

## **Solving wicked problems through Open Government approaches. The case of the Catalan Parliament elections during the COVID-19 pandemic.**

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### **Abstract**

Complex problems (*wicked problems*) are one of the greatest challenges of public policy since, by their very definition, there is no generic heuristic to address them.

During the early months of the COVID-19 pandemic, and until vaccination campaigns were widely implemented, holding elections around the world posed a challenge in terms of public health, fundamental rights, and the legality and legitimacy of the processes.

We study the case of the elections to the Catalan Parliament, held at the peak of the third wave of the pandemic in Spain, by far the most contagious to date and with the vaccination campaign still very much in its infancy.

We analyze how the systematic application of an Open Government paradigm enabled a successful approach to this complex problem. We also show how it was applied structurally and systematically, embedded in the daily tasks of the Administration, resulting in a radical cultural shift in one of the most protocolized and inflexible areas: the electoral process.

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<sup>1</sup>Throughout the period covered by this case, the author held the position of Director General of Citizen Participation and Electoral Processes of the Generalitat de Catalunya, and was therefore ultimately responsible for the entire strategy and organization of the electoral system analyzed here. In addition to the cited bibliography, the author has had access to many other direct sources of information for the completion of the case. This chapter is dedicated, in gratitude, to the team of the Deputy Directorate General of Electoral Processes and the electoral office, as well as to the tens of thousands of people who participated in the preparation of the elections, including, and especially, Núria Arbussà, Óscar Cristóbal, Aman Blasco, Jordi Miró, Rosa M. Vilar, Glòria Moreno, Mari Carmen Ruiz, Míriam Carrera, Maria Javierre, Carla Santos, Lluís Anaya, Oscar Soriano, Xavier Llebaria, David Mestres, Carmen Cabezas, Sergio Delgado, Josep Maria Reniu and Simon Perez.

## The sociopolitical context

On the night of Saturday and Sunday, March 14, 2020, the total lockdown of the Spanish population came into effect due to the COVID-19 pandemic. Three days later, the elections to the Basque and Galician parliaments **scheduled** for the following April 4 were postponed *indefinitely*. Also in a hiatus were the elections to the Catalan parliament. Although the date has not been set, the President of the Generalitat de Catalunya had announced they would be held that spring.

Once the first wave of the pandemic had passed in Spain—not the most contagious, but by far the deadliest—the government took advantage, not without much uncertainty and corresponding doubts, to call the Basque and Galician elections again, which would end up being held in mid-July, just as the infection trend was rising again.

The Catalan government failed to take advantage of the opportunity to act in advance—undoubtedly a missed opportunity—but a pending legal case involving the President of the Generalitat ended with his disqualification on September 28, 2020. Given the impossibility of the parliamentary groups—in the midst of a second wave of the pandemic, worse than the first—to appoint a new president, on December 21, 2020, elections to the Parliament of Catalonia were called for February 14, 2021.

This call came at a delicate political moment: Catalonia had held a referendum, unauthorized by the Spanish state, on October 1, 2017. The referendum had been violently repressed by state security forces, Parliament dissolved, the main leaders of the Catalan government imprisoned or in exile, and the regional executive institution intervened by the state executive for seven months. The new elections were called after state intervention in the Catalan government, a short and turbulent term, the disqualification of the president, and, consequently, a highly polarized and unstable sociopolitical context.

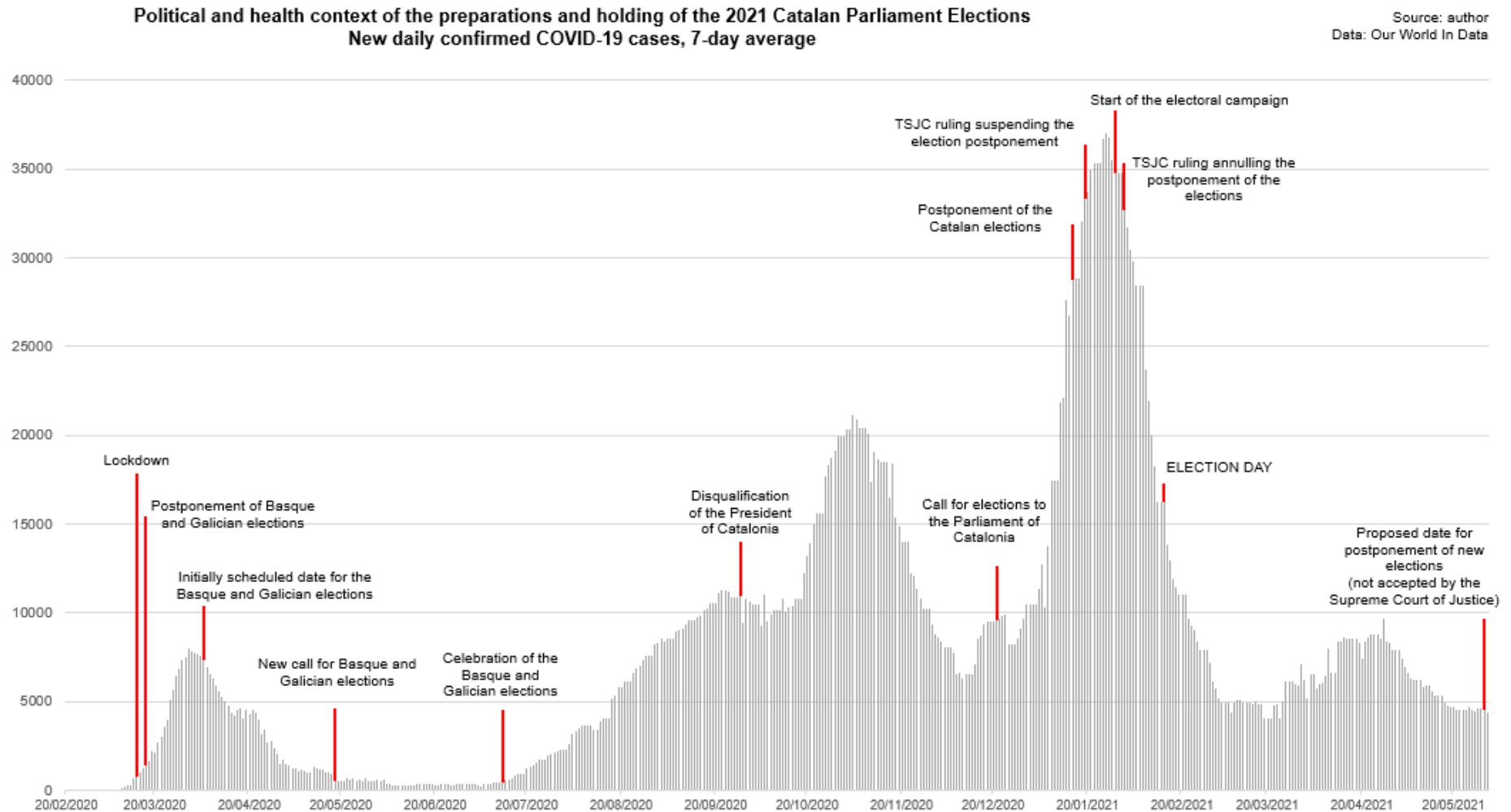
To further complicate matters, two weeks after the election was called, the pandemic was raging and heading into its third wave, by far the most contagious to date. The vaccination campaign was still in its infancy, and knowledge about the pandemic and its prevention was still in its infancy. On January 15, 2021, the Catalan government decided to postpone the elections until May 30, by which time the third wave was expected to be over (which it was).

