QUALITY OF DEMOCRATIC ELECTION PROCESS DURING THE COVID-19 PANDEMIC: THE SCHEDLER'S CHAIN OF DEMOCRATIC CHOICE PERSPECTIVE

JAKOŚĆ DEMOKRATYCZNEGO PROCESU WYBORCZEGO
PODCZAS PANDEMII COVID-19 – PERSPEKTYWA ŁAŃCUCHA
DEMOKRATYCZNEGO WYBORU SCHEDLERA

*Maciej Onasz**

— ABSTRACT —

This paper provides an assessment of the possibility of maintaining the democratic quality of the electoral process held under extraordinary conditions resulting from the COVID-19 pandemic. This is part of the considerations on the quality of democracy and its resistance to crisis conditions. The study was conducted using Andreas Schedler's Chain of Democratic Choice. It covers both a general perspective and a case study of the election of the President of Poland, lasting from March to May 2020 and finally and effectively interrupted only on May 6 – 4 days before the vote. The adopted perspective makes it possible to identify and assess the potential and actual threats to maintaining the democratic nature of the election process at all its stages. Possible technical solutions that may counteract the reduction of the democratic level of the election process at individual stages have also been indicated.

— ABSTRAKT —

W artykule dokonano oceny możliwości utrzymania demokratycznego charakteru procesu wyborczego odbywającego się w nadzwyczajnych warunkach wynikających z pandemii COVID-19. Stanowi element rozważań na temat jakości demokracji i jej odporności na warunki kryzysowe. Badanie zostało przeprowadzone przy użyciu łańcucha demokratycznego wyboru Andreego Schedlera. Obejmuje zarówno perspektywę ogólną, jak i studium przypadku wyborów Prezydenta RP trwających od marca do maja 2020 roku i ostatecznie skutecznie przerwanych dopiero 6 maja na 4 dni przed głosowaniem. Przyjęta perspektywa pozwala na identyfikację i ocenę potencjalnych i faktycznych zagrożeń dla zachowania demokratycznego charakteru procesu wyborczego na wszystkich jego etapach. Wskazano również na możliwe rozwiązania techniczne, które mogą przeciwdziałać obniżeniu

* University of Łódź, Faculty of International and Political Studies.

poziomu demokratyczności procesu wyborczego na poszczególnych etapach.

Keywords: democracy; elections; COVID-19; election process; chain of democratic choice

Słowa kluczowe: demokracja; wybory; COVID-19; proces wyborczy; łańcuch demokratycznego wyboru

1. INTRODUCTION

The epidemic of COVID-19 disease caused by infection with the SARS-CoV-2 virus (from March 11, 2020 determined by the World Health Organization as a pandemic), lasting from the first weeks of 2020, has dominated the political decision process as well as all political and social processes in most countries of the world. At the same time, it raised questions about fundamental issues for political systems and their evolution – e.g., about the future of liberal democracy and the related, currently dominant, form of capitalism, or about the efficiency of various types of political systems in ensuring the security of state citizens in a crisis.

Especially for the democratic world, it is important that the pandemic coincided with the duration of institutionalized electoral processes of various kinds¹. Considering only the countries gathered in the Council of Europe, in the first half of 2020 decisions were made to postpone or cancel the elections of state (three times), regional and local (seven times) and referenda (three times) (COE, 2020a). The impact of the current pandemic/epidemic on the electoral system and political processes (including electoral processes) is undergoing further studies – both in general (Landman & Di Gennaro Splendore, 2020; Johnson, Pollock, & Rauhaus, 2020; International IDEA, 2020a) and in detail, e.g., the analysis of the conditions of admissibility of postponing elections in democratic systems (James & Alihodzic, 2020). However, it still constitutes an unfilled research area. Moreover, the high value of the implications in the foreseeable future speaks in favor of continuing research in this field².

¹ Only in Europe, in the period from March 11 to the end of June 2020, elections of state authorities were planned in: parliamentary: North Macedonia, Serbia; presidential: Poland, Iceland. Referenda in: Italy, Armenia, Russia, Switzerland. Local or regional authority elections in: Austria, France, Bavaria (Germany), Thurgau and Uri (Switzerland), 7 regions of Italy, UK.

² Both in relation to the current pandemic and possible future crises.

The aim of the article is to analyze the possibility of maintaining the democratic quality of the electoral process of state authorities in the conditions of an ongoing pandemic/epidemic and the resulting changes in the political system and its subsystems, as well as to indicate the potential consequences resulting from possible political decisions regarding this process. The theses posed were verified as part of the case study of the election of the President of the Republic of Poland ordered on May 10, 2020. The selection of this particular election process is justified by its specificity compared to other election processes planned for the pandemic period. While, with regard to the first months of the pandemic (from March to May 2020), postponing or canceling elections was the rule, the response of the Polish authorities to the crisis was different. Taking into account the countries associated in the COE³, the presidential elections in Poland constitute the only almost fully completed election process of the state authorities⁴ between declaration of pandemic and June 21⁵. The process was effectively interrupted only on May 6 – four days before the vote⁶. The almost complete implementation of the election process allows for an analysis of how the conditions of the pandemic influenced its course. It has already been the subject of previous analyses (e.g., Vashchanka, 2020).

The article aims to answer the research questions: **1) Is it possible to maintain the democratic level of the election process carried out during a pandemic/epidemic in comparison to a normal situation?; 2) What detailed solutions**

³ The strategies adopted at the global level are more varied. Summing up the entire duration of the pandemic/epidemic, from February 21 to the end of August, the decision to postpone national and subnational elections due to COVID-19 was made in at least 70 countries, including 33 – national elections and referendums. On the other hand, at least 56 countries have decided to hold national or subnational elections despite concerns related to COVID-19 (at least 38 – national elections or referendums) (International IDEA, 2020b).

⁴ During this period, election processes were also carried out at the local level: French Republic (March 15, 2020), Free State of Bavaria (March 15 and March 29 – in the second case only in the form of correspondence), Cantons Thurgau and Uri (March 15, 2020 and March 22, 2020).

