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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

SECRETARIAT MEMORANDUM

COMMENTS

TO

PACE RECOMMENDATION 2301(2026) ON
“ELECTIONS IN TIMES OF CRISIS”

in view of the preparation of the Committee of Ministers’ reply

Endorsed by the Venice Commission
at its 146th Plenary Session
(Venice, 6-7 March 2026)

1. On 27 January 2026, the Parliamentary Assembly of the Council of Europe (PACE) adopted Recommendation 2301(2026) on “Elections in times of crisis”.¹ In this recommendation, PACE underlines that recent crises such as pandemics, natural disasters, terrorist attacks, armed conflicts and hybrid threats have risked seriously disrupting electoral processes and have challenged institutional safeguards. Such crises endanger both the practical organisation of elections and risk having severe impacts on fundamental rights and freedoms essential to democratic participation. PACE expresses its serious concern that holding elections in conditions of normalcy is increasingly rare.

2. Building on the 2023 Bern parliamentary conference “Elections in times of crisis: challenges and opportunities”, with participation of the President and members of the Venice Commission, and echoing the Council of Europe’s work towards a New Democratic Pact for Europe, PACE underlines that safeguarding electoral integrity must be at the heart of efforts to protect and revitalise democracy in Europe. It consequently asks the Committee of Ministers of the Council of Europe to:

- strengthen the coherence and visibility of the Council of Europe’s work on electoral resilience, including by developing a set of standards for the preparation of elections in crisis situations, and by reinforcing the Organisation’s Electoral Cycle as a comprehensive tool covering all phases of the electoral process;
- enhance support for member States in reviewing their legal and institutional frameworks to provide clear, proportionate and transparent mechanisms for holding or postponing elections in emergencies, in line with European and international standards;
- promote reinforced co-operation between relevant stakeholders to strengthen whole-of-society resilience to disinformation, cyberattacks and foreign interference, especially during election periods;
- promote regular exchanges between central election commissions of member States and international partners on threats to electoral processes and measures to strengthen their integrity and resilience, building on and reinforcing forums such as the European Conference of Electoral Management Bodies;
- continue to provide support, including through technical assistance and co-operation programmes to member States affected by conflict or prolonged emergencies, with particular attention to Ukraine, to enable secure, inclusive and credible elections to be conducted in line with European and international standards as soon as conditions permit.

3. As also highlighted in the report accompanying the PACE recommendation,² the Venice Commission has addressed the issue of organising elections in times of crisis³ both in its 2020 report on states of emergency as well as – adopted shortly thereafter and more specifically

¹ PACE, [Recommendation 2301\(2026\)](#), *Elections in times of crisis*.

² PACE, [Doc. 16297](#), *Elections in times of crisis*, Report of the Committee on Political Affairs and Democracy (28 November 2025).

³ As indicated in the aforementioned report accompanying the PACE recommendation, “in legal and political terms, a ‘crisis’ often denotes a state of emergency”. A state of emergency has in turn been defined by the Venice Commission as “a – temporary – situation in which exceptional powers are granted to the executive and exceptional rules apply in response to and with a view to overcoming an extraordinary situation posing a fundamental threat to a country” (Venice Commission, [CDL-AD\(2020\)014](#), *Respect for democracy, human rights and the rule of law during states of emergency: reflections*, para. 5).

related to the COVID-19 pandemic – its interim report on the measures taken in EU Member States following the COVID-19 crisis.⁴

4. In the aforementioned reports, the Venice Commission recalls that international instruments provide for a fundamental right to periodically participate in elections of the legislature, with derogations allowed “in time of war or other public emergency threatening the life of the nation”.⁵ Other than war or other ongoing armed conflicts, this may include high level terrorist attacks, a natural disaster or an epidemic. In such circumstances, elections can either proceed under constrained conditions or be postponed. Today, “elections in times of crisis” may also include complex challenges such as persistent foreign interference, hybrid threats, disinformation campaigns, and cyberattacks, even in the absence of a formally declared state of emergency.