In response to various appeals, the High Court of Justice of Catalonia (TSJC) provisionally annulled (January 19) and then ruled that the postponement of the election was invalid (February 1).

Despite being held almost a year after the first curfew, Spanish institutions – especially state and regional legislatures, but also some courts such as the TSJC itself or the Central Electoral Board – had shown themselves totally incapable of approving or interpreting regulations that could facilitate the

electoral process or resolve the multiple social, legal and economic challenges posed by COVID-19 (Cebrián Zazurca, 2021 and 2023; Fernández Esquer, 2021).

The elections to the Catalan Parliament were therefore prepared during the rise of the third wave. The election campaign began at the height of the wave, and the elections ended up being held, as planned, on February 14, 2021, still with a high rate of infections, thousands of people quarantined in their homes, a climate of fear and doubt about the process in general, and the administration tied hand and foot, with no tools other than those usual in ordinary elections.



**Graphic 1:** Political and health context of the preparations and holding of the 2021 Catalan Parliament Elections  
New daily confirmed COVID-19 cases, 7-day average

## 1. More than complex: a twisted problem

Organizing an election is a laborious logistical challenge, but it's fully planned and has no blind spots. The corresponding rules establish the tasks and their deadlines at all times, and a well-organized and experienced team—beyond the intensity of the moment and the zero margin of error—knows that if they follow the protocol, everything will most likely go well.

The COVID-19 pandemic rendered everything we had learned so far useless. Health restrictions, various fronts of uncertainty, and the various changes in habits and attitudes in recent months made even the most routine point of a protocol unpredictable.

The challenge of organizing the electoral system went far beyond the complex problem, where the variables, despite being numerous, form a defined playing field and a set of finite and evaluable solutions.

As a subset of the management of the pandemic itself, the electoral administration faced a complex problem (Rittel J. Webber, 1973) to which a definitive solution probably does not exist; there is no time for trial and error, and errors can be conclusive. Historical trajectory and context determine the definition of the problem so much that comparisons with other cases may be inspiring but not decisive, making the problem unique as well as insoluble due to the impossibility of changing past decisions. Given this range of possibilities, the courses of action are also multiple and offer multiple explanations, which, in turn, opens up a range of arbitrary decisions.

In the case of the Catalan elections, these wicked factors *can* be grouped as follows:

- The **dilemma between health or democracy**, here active and passive suffrage.
- The **limited control** over the actors involved in elections, given that the electoral administration only has hierarchical power over a very few of the actors involved in organizing them, starting with the voters and candidates themselves; various actors in local and state administration; courts and electoral boards; polling station members, accredited representatives, and representatives; etc.
- The **impossibility of acting on the regulatory context**, beyond its scope, either due to lack of time or competence in the matter.
- Information and communication in an **adverse context**, with great uncertainty about the COVID-19 crisis combined with widespread public ignorance about electoral organization, giving rise to a wide variety of **narratives** that can determine electoral development: technical quality, organization, campaign, legitimacy and, finally, the impact on health, both at the individual and collective levels.

### **1.1. The difficulty of transferring other options**

During 2020, more than 150 elections had been held worldwide and nearly 100 others had been postponed (International IDEA, 2020b).

