

36th SESSION

Report
CG36(2019)18
14 March 2019

Information report on the assessment of local government elections in Poland (21 October 2018)

Monitoring Committee

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Summary

Following the invitation from the National Electoral Commission of Poland, the Congress decided to deploy an Electoral Assessment Mission of reduced scope from 18 to 22 October in order to observe the local government elections held on 21 October 2018. The delegation was composed of twelve members, operating on the Election Day in different municipalities including Warsaw, Łódź, Lublin, Kraków, Wrocław and adjacent rural areas and visiting the voting and counting in some 80 polling stations.

Taking into account the complexity of the multi-level local electoral process in Poland and the recent introduction of significant changes of the Electoral Code, overall, the polling observed by the six teams of the Congress was well-organised and carried out in an orderly manner without major incidents.

Against the backdrop of a very polarised political environment and changes in the judiciary system that have caused criticism inside and outside the country and concerns about Poland's European future, at the local level, voters turned out in impressive numbers at the polling stations which is an important indication of the high level of confidence that the population places in the election management. Also the new possibility for domestic NGOs to observe the elections has been recognised by the Congress.

At the same time, questions have been raised by the Congress delegation during the observation about the secrecy of the vote, the set up and size of the polling stations and with regard to instances of group and family voting. There were also issues in view of inconsistent procedures on the Election Day (cf. sealing of ballot boxes) and the functioning of the Precinct Election Commissions (PECs) (cf. handover of materials between PECs in charge of the voting and the counting).

In conclusion, the Congress invites the authorities, in particular, to implement coherent E-Day procedures, step-up organisational resources and training for PECs and raise citizens' awareness of the importance of the secrecy of the vote. To ensure the validity of the vote, clear instructions regarding the marking of the ballots are advisable. In the interest of legal certainty and in accordance with the recommendations of the Venice Commission, fundamental changes in the electoral law should be introduced at least one year before the next elections.

1 L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

1. Introduction

1. Following an invitation from the National Electoral Commission of Poland, received on 28 September 2018, the Bureau of the Congress decided to deploy an Electoral Assessment Mission of reduced scope, in order to evaluate the local government elections scheduled for 21 October 2018. Congress Spokesperson on Observation of Local and Regional Elections, Jos WIENEN (Netherlands, EPP-CCE, L), was appointed Head of Delegation and Rapporteur.

2. The Electoral Assessment Mission was carried out from 18 to 22 October 2018 and comprised twelve participants. On Election Day, six Congress teams were deployed to different Municipalities including Warsaw, Lodz, Lublin, Krakow and Wroclaw and adjacent rural areas and observed the voting and counting in some 80 polling stations. The details of the Congress Delegation, the final programme and the deployment areas appear in the appendices.

The following Report focuses specifically on issues arising out of exchanges held with Congress interlocutors in the context of the 21 October 2018 local elections in Poland and on observations made by members of the Delegation on Election Day. The Congress wishes to thank all of those who met with the Delegation for their open and constructive dialogue.

2. Political context

3. The Republic of Poland is a unitary state with the central government in Warsaw and additional three tiers of local self-government (Municipalities, Districts and Regions/Voivodeships). The legislative power is vested in the two Chambers of Parliament. The Lower House (Sejm) has 460 members (4-year term, proportional representation). The Upper House, the Senate (Senat), has 100 members (4-year term, one-round first-past-the-post). At the last Parliamentary elections held in October 2015, the Law and Justice party (PiS) won the majority in both Chambers of the Parliament and established a one-party rule for the first time in Poland's history since the fall of communism.

4. The Polish Government undertook in recent years a number of reforms and legislative processes which - according to domestic as well as international stakeholders - have led to a serious deterioration of the standards of rule of law.² The most criticised issue concerns the steps taken by the Government in respect of the judicial independence of the Constitutional Court, the Supreme Court, and the judiciary in general. These developments led to the triggering of the Rule of Law procedure based on Article 7 TEU by the European Commission on 20 December 2017. This procedure may lead to the suspension of certain rights that Poland enjoys as part of the EU, including its voting rights in collective decisions.³

5. The 2018 local elections were the first elections since the PiS Parliamentary election victory in 2015. Importantly, they were also the first in a series of forthcoming elections, including for the European Parliament in May 2019, for the national Parliament in October 2019 and for the President of Poland in May 2020. . The 2018 local elections therefore had a somewhat national dimension, in that they were seen by many as a popularity test for the ruling party and its nationwide policies, as well as an important political test ahead of the elections in 2019-2020. According to law, local government elections in Poland include all three tiers of local government: Municipalities, Districts and Regions.

