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# Organization of General Elections during a Pandemic. A Comparative Analysis of Poland and the Czech Republic

**Abstract:** The aim of this paper is a comparative analysis of the new methods used to organise the 2020 general elections in Poland and the Czech Republic, which were held in the state of the SARS-19 virus pandemic. This paper analyses the voting methods introduced in connection with sanitary regulations in both countries and the scale of votes cast in this way in relation to the total. It discusses and compares the requirements introduced that voters and electoral commission members had to meet on voting day to minimise the risk of infection with the virus. The text shows a number of similarities in both countries in terms of the measures applied to prevent the spread of the virus associated with a personal visit to a polling station. An additional aspect of the comparative analysis of the covid-voting methods in the two countries was a discussion of voting rules for those infected or in quarantine on voting day. Analysis of the data showed that in both countries the alternative voting method, was not very popular.

**Keywords:** elections, electoral law, COVID-19, voting

## Introduction

The topic of organising general elections in a pandemic has been widely analysed in the literature. The first publications and analyses appeared already at the beginning of the pandemic in Europe and concerned the elections that were held in South Korea (Spinelli, 2020). The elections in this country, conducted under a strict sanitary regime, were the

starting point for many legislative processes around the world. In Poland in particular, the Korean experience was referred to in discussions on the form of organisation of presidential elections and in parliamentary discussions. Emphasis was placed on the security of voters, election preparation personnel and members of election commissions (Maizland, 2020). One of the main objectives of the ad hoc amendment of the electoral regulations, was to prevent an excessive increase in the number of infections related to visits to the polling station. It is worth noting that forms of voting other than in-person voting are not new (Musiał-Karg, *Alternatywne metody głosowania na przykładzie głosowania korespondencyjnego oraz e-voting w Szwajcarii*, 2016). Many countries around the world have a successful postal voting model. The experience of these countries was referred to during the adjustment of the electoral law in Poland and the Czech Republic.

An increasing number of papers on pandemic elections is appearing in the academic literature at a rapid pace, but they tend to be concerned with the macro scale – whether challenges to democracy (James & Alihodzic, 2020; Landman & Splendore, 2020), changes in the scale of the pandemic (Cassan & Sangnier, 2020; Palguta et al., 2022), the conduct of the campaign (Oświecimski, 2021; Cipullo & Le Moglie, 2022), voting methods (Kobyłski, 2022; Musiał-Karg, 2021; Radwan & Horonziak, 2022) and election results (Bisbee & Honig, 2022; Francois, et al., 2021; Giommoni & Loumeau, 2022), mostly in the form of case studies (Żelichowski, 2021; Salamon, 2022; Jiraskova, 2021; Klinytskyi, 2022). The organisational issues and the implementation of the electoral process at the level of PECs (Precinct Election Commissions) and polling stations are addressed to a lesser extent, and this seems to be the key level both for the effective conduct of elections and for the prevention of pandemonium. Similarly, the framing of the issue in comparative form is rare.

Election processes present a particular challenge as a large percent of the population is present in voting centres at the same time and health and safety guidelines are likely to increase congestion (Mondschein et al., 2020). In order to achieve this objective, it will be necessary to identify different aspects of the organisation of general elections during a pandemic.

The analysis will cover the entire electoral cycle (Landman & Splendore, 2020) comprising 3 stages: “(1) the pre-electoral period (training, information, and voter registration); (2) the electoral period (nominations, campaigns, voting, and results); (3) the post-electoral period (review, reform, and strategies)” specific possible methods foreseen at each stage to mitigate risks.

The following dimensions will be examined throughout the research field investigation.

- Usage of so-called ‘Special Voting Arrangements,’ which are ‘arrangements that allow voters to exercise their right to vote through alternate methods of casting their ballot in person, on election day, in the default polling station in the voter’s constituency’ (International IDEA, 2021) is what constitutes the technical and material side of organisation of elections.

- Limitations on election-related activities due to sanitary and epidemiological concerns, especially inside the polling station.
- Changes to the laws, actors and organizational structures of the electoral system, particularly the composition of electoral commissions.
- Verification of voter turnout and results to see whether there was any variation that might have been caused by the unique characteristics of elections during a pandemic.