However, the conclusions drawn from the very diverse reports and analyses published (Barrat i Esteve, 2019; California Secretary of State, 2020; Debré, 2020; Basque Government, 2020; government of the Republic of Korea, 2020; International Foundation for Electoral Systems, 2020; International IDEA, 2020a, 2020b, 2020c; IRIAD- The Electoral Hub, 2021; Jayasinghe & Samarajiva, 2020; Krimmer, Dueñas-Cid & Krivosova, 2020; Krivosova, 2020; Radjenovic, Maňko Eckert, 2020; Scottish Government, 2020; Vashchanka, 2020)<sup>2</sup> brought the Electoral Administration back to the aforementioned conclusions about wicked problems: there is no solution directly transferable to the problem itself, at most inspirations or vague ideas.

Furthermore, and as also mentioned above (Cebrián Zazurca, 2021 and 2023; Fernández Esquer, 2021), the possibilities of legislative changes (both at the state and Catalan levels) as well as generous interpretations of the electoral procedure rules were repeatedly ruled out. With very marginal exceptions (in importance and impact), the Catalan electoral administration had no specific instrument to address the complexity of this twisted problem: neither the electoral law nor the Central Electoral Board allowed changing who cast the vote (it must be the same voter, with no option for subrogation), nor when (on voting day itself – with the exception of postal voting – with no possibility of anticipating or distributing the vote over several days), nor where (only at the polling station – also with the exception of postal voting –, eliminating the possibility of mobile ballot boxes), nor how (official ballot in a ballot box – or postal device –, vetoing electronic voting).

### **1.2. The approach to the complex problem**

Some Catalan institutions attempted to contribute to the debate from various areas (Comissió Jurídica Assessora, 2020; Síndic de Greuges de Catalunya, 2020a, 2020b, 2021a, 2021b; Requejo Coll, 2020) but either could only make a detailed inventory of the multiple limitations already mentioned or, in some cases, they even showed ignorance of the details of the electoral operation, even hindering it by reopening debates that had already been overcome.

Given the difficulty of finding a new valid solution, the Catalan electoral administration opted to break down the complex problem into its basic or elementary components by identifying the personal and legal assets to be protected (Council of Europe, 2020; OHCHR, 2020a, 2020b; OSCE, 2020;

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<sup>2</sup>In addition to the documentary work, the General Directorate of Citizen Participation and Electoral Processes, with the assistance of the Generalitat de Catalunya's overseas delegations, directly analyzed 25 national and international cases, most of them through personal interviews with government officials from the respective electoral administrations.

Santana, Rama & Casal Bértoa, 2020; UNDP, 2020; Venice Commission, 2020a, 2020b) and, thus, not only be able to address it in parts but also be able to establish ad-hoc development and control devices over said assets to guarantee their effective protection.

The complex problem was thus reduced to three fundamental objectives (Generalitat de Catalunya, 2020a <sup>3</sup>):

- **health** risks, in both aspects: minimize the impact on the overall evolution of the pandemic (public health) and minimize the risk of contagion due to being part of the organization or exercising the right to vote (personal health).
- Guarantee the **right to vote**: every citizen has the right to vote, without exception. On the one hand, by working to minimize the number of voters affected by incidents or exceptions; on the other, by preventing abstention for reasons unrelated to politics.
- Protect the **legitimacy** of the process: maximize transparency and consensus about the process, and minimize boycott behavior.

### 1.3. The state as a platform

Given the impossibility of changing the regulatory framework, as well as of validating ex-ante the range of solutions, it was decided to go for a radical organizational change: instead of directly taking many of the decisions, the Administration would operate as a sort of platform and thus

- Allow the participation of new actors
- Strengthening the commons economy in the making and implementation of public and collective decisions
- Transition from a public decision-making model based on the monopoly of information and decision-making instruments to another model based on facilitation and cooperation

(Peña-López, 2019b).

In this way, the aim was to abandon a hierarchical system (which de facto did not exist) in favour of facilitating, energising and structuring a public governance ecosystem that “articulated actors, spaces and instruments around a set of open and distributed infrastructures rich in knowledge for collective decision-making” (Peña-López, 2020). This was intended to enable rapid, localised, distributed, effective and efficient decisions, while also aiming to achieve a

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<sup>3</sup> While the final version, v7.5, was released in late October, the initial draft of the document began in May 2020, and by July, a fully functional working version was already available.

common objective – or, in practice, the three fundamental objectives of health, voting rights and legitimacy.

The goal was to build a governance system supported by a common, public infrastructure that would allow different mechanisms—institutional or not, government or private—to act concurrently, depending on the actor's profile, the objective pursued, and the intervention scenario. For each combination of these factors, it would be possible to identify the central question, the components of the system (named, framed, systemic or relational), which teams were being worked with, and what type of organization. The goal was to map the system and its assets (Omidyar Group, 2017) so that, even in an uncoordinated manner, the whole system would be able to achieve its collective objectives.

Based on the technical documents that had been generated at the international (Organization of Ibero-American States, 2020), state (Official State Gazette, 2020; Government of Spain, 2020; Ministry of Health, 2020) or regional (Generalitat de Catalunya, 2020b, 2020d) levels, a first working document was prepared, *Considerations for the organization of an electoral call with health security, voting guarantees and democratic legitimacy* (Generalitat de Catalunya, 2020a) which, despite being a draft under constant updating, was shared openly for public scrutiny and collective improvement.

As a result of this document and the debate it generated, five action protocols were produced (Generalitat de Catalunya, 2020e, 2020f, 2020g, 2020h, 2020i) that provided guidance and tools for operating in the areas of institutional policy, communication, the design of institutional electoral mechanisms, logistics, and the electoral campaign. A final practical guide (Generalitat de Catalunya, 2020c) provided technical information on the organization and monitoring of health aspects at polling stations and during election day.