6. The previous local elections were held in November 2014. At that time, the Civic Platform "PO" (Platforma Obywatelska) was the ruling party in government and had the most success on local level. PO won most seats in seven Regions, PiS in five and Polish People's Party (PSL) in four. In Districts and Municipalities, local lists and independent candidates had the best results, also facilitated by the electoral system valid at that time, mostly based on single-member constituencies. No major cities were won by PiS. The 2014 local elections were marred by delays caused by the failure of the electronic tabulation system.⁴

3. Administrative structure at local and regional level

7. Poland has a three-tiered system of territorial organisation. The sub-state levels of government in Poland are formed by the Municipalities (gmina), Districts (powiat) and Regions/Voivodeships (województwo). Poland is currently composed of 2,478 Municipalities, 380 Districts (including 66 cities with "powiat" status), and 16 Regions/Voivodeships.

² Opinion of the Venice Commission on draft laws in Poland, 2017, available at:

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)031-e).

³ European Commission, Press Release, 24 September 2018, Brussels, available at: http://europa.eu/rapid/press-release_IP-18-5830_en.htm.

⁴ OSCE/ODIHR, Parliamentary Elections in Poland, 25 October 2015, available at: <https://www.osce.org/odihr/elections/poland/217961?download=true>.

8. Municipalities do not constitute a uniform category as they vary according to their size, population and pattern of spatial distribution of the human settlements. According to ordinary legislation, Municipalities are distinguished into urban (gmina miejska), rural (gmina wiejska) and urban-rural (gmina miejsko-wiejska) settlements.

9. The city of Warsaw has a special status under which it is a city with district rights. Currently, there are eighteen Warsaw Districts or Boroughs (dzielnica). Each District has its own administrative organisation with Councils directly elected by the citizens.

4. Legal framework and electoral system

10. Local elections are regulated by the recently amended Electoral Code.⁵ In line with current legislation, there are distinct types of electoral systems for local government elections at different levels. Mayors of the Municipalities (302, including in all major cities) are elected for four years through the majoritarian system in two rounds. Elections of Members of Local Councils depend on the size of the Municipality. For Municipalities with over 20,000 inhabitants as well as for the cities that have a dual municipal and district status (cities with “powiat rights”), Councillors are elected in multi-member constituencies by proportional representation. In the remaining Municipalities with a population under 20,000 (1548 rural and 628 urban settlements), Councillors are elected by majoritarian system in single member constituencies on the basis of first-past-the-post system.

11. In Districts, Councillors to the county level authorities (380 including the combined municipal-district authorities in the cities) are elected in multi-member constituencies by proportional representation. Finally, members of the 16 Regional Councils are elected in multi-member constituencies by proportional representation.

12. The Electoral Code was first adopted in 2001 and last amended in January 2018. The ruling party defended the new provisions as necessary in order to restore public trust in the electoral administration after the tabulation delays and alleged electoral frauds in the 2014 local elections. Critics, including the current President of the National Electoral Commission (NEC), however stated that the new provisions destabilised the framework for elections. Moreover, according to the NEC President, the new amendments provide mechanisms for the Government to establish political control over the electoral administration in Poland through personal changes in the composition of election administration bodies, including the NEC.⁶ Contrary to the recommendations of the Venice Commission, the amendments were adopted less than one year prior to the elections.⁷ According to Congress’ interlocutors, this did not provide for sufficient time for discussion and familiarisation with the new rules, notably with regard to the question of validity of the ballots.

13. One of the main concerns expressed by several interlocutors of the Congress Delegation included changes to the process of determination of the validity of the elections in cases when the electoral results are contested at courts. The validity of local elections is determined by regional courts whereas for national elections the Supreme Court is in charge. Since the criticised court reform initiated by the ruling party, many presidents and vice-presidents of regional courts were removed and new ones appointed by the Minister of Justice which allegedly compromised the independence of the judiciary at regional level. Also, a number of Supreme Court judges were forced to retire early, inciting criticism of political interference in the judiciary. They returned to work after the EU’s top court ordered Poland to suspend the reform that ousted them.⁸

14. The mandate of Municipal and Regional Councillors has been prolonged from four to five years. A two-term limit for Mayors has been introduced, to be applied only to offices held from the 2018 elections onwards. The December 2017 amendments originally foresaw that this provision was to apply retrospectively to incumbent Mayors and thus affecting mainly Mayors from opposition parties. This caused harsh criticism and a public debate due to which the provision was altered.

15. The amendments of the Electoral Code brought also changes to the electoral system. The proportional electoral system, until recently limited only to the 66 cities with *powiat* rights, has been extended to all Municipalities with more than 20,000 inhabitants. Notably, in the 2014 local elections the first-past-the-post system mostly disadvantaged the now governing PiS party in big cities.

5 National Electoral Commission, Local Government Elections 2018 - Legal Framework, Kodeks Wyborczy, 2018, available at: https://pkw.gov.pl/pliki/1532066308_kodeks_wyborczy_-_2018_07_20.pdf.

6 Financial Times, Poland’s electoral commission criticises overhaul to law, 19 December 2017, available at: <https://www.ft.com/content/f3e1a81a-e19c-11e7-8f9f-de1c2175f5ce>.

