



Election Assessment Report

of the

***Vienna Municipal and District Elections 2020
under Covid-19 Conditions***

January 2021

About

This assessment of the Vienna Municipal and District Elections held on 11 October 2020 aimed at extracting lessons learned of conducting elections under Covid-19 pandemic conditions. In addition, this assessment provides recommendations especially on the processes of postal voting, as this form of voting doubled in comparison to the past elections with 40 per cent of voters casting their vote by postal ballot. This assessment built on the previously conducted Rapid Assessment by [Election-Watch.EU](#) on “Covid-19 and Elections in Europe”, analysing the effects of the pandemic on democratic processes in Europe.¹ Further, in 2017, [Election-Watch.EU](#) published an assessment report for electoral reforms, which included 38 recommendations to enhance electoral processes in Austria.

After the conduct of these particular elections under the conditions of the Covid-19 pandemic, this assessment may serve as a reference for future elections in Austria and the European Union, and recommendations and lessons learned could contribute to the strengthening of upcoming electoral processes taking place under Covid-19 pandemic conditions. Yet, the Austrian legal framework does not permit citizen election observation, contrary to Austria’s regional and international commitments.²

This assessment is based on contributions of international electoral experts from Austria as well as on expert interviews, consultations with political parties via questionnaires and online research. In addition, observation questionnaires were shared with voters who filled them on election day. Contesting political parties, representatives of the Electoral Department of the Ministry of Interior, the department of the City of Vienna responsible for municipal and district elections, the Vienna Municipal Health Authority, the Austrian Post as well as representatives of civil society organizations gave time to [Election-Watch.EU](#) to discuss suggestions for electoral reforms with regards to these elections.

[Election-Watch.EU](#) (German: [wahlbeobachtung.org](#)) is an independent, non-partisan civil society initiative aiming at the strengthening of democratic practices and the enhancement of electoral processes through research, recommendations and advocacy on the basis of international obligations. At European level, [Election-Watch.EU](#) assessed the European Parliament elections 2019 by organising a comprehensive Election Assessment Mission across all, then 28 EU Member States. Its findings and recommendations have been presented and discussed at the Constitutional Committee of the European Parliament (AFCO) and Election-Watch.EU was invited twice to the European election cooperation network meetings called by the Commission. The electoral reform advocacy by Election-Watch.EU is ongoing. Most recently, Election-Watch.EU contributed as part of the submission by the European Partnership for Democracy (EPD) to the European Democracy Action Plan.

¹ [Rapid Assessment: Covid-19 & Elections in Europe](#), April 2020.

² [OSCE Copenhagen Document 1990](#), Paragraph 8.

Executive Summary

The research interest of this study lies on the democratic appropriateness of measures to confine the Covid-19 pandemic, which applied during the 2020 elections in Vienna. Although the research primarily focused on process-related aspects of the elections, the legal framework for the creation of Covid-19 measures and their acceptance as well as the political playing field during these elections were equally part of the considerations.

After the first outbreak of the pandemic in spring 2020, the Vienna Municipal Election Authority and the Vienna Municipal Health Authority reacted timely – six months prior to election day – with the elaboration of a concept to hold elections under tightened health conditions, despite a temporary relief of the Covid-19 situation during the early summer. Concurrently with the kick-off of the campaign, the pandemic situation worsened countrywide. Infections reached a new peak at the beginning of October with over 1.000 newly infected per day all over Austria, 550 of them in Vienna alone. The interim highest level of contagiousness was reached just one day before election day while the European Centre for Disease Prevention and Control (ECDC) classified the Vienna area as a region of highest risk.

In the course of these elections one permanent amendment to the regional electoral law (Wiener Gemeindevahlordnung) was issued; however, the latter cannot be identified as a measure contingent to Covid-19, since the extension of the period for postal ballot counting will also apply to future elections, given the strong trend towards an increased use of postal ballots during recent years. In addition, an original decree – the Covid-19 Municipal Election Rules – based on the Federal Covid-19 Measures Law including measures to safely hold elections was established and expired the day after the polls. Overall, the interventions into the electoral law were minor and prioritized the protection of voters and polling staff as well as the safe conduct of the elections. Therefore, the legal procedures to adapt to the conditions of Covid-19 can be assessed as democratically appropriate and commensurate to the pandemic.

The successful implementation of the Vienna elections under Covid-19 conditions is a result of the close cooperation between the electoral administration with health experts and physicians on different levels and during all phases of the elections. Expert opinions from various disciplines were gathered in a synopsis and served as the basis for a process analysis in which the courses of action during the electoral process were scrutinized in detail. Noticeably, no significant peak of infections was detected within the median incubation time of 5 to 6 days after election day despite overall raising infection rates, suggesting that election day proceedings did not contribute to an additional increase in Covid-19 infections.

The electoral campaign was dominated by the discourse enfolding the Covid-19 pandemic, either with criticism of the Federal Government's or Vienna's Local Government's crisis management. Furthermore, the pandemic resulted in a shift of large parts of the campaign away from mass rallies towards traditional and particularly social media. Political parties and candidates increasingly made use of the latter. Private and public service broadcasters transmitted several live debates between candidates as well as live TV- and radio-interviews. While personal encounters with voters were significantly reduced and mostly took place outdoors, only two parties organized large rallies.

