

SECURITY CHALLENGES IN ORGANIZING AND CONDUCTING LOCAL ELECTIONS 2020 IN THE CONDITION OF THE PANDEMIC VIRUS COVID-19

Professional Paper

Received: 12. 10. 2021.

Accepted: 16. 2. 2022.

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Abstract

In democracy-oriented countries, organizing and conducting elections is a complex process that involves the active participation of a huge number of stakeholders. It is very important to realize an active and passive suffrage of every citizen in B&H. In order to organize this process in accordance with legal regulations, it is necessary to ensure the participation of as many citizens as possible. A lot of stakeholders are involved in this process: voters, election observers, election administration, media and other stakeholders. In November 2020, local elections were organized in B&H. Citizens had the opportunity to elect mayors and members of municipality/city councils. The complex election process itself is further complicated by the fact that it was organized and conducted when B&H faced a pandemic caused by the virus COVID-19. The Central Election Commission of B&H as the main institution when it comes to prescribing recommendations, but also conducting elections, as well as before local election administrations there are a lot of security questions and challenges. It was necessary to answer how to organize and conduct local elections in accordance with law regulations, but not to endanger the health and lives of B&H citizens.

Keywords

Local Elections 2020, election administration, virus COVID-19, organization and work of polling committee, COVID mobile teams, protection of health and life of B&H citizens, legality and integrity of the election process

1. INTRODUCTION

Organizing and conducting elections in Bosnia and Herzegovina (hereinafter BiH) is a long and complex process that has always aroused significant interest of citizens, political entities, the media, academia and other stakeholders. The process itself is complicated, especially if we take into account the specific political system in BiH, the will of the citizenship to establish a

democratic government, therefore change, which further puts the entire process under public scrutiny. Legal regulations that regulate the subject matter guarantee the right of BiH citizens to be elected and to vote, and that this right must not be endangered in any way. 2020 Local elections, initially scheduled for 4 October, were postponed to 15 November 2020, because competent institutions did not provide financial resources on time. At the same time, the whole world is facing a challenge – a pandemic caused by the COVID-19 virus, which has greatly affected the daily lives and activities of BiH citizens. Expert reports and analyzes are monitored, a high amount of infections among the population of BiH is being reported, the mortality rate is extremely high, the health care system is oversaturated and threatens to collapse... Facing the security challenges caused by the coronavirus pandemic, which threatens to disrupt the smooth functioning of the country, and the BiH society as a whole (especially if the significant consequences on public health, but also the death rate due to infections is taken into account), it is time to organize and administer the local elections. The Central Election Commission of BiH (hereinafter: CEC), and local administrations, face questions on how to organize the elections, especially making sure that every citizen realizes the right guaranteed by law, while respecting the recommendations of competent institutions. Participants in the election process encounter numerous challenges in these new, so far unknown circumstances. How to implement the election process, making sure not to violate its integrity and that all the work is carried out in accordance with legal regulations and democratic principles?

2. ORGANIZATION AND IMPLEMENTATION OF 2020 LOCAL ELECTIONS IN BIH

The Election Law of BiH¹ prescribes those elections at all governmental levels in Bosnia and Herzegovina are held on the first Sunday in October, unless the date coincides with a religious holiday of one of the constituent peoples. If the day planned for the elections coincides with a religious holiday and it is not possible to hold them on the first Sunday in October, CEC BiH schedules the elections for the Sunday after the first Sunday in October which does not coincide with a religious holiday. In addition to the basic principles of the election process, the Law guarantees the right of every citizen of BiH to acquire active and passive suffrage from the age of 18. Additionally, the Law constitutes the bodies that will be responsible for administering the elections in accordance with the instructions submitted by the CEC as the central institution that coordinates the election process in BiH. These authorities are local, i.e. municipal and city election commissions and polling station committees. Without the synergistic activity of all participants, it is hard to imagine a successful end to the election process in BiH.

At a time when the crisis caused by the COVID-19 pandemic is affecting every aspect of our lives, a special challenge for the election administration is to organize legitimate, fair and honest elections, without endangering their own or the lives of all other participants in the election process. (Arnautović, dr. Suad; Bjelica-Prutina, Vanja, (2020).

