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## Opinions of the Poles about Postulated Changes in Electoral Law

**Abstract:** After many years of effort, in 2011, a large package of new solutions was introduced to the Polish electoral law (postal-voting, quotas, etc.). But the process of changing electoral law cannot be considered as complete. Some of the solutions implemented require adjustment and modification (such as electoral quotas). It is also worth taking into account, inter alia, demographic changes and technological developments; considering the prospects for the evolution of mechanisms in the long term (such as the introduction of electronic voting and reducing the voting age). A few weeks before the European Parliament elections in 2014, the Centre of Electoral Studies and the Public Opinion Research Center, conducted polls to assess public opinion on a group of constructions that were being considered by experts and in parliamentary works on electoral law. The research shows that Poles are against the proposed reduction in voting age (to 16 years) as well as against removal of the 'electoral silence' period. Opinion on electoral quotas was divided. The research also showed that although Poles are open to new, remote methods of voting (e.g. postal voting), they still preferred the 'classic way' of voting in polling stations which they regarded as being the most trustworthy.

**Keywords:** electoral law, elections, public opinion surveys

**Słowa kluczowe:** prawo wyborcze, wybory, badania opinii społecznej

### 1. Introduction

In 2011, the Electoral Code Code was adopted. In addition to rearranging the already existing election rules, it also introduced many new important mechanisms and legal structures. The conceptual and legislative work on successive amendments, however, are still continued. A wide variety of proposals for innovation concerning the election law are taken into consideration in expert discussions, public debate,

and in Parliament. Some of them cause much controversy. Since the process of legal amendments should be accompanied by a deep reflection involving also the voter attitude and opinion research, in April 2014, the Centre of Electoral Studies of the Nicolaus Copernicus University and the Public Opinion Research Center decided to conduct a mutual research concerning those issues. We agreed that the impending elections to the European Parliament may constitute a certain point of reference, and the pre-election period as well as attention, of at least part of respondents, paid to the matters related to the elections may help them – at least to some extent – form opinions and assess the proposed amendments to the electoral law.

In our research, we focused on the issues that had been recently discussed, such as: the percentage of candidates of different genders on electoral rolls and potential modifications in this respect; proposals for amendments to the structure of so called election silence; the lowering of voting age; the restriction on the campaign advertising. In our research, the issues associated with alternative voting procedures were rather widely discussed. Taking into account the theme of the volume – the problematic aspects in this article have been further expanded to the latest research results (April 2015) that are dedicated to the knowledge and preferences of Poles concerning the existing procedures: voting by correspondence and by proxy. In addition, the trends related to the communication channels and sources of knowledge about elections were contextually examined.

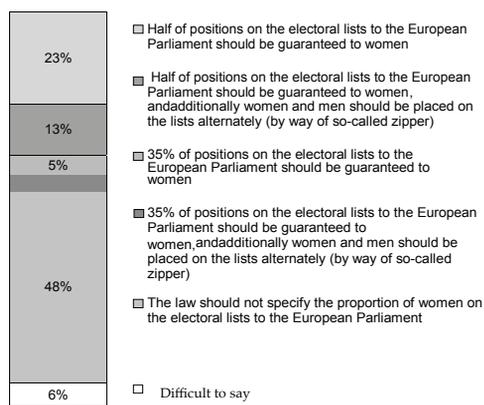
Therefore, the purpose of this article is first and foremost to provide, on the basis of the results of public opinion research, information concerning reviews, evaluations as well as, to some extent, the knowledge of Polish voters concerning the selected structures of the electoral law. This material may be helpful in in-depth, interdisciplinary analyses of specific legal mechanisms, and may also potentially allow a broader reflection of the legislator and political environments on certain directions of electoral law reforms.

## **2. The gender quotas on electoral rolls**

The 2011 Electoral Code guarantees 35% of the participation on electoral rolls for both men and women. However, legislative work on the modification of this mechanism is under way, for it is indicated that the mechanism is ineffective in its current form. On the basis of our research, it can be stated that the solution accepted in the Electoral Code satisfies a relatively small proportion of society, though it can undoubtedly be considered a consensual solution taking into account contradictory arguments and views. The opinions of Poles on the mechanisms of improving the balance of both genders in the representative bodies are diverse. On the one hand, almost half of the surveyed (48%) think that the law should not specify the percentage of women on electoral rolls at all; on the other, the proponents of the

legal guarantees of gender equality (total of 45%) are by far more in favour of parity on electoral rolls (36%) than of women being limited to the level of 35 per cent (9%). Less important than the determination of the quota participation of candidates of both genders on electoral rolls is placing the names of candidates – men and women – alternately on the so-called zippered electoral lists.