⁵ The day of voting in the elections was taken into account.

⁶ On May 6, 2020, the leaders of two of the three parties forming the government coalition announced a political agreement to postpone the presidential elections. The election process itself was not formally interrupted, although – pursuant to a decision of the National Electoral Commission – preparations for the vote were suspended. Ultimately, voting in the elections did not take place. The National Electoral Commission decided to interpret this in a similar way to a situation in which no candidate for the presidency would apply (it aroused controversy, especially, among constitutionalists), which was the basis for ordering further elections.

applied in electoral systems limit the negative effects of a crisis situation caused by a pandemic/epidemic on the democratic level of elections?

2. CONCEPTUAL FRAMEWORK

Research of the election process in the conditions of a pandemic/epidemic was carried out using the “chain of democratic choice” model presented by Andreas Schedler in the article “Elections Without Democracy: The Menu of Manipulation” (2002, 36–50). Based on the assumptions of the polyarchy of Robert A. Dahl (1971, p. 2), he presented a set of conditions that should be met in order for an election (in the sense of the entire election process) to be considered democratic. Thus, a model of the seven-element chain was constructed. Its elements are presented in Table 1.

Table 1. Elements of the Chain of Democratic Choice

	Dimensions of choice	Normative premises of democratic choice
1.	The object of choice	Empowerment: Democratic elections involve the delegation of decision-making authority.
2.	The range of choice	Freedom of supply: Citizens must be free to form, join, and support conflicting parties, candidates, and policies.
3.	The formation of preferences	Freedom of demand: Citizens must be able to learn about available alternatives through access to alternative sources of information.
4.	The agents of choice	Inclusion: Democracy assigns equal rights of participation to all full members of the political community.
5.	The expression of preferences	Insulation: Citizens must be free to express their electoral preferences.
6.	The aggregation of preferences	Integrity: One person, one vote. The democratic ideal of equality demands weighting votes equally.
7.	The consequences of choice	Irreversibility: Elections without consequences do not qualify as democratic.

Source: Schedler, 2002, p. 39.

The research method presented by Schedler was to determine the actual nature of the election process (more broadly – election processes) in a given political system, which in turn would allow to distinguish electoral democracies from electoral authoritarianism. This model may also be used to assess the

impact of changes in the environment of the election process on the level of its democracy.

The essence of the Schedler model is to perceive the election process as a metaphorical chain. Accordingly, the strength of the chain (democratic process) depends on the strength of individual links. The relationship between the individual seven elements of the chain and the overall electoral process should not be understood as a sum $P = E1 + E2 + \dots + E7$, but as a product of individual elements $P = E1 * E2 \dots * E7$.

Let us assume that each of the elements (links) of the chain of a given election process can be assigned a value in the range 0–1, where “0” means complete failure to meet a certain condition (e.g., complete inability to conduct an election campaign by opposition groups), and “1” – full implementation of a given condition. It is obvious that assigning a specific value to individual elements of the chain for a specific electoral process is a complicated task, requiring the development of a precise methodology. Especially if it were to serve a comparative study of the democratic level of various electoral processes. It is also important that the extreme values (in particular “1”) for individual elements reflect the model, abstract situation. Interpretation of the value assigned to a given electoral process as a product of partial values assigned to individual elements of the chain makes it possible to limit it to the range 0–1. It remains with the designation of the level of democracy of the whole process as P and the values assigned to individual elements of the chain as $E1 \dots E7$, although it should be noted that:

- The democratic level of the entire electoral process (P) cannot be higher than the lowest value of the chain elements $E1 \dots E7$ ($P = < E1, E2, \dots, E7$). A gross violation of any of the values defining individual elements of the chain automatically causes the entire election process to be considered extremely undemocratic (multiplication by zero). This will apply to systems that maintain the appearance of democracy (e.g., for external use) while actually depriving the election process of its democratic content.
- A gross violation of any of the values defining individual elements of the chain will reduce the P -value more clearly than smaller violations of the same total value concerning several of its elements.

The most important effect of the adopted methodological assumptions should be emphasized: the weakening of the implementation of the value assigned to any of the elements $E1 \dots E7$ lessens the democratic level of the entire process. For this reason – if any link in the metaphorical chain is broken or radically

weakened, it is impossible to consider a given election process as meeting the conditions necessary for it to be considered democratic.

3. PANDEMIC PERIOD ELECTIONS IN THE LIGHT OF SCHEDLER'S CHAIN OF DEMOCRATIC CHOICE

The purpose of this article relates to the abstract situation of conducting the election procedure in an extra-coordinated, ongoing pandemic/epidemic. The theses posed were verified as part of the case study of the presidential elections in Poland, ordered on May 10. Each election process can be divided into a number of stages. Due to the specificity and variety of detailed solutions, precise descriptions of individual processes may differ. However, they generally correspond to a specific model. The model of the election process and its reference to the chain of democratic election is presented in Table 2.

Table 2. Chain of Democratic Choice and the Model of the Election Process

Dimensions of choice	Stage of the election process
The object of choice	Ordering elections
The range of choice	Submitting candidates
The formation of preferences	Election campaign
The agents of choice	Act of voting
The expression of preferences	
The aggregation of preferences	Establishing the voting result and election result
The consequences of choice	Assumption of the office/position or formation of a collegiate body

Source: Author's own study.

In connection with the adopted analytical model, it should be stated that the emergence of factors preventing (or likely to significantly impede) the implementation of subsequent elements of the election process, in relation to the elements of the democratic choice chain, may constitute its violation – and, consequently, lower the level of democracy of the entire election process. In order to analyze the possible impact of an emergency situation, it is necessary to indicate what impact this situation may have at individual stages of the election

process. As part of the case study, the analysis should be related to the election of the President of Poland.