The Decision on Calling and Administering Local Elections in BiH² set the initial date for the elections on 4 October 2020, but since the funds for the elections were not provided on

¹ Election Law of BiH, „Official Gazette of BiH“, no. 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/4, 25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08, 37/08, 32/10, 18/10, 18/13, 7/14, 31/16

² Decision on Calling and Administering Local Elections, „Official Gazette of BiH“, no. 46/20

time, there was a need to postpone the day of the elections. At the same time, in the fall of 2020, the epidemiological situation deteriorates abruptly. Due to unforeseen circumstances, it is impossible to carry out the elections in the way prescribed by the Election Law of BiH. Hoping that the epidemiological situation in BiH will improve, the CEC decides to reschedule the activities for 15 November 2020.

In the meantime, local election commissions are working at full capacity, preparing the conditions for administering the elections. After postponing the date, the CEC is preparing different instructions and guidelines on how to adapt the work of municipal/city election commissions to the new circumstances. Numerous instructions and suggestions were given on how the direct executors of election activities should act, adapting their activities to the specific conditions. Local commissions faced a significant challenge, given the fact that the election process itself is a complex and responsible job, which requires continuous and dedicated work and long-term preparations, and that involves a significant number of people who need to be trained to work in polling stations, to organize the election administration, to accredit observers, etc. These activities need to be organized in accordance with the recommendations of the World Health Organization, which relate to the protection of human life and health, as well as the local crisis relief staff and health institutions. Local administrations often operate with a small number of people, compared to the volume of work, but also with limited budgets. They often encounter problems with limited resources but also a lack of understanding by local authorities. In addition to these challenges, it was necessary to reorganize the work in order to carry out the activities prescribed by law in a timely manner, making sure not to endanger the lives and health of citizens who will, in any way (whether as members of polling station committees, observers or as voters) participate in the election process.

One of the most important preparatory activities, from the aspect of local election administrations, is training potential members of polling station committees through mandatory education. Polling station committees are election administration bodies appointed by city/municipal election commissions for every election, based on proposals from certified political entities or the work records of polling station committees from previous elections. The polling station committee is independent and impartial in its work. (Šantić, dr. Ahmed, Kalaba, Jovan, (2020). Due to the significant number of polling stations in municipalities/cities, but also the number of members in polling station committees (and the obligation to train their deputies in addition to members of polling station committees), training is held through a large number of meetings³. Based on the proposals given by the political entities in BiH that took part in the local elections, the municipal/city election commissions made the Education Plan⁴.

³ Pursuant to the decision of the City Election Commission in Visoko on the appointment of polling boards for the local elections, which will be held on 15 November 2020, number: 01/1-05-18/20-1 dated 14 November 2020, the plan is to work at 52 regular polling stations and one polling station for absentee voting and a polling station for voting with unconfirmed ballots, as well as a polling station for voting via a mobile team. In addition, four special mobile teams were formed for COVID voters.

⁴ For instance, in Visoko, in accordance with the mentioned Education Plan, a maximum of twenty people will be present in the hall where compulsory education is held (i.e. five polling stations in one appointment), with mandatory breaks in order to disinfect and aerate. A significantly higher number of dates for training has been determined in order to comply with the prescribed measures relating to the mandatory distance between those present, as well as the number of persons who may be indoors.

The Central Election Commission sent instructions and guidelines daily on how to proceed to both City/Municipal Election Commissions and members of polling station committees. In this regard, the CEC drafted and published the Instruction on operations of the election management bodies on election day in the conditions of the COVID-19 pandemic.⁵ The main goal of the Instruction is that the commissions or polling boards get acquainted with the activities and obligations on the election day in the conditions of the pandemic. Besides the general rules concerning the arrangement of the polling station, polling boards are obliged to ensure that a minimum physical distance between those present is maintained on the election day in accordance with the guidelines issued by the World Health Organization. Members of polling station committees were obliged to regularly maintain hand hygiene, wear protective masks while at the polling station, wear protective gloves, avoid touching their eyes, mouth and nose. The members of polling station committees were also obliged to wear identification cards containing their name and surname in a visible place with a clearly indicated function (duty) that they perform in the polling station committee. In order to further comply with the recommendations, and also to improve the health conditions for the elections, the City/Municipal Election Commission continuously organized a series of meetings with representatives of local authorities, hygiene and epidemiological departments of health centers, sanitary inspectors, representatives of Civil Protection and police administrations. The day before the local elections, disinfection and thorough cleaning of polling station premises was carried out.