Solutions and activities in three areas will be listed in relation to electoral law modifications that are even tangentially related to the topics in the aforementioned list:

1. implemented,
2. recommended but not included in the act or action plans,
3. provided for in the law but not actually executed, most frequently because the epidemic situation was not made worse (but, for example, present in the bill, discussed during the work of parliamentary committees, etc.).

To date, relatively little attention has been paid to the area of electoral administration and its activities at various levels of organising the electoral process in pandemonium and to sanitary restrictions during the election period, particularly on the voting day (James, 2021; Birch et al., 2020; Clark & James, 2021).

The COVID- 19 infectious disease outbreak, just after it broke out in the first quarter of 2020, has already been declared a pandemic by the World Health Organisation (WHO) (NPR.org, 2020). On 13 March 2020, the WHO reported that the centre of the coronavirus pandemic had become Europe (Puls Medycyny, 2020). The pandemic has affected all spheres of life of modern societies and has posed challenges to public authorities, not only in terms of health care, but also in all other manifestations of the functioning of states. Neither in the Republic of Poland (hereafter also “RP” or “Poland”) nor in the Czech Republic (hereafter also “RC” or “Czech Republic”) were there any regulations in force that would allow elections to be held during the total threat of COVID – 19. Both countries changed the electoral regulations, introducing additional new institutions aimed at increasing the security of voters and members of electoral commissions and allowing sick or quarantined persons to vote outside the seats of electoral commissions.

In 2020, a number of elections were scheduled around the world. From referendums to local elections to presidential elections.

Due to the outbreak of the SARS-CoV-2 virus pandemic, the holding of planned elections in many countries has been put in doubt. The dynamics of the infection and the restrictions that followed, leading to mass ‘lockdowns’, resulted in a drastic curtailment of civil liberties. Throughout Europe, national governments imposed mass movement bans, forced quarantine orders or restrictions on the right to assembly. This in turn translated into the need to revise electoral laws in individual countries. The absolute necessity to ensure the principle of universal suffrage, forced national legislatures to quickly reform existing electoral laws.

In the countries discussed in this paper – the Republic of Poland and the Czech Republic – the election rules were set out in separate laws. This paper will describe and compare the processes of organising elections in 2020, during an epidemiological emergency in the Czech Republic and Poland. The subject of consideration is the by-elections for the Senate in Teplice, which took place on 5 and 6 June 2020, and the elections to the Czech Senate and regional elections, which took place on 2 and 3 October 2020. On the Polish side, by-elections for the post of the mayor of municipality of Jaroslaw, which took place on 22 March 2020, and two rounds of general elections for the President of the Republic of Poland, which took place on 28 June and 12 July 2020, are analysed.

Two similar neighbouring countries with a similar political system were selected for comparative analysis. Both Poland and the Czech Republic have a similarly structured electoral system. No significant differences in terms of political culture can be identified either. Elections are similarly organised. In both countries, the lowest electoral unit is the PEC which directly serves voters on the polling day. In 2020, there were no regulations allowing alternative forms of voting. These procedures, as a matter of urgency, had to be developed and adopted by the parliaments of both countries as a result of the growing number of infections and restrictions to contain the Covid – 19 virus pandemic. Similarly, in both countries, alternative voting was first held on a small-scale, in local election and only later transferred nationwide. Similar procedures and health restrictions were also applied, although both states introduced different ways of alternative voting.

When comparing the two countries, it is also useful to use the Stringency Index. This is a composite measure based on nine response indicators, including school closures, workplace closures and travel bans, scaled to values from 0 to 100 (100 = most severe). While the Stringency Index was 50.93 in the first round of the Polish presidential election, it was similar in the second round of the Polish and first round of the Czech elections, at 39.81 in Poland and 38.89 in the Czech Republic.

