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Digital quorum, digital deliberations and digital voting (ECPRD Request No. 5056)¹

Cyfrowe kworum, cyfrowe obrady i cyfrowe głosowanie (wniosek ECPRD nr 5056)

The authors present amendments to the acts regulating the functioning of the Polish Sejm, adopted in connection with the COVID-19 pandemic. The introduced changes included, among other things, new regulations concerning the organisation of the Sejm's plenary sittings. The text analyses in particular the issue of conducting sittings and voting with the use of means of remote communication.

Keywords: Sejm, COVID, voting, sitting of the Sejm

Autorki przedstawiają zmiany, jakie wprowadzono w aktach regulujących funkcjonowanie polskiego Sejmu w związku z pandemią COVID-19. Objęły one m.in. nowe uregulowania dotyczące organizacji obrad Sejmu. W tekście przeanalizowano przede wszystkim problematykę prowadzenia obrad oraz głosowań przy wykorzystaniu środków komunikacji na odległość.

Słowa kluczowe: Sejm, COVID, głosowania, obrady

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In response to ECPRD Request No. 5056 regarding “Digital quorum, digital deliberations and digital voting (Operating effectively during times of crisis)” the Bureau of Research provides the following information.

1. Overarching:

■ *Have any changes been made due to the Covid-19 pandemic to the way Parliament met during this period? If so, which one?*

¹ Digital quorum, digital deliberations and digital voting (Operating effectively during times of crisis) (ECPRD Request No. 5056) prepared on April 27, 2022 as part of cooperation in the European Centre for Parliamentary Research and Documentation (Europejskie Centrum Badań Parlamentarnych i Dokumentacji); BAS-WAZSP-868/22.

- *If so, what is the basis for these adjustments? Are they, for example, laid down in legislation or internal regulations of Parliament or based on decisions of bodies within Parliament?*
- *Have adjustments or certain working methods been continued, now that the Covid-19 pandemic seems to have subsided a bit?*

On 26 March 2020 a resolution of the Sejm amending the Standing Orders of the Sejm was adopted² due to COVID-19 epidemic in Poland. A new section IIIa was added to the Standing Orders, concerning the use of electronic means of communication enabling the organisation of remote meetings and providing distance communication during meetings of the Sejm, committees and subcommittees. Decision on holding the specific sitting via electronic means of distance communication is made by the Marshal of the Sejm, after having sought the opinion of the Council of Seniors. The first plenary sitting of the Sejm under the amended Standing Orders took place on 26–27 March 2020.

The form of organizing sittings of the Sejm has been subject to changes during the Covid-19 pandemic. In 2021 starting from the 32nd session of the Sejm (16 June 2021), the deliberations began to be held again in the plenary hall only – the provisions introduced in connection with the pandemic, including those enabling remote participation in the sessions and remote voting, did not apply. In 2022, the Marshal of the Sejm, after having sought the opinion of the Council of Seniors, made the decision on holding the sitting of the Sejm via electronic means of distance communication starting from the 47th session of the Sejm (26 January 2022) till the 52nd session of the Sejm (6 April 2022). Now, the sittings once again only take place in the plenary hall.

2. Digital quorum:

- *Is there a quorum for (plenary or committee) meetings of Parliament? If so, what is the basis for this?*
- *If so, has a digital quorum been used during the Covid-19 pandemic, in the sense that Members of Parliament could register for meetings from outside Parliament? What is the basis for this?*
- *In general, apart from the Covid-19 pandemic, is it possible to use a digital quorum? If so, what is the basis for this?*
- *If a digital quorum is used (during the Covid-19 pandemic or in general): how does this work? In other words, how is the digital presence of Members of Parlia-*

² Uchwała Sejmu Rzeczypospolitej Polskiej z 26 marca 2020 r. w sprawie zmiany Regulaminu Sejmu Rzeczypospolitej Polskiej; consolidated version of the Standing Orders is available in English: http://oide.sejm.gov.pl/oide/en/index.php?option=com_content&view=article&id=14798:the-standing-orders-of-the-sejm-of-the-republic-of-poland&catid=57:prawo.

ment registered? E.g. by raising hands on the screen, or by entering a card number on a website, etc.?