4. MECHANICAL AND PSYCHOLOGICAL EFFECTS OF A CRISIS SITUATION RELATED TO A PANDEMIC

The crisis situation faced by societies all over the world has a number of consequences. From the perspective of the election process, the most important effects are changes in social behavior. They can be divided into two groups:

Mechanical – these are changes resulting from decisions of the authorities and other public institutions. In particular, they include limitation of movement (resulting from legal regulations, not from an autonomous decision of an individual) and in extreme conditions preventing it, e.g., by imposing a quarantine regime, limiting the possibility of using public services, organizing and participation in assemblies and any other limitations resulting from top-down decisions that limit movement and reduce the intensity and frequency of social interactions (COE, 2020b). They also include changes that are an indirect effect of decisions – for example, the suspension of classes by schools caused a mechanical effect in the form of limiting the mobility of parents of children who have to look after them at home (the universal closure of educational institutions affected, at its peak, 193 countries around the world (UNESCO, 2012)). It is worth noting that these factors limiting the possibility of realizing the rights of an individual may also occur in a normal (or similar) situation, e.g., as a result of quarantining a small group of people suspected of being infected with an infectious disease (during the period outside the pandemic/epidemic). In the event of a pandemic/epidemic, the distinguishing feature is the number of units affected by the restrictions and the scope of the restrictions. Especially if one takes into account the quarantine imposition procedures (which may be of an administrative nature), while the unit cannot be appealed and the non-compliance with the quarantine (different, depending on the system) sanctions imposed.

Psychological – these are changes resulting from the individual's personal decisions made in order to ensure their own safety or reduce risk. They are undertaken on their own initiative or under the influence of suggestions and appeals coming both from the social environment (e.g., information from doctors and specialists or “stay at home” actions), and from institutions of power or related to power, provided that they are not forced (e.g., enabling and promoting

remote work, in the form of a home office and other mobility restrictions, but not being an obligation/prohibition and not subject to sanctions).

5. THE IMPACT OF A CRISIS SITUATION ON ELEMENTS OF THE ELECTION PROCESS

As part of the study, the impact of a pandemic/epidemic and the changes in social behavior caused by it (directly and indirectly) on individual stages of the election process, and thus – individual elements of the chain of democratic choice were analyzed. Individual theses were verified as part of a case study. Where possible, possible solutions have been identified that may limit the negative effects of a pandemic/epidemic on the electoral process.

5.1. ORDERING ELECTIONS (THE OBJECT OF CHOICE): the impact of an emergency situation on this stage of the election process would be possible if it had occurred before its occurrence, influencing the decision-making environment, and the decision-maker would have a real possibility to adapt the decision to these changes. In an extreme case, a crisis situation can be used to unjustified extension of the decision-makers' power. This may take place in the event of canceling (or repeatedly postponing) the holding of elections, the likely outcome of which would lead to an alternation of power. The occurrence of such a situation should be considered as the destruction of the democratic nature of both this element and the entire system. Moreover, such a situation cannot be considered as the impact of the effects of a pandemic/epidemic on the election process, as they are only a pretext for a political decision.

In the case subject to the study, the elections were ordered before the change of the decision-making environment, moreover, in Poland, the decision-maker would have a limited ability to adapt to the new conditions even in the event of far-reaching changes in the decision-making environment. This is due to the precise timing of both ordering elections and voting in the Polish Constitution and at the statutory level. On the other hand, the leader of one of the parties forming the government coalition made a proposal to extend the current term of office of the President of Poland from 5 to 7 years, justified by the effects of the pandemic. This would require an amendment to the Constitution in a very short time. This proposal was rejected by the entire parliamentary opposition, which made it redundant.

5.2. SUBMITTING CANDIDATES (THE RANGE OF CHOICE): in relation to this stage of the election process, the direct impact of extraordinary conditions can be indicated. This is the case in those systems in which the possibility of submitting an element of an election offer is wholly or partially dependent on gaining specific social support expressed by the number of signatures of voters supporting a candidate or a list of candidates. This is a commonly used requirement (Massicotte, Blais, & Yoshinaka, 2004, p. 63), although in some electoral systems it has been replaced or accompanied by the obligation to pay an electoral deposit (Żukowski, 2011, pp. 32–33).

Changes in the environment of the election process resulting from the crisis caused by the pandemic/epidemic may significantly impede the registration of individual elements of the election offer. Especially in the case where the only possibility to register an element of an election offer is to submit a significant number of signatures of support, and the conditions (resulting from political and administrative decisions or only changes in social behavior) significantly hinder or even prevent the effective collection of signatures. In a situation of a pandemic/epidemic, these conditions may result from legal restrictions on the possibility of organizing and participating in assemblies, as well as legal restrictions on the mobility of individuals. The occurrence of these conditions may also result from social self-discipline.

Such changes in the environment of the election process will to a greater extent make it difficult to effectively submit an element of an election offer by entities with a lower degree of institutionalization and with fewer resources. Difficulties related to a crisis situation in this field are clearly limited when the system allows an entitled person to support the submission of a given element of an election offer in a way that does not expose individuals to threats – e.g., by signing online.

In the case of the election of the President of Poland, this stage was particularly exposed to the consequences of the threats to the security of individuals, and thus – changes in the environment of the election process. Due to the fact that both the first case of infection in Poland and the extent of the disease, political and administrative decisions resulting in changes in social behavior, including limitation of gatherings and restriction of mobility, as well as changes in the behavior of individuals resulting from the self-discipline of society, took place in the course of the procedure for reporting elements of the election offer. The main obligation imposed on candidates is to present 100,000 signatures of eligible voters. Under normal circumstances, this condition can be considered easy to

meet, but fulfilling its task, i.e., the preliminary selection of candidates in order to eliminate those who do not have significant public support⁷. However, in an epidemic situation, this requirement becomes much more important. Due to the limited possibilities of organizing assemblies, the limited mobility of citizens or the self-isolation of a significant part of society, resulting in a reduced willingness to interact with other people⁸, the burden resulting from the obligation to submit signatures has been multiplied. Considering the moment of the emergence of the mechanical effects of the crisis situation, it should be clearly stated that the conditions of the functioning of political actors at this stage changed dramatically already during the crisis situation, and the possibility to freely create elements of the election offer was limited. This observation justifies the statement that the level of democracy in the second of the considered dimensions of choice has been limited.