Figure 1. In your opinion, what share of women on electoral lists to the European Parliament should be guaranteed by the law? Which of the below solutions do you like?



We asked our respondents a similar question in September 2011, before the impending elections to the Sejm and the Senat. 26% of them were in favour of legally guaranteed gender parity on electoral rolls to the Sejm, 13% – of at least 35-percentage participation of men and women on electoral rolls. More than a half of respondents (51%) were against the percentage of candidates on electoral rolls being determined by law on the basis of their gender. This means that the number of proponents of balancing the proportion of candidates of both genders in the election has increased in recent years.

The opinions concerning balancing the number of women and men on electoral rolls are determined by gender of respondents. Generally, solutions aiming at promoting gender equality are more often supported by women (total of 51%) than by men (39%). What is interesting, their attitude towards the increase in the proportion of women on electoral rolls depends on the financial status (*per capita* income in a household) and – but to a lesser degree – on the education level. The need to provide the legal mechanisms that would guarantee a specified number of positions on electoral rolls for female candidates is indicated primarily by economically disadvantaged and less educated women. Similar, though lesser, dependence can be observed in the case of men. What is more, the opinions in this respect among men vary according to their age. The majority of proponents of

balancing the chances of women in politics through the gender quotas on electoral rolls is constituted by elderly respondents (65 years old and over, the total of 51%), and the minority – by young men aged 18 to 24 (30%, while 69% are against it). The opinion in this matter does not significantly depend on declared political views (specified according to the left wing-right wing index) or the religiousness of the people surveyed, irrespectively of their gender.

Public support for legal solutions designed to promote women in politics is therefore not a matter of worldview, but can result from the resentment of groups that are economically and socially weaker<sup>1</sup>.

Table 1. Women opinions on gender quotas on electoral lists

Monthly income <i>per capita</i> in a household	In your opinion, what share of women on electoral lists to the European Parliament should be guaranteed by the law? Which of the below solutions do you like?			
	Half of positions on the electoral lists to the European Parliament should be guaranteed to women (possibly, additionally women and men should be placed on the lists alternately, by way of so-called zipper)	35% of positions on the electoral lists to the European Parliament should be guaranteed to women (possibly, additionally women and men should be placed on the lists alternately, by way of so-called zipper)	The law should not specify the proportion of women on the electoral lists to the European Parliament	Difficult to say
	as a percentage			
Up to PLN 500	54	10	27	9
501–750	44	4	44	7
751–1000	39	12	40	9
1001–1500	33	14	50	3
Over PLN 1500	28	16	51	5

Table 2. Women opinions on gender quotas on electoral lists

Education	In your opinion, what share of women on electoral lists to the European Parliament should be guaranteed by the law? Which of the below solutions do you like?			
	Half of positions on the electoral lists to the European Parliament should be guaranteed to women (possibly, additionally women and men should be placed on the lists alternately, by way of so-called zipper)	35% of positions on the electoral lists to the European Parliament should be guaranteed to women (possibly, additionally women and men should be placed on the lists alternately, by way of so-called zipper)	The law should not specify the proportion of women on the electoral lists to the European Parliament	Difficult to say
	as a percentage			
Elementary/ lower secondary	39	16	30	15
Basic vocational	49	8	37	6
Secondary	42	7	43	7
Higher	32	12	54	2

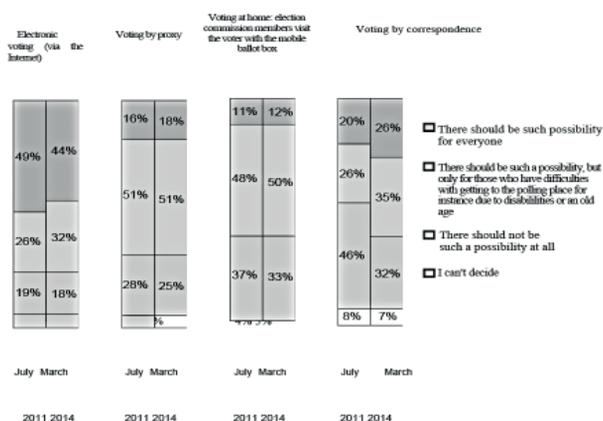
1 B. Roguska, J. Zbieranek, *Wiedza i opinie Polaków o prawie wyborczym i mechanizmach kampanii*, Warszawa 2011.