In both Poland and the Czech Republic, there were no legal regulations allowing the general participation of citizens in general elections during the strict sanitary regime (MVCR.cz, 2022). The Polish Electoral Code in 2020 regulated too generally the procedure for so-called 'extraordinary events' on voting day. The Regulation of the Polish Minister of the Interior and Administration of 28 August 2014 on detailed requirements for the protection of the premises of PECs during a break in voting caused by extraordinary events indicates that the protection of the polling station during a break in voting caused by extraordinary events, consists in the exercise of permanent external supervision of the polling station and checking the state of security by representatives appointed for this purpose by the mayor (§ 2(1) of the Ordinance), and also specifies the actions to be taken by the mayor (§ 2(2)) and the Police in providing assistance to the mayor (§ 3 of the Ordinance) (Jaworski & Zbieranek, 2018). However, the ordinance does not specify what the aforementioned extraordinary event would consist of.

The electoral regulations of both countries amounted to statutory provisions and subordinate acts, guidelines and information for voters. They did not include provisions regulating the prevention of the potential risk of infection with the SARS-CoV-2 virus, which, after all, was carried by active participation in elections. In Poland, apart from minor by-elections and local referenda, the main electoral act was to be the election of the President of the Republic of Poland, ordered for 10 May 2020, the election of the President of the Republic of Poland.

However, the election and voting on that day did not take place. As indicated by the State Electoral Commission in Resolution No. 129/2020 of 10 May 2020 on ascertaining the impossibility of voting for candidates in the election of the President of the Republic of Poland: “§ 1. It is established that it was not possible to vote for candidates in the election of the President of the Republic of Poland ordered for 10 May 2020”.

The presidential election was finally set for 28 June 2020. As no candidate received more than half of the validly cast votes, in accordance with the Electoral Code, on the fourteenth day after the first vote, i.e. on 12 July 2020, a second – round presidential vote was held.

### **Structural dimension of electoral organisation**

As already indicated above, the electoral system in Poland is regulated in Section II of the Election Code. According to Article 152 § 1 of the Kw, the permanent electoral bodies are the State Electoral Commission and the Electoral Commissioners. However, according to Article 152 § 2 of the Kw, the election bodies appointed in connection with the ordered elections are, respectively, district, regional and territorial election commissions and district election commissions. Paragraph 3, on the other hand, indicates that the territorial election commissions are provincial, district and commune election commissions. The most important body here is the State Election Commission as the permanent body responsible for the conduct of elections and referenda. In accordance with Article 157 § 2 of the Kw, it is composed of: one judge of the Constitutional Tribunal, indicated by the President of the Constitutional Tribunal; one judge of the Supreme Administrative Court, indicated by the President of the Supreme Administrative Court; and 7 persons qualified to hold the position of a judge, indicated by the Sejm. The function of the Secretary of the State Election Commission is performed by the Head of the National Election Office, who participates in its meetings in an advisory capacity (art. 157 § 6 Kw). Pursuant to Article 166 of the Criminal Code, the State Election Commission’s plenipotentiaries appointed for an area constituting a province or a part of a single province are Election Commissioners whose tasks include ensuring, in cooperation with the authorities of local government units and election officials, the organisation of elections to councils within the territory of a province and the appointment of territorial election commissions and the dissolution of territorial election commissions after the performance of their statutory tasks (Article 167 of the Criminal Code).

In the Czech Republic, the model for election administration is based on the executive, i.e. the Government of the Czech Republic, specifically the Ministry of the Interior. According to the current Act No. 130/2000, the Chairman of the State Election Commission is the Minister of the Interior. It is he who appoints the members of the State Election Commission from among officials from all ministries of the Government, providing its services. The Commission's remit is to prepare and conduct elections to all bodies in the state. The institution consists of nine permanent members and nine deputy members, headed by the chairman of the (Ministerstvo Vnitra Ceske Republiky, 2022). In addition to the above-mentioned responsibilities, the Commission oversees additional competences related to local elections, including, among others, the determination of the numbers by which ballot papers will be marked for regional elections, political parties, political movements and political coalitions. At the local level, the district election commissions oversee the conduct of the elections and the procedures for counting and tallying votes at polling stations (IFES.org, 2022).

Most relevant for this comparative analysis are the responsibilities of the State Election Commission of both countries, the relevant ministries and the PECs. In Poland and the Czech Republic, PECs are at the lowest level of the electoral hierarchy.