In the Vienna Municipal Elections, 1.133.010 voters were eligible to vote. In the Vienna District Elections, additional 229.748 non-Austrian EU-citizens could cast their votes. Around 480.000 residents of Vienna who do not hold Austrian citizenship did not have the right to vote, neither in the municipal elections nor in the district elections. Thus, approximately 30 per cent of Vienna's total population was excluded from the elections, which gave raise to vivid debates. To safeguard the

electoral participation of Covid-19 patients or persons in quarantine, a special mobile commission, adapted to Covid-19 conditions, could be requested on short notice.

In total, 382.214 postal ballots were ordered, which constitutes 28 per cent of eligible voters and around 40 per cent of ballots cast, more than twice the number of postal ballots used in the 2015 elections. In some districts, more than 60 per cent of voters cast their ballots via mailing services. The total budget for these elections was 16 Mio. Euro, out of which the Austrian Post billed 3 Mio. for their services including extra Sunday mail services.

Around 850 of the total 1.494 polling stations (roughly 57 per cent) were reportedly barrier-free and equipped with polling booth accessible by a wheel-chair. Where polling stations were not accessible without barriers, voters had the option to cast their vote in any other barrier-free polling station using a postal ballot. Voters with severe mobility restrictions could equally request a visit by a special mobile commission. Voter information for people living with disabilities was provided on the websites of the municipal government in easy-to-read format and in the ten most common EU languages.

The preliminary result of the Vienna elections was announced on Tuesday after Election Day. The counting of preference votes lasted until Wednesday morning. The declining voter turnout from 74,75 per cent in the last elections to 65,27 per cent cannot entirely be attributed to fears of Covid-19 infections. To a large extent, the declining voter mobilization was a result of the political situation which caused about 100.000 former voters of a party to abstain from voting, expressing their disappointment with their party's recent scandals.

Approximately 4 per cent of postal ballots were identified as invalid, which corresponds with the long-term average. Although voter information for postal voting explicitly underlined the importance of the personal signature on the outer envelope, missing signatures were the main reason for the devaluation of postal ballots. A third envelope, as suggested during previous elections, to protect personal data from circulating in public was not implemented, giving cause for privacy protection concerns.

Lessons Learned and Best Practice examples for elections under Covid-19 conditions³

The findings gathered from expert interviews and online research as well as lessons learned during the Vienna elections provide best practice examples which can act as reference for future elections held under the conditions of a pandemic. The key elements that safeguarded the successful implementation of elections under these conditions can be summarized as follows:

Elections under the conditions of a pandemic should consider:

1. Sufficient lead time for adaptations of electoral processes and a revision of deadlines which need to be adjusted for the increased use of alternative voting techniques.

The Venice Commission (Code of Good Practice in Electoral Matters, 2002) advises against interventions into electoral legal frameworks during the period of one year prior to election day. However, county election administrations can resort to decrees, which are limited in time and may have locally restricted legal effect. Decrees may include measures specific to the pandemic in addition to the existing legal framework and may introduce measures to protect voters and polling staff from infections.

The conditions of the pandemic may extend to the entire electoral cycle. Therefore, legislative authorities and policy makers should include processes of voter and candidate registration, logistical and voting arrangements, campaign regulations and counting procedures in their analysis of the Covid-19 impact on the elections.

2. Inter-institutional and interdisciplinary cooperation: Election day routines and single steps of the electoral process should be analysed in detail and furnished with protective measures, taking the expertise of medical, public health, hygiene and legal specialists into account.

The inclusion of lawyers, physicians, infectiologists, hygienists and virologists in the analysis of electoral processes facilitate conceptualization and design of Covid-19 measures for election administrations and contributes to the sound legal certainty of interventions.

3. Interventions into electoral legal frameworks should be limited in time and serve as addendum to the prevailing legal norms.

Democratic control and legal standards must be upheld in times of crisis. Emergency measures need to be temporary, legally sound, necessary, appropriate, purposeful, non-discriminatory, periodically checked and the least intrusive as possible. Adjustments to the legal frameworks may be necessary in order to implement Covid-19 measures. These should be determined in a transparent manner and in reconciliation with democratic representatives. Decisions on the implementation or postponement of elections should be based on context-specific assessments and stay within the constitutional framework.

³ Compare the six recommendations provided by [Election-Watch.EU](https://election-watch.eu).

4. *Alternative voting techniques such as postal voting as means to reduce mass gatherings on election day should be promoted and made easily accessible.*

Easy access to postal ballots and other alternative voting techniques as well as targeted promotion and voting information may contribute to a lower influx of voters in polling stations. The provision and increased use of alternative voting methods require additional funding, security checks, revision of deadlines and counting processes with respect to international standards and regional obligations.⁴ However, new voting methods cannot be introduced in a rush. Measures to implement elections under the conditions of a pandemic should only be implemented if realizable within the specific legal and operational context and provided within a sufficient time span and with adequate voter information.

5. *A level playing field for an equitable campaign in compliance with health safety measures should be provided by policy makers.*

Equal conditions for all contesting parties and candidates are the foundations of a fair campaign, also under Covid-19 conditions. The absence of a level playing field may lead to contestations of candidates who have been excluded from campaigning due to restrictive legislation.

⁴ OSCE/ODIHR (2020): Alternative voting methods and arrangements