### 3. The Poles about voting procedures

The works on the introduction of so called alternative voting procedures – that enable voting outside the polling places – have been carried out in Poland for nearly 20 years. In the first instance, the legislator decided to address them to the groups of voters facing the greatest difficulties with voting. Since 2010, people with disabilities and advanced in age can vote by proxy; in addition, since 2011, voters with disabilities and those who are outside the country may vote by correspondence. At the time of conducting the research, the conceptual and legislative works on the implementation of other procedures (voting via the Internet) and on allowing all voters to use the already introduced procedures (voting by correspondence) took place.

The reform of voting procedures is not only purely organisational or technical but also social process – and should be accompanied by regular public opinion research indicating different aspects of changes, including issues of trust in procedures. In accordance with the existing arrangements resulting from the earlier March survey conducted by the Public Opinion Research Center and the office of the Commissioner of Human Rights, Poles are generally in favour of introducing alternative voting procedures into the Polish electoral law, but they think that these procedures should be addressed mainly to the voters having difficulties with getting to the polling place.

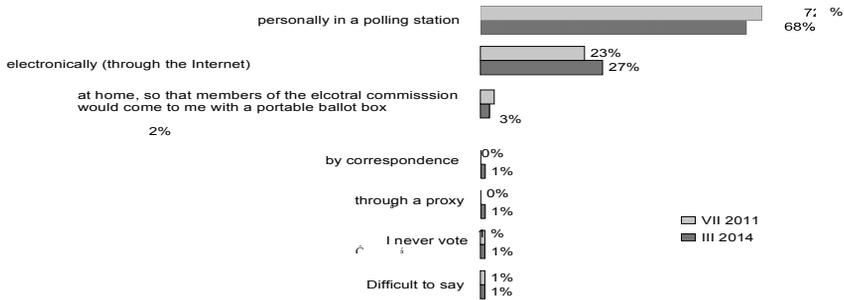
Figure 2. Please say for each of the presented form of voting, if there should be such a possibility or not?



Source: B. Roguska, J. Zbieranek, *Ułatwienia w głosowaniu – wiedza, opinie i oczekiwania*, Warszawa 2014.

When asked about their own preferences, the majority of the surveyed (over two thirds) indicate that they would like to vote at the polling place. Only one-third of respondents indicate a different procedure, but it is worth noting that this group grows.

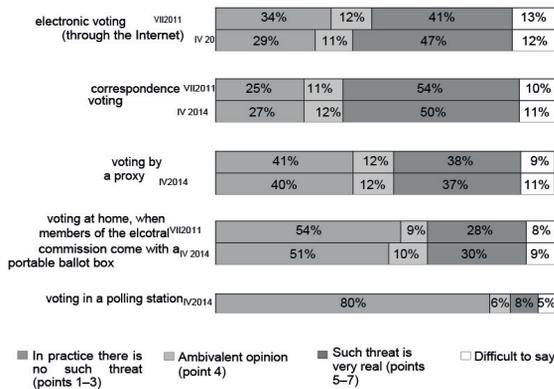
Figure 3. If you could choose how to vote, you would prefer voting:



Source: B. Roguska, J. Zbieranek, *Ułatwienia w głosowaniu – wiedza, opinie i oczekiwania*, Warszawa 2014.

In April 2014 survey, we asked Poles about their trust in specific – existing or still only proposed – voting procedures. Security and integrity of procedures are extremely important and these issues are often discussed in the public debate, it is thus essential to look closely at the opinions of voters themselves on this subject.

Figure 4. Works on amending procedures of casting votes are in progress. In addition to the traditional voting in a polling station, other voting methods are proposed. Do you see the threat of abuse or even electoral fraud in the case of\*:



Respondents marked their answers on the seven-point scale

\* In 2011 the question read: 'It is sometimes said that there is a danger of abuse, and even electoral fraud connected to the possibility of voting in a way different than in the polling station. Do you see such a threat in the case of?'

