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IMPACT OF CHANGES INTRODUCED TO THE POLISH ELECTION LAW IN 2018 ON THE PROCESS OF PREPARING AND CONDUCTING ELECTIONS

Abstract

The aim of the paper was to explain the essence of the reform of the Polish election law, which took place in 2018. The changes were studied from the perspective of their impact on the process of organisation and preparation of elections. Therefore, four key elements of the reform were selected for analysis: institutional changes concerning commissioners and election officials, change in the position of local government units in the preparation and conduct of elections, live streaming of the work of district electoral Commissions (*Obwodowa Komisja Wyborcza*) and their appointing their members. The basic research method was the analysis of legal acts and expert interviews.

The text highlights a number of problems and shortcomings related to the implementation of the reform. It was found that there are currently no institutions in Poland that have the resources to take over from local government units the tasks related to the preparation and organisation of elections. It was shown that many of the intended objectives of the reform were not achieved, either as a result of the amendments in the

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pre-election period or as a result of the interpretation aimed at maintaining the actual status quo despite legal changes. The latter phenomenon is the most visible in the institution of the electoral officer.

Keywords: local elections, election law, code of election laws, election official

Introduction

The purpose of this text is to study changes to the Polish election law that were passed before local elections in 2018 during the 8th term of the Sejm (lower house of the Polish Parliament). The key assumptions of the amended Code of Election Laws (CEL) were contained in the Act on amending certain acts in order to increase the involvement of citizens in the processes of electing, functioning and controlling certain political authorities of 11 January 2018.¹ The process of preparing and conducting elections referred to in the title of this paper is understood here as a number of organisational and technical measures performed by state and local government institutions. The basic goal of this paper, apart from describing and explaining selected aspects of those changes, is to show that adaptation to legal changes may not always be a unilateral relation, but that it is to a some extent based on the feedback mechanism. Here, the authors mean subsequent amendments of legal acts, both on the legislative level and of implementation acts, caused by problems with implementing former legal amendments, and – what is particularly interesting – to some extent, also changes in the interpretation of legal provisions. The study focused on such elements of the reform as: institutional changes affecting commissioners and election officials, new competencies of local government units in preparing and conducting elections, the issue of live streaming of the work of district electoral commissions and appointing their members.

The process of preparing and conducting elections, whose framework is defined in the CEL is a huge project and challenge for the election administration, in the broad meaning of the term. In a city the size of Szczecin, it required engagement, given the dual structure of district electoral commissions, of appr. 4,000 members of personnel, plus at least hundreds of persons supporting the elec-

¹ Act on amending certain acts in order to increase the involvement of citizens in the processes of electing, functioning and controlling certain political authorities of 11 January 2018, Journal of Laws (Dz.U.) 2018, item 130. The Act, apart from amending the election law, also contained solutions that were supposed to increase citizen involvement in administering a certain local government unit by increasing their participatory rights. For more information, see Pszczyński, M., Sobczyk, P., *Nowelizacja przepisów samorządowych i wyborczych – aspekty prawne i praktyczne istotne dla jednostek samorządu gminnego*, “Ekspertyzy i opracowania NIST” 2018, No. 38.

tion process in various roles: IT services, preparing the polling station, transporting the ballot papers or ensuring security, etc. The total number of persons engaged in the organisation of elections across the country could reach as many as 500,000.

Origin of the election law reform

The election law reform discourse intensified in Poland after the 2014 local elections. Two main reasons should be highlighted here. The first is an exceptionally high number of votes cast for the Polish People's party (*PSL – Polskie Stronnictwo Ludowe*) in those elections compared to pre-election polls and a high number of invalid votes. It was commonly believed, and later confirmed by researchers², that the reason was the ballot paper, which, by resolution of the National Electoral Commission³, had the form of a stitched brochure with each page listing the candidates of another election committee. The brochure had no covers, title page or table of contents. Since the PSL party got itself number 1 in a draw, the first page of the brochure contained the list of that particular party. The number of invalid votes by type of elections was: in the scale of the entire country, in all local elections – 9.76%, in municipal (*gmina* – municipality) and urban (*miasto na prawach powiatu* – city with county status) council elections – 5.16%, in county (*powiat*) council elections – 16.67% and in regional assembly (*sejmik województwa*) elections – as much as 17.47%.⁴ The high percentage of invalid votes combined with the fact that the voting reports of the district electoral commissions (*OKW – obwodowa komisja wyborcza*) did not specify why the votes were invalid resulted in the citizens losing their trust in election institutions.⁵ 22% of Poles declared that the results of elec-

² Flis, J., *Efekt książeczki*, in: Flis J., et al. (ed.), *Co się stało 15 listopada? Wybory samorządowe 2014*, Warszawa 2015, p. 41–52.

³ Resolution of the National Electoral Commission of 11.08.2014 on ballot paper templates and ballot paper and Braille overlays for ballot papers in *gmina* council, *powiat* council, voivodeship *sejmik* and Warszawa district council elections and *gmina*, town and city mayor elections, M.P. 2014, item 734.

⁴ Interestingly, correct information on the actual percentage of invalid votes in regional assembly elections was only published in March of the following year. Before that, PKW reported at a conference a different value – 17.93%.

⁵ However, the problem of invalid votes should not be demonised or treated as an objective indicator of the scale of electoral irregularities, which has been done in Poland in recent years. According to research, the reasons for this phenomenon should rather be associated with the form of ballot papers, qualifications of the constituents or possibly protest votes. In the Polish case, as is suggested by a very high percentage of empty ballot papers (no boxes ticked) among invalid votes, the nature of local elections should be taken into consideration, where a voter gets 3 or 4 ballot papers even though they may be interested only in 1 or 2 most local elections. The percentage of invalid votes has always been the highest in regional assembly elections, of all the popular elections in Poland. For more information, see Gendźwiłł, A., et al., *Nieważne głosy, ważny problem. Wyniki badania kart do głosowania z wyborów do sejmików województw*, Warszawa 2016.

tions announced in 2014 by the National Electoral Commission (*PKW – Państwowa Komisja Wyborcza*) were unreliable.⁶

