

ELECTIONS, ELECTORAL INTEGRITY AND POPULISM

AN ANALYSIS OF THE CRITICAL POINTS¹

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INTRODUCTION

Elections have assumed a central role in the concept of democracy. They are synonymous with legitimacy of public powers, whose holders are elected through voting, in a clear signal, both internally and externally, of the source of their legitimacy. Elections can also be a way to channel through pacific means – whereby former adversaries settle disputes through voting – what would otherwise take the form of violent conflict².

Especially after the fall of the Berlin Wall, democracy became the dominant paradigm, in which elections represented an unquestionable element. Electoral assistance grew in number and reach, becoming common at an international level, in virtually uncontested cooperation paradigm. Electoral observation missions promoted by several institutions became frequent, and international standards were consolidated and reinforced. Authentic, free and fair elections are terms rooted in the Universal Declaration of Human Rights, and the expression electoral integrity came, in the past few years, to incorporate and consolidate these concepts and sources of normativity. Recent developments have challenged this paradigm, however. Ironically, the threat seems to have made its first appearance in the so-called consolidated democracies of the West, posing a grave risk of contamination at a global level. In a more or less outspoken manner, the consensus surrounding electoral integrity was acutely questioned. International standards were undisguisedly neglected,

ABSTRACT

In this article we highlight the importance of the electoral cycle and its components, including all electoral stakeholders. With elections ever more present in the populist rhetoric, we analyse how violations of electoral integrity can lead to problematic outcomes and a threat to democracy in itself. We suggest that greater attention should be given to all aspects of the electoral cycle, including all electoral stakeholders. The dissemination of information, both through civic and voter education is key, as a paramount source of trust and electoral integrity.

Keywords: elections, democracy, populism, electoral integrity.

RESUMO

ELEIÇÕES, INTEGRIDADE ELEITORAL E POPULISMO: UMA ANÁLISE DOS PONTOS CRÍTICOS

Neste artigo salientamos a importância dos diversos componentes do ciclo eleitoral, abrangendo todos os intervenientes no processo, que são fundamentais para a integridade eleitoral. Estando as eleições cada vez mais presentes na retórica populista, analisamos de que forma a ino-

bservância da sua integridade, em áreas específicas, pode colocar em risco a democracia e conduzir a resultados problemáticos. Propomos sublinhar a crescente importância de uma análise cuidada a todos os aspetos centrais de uma eleição e aos seus diversos intervenientes, com especial ênfase na disseminação de informação.

Palavras-chave: eleições, democracia, populismo, integridade eleitoral.

leaving important areas of the electoral process unprotected. Populist dynamics have explored these important areas in a dangerous way, leveraging their power of disruption over the electoral process, electoral standards and often over the democratic system itself and its key-elements. Disrespect for electoral integrity, with particular emphasis on specific areas of the electoral cycle, made it possible for populist candidacies to be unduly favoured, with the attendant risk for the democratic system as a whole.

In this article we explore those aspects in detail, articulating the most challenging points of electoral integrity with populist dynamics. Our main purpose is to draw attention to the importance of international standards regulating elections, in all its breadth, and their importance for the integrity of elections and, ultimately, for the democratic system itself. Neglecting these aspects, even in so-called consolidated democracies, has opened substantive breaches which populist movements have not wasted time taking advantage of. This vicious cycle undermines the electoral process and ultimately democracy. Civic education and voter education, as a way to disseminate information and knowledge about the electoral process and international standards are the solution, in our view, and they should include all potential stakeholders in the electoral process. Only a better understanding of these aspects makes it possible to reinforce an active monitoring of electoral integrity. Western democracies have overlooked these aspects, yet they represent an invaluable source of information – necessary instrument in the fight against populism –, thus reinforcing electoral integrity.

THE ELECTORAL CYCLE APPROACH AND ELECTORAL INTEGRITY

Elections constitute a complex and lengthy phenomenon. For a long time, the election day took on an excessive prominence in the analysis of these processes. However, on the election day, and in the period preceding it, many of the key determinants, such as the legal framework or voter registration, have already taken place, often without having been the subject of due analysis. To invert this trend, the electoral cycle approach was conceptualised in 2005, in the scope of International IDEA³, so as to encompass all these aspects, mapping the essential phases of an election and highlighting its crucial points. Ever since then it has stood as the working paradigm in the field of elections, representing a reference model for all who come into contact with it.