5.3. ELECTION CAMPAIGN (THE FORMATION OF PREFERENCES): this stage of the election process should be considered the most stretched in time. It starts on the day the elections are announced (and in practice, a few months earlier), and lasts until voting day or ends a little earlier. With regard to the election campaign, we can distinguish three dimensions that may be affected by the change in the system's envelope: a. the subject of the election campaign, b. the advantage of incumbent during the election campaign, c. the channels of the election campaign.

5.3.1. The subject of the election campaign

The emergence of the crisis influenced the spectrum of topics discussed during the election campaign. At the same time, it should be noted that it is each time shaped by a number of factors, such as: current social and political phenomena, permanent social and political phenomena and processes, topics introduced intentionally by candidates and groups and by interest groups, interest of voters, interest of the media which are part of communication channels. The interplay of these factors can be compared to the multidimensional game of supply and demand under market conditions. From this perspective, the spectrum of topics

⁷ 100,000 people entitled to vote supporting the submission of a given candidacy constitute slightly more than 0.33% of the total number of eligible voters. So far, the requirement used in the presidential election has not been questioned on a larger scale.

⁸ According to the research conducted on March 23–24, 87% of Poles declared avoiding public gatherings, 85% tried to limit being outside their home, also 85% kept a distance of at least 1 meter from other people in contacts outside their home (SWPS University, 2020).

covered during an election campaign (or its dominant ones) is largely independent of the electoral system and actors in the election process. It is impossible to consider limiting this spectrum as a factor negating the democratic nature of the electoral process, as long as the restriction is not a result of excessive interference by one of the actors involved in the process of creating campaign topics, in particular – as long as the list of topics is not controlled and sanctioned by the authorities.

5.3.2. The advantage of incumbent

Although ensuring equal opportunities for all candidates in a democratic electoral process is one of the foundations of democratic elections (Venice Commission, 2002, p. 18, point 2.3), achieving such a status in practice is difficult, if not impossible. The particularly privileged situation of a person applying for re-election (especially in the case of elections for a specific position, to a much lesser extent – for collegial bodies) is defined as the incumbency advantage and is a common phenomenon, to which a number of publications has been devoted (e.g., Beviá & Llavador, 2009; Caselli et al., 2014). Even in a crisis situation, which puts representatives of the authorities in a privileged position, if only because of the so-called ‘rally-round-the-flag’ effect (Mueller, 1970, pp. 18–34), the existing inequality should be assessed as natural, and its intensity – as resulting from changes in the environment of the election process. Doubts may arise in a situation where an incumbent directly uses resources controlled by their position, in a manner inconsistent with their intended use, in order to improve their electoral position. As long as the incumbent’s actions taken as a result of the crisis that have arisen correspond to actions that would probably have been taken in a similar situation but outside the election campaign, moreover, the use of resources related to the election campaign function cannot be clearly attributed, it cannot be confirmed that the democratic nature of the election process is weakening due to the crisis.

5.3.2. Election campaign channels

The occurrence of a crisis situation causes two groups of negative effects affecting the channels of communication used during the election campaign between the candidates (and political parties) and potential voters. The first is related to the limitation (whether imposed by legal solutions or as a result of social self-control) of assemblies. During an epidemic situation, all major meetings, such as congresses and conventions, but also meetings with voters “in the

field” are largely hampered or impossible. The second type of effects results from changes in the behavior of individuals aimed at avoiding threats. In particular, this concerns limiting the mobility of individuals and direct limitation of interpersonal interactions (limiting conversations with met people and reluctance to receive any items from them). It is therefore a combination of the mechanical and psychological effects of a crisis situation. This limits the means such as posters and large-format advertising – due to the limitation of the set of people that come into contact with a given material, and leaflets and gadgets handed out directly, most often combined with an attempt to convince potential voters during direct contact and conversation. At the same time, the importance of other communication channels – both traditional media and the Internet – may be strengthened. It should be noted that the change in campaign channels has a different impact on the capabilities of individual groups and candidates. Although it limits all of them, the possibility of effective use of alternative channels largely depends on the means and resources of individual groups and candidates. In particular, groups with the financial resources to run an advertising campaign in the main media or on the Internet, or with other resources – in particular, an influence on various types of media, the importance of which as a transmission belt between political actors and voters is increasing. Undoubtedly, such a limitation should be considered as an additional differentiation of opportunities for individual entities, directly resulting from changes in the electoral process environment. It should be emphasized that the effect of limiting (or preventing) the use of some traditional campaigning methods, increasing the importance of other communication channels, may be strengthened by previously indicated changes in the environment of the election process. In particular, the advantage of the incumbent, which – as the only one – may retain the possibility of using some communication channels.

With regard to the election process covered by the case study, both groups of factors influenced the environment of the election process, preventing some of the traditional activities – the limitations resulting from the first of the aforementioned groups of effects are particularly noticeable, as all the candidates actually conducting the campaign officially resigned from organizing election assemblies. Also, advertising materials were not used in the surveyed campaign (billboards, posters, leaflets). This results in a significant limitation of the possibilities of gaining social support by candidates, especially those deprived of significant means and resources, as well as (potentially) appealing to voters who do not use the so-called new media. The importance of this aspect is further magnified by

the distinct advantage of the incumbent. In his capacity, as head of state he was the only one to retain a partial possibility of using all methods of conducting an election campaign (including meetings with various communities, not formally constituting an element of the election campaign). Undoubtedly, the Polish case confirms the thesis about the possible limitation of the democratic nature of the election process in this field.

5.4. ACT OF VOTING (THE AGENTS OF CHOICE, THE EXPRESSION OF PREFERENCES): with regard to the dimensions, the essence of which is implemented on the day of voting, it can be stated that in the case of expressing preferences there is no indication that the crisis situation had a direct impact on its implementation. What is much more important, the change of the environment may have the dimension of agents of choice – expressed mainly by ensuring the universal active right to vote and the possibility of its implementation. Both mechanical and psychological factors of a crisis situation have an impact on the possibility of maintaining democracy of this element.