A certain number of rooms so far used for the purpose of carrying out the election process were replaced by new rooms because their size could not meet the criteria of maintaining the required distance between the present. Efforts were made to have all polling stations in schools, as they have a sufficient number of classrooms, to separate the entrance and exit, reducing congestion and physical contact between voters, also making it easier to maintain hygiene and regularly ventilate the premises. It was determined that polling stations must be regularly cleaned and ventilated, including the cleaning of voting booths and desks used for exchanging documents and issuing ballots, given the significant fluctuation of people during the election day. It was necessary to ensure the distance between tables, chairs, mark the direction of movement, with the obligatory note that within the polling station there can be as many voters as there are polling booths (within one polling station there are usually two or three voting booths), as well as make sure that the distance between the observers is at least 1.5 meters. Instructions were issued to mark the line with yellow self-adhesive tape every 1.5 meters to ensure sufficient distance between voters waiting in line and to make disinfectants, which are used when entering and leaving the polling station, available to them in a visible place. Protective masks used by those present at the polling station must not contain any features of political entities.

In accordance with the Instruction, the members of the polling station committee were obliged to act as follows after arriving at the polling station at 06:00 in the morning on the day of the election:

- Ventilate the room, place mats for disinfection of footwear and perform additional disinfection of the polling station, as well as ensure a sufficient amount of cleaning products when using public toilets;

⁵ Instruction on operations of the election management bodies on election day in the conditions of the COVID-19 pandemic, "Official Gazette of BiH", No. 41/20

- Set the tables and chairs of the polling station committee members and observers so that the distance between them is at least 1.5 meters;
 - Put up signs for the movement of voters noting that at one polling station there can be only as many voters as there are voting booths;
 - Put up other warnings on obligatory adherence to general healthcare measures (posters, leaflets, etc.);
 - Mark the access to the polling station, i.e. the corridor in front of the entrance to the polling station, with yellow self-adhesive tape at a distance of at least 1.5 meters; and
 - Preferably direct voters to enter through one door and exit through another.
- (Arnautović, dr. Suad; Bjelica-Prutina, Vanja, (2020).

Image 1 – Poster showing all measures to be undertaken in the Covid-19 pandemic⁶



(Šantić, dr. Ahmed, Kalaba, Jovan, (2020)

⁶ Image 1- The poster shows all the measures that needed to be undertaken during the 2020 Local Elections in the Covid-19 pandemic. This includes maintaining a distance of at least 1.5 meters between persons, regularly disinfecting hands, wearing a mask, coughing into the elbow, as well as avoiding handshaking.

Entering the polling station without a protective mask was not allowed, with emphasis that voters may not wear a protective mask with the logo of any political entity or the image of any of the candidates for any position. The members of the polling station committee were in charge of ensuring regular ventilation of the premises (every two hours), without interrupting the voting process. The election commissions were responsible for providing a sufficient number of hygienic necessities at the polling stations (disinfectants, protective masks, gloves, liquid soap, among others). Upon arrival at the polling station, voters' temperature was measured with non-contact thermometers. In basic constituencies where several polling stations are located in one building (school, college, sports hall, cultural center, or similar), non-contact measurement of voters' temperature was performed in one place or at the main entrance to the building⁷.

2.1. COVID mobile teams

Local elections were organized and held in specific circumstances caused by the COVID-19 pandemic, and in an effort to preserve the legality and integrity of the election process, the CEC BiH in June 2020 issued the Instruction on operations of the election management bodies on election day in the conditions of the COVID-19 pandemic. The instruction defines the required procedures on the election day in order to protect the lives and health of representatives of the election administration and voters. In addition, the CEC BiH in September adopted amendments to the Rulebook on Conducting Elections in BiH, specifying the manner of organizing and exercising the right to vote for persons infected with the COVID-19 virus, isolated or hospitalized, which created conditions to ensure their right to vote. However, with the amendments dated 10 November 2020, the CEC BiH amended the Rulebook again so that this category of voters is enabled to exercise the right to vote through a special mobile team if they submit an appropriate report of the competent institution or body, i.e. medical report that they are positive or need to be in isolation, in addition to the request submitted to the competent local election commission.