The electoral cycle is thus divided into three main periods: the pre-election period, the election period and the post-election period. The pre-election period comprehends vast areas such as the legal framework, planning and implementation, training and education, voter registration and electoral campaign. The election period encompasses the vast areas of voting operations, vote counting and tabulation of results, complaints

and appeals. The post-election period, in its turn, includes the phases of evaluation, institutional strengthening and possible adjustments and reforms. All these areas form a natural continuum, the integrity of each one of them being in a position to affect the others, with a natural impact on the integrity of the election as a whole.

Figure 1 > The electoral cycle approach



Source: Aceproject.org.

The electoral cycle approach as a concept had an overall impact in the area. This model was adopted in areas such as electoral assistance, in which electoral observation is included, as well as in the implementation of the electoral process and at the theoretical and academic levels. The online tool made available by IDEA lists, moreover, the international standards applicable to each of these phases, thus providing a grid for the assessment of their respective electoral integrity. The broad approach to an election, comprehending all these phases of the electoral process, became the paradigm, extending the areas under analysis far beyond the election day.

THE IMPORTANCE OF THE ELECTORAL STAKEHOLDERS AND THE NEED FOR INCLUSION

An election does not take place in a void - linking the electoral cycle approach and the cast of electoral stakeholders provides a synthesis of what an election should be. However, these aspects are not always taken into account, again leaving out important

STAKEHOLDERS IN THE ELECTORAL PROCESS ARE COUNTLESS, WITH VARIOUS ROLES, POWERS AND DUTIES, AND THEIR ENGAGEMENT IS IMPORTANT IN EQUAL MEASURE.

elements in both fields. Stakeholders in the electoral process are countless, with various roles, powers and duties, and their engagement is important in equal measure.

Some stakeholders – such as political parties, candidates and the team involved in the

candidacy – have a direct interest in the election. The electoral authorities also play a paramount role, including a multiplicity of agents carrying out these complex tasks. Institutions such as the parliament and the governments have a significant part in determining the legal framework, for instance. The judicial system, including the bodies with which electoral complaints can be filed, ensure an effective judicial protection. National and international observers play a large part in adding to the transparency of the process. Desirably, the media contribute to this goal, providing information to civil society and creating critical analysis tools. Lastly, the general public, including the electorate, and young and future voters, constitute the target of the process, but are also the main stakeholders, since the source of legitimacy of the public powers is precisely the people's will as expressed through voting. Each of these groups of electoral stakeholders may subsequently be divided into smaller groups, possibly with more specific needs. For instance, within civil society we can find handicapped voters, minorities and other specific groups of population. What is important is that an election must be inclusive in all its phases, extending all stakeholders in the electoral process and having regard for their roles and specific needs.

The information component, particularly through civic education and voter education, has been widely neglected throughout the electoral processes, especially in so-called consolidated democracies. Large shares of the electorate have been left out, without any concern for extensively disseminating specific information about the electoral process or the democratic system. Overlooking large sections of the electorate relates in practice to one of the theses that more thoroughly accounts for populism: the cultural backlash thesis – the reverse of the thesis according to which the support given to populist movements stems from economically declining groups⁴. The cultural backlash thesis shows that the surge in support for populist movements can be explained through cultural factors such as anti-immigration attitudes, mistrust of national and international institutions and support for authoritarian values⁵. In particular, groups which see their social and cultural paradigm as undergoing a crisis, with growing support for women's rights and multiculturalism, among others, tend to adhere more strongly to these movements.

The inclusion of all electoral stakeholders, notably through the dissemination of information regarding the electoral processes and democracy in a broad sense, takes on even more relevance in this context. Lack of it can alienate whole specific groups, posing increasing risks of a radicalisation of discourse, especially in a context in which fake news diffused through social networks is permanently accessible, as we shall see further ahead. These facts are likely to undermine electoral integrity, possibly damaging the democratic system as a whole.

ELECTORAL INTEGRITY AND POPULISM

Electoral integrity is currently the expression employed to assess the quality of an election. The concept has been put forward mainly by Pippa Norris⁶ and it refers to the internationally agreed set of principles, values and standards pertaining the elections, applying universally to all countries worldwide throughout the electoral cycle⁷. The term electoral integrity was put forward in order to be implemented, and the Perceptions of Electoral Integrity index was developed on the basis of this concept, in the scope of The Electoral Integrity Project⁸. The project evaluated the electoral integrity of the general elections that were held worldwide between the second half of 2012 and late 2018, in accordance with a consistent analysis grid and scale. This assessment is carried out also on the basis of the electoral cycle approach, clustered in 11 dimensions: electoral laws, electoral procedures, district boundaries, voter registration, party registration, media coverage, campaign finance, voting process, vote count, results, and electoral authorities. The results were summed and are accessible in a quantitative database, being presented in a standardised scale of 0 to 100⁹. The results of the Perceptions of Electoral Integrity Index are, therefore, an important reference dataset, allowing linking with other areas of analysis.

