



## **The European Platform for Democratic Elections Expert evaluation**

### **Presidential election in Poland, 10 May 2015**

#### **General Information on Monitoring**

On 7 May 2015 the European Platform for Democratic Elections (EPDE) started its short-term election observation mission to the presidential election in Poland, which was held on 10 May 2015. Mission involved 40 representatives of EPDE - members of civil society organisations, implementing election monitoring, from Poland, Russia, Germany, Lithuania, Ukraine, Belarus, Sweden - they were observing the voting process on the election day in approximately 120 polling stations in Warsaw, Lublin, Lodz and Krakow. Moreover, EPDE held a number of meetings with politicians and representatives of the 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 presidential election was held in a competitive environment with the participation of 11 candidates. The voting process on the election day was carried out in a smooth environment. All 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 candidates' proxies. At the same time, it is worth noting the passivity of the headquarters of candidates, as the representatives of candidates were present only at approx. 20% of the polling stations visited and generally only from one presidential candidate.

EPDE notes that the rights of 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 the polling station number 30 in Lublin, the chairman of the

commission refused admission of international observers to the polling station, referring to the recommendation of the district election commission. Other international observers in Sulejówek city were not admitted to the polling stations number 1 and number 2 until 06:50, when ballot boxes were already sealed.

The Electoral Code does not provide the right for international observers to conduct photo and video shooting at polling stations. Proxies of the candidates are also denied the same right. Thus, the law denies the right of public monitors to capture potential electoral violations. At the same time, representatives of the massmedia are allowed to foto- and video shooting during the voting.

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

International observers note that the access to the polling stations for elderly people and persons with disabilities was in many cases complicated - there are no ramps in the stairwells.

In addition, it is recommended to use larger pointers to the location of the polling stations.

A significant problem is the secrecy of voting:

- polling stations are equipped by the tables without folding screens or other kind of closed voting booths;
- certain existing voting booths 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 the majority of cases the commission does not inform the voters about the need to fold the ballot.

In a number of polling stations observers made remarks regarding the methods of the sealing of ballot boxes. It did not meet the requirements of ballots' safety.

Observers paid special attention to the absence of the security of the ballot: the available means of protection against forgery of paper, such as holograms, watermarks, signatures of the commission members were not used. Protection of ballots guarantees disuse of any technologies of voting instead of other person.

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 field for interpretation of the will of voters. They observed situations when the commission assessed a ballot as invalid due to the use of other signs. This practice can distort the real expression of the will of citizens.

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 field 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 small 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.

Recommendations:

- a. to amend the Electoral Code providing possibilities for civic independent election observation in Poland by enabling civic organisations to observe elections and describing in details broad powers of national observers;
- b. to allow photo and video monitoring by the observers and candidates proxies;
- c. to extend the rights of media representatives by allowing them to be present at a polling station during the vote counting;
- d. to work with the members of the election commissions on improving their knowledge of the election law, on enhancing the location of polling stations and their accessibility for voters with disabilities, as well as on complying with the requirements ensuring the secrecy of voting and protection of the ballot boxes;
- e. to strengthen the protection of ballots;
- f. 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.

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.