5. When a crisis situation leads to a declaration of a state of emergency, authorities are faced with a decision to either proceed with an election or to postpone the election until after the emergency has subsided. Both scenarios contain inherent risks which could undermine the five main principles underlying Europe’s electoral heritage: universal, equal, free, secret and direct suffrage. The Venice Commission reiterates that a decision to postpone the elections, which in fact entails a restriction of the right to participate in elections has to be foreseen in the law,⁶ be necessary in the concrete circumstances and be proportionate.⁷

6. Whether a decision to postpone the elections is a proportionate response to a crisis in a country depends very much on its nature and the specific circumstances (whether it is a war or other armed conflict, epidemic or pandemic, natural disaster etc.). As the Venice Commission has outlined before, a pluralistic and democratic discussion would be more feasible in case of natural disasters or a pandemic.⁸ In other “crisis” situations, such as persistent foreign interference, hybrid threats, disinformation campaigns and/or cyberattacks, it will be even less likely that the elections will be postponed. This underscores the importance of strengthening electoral resilience, including by providing in advance in legislation the possibility of adapting electoral procedures as appropriate to address threats to the integrity of elections, in line with European and international standards.

7. Against this background, the Venice Commission expresses the following views on the proposals made by PACE in its recommendation:

- a) The Venice Commission supports the proposal by PACE to strengthen the coherence and visibility of the Council of Europe’s work on electoral resilience. The Venice Commission contributes to this coherence and visibility through the Council for Democratic Elections, the only tripartite body of the Council of Europe, comprising members of the Venice Commission, members of PACE and of the Congress of Local and Regional Authorities, uniting the legal experience of the Venice Commission with

⁴ Venice Commission, [CDL-AD\(2020\)014](#), *op. cit.*; ; [CDL-AD\(2020\)018](#), Interim report on the measures taken in EU Member States following the COVID-19 crisis and their impact on democracy, the rule of law and fundamental rights.

⁵ Article 3 of Protocol 1 to the European Convention on Human Rights (ECHR); Article 25b of the International Covenant on Civil and Political Rights (ICCPR); Similar to Article 15 ECHR, Article 4 ICCPR refers to derogations “in time of public emergency which threatens the life of the nation”.

⁶ The Venice Commission has also recommended that there should be safeguards – such as judicial review, multi-party and stakeholder involvement, time limits and the possibility of a qualified majority in parliament to decide on the postponement of elections - against unjustified promulgation or prolongation of a state of emergency to postpone elections based on partisan political reasons, rather than the objective needs of the situation. See: Venice Commission, [CDL-AD\(2020\)014](#), *op. cit.*, para. 101; [CDL-AD\(2007\)007](#), Opinion on the Convention on the standards of democratic elections, electoral rights and freedoms in the member states of the Commonwealth of Independent States, para. 42.

⁷ [CDL-AD\(2020\)014](#), *op. cit.*, para. 92.

⁸ *Ibid.*, para. 100.

the political experience of PACE and the Congress.⁹ In this vein, it also supports the proposal of PACE to develop a set of standards for the preparation of elections in crisis situations, which will further enhance electoral resilience of Council of Europe member states. Drawing inspiration from the list of issues outlined in the Venice Commission's 2020 report on states of emergency, such standards should address the entire electoral cycle, including adaptations required for campaigning, information to voters, voting modalities,¹⁰ security of election management staff and members of election commission, voter turnout (and the corresponding legitimacy of the elections), as well as any procedural adjustments to electoral legislation necessary to safeguard the integrity of the elections.¹¹

