EMB has to work closely with the task force to ensure that electoral activities do not lead to a spike in infection rates, as has been observed in a number of countries in the Africa region following the implementation of electoral activities. The Electoral Commission of Ghana, for example, coordinated with the health service to provide a district nurse at registration centres,

which were also linked to the district hospital or clinic in case of an emergency. In Nigeria, INEC actually lent the Government its pickup trucks to support contact-tracing activities. The EMBs in Cameroon and Mauritius both have a good relationship with public health task teams managing the pandemic and rely on official advice in implementing their electoral calendars, while Malawi set up a Joint Task Force. In Namibia, the EMB meets with the Ministry of Health regularly to assess the implementation of electoral activities.

7.2 Coordination with security agencies

The police and army often play a role in the implementation of electoral activities in African countries, which may be heightened when delivering elections during a pandemic. However, it is important security agents are sensitised to

respect the electoral process. For example, they should not act in ways that intimidate or harass registrants or voters. Most EMBs have a planning and implementation committee that has representatives of the security agencies present, which should help address any information and communication gaps as to the role of security. The rapport between the EMB and security agencies should allow for the speedy resolution of issues as the activities progress.

7.3 Coordination with political parties

Political parties are important players in the implementation of the electoral calendar, not only because they put forward candidates but also because they have the reach and resources to support EMBs to disseminate information to citizens across the country. There are a number of ways political parties can support EMBs to confront the challenges of COVID-19 if they are engaged early in planning and decision-making. They can enhance citizen trust in the EMB, particularly by encouraging party supporters to understand changes in the law and accept the results of the elections. They can help build confidence in the electoral process and contribute to enhancing its integrity.

The level of influence that parties have also means that they can more effectively encourage their supporters to listen to public health messages and follow instructions coming from the EMB. In many cases, citizens do not comply with the protocols at polling or registration centres. Enforcement requires the use of influencers and constant reminders – with some demonstrable threat of sanctions – to get people to change their behaviour. While additional staff play an important role, political parties can always help to promote compliance.

Some EMB structures include political party representation while others do not. Either way there should be a conscious effort to engage the parties to support EMB plans. In Nigeria, for example, INEC, political parties and health authorities are all expected to work together within communities to share information, for example on minimising risk during rallies and how to vote safely. A guidebook put together by the Nigeria CDC states clearly what the roles of these three stakeholders will be during the electoral cycle in order to keep citizens safe.³⁵ In Namibia, the EMB works with a Political Liaison Committee in the implementation of

its electoral calendar. This kind of collaboration shows citizens that their best interests are being considered and their health is of utmost importance. Moreover, it ensures that all stakeholders are on the same page and are working towards the same goal.

7.4 Coordination with citizen groups and non-governmental actors

Organised civil society, particularly domestic election observers, policy organisations, professional associations, religious groups and the media are also critical to delivering elections, especially in the COVID-19 context. Just like political parties, their presence in various communities gives them the legitimacy and credibility needed to disseminate messages and sensitise citizens with guidance from the EMB. The media also plays an important part in sustaining the intensity of public education throughout the electoral process. Such groups should be included when establishing implementation committees or consultation mechanisms.

7.5 Coordination with inter-governmental agencies and international election observers

Inter-governmental organisations ing the AU, ECOWAS, the Southern Africa Development Community (SADC), and the Commonwealth have stepped up efforts to support countries through the COVID-19 pandemic. Their convening platforms and comparative knowledge and insights are a peer learning resource for EMBs looking for best practices in implementing electoral calendars in the COVID-19 context. EMBs are encouraged to reach out and engage with these bodies as part of their planning activities. Similarly, inter-governmental agencies continue to play an important role in the building of confidence in the electoral process, whether it is through the provision of technical assistance or support to credible domestic observer organisations.

It is notable that COVID-19 measures have disrupted the activities of international observer organisations. While the easing of travel restrictions mitigates the challenges that international observers are likely to face, it is still necessary to develop new health provisions and standard operating procedures to reduce any risk of these missions spreading the virus. EMBs on their part could review their

accreditation processes to allow sufficient time for international observers to make adequate plans for their observation, particular since there are still strict quarantine rules operating in some countries. In addition, EMBs should consider means of supporting observers in updating their observation instruments to effectively assess elections within the COVID-19 context.