7 Venice Commission, Code of Good Practice in Electoral Matters, 2002, p. 10, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e).

8 Financial Times, Polish judges return to work after EU court halts reforms, 22 October 2018, available at: <https://www.ft.com/content/7d530084-d60d-11e8-ab8e-6be0dcf18713>.

16. Under the new amendments,⁹ certain responsibilities in local electoral districts fall upon 100 Electoral Commissioners (article 166) who are appointed for 5 year-terms by the National Electoral Commission (NEC) from among the candidates proposed by the Minister of the Interior. If the NEC fails to appoint them, they are appointed directly by the Minister. Most importantly, these Commissioners, as well as chairpersons of the District Election Commissions, no longer need to be judges (as was the previous requirement). Importantly, the Commissioners will be in charge of supervising compliance with the law, appointing and dissolving territorial election commissions and examining complaints about their work, managing the printing and transfer of ballots, controlling of drawing up of voters' lists, determining and announcing the results and delimiting new electoral districts after January 1st 2019 (article 167). All this adds up to concerns about interferences in the electoral process.

17. Last but not least, many Congress's interlocutors expressed concerns about the introduction of a new definition of the valid mark on the ballot. While previously this was "two lines which cross", it is now "at least two lines which cross". There were complaints concerning the lack of clarity and this provision was expected to cause ambiguities in the process of determining the validity of the votes. In addition, voters have newly the possibility to black out an already marked box and mark a box of another candidate on the same ballot. Some interlocutors of the Congress stated that this could enhance the risk of manipulation through additional marks to the ballot during the counting procedures.

18. A positive change was the newly introduced institution of domestic election observers. Domestic observers have to represent a citizens' association that has to be registered with the authorities and comply with certain criteria defined by law. In every polling station, only one domestic observer for each association may be present. Based on this provision, the 2018 local elections were the first elections at which domestic observers were officially allowed to carry out observation activities. This raised public interest in the electoral procedures and led to activities by civil society organisations, such as Obserwatorzy w działaniu (Observers in Action) and Ruch kontroli wyborów (Movement for Supervision of Elections).

19. In June 2018, only a few months before the local elections, the Parliament approved a series of additional modifications of the January amendments that abolished the mandatory video-recording of the counting procedures in the polling stations. This was introduced on the grounds of protecting privacy rights under the EU GDPR Directive.¹⁰ Other changes included easing of criteria to become a member of electoral commissions as demanded by the National Electoral Commission.¹¹

5. Electoral management and administration bodies

20. The election administration in Poland has a multi-tiered structure. The lowest level is represented by Precinct Election Commissions (PEC) established in 26.983 Polling Stations on the Election Day. Recent Electoral Code amendments introduced two separate Commissions, PEC1 for the voting procedures and PEC2 for the counting. Both are made up of five to nine members. This constituted a big challenge of finding almost half a million people to work in these commissions despite the latest changes in law easing the criteria to become a PEC member as reported by the NEC interlocutors. This resulted also in many PECs having only the minimum of five members as provided by the law. According to critics, the separation of PECs into two distinct bodies conducting polling and counting separately could cause delays after the closing of the polling stations due to the handover. It could also compromise the responsibility of PECs over the integrity of electoral process. However, this change was justified as a measure to avoid overloading of PEC staff and preventing subsequent delays and mistakes.

21. The middle level of the election administration is composed of three different bodies depending on the type of local authority for which the elections are held. For a Municipality, it is the Municipal Election Commission, for Districts, the District Election Commission and for Regions it is the Regional Election Commission. They are tasked with supervising the implementation of electoral legislation by the PECs, registration of candidate lists and candidates, ballot printing, and the consideration of complaints about PEC activities. They also tabulate the results from PECs within their constituencies. They are temporary bodies established by the National Electoral Commission (NEC) for the duration of the elections.

22. The NEC is the highest election administration body. It is responsible for the overall administration of elections, the implementation of the electoral legislation, the maintenance of the voters' register, voter education and the announcement of election results. Electoral complaints are not handled by the NEC, but are addressed directly to the court of law. The NEC is a permanent body consisting of nine judges appointed by the President. Three candidates are nominated each by the Constitutional Tribunal, the Supreme Court,

⁹ <https://www.ft.com/content/f3e1a81a-e19c-11e7-8f9f-de1c2175f5ce>

¹⁰ General Data Protection Regulation (GDPR) is a regulation in EU law on data protection and privacy for all individuals within the European Union (EU) and the European Economic Area (EEA).

¹¹ Radio Poland, Polish parliament passes changes to new electoral law, 15 June 2018, available at: <http://www.thenews.pl/1/9/Artykul/368513.Polish-parliament-passes-changes-to-new-electoral-law>.

and the Supreme Administrative Court. If fully introduced, the adopted controversial judicial reform will force most of the nine members to step down after the Parliamentary elections in 2019. Seven out of nine members of the NEC will then be elected by the Lower House of Parliament, where PiS has a majority. For the newly appointed NEC members, the criteria will be eased and in order to become a NEC member the candidate will have to be lawyer, not judge as it was the case until recently.

