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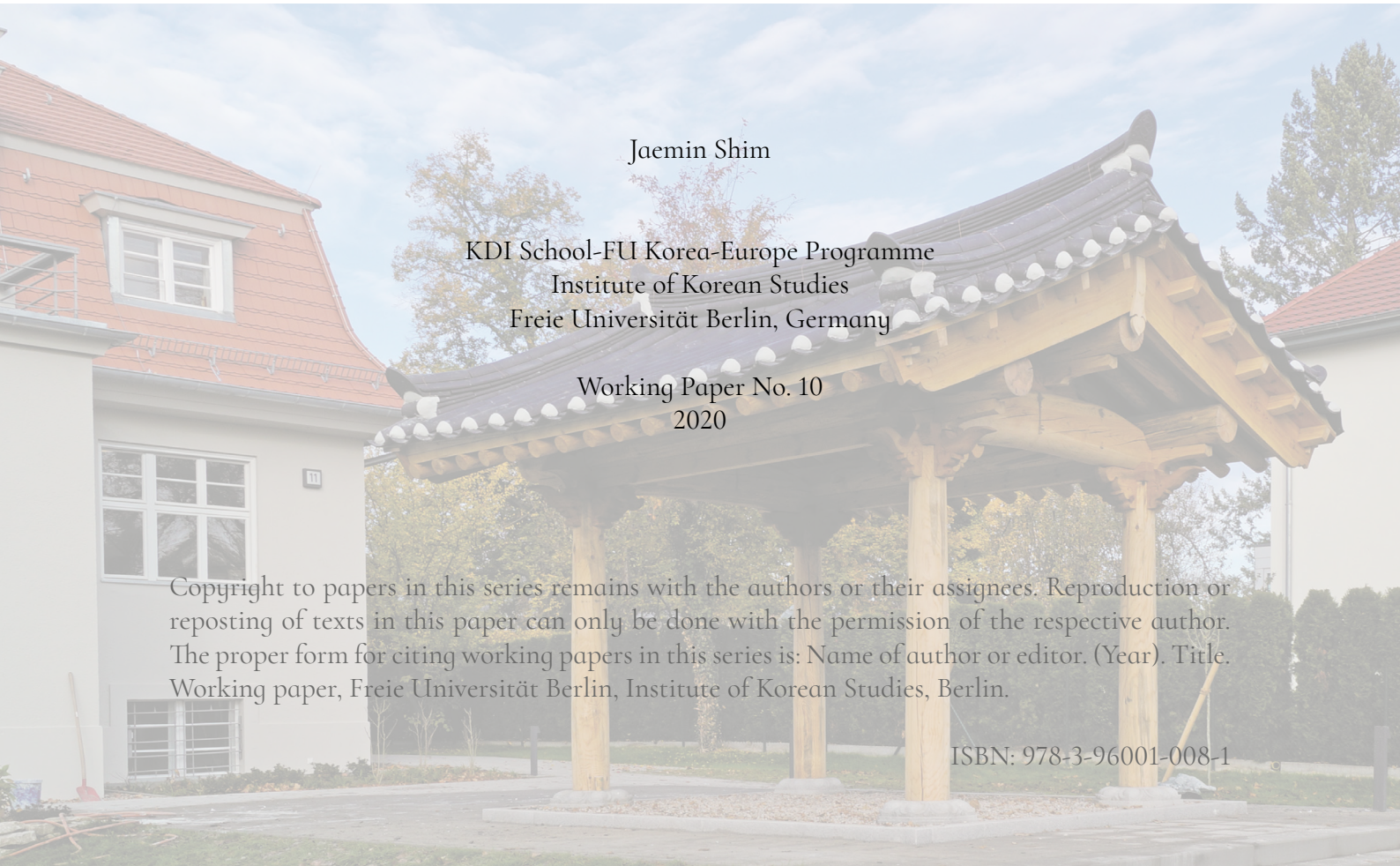

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Elections in the Time of Pandemics: The 2020 South Korean Legislative Election from a Comparative Perspective

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Abstract:

The primary purpose of this paper is to step back and reflect on various concerns pertinent to holding an election in the middle of pandemics like the COVID-19 one. For this goal, the paper puts South Korea at the center of the paper since its latest election demonstrated the possibility of holding a large-scale election without sacrificing neither democratic ideals nor the health and safety of its people. By contextualizing the South Korean approach *vis-à-vis* other examples worldwide, the paper points out that the key challenge of holding an election in the era of COVID-19 does not only concern public health but also public participation equity, issue representation, and electoral integrity. Therefore, whether to proceed with an election as scheduled and, if so, how exactly it is to be held ought to be decided with consideration to all these problems simultaneously.