The most notable aspect of these reports, guides, and protocols—in addition to providing detailed instructions on specific procedures and their scope of application and interpretation—is that they incorporated heuristics for decision-making, including the variables and data sources for these, as well as the thresholds that triggered decisions and their meaning. This allowed all stakeholders to be informed about the reasons behind them, provided them with foresight tools for public decision-making, and, ultimately, to adapt their own specific decisions and protocols to a common framework without requiring prior authorization or communication.

## **2. Transparency and open data**

Data and information—transparency in general—were considered fundamental infrastructure from the outset. The government already had a long-established open data platform <sup>4</sup>from which data related to the COVID-19 pandemic was

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<sup>4</sup>[https://governobert.gencat.cat/ca/dades\\_obertes/inici/](https://governobert.gencat.cat/ca/dades_obertes/inici/)



published. It was necessary to add to this open data all the information that would allow us to open the black box of decision-making, at three levels.

- Information: that citizens have the context and use of data in an open and accessible way, in quantity, quality, and on time.
- Deliberation: that all actors could (re)use this data and information for their own deliberations and, eventually, decisions, so the information had to cover all possible technical aspects – logistical, legal and regulatory, political and philosophical, etc. – and, above all, be results-oriented, avoiding speculation and being constructive to move forward without reopening debates.
- Legitimacy: The information pursued a very important objective: contributing to the fundamental objective of providing legitimacy to the entire electoral process, so an empathetic and assertive tone was key to this – avoiding, at all costs, confrontation and polarization, or entering into sterile debates, boycotts, or misinformation.

On this issue, it is pertinent to consider the document *Considerations for the Organization of an Electoral Call with Health Security, Voting Guarantees, and Democratic Legitimacy* (Generalitat de Catalunya, 2020a), discussed above. The first draft of this document was created at the end of June 2020 for internal use. Despite not having been officially approved, version 7.5 was publicly released at the end of October (1) to account for the work carried out to date and (2) to open the information and analyses to third parties so that they could work from them. This open work, without waiting for the official document, was undoubtedly a success: part of the document was approved fifteen days later, but the remaining documents generated from *Considerations...* were not approved for strictly political reasons until almost ten weeks later, one week after the elections were called.

In this context, transparency and openness were essential to gaining unused time, building legitimacy and trust for the electoral operation, and gaining an informational and communication advantage over the rest of the media ecosystem, as we will see later. This also helped to circumvent partisan political strategies that threatened to sabotage the entire electoral process.

## **2.1. The dashboard**

Once the fundamental objectives, the public governance ecosystem to be articulated, and the variables and indicators to be used were identified, a dashboard was created to compare the progress of the electoral operation and the thresholds beyond which a specific aspect could jeopardize an objective or area and, therefore, the electoral process as a whole.

The scorecard was created by cross-referencing the fundamental objectives with five key areas of action in the development of an electoral process (James & Alihodzic, 2020) in a double-entry matrix <sup>5</sup>. Various types of indicators were incorporated into the scorecard, assessing a risk threshold for each of them at 5 levels, as shown in Table 1 .

Table 2 and Table 3 show, schematically and in detail, respectively, the dashboard at the time of the decision to postpone the 2021 Generalitat de Catalunya elections. Note that this dashboard is somewhat unorthodox: it indiscriminately incorporates status, perception , and outcome indicators. The dashboard should be placed within the context of the changing situation and used as a tool to support monitoring the measures implemented through the protocols approved by the electoral authorities.

| Scope / Objective | Health | Rights | Legitimacy | Risk thresholds          |
|-------------------|--------|--------|------------|--------------------------|
| Deliberation      |        |        |            | without any affectations |
| Passive suffrage  |        |        |            | effects without impact   |
| Active suffrage   |        |        |            | minor effects            |
| Organization      |        |        |            | critical effects         |
| Implantation      |        |        |            | very critical effects    |

**Table 1:** Matrix of fundamental objectives and areas of action with key to the risk threshold scale (Source: Generalitat de Catalunya, 2021)

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<sup>5</sup>The publication of the work of Toby S. James and Sead Alihodzic arrived at a providential moment and was crucial in structuring the management team. Our sincere thanks.

| Objective Scope  | Health | Rights | Legitimacy |
|------------------|--------|--------|------------|
| Deliberation     |        |        |            |
| Passive suffrage |        |        |            |
| Active suffrage  |        |        |            |
|                  |        |        |            |
|                  |        |        |            |
|                  |        |        |            |
|                  |        |        |            |
| Organization     |        |        |            |
|                  |        |        |            |
|                  |        |        |            |
| Implantation     |        |        |            |
|                  |        |        |            |

| Health   | Rights | Legitimacy |
|----------|--------|------------|
| KEEP     |        |            |
|          |        |            |
|          |        |            |
|          |        |            |
|          |        |            |
| POSTPONE |        |            |
| POSTPONE |        |            |
| POSTPONE |        |            |
| POSTPONE |        |            |

**Table 2:** Schematic dashboard of the impact of COVID-19 on areas of legitimacy and objectives, and decision table on the electoral postponement  
(Source: Generalitat de Catalunya, 2021)

A final aspect related to transparency and accountability was the creation of the Political Parties' Roundtable. With the Parliament dissolved to call for elections, it was necessary to establish a coordinating body at the highest political level, with two objectives: (1) to agree on lines of action and (2) to lend legitimacy to these actions through the explicit support of all political groups with representation (and at that time candidates for the elections).

