



## **AESF 5 Memorandum: The Way Forward for Elections Beyond the COVID-19 Pandemic**

### **Introduction**

Democracy has suffered unprecedented attacks in recent years, with a backsliding of fundamental freedoms observed in many countries worldwide and the additional burden created by the ongoing COVID-19 pandemic often compounding pre-existing challenges. In order to strengthen efforts to defend electoral democracy, the Fifth Asian Electoral Stakeholder Forum (AESF 5) invited a diversity of election stakeholders to gather virtually and consider recommendations or best practices that deserve to be implemented more widely.

Building upon the collaboration established during previous iterations of this forum, three thematic working groups were created, with topics related to fostering more inclusive and participatory elections, challenges to electoral integrity and possible solutions, and best practices for election management during the COVID-19 pandemic. A total of two hundred participants representing election management bodies, civil society organizations and international or regional NGOs met online in September and October 2021 to discuss the current challenges to free and fair elections. We are grateful for their dedication, and aim to accurately reflect through this memorandum their contributions and aspirations.

This memorandum presents a number of recommendations or best practices that working group participants have highlighted during the proceedings. It is not meant to be exhaustive but instead addresses some of the current challenges faced by election stakeholders and beyond and possible solutions to mitigate them. Together with the documents produced at AESF 1 through 4 (namely [the Bangkok Declaration on Free and Fair Elections](#), [the Dili Indicators of Democratic Elections](#), [the Bali Commitment to Electoral Transparency](#) and the “[Colombo Pledge](#)”), the AESF 5 Memorandum will constitute the largest body of text related to election standards in Asia. Although non-binding in nature, these can guide election stakeholders, such as election management bodies, civil society organisations and observer groups, to strive to improve electoral processes in their respective countries in pursuit of genuine democracy.

## **Part I: Lessons learned and solutions for holding elections during the pandemic**

As we jointly reaffirm our commitment to uphold electoral democracy, we realise that the COVID-19 pandemic has brought a wide range of challenges to the election process, including but not limited to:

- Weak compliance and enforcement of public health risk mitigation measures during election times;
- Alternative voting arrangements, such as online or postal voting, take time, therefore there exists a need to develop and implement adequate legal framework and resources;
- Difficulty in recruiting polling staff because of health-related concerns or regulations;
- Lower voter turnout in some countries due to fear of catching or spreading the virus;
- Lack of legal dispositions pertaining to election postponements or caretaker governments in the event of a postponement;
- Physical campaign activities being limited or banned;
- Limitations on election observation activities due to travel restrictions or social distancing requirements;
- Escalation in the sharing of disinformation and fake news related to elections.

Together, we support the following good practices with regard to holding free and fair elections during the COVID-19 pandemic, drawing mainly from the experience and lessons learned of countries that already have held elections under these circumstances:

- Provide a safe voting environment by adopting health risk mitigation measures, including social distancing, face masks wearing and hand washing stations, so that voters can cast their ballots with confidence. Election management bodies should implement a comprehensive risk management plan;
- Adopt special voting arrangements, such as extended hours, advance voting, postal voting, etc., where possible to reduce congestion and physical contacts at polling stations;
- Amend election laws and regulations where applicable in order to tackle the challenges brought by the pandemic accordingly, for instance by introducing into law the special voting arrangements mentioned above and empowering election management bodies with the necessary powers to deal with unprecedented challenges;
- In case revision of laws and regulations is not possible, overcome the unexpected challenges in a creative way, while abiding by the existing legal framework, for instance setting up special early voting stations to allow COVID-19 patients and medical personnel to vote;
- Facilitate cooperation among relevant bodies, especially the election management bodies and public health authorities;
- Make efforts to maintain the transparency of the election process, and where applicable to explore different approaches to traditional election observation, such as online or remote monitoring and crowdsourced data collection;
- Take steps to counter misinformation and disinformation related to elections, such as fact-checking and voter education or news literacy campaigns.

## **Part II: Addressing challenges to electoral democracy and possible solutions**

The guidance presented below emerged from the working group discussions between election stakeholder participants from 47 countries in Asia and beyond. They are targeted not only towards governments but also for various key electoral actors to address challenges related to elections and democracy. While the suggestions are made based on common principles for free and fair elections, we recognise the diverse situations in the region and the need to take into account the context of each country.