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1. Introduction

When a country faces a pandemic like the recent COVID-19 one, should an election proceed according to its original schedule? If so, how exactly should it be held? A survey of COVID-19's impact on elections show that many countries across the globe have decided to postpone them (IDEA, 2020a). Specifically, between 21st February and 3rd June 2020, 64 countries and territories postponed their local or national elections while 30 made the decision to hold them as planned (ibid.). This divided decision-making regarding upcoming elections is understandable given the highly transmissible nature of COVID-19 forcing a government to make a stark choice between "public representation" and "public safety". Even if a country opts to proceed as scheduled, the results so far demonstrate that the proceedings tend to undermine the ideal of public representation with substantially lower-than-usual voter turnout. For instance, despite the fears surrounding COVID-19, Iran held its general election on 21st February, which saw a dramatic drop in voter participation to 42.57 percent—19.07 percent lower than the previous one. Likewise, defying the COVID-19 lockdown, France went ahead with local elections on 15th March only to see turnout drop by 17.5 percent from the previous ones—from 63.5 percent to 46 percent.

Notwithstanding the seemingly inevitable trade-offs any country faces when holding an election amid a pandemic, there has been a clear outlier country: South Korea. As a presidential democracy, the country has a fixed general election schedule; and, in the midst of the current pandemic, its latest general election was held according to the original electoral calendar on April 15. There are two particularly noteworthy aspects here: First, the integrity of the election. South Korea is a country of 51 million people, yet the general election was held nationwide in the conventional in-person format at 14,330 polling stations up and down the country (The National Election Commission, 2020). And unlike other countries experiencing a marked decrease in voter participation, South Korea witnessed an 8 percent increase from the 58 percent turnout in the previous election to 66.2 percent in this one. Second is the health outcome. Considering that the country was one of the hardest hit by COVID-19 in the first months of 2020, the nation-wide election clearly could have exacerbated the virus outbreak. However, no sudden surge in the COVID-19 infections followed in the two weeks after the election. As a matter of fact, the country continued its ongoing downward trend from roughly thirty new cases of infection daily prior to the election to ten daily after.

All in all, the South Korean case shows that it is possible for a country to hold elections without sacrificing its democratic ideals and without compromising the health and safety of its people either. Since numerous countries around the globe will find themselves in a position where they have to cope with the COVID-19 pandemic and, at the same time, hold originally scheduled or delayed elections, drawing lessons from South Korea from a comparative perspective will be a meaningful endeavor—which this paper strives to do. Namely, the paper will discuss the key rationale of holding an election amid the COVID-19 pandemic and by putting the South Korean example at the center, it will focus on various concerns (beyond public safety) and how they could be addressed.

2. Elections in the Time of Pandemics: Juggling Multiple Balls in the Air

When it comes to debates on holding an election in the middle of the COVID-19 pandemic, the primary point of contention has been balancing between public representation and public safety, which often boils down to postponing the planned election or not. The key rationale behind holding an election as scheduled stems from the necessity of timely democratic representation. That is, holding elections regularly is a defining characteristic of a functioning representative democracy—even being enshrined in Article 21 of the Universal Declaration of Human Rights.[1] In a representative democracy, elected candidates receive people's mandate for a specific amount of time; although the maximum amount of duration varies by specific case—such as president or legislator—beyond the set duration, one should still always renew his or her mandate through an election.