The full and open publication of the minutes of the meetings held at the Roundtable, both at the technical and plenary levels, had two intended outcomes. On the one hand, it informed the public about the complexity of the situation and, therefore, the discussions that arose around its approach. On the other hand, and more importantly, it discouraged tactical or partisan behavior that could undermine the legitimacy of the electoral process.

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| Objective Scope  | Health  | Rights   | Legitimacy  |
|------------------|---|--|---|
| Deliberation     | Health risks of formal and informal deliberations                                 | Right of assembly restricted despite being guaranteed                                    | Citizen care outside the campaign   |
|                  |   | Confinement limits debate in general   |   |
| Passive suffrage | Health risk campaign minutes  | <b>Protocol for</b> campaign events  | Media hegemony of the epidemic.   |
|                  |   | Limitations on campaign events.  |   |
| Active suffrage  | Polling Station <b>Protocol</b>   | Infected people will be able to vote   | Fear of contagion when voting   |
|                  | Health risk for voters  | Mail-in Voting <b>Protocol</b> Extension of Deadline                                     | Not having all the tables constituted, less legitimacy in voting within 48h     |
|                  | Risk to the health of the members of the board                                    | Electronic application for postal voting and reinforcement of the idCAT issuance Certif. | Differential impact of the COVID-19 crisis can create biases                    |
|                  | Reduction in the number of voters per table. Change of location.                  | Delivering the postal vote to the postman  | The Ombudsman's doubts about the feasibility of voting for people in quarantine |
|                  | Non-mandatory voting by time slots  | Accessible voting.   |   |
|                  | Prepared vote from home (submission or download)                                  | Serious deficiencies in the external vote. Partial extension of the deadline             |   |
|                  | Reduction of representatives at tables  |  |   |
|                  | Denial of postal voting to residences   |  |   |
|                  | Denial of extending the exception to polling station members over 60 years of age |  |   |
| Organization     | COVID19 Device <b>Protocol</b>  | Decrees approved normally  | Institutional communication <b>protocol</b>                                     |
|                  | Risks to the organization's teams   | Materials produced normally  | Collaborative work between institutions   |
|                  | Health context tending to worsen  | Organizational tension in the area of postal voting.                                     | Difficulty recruiting polling station members due to fear of contagion          |
|                  |   | Organizational tension in some areas of electoral material dispatch.                     |   |
|                  |   | COVID device cost overrun  |   |
| Implantation     | The implementation of the election results will have no effect on Health          | The epidemic will not prevent the results from being implemented.                        | <b>Protocol of the Party Table</b>  |
|                  | Doubts about the health impact of holding elections                               |  | Indicators of undecided and abstention  |
|                  | Doubts about the convenience of holding elections in terms of health              |  | General convenience of holding elections in political and social terms.         |
|                  |   |  | International framework compared to non-wave elections.                         |

**Table 3:** Dashboard of the impact of COVID-19 on the elections at the time of their postponement (Source: Generalitat de Catalunya, 2021)

### **3. Stake**

The participation strategy, as can be assumed by now, was far from the traditional participation process planned by institutions, planned in detail in every aspect, and with distinct phases, with parts where a call for participation is made and parts where the institutions operate more or less independently of the citizenry.

On the contrary, under this paradigm of Administration as a platform, participation was conceived more as a constant dialogue between the Administration, other administrations, and the general public.

Citizen participation in the electoral process did coincide with the foundations of a traditional participation process: the existence of a driving force, a mapping of stakeholders, and the incorporation of third-party comments into the design and implementation of public police forces.

#### **3.1. Motor groups and distributed devices**

Although we have spoken of a driving force, various driving forces were actually created in a distributed manner and coordinated solely by the central electoral office.

It must be taken into account that an electoral process mobilizes various layers of collaborators with different implications. In the Catalan case, the core of the electoral office began with seven people but grew to just over a dozen within a few weeks. This small group had ultimate responsibility for all processes, despite, as mentioned, in many cases having no hierarchical power or even control over a significant portion of them. To this group was added a first layer of nearly 200 collaborators, mostly from the administration responsible for the elections, as well as other key collaborators. The second layer belonged primarily to the local administration and some other administrations, adding nearly 2,000 people to the team. A third layer included the members who manage the polling stations during voting day, nearly 30,000, who eventually total more than 100,000 when including observers, candidate representatives, and security forces. Of course, these groups or groups of collaborators are not homogeneous: only in local government do at least three collaborator profiles coincide.

To organize the large number and variability of actors, the driving force—the electoral office—created distributed driving forces, that is, with great operational and decision-making autonomy, often working horizontally and sharing, rather than a hierarchical order, a common decision-making infrastructure. Thus, a system was created for contracting, purchasing, and services; for data, information, and technology; for communications; for external voting; for civil protection (already existing within the Administration as responsible for pandemic-related issues); for COVID-19 issues strictly related to the electoral sphere; for polling stations (generally local administration); the security system

(with regional and local police); and the Party Board—among the most important, to which other state mechanisms such as electoral boards, post offices, and government delegations should be added.

The creation of this constellation of mechanisms, as well as its highly autonomous and essentially coordinated design at the level of the shared decision-making platform, responded to a segmentation resulting from a stakeholder map. A distinction was made between institutional stakeholders and the general public. Among the former, the various administrations (the electoral administration that called the elections, the state and municipal authorities, the three-level electoral boards, and the judiciary), political institutions (parliamentary groups and candidates, with different needs, incentives, and interlocutors), and organized civil society (also with a great internal diversity of needs, incentives, and interlocutors) were detailed.

