**Impact of the COVID-19 Pandemic on the Right to Vote in Italy**

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In Italy, the COVID-19 pandemic and the consequent declaration of a state of emergency has caused the postponement or cancellation of several elections, at all levels, leaving seats in major legislatures unfilled or extending them beyond the limits fixed by the law. So far, the following elections have been postponed:

1. National referendum to modify the Constitution to reduce the number of parliamentarians (50,953,114 voters). Postponed from 29 March 2020 to 20-21 September 2020.
2. The election of majors and city councils in 957 municipalities (5,703,817 voters). Postponed from spring/summer of 2020 to 20-21 September 2020.
3. Election of the Governors and Council of seven Regions (Campania, Liguria, Marche, Puglia, Toscana, Veneto and Valle d'Aosta/Vallée d’Aoste, for a total of 18,471,692 voters). Postponed from the spring/summer of 2020 to 20-21 September 2020.
4. By-election for two seats in the Senate of the Republic (03 Sassari and 09 Villafranca di Verona, 427,824 and 326,375 voters respectively). Postponed to 20-21 September 2020.
5. Election of the Provincial Councils and their Presidents of nine provinces (Arezzo, Avellino, Cremona, Massa Carrara, Modena, Sud Sardegna, Treviso, Trieste and Varese). Postponed from 13 December 2020 to 15 September-15 October 2021.
6. Election of 1,293 city councils, including five Region capitals (Roma, Milano, Napoli, Bologna, and Torino). Postponed from 15 April- 15 June 2021 to 15 September-15 October 2021.
7. By-election for seats in the House and Senate of the Republic that became vacant on 31 December 2020. Postponed from 31 March 2021 to 15 September-15 October 2021.
8. By-election for seats in the House and Senate of the Republic that will become vacant on 31 July 2021. Postponed to 15 September-15 October 2021.
9. Election of the Governor of the Region Calabria and its Regional Council (1,959,050 voters). First postponed from 14 February 2021 to 11 April 2021, and then to 16 September-15 October 2021.
10. referendum of the autonomous province of Trento on the creation of a bio-district. It should have been held on 6 November 2020 and has been postponed to a date yet to be determined.

COVID-19 pandemic notwithstanding, on 20-21 September 2020, 50,953,114 Italians, including 4,537,308 living abroad, were asked to go and vote on items (i) through (iv) above. The national referendum to modify the Constitution to reduce the number of parliamentarians was the main draw. The major parties supporting the government had called for the referendum and pushed for the vote to take place. Yet, Italians were asked to go and vote indoor, in the same structures (schools) and with the same modalities (in a voting booth, using pencils and paper) that had been used before the pandemic. The only difference was that voters were requested to wear facemasks and to keep a safety distance, something that could hardly be done in the existing structures. Unsurprisingly, the turnout was low, with only slightly more than 50% of voters participating (26,050,226).[[7]](#footnote-7) The turnout of 2020 should be compared to the one of the constitutional referendum of 2016.[[8]](#footnote-8) On that occasion, 65.5% of citizens voted. If one takes into consideration that in 2016 citizens had only one day to vote, while in 2020 they had two, and that in 2016 the only ballot was the one for the referendum, while in 2020, besides the referendum, citizens were asked also to vote on several municipal and regional elections, the low turnout is remarkable. The pandemic and the lack of safety measures deterred many from voting, particularly the elder, people with compromised immune systems, or living with people in similar situations, or those living far away from the municipality where they are registered to vote (e.g. students). Many of those who voted protested against the lack of better safety measures at the polling stations, and the fact they could not vote remotely (e.g. by mail, electronically, or have the ballot collected).

The September 2020 referendum was a major campaign item of the parties controlling the relative majority in parliament. However, there was no vote four months later when the government suddenly fell and a national election might have changed equilibria in the parliament. On 26 January 2021, the Prime Minister, Mr. Giuseppe Conte, resigned, having lost support of a majority of the parliament. Under the Italian Constitution, in that situation, the President of the Republic starts consultations to form a new government and, if they fail, calls for elections to form a new majority in parliament. On that occasion, the President of the Republic, Mr. Sergio Mattarella, pointed to the pandemic as the reason why he chose to give the mandate to form a new government to Mr. Mario Draghi instead of calling for elections. “I have the duty to highlight some circumstances which, today, must make us reflect on the appropriateness of having an election. We are in the midst of the pandemic. The infection of the virus is widespread and alarming; and new waves in its variants are feared. It should be remembered that elections do not only consist of the day one goes to vote but also include many complex previous activities to select and submit candidates. Furthermore, the subsequent electoral campaign requires - inevitably - many crowded meetings, assemblies, rallies: in the frenetic electoral rhythm, it is almost impossible that they take place with the necessary distances. In other countries where people voted - obligatorily, because the legislatures of parliaments or the mandates of presidents had expired - there has been a serious increase in infections."[[9]](#footnote-9)