23. The executive body of the NEC is the National Election Office (NEO) and is responsible for organisational, administrative, financial and technical arrangements for the conduct of the elections. The new Electoral Code foresees that the Head of NEO will be elected from three candidates proposed by the Ministry of the Interior. If none is accepted, the Minister will be able to impose his own candidate.

6. Candidates and voters registration

6.1 Voters registration

24. All Polish citizens and EU nationals who turn 18 on the Election Day and permanently reside in the territory of the State were eligible to vote in the local elections held on 21 October, unless they had been declared incapacitated or deprived of their public or voting rights by a final judgment of a court. Polish citizens permanently residing outside of Poland are not eligible to vote in local elections. Voters who are older than 75 years on the Election Day or those with disabilities may be granted the right to vote by a proxy. The proxy has to be an eligible voter registered in the voters' list and must not be a member of the Polling Station Commission. Postal voting was removed by recent changes in legislation.

25. Due to the passive registration system in Poland, all eligible voters are registered automatically. Voters' lists are compiled by local government authorities in co-operation with the NEC. These registers are extracted from the Universal Electronic System for Registration of the Population and maintained by the Ministry of the Interior. Voters may check their inclusion in the voters' list by applying to the Municipality of their residence.

26. According to the NEC, a total number of 30.145.816 voters were included on the voters' lists for the 2018 local government elections. The largest number of voters was registered in the Mazowiecki Region (5.199.604), which includes the capital city Warsaw (1.343.702).

6.2 Candidates registration

27. In total, 184.745 candidates were registered for the 21 October 2018 local elections on all levels. 59% were men and 41% women (which constitutes a small increase compared to previous elections). Among the 2.524 Mayoral candidates 82% were men and only 18% women.¹²

28. In the capital Warsaw, there were 14 candidates for the position of city Mayor, as the incumbent Mayor did not participate in the elections.

29. The Congress Delegation heard allegations, from several interlocutors, about pressure exerted on opposition mayors through court proceedings for corruption charges. One of the examples is the Mayor of Łódź, Hanna ZDANOWSKA (PO), who faced legal charges due to which the state authorities called into question her right to be re-elected despite the fact she was allowed to run for the office.¹³

7. Observers

30. There were no other international election observation missions besides the Congress' Delegation. This was unexpected especially in light of all the criticised electoral amendments recently introduced by the Government. The new possibility for domestic observers to be present in polling stations was an important positive change. NGO "Observers in Action" deployed a total of 89 observers across the Masovia Region using mobile apps to gather observation results. They published a report after the Election Day.¹⁴

31. The Congress' observers did not encounter any party observers during the Election Day and only few domestic observers were met in the places visited by the teams. The interlocutors from political parties explained the low number of observers by the fact that their representatives were rather asked to fill the

12 National Electoral Commission, Local Government Elections, 2018, available at:

https://wybory2018.pkw.gov.pl/en/geografia#general_stat.

13 Portal Samorządowy, Władze Łodzi zamówiły opinie prawną. Hanna Zdanowska będzie mogła być prezydentem miasta?, 2018, available at: <https://www.portalsamorzadowy.pl/polityka-i-spoleczenstwo/wladze-lodzi-zamowily-opinie-prawna-hanna-zdanowska-bedzie-mogla-byc-prezydentem-miasta>.

14 Fundacja Odpowiedzialna Polityka, Raport po wyborach samorządowych 2018 – Obserwatorzy w Działaniu, 2018, available at: <http://odpowiedzialnapolityka.pl/index.php/raport-po-observacji-wyborow-samorzadowych-2018/>.

many vacancies in the PECs. On the other hand, some Congress' observers encountered representatives from the Ipsos market research institution in a couple of polling stations undertaking exit polls.

8. Campaign environment

32. The overall atmosphere during the election campaign was described by Congress interlocutors as very polarised between the ruling party and the opposition. Many interlocutors reported that candidates promised municipal investments and EU funds only in case of their own victory. These campaign promises were allegedly supported by Government officials who, in some places, promoted candidates running on the list of the ruling party.

33. Major themes of the campaign included local infrastructure, environmental issues and education. Certain topics such as allegations of corruption or migration issues were misused to portray political opponents in a negative way.