Another aspect of electoral controversies was associated with the operation of the National Electoral Office (*Krajowe Biuro Wyborcze – KBW*), which has developed a new electronic system to support local elections. The system was supposed to serve a number of functions, including functions vital for determining the results of elections, i.e. entering voting results data, printing draft breakdowns and reports (which also requires indicating the results of elections) or sending approved reports to the central system.⁷ The computer program that was crucial for conducting elections, as was determined in a post-audit statement of the Supreme Audit Office (*NIK – Najwyższa Izba Kontroli*),⁸ contained so many critical errors that it was impossible to conduct elections in an efficient way.⁹ The chaos and organisational paralysis that followed everywhere from district electoral commissions up to the National Electoral Commission, the delay in announcing the results of the votes, inconsistencies in reports, later confirmed during court audits, and substantial criticism from the public opinion resulted in the resignation of the entire National Electoral Commission and the Head of the National Electoral Office. Another effect was the amendment of the CEL initiated by the then President of the Republic of Poland, Bronisław Komorowski.¹⁰ Most of the changes introduced at that time were technical and without much significance for the efficiency of the election process in the opinion of the authors, while the most visible change for the constituents was the introduction of large, transparent ballot boxes, of the same design across Poland.¹¹

⁶ Roguska, B., *Zaufanie do procedur wyborczych. Komunikat z badań No. 174/2014*, Warszawa 2014.

⁷ Resolution of the National Electoral Commission of 22.09.2014 on the conditions and means of using electronic technology in in gmina council, powiat council, voivodeship sejmik and Warszawa district council elections and gmina, town and city mayor elections, M.P. 2014, item 903.

⁸ Post-audit statement of the Supreme Audit Office President no. KBF 4114-004-01/201, I/14/006.

⁹ *NIK o kontroli Krajowego Biura Wyborczego*, <https://www.nik.gov.pl/aktualnosci/nik-o-kontroli-krajowego-biura-wyborczego.html>. Accessed on: 30.10.2019.

¹⁰ The Act on Amending the Code of Elections Act of 25.06.2015, Journal of Laws (Dz.U.) 2015, item 1043.

¹¹ Resolution of the National Electoral Commission of 21.03.2016 on ballot box design, M.P. 2016, item 312. Since the ballot box is made of transparent material and a ballot paper with a box ticked could land there in a way that would reveal the electoral decision to other persons, doubts were raised as to preserving the secrecy of the act of voting. An initial draft amendment to the CEL proposed in 2017 stipulated that a district electoral should hand a constituent an envelope to put their votes in before injecting them into the ballot box. During a discussion on the amendment this idea was finally rejected and the constituent was made partly responsible for ensuring the secrecy of vote by a new provision added in Article 52 §6: “A constituent injects the ballot paper into the ballot box positioned in an accessible and visible spot in the polling station in such a way that the printed side is not visible”.

Having won the parliamentary elections, with a majority in both houses of the Parliament, the Law and Justice Party (*Prawo i Sprawiedliwość* – PiS, undertook the goal of introducing a number of institutional reforms. Amending the election law was not surprise,¹² as the leaders of the party previously highlighted a number of irregularities in the organisation of elections and even requested repeating the 2014 local elections.¹³ The Bill on amending certain acts in order to increase the involvement of citizens in the processes of electing, functioning and controlling certain political authorities was submitted in the Sejm on 10 November

¹² However, neither the Law and Justice Party's 2014 program "Health. Family. Labour" nor its program materials, such as, for example "Thinking Poland" from the Law and Justice and United Right Wing (*Zjednoczona Prawica*) Parties Program Convention, which was held in Katowice on 3–5 July 2015, mentioned amending the election law, nor did they contain a negative diagnosis of the existing legal status in this area, which comes as a surprise, especially given the large volume and detailed nature of both documents. Accessed on: 30.10.2019. <http://pis.org.pl/dokumenty>.

¹³ The statement of justification for the draft Act on amending certain acts in order to increase the involvement of citizens in the processes of electing, functioning and controlling certain political authorities contained the following fragment (pp. 5–6): "The unprecedented character of the 2014 local elections may be described as a scandal that shocked the public opinion. In the 21st century, in a large country in Central Europe, because of an IT system breakdown, we had to wait for almost two weeks after the elections for the official results. Once the results were announced, it turned out that almost one in five votes in regional assembly and county council elections were invalid and in some constituencies, the number of invalid votes reached 40%. There may be two explanations for this state of affairs. First it is due to the failure of the central election authority, i.e. the then National Electoral Commission to perform its duties properly. Selection of the supplier of the IT system and no lessons learned from the 2010 local elections in the Mazowsze region concerning the form of ballot papers prove it beyond any doubt. That every fifth constituent should cast an invalid vote is absolutely wrong and it proves that the National Electoral Commission chose the wrong form of ballot papers. Such errors could have a significant impact on the results of elections and it is likely that the officially announced results do not reflect the will of the constituents. Secondly, an analysis of the procedures used in the elections conducted in the autumn of 2014 does not exclude the likelihood of conscious attempts to promote some election committees to the disadvantage of other committees, which was possible because of imprecise provisions of the Code of Election Laws. The question of the scale of such measures remains an open issue, however, it was documented in a number of cases and a number of protests against the results of elections were filed on this basis. The total amount of such forgeries could actually have a significant impact on the result of the elections. Regardless of whether the election scandal in the 2014 local elections was the result of how the elections had been prepared or of conscious efforts, there is one conclusion: The election law should be amended in such a way as to eliminate as much as possible the risk of irregularities and forgery in election procedures. The attitude of the previous Sejm majority, which voted against the proposals of the then opposition that aimed in this direction, justifies this present initiative". Accessed on: 30.10.2019. <http://orka.sejm.gov.pl/Druki7ka.nsf/0/5D147A5D7E-8FEE04C1257E0C00434FD6/%24File/3248-uzasadnienie.docx>.