8. Public communication

8.1 The importance of information and communication

Clear and timely communications have always been paramount to the delivery of credible elections. In the context of a pandemic, they become even more important. Transparency is key to building stakeholder trust in the EMB, while effective civic and voter education play an essential role in equipping the citizenry with the tools they need to participate in their democracy. However, traditional approaches to communications and stakeholder engagement have also been disrupted by the COVID-19 outbreak. This health risk has forced EMBs to change their message and approach in order to minimise the risk of infection during elections.

With the outbreak of the novel coronavirus, a number of EMBs have created a strong internet presence, as in Ghana, Mauritius and Nigeria, for example. This change has been made to better engage with and inform citizens remotely. However, EMBs and other electoral

stakeholders should still be mindful of how they communicate to sections of the population that do not have regular internet access, disabled people and people who do not speak western languages and rely on local dialects for communication.

In countries such as Nigeria, communications to the citizenry about the changing landscape of elections has taken place through infographics, policy briefs, billboards and other traditional forms of media. According to INEC, "[The] Commission remains committed to raising public confidence in the electoral process in spite of the challenges posed by the pandemic and to regularly communicate its actions and challenges to the public".36 In order to continue raising public confidence, INEC has drawn up a policy brief to help guide various election-related activities in response to the pandemic. Although the general elections will not be taking place until 2023, INEC has already been conducting a number of

Figure 1. A post about INEC's policy on its Facebook page

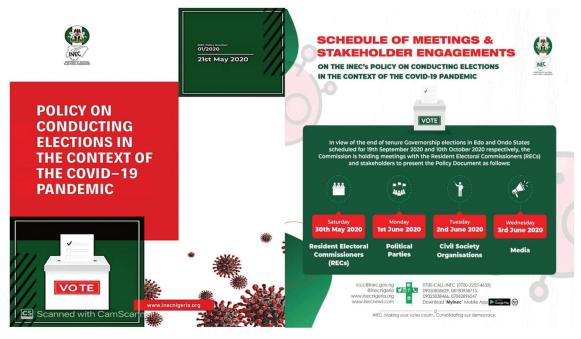


Figure 2. Information about candidates shared by INEC



Figure 3. Voter registration infographics published on the Electoral Commission of Ghana's social media accounts



senatorial and gubernatorial elections, which has enabled it to experiment with various tools and strategies.

The new policy enforces consultations with the National Centre for Disease Control (NCDC) and other authorities to aid in the messaging for voting and running elections during the pandemic.³⁷

8.2 Utilising communication platforms

Before the pandemic, both EMBs and political parties relied heavily on public events to share information through rallies, conferences etc. In order to keep stakeholders informed, EMBs have had to find other ways to communicate. Many of them have set up innovative platforms, increasingly utilising technology to ensure that everyone has access to the relevant information necessary to carry out elections safely and credibly. However, it is important to note that when using digital platforms, EMBs need to ensure that trained personnel well versed in social media sensitivities are monitoring and interacting with the public to ensure information is authentic and credible.

In Nigeria, for example, there has been an expansion of new media channels and technologies that are being used in order to communicate with stakeholders. The Citizens Contact

Centre and the myINEC app are innovative channels that INEC is using to promote communication between stakeholders and to share information. The app is readily available on Android and Blackberry platforms and has had 10,000+ installs. These technologies allow citizens to call or message INEC with any questions and concerns they may have pertaining to the electoral process. This limits physical interactions and allows more citizens to engage with the Commission while at the same time reducing congestion at the Commission office.³⁸

The Malawi Electoral Commission also communicated its policies through different forms of media. For example, posters on the importance of following COVID-19 preventive measures, which emphasised the need to social distance and avoid handshaking, were put up in public spaces such as bus stops in order to communicate the importance of staying safe and protected during elections. Voter education delivery channels included traditional media – radio, television and print – and social media. The use of large-scale public meetings was discontinued in order to ensure social distancing protocols were observed.³⁹

The Electoral Commission in Ghana is also using social media alongside traditional forms

Figure 4. The myINEC app











of media to communicate with stakeholders. Their active Instagram, Twitter and Facebook accounts allow citizens to engage with the Commission by asking questions or by accessing necessary information online, such as where they can register to vote. The use of infographics, pictures and reports on social media pages creates a new form of access to reliable and credible data from the Commission itself – for example, interested stakeholders can easily find out how many people have registered to vote. Similar efforts have been successful for the Mauritius EMB.