In this sense, the postponement of a scheduled election can undermine the social contract between a government and its citizens. For instance, it can result in keeping in office political leaders who have revealed themselves to be incompetent in preceding years (The Conversation, 2020). Besides, those who are not equipped with the right leadership skills to cope with the COVID-19-induced situation can remain through the overshooting of their electoral terms. As a result, this forfeits voters' opportunity to be represented through the right politicians "acting for" the represented by using appropriate policy means, often known as "substantive representation" (Pitkin, 1967). In addition to the potential of causing a democratic deficit, a postponement of a scheduled election may also provide undue advantages to the incumbent government. For example, it could give the government an opportunity to select the period when the public opinion is more favorable for holding the new election.

The clear advantages of holding a scheduled election notwithstanding, empirical examples observed worldwide demonstrate that any government should take into account various pitfalls resulting from holding an election as scheduled during the time of a pandemic. Most salient problems can be linked to public safety, public participation equity, issue representation, and electoral integrity. In this respect, South Korea can be considered a model (although by no means faultless) case for minimizing most of these downsides. In the following sections the paper will explain each of the negative facets of electoral competition during a global health crisis and introduce the specific measures South Korea adopted to address them. Moreover, to ascertain global implications, the South Korean approach will be juxtaposed to other examples worldwide.

Health risks

Holding an election as scheduled can come at the cost of risking public health. Considering that COVID-19 is an acute respiratory syndrome largely spreading through airborne transmission (Zhang et al., 2020), mass gatherings in confined spaces have been discouraged or forbidden by the World Health Organization and numerous national governments alike. Voting in-person, however, inevitably brings numerous people together at polling stations, making it imperative that the government takes various preventive measures.

1 For details, see: https://www.un.org/en/universal-declaration-human-rights/.

If it fails to do so and a sudden surge of COVID-19 infection cases is the consequence, this would equate to the government sacrificing its essential role of acting "for the people" (by protecting their health and safety) to the procedural exigency of being chosen "by the people" on time.

With respect to this, the South Korean government adopted various policies both before and during the election day. For instance, prior to the election, the National Election Commission (henceforth, NEC) prepared 3,508 polling stations nationwide and strongly encouraged voters to utilize the two days' of the early voting period—10th and 11th of April—to prevent the polling stations from getting overcrowded during the election day proper (NEC, 2020). As a result, a record-high early voting turnout was seen, reaching 26.7 percent. Moreover, on the election day, South Korea undertook thorough risk-mitigation efforts such as disinfecting polling stations frequently and necessitating polling officials to wear protective gear like masks and gloves. As for the voters, they had their temperature checked on arrival (those with one higher than 37.5 degrees Celsius were separately led to a special booth for voting), were asked to disinfect hands with sanitizer placed in the polling booth, wear masks, and maintain one meter's distance between each other. These measures appeared highly successful judging by the fact that the number of new infection cases remained low for the two weeks after the election (varying between 10 and 30 per day)—and even saw "zero new COVID-19 domestic infection cases" on 30th April.

In contrast to the South Korean case, in the United States the Democratic Party primary in the state of Wisconsin took place on 7th April. The way in which it was held demonstrates that the potential health risks can be very real. For instance, the city of Milwaukee saw an acute shortage in polling station staff due to the fears stemming from spiking numbers of confirmed cases and deaths. As a result, the city had to substantially reduce the number of polling stations from the usual 180 to just five. The upshot was unusually long lines, increasing the chance of infection (Mackay, 2020). Moreover, voters participating in-person voting were not fully equipped with protective equipment—some wearing masks, others not (Vox News, 2020). The city's lack of preparations is not surprising since, in contrast to the centralized unambiguous guidance provided by the NEC in South Korea, the in-person voting itself was a result of partisan bickering in Wisconsin. That is, although Democratic Party governor Tony Evers signed an executive order to hold the election in all-mail format, it was rejected by the Republican-majority Wisconsin legislature (CNBC, 2020). The decision to go ahead forced Wisconsin voters to either "stay home and lose their right to vote" or "violate the state's stay-at-home measures and expose [themselves] to the infection risks" (Vox News, 2020).