2017 and its first reading took place on 24 November 2017.¹⁴ On the same meeting, the Sejm appointed an Extraordinary Commission to review the bills on election law. The Commission met eight times within three weeks only, by 13 December 2017, and the act was finally passed on 11 January 2018. It is worth noting that the Senat (Higher House of the Polish Parliament) actively participated in the legislative procedure and contributed a number of vital modifications to some of the controversial solutions, which – importantly – were adopted by Sejm. In the first place, it should be noted that voting by mail was introduced, or rather partly reintroduced. In the amended Act, it was limited to disabled persons or, more precisely – to persons with a severe or moderate level of disability within the meaning of the Act on Professional and Social Rehabilitation and Employment of the Disabled of 27 August 1997.¹⁵ The motivation behind the original liquidation of voting by mail was, according to the statement of justification for the bill, that voting by mail significantly increased the risk of irregularities and that persons who for reasons beyond their control were unable to go to the polling station could vote via an

¹⁴ With respect to the Code of Election Laws, according to the statement of justification, changes concerned the following issues: abolishment of two-day elections, abolishment of voting by mail, security measures with respect to changing election districts and making the polling stations more accessible to constituents, the form of ballot papers, presence of the members of the commissions during voting and counting the votes, amending the provisions governing the registration of the activities of district electoral commissions on the day of the vote by a person of trust, lack of confirmation of receiving a ballot paper by a voter, live streaming from or audio video recording in a polling station on the day of the vote, of the method of counting the votes, bulk packaging to secure the ballot papers, introducing a report “on paper” as the basis for entering data to the computer system, access to copies of voting reports, transport of a report to a higher level commission, establishing new election authorities – region (*województwo*) and county-level election commissioner, persons of trust, changes concerning the legal authority of members of district electoral commissions, additional technical facilities in a polling station, verifying ballot papers and other election documents, composition of the National Electoral Commission, informing about the method of voting, security of the IT system, quorum to pass resolutions of the National Electoral Commission, objecting against resolutions of the National Electoral Commission, identifying within district electoral commissions a district electoral commission for conducting the voting in the district and a district electoral commission for determining the results of voting in the district, changes concerning territorial and district electoral commissions, announcing the date of elections to local government authorities, changes concerning the election of mayors of municipalities, towns and cities. Changes in the system of municipal council elections, changed number of the elected municipal council, county council or regional assembly councilors, number (*sic!*) of candidates on a list in municipal council and county council elections, requirements concerning support lists and number of signatures on a support list in municipal council elections, election officials.

¹⁵ Act on Professional and Social Rehabilitation and Employment of the Disabled of 27.08.1997, i.e. Journal of Laws (Dz. U.) 2016, item 2046, as amended.

attorney.¹⁶ However, the Senat, according to the statement of justification for the Act – determined that “the sake of the reliability of elections must give way to ensuring that the disabled are able to vote”.¹⁷ The Senat also authorized the National Electoral Commission to notify the minister in charge of home affairs of its reasonable objections against certain candidates for election officials, which obliges the minister to propose new candidates.

In the course of developing the Act, the provision that triggered the most discussion was the one according to which a person who was previously twice elected the mayor (*wójt*) of a municipality, has no right to stand for election in mayor (*wójt* in a municipality, or *burmistrz* in a town, or *prezydent* in a city, respectively) elections. Finally, the limitation was introduced, but in a significantly modified form, because the provision did not apply to municipality, town or city mayor elections from before the entry into force of the Act.

The changes introduced by the amended CEL may, in general terms, be defined as twofold: either associated with increasing the transparency of the election process, in particular in terms of the work of district electoral commissions, or changes in the institutional structure responsible for conducting elections, which will be discussed in more detail further on in this paper. The judicial model of election administration was gradually abandoned. It should be noted, however, problems with implementing the amended provisions of the CEL resulted in another amendment introduced even before local elections by the Act on amending the Act – Code of Election Laws and certain other acts of 15 June 2018¹⁸, hereinafter referred to as the June Act.

Reform of the election law

Reform of the institutional structure responsible for preparing and conducting elections significantly modified the position of the already existing elections commissioners, defined by Article 152 §1 as permanent election authorities. Initially, it

¹⁶ Statement of Justification for MP’s draft Act on amending certain acts in order to increase the involvement of citizens in the processes of electing, functioning and controlling certain political authorities. Accessed on: 30.10.2019, <http://orka.sejm.gov.pl/Druki7ka.nsf/0/5D147A5D7E-8FEE04C1257E0C00434FD6/%24File/3248-uzasadnienie.docx>.

¹⁷ Resolution of the Senat of the Republic of Poland of 21.12.2017 on the Act on amending certain acts in order to increase the involvement of citizens in the processes of electing, functioning and controlling certain political authorities. Accessed on: 30.10.2019, www.senat.gov.pl/download/gfx/senat/pl/senatuchwaly/3496/plik/696uch.pdf.

¹⁸ The Act on Amending the Code of Elections Act of 15.06.2018, Journal of Laws (Dz.U.) 2018, item 1349.

was even planned to introduce a two-level structure of election commissioners, also on the county level, which would require appointing almost 400 commissioners. Finally, only regional or supra-county commissioners were left, but their number was increased from 51 to 100. They were to be appointed by the National Electoral Commission at the request of the Ministry of Home Affairs and Administration (*MSWiA*). It was required of commissioners to have a university degree in law; also commissioners had to be trusted to perform their function diligently. The term of office of former commissioners ended prematurely. 700 candidates applied in the recruitment procedure, including commissioners, judges, legal counsels and attorneys-at-law. The Ministry of Home Affairs and Administration organised a two-day training in election law and the history of elections in Poland, which ended with a test in the knowledge of election law. Finally, the National Electoral Commission elected commissioners in one meeting, on the basis of surveys sent by the Minister, without interviewing the candidates. The election commissioners appointed in Szczecin were Jacek Szreder (the former election commissioner in Szczecin) and a 31-year-old attorney-at law. It was raised that many new election commissioners had no experience in election law.¹⁹ The method of electing commissioners and expanding their competencies with respect to the division into constituencies and wards was criticised by some researchers as a sign of politicisation of the election administration²⁰, although it is worth noting that in the former model, the National Electoral Commission also appointed commissioners at the request of the Minister, but in that case, it was the Minister of Justice.²¹

The distribution of territorial authority of commissioners, both on the national and regional level could be confusing. For example, an election commissioner seated in Słupsk, rather than in Gdańsk, was to be responsible for the city of Gdynia. In the Zachodniopomorskie region, 5 commissioners were appointed: 2 in Szczecin and 3 in Koszalin. In Szczecin, tasks were unequally divided between the two commissioners. Commissioner identified as Szczecin I was responsible for 5 counties and 2 cities with county status: Świnoujście and

¹⁹ Frydrych-Depka, A., *Instytucja komisarza wyborczego i urzędników wyborczych po nowelizacji kodeksu wyborczego*, "Studia Iuridica Toruniensia" 2018, No. 23, pp. 63, 70.