However, relying too heavily on technology and social media excludes groups of people who do not have regular access to the internet or smart devices, for example, rural and low-income communities. In addition, it creates opportunities for disinformation to thrive (see below). A balance between traditional media (including television and radio which can be more accessible to those with low levels of literacy) and new media needs to be struck in order for information to be disseminated to all.

Issues of security also need to be considered. For example, increased reliance on new platforms increases the possibility of hacking. If an official website or social media account were compromised, this could significantly undermine trust in the EMB and potentially impact the credibility of the election itself.

8.3 Tackling misinformation and disinformation

Issues of disinformation (false or misleading information shared deliberately) and misinformation (false or misleading information shared accidently) arise in a multitude of scenarios during election periods. Such a case of disinformation occurred in Namibia in July 2020, for example, when the Electoral Commission of Namibia (ECN) was advertising for polling station staff via social media. The advertisement was intercepted, and the contact details were changed. A concerned citizen alerted the

Figure 5. The ECN debunking false information on its Twitter page⁴⁰



ECN on Facebook and the ECN immediately responded by providing the correct information and making it clear to the public that there had been a case of disinformation. They then proceeded to share this correction on all social media platforms, stating very clearly that the initial post was fake.

The speed at which this information was corrected is commendable. This example highlights that although new media can create information challenges, an enhanced social media presence can also allow EMBs to speedily address issues of misinformation and disinformation.

However, EMBs cannot rely on social media alone. Strong mechanisms for engaging with election stakeholders, particularly political parties and major traditional media outlets, enables election officials to communicate effectively and counter false information where necessary.

9. Campaigning, voting and post-election activities

9.1 The campaign period

The COVID-19 disruption has in several cases significantly reduced the time between the preelection phase and election day. As electoral calendars are time-bound, suspension of any activity in the calendar leads to a shrinking of the election preparation period. This means that EMBs have to reassess the entire electoral calendar, anticipate the challenges at each phase of implementation and plan accordingly.

Electoral laws around campaigning vary considerably across the continent. Some provide for a set campaign period, but often this is not fully regulated, and unofficial campaigning will begin several weeks, if not months, before the anticipated election date. Furthermore, the power to regulate campaigning does not always rest with the EMB. With COVID-19, the candidates and their supporters moving around or meeting in mass gatherings increases the risk of spreading infection. Where the EMB is empowered, there should be clear guidelines on how candidates should conduct themselves as well as enforcement of maximum limits on gatherings. For example, INEC Nigeria has responsibility for monitoring political party campaigns and has been engaging with parties to develop strict guidelines for adherence to COVID-19 prevention rules. In other cases, it is the government's guidelines that are responsible for constraining campaigning and promoting public health. Ghana, for example, banned all mass gatherings, initially restricting meetings to a maximum of 25 persons (later relaxed to 100 persons). As noted in the first briefing paper on COVID-19 and elections, 41 however, such measures may negatively impact the promotion of issue-based elections and voter participation. For example, the measures in Benin were found to have negatively affected the turnout figures.⁴² Generally, protection against COVID-19 should not be at the expense of democratic principles. Any decisions to restrict freedoms should be based on extensive consultations with all stakeholders and backed by science.

9.2 The nomination process

It appears that EMBs in the region are embracing the use of technology to address the challenges of COVID-19 as it relates to the nomination process. In several countries, political party candidates and independents use the nomination process as a campaigning opportunity, arriving in a fleet of cars with their supporters to submit their forms. COVID-19 is changing this practice. EMBs are using online platforms to receive and process applications. As mentioned in 3.2 above, INEC Nigeria now has a dedicated portal with controlled access for candidate nominations. Malawi used both an online and drop-off system for candidates for their fresh presidential elections in June 2020. Ghana plans to make the nomination forms available online early and increase the days for submitting these and making corrections. Cameroon is sticking to traditional methods but with strict protocols: only candidates can enter the divisional offices to submit their application for the upcoming regional elections. EMBs that are yet to take candidate nominations should consider establishing similar systems.