### *On representation of marginalised groups:*

- We recognise the need to increase participation of marginalised groups in elections, which can be achieved through tailored approaches to address the specific barriers each group faces
- There remains a lack of political culture supporting the political participation of women, youth, persons with disabilities, LGBT+ or indigenous people and other marginalised groups. It is essential to promote, educate and raise awareness among these populations as well as with all election stakeholders. Nationwide civic and voter education initiatives are welcome to foster a vibrant and inclusive political environment.
- To promote women's participation, we suggest considering special provisions to increase the representation of women in all assemblies, local or national, for instance introducing quotas of women candidates or reserved seats. Election management bodies and political parties should also make efforts to include women in decision-making roles.
- In the spirit of inclusiveness, undue voting restrictions based on profession, religious affiliation or detention status should be removed.
- The possibility for transgender people to register as voters or candidates according to the gender they identify with instead of the one assigned at birth should be facilitated.

### *On alternative voting mechanisms and accessibility:*

- Voters who reside in a different location than where they are registered, such as migrant workers, or anyone unable to vote at their assigned polling station on Election Day should be provided with the opportunity to cast their ballots remotely, either in person or through alternative physical or digital means.
- Citizens residing overseas should be provided with an opportunity to vote, either by mail or otherwise, which should be as accessible as possible.
- Election management bodies should ensure that polling stations are accessible to voters with impaired physical mobility. To that effect, conducting infrastructure accessibility audits and collecting data on special needs during voter registration help focus resources where they are most needed. When possible, the use of mobile ballot boxes for voters with special needs, such as those with disabilities, the elderly or prisoners, is also a commendable practice.
- Election management bodies, political parties and other stakeholders should strive to meaningfully engage with persons with disabilities during elections, for instance by

providing visually impaired voters with Braille ballots or sign-language interpretation during campaign debates as some countries do.

- Disabled people's organisations should be consulted by legislators and election stakeholders to better ensure their inclusion in the political process.

#### *On political parties and candidates:*

- Political parties should adhere to the principles of inclusiveness and participatory politics and reflect them in their internal structure by promoting the representation of women, youth, LGBT+ and other marginalised groups in leadership roles.
- Independent candidates should be allowed to run in elections alongside those endorsed by political parties.
- Voters should be presented with a genuine diversity of political parties and candidates to choose from. The dissolution or disqualification of political parties must not be politically motivated or sanctioned by individual wrongdoings.

#### *On election observation:*

- We recognise that a bureaucratic accreditation process and restrictions related to COVID-19 can present logistical, timing and movement barriers to both local and international election observers.
- Governments and election management bodies should acknowledge and promote the participation of non-partisan election observers in the election process and minimise the bureaucracy in their accreditation and observation processes. On the other hand, the rise of partisan or co-opted election observation groups is a worrying dynamic, and election management bodies and civil society should work together to identify and hold these organisations accountable.
- Local and international election observers should strive to more comprehensively and systematically monitor emerging threats to electoral integrity, including campaign finance and information disorder. This may include developing partnerships or coordination with investigative journalists, fact checkers, or other specialised organisations.
- Donors should consider allocating more funds for pre-election monitoring, including campaign finance and social media monitoring, as these are the greatest threats to electoral integrity in the latest trends.

#### *On campaign finance:*

- Legal frameworks regulating campaign finance in many countries are too vague or weak to be enforced and fail to adequately address current political finance challenges. Some are riddled with loopholes that can be easily exploited and the penalties are not severe enough to serve as deterrents.
- We recognise the need to strengthen legal frameworks for campaign finance to provide spending and donation limits in line with international good practices, limit foreign donations, close loopholes that enable undisclosed spending, oversee political spending

online, and empower election management bodies or other independent oversight bodies to interpret, implement and enforce relevant regulations.

- We recommend that governments consider institutionalising public campaign financing accompanied by greater transparency and disclosure requirements in order to create a more level playing field among political contestants, including independent candidates.

*On information disorders and hate speech:*

- The rise of disinformation, hate speech, and other forms of information disruption is a growing threat to electoral integrity, particularly as it affects political participation and confidence in the electoral process.
- Engage private actors, especially media organisations and social media companies, on steps that they can take to monitor and counter hate speech and disinformation on their platforms that is relevant in the particular country context.
- Social media companies should enhance transparency of political advertising on their platforms and increase their capacity to moderate content in accordance with their terms of service.

*On technology-related applications in elections:*

- Governments and election management bodies should consider adopting online voter registration to enfranchise more eligible voters.
- In case election technology is used in voting, counting and results transmission, it should be transparent, verifiable and auditable. The technology should be procured in a transparent manner, and third party vendors should adhere to open data principles, meet cybersecurity standards, and without conflicts of interests.
- Election management bodies should ensure data related to elections follow open data principles, including being available for free on the Internet in a timely manner, complete and in bulk, at the finest possible level of granularity, and in an analysable format.