²⁰ Rakowska-Trela, A., *Current Amendments to Polish Electoral Law in the Light of European Standards*, "Polish Political Science Yearbook" 2018, No. 47, pp.464-465; Sokala, A., *Zmiany w systemie polskiej administracji wyborczej*, "Studia Wyborcze" 2018, No. 25, pp. 48-49.

²¹ The most important change was that, after the amendment, election commissioners no longer had to be judges. However, in the previous model, it was not clear whether the National Electoral Commission could refuse to appoint as commissioner a candidate proposed by the Minister.

Szczecin, with 749,000 residents, and performed tasks of regional significance. Commissioner Szczecin II was responsible for 4 counties with 310,000 residents.

This division is also the consequence of modifications introduced by the Senat, which made it impossible to happen that the territorial authority of election commissioners would overlap with the area of Senat constituencies, the purpose of which was to enable the National Electoral Commission to flexibly adjust the territorial authority of commissioners to the number of their district and territorial election commissions and the number of single-member constituencies to municipal councils and – consequently – the number of by-elections during a term of office.²²

One of the basic changes concerning the institutional structure of elections was the introduction of the *de facto* new institution of the election official.²³ Establishing a body of election officials was to be a sign of professionalization of election administration.²⁴ Moreover, as one of the authors of the Bill and rapporteur of the Extraordinary Commission Łukasz Schreiber claimed: “It should not happen that a municipality, town or city mayor who usually stands for another term of office at the same time organises elections”²⁵ and that “elections in a municipality will not be organised by a municipality, town or city mayor, but by state officials”.²⁶ A statement of justification for the bill stated explicitly that the reason “for the changes is the fact that a person who performs the functions of the local executive authority and is a ‘part’ of the legislative authority, is at the same time an active politician interested in the results of elections, not only on the level that directly concerns them. Such situation increases the risk of malpractice and irregularities”.²⁷

²² Resolution of the Senat of the Republic of Poland of 21.12.2017.

²³ We can read in the literature that, before the 2018 changes, the term election official was used to refer to an election attorney within the area of a territorial government unit appointed by a municipality, town or city mayor. It was usually a municipal official, often in the rank of a director or secretary. For more information, see Sokala, A., Michalak, B., Uziębło, P., *Leksykon prawa wyborczego*, Warszawa 2013, ebook version, entry: urzędnik wyborczy (election official).

²⁴ Ibidem.

²⁵ PAP, *Kodeks do zmiany. PiS zaproponował nowelizację Kodeksu wyborczego*, 10.11.2017. Accessed on: 30.10.2019, <https://samorzad.pap.pl/kategoria/wybory/kodeks-do-zmiany-pis-zaproponowal-nowelizacje-kodeksu-wyborczego>.

²⁶ Schreiber o zmianach w Kodeksie wyborczym: wychodzą naprzeciw oczekiwaniom strony społecznej, “Gazeta Prawna” 15.12.2017.

²⁷ Statement of Justification for a draft Act on amending certain acts in order to increase citizen participation in the process of electing, functioning and controlling certain public institutions. Accessed on: 30.10.2019, <http://orka.sejm.gov.pl/Druki7ka.nsf/0/5D147A5D7E8FEE04C1257E-0C00434FD6/%24File/3248-uzasadnienie.docx>.

An election official could be a person holding a university degree and an employee of an office providing services to: state or local government authorities or of units subordinate to or supervised by them, or other persons with at least 5 years of employment in those offices or units. Election officials were appointed by the Head of the National Electoral Office. According to Article 191b of the CEL, an election official could not be a person running for elections in the constituency that included a municipality in the area of operation of an election official, election commissioner, election attorney, financial attorney, person of trust or member of the election commission. An election official could not be a member of a political party or be engaged in political activity that could not be reconciled with this function, or a person sentenced with a final and binding judgment for an indictable offence or fiscal offence. One of the main criteria was the place of residence – a candidate for an election official could not live in the municipality where they wanted to perform that function (except for cities with county status). No other requirements were made of the candidates, e.g. there was no knowledge test, as was the case with candidates for election commissioners, and training, if any, was held only after appointment. As a result, persons with no experience either in the field of election law or in management and organisations applied to participate in the organisation of elections. Lack of knowledge about the actual process of preparing elections triggered major problems, also in the course of elections. The fact that this function was performed by persons from outside a municipality, who were unfamiliar even with the topography of the place, was an additional hindrance on the day of elections. The officials were not prepared, and the training they conducted for members of district electoral commissions were of poor quality, which translated to a large number of errors in reports, problems encountered by the district electoral members of the voting day and difficulties with transferring documentation between commissions in one election district. Officials who conducted the training were not fully aware of their responsibility, and some claimed, for example, that one could resign at any time from membership in a district electoral commission. Although this could be true (even though some election commissioners propose a different interpretation²⁸), the time and place is not right and as it could lead to problems with staffing the district electoral commission, compromising the quality of the election

²⁸ This concerns application of Article 231 of the Criminal Code: Abuse of power by civil officers: §1. A civil officer who, by abusing their power or failing to perform their duties, compromises public or private interest, is punishable by imprisonment of up to 3 years. The Criminal Code Act of 6.06.1997, i.e. Journal of Laws (Dz.U) 2018, item 1600, as amended.

process. It seems indisputable that election officials who train members of district electoral commissions should themselves be properly selected and trained, both in terms of knowledge and communication skills, so that training for members of district electoral commissions is not limited to reading aloud presentations prepared by the National Electoral Office.

The National Electoral Office had huge problems with appointing election officials.²⁹ The final date of election official recruitment was postponed and there was a large-scale advertisement campaign (e.g. in social media, like Facebook) – without much success. There were not enough appointed officials, especially in medium and large cities, where there were the election officials had the most work to do. The problem remained valid by the time of the 2019 parliamentary elections. The workload of an election official in a large municipality is incomparably higher than in a town with only a couple of district electorals, and the salaries are comparable.

The dynamic changes of legal regulations showed that finding election officials was indeed problematic. First, the National Electoral Commission passed the Resolution of 19 February 2018 on determining the number of election officials the and procedure and conditions of their appointment, which raised the need for appr. 5,500 officials, and the deadline for submitting candidate applications was 21 days of the day of publication. Since there were not enough candidates (less than 20% of the vacant posts), the National Electoral Commission was forced to pass the Resolution of 22 March 2018 amending the Resolution on determining the number of election officials the and procedure and conditions of their appointment, based on which the deadline for submitting applications was postponed by 6 April 2018. Another Resolution amending the Resolution on determining the number of election officials the and procedure and conditions of their appointment, passed by the National Electoral Commission on 26 March 2018, drastically reduced the minimum and target number of officials and once again postponed the deadline for submitting applications.

