

Jagoda Wojciechowska
Nicolaus Copernicus University in Toruń (Poland)

Debating the Electoral Law in Poland

The International Conference *Challenges of Contemporary Electoral Law*. Toruń, (12 June, 2015), Nicolaus Copernicus University in Toruń

Abstract: The paper reports the Third International Conference “Challenges of Contemporary Electoral Law” that took place in Toruń on June 12, 2015. It presents the discussion and conclusions of the expert panel chaired by Professor Andrzej Sokala, the leading expert in the constitutional and electoral law in Poland. The conference report describes challenges and solutions which has been discussed during the meeting by scholars, representatives of the judiciary and professional experts. Moreover, it introduces main issues which Polish electoral authorities has to face in the close future, as well as it presents different opinions of the question of transparency, fairness and reliability of Polish electoral regulations and institutions.

Keywords: *conference report; elections; elections in Poland; electoral law; electoral code*

The aim of the Third International Conference *Challenges of Contemporary Electoral Law* was to present problems and challenges of contemporary electoral law and practices. It included the expert panel chaired by Professor Andrzej Sokala, the head of the Centre of Electoral Studies in Toruń. During it theorists and practitioners discussed past and future challenges of Polish electoral law. In the debate participated: Justice Jan Jaworski (chairman of the National Electoral Commission, 2010–2014),

Professor Zbigniew Witkowski (Nicolaus Copernicus University), Mr Kazimierz Wojciech Czaplicki (chairman of the National Election Office, 1991–2014), Professor Krzysztof Skotnicki (University of Łódź), Mr Jacek Kraszewski (head of the Regional Election Office in Włocławek), Professor Agnieszka Bień-Kacała (Nicolaus Copernicus University), Mrs Agata Zamłyńska (the European Commission and the United Nation’s elections observer and expert), Professor Piotr Uziębło (University of Gdańsk), Mr Adam Dyla (head of the Regional Election Office in Bydgoszcz), Dr Jarosław Zbieranek (Office of Commissioner for Human Rights) and Professor Bartłomiej Michalak (Nicolaus Copernicus University).

In his introduction Professor Sokala claimed that the electoral law should be clear and voter-friendly as it highly influence nation’s well-being, and he asked if these adjectives describes Polish regulations. He focused on the latest amendments to the Electoral Code (on the Election Commission and ballot boxes), the issue of single-member districts in Polish parliamentary elections, the controversies around the election silence (with reference to the 2015 Presidential Elections in Poland) and implementation of new legal solutions in Italy. Finally, he asked panellists to define the most significant challenges that Polish electoral law has to face in following years.

Justice Jaworski identified amendments frequency as the fundamental issue of Polish electoral system. In his opinion, the legal “hodgepodge” leads to unstable regulations and it weakens public understanding of the electoral principles. The challenge is that continuous amending of the law causes the lack of citizens’ trust in electoral institutions, including the Election Commission). Professor Witkowski agreed that the government has to guarantee stability in the electoral system and it has to protect the law from particular interests of political parties. He emphasised that there is no need to change Polish regulations, but it is worthy to start a discussion on the organisation of electoral system. As the most challenging he recognised a increasing politicians’ influence on legal framework of the elections.

Mr Czaplicki, the former chairman of the National Election Office, noticed that the 2015 Presidential Elections in Poland has revealed two major problems. Firstly, he observed increasing political involvement of electoral authorities and their aspirations to become active participants of ongoing political processes. Secondly, he discussed the essential role of the Internet, which is not considered in the Polish law. Professor Skotnicki agreed that the significant threat to democracy are interdependencies between politicians and electoral authorities, and politicians’ influence on legal framework of the elections. However, he noticed that in most cases amendments to the Polish Electoral Code were justified and reasonable; yet still they need to correspond with main functions of the elections.

Mr Kraszewski, the representative of local electoral authorities, stated that the biggest challenge is regaining citizens' trusts and protecting the common belief in fairness of the elections in Poland. He claimed that the electoral authorities has to be recognised as reliable defender of the democracy. Therefore, they need to protect electoral regulations from being a subject of political competition and being politicised. In his opinion, the solution is more transparency, adequate prerogatives and more efficient electoral administration. Professor Bień-Kacała focused on necessary improvements of the access to the elections for citizens with disabilities, who has to be able to execute their rights during the voting. Moreover, she emphasised that Polish society requires promotion of new positive attitudes towards elections – and it should be a role of the electoral authorities to promote them.

The next speaker, Mrs Zamłyńska, compared situation in Poland to post-war countries where she worked as an international expert. In her opinion the main challenge is building a transparent and reliable system that will gain citizens' trust. Professor Uziębło also focused on the election's transparency, however he was more interested in practices than institutions. He considered the secrecy of voting and organisation of election on vessels, as well as the electoral administration's term of office. In the conclusion, he emphasised that the transparency cannot paralyse the work of electoral commissions. Mr Dyla, the other representative of local electoral authorities, stated that the Code has to protect citizens' political rights as its principal objective. He noticed that Poland has to face the challenge of voters registers' reconstruction as the regulations on public registers have changed. He discussed application of the register *ex officio* or the register by request as possible solutions.

In his speech Dr Zbieranek focused on various issues, including: electoral rights of citizens with disabilities and elder voters, reconstruction of voters registers and the need to regulated campaigning in the Internet. Professor Michalak emphasised that frequent amendments of the Code are influencing the state of democracy in Poland, and that introduced changes has not increased the trust in election's fairness but they have caused popular opinion on the lack of transparency in the Polish electoral law.

Besides the expert panel, the conference included open workshops on electoral systems and regulations, organisation of general and local elections, fairness and transparency of elections, as well as alternative ideas on voting. Few dozens of speakers presented their papers, including young researchers, postgraduate student, practitioners and experts in the field of electoral system from Poland, Belarus and Ukraine.

The conference should be recognised as a success. This unique initiative integrated experienced scholars, practitioners and professional experts with young researchers and students interested in the contemporary electoral law. Its strength was the interdisciplinary and cross-disciplinary character of the meeting. The conference was an opportunity to discuss electoral challenges, institutions, processes and behaviours from different academic and professional perspectives.

Author

Ms Jagoda Wojciechowska

Nicolaus Copernicus University in Toruń, Department of Political Theory. Contact details: ul. S. Batorego 39L, 87–100 Toruń, Poland; e-mail: jagodawojciechowska@wp.pl.