- a. **Mechanical effects** – may make voter registration difficult (in systems where required) or make it difficult or even impossible to actually exercise the voting right on the voting day. Voters subject to quarantine and other isolation measures resulting from government decisions are particularly at risk. Mechanical effects should, moreover, also be considered in relation to other states in which the persons entitled to vote in a given vote reside (voting outside the country). These groups of voters may be deprived of the practical implementation of the electoral law by decisions independent of the authorities controlling the environment of a given election process. The conducted case study allows us to observe the scale of possible difficulties in the implementation of active electoral law. On May 10 (the voting day⁹), 100,784 people were quarantined and therefore excluded from voting (if it had been held). It must therefore be clearly stated that the democracy of this stage would be limited. Also with regard to voting outside Poland, it should be confirmed that the level of implementation of this aspect has been reduced.
- b. **Psychological effects** – virtually every system has implemented solutions encouraging residents to limit their mobility and contacts with other people, which is in contradiction with participation in the act of voting

⁹ This vote did not take place, but the voting day itself remained in force.

– in fact requiring such interactions. An example of changes in social behavior may be the change in the attitudes of the French society and the massive withdrawal from participation in the first round of local elections on March 15. The turnout in this vote was only 44.6% which is a result clearly lower than that observed in other votes in this country (Bertoli, Guichard, & Marchetta, 2020, p. 2).

It should be expected that the possible conduct of voting on the planned date would result in the resignation of at least some of those entitled to use their electoral rights. Although we do not have clear data confirming this (due to the lack of voting), it is indirectly indicated by the results of public opinion polls showing the position regarding the possibility of voting at a predetermined date¹⁰: in a survey carried out on April 29–30 (10–11 days before a potential vote), 68.8% of the respondents said they would not vote (Bounaoui, 2020). Another survey showed that only 12% of the respondents supported such a solution, 70% were against it and 18% did not express their opinion¹¹. This confirms the limitation of democracy at this stage of the election process.

Both the mechanical and psychological effects limiting the possibility of exercising voters' rights can be minimized with the use of tools known and used in electoral practice, enabling the voter to express their preferences, excluding direct contact with representatives of the election administration (or with its significant limitation). This applies in particular to: 1) voting by correspondence; 2) voting by a representative (proxy); 3) voting with the use of advanced communication techniques (Internet voting). The detailed scope of application of these tools in individual systems is very diverse, and the possible introduction or extension of the possibility of using them by voters requires the time necessary for legislative changes, introduction of appropriate procedures, and finally – it may involve additional costs. It should also be emphasized that as long as the first two solutions are adopted and widely used in the democratic world, the third option has been used so far in a marginal scope, moreover, the practice of its

¹⁰ Pollster Research Institute survey, conducted on March 17–18 on a random representative sample of 1077 adult Polish citizens.

¹¹ Also indirect, but important from the perspective of the analyzed matter, may be studies of the sense of threat of contracting SARS-CoV-2 virus – both in March and at the turn of May and June, the percentage of respondents who considered this threat as real amounted to 62%, but considered it a serious threat – increased from 17% to 21% (PORC, 2020, p. 1).

application is assessed negatively¹². Introducing (or increasing the importance) of any alternative forms of voting should take care of the safety of the voting act, which is possible in the first two cases, while the introduction of electronic voting, especially in a crisis situation, seems to be too risky (Springall et al., 2014).

With regard to the election process of the President of Poland, it should be noted that alternative forms of voting (excluding electronic voting) functioned in the system to a much limited extent¹³. What is also important, the scope of application of these forms has been significantly limited in recent years¹⁴. Neither of these forms was dedicated to those subject to isolation measures, and neither was universal. In virtually every conceivable scenario, mechanical effects, and even more so psychological effects, combined with the lack of effective, alternative forms of voting, would significantly limit the possibility of exercising the electoral right of individuals, which should be considered a weakening of the implementation of the objective dimension.

Moreover, with regard to the election of the President of Poland, the security of voting by correspondence caused huge controversy. It was pointed out that the applied technical elements did not guarantee the universality or secrecy of voting. Particular attention was paid to: 1. the defective method of delivering election packages to voters (in the form of an ordinary postal item, without the voter confirmation); 2. the lack of control over the voting act (possibility of trading votes or theft of packages); 3. the lack of securing ballot documents between the voter and the election administration (Cześnik et al., 2020; Rytel-Warzocho, 2020). These caveats, however, do not result from the conditions of a crisis situation (although it was the crisis situation that allowed them to reveal themselves with greater force). The presented threats and related fears resulted from a combination of reasons: the use of new (on this scale) solutions in a time not sufficient to prepare them and present them to the public; the lack of trust of a significant part of the society in authorities (more broadly: in the political

¹² The electronic voting experiment has been carried out, to the greatest extent, in Estonia. This practice has met, among others, with a negative assessment of the Organization for Security and Cooperation in Europe (OSCE, 2011). Estonian authorities announced an audit of the system and its limitations.

¹³ Only disabled voters with a significant or moderate degree of disability are entitled to vote by post and proxy voting. In addition, other voters who turn 75 years of age on the voting day at the latest can vote by proxy.

¹⁴ Until 2018, postal voting was allowed for all voters in elections, except for the bodies of local government units (with regard to voters with disabilities – without this exclusion) (for more, see: Onasz & Klonowski, 2018).

elite); including of the pandemic on the current political agenda. These concerns did not occur in other systems, especially where the procedures related to postal voting had been introduced earlier and repeatedly – on a significant scale – tested (Flis & Marcinkiewicz, 2020). It is worth noting that similar doubts regarding voting by correspondence were raised in Poland even before the pandemic (Musiał-Karg, 2021).