The basic task of the election officials was to ensure efficient functioning of district electoral commissions, which they did by performing the following procedures:

- 1) Preparing and monitoring, under the supervision of the election commissioner, the election process in district electoral commissions.

²⁹ Notably, one of the changes introduced before the local elections was the new Article 191ca, which authorised the Head of the National Electoral Office to appoint, in the case of a threat, a person who did not fulfil the criteria to perform the task for no longer than the duration of given elections.

- 2) Developing and updating a training system for members of district electoral commissions.
- 3) Organising and conducting training for members of district electoral commissions.
- 4) Delivering ballot papers to relevant district electoral commissions.
- 5) Supervising the proper working conditions of district electoral commissions.

The above information shows that the role of officials focused on two areas: members of district electoral commissions and ballot papers. In a debate on the role and significance of an election official in local government circles it was argued that, since the scope of their duties included “preparing” the elections procedure in district electoral committees, a broad range of tasks should be delegated to them. The National Electoral Commission joined the debate, highlighting that an election official was appointed to collaborate with municipalities rather than to perform for them the procedures associated with handling and ensuring technical and physical conditions for district electoral commissions, which, according to Article 156 of the CEL, remain to be the duty of the municipality mayor, on the municipal level.³⁰ Finally, at the time of the 2018 local elections, the catalogue of the specific duties of election officials included enabling voting by mail, training members of district electoral commissions, being on duty on the election day and collecting election documentation from the district electoral commission after determining the voting results. It seems that the function and tasks of the election official evolved – from an organiser, according the declarations of Members of Sejm to election observer in practice. It is worth noting that election officials were only determined on the municipal level, and their tasks in supra-municipal elections were not defined. Because of the loophole in legal provisions³¹, in

³⁰ Statement of the National Electoral Commission of 21.05.2018 on the role of the territorial government in organising elections. Accessed on: 30.10.2019, http://pkw.gov.pl/345_Wyjasnienia_stanowiska_komunikaty/1/25465_Stnowisko_Panstwowej_Komisji_Wyborczej_z_dnia_21_maja_2018_r_w_sprawie_rol_samorzadu_terytorialnego_przy_organizacji_wyborow.

³¹ There was no such provision as the one that applied, for example, to election commissioners, according to which in the case there were more than one commissioners in a given capital city of a region, one commissioner was made responsible for handling regional matters. This problem concerning election officials was unsuccessfully highlighted during the Senat procedure by the expert for legislative matters in the Legislation Office at the Senat Chancellery, Marek Jarentowski. Cf. Shorthand record. Joint meeting of the Human Rights, Rule of Law and Petitions Commission (193.), Territorial Local Government and State Administration Commission (129.) and Legislative Commission (207.) on 18.12.2017, pp. 10–11.

regional assembly elections, for example, election officials usually did not participate in any procedures, not even symbolically.

The Opinion of the Local Government Party of the Joint State and Local Government Commission of 28 March 2018, i.e. less than one quarter after amending the election law, highlighted problems associated with the organisation of elections: “It is likely that at least some of the abovementioned issues will not be satisfactorily solved before the elections. The main problem may be not the amount of time left for organisation, but unsolved problems arising directly from the new provisions of the code of election law. Accordingly, we demand urgent steps to be taken in order to successfully resolve the abovementioned issues, including urgent amendments to the provisions of the code of election law”.³²

Expecting that territorial government units might not be willing to collaborate, the June amendment also changed the wording of Article 191g, which originally provided for an agreement between the Head of the National Electoral Office and the mayor of a gmina in order to ensure suitable services for election authorities and working conditions for election officials. Such agreement was supposed to determine in particular, organisational, administrative and technical conditions and payment of the related costs. Originally, the agreement had been mandatory, but after the June amendment, it was optional.

The dispute between representatives of local government units and the National Electoral Office and National Electoral Commission was mainly associated with the wording of the abovementioned Article 156 §, according to which services as well as technical and physical working conditions for district and territorial electoral commissions and tasks associated with organising and conducting elections in a municipality, county or region were to be secured by the mayor of a municipality, county or region (*marszałek województwa*), respectively, with the exception of a number of important issues (mainly concerning designing, printing and transporting ballot papers). These tasks are delegated to territorial government units. The expression used in the act: “with the exception of” was interpreted in the Opinion of the National Electoral Commission on the role of

³² Statement of the Local Government Party of the Joint Commission of the Government and Territorial Government on preparedness for local government elections in 2018. Accessed on: 30.10.2019, https://pkw.gov.pl/345_Wyjasnienia_stanowiska_komunikaty/1/25465_Stalowisko_Panstwowej_Komisji_Wyborczej_z_dnia_21_maja_2018_r_w_sprawie_rol_i_samorzadu_terytoralnego_przy_organizacji_wyborow.

territorial governments in the organisation of the elections of 21 May 2018.³³ The Opinion stated that the exception did not mean that these tasks were excluded from the catalogue of territorial government's tasks, but instead, it suggested that they should be performed in collaboration with election officials. Also, the institutional changes associated with the organisation of elections were evaluated. In its Opinion, the National Electoral Commission stated that "... in association with comments made in the media that the role of territorial governments in organising elections was significantly limited by the amendment to the Code of Election Laws introduced by the Act of 11 January 2018 (...), the Commission would like to note that Article 156§1 of the Code of Election Law, which governs these issues in a general way, was only slightly modified by the abovementioned amendment. It still assumes an important role of territorial governments among the organisers of elections".³⁴

One could see that as the elections approached, the attitude of local government representatives changed. Initially, they criticised the legislator and election authorities for making errors and not preparing the reform diligently. Importantly, local government circles remembered critical comments made about the role of local governments in organising elections, and even allegations of fraud at the time when the Bill was developed³⁵. Later, however, local governments made a great organisational effort to ensure that the elections were conducted smoothly, regardless of any doubts they might have about the respective provisions of the amended Code. A major role in reconciling the opinions was played by the Head of the National Electoral Office, Magdalena Pietrzak.