First of all, the Poles were asked about the traditional procedure of voting at the polling place. The vast majority of respondents (80%) said that they could not see

risks and dangers of malpractices, while 8% stated that they are real. As regards the alternative voting procedures, the opinions of the Poles are more varied.

The least safety concerns regarding the question of the safety of voting were caused by voting with the use of the mobile ballot box, which would be taken by the members of the election commission to voters' homes. According to more than a half of the surveyed (51%), this is not associated with any threat. Slightly more doubts were caused by the procedure of voting by proxy – in this case, the opinions of the surveyed are divided. When it comes to two other procedures, the views of respondents that indicate risks predominate. With respect to the procedure of voting via the Internet, almost 47% of the polled have serious doubts, while the minority (29%) indicate the lack of any threat. While assessing the procedure of voting by correspondence, half of the surveyed (50%) indicate the danger of malpractices, while 28% do not share these concerns.

It is worth noting that these results compared with the same survey conducted in 2011 are almost the same. The high score of the traditional voting procedure at the polling place, which shows the high trust in electoral authorities, should also be underscored. In contrast, in the case of the alternative procedures, the lesser the direct control of the election authorities is, the greater doubts they raise. While using the mobile ballot box and voting by proxy might be viewed as procedures with relatively broad and direct engagement of election – or even public – authorities, the remote procedures, such as voting by correspondence and electronic voting (via the Internet), are in this context regarded as subject, due to their specificity, to less control.

When it comes to the effective functioning of alternative voting procedures, the issue of great importance is to inform voters (in particular the recipients of those procedures) about these procedures. Besides the public opinion research, which is shown above, carried out in April 2014 by the Center of Electoral Studies and the Public Opinion Research Center, we decided to present in this article the latest results covering the period directly preceding the election of the President of the Republic of Poland (April 2015) from the survey which was a common initiative of the Public Opinion Research Center and the Commissioner of Human Rights. It aimed at presenting the state of knowledge of Poles concerning voting by correspondence and by proxy. It is worth noting that the above-mentioned survey was conducted during the last days before the deadline for submitting the notification of using these facilities.

As it has already been underlined, the procedure of voting by correspondence was introduced into the Polish law in 2011 with a view of two groups of voters who had particularly big problems with getting to the polling places: Poles with disabilities and those who were abroad. This procedure was introduced during the general elections in 2011 when the intention to use it was expressed by nearly 23,000 voters (mostly residing outside the country, and to much lesser extent – voters with

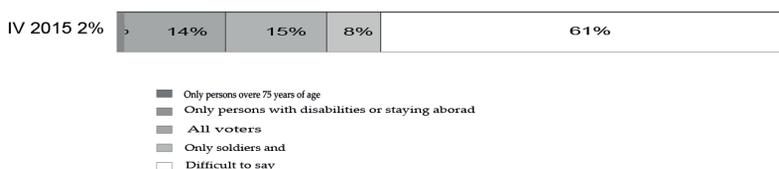
disabilities living in Poland). This was considered a success, given the then-huge level of unawareness regarding the new procedure among Poles. As a result of the research carried out in 2011 by the Public Opinion Research Center, a couple of weeks before the general elections, the new procedure was completely unknown for the majority of the surveyed, including the vast majority of people with disabilities.

In 2014, in the course of the legislative work on the amendment to the Electoral Code, it was decided that the procedure of voting by correspondence will be available to all Poles. At the same time, it was established that voting by correspondence would be used for the first time on such a wide scale during the Polish presidential elections in 2015. At that time, experts, social organizations and the Commissioner of Human Rights pointed out (and appealed to, among others, the State Election Commission) that the following few months should be devoted to a comprehensive, well thought-out information campaign aiming at disseminating knowledge about the method of voting by correspondence and people entitled to benefit from it.

Unfortunately, the study carried out in April 2015, only several (!) days before the deadline for submitting the notification of the intention to make use of the procedure, shows that only 15% of Poles were aware that each citizen could vote by correspondence. As much as 60% of the polled did not know anything about this possibility, while others indicated incorrect answers. 14% of the surveyed were convinced that this procedure is available only to voters with disabilities and those who reside outside Poland. Sailors and soldiers were indicated by 8%, and 2% are convinced that it is a sole privilege of people aged over 75.