5.5. ESTABLISHING THE VOTING RESULT AND ELECTION RESULT (THE AGGREGATION OF PREFERENCES): as this stage of the electoral process is internally complex and involves a significant number of people in an institutionalized manner, it is particularly exposed to the possibility of threats. It covers a number of activities related to the establishment of local election administration bodies (especially in those cases where they are not permanent but only temporary), their preparation, provision of the necessary resources, and finally – voting and counting the votes. The entire process should guarantee the principle of equality and secure the election process against manipulation. The main threats to the implementation of this dimension are psychological. The efficient functioning of the election administration requires the participation of many people (mainly at the polling station level), and in order to maintain the democratic nature of the process, they should represent various political circles, or at least be independent of the party in power (Venice Commission, 2002, p. 20, point 3.1). The appearance of a universal threat to life and health directly limits the willingness to engage in interpersonal reactions, including contact with large groups of potential voters during voting. In addition, the ability to observe and control the work of the election administration by both political actors and independent observers may change. The potential limitation of the possibility of mutual control of works by members of local administration and control of the operation of this administration by external entities at the stage of providing information on the voting results to subsequent levels of administration also poses a threat to the democratic nature of the entire process.

With regard to the election process covered by the study, the actions taken up to the moment of the political decision to postpone the election may be assessed. It should be noted that the process of recruiting members of the polling stations was difficult¹⁵, which is a direct consequence of changes in voters' behavior, as

¹⁵ The number of polling stations members needed to carry out the voting was estimated at least at 137,000. The minimum number of people directly involved in the organization of the voting

well as – to a limited extent – as a result of the actions of public administration. It should be taken into account that most of the candidates demanded that the elections be postponed. This resulted in a problem with ensuring the appropriate number of members of the polling stations¹⁶, and even more so – ensuring the pluralism of these bodies, with all the ensuing consequences. Taking this into account, it should be stated that the general assumption regarding the emergence of a threat to the democracy of the election process in the analyzed dimension is confirmed in the case study.

5.6. ASSUMPTION OF THE OFFICE/POSITION OR FORMATION OF A COLLEGIATE BODY (THE CONSEQUENCES OF CHOICE): the implementation of this dimension largely depends on factors independent directly from the electoral system and changes in its environment caused by the crisis. In particular, the level of consolidation of a given democratic system (positive correlation) may be of importance. The implementation of this element of the electoral process in non-consolidated systems seems to be particularly threatened. The implementation may to a large extent depend on the degree of democratic maintenance of the earlier stages (and dimensions). Any limitation of this level increases the risk of delegitimization of the entire process, and consequently – people elected to functions or collegiate bodies elected.

The assessment of the implementation of this aspect in relation to the process which is a case study, is difficult due to its interruption at an earlier stage. It should be noted, however, that lowering the democratic level of the process at its earlier stages posed a real risk of negative changes in the democratic level of the examined aspect.

6. CONCLUSIONS AND RECOMMENDATIONS

The analysis presented above – both in general terms and confirmed in the case study – allows us to present conclusions and answer the previously asked research questions.

process was estimated at 200,000 (Michalak, 2020).

¹⁶ This had already happened in previous elections, which were not burdened with the conditions of the crisis.

In general terms of the election process under pandemic/epidemic conditions, referring to the method used, it should be stated that the implementation of only two (The object of choice¹⁷ and The expression of preferences) out of the seven dimensions of choice is not threatened by the change in the electoral process environment caused by the pandemic/epidemic situation. One of the dimensions (The aggregation of preferences) is burdened with a threat, the intensity of which cannot be generally defined (significant dependence on other elements of the political system). With regard to the formation of preferences, the limitation of the level of implementation is indisputable, although its degree should be considered moderate. With regard to the two dimensions of choice (The range of choice and The agents of choice), limitation of execution is also inevitable, and its degree – limited or significant – depends on the detailed solutions used in a given system (e.g., with regard to the range of choice: enabling a form of candidate authentication other than signatures, e.g., payment of an election deposit; with regard to election agents: the use of alternative forms of voting in the system and their scope). With regard to the last dimension (The consequences of choice), it is impossible to formulate an unequivocal thesis, as its implementation depends both on other elements of the political system and on the level of implementation of other dimensions.

As regards the electoral process covered by the case study, the general observations made earlier are confirmed. It should be noted that in relation to these dimensions, the weakening of the implementation of which depends on the detailed solutions used, the reduction in implementation should be assessed as significant (The range of choice) or potentially significant (The agents of choice – if the vote were to be successful). Moreover, taking into account the entire political system (including the low level of system consolidation) and the confirmed limitation of the implementation of four out of the first six dimensions, it should be stated that there is a risk of implementing the last of them (The consequences of choice). The conclusions, both general and relating to the election of the President of Poland, are presented in Table 3.

¹⁷ At this point, the previously mentioned threat of unjustified postponement or cancellation of elections by political decision-makers at risk of losing power was omitted. Such a situation should be treated as a political decision that uses this as a pretext, and not as an actual effect of changing the environment of the election process.

Table 3. Possibility of the Implementation of the Dimensions of Choice in Pandemic/Epidemic Conditions

Dimensions of choice	Process step	Possibility of the implementation of the dimension (general analysis)	The implementation of the dimension (case study)
The object of choice	Ordering elections	1	1
The range of choice	Submitting candidates	0-0,66	0-0,33
The formation of preferences	Election campaign	0,34-0,66	0,34-0,66
The agents of choice	Act of voting	0-0,66	(0-0,33)
The expression of preferences		1	1
The aggregation of preferences, establishing the voting result and election result	Establishing the voting result and election result	0,67-1	(0,67-1)
The consequences of choice	Assumption of the office/ position or formation of a collegiate body	0,67-1	(0,67-1)

1 – full implementation (no threats);

0,67-1 – there are potential threats to the implementation of the dimension;

0,34-0,66 – moderately limited implementation of the dimension;

0-0,33 – significantly limited implementation of the dimension;

(x) implementation of the dimension if the vote was successful.

Source: Author's own study.