Live streaming from polling stations

The most important element of the June amendment, in the public opinion, was the waiver of Article 52§7–8, which required live streaming from a polling station via a publicly available electronic data transmission network from the moment of checking and sealing the ballot box by the District Electoral Commission until signing the voting report. If live streaming was not possible

³³ Ibidem.

³⁴ Statement of the National Electoral Commission on the role of the territorial government in organising elections of 21.05.2018.

³⁵ Miernik, R., *Charakterystyka wyborów samorządowych w Polsce*, "Studia Politicae Universitatis Silesiensis" 2019, No. 24, p. 100.

for technical reasons, the work done by the commission was to be recorded on audio video recording devices and later uploaded on the National Electoral Commission's website. It was one of the most disputable issues in the debate on the implementation of the amended CEL.³⁶ The scale of a project associated with constructing and operating a system that would ensure live streaming of the work of election commissions was a major challenge for institutions that organised elections. Doubts concerned the ability to ensure audio video streaming devices and a broadband connection, to maintain their continued operation throughout the work of the District Electoral Commission and on-line availability of the transmission, and later uploading long hours of recordings on websites. In the 2014 local elections in Poland, there were 27,435 district electoral commissions, and each was supposed to have at least two cameras. Discussion on the technical limitations of such project also involved the issue of personal data protection. A solution to the problem was proposed in the opinion published by the Inspector General for the Protection of Personal Data (*GIODO – Generalny Inspektor Ochrony Danych Osobowych*). He noted the need to adapt to data protection provisions, in particular to the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), which have been directly applicable in Poland since 25 May 2018. In his final conclusion, the Inspector claimed that “the scope of adaptations and the number and gravity of risks may, in practice, make it impossible to broadcast elections in accordance with the data protection law”.³⁷ It was claimed that broadcasting would involve revealing faces, behaviours or information about the place or residence or stay of the voters.³⁸ This opinion contributed to closing the debate on installing cameras in polling stations within just a few months after the new regulations had been passed, even though similar doubts had been raised at the

³⁶ Frydrych-Depka, A., *Prawo do informacji o wyborach*, “Studia Wyborcze” 2018, No. 25, p. 65.

³⁷ Information of the National Electoral Commission of 12.04.2018. Accessed on: 30.10.2019, https://pkw.gov.pl/337_Informacje/1/24969_Informacja_Panstwowej_Komisji_Wyborczej_z_dnia_12_kwietnia_2018_r_o_stanowisku_Generalnego_Inspektora_Danych_Osobowych_w_sprawie_przepisow_Kodeksu_wyborczego.

³⁸ GIODO letter from Edyta Bielak-Jomaa dated 11.04.2018 addressed to Magdalena Pietrzak, head of KBW, case no. DOLIS.027.437.18. Accessed on: 30.10.2019, <https://archiwum.giodo.gov.pl/pl/1520341/10462>.

time of their development.³⁹ It is disputable whether it would be possible for the National Electoral Commission could, before the June amendment, to effectively determine a method of broadcasting in such a way as to ensure compliance with standards arising from the EU law.⁴⁰ Such resolution, however, would not solve the problem of actual preparation of polling stations for broadcasting.

District electoral commissions

One of the key changes in the election law was the abovementioned introduction of the double structure of the district electoral commission, which, after the reform, would consist of two separate commissions: one for conducting the elections in the district (so-called daily commission) and the other for determining the results of voting in the district (so-called night commission). The originators of the idea believed that, after working for the whole day, members of the commission were tired and could make mistakes in the complicated vote counting procedure.

Moreover, the day commission was supposed to perform all its tasks on the election day in the presence of as many of its members as possible, in any case no less than 2/3 of the statutory members⁴¹, including the chair or deputy chair of the commission. The required presence of 2/3 of the commission members meant their constant presence in the room with the ballot box. One of the commission members should stay near the ballot box, to secure its integrity and voters' compliance with the secrecy of the vote, i.e. to make sure that voters put ballot papers in the ballot box with the printed side of the paper not visible. In the case of commissions with

³⁹ E.g. Expert in the Constitutional, International and European Law Team in the Commissioner for Human Rights Office, Zbieranek J., or in: Uziębło, P., *Analiza zagrożeń związanych z wprowadzeniem rejestrowania przebiegu głosowania w wyborach w Rzeczypospolitej Polskiej*. Accessed on: 30.10.2019, http://www.batory.org.pl/upload/files/Programy%20operacyjne/Masz%20Glos/ObserwujemyWybory/14_03_2018%20Opinia%20prof_Uziebly%20nt%20nagrywania%20wyborow.pdf. Different opinion in: Pytel, A., *Problematyka rejestrowania oraz rozpowszechniania wizerunku i głosu wyborców oraz członków obwodowych komisji wyborczych – postulat de lege ferenda*, "Studia Wyborcze" 2019, No. 27, p. 46 ff. The author states, for example, that "the legislator's decision seems unfortunate, as democracy is founded, apart from the procedure of electing representative public authorities, on the idea of public life transparency. Thus, no measure that does not disturb the election process or limit its transparency should be prohibited or needs to be governed by a legal norm".

⁴⁰ Uziębło, P., *Opinia w sprawie dopuszczalności przełożenia wyborów do organów stanowiących samorządu terytorialnego oraz organu wykonawczego na poziomie gminy*. Accessed on: 30.10.2019, <http://www.batory.org.pl/upload/files/Programy%20operacyjne/Masz%20Glos/ObserwujemyWybory/Opinia%20w%20sprawie%20dopuszczalnosc%20przełożenia%20wyborow%20.pdf>

⁴¹ Before the Code of Election Laws reform, constant presence of at least 1/2 of the commission members was required.

the minimum number of members, this meant that three persons handed out the ballot papers and one secured the ballot box. Since the turnout was much higher than in the 2014 elections, in some polling stations, voters had to queue to collect their ballot papers.⁴² The work of the day commission ended the moment they handed over the documents and materials to the night commission, which was documented by a handover report. The night commission was obliged to count the votes and make a district voting report in the presence of all its members. It was no longer possible to create subgroups or sub-commissions to perform the respective tasks separately (although it was reported that some commissions worked in the same way as they used to before the reform, which was against the intentions of the legislator and the wording of the Act). However, the fear that the procedure could be used by some members to obstruct the commission's work did not come true.⁴³

There were also problems caused by the fact that some members left district electoral commissions without any sound reasons, only because, for example, the working hours were too long, the work started too early or ended too late or the remuneration was too low, or sometimes without even explaining why they left. In the case of commissions that consisted of the minimum number of members, this could paralyse the work of the commission. The problem was intensified by the amended provisions of the CEL concerning the appointment of substitute members. According to the principles of appointing district electoral commissions, election committees were supposed to propose enough candidates for a commission to be able to operate. However, after replacing a single commission with two separate commissions, the number of the required commission members doubled. Election committee attorneys were not able to propose enough candidates⁴⁴

⁴² Turnout in the 1st round of the 2018 local elections was 52.01%, while in the 1st round of the 2014 local elections it was 35.39%.

