

Nationwide Scientific Conference “Elections and Electoral Law. Standards, Safeguards, Practice”, Poznań, 2–3 March 2023

Ogólnopolska Konferencja Naukowa „Wybory i prawo wyborcze. Standardy, gwarancje, praktyka”, Poznań, 2–3 marca 2023 r.

Общепольская научная конференция «Выборы и избирательное право. Стандарты, гарантии, практика», Познань, 2–3 марта 2023 года

Загальнопольська наукова конференція “Вибори та виборче право. Стандарти, гарантії, практика”, Познань, 2–3 березня 2023 р.

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On 2–3 March 2023, the Faculty of Political Science and Journalism of the Adam Mickiewicz University, Poznań, hosted a scientific conference, “Elections and Electoral Law. Standards, Safeguards, Practice.” It was organised by lawyers and political scientists who deal with the issues of elections and electoral law on a daily basis. It is worth noting that this was already the seventh edition of this very important and well-recognised scientific undertaking among election researchers. The event was held under the patronage of local authorities, including Marshal of the Wielkopolska Region, District Governor of Poznań, Mayor of Poznań; local legal professional associations: District Chamber of Legal Advisers in Poznań, Wielkopolska Bar Association, Chamber of Notaries in Poznań and Chamber of Bailiffs in Poznań. Due to the subject matter of the conference, the patrons of the event included, as in previous years, the National Electoral Commission and the National Electoral Office. Other patrons included the Polish Society of Constitutional Law and the Polish Political Science Association. Interestingly, for the first time, the organisers have also invited the Batory Foundation to co-organise the event, entrusting it with the status of an expert partner.

In keeping with the organisers’ intentions, the purpose of the conference was to exchange opinions and views and to present the results of research into the broader issues of elections and electoral law, in particular standards and safeguards for democratic elections, electoral behaviour, the practice of applying electoral law, and threats to the electoral process.¹ Addressing these issues ap-

¹ *Elections and Electoral Law. Standards, Safeguards, Practice*, <https://wnpid.amu.edu.pl/strona-glowna/kalendarz-wydarzen/wydarzenia/konferencja-naukowe/wybory-i-prawo-wyborcze.-standardy,-gwarancje,-praktyka-2023> [access: 27.03.2023].

appears eminently justifiable, given both the experience of elections held in recent years and the great dynamics of changes in electoral law. The indicated topics during the conference were considered both in the theoretical and practical context, which was undoubtedly influenced by the choice of speakers. They included not only the representatives of the academic community but also election administration (National Electoral Commission, electoral commissioners, employees of the National Electoral Office), judges, lawyers, representatives of non-governmental organisations and politicians. The two-day conference consisted of ten panels.

The conference began with an opening panel, during which representatives of the organisers and patrons welcomed participants and unanimously stressed the importance of the event for electoral law and practice. The following spoke in turn: Prof. Tadeusz Wallas – Vice-Rector of the Adam Mickiewicz University, Poznań; Prof. Andrzej Stelmach, Dean of the Faculty of Political Sciences and Journalism of the Adam Mickiewicz University; Sylwester Marciniak, Chairperson of the National Electoral Commission; Marek Gola, Deputy Chairperson of the Wielkopolska Regional Assembly; Jan Grabkowski, District Governor of Poznań; Grzegorz Gano-wicz, Chairperson of the Poznań City Council; Zbigniew Tur, Deputy Chairperson of the National Council of Legal Advisers; Marek Jessa, Chairperson of the Council of the Chamber of Bailiffs in Poznań; Dr. Andrzej Rataj, President of the Chamber of Notaries in Poznań; and Dr. Katarzyna Golusińska, Treasurer of the Poznań Regional Bar Council.

After the opening part, Plenary Session I was scheduled, chaired by the Honorary President of the Venice Commission, Prof. Dr. habil. Hanna Suchocka (Adam Mickiewicz University). After a brief introduction to the panel's subject matter, the floor was given to Sylwester Marciniak, Chairperson of the National Electoral Commission. The speaker presented the issue of the functioning of the National Electoral Commission, analysing historical experience and referring to future perspectives. The second speaker, Prof. Dr. habil. Jarosław Flis (Jagiellonian University) presented key dilemmas related to proposals to introduce mixed electoral law in Poland. In a sense, this issue was continued by another guest speaker, Prof. Dr. habil. Bartłomiej Michalak (Nicolaus Copernicus University in Toruń), presenting a paper entitled "A mixed system of personalised proportionality in elections to the Sejm of the Republic of Poland." In the last of the speeches scheduled in Session I, Dr. habil. Jacek Zalesny addressed the problem of the extension of the term of office of local government bodies. This paper, given the many controversies that the adoption of the Act of 29 September 2022 on the extension of the term of

office of local government bodies,² was an extremely timely and important voice in the discussion on the value of cyclicality and periodicity of elections in a democratic state under the rule of law.