It is worth noting that the youngest voters (aged 18 to 24) have slightly better knowledge on who is entitled to vote by correspondence – almost one in four of the surveyed belonging to this group know that everyone can benefit from this procedure. The group of the elderly voters (over 65), in turn, is characterised by little knowledge – among them, only one in ten knew the right answer.

Figure 5. Who, according to the provisions, can vote by post?



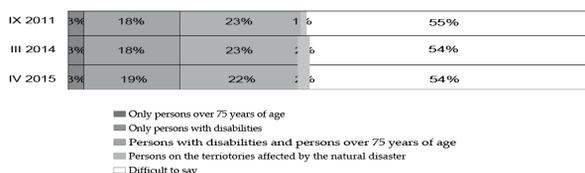
Source: J. Zbieranek, *Wiedza o ułatwieniach w głosowaniu przed wyborami prezydenckimi*, Warszawa 2015.

In this context, very rare declarations of use of this procedure are of no surprise. An intention to vote by correspondence was indicated by less than 3% of the

interviewees, the undecided constituted 6%, and 92% of the polled did not intend to use it.

The voters with disabilities and advanced in age (over 75) can make use of another procedure – voting by proxy. It has been applied in the same formula since 2010. Regular research conducted in 2011 (before the parliamentary elections) and 2014 (before the elections to the European Parliament and the municipal elections) indicated that it was not widely known to people in Poland. In April 2015, only 22% of all of the surveyed possessed the complete knowledge on who is entitled to benefit from this procedure. Every fifth respondent indicated partially correct answers. The majority of the polled (54%) does not have any idea about the procedure. Therefore, the level of awariness of Poles is very similar to this in previous years.

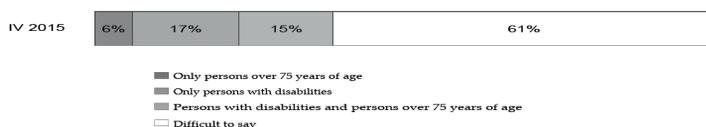
Figure 6. Do you know who, according to the current provisions of electoral law, can vote through a proxy?



Source: J. Zbieranek, *Wiedza o ułatwieniach w głosowaniu przed wyborami prezydenckimi*, Warszawa 2015.

Unfortunately, among those who are entitled to benefit from the procedure of voting by proxy the awareness is also rather low, which is worrying. Such opportunity is known only to one fifth of respondents aged over 75. Almost 80% of elderly people know nothing about this procedure or incorrectly indicate those who are entitled to it.

Figure 7. Do you know who, according to the current provisions of electoral law, can vote by proxy?



Source: J. Zbieranek, *Wiedza o ułatwieniach w głosowaniu przed wyborami prezydenckimi*, Warszawa 2015.

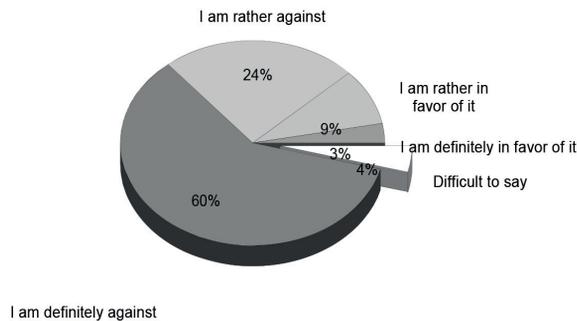
Those who have legal disability status are better informed, though also in this group, the majority of respondents have no knowledge about the procedure of voting by proxy or incorrectly define those who are entitled to use it<sup>2</sup>.

#### 4. The opinions on lowering the voting age to 16

Over the recent several years, it has been proposed in the public debate to enable the citizens to participate in the elections upon the completion of 16 years of age. The proponents of lowering the voting age indicate that such a change will contribute to the better representation of young people and may increase the citizenship activity among the youth. Conceptual works on this proposition are under way. What is more, the project of a legal act providing for introducing such an amendment in the elections to the European Parliament has been prepared<sup>3</sup>.