The most problematic areas regarding electoral integrity become quite clear through the analysis of the summed results¹⁰. Less problematic areas (68 to 61 points, in descending order) are precisely those concerning the election day: vote counting, procedures and results, closely followed by the electoral administration. In the middle (57 to 50 points, in descending order) stand party and candidate registration, electoral circles and laws, voting procedures and voter registration. Lastly, the two most problematic areas are media coverage (47 points) and campaign financing (37 points), frankly negative. Campaign financing and media coverage are precisely the points that most interact with populisms in electoral matters, as referred above. Next, we shall analyse a possible concept of populism, linking it to the concept of electoral integrity and examining how the lack of an integrated analysis of the electoral process may foster its growth.

POPULISM AS A THREAT TO ELECTORAL INTEGRITY

Populism lacks a unanimous definition, the existing literature on the theme being greatly vast. The term often comes up intrinsically linked to electoral processes. Many

populist dynamics emerge with a special impact on the electoral context. In other cases, they choose to submit to suffrage, with a view to conquering formal power in the State institutions. The degrees of compliance with the electoral standards are varying, as well the democratic legitimacy of these elected representatives. However, little attention has been given to this aspect, namely its varying degree of compliance with electoral integrity. Literature linking the two concepts does not abound, especially dissecting the concept of electoral integrity and analysing the areas that can be contaminated the most or favour populisms in the scope of an electoral process. The influence of populisms has

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grown in the past years, even in so-called consolidated democracies, and even despite the fact that populist parties and leaders may be limited to a low electoral representation, as was the case, for instance, with Brexit¹¹. The populist rhetoric crept into not only the dynamics of the electoral campaign, but also the electoral process itself,

posing serious challenges to - and putting to the test - the integrity of the system. Populist movements have been exerting great pressure on democratic systems¹², especially in the electoral area and regarding the multiple international standards by which elections abide.

There is no agreed definition for the term populism (or populisms), not even concerning its nature, namely whether it constitutes an ideology, a praxis or something else entirely. Cas Mudde has been one of the most influential authors tackling the subject¹³, identifying some of the main characteristics of populism, namely: anti-system, authoritarian and nativism¹⁴. According to populist rhetoric, the system is seen as corrupt, the populist leadership rising as the strong voice that speaks up for the people - the latter regarded as being a unified and single entity - and rescues it from the corrupt elites¹⁵. In this process, the rule of law and the human rights are often trampled over, as a way to ensure the rise to power and the rule of the populist leadership, jeopardising central features in a democracy such as the rule of law, the separation of powers and minority rights¹⁶.

The impact of populism on elections has been on the rise, namely in areas of greater vulnerability regarding electoral integrity. The erosion of confidence in the news and in the media in general¹⁷ has been thoroughly exploited by populist movements and candidacies, in a wider attempt to undermine the credibility of the media. The attempt to downgrade the media also leads to a potential decline in public scrutiny, a key-element in any democracy, and a vital source for the shaping of public opinion, especially during electoral periods.

The dissemination of fake news has contributed to this phenomenon, in a territory devoid of regulation, nurturing unverifiable theories and absorbed by a certain potential share of the electorate. At the same time, support for populism appears to be more

accurately explainable through cultural factors (anti-immigration attitudes, resentment towards the displacement of traditional cultural values, support for authoritarian values, among others), than through possible economic disadvantage¹⁸, which further amplifies the potential impact of these aspects.

Phenomena such as the Cambridge Analytica scandal, as we have pointed out above, combine precisely the most vulnerable, invisible and unregulated areas of what is involved in an election: media coverage and financing regulation. These phenomena combine aspects such as unauthorised collection of personal data, personal data vulnerability, lack of transparency in the diffusion of electoral messages and a totally opaque campaign financing. Illegal financing has been indeed a recurrent problem for many populist leaders across the world¹⁹. Unregulated financing, including untraceability of sources and geographical origin, also raises suspicions of foreign interference in the electoral campaign, namely by authoritarian regimes²⁰.

ELECTIONS AND POPULISM: SOCIAL NETWORKS, FINANCING AND LACK OF REGULATION

Social networks have been a pressure area regarding electoral integrity and standards. However, there has not been yet an effective attempt at regulating these matters, namely at the level of European Union (EU) (European Parliament, 2020).