Within the citizenry, a very clear distinction was made between those directly or indirectly involved in electoral management (polling station members, observers, and representatives), the media (traditional, social media, and social networks), and voters with no other connection other than their voting rights during election day (although they were grouped into healthy voters, at-risk voters, and those infected and contacts of infected voters).

In all cases, scenarios were drawn from both the formal and informal or extra-institutional spheres, as well as intermediate, unofficial terms within institutional environments.

For each group of actors on the map, and for each scenario, strategies were drawn up that would allow for the exchange of information, deliberation, and the incorporation of opinions. In all cases, the objective was to converge on the shared interest in ensuring a successful process and, based on a relationship of trust, to be useful to one another: the Administration as a provider of quality information and capable of articulating bottom-up solutions; the actors as providers of diagnosis and perception of the situation, capable of prescribing the official design of the electoral system on the ground. The key bonds of trust were, respectively, consensus and authority (*auctoritas*) with respect to institutions; usefulness, veracity, and agility with respect to the media; and clarity, disintermediation, and rapid reference for the general public.

The keys to the work – and success – with the motor groups and distributed devices were:

- The use of a common source of data, information and, eventually, analysis and contrast.
- The use of shared infrastructure – protocols, methodologies, strategies, brand and message, (often) technology – on which to build one's own derivatives or declinations of the common framework
- Energizing and facilitating trusted spaces and channels, where two-way and multidirectional communication was the norm, enabling discussion and the proposal of initiatives and improvements.
- Collaborative design, development, and production within the driving forces and distributed devices of segmented and personalized communications, instructions for specific groups, and specialized materials.

Without being an exhaustive list, there were motor groups and devices distributed in very diverse areas:

- Central organization of elections
- Three COVID-19 devices, one of them specific to the elections
- Technological and data device
- Economic, shopping and services device
- Safety device
- Various communication devices, one of them with the media
- Party table, device for attending to candidates
- Various coordination devices, at different levels and with different territorial groups, with local administrations
- Driving force for the Electoral Boards
- Coordination device with the State, the Electoral Census Office
- Driving force for foreign voting
- Various motor groups with organizations for people with reduced mobility, vision or cognition, as well as the elderly
- In addition to ad hoc equipment for different circumstances.

These groups always worked with all the information shared openly, evaluating, deliberating, and making proposals on the functioning of various areas of the electoral organization, contributing to communications, documents, and procedures of all kinds.

### **3.2. Promoting transmedia communication**

The disparity of actors and driving forces or mechanisms did not allow for linear, unidirectional, unimodal communication if the goal was dialogue and the participatory construction of procedures and, ultimately, of electoral organization.

A transmedia environment was needed, "a communicative universe, many stories, many forms, many channels" (Moloney, 2014). This is clearly something that can be fostered, but it cannot be designed and implemented in a centralized or targeted manner.

Again, the rationale wasn't to control all messages, but rather to provide the infrastructure—data, information, protocols, knowledge, updates, comparisons, and analysis, in different formats, registers, and channels—so that the multiple actors in the communication ecosystem could act without the need for coordination, much less direction.

The Administration had the advantage of being able to stay ahead on all open fronts—not a merit: it's its job—to anticipate the debates that would take place, and to be able to offer well-founded reflections that, from the outset, would focus and improve the deliberation. Raising the barriers to entry against speculation and unfounded opinion, steering the debate into highly technically demanding territory, made it much more productive, combated misinformation, leveraged the prescriptive power of third parties, and allowed the Administration to position itself as an authority by combining accountability with active listening that resulted in real change.

This same strategy was used with the political parties at the Party Roundtable. This roundtable held technical and plenary sessions. The same high technical level was maintained in the former so that the diagnosis and the various lines of action were completely unanimous. The plenary roundtables—unlike what happens at other parliamentary times and venues—abandoned all partisan bias and became instruments for confirming and endorsing decisions, which, most of the time, were taken unanimously and only in two cases by consensus.

In addition to all this, personalization and disintermediation were a necessary (though not sufficient) condition for establishing relationships of trust among all stakeholders—not just with the Administration. This was achieved, once again, by allowing each stakeholder in this communication ecosystem to use the infrastructure, a common platform made available to them by the Administration to deliver their own message, with their own code, registry, and specific audience.



At the institutional level, the Electoral Administration made two main channels available to the public—the official website and social media accounts—but it worked closely with other administrations to ensure that they communicated in their own way, not as an echo of the Electoral Administration, but as an integral part of these driving groups or organizational mechanisms. Thus, the official website provided information segmented by use and group, with dedicated spaces and profile-based tools to promote autonomy and empowerment: general voters, infected voters, voters with various types of disabilities, senior voters; polling stations, local administration, representatives of the Administration, health security officials; candidates; media outlets, etc.

Finally, it is worth emphasizing the issue of personalization, disintermediation, flexibility, and responsiveness of the Administration. The timing of the election postponement—later annulled by the High Court of Justice of Catalonia—was one of the most delicate, both organizationally and, above all, politically and socially. Faced with the risk of instrumentalizing the decision in partisan terms, the Director General of Citizen Participation and Electoral Processes, ultimately responsible for the entire process, opted to establish direct and constant communication with citizens with virtually no institutional or instrumental intermediaries. During the nearly three months of election organization, he used the social media platform Twitter as the backbone of all communication. Through his personal account, he published nearly 3,200 tweets—more than half containing original content containing data, information, instructions, etc.—and interacted more than 4,000 times with other users, answering questions or receiving contributions (Mitjans Casanellas, 2021).