8.1 Media

34. The media sector is regulated by the Polish Press Law¹⁵ and the Broadcasting Act.¹⁶ The latter defines the operation of the National Broadcasting Council (NBC). Their role is to safeguard the freedom of speech, the right to information, and the public interest in radio and television broadcasting. The delegation heard allegations that the current government and ruling party took control of the public media broadcasters and the NBC.¹⁷ Appointments of directors and supervisory boards are supposed to be along the party lines.¹⁸

35. From several interlocutors, the Congress Delegation heard complaints about the lack of a level playing field and unequal access to the media through presenting the ruling party in a positive and the opposition mostly in a negative way. In December 2017, a controversial fine (350.000 EUR) was imposed by the NBC to one of the main independent broadcasters for reporting on anti-government protests, although the fine was later annulled.¹⁹

36. Social media is very popular in Poland and was intensively used by candidates in the campaign especially in bigger cities. Interlocutors reported that hate speech (including strong anti-migrant rhetoric) was increasing in Poland and some politicians used it for political gains, especially on the social media.

8.2 Campaign financing

37. The Electoral Code regulates also the election campaign financing. All candidates are required to open a separate bank account designated for elections-related transactions. Donations are allowed from Polish citizens but are limited to 15 minimum monthly salaries. Campaign expenses and funds raised must be reported to the NEC.

38. Political parties receive State funding based on their result in last Parliamentary elections. The threshold is 3% for single parties and 5% for coalitions. Party finances are audited every year.

39. Problems with the transparency of campaign finances and pre-campaign activities were brought to the attention of the Delegation.

9. Election Day

40. On the Election Day, six Congress teams observed the elections in some 80 polling stations in Warsaw, Lublin, Lodz, Krakow and Wroclaw and in adjacent rural areas. Overall, the E-Day was calm and uneventful in the majority of the places visited. Due to many small-sized voting premises, the Congress teams noticed also occasional overcrowding. Many polling stations were not accessible for persons with physical disabilities.

15 Law and Administration in Post-Soviet Europe, Translation of Polish Press Law Act, 2017, available at: <https://content.sciendo.com/view/journals/lape/4/1/article-p14.xml>.

16 The National Broadcasting Council, Legal regulations, 2018, available at: <http://www.krrit.gov.pl/en/for-broadcasters-and-operators/legal-regulations/>.

17 Freedom House, Pluralism Under Attack: The Assault on the Press Freedom In Poland, 2017, available at: <https://freedomhouse.org/report/special-reports/assault-press-freedom-poland>.

18 Council of Europe Commissioner for Human Rights Commissioner for Human Rights, pp. 104-115, available at: <https://www.coe.int/en/web/commissioner/-/erosion-of-rule-of-law-threatens-human-rights-protection-in-poland>.

19 Financial Times, Polish broadcaster fine sparks press attack claim, 2017, available at: <https://www.ft.com/content/f9bc604a-de86-11e7-a8a4-0a1e63a52f9c>.

41. The set-up of the polling stations and the cardboard separations on tables, used instead of proper polling booths, did not always ensure the secrecy of the vote. Relatedly, cases of group and family voting were observed by the teams of the Congress in several places. There were also inconsistencies in terms of the sealing of the ballot boxes, and the seals were not always of the same type. Sometimes, seals were not properly attached and in few cases there was no sealing at all. Occasionally, campaign materials were visible in the immediate vicinity of the polling station.

42. The Congress teams visited also a few understaffed PECs whose functioning was thereby negatively affected. At times, PEC members seemed insufficiently trained in polling procedures which was visible throughout different stages of the process, e.g. ballots which should have been stamped in the morning, before the opening of the polling station, continued being stamped later over the E-Day. In general, PEC members seemed also negligent towards the importance of the principle of the secrecy of the vote.

43. In Warsaw, Congress observers learned from voters and PEC members that some polling stations were placed in different locations compared to previous elections. This caused difficulties especially to some elderly voters. There was also the mention of lack of voters' education in particular regarding the new procedures, notably the marking of the ballots.

44. As for the closing and counting, the Congress observers were present in a few selected polling stations to follow the handover between the two PECs which turned out to be lengthy and overly complicated. As a consequence, the beginning of the actual counting of the votes was delayed. Also, the PEC members did not always seem to be confident with the closing and counting procedures.

45. The turnout in the 1st round was of 54.9%, a historic high in local elections since Poland overthrew communism in 1989.²⁰ Poland's ruling party PiS won the majority of seats in rural assemblies, but lost in most of the biggest cities. PiS won in nine Regions and opposition coalition PO in seven. In Warsaw, in a closely-watched race for the Mayor, the opposition candidate Rafal TRZASKOWSKI won in the first round. The opposition coalition led by the Civic Platform won also in other key cities, including Wrocław, Poznań and Łódź. Of all 16 Regional capitals, 11 Mayors were elected in the 1st round. The total number of Mayors elected at all municipal levels in the first round was 1826.

46. The second round saw a lower turnout of 48,8%²¹ in the remaining 649 cities and communities. Still, the opposition candidates won in remaining prestigious cities including Kraków, Gdańsk and Kielce.

10. Conclusions

47. Taking into account the complexity of the multi-level local electoral process in Poland and the recent introduction of significant changes of the Electoral Code, it can be concluded that, overall, the local government elections held on 21 October 2018 were well-organised and carried out in an orderly manner and without major incidents in the polling stations visited by the observation teams of the Congress.