The use of social networks has taken on a preponderant role in many elections. Facebook, among them, has been at the centre of grave problems concerning the violation of electoral integrity²¹. Despite this, the prominent social network remains by and large unregulated. At EU level, for instance, various working groups have been put together to address the matter, particularly in preparation for the European Parliament elections in early 2019. Several meetings with member states were held to tackle the issue of disinformation through social networks in close connection with electoral integrity. However, there is still no regulation at EU level (European Parliament, 2020). Hearings with civil society continue, involving various initiatives and institutions, but a proper regulation proposal is announced to undergo public consultation only in late 2020.

Self-regulation, especially on the part of Facebook, has been the only note-worthy change in this matter. Buying sponsored posts is now subject to stricter rules, established exclusively by the platform in the scope of what Facebook itself calls “political ads” and unrestricted by any national regulation. In Facebook’s understanding, “political ads” may include sponsored posts by candidates or candidacies in the scope of a certain election, but also sponsored posts containing expressions such as “women should have equal rights”²² (“civil rights” category, classified as political ads) or by renewable energy companies (“environmental issues” category, also political ads in Facebook’s definition). The categorisation varies geographically according to the rules that Facebook itself has established and regardless of any national legislation. The ad library now includes all paid ads that fall into this definition, indicating the amount

spent and the author of the sponsor, information that is publicly available for a period of seven years. Lastly, ads deemed political can only be directed at one single country, it being impossible to extend campaigns to more than one State.

The close connection between social networks and populism has been made clear in recent elections. Social networks allow for an unregulated zone in which the discourse is often inflamed and lack the proper mechanisms to ensure the right of reply or due correction. These platforms also enable dissemination of racial hate and similar content, often compromising the rights of minorities, in complete defiance of democratic rule of law. The purchase of paid ad space is in itself an issue, since it leaves room for asymmetrical use of economic resources by candidates, while failing to ensure fulfilment of the regulations that bind the financing sources. Despite this, the only changes taking place have ensued from self-regulation, especially on the part of Facebook, in total disregard of any national regulation – the case of Portugal, for instance. Players such as the EU have made but sluggish efforts towards an effective regulation, the process allegedly being underway since early 2019, with no solid regulation in sight that might prove strong enough to be implemented.

As we have seen, media coverage and financing are the two most troubling aspects in terms of electoral integrity, and both aspects intersect in evident ways in the use of social networks, particularly in the scope of populist dynamics, still awaiting regulation. The current pandemic context has aggravated the potential impact of these aspects and stress the need for regulation, as we shall see below.

ELECTIONS IN A PANDEMIC CONTEXT: NEW CHALLENGES?

The recent pandemic situation has brought on new challenges, including to the electoral area. Electoral processes were largely postponed, especially from March of 2020

(IDEA, 2020). South Korea was one of the exceptions, representing one of the first case studies²³ regarding the holding of elections in this context. The description is a detailed one, with a strong logistical and operational impact, especially demanding for the electoral administration. However, and in the specific case of South Korea,

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campaign activities could not be conducted using conventional methods, the campaigns having been forced to resort to digital media. In late 2020, the paradigm in place has shifted once more to not deferring the vote and meeting the schedule, albeit with adaptations given the pandemic context²⁴. However, campaign and candidacy activities can be strongly impacted by restrictions, regardless of any regulation in place. It is expectable, therefore, that social networks again take on a leading role in the dissemination of political messages.

The widespread use of these means may pose questions relating the exclusion of some layers of the electorate, including the elderly population, an element which can add risk factors for COVID-19. The prevalence of social networks as a campaigning means may not favour debate and, on the contrary, contribute to a narrowing of perspectives, potentially liable to be influenced by the algorithm and its content selection. The pandemic thus stresses the need for regulating the platforms, which can indeed take on a decisive role in the dissemination of political messaging. Once again, the questions relating the media coverage and financing of candidacies may again be under strong pressure, exploited by populism and representing a hard test for electoral integrity.

ELECTIONS AND THE PANDEMIC:

A SPECIAL NEED FOR TRUST, CONFIDENCE AND INCLUSION

The pandemic context of 2020 placed democracies and elections under tremendous pressure, at various levels. An election is an eminently political phenomenon, but it must observe a number of strict technical parameters respecting its integrity, as we have seen above. The break of the pandemic posed serious challenges to the fulfilment of electoral processes, and in many countries the law was actually altered, in some cases under a state of emergency, in order to accommodate the new reality. In some instances, these amendments aimed only at coping with the sanitary situation; there were, however, under the pretext of the current crisis, worrying developments that involved essential aspects of democracy (IDEA, 2020). Next, we shall analyse developments surrounding special voting mechanisms, highlighted across the world due to the current situation, and how its implementation or employment is liable to affect electoral integrity. In contexts presenting high rates of electoral integrity, there is a greater likelihood of them proving successful. Conversely, in polarised or uneducated societies, its use may be a source of disruption for the process itself. Once again, information and the engagement of electoral stakeholders seem to play a crucial role.