PECs in Poland and the Czech Republic have similar tasks on election day. Their main task is to conduct the vote by issuing ballots to eligible voters and then counting the results of that vote and passing them on to a higher-level commission.

### **Legislative changes before holding elections during a pandemic**

In the electoral provisions of the generally applicable laws of both countries, there was no regulation whatsoever of such 'quasi-exceptional' states as the one brought about by the COVID-19 pandemic. The governments of both countries and their parliaments had to work out appropriate compromises and enact so-called 'spec laws', regulating almost all aspects of citizens' lives during the pandemic.

In Poland, the election of the President of the Republic of Poland was ordered by a decision of the Speaker of the Sejm, Elżbieta Witek, dated 5 February 2020, setting the date for 10 May 2020. The elections were prepared in the normal way, despite the announcement on 13 March 2020, on the entire territory of the Republic of Poland, a state of epidemic emergency. Paragraph 8 of the Ordinance of the Minister of Health of 13 March 2020 on the declaration of a state of epidemic emergency in the area of the Republic of Poland introduced a provision on the possibility of limiting the performance of tasks by a public administration office or an organisational unit performing tasks of a public nature. While it did not pose problems for election committees to collect signatures for the registration of candidates (this occurred mainly in February and early March 2020 when the threat of virus infection was low), it proved to be a problem to staff the PECs. In general elections in Poland, around 27 000 PECs are established. This requires more than 200 000 members. The growing panic over coronavirus infections, lockdown and self-isolation, has resulted in

minimal interest in working in the commissions. In April 2020, the situation was dramatic. In Warsaw, only 237 PECs had been set up out of a total of around 750 across the city (Prawo.pl, 2022). There was no problem with the composition of the commissions only in small municipalities, where 2-3 commissions usually managed to be constituted with at least minimal compositions. The situation was also difficult in separate polling districts set up in social welfare homes and hospitals, also in those renamed as single-mandate. Although the provisions of the electoral code provide for voting in hospital by means of a portable ballot box, simply allowing this without a voting procedure for infected persons changed nothing and prevented COVID – 19 patients from casting their votes. None of the European countries had ready-made solutions for organising elections at the time of the global pandemic prepared and described.

In Poland, as the elections were originally scheduled to take place as early as 10 May 2020, urgent work was initiated to adapt the legislation to the epidemic emergency. However, by the aforementioned deadline, it was not possible to pass amendments to the legislation acceptable to all parliamentary clubs. Parliament passed such a law on 2 June 2020. It spoke of special rules for the organisation of general elections for the President of the Republic of Poland, with the possibility of voting by correspondence. It was on the basis of this act that the elections were ordered for 28 June 2020. The provisions of this act provided for a number of delegations to individual ministries to issue detailed regulations affecting the election day. Pursuant to Article 16 of the above-mentioned Act, the minister responsible for health was to determine, by regulation, a list of personal protective equipment, related to the fight against the COVID-19 epidemic, for members of PECs, as well as detailed rules on sanitary security at the polling station, taking into account the need to protect the health of persons, present in the premises of a PEC.

In the Czech Republic – as in Poland – there was a public debate on elections in spring/summer 2020. The new date for by-elections to the Czech Parliament is 5 and 6 June 2020.

In the Czech Republic, as mentioned in the introduction, each type of election is regulated by a separate act. The acts regulating the elections to the regional elections and the senate, which were due to take place in the autumn of 2020, also lacked provisions allowing for safe and popular voting by citizens during the pandemic. On 20 August 2020, the Czech parliament passed a law on specific voting methods for the 2020 regional elections and senate elections (Zakonyprolidi.cz, 2022). The law regulated the right of persons whose personal freedom was restricted due to the protection of public health from COVID-19 disease to vote in the elections ordered for 2 and 3 October 2020. (regional elections, first round of Senate elections) and on 9 and 10 October (second round of Senate elections). This law was a special act in relation to the electoral laws and therefore only regulated special rules, while the general provisions of the electoral laws applied to the other voting methods. The law was processed and adopted in express mode. The Government approved its draft on 17 August, the Chamber of Deputies on 19 August, the Senate on 20 August and the President signed it on 21 August. Publication in the Czech Collection of Laws took place on 24 August 2020.