48. Important features of this Election Day include the high-level of trust of the population in the electoral management, the possibility for voters to express their will freely and without intimidations and a high turnout that is remarkable for the local level. At the same time, questions have been raised during the observation about the secrecy of the vote, the set up and size of the polling stations and regarding cases of group and family voting that were noticed by the Congress teams.

49. The general political environment in Poland is characterised by a polarisation between the ruling party and the opposition. Especially the changes in the judiciary system contributed have caused criticism inside and outside of Poland and concerns about the European future of the country.

50. In the interest of the further consolidation of the electoral processes in Poland, a number of issues should be addressed by the authorities, in particular:

- the strengthening of the secrecy of the vote: to introduce a standardised set-up and equipment for polling stations (voting booths instead of cardboard separations), to implement coherent procedures for the sealing of the ballot boxes, to boost voter education and citizens awareness of the importance of the secrecy of the ballot;

²⁰ Państwowa Komisja Wyborcza, Obwieszczenie PKW z dnia 24 października 2018, available at: https://pkw.gov.pl/pliki/1540468119_Obwieszczenie_PKW_WBP.pdf

²¹ Państwowa Komisja Wyborcza, Obwieszczenie PKW z dnia z dnia 5 listopada 2018, available at: https://pkw.gov.pl/337_Wydarzenia/1/30736_Obwieszczenie_PKW_z_5_listopada_2018_r_uzupelniajace_obwieszczenie_z_24_pa_zdzienika_2018_r_o_zbiorczych_wynikach_wyborow_wojtow_burmistrzow_i_prezydentow_miast_na_obszarze_kraju.

- the improvement of the functioning of the two PECs in charge of the voting and the counting: to pay particular attention to the complicated and time-consuming procedures of handover of electoral materials between the two PECs; to increase organisational resources and training for both PECs;
- the revision of the marking of the ballot papers: to avoid misinterpretations by different electoral bodies regarding the validity of the ballots and to reduce the risk of manipulation, clear and simple instructions regarding the marking of the ballots need to be introduced;
- the ensuring of legal certainty: to reconsider recent electoral changes in light of genuine standards for transparent and fair elections and assure that any fundamental changes are introduced at least one year before the next elections, in accordance with the recommendations of the Venice Commission.

51. With regards to the post-election situation, the Congress expressed deep concern about the murder of the independent Mayor of Gdańsk, Paweł ADAMOWICZ, who was stabbed in front of thousands at a charity concert in his city on 13 January 2019.

APPENDIX I

Results of the 21 October 2018 local elections in Poland according to NEC²²

Regional assemblies (parties with more than 1% of votes)

Party	% of votes
PiS (Law and Justice)	34,13
PO (Civic Platform & Nowoczesna's Civic Coalition)	26,97
PSL (Peoplsh People's Party, agrarian)	12,07
SLD (Left Democratic Alliance)	6,62
Kukiz'15	5,63
BS (Independent Local Politics)	5,28
Wolność (ultraconservative libertarian, eurosceptic)	1,59
Razem (radical left)	1,57
Ruch Narodowy (National Movement)	1,26
Partia Zieloni (Green party)	1,15

Warsaw (only top 3 candidates out of 14)

1st round	Party	% of votes
TRZASKOWSKI Rafał	PO	56,67
JAKI Patryk	PiS	28,53
SPIEWAK Jan	WYGRA WARSZAWA	2,99

Kraków

2nd round	Party	% of votes
MAJCHROWSKI Jacek	OBYWATELSKI KRAKÓW	45,84
WASSERMANN Małgorzata	PiS	31,88

Łódź

1st round	Party	% of votes
ZDANOWSKA Hanna	AGNIESZKI WOJCIECHOWSKIEJ - BEZPARTYJNI	70,22
BUDA Waldemar	PiS	23,65
GÓRSKI Rafał	KUKIZ'15	1,96
WOJCIECHOWSKA-VAN HEUKELOM Agnieszka	AGNIESZKI WOJCIECHOWSKIEJ - BEZPARTYJNI	1,32
NIZIOŁEK-JANIAK Urszula	TAK!	1,11
LIPCZYK Krzysztof	WOLNOŚĆ #MUREMZAŁODZIĄ	0,93
MISZTAŁ Piotr	BEZPARTYJNI-PIOTR MISZTAŁ	0,47
MAURER Zbigniew	AKCJA NARODOWA	0,23
RUTKOWSKI Janusz	PRAWO I MOC	0,11