Public participation equity

Proceeding with a scheduled election in the midst of the COVID-19 pandemic can be problematic from the perspective of democratic representation too. First, the most noticeable problem explicated by the elections held in Mali and France is a low turnout rate—roughly 20 percent below normal. Democracies around the world had already been experiencing a decrease in voter turnout even before COVID-19 hit (Solijonov, 2016), so further reductions in voter participation can render the "democratic mandate" of an elected candidate dubious at best. For instance, let us imagine that a candidate won an election in a single-member district with a first-past-the-post rule. Even if a candidate secured a majority of votes, his claim to represent the "public will" would stand on shaky grounds had no more than 30–40 percent of the electorate cast their vote in the first place. For this reason, some countries, like Serbia even

invalidated its 2002 presidential election when too few people voted in it (Deloy, 2002)

What is more important than the overall turnout rate is that the electoral process could become less inclusive than in normal times (James and Garnett, 2020). Namely, certain social groups—usually the weak and marginalized—are more likely to be excluded, which can result in skewed representation. First, we can think of COVID-19 patients or self-quarantined people, whose numbers are increasingly becoming non-negligible in numerous countries across the globe. At the time of writing, there were more than 20 countries with over 150,000 active cases of the disease. Considering that active cases are, generally speaking, disproportionally higher in densely populated cities, depriving COVID-19-affected people of their right to vote can cause a participation disparity between urban and rural regions during moments of national-level voting like presidential elections or referendums. The disparity problem can be particularly concerning in places with majoritarian electoral rule, such as the electoral college system in the US—where urban voters are already electorally disadvantaged due to the malapportionment problem.

Second, the frail and elderly or people with pre-existing medical conditions such as diabetes, asthma or lung disease are more likely to be discouraged from participating in elections in the middle of a pandemic. Research shows that these people face substantially higher COVID-19 fatality rates, clearly falling into "high-risk" groups (Adams et al., 2020). The associated dangers make these individuals hypervigilant and extra-alert, which would naturally result in them avoiding polling stations. Many of the latter are likely to be cramped, and erected in indoor locations like schools, public libraries, churches, city halls, or gyms. In addition to participating in an election as a voter, these high-risk groups are also likely to shun volunteering as polling staff or observers. As was clear from the case of Milwaukee, this can be problematic since a large proportion of polling station volunteers tend to be older and retired people (Norris and Nai, 2017).

As pointed out early, South Korea saw a record-high voter turnout in its most recent general election. Moreover, the voter participation by social group shows no clear systematic exclusion *vis-à-vis* previous elections. This, of course, can be largely attributed to the various outlined precautionary measures that the NEC took on the general public's behalf. However, what is particularly noteworthy is that South Korea adopted extra measures to not forfeit the voting right of the COVID-19-infected. First, the NEC allowed 2,800 COVID-19 patients to vote by mail if they registered several weeks prior to the election. If prior registration was not completed, they could still vote on the election day through special polling stations prepared with extra staff and equipment. Second, the nearly 60,000 people who were in self-quarantine were allowed to vote after 6pm in normal polling stations when other voters had left. As a result, roughly 23 percent of the self-quarantining electorate—a total of 13,642 people—could exercise their voting rights.

Despite these attempts to maximize voter participation from all walks of life, the election held in South Korea was not without its limitations. For instance, 172,000 eligible voters residing in COVID-19-hit countries at the time of election were unable to vote while numerous South Korean embassies and consulates had to be closed. Besides, allowing self-quarantined people to vote was contingent upon their cooperation; their rule disobedience, for instance by visiting places beyond polling stations, could have easily led to another outbreak. Last but not least, because in-person interaction was discouraged the election campaign had to be held in virtual format and rely on the media. In other words, voters who are more likely to

have been reached through more conventional means such as leaflet distribution near stations and marketplaces, door knocking, or mass rallies by party activists are likely to have made a less informed electoral choice than usual.

Issue representation

From the perspective of democratic representation, elections held during a global pandemic can cause an imbalance between the represented issues and the periods of time for which incumbents are evaluated. That is, due to the overwhelming saliency and importance of COVID-19 management during the election period, other issues directly concerning voters and periods beyond the current pandemic could be overshadowed and neglected. Whether voters judge election candidates retrospectively or prospectively, one thing that is abundantly clear is that the latter ought to be evaluated in light of what they have done/will do during the whole elected term—and, at the same time, based on multiple issues germane to diverse voter needs.