Undoubtedly, it is certainly the duty of governments to limit the spread of the contagion. However, that does not need to be at the cost of eroding human rights. The pandemic required changing paradigms and modifying laws. As President Mattarella noted, fulfilling the right to “vote and to be elected at genuine periodic elections” does not only entail holding elections. The democratic process requires also “many complex previous activities to select and submit candidates” and the “electoral campaign” requires meetings, assemblies, rallies etc. None of that has been possible since the onset of the COVID 19 pandemic in March 2020. In Italy, to run for election at any level, candidates must collect a minimum number of signatures in support of their candidature. By law, that must be done in person. Collection of signatures electronically, online, is not possible. The same is true in the case of referenda. The law requires at least 500,000 signatures to be collected, in person and notarized, for a referendum to be put on the ballot. Notably, in *Staderini and De Lucia v. Italy,* the Human Rights Committee found Italy in violation of Article 25 of the Covenant on Civil and Political rights for the inflexible and unnecessary burdensome procedures to collect signatures.[[10]](#footnote-10) To date, Italy has still not taken any step, administrative or legislative, to address the problem and has not yet implemented the recommendations made by the Committee.

Another example of how Italy failed to fulfil the right to vote during the pandemic due to its incapacity to adapt to the new situation is that Italy already allows 4.5 million citizens living abroad to vote by mail. It also has already in place procedures to collect the vote of those who are sick and cannot be transported because they are attached to life-saving machinery, and of those who are detained and have not lost the right to vote. There is no plausible reason why Italy could not extend the vote by mail to all vulnerable groups (over 65), or even to only those requesting in advance to vote by mail.

There are several more examples of measures that Italy could take at a reasonable cost to ensure elections could take place safely. It could amend the laws requiring signatures to present candidatures or put referenda on ballots to be collected in person and to be notarized. All of that could be done online, and the identity of those who signed can be verified electronically. The procedures already exist. It could increase space for political debate on national media, reducing the need for rallies and campaigns. It could set up outdoors polling stations instead of using the same buildings (often schools) where voting has been done pre-pandemic. Polling stations could have separate entrances and exits. Polling booths could be enlarged. It could request all staff at polling stations to test negative for COVID. It could take the temperature of voters at the entrance of polling stations, and create a separate voting area for those whose temperatures is over 37.5 C. It could require all personnel at polling stations to wear disposable gloves. It could even ask voters to bring their own pencil to the polling station or use disposable ones. Voters could be told in advance what changes have been made to ensure a safe and orderly vote. The Republic of Korea (South Korea), just to name one example, did many of those things to ensure its citizens could exercise safely their right to vote. There is no reason why Italy, which prides itself to be one of the wealthiest and most advanced States of the world, could not do the same.

1. [www.democraziaradicale.it](http://www.democraziaradicale.it) [↑](#footnote-ref-1)
2. <https://www.eumans.eu/> [↑](#footnote-ref-2)
3. <http://verdi.it/> [↑](#footnote-ref-3)
4. <https://piudemocraziaintrentino.org/associazione/> [↑](#footnote-ref-4)
5. <https://www.associazionelucacoscioni.it/> [↑](#footnote-ref-5)
6. Human Rights Council Resolution 44/2, para. 9. [↑](#footnote-ref-6)
7. The September 2021 referendum was approved by 17,913,089 yes and 7,692,007 no. <https://en.wikipedia.org/wiki/2020_Italian_constitutional_referendum> [↑](#footnote-ref-7)
8. https://en.wikipedia.org/wiki/2016\_Italian\_constitutional\_referendum [↑](#footnote-ref-8)
9. “*Di fronte a questa ipotesi, ho il dovere di porre in evidenza alcune circostanze che, oggi, devono far riflettere sulla opportunità di questa soluzione.  ci troviamo nel pieno della pandemia. Il contagio del virus è diffuso e allarmante; e se ne temono nuove ondate nelle sue varianti. Va ricordato che le elezioni non consistono soltanto nel giorno in cui ci si reca a votare ma includono molte e complesse attività precedenti per formare e presentare le candidature. Inoltre la successiva campagna elettorale richiede – inevitabilmente – tanti incontri affollati, assemblee, comizi: nel ritmo frenetico elettorale è pressoché impossibile che si svolgano con i necessari distanziamenti. In altri Paesi in cui si è votato – obbligatoriamente, perché erano scadute le legislature dei Parlamenti o i mandati dei Presidenti – si è verificato un grave aumento dei contagi*.” Dichiarazione del Presidente della Repubblica Sergio Mattarella al termine dell’incontro con il Presidente della Camera Roberto Fico, 2 February 2021, <https://www.quirinale.it/elementi/51994>. [↑](#footnote-ref-9)
10. Human Rights Committee, Staderini and De Lucia v. Italy, Comm. No. 2656-2015. [↑](#footnote-ref-10)