This social media presence was also noted by traditional media. In the last four weeks of the trial alone, he granted 82 interviews in the press, radio, and television, in addition to exchanging hundreds of calls, emails, and instant messaging exchanges.

Opening up data, information, protocols, and meeting minutes, on the one hand, and being receptive to questions and proposals, on the other, transformed the Electoral Administration into a reliable, useful, and responsive body—an ally in the face of the informational and, in general, social chaos that society has found itself in since the outbreak of the pandemic. This wasn't achieved by controlling the message, but rather the opposite: generating quality communication infrastructure that anyone could use to shape the transmedia message that ultimately emerged.

In summary, the strategy to promote transmedia communication consisted of:

- Promote a single source of data and information as an official and verified reference.
- Promote the dissemination of highly prescriptive data, information, and analysis (knowledge) through the widest possible personalization, including direct interactions with citizens.

- Using various means—whether directly or indirectly—for the mass circulation of data and information, thus facilitating analysis where it is needed.
- Produce multiple messages – both from the official source and from many others – not necessarily syndicated but belonging to the same communicative universe, so that the analysis not only arrives localized, but also with the appropriate register.

## 4. Collaboration

We mentioned at the beginning that one of the biggest challenges of this complex problem, this twisted (or *wicked*) problem, was the limited control on the actors who take part in the electoral organization.

Needless to say, the contributions made above in relation to collective decision-making infrastructures, the articulation of a public governance ecosystem, a communications ecosystem, allowed for a strong basis for collaboration between different actors: between administrations at different levels, between administrations and citizens (organized and unorganized), between administrations and the media, between administrations and academia, between citizens and the media, and between citizens and academia – obviously not everything was due to the Administration, but it often contributed to creating the foundation by opening up data, information, protocols and other types of infrastructure.

At the level of collaboration in the strictest sense—and in the sense given to it by Open Government—special attention is paid to collaboration in the design and implementation of spaces and collaboration in the design and improvement of protocols.

### 4.1. Collaboration in the design and implementation of spaces

For collaboration between the Electoral Administration and local governments, the COVID-19 Elections Unit developed a series of guides (for the city councils themselves, health and safety officials, etc.). However, this was not enough to consider it collaboration. Going a step further, a dashboard was developed for each and every municipality, enabling them to organize themselves autonomously while verifying compliance with the protocols. Beyond coordination meetings with all the city councils, the COVID-19 Unit's dashboard of indicators allowed for a high degree of self-management and self-control, or distributed control, by the city councils themselves.

This dashboard was also (partially) public to the general public. They—and voters in particular—could check their local council's compliance with health and safety requirements using the official Electoral Administration app. This enabled collaboration to be triangulated: the Electoral Administration provided the infrastructure; the local government was responsible for designing its own devices to meet the safety requirements, which were faithfully reflected in the

public information; and the public collaborated with the monitoring and evaluation of the final results of these devices.

This collaboration, therefore, was based on a network of mutual trust with the shared goal of securing a polling station that minimized the risk of contagion while enabling the exercise of the right to vote. Furthermore, given the lack of effective oversight between the actors, a system of incentives was chosen to foster constructive collaboration, again through the shared objective and a common information and decision-making infrastructure.

To foster and strengthen the network of trust, the electoral office invited municipalities to share their preparations with their residents, while also raising the issue with the local media. These types of incentives led to several election day simulations to test logistics at polling stations; information, communication, and increased transparency from mayors; and even media visits to preparations and equipment. The central electoral office publicized and praised these initiatives, creating a virtuous circle of trust between the various organizers, the media, and the public.

#### **4.2. Collaboration in the design and improvement of protocols**

While the greatest degree of collaboration, both in volume and significance, occurred between the Electoral Administration and the nearly 1,000 municipalities ultimately responsible for polling stations, there were also specific collaborations in the design and improvement of various operating protocols.

ex-novo designs, collaborative designs, and improvements to existing designs through collaboration between the Administration and organized civil society, the Administration and academia, and the Administration and individual citizens. These protocol designs were diverse, although they could be grouped into accessibility of information and polling stations (for people with reduced vision, cognitive disabilities, or mobility problems) and reducing the risk of contagion (at polling stations, in media communications, in the exercise of passive suffrage at campaign events, etc.).

In many cases, the Administration worked in a completely horizontal relationship with non-governmental organizations, media outlets, or political parties to jointly design the protocols.

In others, it opted, once again, to take on a platform role, providing the infrastructure and ceding decision-making and executive power to third parties. Thus, some accessibility and contagion risk reduction protocols were directly designed by experts in the field (e.g., civil society organized around these issues, academics, stakeholders directly affected by the protocol's design, etc.), with the electoral administration limiting itself to providing input, either officially approving them or submitting them to the competent authorities (generally the government itself or the Central Electoral Board).

## 5. Conclusions

The elections to the Catalan Parliament were finally held on February 14, 2021, not normally, but with results completely comparable to normal. If we return to the three fundamental objectives into which the twisted problem had been divided:

- There was no impact in terms of **health**: the data showed that the general evolution of the pandemic (public health) continued its course unaltered and the risk of contagion due to being part of the organization or exercising the right to vote (personal health) was perfectly controlled, as confirmed by statistical analysis carried out on 18,000 polling station members and 18,000 citizens in a control group (Medina-Peralta et al., 2021).
- The **right to vote** was guaranteed to every citizen who wanted to exercise it, although it is true that a significant portion decided not to do so, as evidenced by the decline in participation – although the reasons for not doing so were probably diverse, many of them political as a result of the socio-political context at the time.
- The **legitimacy** of the process was protected: the results were universally accepted, Parliament met normally, and the legislature was able to operate as usual.