After the Act came into force, the President of the Czech Republic announced the decision to declare voting days using special voting methods. This involved the announcement of special days, prior to the days set aside for official elections, on which drive-in voting took place and by means of a ballot box, which the commissions delivered to residential premises.

The Czech Republic, compared to Poland, had partially tested procedures. The by-elections that took place in Teplice on 5 and 6 June 2020 after the death of the President of the Senate, Jaroslav Kuber, allowed, in the small area of one electoral district, to “rehearse”, as it were, various electoral scenarios for the time of the pandemic. In Poland, on the other hand, the presidential elections were held almost as an electoral experiment. In the course of them, the previously created legal regulations were verified for a while. In the Republic of Poland, the only election that took place, for which official sanitary guidelines were issued, took place on 22 March 2020 in Jarosław. This was a by-election for the mayor of the municipality of Jarosław in the Podkarpackie Voivodeship. The guidelines of the State District Sanitary Inspector in Jarosław were very restrictive (Pismo Państwowego Powiatowego Inspektora Sanitarnego w Jarosławiu, PSE.410-U-1-140/20, 2020). The following precautions had to be taken during the election at polling stations in Jarosław:

- provide disposable pens,
- those on the committee should wear disposable gloves,
- the voting room should be aired every 2 hours,
- flooring, tables and handles should be washed and disinfected during ventilation,
- members of the committee should work wearing gloves and masks, which could not be worn for more than 2 hours.

This was the only such act addressed to the municipality. In the process of the presidential election set for 10 May 2020, no sanitary guidelines were issued by the authorised entities. As an aside, it should also be mentioned that the grant provided to the municipalities for the organisation of the elections did not provide for the funding of sanitary security measures. Besides, even if funds had been earmarked, nationally, products such as masks, gloves or visors were hardly available and were primarily directed to health facilities and hospitals.

Meanwhile, on 20 May 2020. The Ministry of the Interior of the Czech Republic issued guidelines on hygienic and anti-epidemiological measures for by-elections to the Senate of the Czech Republic in district nt 32 – Teplice (MV-71070-8/OV-2020 , 2022). The guidelines established the Teplice municipal authorities as competent to ensure appropriate conditions at the polling station. The mayors of the municipalities where the polling stations were located were obliged to take similar sanitary measures as in Yaroslavl. In Teplice, only the need to provide disposable pens was in principle waived.



## Analysis of security measures

Turning to the analysis of security measures applied during the presidential elections in Poland and the regional and senate elections in the Czech Republic, attention should first be paid to the difficulties in recruiting PEC members. In both countries, the recruitment process and the problems with recruiting even minimum committee members were similar.

As a reminder, in Poland, electoral committees submitted candidates for committee members as early as February and early March 2020, when there was no awareness of the pandemic threat yet. These submissions were maintained for the next election date in June. This caused a lot of confusion in the municipalities responsible for organising the work of the commissions. After notices of appointment to the commission were sent out in June 2020, candidates who had applied in February 2020 resigned en masse. This was particularly true for those at risk of severe COVID – 19 and with comorbidities. Another wave of resignations followed the publication of the guidelines and how the polling station was organised. Some candidates heard in the media about security barriers and the need for disposable pens. After finding that the guidelines lacked these requirements, more resigned. The threat of electoral commissions not being set up with even minimal membership concerned mainly large urban centres. That is why the law included specific provisions reducing the minimum number of committee members from five to three. Incentives in the form of days off for committee members, which were allowed under both Polish and Czech legislation, also did not work (Seznamzprawy.cz, 2022). In the Czech Republic, too, there was a phenomenon of mass withdrawals from committee work. Two main measures were taken there. The Special Methods of Voting Act included a provision for a one-time increase in the remuneration of committee members by CZK 500 (which Poland did not opt for). It also reduced the minimum composition of election commissions to 5 members and, in voting districts of up to 300 voters, to 4 members. In addition, the Ministry of the Interior of the Czech Republic asked the members of the voluntary fire brigade associations to help fill out the commissions. Where there was a shortage of members, municipal officials were to be used.