- b) Similarly, the Venice Commission welcomes the proposal by PACE to enhance support for member States in reviewing their legal and institutional frameworks to provide clear, proportionate and transparent mechanisms for holding or postponing elections in emergency situations, in line with European and international standards. As always, it is ready to contribute its expertise to such reviews, through the preparation and adoption of country-specific Opinions and/or multi-country reports, as well as the legal advice it provides to PACE election observation missions, where appropriate. In this context, it reiterates its earlier recommendation that rules on postponing elections in a state of emergency should be entrenched in constitutions or organic electoral laws, and not left to executive discretion or that of simple majorities.¹² Regulations should however not only foresee the postponement of elections, but also provide for modalities for holding elections in a state of emergency to the extent this is compatible with the domestic constitutional framework. As indicated above, in such cases exceptional voting modalities and procedural modifications may be necessary. Such provisions should ideally be included in an electoral law in advance (*in abstracto*, if need be) during ordinary circumstances and should not be applicable to one specific emergency only, but have a general character.¹³
- c) Misinformation and fake news often spread more actively during a state of emergency compared to ordinary situations and countries can be even more vulnerable at this time to cyberattacks and foreign interference, especially in an election period.¹⁴ As the Venice Commission has outlined in its interpretative declaration of the Code of good practice in electoral matters as concerns digital technologies and artificial intelligence and reiterated in its Urgent Report on the cancellation of election results by Constitutional Courts: "States should regulate the consequences of information disorders, cyber-attacks and other digital threats to electoral integrity; candidates and parties must be granted fair and equitable access to online media, and regulations should be implemented to ensure that artificial intelligence systems by internet intermediaries do not favour certain parties or candidates over others".¹⁵ The Venice Commission consequently supports PACE's call for the promotion of reinforced co-operation between relevant stakeholders to strengthen whole-of-society resilience to disinformation, cyberattacks and foreign interference, especially during election

⁹ The Council for Democratic Elections examines all opinions and documents of a general nature (codes of good practice, guidelines, etc.) in the field of elections and political parties before they are submitted for adoption to the Venice Commission.

¹⁰ Postal voting, mobile ballot boxes, voting by internet, proxy voting etc.

¹¹ [CDL-AD\(2020\)014](#), *op. cit.*, paras. 103-117; [CDL-AD\(2020\)018](#), *op. cit.*, paras. 132-142.

¹² [CDL-AD\(2020\)014](#), *op. cit.*, para. 118 ; [CDL-AD\(2020\)018](#), *op. cit.*, para. 122. Decisions on postponing elections must be subject to judicial review and involve consultative processes with all relevant stakeholders, whereby it also can be provided that such decisions are to be taken by a qualified majority in Parliament.

¹³ [CDL-AD\(2020\)014](#), *op. cit.*, paras. 110 and 115; [CDL-AD\(2020\)018](#), *op. cit.*, para. 117.

¹⁴ [CDL-AD\(2020\)014](#), *op. cit.*, para. 117.

¹⁵ Venice Commission, [CDL-AD\(2025\)044](#), Interpretative declaration of the Code of good practice in electoral matters as concerns digital technologies and artificial intelligence; [CDL-AD\(2025\)003](#), Urgent Report on the cancellation of election results by Constitutional Courts, paras. 54-55.

periods. Such co-operation is essential to protect the integrity of the electoral environment. The Venice Commission itself aims to further contribute to this endeavour through its forthcoming report on foreign influence and foreign interference, drawing on good practices in the legislation of its member states, and the development of guidelines on human rights-compliant legislation on foreign influence and interference. The debate on foreign interference in electoral processes, organised jointly with PACE and the Congress under the New Democratic Pact in Madrid in the autumn of this year, will present a further opportunity for the aforementioned promotion of reinforced co-operation between relevant stakeholders to strengthen resilience to foreign interference.

- d) The Venice Commission works closely together with the Electoral Management Bodies of its 61 member states, including through the co-organisation of the European Conference of Electoral Management Bodies and its pre- and post-electoral conferences with key electoral stakeholders (on occasion organised in partnership with PACE). It thus welcomes PACE's call to further promote these exchanges on threats to electoral processes and measures to strengthen their integrity and resilience, building on and reinforcing forums such as the European Conference of Electoral Management Bodies and its pre- and post-electoral activities, wherever possible.
- e) Finally, the Venice Commission supports PACE's request to the Committee of Ministers to continue to provide support to member States affected by conflict or prolonged emergencies, with particular attention to Ukraine, to enable secure, inclusive and credible elections to be conducted in line with European and international standards as soon as conditions permit.

8. The Venice Commission remains at the disposal of the Committee of Ministers and the Parliamentary Assembly for possible further assistance on this matter.