However, established research in behavior psychology demonstrates that people in general tend to value recent experience more in making an overall judgement (Kahneman, 1999). Within the political context, evidence shows that voters reward or punish incumbents for their policy records closer to the next election—more so than for other time periods (Nordhau, 1975). The recency bias in politics occurs because of voters' waning ability to recall past events and/or their tendency to view the most recent one as a good proxy for politicians' future actions (Mackuen et al., 1992; Healy and Lenz, 2014).

In light of this recency bias, holding an election during a pandemic can be problematic in the following two respects: First, it tends to give an unfair advantage to the incumbent government. This is because, on the one hand, previous cases show that voters tend to instinctively rally behind their leader in the face of trouble (Mayhew, 2008). On the other, in an attempt to cope with the crisis incumbent governments are in the position to implement generous financial support for various groups in a swift manner. South Korea was not an exception to this, with the incumbent government offering KRW 1 million (roughly EUR 750) each to the lowest 70 percent among the working population. Relatedly, the US and the UK cases hint at the significance of short-term political advantages that pandemic-induced financial support can bring to the incumbent government. With hindsight, we know that both these governments mismanaged the crisis and saw a drop in their respective government approval ratings several months after the pandemic's initial outbreak; however it should not escape our attention that there was a sudden surge in the popularity of Donald Trump and Boris Johnson when they announced a massive coronavirus rescue package in March—USD 2.2 trillion and GBP 39 billion in the US and the UK respectively—for businesses, workers, local governments, etc.

Second, the pandemic's management can overshadow other important electoral issues. The way in which key parties prepared for the April 2020 election in South Korea shows that voters' recency bias was amplified by the COVID-19 crisis. Prior to the first infection case—20th January, 2020—the general election was debated through the lens of various hot topics, ranging from sluggish economic growth and high unemployment rate, to relations with North Korea and to newly introduced electoral rules.[2] However, in tandem with the spread of the virus, these other issues started to fade away from the electoral scene and became of minimal importance,

2 South Korea shifted its electoral system by fusing both mixed-member majoritarian and mixed-member proportional electoral rules (for details on mixed electoral rules, see Shugart and Wattenburg, 2001). Specifically, as of this election onward, the country now connects 30 out 47 party-tier seats to parties' district-tier seat proportions to compensate for the vote-seat share disparity. This results in large parties gaming the system, by creating several satellite parties to maximize their seat shares as a whole.

particularly after the massive infection rates identified among members of the *Shincheonji* religious organization in late February. Reflecting this, upon examining the party manifestos of competing parties it was clear that public health issues suddenly rose to the top of the agenda. COVID-19-related health security enhancements or compensation promises, for example, now came at the top of the manifesto concluded between key left- and right-leaning parties such as United Future Party, Party for People's Livelihoods, and Platform Party. With respect to the government, it was initially criticized for not being able to contain the virus sufficiently; for instance, for its decision to keep the border with China open. By mid-March, however, the government had managed to contain the spread of the outbreak without having to rely on drastic lockdown measures like those taken in China and certain European countries such as Italy and Spain. The success of the operation increasingly became clear from cross-national comparison with other developed countries many of which fared far worse than South Korea in terms of both infection cases and related deaths.

The effective containment of COVID-19 was clearly reflected in the president's changing approval rate. According to the two major polling agencies measuring the presidential approval rate over time—Korea Gallup and Real Meter—President Moon Jae-in's was roughly 45 percent between January 2019 and February 2020. It started to rise from the second week of March 2020, and reached the point of 54–57 percent during the election week. Relatedly, the election results clearly demonstrate that the incumbent Moon's party benefited from growing popularity owing to the government's successful COVID-19 management: it secured 60 percent of the total seats, the largest majority in the legislature since its first democratic election after the country's re-democratization in 1987. Going beyond the South Korean case, a gubernatorial election result in neighboring Japan also showcases the significance of COVID-19 management performance on election results: the incumbent Yuriko Koike won the election by a landslide, securing 60 percent of the vote. Her serious handling of the pandemic situation is noted as one of the key factors in her success (New York Times, 2020).