Another problem proved to be that of organising and carrying out training for committee members. The guidelines only concerned the observance of the sanitary regime: spacing, masks or disinfection. This was dealt with in very different ways, for example, in Poland, the Warsaw City Hall independently organised training for commission members broadcast on YouTube (Szkolenie dla OKW – Urząd. m.st. Warszawy, 2022).

The organisation of polling stations in terms of the protection of voters and members of election commissions was also problematic in both countries. The governments of Poland and the Czech Republic in 2020 massively issued further regulations with guidelines for conduct in a public place. The Minister of Health of the Republic of Poland, by regulation of 15 June, set out a list of COVID-19-related personal protective equipment for members of PECs and detailed rules on sanitary security at the polling station (Dz.U. z 2020 r. poz. 1046, 2020). According to the provisions of the ordinance, disposable gloves, disinfectant fluids,

masks and visors had to be provided for the members of the commission. In the polling station itself, in addition to the spacing maintained, there could be one voter per 4 m<sup>2</sup> of space, not including committee members. The positions of the committee members were to be 1.5 m apart. Great emphasis was placed on regular ventilation of the polling station and disinfection of surfaces touched by voters. Voters were required to disinfect their hands, put on a mask and keep a distance before entering the polling station room. Municipalities could not purchase the protective equipment themselves, allocated for the organisation of the elections from a targeted grant. They could only place demands for the above-mentioned materials, which came from the Material Reserve Agency. The order did not provide for the supply of security equipment for the so-called polling station hosts, i.e. employees of schools, kindergartens, etc. who prepared the polling station and were supposed to help on election day itself (Czapiewski & Miszczuk, 2021).

10 August 2020. The Ministry of the Interior of the Czech Republic issued a directive on the provision of funds for the activation of anti-epidemic measures in the elections to the Senate of the Parliament of the Czech Republic and the elections to the regional councils, ordered for 2 and 3 October (MVCR.cz, 2022). The directive regulated the conditions for ensuring the readiness of electoral authorities to activate hygienic and anti-epidemic measures and prevent the spread of coronavirus in the ordered elections. The municipal authorities, directly responsible for assisting and supporting the electoral commissions, were to take such measures as to ensure that there was an adequate amount of hand and surface disinfection fluids for commission members and voters visiting the polling station. The directive was intended to ensure that electoral bodies were prepared to take appropriate measures against coronavirus and stocked with sufficient sanitary products. For the voters themselves, the Ministry of the Interior of the Czech Republic issued recommendations that were no different from those issued for the June vote in Teplice. Voters were to wear masks, keep their distance, disinfect their hands and preferably come to the polling station with their own writing utensil (MVCR.cz, 2022). Those who requested a portable ballot box to take home were expected to do likewise.

A comparative analysis of Poland and the Czech Republic shows that both countries reacted similarly to the sudden epidemic threat. During the elections, the commissions were separated from the voters by plexiglass barriers placed on tables. In Poland, members of the election commissions were equipped with masks and visors. In the Czech Republic, only masks were used. The regulation indicating the number of people allowed in the premises per 1 m<sup>2</sup> of floor space also failed to pass the test. The reason was the lack of resources, both personal and material, to control the above. Both countries opted for a different way of financing security. The Polish model involved centralising purchasing. In the Czech Republic, it was decided to leave the freedom in this regard to local governments.

## Changes to voting methods

The final legal act on the basis of which the elections were ordered and conducted was the Act of 2 June 2020 on special principles for the organisation of general elections for the President of the Republic of Poland ordered in 2020 with the possibility of voting by correspondence. This act allowed the possibility of voting by correspondence for any voter, regardless of whether he or she was in quarantine or not. The intention to vote by post had to be notified to the electoral commissioner through the competent municipal office by the 12<sup>th</sup> day before the election. Those who were in quarantine after this deadline could apply for a postal vote until the 2<sup>nd</sup> day before the election.