The next plenary session (II) was moderated by Prof. Dr. habil. Andrzej Szmyt (University of Gdańsk). The first speaker, Prof. Dr. habil. Marek Chmaj (SWPS University, Warsaw) discussed the issue of *vacatio legis* in the case of enacted electoral laws. This issue should be regarded as particularly important in view of the fact that the Polish legislator has not attached importance to this institution and its safeguarding role in the electoral process for many years. The subject of changes in electoral law was continued in his paper by Prof. Dr. habil. Krzysztof Skotnicki (University of Lodz). The Professor discussed the issue of legislative silence in the electoral law. This issue also seems highly topical as the Polish legislator, with almost every subsequent change to the electoral law, disregards the Tribunal and European standards prohibiting making significant changes to the electoral regulations at least six months³ or a year before the elections.⁴ The floor was then taken by Prof. Dr. habil. Ryszard Balicki (University of Wrocław), who gave a speech entitled “Electoral thresholds – the democratic purpose of an undemocratic institution.” Panel Session II concluded with a speech delivered by Prof. Dr. habil. Magdalena Musiał-Karg (Adam Mickiewicz University). Prof. Musiał-Karg presented the issue of electoral silence, giving an interesting account of both the theoretical and practical aspects of the functioning of the institution in question.

Plenary Session III was chaired by Prof. Dr. habil. Sławomir Patyra (Maria Curie-Skłodowska University). Three speeches on different aspects of the principles of electoral law were presented during the panel. The first was by Prof. Dr. habil. Krzysztof Urbaniak (Adam Mickiewicz University). The speaker discussed the issue of canvassing in the light of the current Electoral Code, referring mainly to the controversies brought about by the changes in the wording of Article 106 of the said Act. Prof. Dr. habil. Jacek Sobczak (University of Economics and Human Sciences in Warsaw) took the floor as the second speaker in this session, analysing the issue of the principle of directness in electoral law. Panel III ended with a speech

² Act of 29 September 2022 on the extension of the term of office of local government bodies, Journal of Laws [Dziennik Ustaw] of 2022 item 2418.

³ The Constitutional Tribunal's judgments: Judgment of the Constitutional Tribunal of 3 November 2006, K 31/06, LEX no. 231197, Judgment of the Constitutional Tribunal of 28 October 2009, Kp 3/09, LEX no. 525654 and Judgment of the Constitutional Tribunal of 20 July 2011, K 9/11, LEX no. 936458.

⁴ See § II.2.65 of the Explanatory Report to the Code of Good Practice in Electoral Matters. Guidelines and Explanatory Report Adopted by the Venice Commission at its 52nd Plenary Session, 18–19 October 2002, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2002)023rev2-cor-e) [access: 26.03.2023].

by Prof. Dr. habil. Andrzej Stelmach (Adam Mickiewicz University), who tried to find an answer to the question of whether elections in Poland are equal.

Panel Session IV was slightly different. It was organised by the Batory Foundation, the patron of the conference. This panel was special because it was a debate moderated by Dr. Anna Materska-Sosnowska. The participants jointly sought to identify the main threats to the electoral process in Poland while trying to develop recommendations for the future. Debate participants included Krzysztof Izdebski (Batory Foundation), Prof. Jacek Haman (Batory Foundation, University of Warsaw), Prof. Dr. habil. Wojciech Łączkowski (former Chairperson of the National Electoral Commission, Adam Mickiewicz University), Prof. Dr. habil. Bartłomiej Michalak (Batory Foundation, Adam Mickiewicz University) and Judge Jerzy Stępień (retired judge of the Constitutional Tribunal, former President of the Constitutional Tribunal, Lazarski University).

After four highly interesting plenary sessions, identifying a number of legal and practical problems in the organisation of elections and compliance with the standards of the democratic electoral process, parallel panel sessions began. The first of these, moderated by Dr. Natasha Lubik-Reczek (Adam Mickiewicz University), featured several interesting and thematically diverse speeches. First, the floor was taken by Prof. Dr. habil. Joanna Rak (Adam Mickiewicz University), presenting “Medical populism of the ruling camp before and after the 2020 presidential elections in Poland.” This was followed by a scheduled speech by Prof. Dr. habil. Przemysław Żukiewicz (University of Wrocław) entitled “Party switching and parliamentarism and democracy: Why inter-party transfers do not violate the so-called ‘electoral contract’?” Dr. Tomasz Gąsior (National Electoral Office) discussed the recent changes to the Electoral Code regarding the financing of political parties and election campaigns. The last of the speeches scheduled in this session was by Prof. Dr. habil. Jacek Wojnicki (University of Warsaw) entitled “Never ending story. In search of a parliamentary majority – the case of Bulgaria and Slovakia.”