Electoral integrity

To avoid the health risks associated with conventional in-person voting, alternative voting arrangements—such as online voting, postal voting, or telephone voting—are often considered in countries wanting to go ahead with the original election schedule. However, with respect to this, we should bear in mind that the adoption and implementation of these alternatives can compromise the integrity of the electoral process. This concerns, first, the process of adopting a new voting method. In a functioning democracy, any new voting arrangement ought to be sufficiently discussed by related stakeholders and, once introduced, the public should be informed about it well in advance. However, in times of crisis like the COVID-19 pandemic, what can happen is that many existing decision-making steps get fast-tracked while oversight and accountability mechanisms are bypassed. In relation to this, there is also a risk of a government abusing the emergency restrictions on rights to repress opposition candidates or critical media (IDEA, 2020b). This tendency so far has been particularly pronounced in countries already experiencing democratic backsliding. A prime example is the Hungarian case, where Viktor Orbán's government passed legislation that grants itself sweeping powers—with no expiration date—to handle the pandemic. Similarly, in Bolivia, the authorities have used the current pandemic as an excuse to threaten political opponents with a maximum ten years in prison.

Second, implementation timeframes may be insufficient to adequately train staff and procure related equipment (IDEA, 2020b). As a result, the new voting method can interrupt the electoral process by causing public confusion as well as administrative disruptions—such as website or postal service overload during the election period. South Korea was able to avoid these problems by holding its election predominantly based on the conventional in-person method. Although postal voting was utilized and had been extended to a new category of voters in the 2020 general election, namely COVID-19 patients, it was still confined to people with exceptional circumstances, like voters in prison or on ships at sea, those with severe disabilities, or voters residing in sparsely populated islands. Moreover, since the related legal framework was already in place—Article 38, Section 4 of the Public Official Election Act—the extension of postal-voting rights to COVID-19 patients could be introduced smoothly, and without significant legal contestation.

A negative example of a rushed voting method introduction (and related changes) was made clear in the Polish case. The presidential election there was due to be held on 10 May 2020. However, because of the COVID-19 pandemic, the ruling conservative party coalition introduced several key election-related legislative changes on 6th April in the form of the "Draft Act" (ODIHR, 2020). For example, despite only very limited application of postal voting in previous elections, it was decided to hold the coming Polish presidential election exclusively via this method; the speaker of the lower house is now provided with the power to change the election date in the name of a "state of epidemic"; and, the task of organizing the election will be shifted from a bipartisan organization (the National Election Commission) to a government ministry (the Ministry of State Assets). These legislative changes were approved within a day, in a rushed vote without committee hearings or consultation (Kalandadze, 2020). The changes were not only controversial within the Polish legislature—the Draft Act was approved with an extremely narrow margin of 230 for and 226 against—but also drew criticism from international democracy and election watchdogs like OSCE/ODIHR for its violation of electoral law stability principles and its lack of broad public and political consultation regarding important voting-rule changes (ODIHR, 2020).

In addition to the negative consequences arising from the very process of adopting an alternative voting method, we ought to consider the potential effect on the integrity of electoral outcomes too. Owing to the diminished ability to monitor the voting process, alternative methods are clearly more prone to various integrity risks than conventional in-person voting is (IDEA 2020b). For instance, online voting can easily be devoid of two basic trust elements of all voting: individuals being able to verify that the vote they cast gets registered as intended and that the registered vote gets counted and recorded in the database (Gibaja, 2020).

Therefore, what is clear is the necessity of implementing special security measures verifying voter authenticity prior to the scheduled election; moreover, to what extent alternative methods are to be utilized needs to be decided on in view of a given country's existing political corruption level (degree of voting fraud). In this sense, New Zealand's consideration to extend its existing alternative voting arrangement types (from online or telephone voting to proxy and postal voting) to a wider range of voters (from only a few eligible categories like people residing overseas or with physical disability) for its scheduled general election in September 2020 is less worrying given the country's track record of being one of the least corrupt in the world (Transparency International, 2019). However, if alternative voting methods are considered the exclusive ones in countries already fraught with voting fraud even with in-person voting,

taking such forms as voter intimidation, ballot stuffing, or voter impersonation, there is a real chance of voting integrity being further compromised.

