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The European Platform for Democratic Elections Expert evaluation

Parliamentary election in Poland, 25 October 2015

General Information on Monitoring

From 23 to 26 October 2015 the European Platform for Democratic Elections (EPDE) conducted its short-term election observation mission to the parliamentary election in Poland, which was held on 25 October 2015. Mission involved more than 30 representatives of EPDE - members of civil society organisations, implementing election monitoring, from Poland, Russia, Belarus and Lithuania - they were observing the voting process on the election day in more than 100 polling stations in Warsaw, Lodz, Olsztyn, Radom, Bialystok, Gdansk and Krakow. Moreover, EPDE held a number of meetings with the representatives of political parties and civil society. Due to the limited observation period, the current report describes only some aspects of the campaign, the electoral legislation and the procedures on the election day, as well as their implementation.

Overview of the Monitoring

Polish parliamentary election was held in a competitive environment. The voting process on the election day was carried out in a smooth environment. Most of the procedures affecting the election results were observed. The mission members noted a fairly high level of confidence in the electoral process.

In general, the electoral law provides a sufficient legal basis for holding democratic elections. However, during the analysis of the electoral law and monitoring on the election day, the EPDE experts made following recommendations.

EPDE observers note that the Electoral Code of the Republic of Poland does not provide civil independent domestic election observation. The law provides only the presence of contestants' proxies. At the same time, it is worth noting that the representatives of contestants were present not at all polling stations visited and their real political affiliation was difficult to identify.

EPDE notes that the rights of the proxies and international observers are described insufficiently in the Electoral Code. In some of the polling stations members of election commissions were not aware of the rights of international observers. At one polling station in Olsztyn, the chairman of the commission refused to response to the questions from international observers, referring to the fact

that according to the Electoral Code, observers only can be present at the polling station, but nothing is said about their rights to ask questions.

The Electoral Code does not provide for the right of proxies and international observers to conduct photo and video shooting at polling stations during voting and severely restricts usage of recorded materials before and after the voting process. Thus, the law denies the right of public monitors to capture potential electoral violations and share it. At the same time, representatives of the mass media are allowed to make photo and video shooting during the voting and publish them without any restrictions.

Moreover, the reason of prohibition for media representatives to be present at the polling station during the vote counting is not clear as well.

A significant problem is the secrecy of voting:

- the majority of polling stations are not equipped with sufficient number of tables with folding screens, booths or other kind of closed spaces for voting;
- certain provided voting spaces were arranged in a way that the members of the commissions had a possibility to observe the will of citizens;
- in the majority of cases the commission does not take any measures to prevent the collective (family) voting.

In a number of polling stations observers made remarks regarding the methods of the sealing of ballot boxes. The ballot boxes in the majority of the polling stations did not meet the standards of ballots' safety. It is highly recommended to ensure a greater protection of ballots by introducing plastic seals instead of paper ones and transparent or semi-transparent ballot boxes.

A number of observers noticed that not enough space was ensured in the voting premises, thus voters had difficulties to enter the premises and vote there at the peak of turnout. Moreover, the observers noted too many tables in the voting premises, wherefore the voters avoided voting in the voting booths. It is recommended to reduce the number of tables in the voting premises in order to encourage greater use of voting booths or otherwise rearrange voting environment, thereby ensuring the secrecy of voting.

Observers paid special attention to the intricacy of the ballots: the ballots in the form of small notebooks with several pages led to the fact that certain voters put a mark on the first page only without looking further (i.e, for the party under the number one in the ballot) or put the marks on several pages, unwillingly making the ballot invalid. Simplification of the ballots' format would ease the voting process for the voters and decrease the number of unwillingly invalidated ballots.

According to the EPDE observers, the legal requirement that the vote can only be expressed by two intersecting lines leads to the fact that members of the commission during the vote counting have a wide room for interpretation of the will of voters. This practice can distort the real will of citizens expressed in the voting.

A notable fact is that the procedure of vote counting and its sequence are insufficiently described in the Electoral Code of the Republic of Poland, giving a wide room for operation to the commission. Meanwhile, observers have noted certain violations of the sequences of the procedures set out in the

law. According to the observers, there was only a limited number of such incidents and they could be related with the lack of trainings for commission members, rather than with a purposeful violation of the law. Only in one case, PEC #1 of DEC #16 (city of Plock) the observers claim that the proceedings prescribed by the Code were violated on intent, but with unclear purpose (data in the final protocol was corrected improperly).

Limitation of PEC membership (par. 4, Art. 182 of the Code) to the local inhabitants might lead to their dependence to local authorities. Whereas introduction of non-partisan civic observation and strengthening and clarification of proxies' rights, both of whom don't have this shortcoming.

Whereas the EPDE observers noted a fairly high current level of public confidence in the electoral process, some obvious precautions should be taken in order to ensure stability of the electoral system under political stress.

Recommendations:

- to amend the Electoral Code providing possibilities for independent civic election observation in Poland by enabling civic organisations to observe elections and describing in details sufficient powers and rights of national civic observers;
- to allow photo and video monitoring by the observers and candidates proxies without excessive restrictions;
- to extend the rights of media representatives by allowing them to be present at a polling station during the vote counting;
- to work with the members of the election commissions on improving their knowledge of the electoral law and guidelines for the functioning of the PEC, as well as on complying with the requirements ensuring the secrecy of voting and protection of the ballot boxes;
- to simplify the format of ballots, i.e. by making a one page form;
- to abolish the requirement to mark the ballot only with two intersecting lines and to legally authorize the use of other signs that can show the will of voters;
- to introduce plastic seals and transparent ballot boxes;
- to reduce the number of tables in the voting premises in order to encourage greater use of voting booths or otherwise rearrange voting environment, thereby ensuring the secrecy of voting.

Information about EPDE: On December 12, 2012 in Warsaw, 13 civil society organizations supporting or conducting civil election monitoring in the Eastern Partnership countries, the Russian Federation, and the European Union founded the European Platform for Democratic Elections (EPDE). The purpose of the EPDE is to provide assistance for the civil election monitoring in the Eastern Partnership countries and the Russian Federation, as well as to contribute to the democratic electoral processes in Europe.