In addition, the law introduced changes to the voting system. The form of postal voting was intended to be an option for a voter afraid of visiting a polling station in person and for those who remained in quarantine or home isolation to cast their vote safely. The main burden of organising the receipt of applications, the procedure for processing them and the packaging and dispatching of the electoral package, fell on the municipalities. Despite months of debate about the need to introduce postal voting, voters did not participate en masse. The voting protocol for the second round of the elections for the President of the Republic of Poland, shows that only 3.5 per cent of voters applied for a postal package. It is worth noting that only 3% of the correspondence packages were returned to the electoral commissions, which means that 0.5% pp of the packages were not sent back (about 100,000 ballots – authors' own calculations) (GOV.pl, 2022). The delivery of the packages to the voters and from the voters to the commissions was carried out, by law, by the postal operator.

In addition, the law introduced changes to the voting system in separate districts. In order to avoid contact with outsiders, it was introduced that a committee could be set up, for example in a hospital, exclusively from among the hospital's staff as designated by the director. This was a good idea, but it eliminated public scrutiny of the commission's activities. Neither political parties, nor election committees, nor observers or shop stewards had access to such a unit. The consequence of the above was the unlawful dissemination of knowledge about voters' preferences, as reported in the press (wyborcza.pl, 2022; wiadomosci.gazeta.pl, 2022; twitter.com, 2022).

In the Czech Republic, Special Act No. 350/2020 of 20 August 2020 on detailed voting arrangements for regional and the 2020 Senate elections was in force. The law regulated the right of persons whose personal freedom was restricted due to the protection of public health from COVID-19. Three voting options were introduced that did not break the quarantine rules:

- 1) Voting from a car (drive-in) at 78 locations in the Czech Republic. So-called 'early voting' – voting on the Wednesday preceding the election between 07:00 and 15:00 a.m. The voter could throw the ballot paper into a special ballot box without getting out of the car. In the first round of the Senate and regional elections, only 3,672 people voted using this formula, while in the second round, there were already 513 voters.

- 2) Voting in the event of closure of a residential facility. There were 7 such closed facilities in the Czech Republic. They were visited by special committees. In the 1<sup>st</sup> round of elections to the Senate and regional elections, 150 voters used this option and in the 2<sup>nd</sup> round 23 votes were cast in this way.
- 3) Voting by means of a portable ballot box. A person in quarantine/isolation applied for such a ballot to the office, which resulted in the election commission visiting the voter at the place where he/she was quarantined/isolated. The commission consisted of a protocol officer and 3 soldiers. Here, too, are some statistics: in the first round for the Senate and councils, 1,776 voters voted in this way throughout the Czech Republic, and in the second round, 390.

Czech voters wishing to vote in the above manner had to meet only two conditions:

- be entitled to vote,
- be registered as quarantined/isolated or in a closed residential facility on the day of the vote.

Here the key difference between the Czech and Polish systems is marked. In the Republic of Poland, the electoral package could be taken by any voter. In the Czech Republic, only those in quarantine or isolation could vote in a special way. In the Czech Republic, the debate on the introduction of postal voting legislation was already underway before 2020. On 27 June 2018, the government of Andrej Babiš approved the final version of the Programme Declaration of the Government of the Czech Republic. One of the demands of this declaration was to simplify the election rules to make it easier for citizens to access them (introducing postal voting and abolishing local jurisdiction for issuing ballots, among the others). However, in 2020, the government, during a widespread debate between supporters and opponents of the possibility of postal voting, decided not to do so.

## Summary

This study attempts to compare the new forms of voting in Poland and the Czech Republic, the provisions regulating the need to take health measures, and the guidelines for members of the electoral commissions as well as the voters themselves. The analysis of the above leads to the conclusion that both countries have decided to introduce regulations in an almost identical way regulating the restrictions for the members of the committees as well as for the voters staying at the polling stations.

In both Poland and the Czech Republic, elections were planned to be postponed. In Poland, the May elections did not take place, in the Czech Republic, the supplementary elections to the Senate in Teplice were delayed. There was no legislation to regulate such extraordinary circumstances. Both countries also experienced problems with the composition of election commissions. In order to assemble the commissions, special announcements and “common mobilisation” were needed in Poland and a one-time salary increase in the Czech Republic. The organisation of polling station equipment and COVID-19 protection

measures for commission members were almost the same (visors were allowed in Poland). Analogous recommendations for voters were issued.