The research method using the metaphorical chain of democratic choice results in the consequences of the analytical process, presented in detail in the first chapters of the article. The most important of these is treating the democratic level of the whole system as a product (not the sum) of component values ($P = E1 * E2 \dots * E7$). Out of the 7 dimensions, the implementation level of at least 3 is reduced (in two cases – potentially significantly). The next two are endangered by this limitation. Regardless of the specific values of $E1 \dots E7$ adopted for the implementation of individual dimensions in normal and crisis conditions, the value from 3 to 5 of them will decrease, and as a consequence – the evaluation of the democratic nature of the entire process will also decrease¹⁸. Considering the

¹⁸ Let us assume that the mere existence of a threat does not affect the assessment of the implementation of the choice dimension, a moderate restriction means a reduction of the value from 1 to

possible limitation to a significant degree, it should be stated that there is a serious threat to the democratic process. In the case of the election of the President of Poland, the reduction of the democratic level of the process should be defined as high, which results from a greater than the lowest potentially possible degree of limitation of the implementation of two dimensions (with the case of election agents, it is of a potential, but highly probable nature) and the emergence of the risk of limiting implementation of the last dimension. The case study confirms the general assumptions.

Moreover, both the general analysis and the case study emphasize the importance of the political context in which the election process is carried out. The following should be considered as particularly important: 1. The model of party competition; 2. The level of politicization of the crisis. Both the competition model imposing political cooperation in selected fields (e.g., security issues) and keeping the pandemic crisis off the current political agenda are conducive to the development and application of solutions minimizing the effects of a pandemic. Completely different results are brought about by an extremely polarized model of competition focusing on conflict, rejecting consensus and cooperation across political divisions and recognizing the COVID-19 pandemic as part of the current political dispute. This weakens the system's ability to effectively adapt to the existing threats. It strengthens the distrust of a significant part of the society in the changes introduced in such conditions. This also applies to the election process (Flis & Marcinkiewicz, 2020). The Polish presidential election is an example of the functioning of the election process in such an unfavorable environment.

The conclusions from the study allow answering the research questions posed:

1. **Is it possible to maintain the democratic level of the election process carried out during a pandemic/epidemic in comparison to a normal situation?** The results of the study confirm that it is not possible to conduct elections during a pandemic/epidemic in such a way as to avoid lowering the democratic level of the process. Although the assessment whether a given process – despite its limitations – meets the conditions allowing it to be considered democratic, should be made on a case-by-case basis.

0.75, while a significant restriction – from 1 to 0.5. The maximum possible level of process democracy will be reduced from 1 to 0.4219 ($1 * 0.75 * 0.75 * 0.75 * 1 * 1 * 1$), and in the variant of significant limitation of the implementation of dimensions, the selection range and selection agents – to 0, 1875 ($1 * 0.5 * 0.75 * 0.5 * 1 * 1 * 1$).

2. **What detailed solutions applied in electoral systems limit the negative effects of a crisis situation caused by a pandemic/epidemic on the democratic level of elections?** The negative effects are counteracted by all detailed solutions facilitating or enabling both voters and candidates and institutionalized actors to participate in the election process under conditions of separation (imposed top-down or self-separation), including in particular: the possibility of effectively reporting an element of an election offer without the need to submit signatures collected in direct contact and the use of alternative voting techniques – general or in relation to the widest possible groups excluded from the election process by an external decision or as a result of self-separation.

The answer to the second research question is also the most concise form of recommendations for political decision-makers in the process of adapting electoral systems to the conditions of the current or possible future epidemics, and these solutions may be optional – triggered only under specific, possibly objectified and ambiguous conditions.

REFERENCES:

- Bertoli, S., Guichard, L., & Marchetta, F. (2020, June). *Turnout in the Municipal Elections of March 2020 and Excess Mortality during the COVID-19 Epidemic in France*. Bonn: Institute of Labor Economics. Retrieved from: <http://ftp.iza.org/dp13335.pdf>.
- Beviá, C., & Llavador, H. (2009). The Informational Value of Incumbency. *Journal of Public Economic Theory*, 11(5), 773–796. DOI: 10.1111/j.1467-9779.2009.01429.x.
- Bounaoui, S. (2020, May 7). Sondaż dla RMF FM i „DGP”: Polacy nie chcą wyborów 10 maja. Prawie 70 proc. chce pójść do urn w sierpniu. *RMF24*. Retrieved from: <https://www.rmfm24.pl/raporty/raport-wybory-prezydenckie2020/sondaze/news-sondaz-dla-rmf-fm-i-dgp-polacy-nie-chca-wyborow-10-maja-prawie-70-proc-chce-pojsc-do-urn-w-sierpniu>.
- Caselli, F., Cunningham, T., Morelli, M., & de Barreda, I.M. (2014). The Incumbency Effects of Signalling. *Economica*, 81(323), 397–419. DOI: 10.1111/ecca.12060.
- COE. Council of Europe (2020a). *Impact of COVID-19 on Elections and Referenda in Europe*. Retrieved from: <https://www.coe.int/en/web/electoral-assistance/elecdata-covid-impact>.
- COE. Council of Europe (2020b). *European Committee on Democracy and Governance and COVID-19*. Retrieved from: [https://www.coe.int/en/web/good-governance/cddg-and-covid#%2264787140%22:\[\]](https://www.coe.int/en/web/good-governance/cddg-and-covid#%2264787140%22:[]).
- Cześnik, M., Flis, J., Gendźwiłł, A., Haman, J., Materska-Sosnowska, A., Michalak, B., Nowotarski, B., Raciborski, J., Rychard, A. (2020, May 4). *Co zrobić, żeby wybory były demokratyczne i bezpieczne*. *Stanowisko Zespołu Ekspertów Wyborczych Fundacji*

