

Citizen Observation of Presidential Election

June 28, 2020

Preliminary Statement - 1st Round of Presidential Elections

I. Summary and Recommendations

Summary

The Presidential Election scheduled for June 28, 2020, was conducted during the ongoing state of epidemic declared in Poland due to the outbreak of the COVID-19 pandemic, which was followed by a new legal framework regulating the electoral process. The Act of June 2, 2020, provided all voters with an option of voting traditionally in the polling station or voting by mail. Announcement of the new date of the election in less than a month prior to the election day imposed strict deadlines on all participants of the electoral process, i.e. the election administration, candidates and voters.

National Electoral Commission (Państwowa Komisja Wyborcza - NEC) together with the National Election Office (Krajowe Biuro Wyborcze) administered the electoral process efficiently, meeting all obligations imposed by the tight election calendar. The NEC issued necessary guidelines and met all legal deadlines. Both precinct and district election commissions were established with the required number of members. The vote count was conducted quickly, and the NEC published the results in a transparent manner ensuring their wide availability.

Due to the state of epidemic and the chaos caused by the legislative changes, the voting in the presidential election announced in February 2020 and scheduled for May 10 did not take place. The NEC announced the completion of this election process on the same day, i.e. May 10. The Act of June 2, 2020, regulating the conduct of the new presidential election scheduled for June 28, introduced several solutions that may question the equality of candidates before the law. The Act gave the candidates, standing in the 10 May election, the opportunity to transfer their registration to the new electoral process. Therefore, the 'new' candidates were obliged to register their electoral committees and collect the required number of voters' signatures to be registered in a significantly shorter amount of time than the 'old' candidates. This also altered the campaign period available for candidates (shorter for 'new' candidates) and introduced new rules of campaign finance ('new' candidates could use only 1/3 of funds available for 'old' candidates). These differences may have affected the possibility to register new candidates. They may also have influenced the election results.

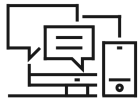
The process of voting and tabulation may be evaluated as positive. The observers did not record any incidents that may have significantly influenced the election results. Although, attention should be drawn to issues and problems that, if not solved, may have a greater impact on the conduct and the outcome of the 2nd round of the presidential election:

- electoral packages were not delivered on time to voters voting by mail abroad,
- voters that wanted to register via the ePUAP (online) system encountered problems,
- precinct election commission members were not properly trained, in particular with regards to counting; the observers assessed this stage as bad or very bad in over 60 % of observed polling stations.

Our observers were generally well-received in the majority of observed polling stations. Few problems encountered were solved on a regular basis, also in cooperation with the National Election Office.

Recommendations

Our observation effort was mainly aimed at enhancing public confidence in the electoral process and fostering citizen engagement in the process. We would like to present selected preliminary recommendations aimed at improving the electoral process and reducing the number of areas where possible problems may arise in the future, in particular during the 2nd round of the 2020 presidential election:



solving problems with voter registration via the ePUAP system; due to the current deficiency of the system many voters are not aware that submitting a request to be entered into the voters' list at a specific polling station does not mean that such voter is automatically entered into the chosen list,



improving the delivery and retrieval of electoral packages in precincts located outside of Poland; during the 1st round of the presidential election there were many cases where voters did not receive their electoral packages despite having requested them, or they received their packages so late that they were not able to resend them to the election commission within the required time limit,



establishing regulations that would allow citizen observers deployed in Precinct Election Commissions located abroad to record the opening, closing and counting, the citizen observers deployed in-country have the right to do so,



efforts should be made to avoid amending legislation concerning the electoral process within the 6-month period that is stipulated by the Constitutional Tribunal.