Wrocław

1st round	Party	% of votes
SUTRYK Jacek	PO	50,20
STACHOWIAK-RÓŻECKA Mirosława	PiS	27,50
OBARA-KOWALSKA Katarzyna	BEZPARTYJNY WROCŁAW	7,38
MICHALAK Jerzy	BEZPARTYJNY RUCH OBYWATELSKI JERZEGO MICHALAKA	6,93
JARZĄBEK Zbigniew	KUKIZ'15	2,42
LEMPART Marta	WROCŁAW DLA WSZYSTKICH	2,34
TRACZ Małgorzata	PARTIA ZIELONI	1,35
BOGUSŁAWSKI Robert	JARKA BOGUSŁAWSKIEGO	0,91
ZBOROWSKI Artur	JESTEŚMY STĄD	0,62
MAJ Mieczysław	WOLNI I SOLIDARNI	0,36

Lublin

1st round	Party	% of votes
ŻUK Krzysztof	KRZYSZTOF ŻUK	62,32
TUŁAJEW Sylwester	PiS	31,48
KULESZA Jakub	KUKIZ, WOLNOŚĆ, LUBELSCY PATRIOCI I RUCHY MIEJSKIE	2,99
DŁUGOSZ Magdalena	MIASTO DLA LUDZI-LUBELSKI RUCH MIEJSKI	1,49
KOWALSKI Marian	„MY Z LUBLINA”	1,34
KUNC Joanna	JOANNA KUNC WIS LUBLIN KORNEL MORAWIECKI	0,37

APPENDIX II**FINAL PROGRAMME****Thursday, 18 October 2018**

- Various times **Arrival of the Congress Delegation in Warsaw**
- 16:30 – 17:30 Meeting with **Ms Hanna Beata GRONKIEWICZ-WALTZ**, Mayor of Warsaw
Venue: Warsaw City Hall; pl. Bankowy 3/5, pok. 11
- 17:40 – 18:40 Meeting with **Mr Adam BODNAR**, Commissioner for Human Rights
Venue: Office of the Commissioner for Human Rights; al. Solidarności 77; Warszawa

Friday, 19 October 2018

- 08:30 – 09:00 Internal briefing of the Congress Secretariat for the Delegation
Venue: Hotel Regent Warsaw
- 09:30 – 10:45 Briefing with representatives from Permanent Representations from countries represented on the Delegation
Venue: Hotel Regent Warsaw
- 11:15 – 12:00 Meeting with **Mr Wojciech HERMELIŃSKI**, President of the National Electoral Commission of the Republic of Poland
Venue: NEM Office; Wieska 10, Warsaw
- Lunch break
- 14:00 – 15:30 Meeting with **NGOs and Media associations**
- **Ms Karol BIJOS, Mr Robert LECH** - Obserwatorzy w działaniu (Observers in Action)
 - **Mr Pawel ZDUN**, Ruch kontroli wyborów (Movement for Control of Elections)
 - **Ms Agata JANKOWSKA**, Kongres kobiet (Congress of Women)
 - **Ms Tereza BRYKCZYŃSKA**, National Broadcasting Council of Poland
 - **Ms Agnieszka MIKULSKA**, Helsinki Foundation for Human Rights
Venue: Hotel Regent Warsaw
- 16:00 – 17:00 Meeting with **Representatives of political parties**
- **Mr Maciej Piotr JÓZEFOWICZ**, Partia Zieloni
 - **Mr Rafał Kazimierz TRZASKOWSKI**, Koalicja Obywatelska PO i Nowoczesna
 - **Ms Kamila GASIUK-PIHOWICZ**, Koalicja Obywatelska PO i Nowoczesna
Venue: Hotel Regent Warsaw
- 17:30 – 18:00 Technical briefing with drivers and interpreters
Venue: Hotel Regent Warsaw

Saturday, 20 October 2018

- 09:30 – 10:30 Meeting with **Representatives of political parties**
- **Ms Anna-Maria ŻUKOWSKA**, SLD Lewica Razem
Venue: Hotel Regent Warsaw

Transfer to the airport for the two Congress teams operating in Krakow and Wroclaw

Afternoon briefings for the Congress teams deployed to Krakow and Wroclaw

Sunday, 21 October 2018 – Election Day

- | | |
|-------|---|
| 06:30 | Departure from the hotels in Warsaw, Krakow and Wroclaw |
| 23:00 | Late-night debriefing of the teams deployed in Warsaw, Lublin, Lodz, Krakow and Wroclaw (and in the environs) |

Monday, 22 October 2018

- | | |
|---------------|--|
| Various times | Departure of the members of the Congress Delegation |
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APPENDIX III

DELEGATION

Congress members

Ms Barbara TOCE, Italy (SOC, L), Vice-President of the Congress

Mr Stewart DICKSON, United Kingdom (ILDG, R), Congress Spokesperson on Observation of Local and Regional Elections

Mr Jos WIENEN, Netherlands (EPP-CCE, L), Congress Spokesperson on Observation of Local and Regional Elections

Ms Violeta CRUDU, Republic of Moldova (EPP-CCE, L)

Mr Mihkel JUHKAMI, Estonia (EPP-CCE, L)

