

CHALLENGES POSED BY COVID-19 TO ELECTORAL SYSTEMS

The emergence and spread of the virus known as SARS-CoV-2, which produces the disease COVID-19, has come to change the way humanity related, planned, worked... lived; these changes are not exempt from electoral processes, political systems and democracies in general. According to the *Global Overview of the Impact of COVID-19 on Elections*, prepared by International IDEA: "From March 1st to April 13th of this year: At least fifty (50) countries and territories around the world have decided to postpone national and sub-national elections due to COVID-19; and at least eighteen (18) countries and territories have decided to hold national or sub-national elections as originally planned despite concerns related to COVID-19".

There is no easy recipe for making a decision like this: postpone the elections or carry them out in spite of the circumstances of possible contagion. The countries that took the decision to postpone their electoral process have found gaps in their respective legal frameworks, they do not have the legal support necessary to do so, so they must be very careful when solving this problem, verify in detail the different timings of the electoral calendar to not leave anything unattended. The countries that decided to carry out their elections will have to make several decisions very soon: the modality of the update or inscription in the registry of the voters; modality of the voting; elaboration of health protocols for the voting centers; the protocols of the workers of the electoral agencies, among other actions.

For Guatemala it is not an electoral year; however, it is a very important year to take the necessary precautions, especially those concerning the gaps or even obstacles that the Electoral and Political Parties Law (LEPP, in Spanish) may have, if at some point this type of event should occur during an electoral process.

The opportunity to include these provisions in the Law is based on **Article 256 Bis of the Electoral Update and Modernization Commission**, which literally indicates: "At the conclusion of the electoral process, the Electoral Update and Modernization Commission shall be established, whose objective is to evaluate the completed electoral process and, if necessary, present proposals for reforms that may be appropriate to the present Law. Social, academic and political organizations may present their proposals to the Commission. The Supreme Electoral Tribunal, if deemed appropriate, shall submit the corresponding bill to the Congress of the Republic, which shall have to consider it before the end of the first ordinary period of the new legislature."

Although this Commission has already completed its work and delivered the *Matrix of Strategic Proposals for Electoral Reform* to the Plenary of Magistrates, which is based on the proposals received from different sectors of society and the work done with these actors through dialogue, the bill that should be based on this matrix has not yet been

drafted so it can include the provisions considered necessary to guide the actions of the electoral body in contexts such as the current one, especially in the context of an election year.

For Guatemala, these changes in electoral matters imply reviewing the possibility of postponing the elections, which is currently prevented by Article 194 of the LEPP, which indicates that "The electoral process must be carried out in an environment of freedom and full force of the constitutional rights. The declaration of a state of emergency will not suspend the electoral process"; until the electoral calendars are revised or specific ones are made for modalities in a context of calamity; it must verify the different modalities of: a) Registration in the Electoral Roll; b) Voting; c) Delivery of electoral materials; d) Sworn in and logistics of the work of the departmental, municipal and electoral boards; e) Training, both for citizens and for political parties and temporary electoral boards; f) Specific protocols for national and international observers; g) Modality of campaigns of political parties and those related to the call for elections, among others, and all this while specifically monitoring the inclusion of historically excluded groups such as indigenous peoples, women and youth.

Another extremely important source to include within these possible modifications to the Law, comes from the experiences that the member electoral bodies, both of the Protocol of Tikal and the Protocol of Quito, have lived. The fact that these organizations can share how they have had to address different situations that they are facing in this new reality, is invaluable information. It is fundamental to take advantage of this global effort among the electoral agencies in order to record good and bad experiences, and to make the best decisions at the time of strengthening the national legislation.

In addition to the legal changes that a situation like this, there are other essential changes that can be made to the internal regulations of each institution. One of these adjustments that is of particular importance for the Supreme Electoral Tribunal of Guatemala is the revision and automation of its processes. The current technological tools with their respective state-of-the-art audits and security tests, must be applied as soon as possible. Having a robust platform to provide service to both internal and external users, would allow the TSE to have a better control of its services (time and quality) and to do so more efficiently and effectively.

There are many issues that this new reality forces us to review, and as the Supreme Electoral Tribunal of Guatemala, we are just in time to do it and be ready for when and if this new way of life is imposed and came to stay.

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