A parallel Panel Session II was held, with Dr. Norbert Gill (Adam Mickiewicz University) as moderator. The topics of the panel focused on vital institutions of electoral law. First, Prof. Dr. habil. Mariusz Jabłoński (University of Wrocław) presented the problem “The person of trust as a personal data controller within the meaning of the GDPR.” This topic is undoubtedly worth a broad discussion in connection with the recent amendment of the Electoral Code and the changes to the provisions relating to the processing of voters’ data obtained in connection with the social control of the electoral process. The next two papers presented by Grzegorz Gąsior (National Electoral Office) and Dr. Agata Pyrzyńska (University of Szczecin) concerned the institution of the Central Electoral Register, which was introduced

by the Act of 26 January 2023 on amending the Act – Electoral Code and certain other acts.⁵ The first speaker discussed the path and rationale for introducing this solution into the Polish legal system, referring to similar institutions operating in other countries. Dr. Agata Pyrzyńska, on the other hand, focused on the advantages of the introduction of the Central Register of Voters for Polish electoral practice and presented controversies related to the contentious mode of entry into force of the provisions on the Register and the entity to which the legislator decided to entrust its maintenance. The last speech of this panel, presented by Dr. Anna Materska-Sosnowska (University of Warsaw) and Dr. Michał Mistygacz (University of Warsaw), dealt with the issue of the dysfunctionality of election protests in Poland in the light of the standard of fair elections.

The second day of the conference saw four panel sessions (III–VI), which were also held in parallel. During Session III, moderated by Prof. Dr. habil. Elżbieta Lesiewicz (Adam Mickiewicz University), four papers were presented. The first, devoted to the situation of visually impaired voters, was delivered by Dr. Radosław Zych (University of Szczecin). Then, Paweł Ruksza, M.A. (Jan Długosz University, Częstochowa) discussed “Voters’ use of postal voting and voting by proxy in the example of Częstochowa.” The next paper by Dr. Marek Woźnicki was “Parliamentary elections in Commonwealth realms.” The panel concluded with a speech by Dr. Tomasz Kowalczyk (Kujawy and Pomorze University in Bydgoszcz) on the issue of the hierarchisation of the so-called fundamental principles of electoral law in Poland.

Panel Session IV was moderated by Prof. Dr. habil. Jędrzej Skrzypczak (Adam Mickiewicz University). The programme of the panel included four speeches by Dr. Agata Hauser (Adam Mickiewicz University) entitled “International and European standards concerning the settlement of disputes related to the electoral process,” Dr. Robert Kropiwnicki (Member of the Polish Parliament) entitled “Amendment of the Electoral Code of 2023,” Dr. Wojciech Mojski (Maria Curie-Skłodowska University) – “The problem of proportionality of the use of big data mechanisms in an election campaign,” Dr. Natasza Lubik-Reczek (Adam Mickiewicz University) and Dr. habil. Rafał Reczek (Institute of National Remembrance) entitled “State security organs as an element of the electoral process in the People’s Republic of Poland between 1947 and 1989.”

The last part of the panel sessions was moderated by Prof. Joanna Rak (Adam Mickiewicz University; Panel V) and Dr. Klaudia Gołębiowska (Adam Mickiewicz University; Panel VI), respectively. Panel V began with a presentation by Dr. Marcin

⁵ The Act of 26 January 2023 on amending the Act – Electoral Code and certain other acts, Journal of Laws of 2023 item 497.

Łukaszewski (Adam Mickiewicz University) entitled “No alternative. The specifics of parliamentary elections in Monaco.” Then, Wojciech Dąbrówka, M.A. (University of Białystok) presented “Postal voting in selected European countries. A comparative legal analysis.” The next speaker, Rafał Świergiel, M.A. (Adam Mickiewicz University), presented a paper entitled “Parliamentary elections 1989–1997 and the dynamics of the constitutional moment in Poland.” The last speaker, Szymon Mankowski, M.A. (Adam Mickiewicz University), focused on the issue of political communication in social media during the 2020 presidential campaign in Poland.

Panel VI opened with a speech by Prof. Dr. habil. Artur Ławniczak (University of Wrocław) entitled “Is secret balloting a dubious and disastrous solution in political law?” This was followed by Prof. Dr. habil. Marcin Rachwał (Adam Mickiewicz University), who discussed the issue of factors affecting the level of voter turnout and formal civic education. At the end of the panel, Prof. Dr. habil. Ivan Pankevych (University of Zielona Góra) gave an interesting speech entitled “Postal voting in selected European countries: a comparative legal analysis.”

The conference “Elections and Electoral Law. Standards, Safeguards, Practice” was an excellent opportunity to exchange views, diagnose problems and develop future electoral law proposals. Similarly to previous editions, an incredible value of this event was the opportunity to engage in an interdisciplinary discussion involving lawyers, political scientists and those dealing with electoral issues in theory and practice. Looking at the key problems of the electoral process and electoral law regulation in this way has an excellent scientific effect, as it allows the issues under discussion to be assessed from different perspectives and viewpoints. The issues discussed at the conference showed that elections and electoral law, not least because of their significant variability, are fascinating research areas. We hope that the organisers will also take the trouble to hold another, i.e. eighth, edition of this cyclical, valuable scientific event next year.