- Which are the Covid-19 measures in force in your Parliament/ Chamber?

According to the Standing Orders of the Sejm, the quorum is only for the decision-making of the Sejm, there is no quorum for deliberations. There are no distinctions in this respect between the different forms of organisation of the sitting (in the plenary hall, remote or hybrid).

According to Article 198c of the Standing Orders of the Sejm:

“The participation of a Deputy in the sitting of the Sejm via electronic means of distance communication shall be equal to other forms of participation in the Sejm sitting and shall not result in exclusion or restriction of the rights of Deputy provided for by law.

[...]

A Deputy making use of electronic means of distance communication shall confirm his or her attendance at the sitting of the Sejm by logging into the voting system and by printed records confirming participation in voting.”

The Chancellery of the Sejm provided all Members of the Sejm who had submitted a request with access to technical means enabling the use of this type of participation in a meeting. Those measures had to guarantee the possibility of identifying the person who uses them, real-time communication, in particular taking the floor, participating in voting, submitting formal motions, and at the same time they have to ensure the security of the ICT system.

Each of the Deputies shall use a tablet provided by the Chancellery of the Sejm. Pursuant to the loan agreement signed by the Deputies, this device must not be shared with other persons. This also applies to logins and access passwords.

Starting from the 53rd session of the Sejm (16 June 2021), the deliberations take place in the plenary hall only (see reply to question 1).

3. Digital deliberation:

- *If Parliament has used digital or hybrid deliberations during the Covid-19 pandemic: in what way was this organised? For example, was it only possible for Members of Parliament to participate in deliberations in a digital way or also physically? Did debates occur with ministers and other government officials in a digital way? What did this look like? How are the experiences with this?*

Please note: Deliberations concern official activities of Parliament, for example plenary and committee meetings and debates, and discussions with third parties. This question does not relate to informal contact between Members of Parliament.

- *If Parliament has used digital or hybrid deliberations during the Covid-19 pandemic: which systems (e.g. Teams, Zoom, Skype, etc.) have been used for digital deliberations? How are the experiences with this?*

- *In general, apart from the Covid-19 pandemic, is it possible to deliberate digitally or hybridly?*

As mentioned in the reply to question 1, the amendments made in the Standing Orders of the Sejm allowed organising meetings of the Sejm using electronic means for remote communication. In practice, the Sejm sittings were mostly held in the so-called hybrid form, i.e. a small number of Deputies participated in the meeting in the plenary hall following sanitary recommendations, while others could take part in the deliberations remotely. They could sign up for discussions by e-mail, take the floor using the application installed on the Deputies' tablets (with voice and video transmission on the large screens in the plenary room and in the Internet transmission of the proceedings) and take part in voting using tablets. Deputies were also allowed to submit documents in electronic form. Other changes to the Standing Orders included, *inter alia*, shortening the speaking time in order to limit the exposure of Deputies participating in the meeting in the plenary hall to contact with the virus.

Sejm committees and other bodies of the Sejm, such as the Presidium and the Council of Seniors, worked in a similar way.

During the plenary sitting of the Sejm organized in a hybrid form, Deputies were seated in several dedicated rooms (plenary hall and others). The distribution of seats was set by the Marshal of the Sejm, in consultation with representatives of parliamentary clubs and groups. The Deputies were obliged not to change these places during the meeting. The compliance of Deputies with the distribution of seats was controlled by the Marshal's Guard. Deputies participating in the meetings in buildings of the Sejm were obliged to follow the recommendations of the Chief Sanitary Inspector in connection with the potential risk of infection with SARS-CoV-2 coronavirus, such as: avoiding greeting hands, keeping a safe distance from other people, if possible – avoiding face to face conversations, avoiding gatherings.