Additional forms of voting were introduced into both electoral systems. In Poland, universal postal voting by application was allowed. In the Czech Republic, special forms of voting such as drive-in or a commission visit to the voter’s home were only provided for those infected with the virus or in quarantine. Although this increased the prevalence of participation in the elections, as indicated in Table 3, these forms were not particularly popular.

Table 1. Action to ensure staffing of electoral commissions

	Poland	Czech Republic
Similarities	<ul style="list-style-type: none"> <li>• Reduction in the number of minimum committee members</li> <li>• Information campaign to persuade people to serve on the committee</li> <li>• Request for assistance in completing committees for the clerical corps</li> <li>• Training of committee members in the sanitary regime</li> <li>• Numerous resignations of candidates who are at risk of a severe disease course</li> </ul>	
Differences	<ul style="list-style-type: none"> <li>• One-off increase in remuneration for committee work</li> </ul>	

Source: own elaboration.

Table 2. Security measures taken at election commissions in Yaroslavl and Teplice

	Jaroslavl	Teplice
<b>Similarities</b>	<ul style="list-style-type: none"> <li>• Gloves for committee members</li> <li>• Spacing between committee members</li> <li>• Voter spacing in a possible queue</li> <li>• Disinfection of points touched by voters</li> <li>• Permanent ventilation of the polling station</li> <li>• Information on how to behave on the premises</li> </ul>	
<b>Differences</b>	<ul style="list-style-type: none"> <li>• Provision of disposable pens</li> </ul>	<ul style="list-style-type: none"> <li>• No such requirement</li> </ul>

Source: own elaboration.

Table 3. Scale of use of selected alternative voting methods in the RP and RC in the 2020 elections

Method	Czech Republic		Poland
	Drive in	Voting by portable ballot box at home	Postal voting
I-a round*	0.35 pp.	0.17 pp.	2.8 pp.
Second round	0.11 pp.	0.09 pp.	3.5 pp.

\*It should be remembered that the 1<sup>st</sup> round for the Senate is also an election to regional assemblies (the equivalent of Polish provincial assemblies)

Source: own elaboration.

The key difference between the elections in Poland and the Czech Republic concerned the extent of the measures introduced in terms of their universality. A significant proportion of citizens in both countries, by decisions of quarantine and forced isolation, had their civil

rights restricted. And it was they who should have been allowed to vote. In Poland, public debate led to universal postal voting. The Czech Republic chose a different path. There, universality was interpreted as the need to allow people excluded from normal functioning—socially and temporarily isolated—to vote. In the Czech Republic, people in quarantine could either vote from a car or ask for a ballot box to take home. People in confinement (e.g. nursing homes) were able to vote thanks to the mobile Election Commission. The legislation of both States lacked regulations on pandemic emergencies. Nevertheless, amidst political disputes over how the elections should be organised, special legislation was introduced in quick succession. The new forms of voting were not at all massively popular. However, they gave voters the opportunity to choose the form according to their own convictions.

These methods were tested on a local and later on a national electoral scale. It can be concluded that they worked so well that if there was a need to hold an election under a strict sanitary regime, they would be applied again. There were no objections as to the use of ‘Special Voting Arrangements’ in both countries. Moreover, the State Election Commission, in its recommendations issued after the general elections, postulated the consideration of restoration of universal postal voting at the request of any interested voter and the inclusion of alternative forms of voting in the Electoral Code.

It is noteworthy that there is a significant scale of similarities between the countries with regard to PECs. These similarities relate both to measures of ensuring an adequate number of people willing to serve, despite concerns about their own health, but also of ensuring sanitary security at polling stations. Even the most significant difference in the form of a one-time increase in remuneration for committee work in the Czech Republic can be explained by the fact that there had already been an increase in remuneration in Poland in the preceding years.

It seems that further research could broaden the scope of the comparison (taking into account a larger number of countries, including those outside Europe) both in terms of the ways and effects of the application of the new ‘Special Voting Arrangements’ and the possible differentiation of sanitary safeguards in the voting process.

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