

Proposition 89 L

(2020–2021)

Proposition to the Storting (Bill)

Temporary Act relating to amendments to the Election Act and Local Government Act (measures for remedying the negative consequences of Covid-19).

*Recommendation of the Norwegian Ministry of Local Government and Modernisation
on 19 February 2021,
approved in the Council of State on the same date.
(Solberg Government)*

1 Main contents of the Proposition

In this Proposition, the Ministry of Local Government and Modernisation proposes certain temporary amendments to the Election Act and Local Government Act that have been necessitated by the outbreak of Covid-19. The purpose of the proposals is to prevent the election process from resulting in increased infection rates and ensuring that all voters have the opportunity to vote in a safe manner and thus maintain trust in the election and the legitimacy of those who are elected.

The temporary amendments to the Election Act shall ensure that voters who are ordered to isolate or are in quarantine due to Covid-19 are able to vote. Among other things, it is proposed that the period for ambulatory voting be extended to also include the weekend prior to election day and election day. The Ministry also proposes certain rules that give municipalities greater flexibility when organising ordinary voting. Among other things, this includes permitting a polling station to be geographically located outside of the polling district and that the electoral committee can decide to establish extra polling stations in a polling district if there is a local infection outbreak. Based on the potential difficulties for municipalities in ensuring that there are adequate staffing levels for the 2021 election, the Ministry also proposes abolishing the requirement that members of the electoral committee have to be registered in the Population Registry as residents of the municipality. It is also proposed to grant the electoral committee the right to decide that votes cast by way of ambulatory voting can be received by only one returning officer.

It is expected that there will be an increased number of advanced votes at this year's election. The Ministry therefore proposes that municipalities can start counting advance votes on the Sunday before election day.

To ensure that the parliamentary and Sami parliamentary elections are conducted in a manner that is adequate in terms of infection control, the Ministry proposes granting regulatory authority to order the municipalities to implement specific measures recommended by the health authorities, such as hygiene measures and contact-reducing measures.

Pursuant to the Infection Control Act, the municipal council has the authority to adopt intrusive measures to prevent or stop infection. To avoid municipalities adopting infection control measures that prevent the election from being conducted, the Ministry proposes including a provision in the Election Act that the municipal council cannot adopt infection control measures pursuant to Section 4-1, paragraph one of the Infection Control Act that will result in the 2021 parliamentary election not being able to be conducted.

The proposal does not apply to advance voting abroad or on Svalbard and Jan Mayen.

Most of the proposals are based on an assessment by a working group that examined the impact of Covid-19 on the election process. The Ministry has studied these proposals in further detail.

2 Background

The novel coronavirus (SARS-CoV-2) has been transmitted between humans since 2019 and can result in the disease known as Covid-19. On 30 January 2020, the World Health Organization (WHO) declared the outbreak of Covid-19 to be a Public Health Emergency of International Concern (PHEIC) and on 11 March 2020, the WHO declared that Covid-19 was a pandemic. The Government's strategy has been to manage the Covid-19 pandemic in a manner that enables us to remain in control of the spread of infection at all times. Control means that the burden of the disease is minimal and that the number of patients being treated by the health and care services is at manageable level.

In its report "*Knowledge, situation, prognosis, risk and response in Norway following week 48*" of 30 November 2020, the Norwegian Institute of Public Health (FHI) concluded that there will be a persistent danger during the next six months of the epidemic getting out of control locally, regionally or nationally

The Ministry considers it important to determine how the parliamentary and Sami parliamentary elections can be conducted in a safe and predictable manner. The Infection Control Act permits the adoption of invasive measures to prevent infection. At the same time, the right to vote is a constitutional right that is also protected by human rights. It would be very unfortunate if doubts were to arise regarding how and when the election can be conducted.

Disagreements about what adjustments should be made to ensure a safe and correct election could be detrimental to the legitimacy of the election. This particularly applies if such discussions arises close to the election, and if they can appear to be politically motivated. This was a challenge in several countries that held elections in 2020.

It is therefore important to have a comprehensive overview of the potential consequences the Covid-19 pandemic may have for the election. In particular, issues regarding whether the election can be postponed and the relationship between the provisions in the Constitution relating to the right to vote and infection control rules should be clarified in sufficient time before the election. This will enable any suggestions and disagreements to be discussed at an early stage. Broad political consensus on the "rules of play" for the election could increase its legitimacy.

Advance voting for the 2021 parliamentary and Sami parliamentary elections will commence on 1 July. The municipalities have already commenced their preparations for the election, which includes planning what polling stations to use and staffing needs for the entire voting period. The Ministry considers it essential that there are plans for preparedness and adaptations regarding how the election can be conducted if there are local or national infection outbreaks during the election.

3 The consultation process

On 15 December 2020, the Ministry sent for consultation a proposal for temporary amendments to the Election Act, Local Government Act and Regulations relating to elections to the Sami Parliament. The consultation paper also referred to the proposals from the Working Group on Infection Control and Elections, which are described in more detail in section 4.

The consultation period expired on 10 January 2021. The consultation paper was sent to the following consultative bodies:

The Ministries

The Norwegian Directorate for Civil Protection
The Anti-discrimination Tribunal
The Norwegian Institute of Public Health (FHI)
The County Governors
The Norwegian Directorate of Health
The Directorate of Integration and Diversity
The Equality and Anti-Discrimination Ombud
The Party Act Committee
The Council for an Age-friendly Norway
The Norwegian Board of Health Supervision
The Governor of Svalbard
The Norwegian Directorate of Elections

The Norwegian National Human Rights Institution
The Parliamentary Ombudsman for the Norwegian Armed Forces
The Office of the Auditor General of Norway
The Sami Parliament
The Sami Parliament Youth Policy Committee (SUPU)
The Parliamentary Ombudsman

The County Councils
The Municipalities

Posten Norge AS

The Norwegian Helsinki Committee
The Norwegian Federation of Organisations of Disabled People
Innvandraranes Landsorganisasjon, INLO
KS – The Norwegian Association of Local & Regional Authorities
The Norwegian Medical Association
The MiRA Centre
The Norwegian Association of the Blind and Partially Sighted
The Norwegian Association of Disabled
The Norwegian Association of Lawyers
The Norwegian Association for Persons with Intellectual Disabilities
The Norwegian Resource Bank for Democracy and Human Rights
The Norwegian Forum of Disabled Peoples' Organizations (SAFO)
The Norwegian Nurses Organisation