In research conducted in March 2014, we asked Poles what is their opinion on the proposition of lowering the voting age to 16 years. The research shows that the majority of interviewees (84%) are against this change. What is worth noting, 60% are strongly opposed. Only 12% of the polled support voting by citizens who are 16 years old.

Figure 8. The proposition of lowering the voting age is being discussed.  
What do you think about the proposition of entitling citizens who are 16 or over – not 18 or over, as it is today – to vote in the elections?



- 2 More on proposed amendments and evolution of the election procedure to the European Parliament: K.F. Oelbermann, F. Pukelsheim, *Future European Parliament Elections: Ten Steps Towards Uniform Procedures*, „Zeitschrift für Staats und Europawissenschaften”, 2011, No. 1, pp. 9-28, M. Rulka, J. Zbieranek, *W kierunku jednolitego aktu? System prawa wyborczego do Parlamentu Europejskiego*, (in:) *W stronę europejskiego demos? Polskie wybory do Parlamentu Europejskiego w 2009 roku w perspektywie porównawczej*, J. Kucharczyk, A. Łada (eds.), Warszawa 2010, Drugie sprawozdanie w sprawie wniosku dotyczącego zmiany Aktu dotyczącego wyborów przedstawicieli do Parlamentu Europejskiego w powszechnych wyborach bezpośrednich z dnia 20 września 1976 r. (2009/2134(INI)).
- 3 J. Zbieranek (ed.), *Europejskie wybory młodych*, Toruń 2014.

It is worth mentioning that the proposition of lowering the voting age to 16 is negatively assessed by the youngest respondents, who themselves were that age not a long time ago. 82% of the polled aged 18-24 are against the implementation of such a law, whereas 15% of them support it.

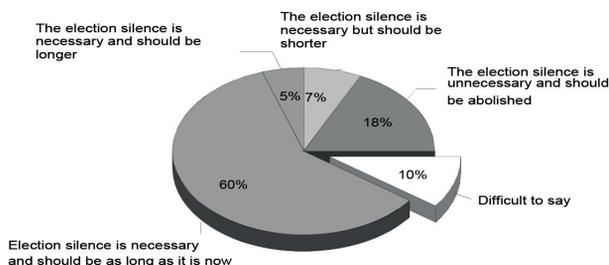
## 5. Opinions on the political campaign mechanisms

### a) Election silence

The Electoral Code prohibits the electoral agitation and publishing electoral surveys for 24 hours before the election day and until the end of voting. The aim of this period, commonly known as the election silence, is to, among others, reduce the level of emotions and provide voters with the chance of quiet, undisturbed consideration in the run-up to the elections. For several past years, however, relevant arguments have been appearing supporting the elimination of the silence, as sometimes it is considered unnecessary anachronism, which, together with the dynamic development of the Internet communication channels, has completely lost its rationale. We decided to find out what Poles think about the election silence.

The vast majority of the surveyed (72% of respondents) find the election silence necessary, 60% point out that it should be preserved in the current form, while 7% think it should be shorter, and 5%, in turn, that it should be longer. Importantly, the opinions on the election silence are similar in particular age groups – including the youth. Only 18% of respondents are strong opponents of the election silence.

Figure 9. 24 hours before the election day until the end of voting, so called election silence is legally imposed, during which such activities as, for instance, the political agitation and presenting the poll results are prohibited. What do you think about the election silence?

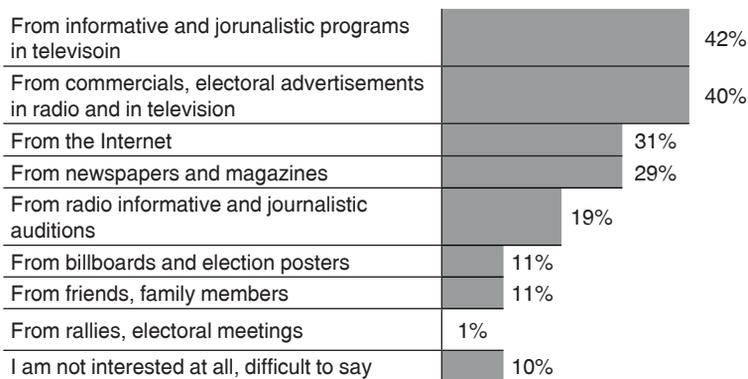


### b) Sources of knowledge about elections

In further phase of the research, we drew our attention to the question of transferring information on topics related to the elections. The most common source of information about candidates in the elections to the European Parliament is television. Over two fifths of respondents (42%) indicated the informative and