As regards technical solutions, the Chancellery of the Sejm uses the Bosch Dicentis conference system, integrated with the Polycom videoconferencing system (the „on premise” version). The integration was carried out to support remote plenary meetings of the Sejm and Sejm committees in the second half of March 2020. The Polycom system was used to support the speeches of Deputies who wanted to take part in a debate, being outside the Sejm premises. To conduct remote voting the Sejm's own system was used.

4. Digital/remote voting:

- *If it was possible to vote digitally (e.g. from home, so remote voting) in Parliament during the Covid-19 pandemic: in what way was this organised? What kind of systems are used for this?*
- *And what was the basis for digital voting?*

- *Does Parliament also offer a possibility of digital voting outside the Covid-19 pandemic?*

In the case of voting conducted with the use of means of remote communication, the parliamentary tablet performs the function of a parliamentary ID, which authorizes the Deputy to participate in remote voting. See also reply to questions 2 and 3.

As far as the technical aspects are concerned, certificates are installed on tablets to confirm operations performed on these devices. Deputies' tablets are managed by the MDM system administered by the Chancellery of the Sejm. To use the tablet as a voting device, Deputies must log in to the tablet with their ID and password and then log in to the voting system, using the login sent to them via email and the password sent to them via SMS. Such a multi-factor authentication system is considered acceptably secure. Deputies send documents using the official secure email, enabling the encryption of correspondence and its digital signing.

The possibility of conducting Sejm sittings via electronic means of distance communication, including digital voting, was introduced due to the Covid-19 pandemic. However, according to the Standing Orders of the Sejm (Article 198a) a sitting of the Sejm may be held via electronic means of distance communication in the case of:

- 1) introduction of a state of emergency, a state of natural disaster or martial law, or
- 2) a state of epidemic within the meaning of the Act of 5 December 2008 on Fighting Infections and Human Infectious Diseases (Dziennik Ustaw of 2019, items 1239 and 1495, of 2020, items 284, 322 and 374).

5. General:

- *If there are possibilities in Parliament for a digital quorum, digital deliberations and/or digital voting: who can decide and in what way that these possibilities will be used?*
- *Does a digital quorum, digital deliberations and/or digital voting require a "crisis situation"? If so, has the term "crisis situation" been defined? If so, how? Who decides whether there is a "crisis situation"?*
- *Is there an evaluation of the functioning of Parliament during the Covid-19 pandemic available?*
- *Are there any other noteworthy particularities regarding the functioning of Parliament during the Covid-19 pandemic?*

According to Article 198a of the Standing Orders of the Sejm "The Marshal of the Sejm shall make a decision on holding the sitting of the Sejm via electronic means of distance communication after having sought the opinion of the Council of Seniors."

As mentioned above, a sitting of the Sejm may be held via electronic means of distance communication in the case of: introduction of a state of emergency, a state of natural disaster or martial law, or a state of epidemics.

According to the Order of the Speaker of the Sejm of 6 March 2020 on special arrangements to deal with the risk of SARS-CoV-2 virus infection (*Zarządzenie nr 3 Marszałka Sejmu w sprawie szczególnych rozwiązań porządkowych związanych z zagrożeniem zakażeniem wirusem SARS-CoV-2* as last amended on 8 July 2021), in order to protect the health of Deputies, Senators and staff of the Chancellery of the Sejm and the Chancellery of the Senate, as well as other persons present in the Parliament and also to ensure the continuity of parliamentary business, some measures were adopted. These measures included i.a. the cancellation of certain types of events and visits to parliamentary buildings and foreign travels of Deputies to countries designated by the Chief Sanitary Inspectorate. Moreover, general measures were applied (face masks, keeping spatial distance, hand disinfection). Furthermore, according to Article 4 of the Order, entry to the buildings and grounds of the Chancellery of the Sejm was granted after submitting to a body temperature measurement by an officer of the Marshal's Guard. The Order was repealed as of 8 April 2022.

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