3. Conclusion

The primary purpose of this paper has been to step back and reflect on various concerns pertinent to holding an election in the middle of pandemics like the COVID-19 one. Considering that South Korea successfully held a nationwide general election as scheduled without experiencing much damage in the mid of COVID-19 crisis the paper chose it as a case study in drawing lessons for other countries facing elections in the near future. The paper has pointed out that the key challenge of holding an election in the era of COVID-19 not only concerns public health but also public participation equity, issue representation, and electoral integrity respectively. Therefore, whether to proceed with an election as scheduled and, if so, how exactly it is to be held ought to be decided by considering all these potential problems in a holistic fashion. In other words, what should be clearly avoided is to take an overly simplistic approach such as "since elections were previously held during war time then it should happen as planned" or, conversely, "we are at war with the virus so the elections should be indefinitely postponed".

Furthermore, we should bear in mind that there is no one-size-fits-all solution for every country of the world. Although South Korea is selected in this paper as the model case, not all countries can follow in its footsteps. The following three conditions distinguish South Korea from many others seeking to emulate its success. First, available resources. It is self-evident that the methods South Korea took to minimize health risks require substantial financial and human resources in combination with well-established technology and communication infrastructure (Spinelli, 2020). For instance, 17.6 billion KRW (roughly 13 million EUR) was spent by the government for election-safety purposes (Kookmin Daily, 2020). In light of this, for countries where people have limited access to disinfectant, protective equipment, or clean water, it would be a better idea to postpone elections until the threat of the virus has dissipated. In other words, instead of holding an election, human and material resources could be spent on more urgent life-saving activities.

Second, one should not underestimate the importance of having a good virus-containment track record prior to the election. That is, even if a country makes the necessary resource commitment for an upcoming election, many voters will be discouraged from casting their vote in-person if the government does not appear to be credibly flattening the infection rate. A case in point is the latest French local elections, which saw a near 20 percent drop in the voter turnout rate despite that government's various protective efforts like necessitating polling officials to wear masks and gloves or asking voters to bring their own pens to sign the voter register (BBC, 2020). In contrast to France, South Korea managed to bring down its daily infection rate from a peak of 900 a day in late February to fewer than 30 a day close to election day in April.

Given the variation in virus-containment efforts across countries, one might reasonably wonder why some are better at it than others. With respect to this, the third condition distinguishing South Korea from many other countries around the world is its procedural and political preparedness prior to the pandemic's outbreak: namely the development of a virus-combating infrastructure and high political alertness. Three aspects merit our attention here.

First, after being hit by other respiratory syndromes like SARS in 2002 and MERS in 2007, South Korea was able to develop the necessary protocols to contain further pandemics in an efficient manner—such as the legalization of extensive patient-tracking. Second, as has been evinced by a wealth of the developmental state literature (Woo-Cumings, 2019; Deyo, 1987), East Asian tigers—namely South Korea, Taiwan, Hong Kong, Singapore—are known for their direct government intervention to the economy.

During the COVID-19 crisis, this was made clear when the South Korean government stepped in to purchase 80 percent of all current and future masks from 130 manufacturers alongside designating 23,000 pharmacies as the sites of central distribution through which registered people could purchase maximum two masks per week (Spinelli, 2020). Moreover, the government subsidized mask manufacturers to the tune of 1.6 billion KRW (roughly 1.2 million EUR) in order to increase production (Kookmin Daily, 2020). This contrasts to the many European countries who had to endure a lack of face-mask supplies and soaring related prices (Euronews, 2020).

Third, the incumbent government in South Korea took the crisis management with the utmost seriousness. This has had to do with the negative political ramifications that the previous government had to suffer—which eventually led to the impeachment of the then-sitting president—due to its mismanagement of the Sewol Ferry disaster in 2014 which killed 476 passengers. All in all, the third condition clearly demonstrates that factors enabling a country to go ahead with a scheduled election without suffering potential downsides go beyond what one can do during the specific COVID-19 pandemic period. They involve factors that can only be understood if we take a longer time horizon, which also often involves certain elements of luck.

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