In the current pandemic situation, there has been a growth of special voting mechanisms. They represent exceptions to the so-called “golden rule” of elections, which consists in exercising the right to vote on the election day by placing a ballot paper in a ballot box, in a polling station organised by the electoral administration. This controlled environment, organised according to specific rules, ensures aspects such as the secrecy and personal nature of the vote, the absence of coercion, among others crucial to the genuine exercise of the right to vote. These special ways of voting may take on a variety of forms, such as advance polling, voting by post, electronic voting, and even special voting mechanisms for specific groups, such as those affected by contagious diseases²⁵. There is a range of standards with which these procedures must comply.²⁶ These standards, given the specificity of the circumstances under which these alternative ways of voting must occur, are invested with a special importance, since they attach an additional guarantee to these voting processes, even though they may entail new

procedural requirements as to their exercise. The dissemination of information, as well as civic and voter education are once again crucial. It is mainly through information that the confidence of the electorate and of society in general can be strengthened. A key-element in the whole of the electoral process, perhaps the most important of all, is trust. The perception of electoral integrity, by society in general and by the stakeholders in the electoral process, is the crucial aspect in any election. This trust encompasses elements as important as electoral administration and the entities responsible for the implementation of the electoral process, which are often decisive as to its integrity. Insofar as special voting mechanisms are concerned, this trust is often also built over time and through the use of these mechanisms in various electoral cycles.

The new context has required from electoral stakeholders a high level of trust, as well as generally high levels of knowledge and literacy. The recent election in the United States can be cited as an instance of the above. Special voting mechanisms, such as postal vote, were employed, requiring that eligible voters were acquainted with and trusted the process. Once more, high levels of information, comprehending all the stakeholders in the electoral process, are decisive, cause and consequence of compliance with international standards in the overall use of these mechanisms. It is therefore necessary to bear in mind the sensitive nature of possible changes in the way elections take place in a context of pandemic. The exceptional circumstances put pressure on societies, especially on the most vulnerable communities, and changes to existing procedures, as cautious and self-contained as they might be, can eventually be used for undemocratic ends. In Poland, for instance, attempts at changing voting arrangements to an exclusively postal system, appear to have raised a red flag, resulting in a very low voter turnout, likely to challenge the legitimacy of the election. Matters such as the implementation of the system by a non-electoral entity (postal services, for instance), for that reason not necessarily bound the same principles of neutrality, impartiality, independence and transparency, may tarnish the perception of trust regarding its organisation. The context in which the election takes place is therefore decisive, including at the institutional and social level, representing a strong indication of the compatibility of the proposed changes with international standards. Again, the technical component is essential, and its observance an additional guarantee of the democratic character of the electoral process.

Often, the use of these mechanisms is not, in and of itself, liable to call an election into question, being, on the contrary, also an expression of the soundness of institutions in a broad sense, of a culture of trust or lack thereof, and of the way the electoral system as a whole operates. Adequate or insufficient means represent another essential point, in this case as part of a hierarchic chain that may not offer the same guarantees of independence and impartiality. These elements also shape the levels of trust of the electorate, in a mutually nurturing relationship. Voter education, civic education and information in general are thus key aspects in this area as well. A well-informed civil

society is equipped with critical tools for the assessment of special voting mechanisms, being in a position to evaluate the grounds for their adoption, their institutional outline, and how they might or not prove effective in practice. Constituting decisive factors in the levels of trust in the process, they, in their turn, may translate, albeit not exclusively, into voter turnout, a crucial factor for the democratic legitimacy of the elected body.

CONCLUSIONS

An election is a complex and lingering phenomenon involving a multiplicity of stakeholders. Electoral integrity comprises the international standards, established on a solid basis, that an election must observe. Recently, populism has brought new threats to electoral integrity, taking advantage of its frailties along the electoral process. Political financing and media coverage are a few of these areas exacerbated either by the lack of regulation, namely regarding social networks, or by their ineffective enforcement. Social networks, Facebook in particular, foster the crossover of these problematic areas also at the electoral level, severely undermining electoral integrity. In the current pandemic context, the implementation of electoral cycles also underwent changes. The decline in in-person campaign activities led to an increase in social networks' output power, with all the risks it entails. Special voting arrangements became more common, demanding of the institutions, electorate and society in general high levels of information and trust. All these aspects reinforce the importance of the transmission of information regarding elections, through civic and voter education, including all the stakeholders in the electoral process, towards a broad reinforcement of electoral integrity. *Ri*

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