Mr Luc MARTENS, Belgium (EPP-CCE, L)

Mr Sasa PAUNOVIC, Serbia (SOC, L)

Ms Rosaleen O'GRADY, Ireland (ILDG, R)

Expert

Mr Matej GOMBOSI, Slovenia, Congress Expert on Observation of Local and Regional Elections

Congress Secretariat

Ms Renate ZIKMUND, Head of Service a.i., Department of Statutory Activities
Local and Regional Election Observation

Mr Adam DRNOVSKY, Election Observation Officer

Ms Ekaterina KOTNOVA, Assistant, Local and Regional Election Observation

APPENDIX IV

DEPLOYMENT OF THE TEAMS

Congress teams	Composition of the Congress teams	Saturday night	Area of Deployment
Team 1	Ms Rosaleen O'GRADY Mr Adam DRNOVSKY Interpreter: Aleksandra SOBCZAK	Hotel Regent WARSAW	WARSAW
Team 2	Mr Mihkel JUHKAMI Ms Ekaterina KOTNOVA Interpreter: Andrzej GRZADKOWSKI	Hotel Regent WARSAW	WARSAW
Team 3	Mr Matej GOMBOSI Mr Sasa PAUNOVIC Interpreter: Artur ZAPALOWSKI	Hotel Regent WARSAW	LODZ One-day round trip by car from Warsaw
Team 4	Ms Barbara TOCE Mr Luc MARTENS Interpreter: Piotr PASTUSZKO	Hotel Regent WARSAW	LUBLIN One-day round trip by car from Warsaw
Team 5	Mr Stewart DICKSON Ms Renate ZIKMUND Interpreter: Aleksander JAKIMOWICZ	Hotel Wit Stwosz KRAKOW Mikołajska 28, 31-027 Tel.: +48 12 429 60 26 hotel@hotelws.pl	KRAKOW Flight from Warsaw at 14:50 (transfer at 12:50) Lot 3901
Team 6	Ms Violetta CRUDU Mr Jos WIENEN Interpreter: Kamil KRZYWICKI	Hotel Grand City WROCLAW ul. Rzeźnicza 1, Stare Miasto, 50-129 Tel.: +48 71 308 44 44 repcja@grandcityhotel.pl	WROCLAW Flight from Warsaw at 13:30 (transfer at 11:30) Lot 3843

The list of polling stations is available on the website <https://wybory2018.pkw.gov.pl/pl/obwody>

APPENDIX V

PRESS RELEASE

Congress concludes Electoral Assessment Mission to Poland

Elections Warsaw, Poland 24 October 2018

Following an invitation by the National Electoral Commission to observe the local elections held in Poland on 21 October, the Congress of Local and Regional Authorities of the Council of Europe deployed a 12 member-Assessment Delegation from 18 to 22 October, led by Jos WIENEN, Netherlands (EPP-CCE), Thematic Spokesperson of the Congress on election observation.

Further to a series of pre-electoral briefings organised in Warsaw on 18, 19 and 20 October with different interlocutors including representatives from Embassies, NGOs, media associations and political parties running in the elections, yesterday, six Congress teams visited some 80 polling stations in the country, focusing on Warsaw, Lublin, Łódź, Krakow and Wrocław and adjacent rural areas.

"Overall, the Election Day was calm and uneventful in the majority of municipalities we went to follow the vote, despite many small-sized polling stations and occasional overcrowding of places", the Head of Delegation, Jos WIENEN, stated. "We also noticed with satisfaction the high-level of trust in the electoral management in Poland and that voters were able to express their will freely and without intimidations."

"We have also some remarks with regard to the practical organisation of the voting: The set-up of the polling stations, in particular the cardboard separations on tables used instead of proper polling booths, were not conducive to ensuring the secrecy of the vote, according to our observers. This was aggravated by cases of group and family voting noticed by the teams of the Congress in many places", WIENEN added.

In addition, inconsistencies with regard to the proper sealing of the ballot boxes and occasional understaffed electoral commissions were reported by the observer teams of the Congress.

"Particular attention should be paid to the new procedure for the counting of the ballots in Polish elections which foresees a new election commission operating in polling stations as of 20:45 which is solely responsible for the counting of the votes and the establishment of the results at this level. Congress observers were present in a few selected polling stations to follow the handover between the two commissions which turned out to be lengthy and overly complicated", the Head of the Congress Delegation stated, referring also to the amendments of the Electoral Code, adopted last January, that have been subject to criticism including from the National Electoral Commission of Poland.

"Last not least, our teams have met only very few electoral observers over the day. Since the presence, in particular of civic observers, can help improving electoral standards and practices, we encourage civil society organisations in Poland to further engage in election observation", Mr WIENEN concluded.

Further to this Assessment Mission, an Information Report will be presented at the 36th Plenary Session of the Congress in April 2019 which will include recommendations regarding the practical side of local elections and their importance for the proper functioning of territorial self-government in Poland.