⁴³ Rulka, M., *Opinia na temat zgodności projektu ustawy o zmianie niektórych ustaw w celu zwiększenia udziału obywateli w procesie wybierania, funkcjonowania i kontrolowania niektórych organów publicznych (druk No. 2001) — w części zmieniającej przepisy kodeksu wyborczego — z europejskimi standardami wyborczymi*, "Przegląd Sejmowy" 2018, No. 144, p. 171.

⁴⁴ This problems were predicted at the stage of legislative work. See Uziębło, P., *Opinia prawna w sprawie zmian w kodeksie wyborczym wprowadzanych ustawą z dnia 14 grudnia 2017 r.* Accessed on: 30.10.2019, <http://www.batory.org.pl/upload/files/Programy%20operacyjne/Masz%20Glos/Opinia%20prawna%20w%20sprawie%20zmian%20w%20kodeksie%20wyborczym%20wprowadzanych%20ustawa%20z%20dnia%2014%20grudnia%202017r.pdf> r., p. 6; Szymanek, J., *Opinia w sprawie poselskiego projektu ustawy o zmianie niektórych ustaw w celu zwiększenia udziału obywateli w procesie wybierania, funkcjonowania i kontrolowania niektórych organów publicznych (druk No. 2001) — w części dotyczącej proponowanych zmian w ustawie z dnia 5 stycznia 2011 r. Kodeks wyborczy*. Accessed on: 30.10.2019, <http://orka.sejm.gov.pl/rexdomk8.nsf/0/7A63D69811565C59C12581E-90034AA30/%24File/i2493-17.rtf>, pp. 10–11.

to appoint commissions with a sufficient number of members.⁴⁵ Serious problems were also associated with the limitations imposed on appointing substitute commission members – the limit was the minimum number (five) of commission members, even though there were enough candidates to replace all the missing commission members up to their maximum number. Consequently, if one more member resigned, the commission lost its minimum number of members and the procedure of electing a substitute member had to be repeated. If it was not for this limitation, the risk of having to replace a missing candidate would be much lower, and this is not an easy task, especially the day before or even on the election day. This was in contrast to the norms concerning composition of commissions in so-called separate voting districts, where both the maximum and minimum limit was 6 members. In practice, this meant that a commission consisting of 6 members worked in a district with several dozen voters (e.g. in a hospital), while a commission consisting of five members worked in a district with two thousand voters. Inability to replace more than the minimum number of commission members resulted in a dissonance: on the one hand, commission members knew from the media that there were candidates willing to work in the commission, but on the other hand, it turned out that they had to work with the minimum number of members. It would not be possible to replace commission members on the election day without the support of local administration. It is worth noting that the amendment delegated this authority to the election commissioner. Before the amendment, substitute district electoral commission members were elected by a mayor (of municipality, town or city, respectively), which, according to some researchers could raise doubts as to the impartiality of such members.⁴⁶

There are a number of technical issues that caused organisational challenges and increased the risk of errors. For example, election commissioners instructed elections officials to note down the numbers of seals (used, not used and broken), which significantly delayed collection of documents from the commission

⁴⁵ In this situation, the former stipulations of unequal treatment of parties in appointing members of district electoral commissions introduced by the amendment were of no practical significance. See Niżnik-Mucha, A., *Wybrane zmiany kodeksu wyborczego w świetle konstytucyjnych zasad prawa wyborczego*, "Casus. Kwartalnik Krajowej Reprezentacji Samorządowych Kolegiów Odwoławczych" 2018, No. 91, pp. 12–13.

⁴⁶ Rulka, M., Wróblewski, B., *Rozwiązania Kodeksu Wyborczego wpływające na zaufanie wyborców do procedury wyborczej. Uwagi de lege ferenda*, "Przegląd Sejmowy" 2018, No. 154, p. 54.

calculating the voting results (and it took place late at night, usually between 2 and 7 a.m.) There were also major problems with transferring documentation between commissions. Handover reports were hastily written and were not duly accounted for or explained to the commission calculating the voting results. Consequently, when summarising the voting report, errors made as a result of the work of the day commission were reported by the night commission. Since the night commission did not know what happened during voting, it reported erroneous information, causing further problems upon report approval.⁴⁷ Many district commission members raised the problem of the inefficiency of respective commission members, especially due to their advanced age or problems with basic arithmetical calculations. Also, it was claimed that the remuneration of district electoral commission members in the 2nd round of elections was too low. Having to work for long hours and with limited personnel, many commission members resigned before the 2nd round of mayor elections. District electoral commission members received 1/2 of their original remuneration in the 2nd round of elections.⁴⁸ The main reason to resign from membership in district electoral commissions, claimed by the resigning members, was the disproportion between the workload and the reduced remuneration. Consequently, in some cases, substitute members appointed to district electoral commissions had no relevant training.

Election law amendments after the local elections

After conducting local elections in the new conditions, the crucial institutions of the election system summarised and evaluated the new regulations. In information dated 21 January 2019, the National Electoral Commission proposed more than 22 specific changes to the CEL, which in many cases coincide with the problems associated with organising elections presented in this paper.⁴⁹ The Law and Justice Parliamentary Club submitted to the Speaker (Marszałek) of Sejm on 23 January

⁴⁷ The problem was perceived by researchers even before the elections, e.g. Michalak, B., *Zmiana przepisów Kodeksu wyborczego przed wyborami samorządowymi 2018*, "Athenaeum. Polskie Studia Politologiczne" 2018, No. 58, pp. 92–93.

⁴⁸ In 2018, the remuneration of the chair of a district electoral commission was 380 PLN, of deputy chair – 330 PLN and of commission member – 300 PLN. In the case of the second round of mayor elections, each would receive 1/2 of the respective amounts.