9.3 Special/early voting

Special or early voting provisions are often reserved for voters who, as a result of their role on election day, may not be able to exercise their franchise. This category of voters includes election and security officials, domestic observers, representatives of the media and state officials working abroad in embassies and high commissions. The pandemic may require that EMBs expand the list to include frontline health workers, persons sick with COVID-19 and in health facilities, persons in home quarantine and persons who appear at voting stations with coronavirus symptoms. In South Africa, the Independent Electoral Commission had existing provision for house visits for elderly voters who cannot come to the polling station.⁴³ This framework may be considered for others looking to make voting more accessible to vulnerable groups in the context of the pandemic.

For countries that make legal provision for out-of-country voting, such as Kenya, Namibia and South Africa, EMBs must also consider how this can be implemented in the context of the pandemic. For example, voters abroad might normally vote at the embassy or high commission, travel home or use proxy voting options to exercise their franchise. Changes to

registration processes, restrictions on movement for citizens abroad and border closures may therefore impact their ability to participate in the election. It is important these issues are resolved early to ensure those who are eligible to vote are able to do so. Ghana, for example, has not yet implemented legal provisions to register and vote abroad, however, it did extend its voter registration exercise to give travellers and citizens living abroad a one-day dispensation to register once travel restrictions were relaxed.

The issue of who can benefit from special or early voting provisions may have to be addressed on a case-by-case basis. The aim, however, must be to provide ample opportunity for citizens affected by COVID-19 restrictions to register or vote.

9.4 Election day

There are many good examples and innovations that EMBs can adopt on election day to reduce the spread of COVID-19, encourage participation and enable the free exercise of each citizen's democratic right.

One option is to reduce the number of voters per polling station by creating more polling stations. Malawi, for example, reduced the number of voters at each polling station from 1,000 to 800. This has some logistical and financial implications – new polling venues must be identified, staffed and provided with sufficient materials – but was felt to have reduced the number of people in queues to vote. Ghana is planning to reduce the number voting at each polling station to 750 in the upcoming election.

Other queue management methods include INEC Nigeria's system of two-tier queues, where polling officials are directed to establish an outer queue and inner queue in enclosed locations. ⁴⁴ A voter arrives at the polling station and joins a queue outside until there is space to queue inside the voting area. Polling station officials move voters from the outer queue to the inner queue in batches. This may not apply in an open field or school ground where there is sufficient space for socially distanced queuing. For example, in Rwanda, the EMB has secured large spaces to ensure adequate social distance can be complied with for upcoming mediator elections.

Apart from social distancing, EMBs have adopted a range of measures at polling stations, including:

the provision of hand washing/sanitising facilities on entry

- the promotion of wearing face coverings in the polling station
- the introduction of cleaning protocols for any equipment used, e.g., biometric capture machines
- temperature checking for all voters (where non-contact thermometers are available)

EMBs must also consider what protocol to put in place if a voter is found to have a high temperature or symptoms during electoral activities. In Ghana's registration exercise, for example, a district nurse was stationed at registration centres to advise and respond to emergencies. Persons with high temperatures were immediately referred to the nearest clinic or hospital and such applicants could arrange to register later. However, on election day, such an approach would risk disenfranchising voters. EMBs may have to look at the rules on proxy voting to allow such a person to designate a proxy on the spot or consider setting up designated areas for them to vote. Namibia has mobile polling stations that may be adapted for voting by persons who have COVID-19.

9.4 Counting, results transmission and announcement

Effort should be made to limit crowding during the counting process. The transparency of this process is enhanced when party agents and accredited observers can observe the proceedings, even if this is from a reasonable distance. It may be useful for EMBs to consider starting the voting early and closing early so that election officials can use the natural light to complete the ballot counting process. Similarly, results centres at both national and constituency levels can be set up to ensure adequate social distancing. INEC Nigeria's guidelines, for example, require a queue to be formed outside with appropriate social distancing to allow for relevant individuals to be admitted into the collation centre where again there is appropriate social distancing. This includes the candidate, one agent, observers (also capped) and the media.

