



## 3<sup>rd</sup> SCIENTIFIC ELECTORAL EXPERTS DEBATES

### ACCESSIBILITY OF THE ELECTORAL PROCESS

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#### Concept paper

The 3<sup>rd</sup> Scientific Electoral Experts Debates will address accessibility of the electoral process, which is essential for the implementation of **universal suffrage** - one of the main principles of electoral law:

- enshrined in constitutional and international law
- included in the reference document of the Council of Europe in the field of elections, the [Code of Good Practice in Electoral Matters](#) drafted by the Venice Commission (chapter I.1).

Accessibility of the electoral process, the subject of the 3<sup>rd</sup> Scientific Electoral Experts Debates, must be understood broadly. It has to be addressed as a conceptual and not only as a practical issue, and therefore goes much beyond physical accessibility. It includes the following aspects, to be debated; this list should not be considered as exhaustive.

- Accessibility of the process for voters, which on its turn implies:
  - Physical accessibility
    - Ideally a similar access should be ensured to all voters. This means that there should be a reasonable distance to the polling station – the situation of those who do not have a vehicle at their disposal having to be considered.
    - Specific measures have to be taken to provide access to disabled people, including visually impaired ones. The situation of elderly and sick people has to be taken into consideration.
    - The possibility of remote voting has to be addressed (postal voting, electronic voting, mobile ballot box). Should it be admitted in general, or for specific categories of voters?
    - Another issue is voting abroad. What are the means of ensuring its effectiveness and equal access to the voting process? The issue of remote voting has to be addressed separately for voters abroad.
  - A comprehensive registration process, in particular:
    - Regular updates
    - Passive registration – or easy and free-of-charge access to the registration process
  - Minimal restrictions to the right to vote
    - (Length of) residence
    - Criminal conviction
    - Other cases?
- Accessibility of the process for candidates, which on its turn implies:
  - Registration of candidates - legal limits:
    - Number of required signatures

- Deposits
- *De facto* financial hurdles
- Limited restrictions to the right to be elected
  - (Length of) residence
  - Criminal conviction; mental incapacity? A balance of interests
- Accessibility in a period of emergency
  - Should elections take place during a period of emergency? Or should they be postponed? For how much time?
  - Which are/should be the legal basis/the competent authority for the postponement?
  - Is there judicial control over the postponement?
  - Voting modalities in a period of emergency
    - Vote at the polling station
    - Remote voting (postal voting, electronic voting, mobile ballot box) – here again, the question could be raised whether it should be admitted in general, or for certain categories of voters
    - If specific modalities are introduced during a period of emergency, should they be limited to this period, or could they apply on a permanent basis?
- Understandability of the electoral process
  - Clarity
    - In general: is electoral legislation written in an intelligible manner?
    - Clarity of the electoral system – more precisely on how seats are allocated; in particular, the issue could be raised of possible conflicts between the requirement that voters understand the system and the research for full implementation of some fundamental principles (e.g. equal voting power, see the case-law of the German Constitutional Court; freedom of voters to express their wishes, see single transferable vote and systems with open lists)
  - Stability of electoral law: this principle mainly appears as aimed at preventing manipulations; however, late or repeated amendments to electoral systems, in particular, make them less understandable to the voters
  - Linguistic issues:
    - Is the voting material accessible in several languages, in particular those of national minorities?
    - And what about the electoral campaign, in particular in the broadcast media?
  - Voter training
    - The discussion could deal with the issues which appear as the most important for voters to understand the electoral process in general, including the voting procedure and the electoral system.