### 5.1. The question of legitimacy

Of the three fundamental objectives pursued by the electoral administration, the most complex was undoubtedly that of legitimacy. While health and the right to vote were equally important, their definition was more objective, and the possible solutions were also easier to identify. Furthermore, the outcome, both intermediate and final, was definitely more measurable.

This was not the case with legitimacy, a concept in itself diffuse and contested. Moreover, the Catalan sociopolitical context at the end of 2020 was turbulent, to say the least. The previous elections (2017) had been forced by the state executive, and the current ones by the judiciary. Furthermore, the contest was tight between political parties, as well as between large party blocs or macro-political visions. Any doubt about legitimacy could have a literally fatal outcome.

The choice of an approach based on the Open Government paradigm—transparency, accountability, and open data; participation; collaboration—was both a means and an end in itself.

It was a means for the reasons we've outlined below: it provided the necessary tools to address the complexity of a complex problem, facilitating the convergence of actors, visions, and assets; making it possible to expand the scope of action, reach everywhere (without having to be present there), act

quickly and flexibly; build mutual understanding, consensus, and shared objectives; and be effective, efficient, and sustainable.

But it was also an end in itself, due to the added need for legitimacy. The very philosophy of Open Government pursues precisely that legitimacy, that re-emphasizing of the general interest, the common and public, collective decisions, and democratic institutions.

There were three essential phases in the implementation of the Open Government approach to the electoral operation:

- Design: be open and collaborative, name and frame well.
- Implement: build consensus, empower stakeholders.
- Explain: educate, protect devices and the common project.

In terms of legitimacy, they were key

- Plan (well) in advance, anticipate issues and needs; achieve a position of dominance over the issue in relation to other stakeholders to build trust; identify the stakeholders and assets that will need to be mobilized collaboratively to achieve the objectives.
- Establish the pace, tone, and level of communication; do so in an open, informative, constructive, and receptive manner, with constant dialogue and deliberation, leaving no room for doubt, misinformation, or boycott.
- Exercise radical transparency, become *the* authority on the issue, a useful actor in understanding and, above all, solving the problem; convince everyone of the common, shared purpose and the need for collaborative work.

## **5.2. The change in the culture of Open Government**

The challenge of organizing and holding legislative elections in the midst of the COVID-19 pandemic seemed insurmountable. In the Catalan case, in addition to the health and voting rights factors, there was also the legitimacy factor, following years of political instability and the risk of social disintegration. The complex, twisted, and *wicked problem* seemed as insoluble as it was necessary to resolve.

The organization of legislative elections is the last place one would expect to find the application of Open Government tools. Transparency is probably necessary, but in such a highly protocolized process, neither participation nor collaboration would generally be expected, at least not in the terms established by the Open Government paradigm.

If the application of Open Government in the form of projects is often disruptive, there is no doubt that embedding its philosophy in processes of great

bureaucratic orthodoxy such as an electoral process implies a radical change of culture, although its impact is comparable to that of other contexts (Peña-López, 2019a):

- Fundamental changes brought about by the decentralization of public decisions to a distributed network of actors, who can act individually and whose contributions vary in granularity, without being more or less important.
- Changes in form, where processes, protocols, and tools become more important, constituting the decision-making infrastructure that enables collaboration, co-design, and co-decision, all the way to radical subsidiarity.
- At the results level, deliberation becomes the new democratic standard, which depends on absolute transparency and full accountability. Participatory deliberation provides pluralism, social capital, legitimacy, and, ultimately, a "circularization" of politics: from diagnosis to action, from action to evaluation, and from evaluation to diagnosis.
- At the impact level, the shift in the role of democratic institutions is evident, moving from being more facilitators than executors, to being the articulators of the platform, the network, rather than the controllers of the hierarchy. Thus, a new balance is established between actors—institutions, experts/leaders, and individual citizens—in a new ecosystem of actors, roles, and relationships: networks and communities with fluid and reconfigurable affiliations.

In the transition from this systemic, bureaucratic and hierarchical state to a state as a platform (Peña-López, 2019b) that facilitates an ecosystem of public governance (Peña-López, 2020), new functions appear that were already within the Open Government paradigm.

- We're moving from designing systems to providing platforms and promoting collaborative technologies. A networked collaboration that, far from being an abdication of power, redirects it: whoever facilitates the network, whoever designs or influences its architecture, determines the codes, channels, and protocols.
- We must now involve and engage the community and citizens in the design. To achieve this, it becomes crucial to provide context and create infrastructures based on trust: open infrastructures such as data, information, and technology itself; open knowledge, such as methodologies, processes, and protocols.
- We are now thinking in terms of an ecosystem—composed of several systems—with multiple actors, diversely interrelated, and with potential and assets that can be mobilized for a common goal, thus taking advantage of all the resources available in the ecosystem—but often beyond the reach of the administrative system.

- Finally, we move on to monitoring and promoting the various feedback loops within the collaboration cycles, supporting participatory identities (collective or individual, institutionalized or informal); facilitating interaction and nurturing the community, providing legitimacy to all spaces and organizing the conversation; in short, making things happen through facilitation, empowerment, and support.

The result is a proven success. It's a costly but feasible cultural change. Socially and politically sustainable. Desirable. Efficient and effective. Probably the new model of public service we've been needing and waiting for.

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