Other EMBs have to adopt more traditional methods of voting, counting and transmission of results. For example, the Electoral Commission of Namibia took the decision to abandon the use of EVMs for its regional council and local

authority elections in November 2020. This was in part due to a Supreme Court ruling that it could not use the EVMs without a voter verified audit trail (essentially a paper trail),⁴⁵ and the ECN⁴⁶ could not afford verification devices because of the impact of COVID-19 on its finances. Moreover, the ECN argued that using EVMs involves substantial touching of surfaces, which could enable the spread of infection, so paper ballots were used instead.

Generally, EMBs should also look to simplify the process of results transmission to reduce contact points and points of interference as well as increase the speed of transmission to the national facility. Beyond simplification, more effort should be made to increase the transparency of the vote such as displaying the polling station results online via a separate website. EMBs also need to increase the security measures by, for example, strengthening their digital defences to ensure that results cannot be tampered with online. EMBs, in consultation with the relevant stakeholders, should therefore consider their own circumstances and electoral history in making adjustments to the results management aspect of elections, noting the sensitivities around this stage of the process.

9.5 Election adjudication and coordination with the judiciary

It is important for an EMB to build a good rapport with the judicial service to ensure that cases arising from its decisions are dealt with expeditiously. Going to court is always a matter of last resort, which is why EMBs should endeavour to engage key stakeholders throughout the electoral process to avoid court battles as far as possible. Nonetheless, there is a lot the judiciary can do, including amending the election petition procedure if need be to allow for virtual hearings, designating special courts to hear election petitions and providing education materials for potential litigants and their lawyers so they are informed in advance of the COVID-19 mitigation measures in place. As discussed in 4.1 earlier, courts are responding to some of these challenges and adjusting their protocols to ensure that there is electoral justice. The example of the judiciary in Kenya, where the court is implementing open air courts to allow for litigants to fully participate in proceedings and to support applicants without the internet to access the e-filing platform, is positive.

10. Conclusion

The importance of seeking free, fair, transparent and peaceful elections irrespective of COVID-19

The exercise of the right to vote remains a fundamental human right even when facilitated in the context of a pandemic. EMBs have an obligation to ensure that the right is properly secured in spite of the challenging circumstances. Moreover, EMBs must continue to strive to achieve free, fair, transparent and peaceful elections. Considering the pre-existing challenges in the Africa region, EMBs have to work harder to ensure that these do not frustrate their efforts to deliver credible elections.

Working pragmatically and proactively within the law remains the best approach

Elections rely heavily on procedure. EMBs must remain true to that approach. Whether it is the implementation of a legal amendment,

the introduction of new rules or policies or the provision of new guidelines, changes must be properly and clearly articulated to offer guidance to the electoral officials who will be implementing them or the stakeholders who need to comply with them. In executing these responsibilities, EMBs must be practical and adaptive to the changing environment.

The importance of building trust among all stakeholders throughout the process

Successful elections are built on trust among stakeholders. The challenging environment of a pandemic requires a lot more trust building to protect lives and deliver credible elections. Political parties, CSOs, domestic and international observers, development partners, government, the police, the media, the health service and citizens should be engaged early, and this should continue throughout the electoral process.

Planning for a post COVID-19 era

It is difficult to predict when the pandemic will end, but the likelihood is that it will continue to have an impact for many months, if not years, to come. The lessons learnt from the response should be harnessed to improve on the emergency and crisis management plans of EMBs. It presents an opportunity for EMBs in the Africa region to adopt strategies and provide alternatives to many aspects of the electoral process, particularly remote registration and voting. Nevertheless, technology will remain a tool, so efforts should be made to continue to build trust by enhancing systems and structures offline and online.

The role of the Commonwealth Secretariat

This discussion paper commissioned by the Commonwealth Secretariat is an important contribution to the knowledge emerging from practitioners as they respond to the pandemic. This type of technical support, and the creation of a community of learning that allows various EMBs within the Commonwealth to share good practices, can only help promote electoral integrity, secure the rights of Commonwealth citizens and ensure credible and peaceful electoral outcomes.

Notes

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