⁴⁹ PKW, *Informacja o realizacji przepisów Kodeksu wyborczego oraz propozycje ich zmiany*. Accessed on: 30.10.2019, https://pkw.gov.pl/pliki/1549013020_Informacja_o_realizacji_przepisow_Kodeksu_wyborczego_oraz_propozycje_ich_zmiany.pdf.

2019 a bill amending the Act – Code of Election Laws,⁵⁰ to some extent accepting the recommendations of the National Electoral Commission. The main goal of the amendment, according to its initiators, was to streamline the election process. The amendment increased the possibilities to appoint district electoral commissions in their full composition, also in the event if less than the required minimum of five members were proposed.⁵¹ Also, the size of district electoral commissions differed, depending on the number of voters in a given district.⁵² Another important change was that the dual structure of district electoral commissions was abolished. A single commission to conduct the voting and calculate the votes after closing the polling station was reintroduced. Even though, according to the current wording of the Act, the dual structure of district electoral commissions is to be reinstated for the next local elections, the relatively positive experiences with both European Parliament elections and Sejm and Senate elections show that one but bigger electoral commission may be more effective than two separate commissions.⁵³ Since in October 2018, election committees were not very active in proposing candidate members to district electoral commissions, interested citizens were allowed to apply for commission membership without the agency of those committees. Limitations associated with the function of the election officials were also reduced: now, the official may be employed in the municipality concerned (except for persons directly employed in the municipal office). Also, the deadline for reviewing requests to enter in the permanent election register was extended from three to five

⁵⁰ Sejm print No. 3163. Accessed on: 30.10.2019. <http://orka.sejm.gov.pl/Druki8ka.nsf/0/1A9F6DC1DE719813C125838B0049200B/%24File/3163.pdf>.

⁵¹ The Act on Amending the Code of Elections Act of 31.01.2019, Journal of Laws (Dz.U.) 2019, item 273.

⁵² Each district electoral commission shall consist of: 1) 7 members in voting districts with up to 1,000 residents; 2) 9 members in voting districts with 1,000 to 2,000 residents; 3) 11 members in voting districts with 2,001 to 3,000 residents; 4) 13 members in voting districts with more than 3,000 residents.

⁵³ It should also be noted that the National Electoral Commission, following the wave of resignations of district electoral commission members, slightly increased their remuneration, in particular the remuneration of commission chairs, who had the most duties. See Resolution No. 6/2019 of the National Electoral Commission of 27.02.2019 on the money due to members of election commissions in the elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland, and to the European Parliament and on documenting the days of leave from work.

working days.⁵⁴ Municipalities were given extra time to diligently review both traditional requests and requests submitted via the online voting services platform. At the same time, voters requesting to be entered in a given register of electors were obliged to provide, apart from other information, also their temporary address of residence on the election day. The abovementioned Article 156 §1 received the following new wording that made the role of territorial government units more unequivocal: “Services as well as technical and physical working conditions for district and territorial electoral commissions and tasks associated with organising and conducting elections in a municipality, county or region shall be secured by the mayor of a municipality, county or region”.

These changes were requested not only by the National Electoral Commission, but also by the Association of Polish Cities (Związek Miast Polskich).⁵⁵ The January amendment was not the only amendment to the Code of Election Laws in 2019, but the subsequent amendments did not directly affect the process of preparing and conducting elections.

Conclusions

The 2014 local elections triggered a common belief that organisation of the election process in Poland required changes, and the reform was supposed to be based on major amendments to the election laws. The first modifications were introduced already during the 2011–2015 term of office, but more radical steps were taken in 2017 and 2018. This paper discusses a number of changes vital for the process of preparing and conducting elections, and it presents the main problems arising from the new solutions. This diagnosis was to some extent confirmed by the legislator, who made new amendments, both before and, specifically after the local elections. The subsequent changes may be interpreted as withdrawal from the original intentions.

⁵⁴ According to 18§1 of the Code of Election Laws, a permanent register of constituents includes persons who are permanent residents of a municipality and are entitled to vote. A request to be entered in the register must be substantiated by submitting a proof of permanent residence, e.g. employment agreement, bills, etc. to the municipal office.

⁵⁵ Statement of the Polish Cities Association on organising and conducting local government elections in 2018. This document requested not only changes in the new solutions, but also, in many cases, reintroducing the legal status from before the December 2017 reform. These requests, apart from the request to prolong the deadline to be added to the election register, were not satisfied. For more information, see: *Nowy Kodeks wyborczy*, “Samorząd miejski. Miesięcznik Związku Miast Polskich” 2019, No. 257.

It is worth noting the disproportion between the goals declared by Sejm Members proposing the Bill and interpretation of legal provisions applied by election authorities in the course of preparing local elections. The unilateral evaluation of the limited position of local authorities in the institutional structure responsible for preparing and conducting elections, formulated at the stage of legislative work, was taken no notice of in the months before the elections. The “risk of malpractice and irregularities” that had been mentioned was finally reduced to a “minor change”. The first conclusion is that there is currently no institution in Poland with sufficient resources to overtake from territorial government units the tasks associated with preparing and conducting elections. In the end, the role of the new structures was limited to supervision, and it is doubtful whether the actual process of appointing election officials enabled professional performance of those tasks. Moreover, neither the legislator nor the election authorities found an answer to the challenges associated with the need to improve the quality of operation of district commissions.

This paper does not discuss a number of specific changes introduced by the amended election laws or the issue of IT systems supporting the work of electoral bodies, which have undoubtedly improved, especially compared to the 2014 elections. It should also be noted that one of the key changes to the Polish election laws, concerning the appointment of the National Electoral Commission members according to the new regulations, which may affect all the elements of the election system, has not been completed by the time this paper was written.⁵⁶

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⁵⁶ The National Electoral Commission shall consist of one judge of the Constitutional Tribunal, appointed by the President of the Constitutional Tribunal, one judge of the Supreme Administrative Court, appointed by the President of the Supreme Administrative Court and seven members qualified to hold the position of a judge, appointed by Sejm. National Electoral Commission members appointed by Sejm shall be proposed by Sejm clubs, proportionally to the size of a club. For more information, see Rakowska-Trela, A., *Zasada demokratycznego państwa prawnego a zmiany w prawie wyborczym*, “*Studia Wyborcze*” 2018, No. 25, pp. 18–28.

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