Since at the time of the local elections, a significant number of citizens were infected or in direct contact with infected persons, and had moving restrictions/had to be in isolation, it was necessary to create certain preconditions for such voters to exercise their democratic right. In this regard, it was prescribed that a voter whose name is on the excerpt from the Central Voters' Register for voting at a regular polling station and is positive for COVID-19 and/or who has a confirmation from a competent authority on mandatory isolation or is on hospital treatment, due to which he is not able to come to the polling station where he is registered in to vote in person, at his own request⁸ was allowed to vote through special mobile teams formed by city/municipal election commissions.

In order for the election commissions to make records on the number of such voters and schedule field visits, voters were required to register to vote 72 hours before election day,

⁷ Decision on Amendments to the Instruction on operations of the election management bodies on election day in the conditions of the COVID-19 pandemic, no. 05-1-02-2-573-14/20 dated 3 November 2020.

⁸ Rulebook on Amendments to the Rulebook on Conducting Elections in Bosnia and Herzegovina, "Official Gazette of BiH", no. 63/20

with the submission of appropriate evidence that the person is ill or has to be in isolation. Election commissions cooperated with health care institutions and bodies that had records of voters who were supposed to vote under a special regime⁹ to meet such requirements. These lists were updated daily so that the commissions had an insight into the number of such persons and that it could not happen that one of such voters came to the regular polling station to vote, endangering their own health and the health of those present. The voting of persons positive on the virus, as well as persons with movement restrictions/obligated to be in isolation, was conducted through special mobile teams formed by commissions and which, according to a specially prescribed procedure, came to the regular polling station, took out ballots and carried them to the voters. Voters voted via enveloped ballots which, in accordance to a specially prescribed procedure, were excluded from the regular polling station. In that case, the president of the regular polling station committee removes the ballot, puts it in an envelope and hands it to the president of the special mobile team, with obligatory records (of the polling station), stating the name of the voter who votes via that special mobile team. Election commissions had the right to form more special mobile teams due to the significant number of persons being positive, as well as those who are in isolation at the time due to movement restrictions¹⁰. Special mobile teams received work plans (plans for visiting voters) with basic information (names, surnames, addresses and contact telephone numbers), indicating from which polling stations they will withdraw ballots in order to deliver them to the voters. To ensure transparency of the election process in the specific conditions caused by the COVID-19 pandemic, observers were allowed to follow special mobile teams and observe their work, in accordance with the general rules applicable to observers.

During the preparation of the election process, the Election Commission in Visoko established good cooperation with the Hygiene and Epidemiological Service (HES) of the Health Center in Visoko, which issued special instructions about the work of special mobile teams the day before the elections. The instructions included how the special mobile teams need to act when visiting voters positive on the COVID-19 virus, voters in isolation, and persons examined in COVID-19 dispensaries, suspected of being infected. Some of the most important instructions include:

- COVID mobile teams should have at least one health worker in the team who will be in protective equipment (disposable suit, mask, overshoes, two pairs of gloves and a visor);
- After taking it from the voter, the envelope is put in boxes that are physically separated from other members of the mobile team;
- The person in the protective suit should not be in the same vehicle with other people from the mobile team;
- The gloves must be disinfected after taking each envelope;
- All envelopes are handed over at special checkpoints that are separated from other ballot boxes;

⁹ For example, the City Election Commission in Visoko communicated on a daily basis with the sanitary inspector, who had records of persons who died from the COVID-19 virus, hospitalized persons and persons that were obliged to stay in isolation or had movement restrictions.

¹⁰ The City Election Commission in Visoko formed a total of four such special teams and provided them with protective suits, visors, masks, gloves and disinfectants.

- It is obligatory to disinfect the vehicle in which the voting envelopes and the person in the protective equipment were.

After handing over the envelope, the member of the mobile team takes off the protective suit (in accordance with all health regulations) and puts it in special bags intended for medical waste disposal which are transported to a medical institution where there is a sinton device for medical waste disposal¹¹.

Special mobile teams do not enter the homes of voters, but in that case apply the "voting with the help of another person" procedure¹² (Šantić, dr. Ahmed, Kalaba, Jovan, (2020).

After completing the tasks, special mobile teams are obliged to pack the voting material, excerpts and records, and on all bags write the text: "COVID-19 voters", in addition to the name and number of the basic constituency, and to deliver it to the election commissions. Voting material collected in this way is packed and stored in a special separate place in the warehouse of the election commission, where it is disinfected, and then in accordance with the plan of transport of election material delivered to the Main center for counting (MCC) (Šantić, dr. Ahmed, Kalaba, Jovan, (2020).