- im. Stefana Batorego. Retrieved May 10, 2021 from: <https://www.batory.org.pl/wp-content/uploads/2020/05/Stanowisko-ZEW-Co-zrobic-zeby-wybory-byly-demokratyczne.pdf>.
- Dahl, R.A. (1971). *Polyarchy: Participation and Opposition*. New Haven: Yale University Press.
- Flis, J., & Marcinkiewicz, K. (2020, April 10). *Głosowanie korespondencyjne – wzory i ostrzeżenia z Bawarii*. Retrieved May 3, 2020 from: <http://monitorkonstytucyjny.eu/archiwa/13390>.
- International IDEA (2020a). *Policy Brief: Managing Elections during the COVID-19 Pandemic: Considerations for Decision-makers*. Stockholm: International Institute for Democracy and Electoral Assistance. Retrieved from: <https://www.idea.int/sites/default/files/publications/managing-elections-during-covid-19-pandemic.pdf>.
- International IDEA (2020b). *Global Overview of COVID-19: Impact on Elections*. Retrieved from: <https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>.
- James, T.S. & Alihodzic, S. (2020). When Is It Democratic to Postpone an Election? Elections During Natural Disasters, Covid-19, and Emergency Situations. *Election Law Journal: Rules, Politics, and Policy*, 19(3), 344–362. DOI: 10.1089/elj.2020.0642.
- Johnson, A.F., Pollock, W., & Rauhaus, B. (2020). Mass Casualty Event Scenarios and Political Shifts: 2020 Election Outcomes and the U.S. COVID-19 Pandemic. *Administrative Theory & Praxis*, 42(2), 249–264. DOI: 10.1080/10841806.2020.1752978.
- Landman, T., & Di Gennaro Splendore, L. (2020). Pandemic Democracy: Elections and COVID-19. *Journal of Risk Research*, 23(7–8), 1060–1066. DOI: 10.1080/13669877.2020.1765003.
- Massicotte, L., Blais, A., & Yoshinaka, A. (2004). *Establishing the Rules of the Game. Election Laws in Democracies*. Toronto: University of Toronto Press.
- Michalak, B. (2020). *Koronawirus a wybory prezydenckie. Czy grozi głosowanie podczas epidemii?* Retrieved May 5, 2021 from: http://archiwum.batory.org.pl/upload/files/Programy%20operacyjne/Forum%20Idei/B_Michalak_Koronawirus%20a%20wybory.pdf.
- Mueller, J.E. (1970). Presidential Popularity from Truman to Johnson. *American Political Science Review*, 64(1), 18–34. DOI: 10.2307/1955610.
- Musiał-Karg, M. (2021). Głosowanie korespondencyjne podczas pandemii Covid-19. Doświadczenia z polskich wyborów prezydenckich w 2020 r. *Przegląd Prawa Konstytucyjnego*, 2, 31–48. DOI: 10.15804/ppk.2021.02.02.
- Nicola, M., Alsafi, Z., Sohrabi, C., Kerwan, A., Al-Jabir, A., Iosifidis, Ch., Agha, M., & Agha, R. (2020). The Socio-Economic Implications of the Coronavirus Pandemic (COVID-19): A Review. *International Journal of Surgery*, 78, 185–193. DOI: 10.1016/j.ijssu.2020.04.018.
- Onasz, M., & Klonowski, M. (2018). Selected Changes of the Local Government Electoral System Introduced by the Act Amending Certain Acts in Order to Increase the Participation of Citizens in the Process of Selecting, Functioning and Control-

- ling Some Public Bodies – A Preliminary Analysis. *Studia Regionalne i Lokalne*, 2, 99–117. DOI: 10.7366/1509499527206.
- OSCE (2011). *Estonia, Parliamentary Elections, 6 March 2011: Final Report*. Warsaw: Organization for Security and Co-operation in Europe.
- PORC (Public Opinion Research Center) (2020). *Attitudes towards the Coronavirus Epidemic*. Retrieved from: https://www.cbos.pl/EN/publications/reports/2020/073_20.pdf.
- Rytel-Warzocho, A. (2020). Postal Voting as an Ultimate Rescue Measure for Presidential Election During the COVID-19 Pandemic in Poland. *Przegląd Prawa Konstytucyjnego*, 5, 99–112. DOI: 10.15804/ppk.2020.05.07.
- Schedler, A. (2002). Elections Without Democracy: The Menu of Manipulation. *Journal of Democracy*, 13(2), 36–50. DOI: 10.1353/jod.2002.0031.
- Springall, D., Finkenauer, T., Durumeric, Z., Kicat, J., Hursti, H., MacAlpine, M., & Halderman, J.A. (2014). *Security Analysis of the Estonian Internet Voting System*. Retrieved from: <https://jhalderm.com/pub/papers/ivoting-ccs14.pdf>.
- SWPS Univeristy (2020). *Wpływ epidemii koronawirusa na emocje i zachowania Polaków*. Retrieved from: <https://www.swps.pl/strefa-psyche/blog/relacje/21552-wplyw-epidemii-koronawirusa-na-emocje-i-zachowania-polakow>.
- UNESCO (2020). *Educational Disruption and Response*. Retrieved from: <https://en.unesco.org/themes/education-emergencies/coronavirus-school-closures>.
- Uziębło, P. (2013). *Zasada równości wyborów parlamentarnych w państwach europejskich i południowoamerykańskich*. Warszawa: Wolters Kluwer.
- Vashchanka, V. (2020, July 3). *Political Manoeuvres and Legal Conundrums amid the COVID-19 Pandemic: The 2020 Presidential Election in Poland. Case Study*. Stockholm: International Institute for Democracy and Electoral Assistance. Retrieved from: <https://www.idea.int/sites/default/files/political-manoeuvres-and-legal-conundrums-2020-presidential-election-poland.pdf>.
- Venice Commission (European Commission for Democracy Through Law) (2002). *Code of Good Practice in Electoral Matters. Guidelines and Explanatory Report*. Adopted by the Venice Commission at its 51st and 52nd sessions (Venice, 5–6 July and 18–19 October 2002). Strasbourg.
- Żukowski, A. (2011). Z problematyki depozytów wyborczych na świecie. *Studia BAS*, 3, 31–50.