opinion-forming television programmes as one of the main sources of knowledge about the elections. Almost the same number of people (40%) mentioned election spots and advertisements in this context. The channels of obtaining information about the elections and candidates to the European Parliament that are similar in popularity are the Internet and press (31% and 29% respectively). The role of radio is less significant – the informative and opinion-forming radio programmes were indicated as the most important source of knowledge about the elections by 19% of the polled. Even fewer people declared that they gain information about the elections primarily from billboards, campaign posters and conversations with friends and family (each 11%). Only few people (1%) use such methods of obtaining information about candidates as campaign meetings and mass meetings.

Figure 10. From where, primarily, do you get information on candidates in elections to the European Parliament? Please indicate no more than three sources from the given list



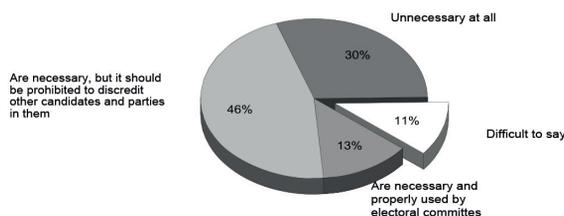
Using the Internet is the most varied method, depending on the socio-demographic characteristics of respondents. For young people, aged 18 to 24, it is the most important source of knowledge about elections and candidates to the European Parliament, replacing some more traditional media – the Internet was indicated by as much as 60% of the surveyed belonging to this age group, while informative and opinion-forming television programmes – by only 28%. Among slightly older respondents, aged 25 to 34, the Internet was also indicated as the most common source of knowledge about elections (50%). The importance of the Internet in obtaining information about elections decreases with age – in the oldest group (65 or more) it was indicated by 7% of respondents.

The use of the Internet is also related to education. It was indicated by 50% of respondents with higher education and 18% of those with basic education as one of the main sources of information about elections.

### c) Opinions on electoral commercials

As the research results indicate, election spots belong to the most frequently mentioned sources of knowledge about the elections. Not only are they used to promote one's own political group, but also often to discredit one's political opponents. Examples of negative campaigning were provided by the 2014 campaign before the European elections. There are some postulates that occur, also in the course of the legislative work on the amendment to the Electoral Code, to statutorily prohibit discrediting other candidates, not only in unpaid, but also in paid election programmes shown in radio and television broadcasts. Research shows that such a prohibition would be appreciated by Poles. In the opinion of almost half of the surveyed (46%), the radio and television spots are needed, but discrediting other candidates should be prohibited. Almost one in three respondents find such a form of political campaign unnecessary. Only 13% of them think that the election spots are needful and efficiently used by the election committees.

Figure 11. In elections to the European Parliament parties conduct a campaign *inter alia* through television and radio commercials. In your opinion, the television and radio commercials are:



## 6. Summary

The study allows to draw several conclusions that may be useful in the course of further conceptual and legislative works on amendments to the electoral law. Poles clearly speak out against the proposal to allow citizens of the minimum age of 16 to vote. The vast majority of the surveyed would like to preserve the election silence.

Poles have enormous trust in the procedure of voting at the polling place, but express many doubts concerning the safety of remote procedures – voting by correspondence and electronic voting (via the Internet).

The results of research showing voters' knowledge about the alternative voting procedures currently functioning in the Polish electoral law could raise serious concerns. The vast majority of subjects do not know anything about the procedure of voting by correspondence. Poles are slightly better informed about the issue of voting by proxy (applied already in several elections). But what is most troubling, those

voters who may particularly need such procedures have relatively little knowledge about them. Only less than one in five disabled voters know that they can vote by correspondence. Similarly – only every fifth elderly voter is aware that they can vote by proxy.

Coming back to the opinions of Poles, the system of gender quotas on the electoral rolls is controversial. The current solution surely satisfies small group of the surveyed. On the one hand, still almost half of the polled believe that the law should not specify the proportion of women and men on electoral rolls. On the other, two fifths of respondents postulate the solution that goes even further – in the form of parity, the smaller group, in turn, are proponents of so called zipper system.

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## REVIEWS