3. CONCLUSION

The COVID-19 pandemic affected all life aspects of the population in BiH, which required certain changes and adapting to the new circumstances. The fight against the COVID-19 virus brings important security issues, especially because many problems that have been

¹¹ Mail of the Hygienic-Epidemiological Service of the Health Center in Visoko with instructions on how special mobile teams need to act, dated 10 November 2020.

¹² When a voter is blind, illiterate or physically incapable, the president authorizes another person, chosen by the voter, to assist with the voting. That person cannot be a member of the polling station committee or an accredited observer. The person assisting the voter shall sign and write his/her name in block letters in an excerpt from the Central Voters' List next to the name of the voter he/she assisted. A member of the polling station committee writes "XX" in the part provided for the signature, the number of the voter's ID and the ID of the person assisting him, in addition to his signature. The person assisting another voter does not have to be registered in the Central Voters' Register. One person can help only one voter. Physically incapable voters, i.e. voters who come to the polling station but cannot enter, also use assistance. Another person elected by that voter shall bring a valid identification document of the physically incapable voter to the polling station and state that the voter cannot enter the polling station. The member of the polling station committee in charge of the identification procedure shall check whether the name of the physically incapable voter is found in the excerpt from the Central Voters' Register. If the name of the voter is found in the excerpt from the Central Voters' List, the member of the polling station committee, after notifying the president, goes to the physically incapable voter with Form Z6, ballots, pen and an envelope. The member of the polling station committee enters the name and personal data of the physically incapable voter with the number of the identification document. The physically incapable voter signs next to this information and fills in the ballots which he puts in the provided envelope. The person chosen by the physically incompetent voter takes the envelope with the ballots to the ballot box, opens the envelope and inserts the ballots into the box. The member of the polling station committee writes, in addition to the name of the physically incapable voter, the number of the voter's ID in the part provided for the signature. The person assisting the physically incapable voter writes his/her name in block letters next to the name of the physically incapable voter in the excerpt from the Central Voters' List and signs it.

put aside for years come to the fore, such as the danger of the health system collapsing, as well as the risks to human health and lives. In such circumstances and challenges where freedom of movement is restricted by the curfew, employees worked from home when it was possible, the teaching system went *online*, entering closed spaces was restricted, using masks and gloves was mandatory, as well as disinfecting footwear, traveling was restricted, and so on, it was time to organize the 2020 Local elections. The election process itself brings certain characteristics and responsibilities, but also requires significant budgetary resources. In conditions when the pandemic affects every segment of the functioning of BiH society as a whole, but also every individual, how to organize fair and correct elections is a question that arises. How to provide the opportunity for BiH citizens to exercise the right to vote guaranteed by the constitution and the law? The CEC, as the umbrella institution, faces many issues in regards to organizing and making recommendations related to the election process. The public is focused on the CEC, but also on local election administrations, primarily municipal/city election commissions, which need to adapt fieldwork to new circumstances, provide conditional facilities for implementing the elections, and train a significant number of election administrations (polling station committees and their replacements), to organize the distribution of election material, coordinate the work of polling stations, special COVID mobile teams, observers, representatives of political entities on election day, all with limited budget funds, infrastructure and equipment. An aggravating circumstance for local election administrations is often the lack of support from the governing local structures. As election day approaches, there are big changes in the membership of polling station committees due to a significant increase in the number of patients or persons in isolation, and the records with persons voting through special COVID mobile teams are increasing. The successful organization of work implies proactive action and coordination of all participants of the election process, and the need for this is even more emphasized in the context of the COVID-19 pandemic. The CEC is continuously working on different types of instructions, rulebooks and guidelines to make the process easier for election administrations. Municipal/city elections continuously cooperate with representatives of law enforcement agencies, sanitary inspectors, hygienic and epidemiological services in local health centers, representatives of Civil Protection, all in order to improve the entire process of administering the elections while protecting people's health and life. This paper focuses on showing the importance of supporting the work of local election administrations and the importance of joint action of all participants in the election process in changed circumstances. It has been shown that, through cooperation, despite the dangers of the COVID-19 virus for the life and health of citizens, it is still possible to organize and conduct a complex election process while adapting to the new circumstances. It shows that even when there is a danger of restriction and suspension of basic human rights and freedoms, it is still possible to fulfill one of the more challenging tasks, which is to conduct elections and exercise guaranteed rights (active and passive suffrage).

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