
C. SPRAWOZDANIA REPORTS

Agata Pyrzyńska¹

<https://orcid.org/0000-0002-4573-4310>

The official report of 5th Polish Nationwide Interdisciplinary Scientific Conference “The challenges of modern electoral law”, held in Toruń on 25 May 2018

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On 25 May 2018 in Toruń, the Faculty of Law and Administration at the Nicolaus Copernicus University became the central location of a debate on the actual issues of electoral law. Thanks to Student Electoral Law Research Group „Elektor”, the fifth Polish Nationwide Interdisciplinary Scientific Conference called “The challenges of modern electoral law,” took place. The event was co-organized by National Election Commission, National Constituency Office, Ombudsman as well as Dean of Law and Administration at the Nicolaus Copernicus University. What is more, the conference’s media patronage was organized by the „Studia Wyborcze” journal. As always the conference consisted of inauguration, panel of experts and three panels of student-postgraduate. The meeting was announced by Wojciech Miller – Chairman of Student Electoral Law Research Group „Elektor” and prof. dr hab. Zbigniew Witkowski – Host of the Faculty of Law and Administration at the Nicolaus Copernicus University, who greeted the participants.

In fact, the debate on the actual issues of electoral law became a chance for other interesting discussions, not necessarily connected to the topic. For example, in January 2018. legislator made an important changes in the Electoral Code and due to its similarities to the Polish Electoral Law’s scope and effect, they’ve become somewhat “revolutionary.” What is more, those changes were enforced as a result of the act issued on January 11, 2018. and applied to those acts which changes would increase participation of citizens and influence selection, functioning and control of these public authorities², which actions are regulated by the Electoral Code. The changes influenced these public authorities which were similar to the shape of

¹ Dr Agata Pyrzyńska – Kujawy and Pomorze University in Bydgoszcz, Institute of Law.

² Act of 11 January 2018 concerning the change of those acts which would increase participation of citizens and influence selection, functioning and control of certain public authorities (Journal of Laws of 2018, item 130).

Polish Electoral Administration and Electoral Helping Instrument. The changes were also applied to the election of PKW team, commissioner's duties, creation of new institution of Electoral Officials' Body, technical aspects of voting, definition of "X" mark and obligation to use live transmission from polling station. Legislator decided to modify the basic rules of electoral law and limit the subjects of authorized correspondence vote. On the other hand, these changes were applied on the eve of municipal election, which according to the Electoral Code began in autumn of this year. Such coincidence inspires to embark on a serious discussion about solutions described in the amending act, the consequences they bring for Polish Electoral Administration and upcoming municipal elections.

The panel of experts was conducted by prof. dr hab. Andrzej Sokala – Director of UMK Electoral Centre Studies and the Academic Supervisor of the Student Electoral Law Research Group „Elektor.” In this session, the experts were Alexander Shlyk – the Office for Democratic Institutions and Human Rights OBWE, prof. dr hab. Anna Rakowska-Trela – University of Lodz, prof. dr hab. Agnieszka Bień-Kacała – Nicolaus Copernicus University in Toruń, dr Jarosław Zbieranek – the Ombudsman's Office, dr Tomasz Gąsior – National Electoral Office, dr Agata Pyrżyńska – Electoral Commissioner in Włocławek I, Kujawy and Pomorze University in Bydgoszcz as well as Adam Dyla – the Delegation of the National Electoral Office in Bydgoszcz. As a first candidate whose lecture the audience could hear was prof. A. Rakowska-Trela, she spoke about the changes implemented to the election campaign made by the legislator. The next person who shared his opinion was dr J. Zbieranek, he spoke about the proceeding of the amending act released in 11 January 2018 r. Then, prof. dr hab. Agnieszka Bień-Kacała tried to explain the issue surrounding “the judicialization of politics”. Finally, dr Tomasz Gąsior, dr Agata Pyrżyńska and Adam Dyla, practitioners of electoral law, discussed the practical aspects of amendment, the issues surrounding PKW and KBW's insufficient number of electoral officials, potential problems of upcoming elections such as the concerns about the new definition of “X” mark or even the consequences of classification of ballot papers as „election documents.” In the experts' speeches, there were also repeated fears concerning the violation of the secrecy of the ballot, the regulations of the European Parliament and the European Council (UE) 2016/679 which took place on 27 April 2016. These regulations involved the protection of natural person with regard to the processing of his or her personal data, the processing of personal data and its free information flow and the repeal of Directive 95/46/EC due to the implementation of new regulations concerning the usage of live transmission from polling station. On the other hand, Alexander Shlyk the OBWE representative, stressed that the amendment of the Polish electoral law of January 2018, despite many controversial solutions, managed to establish an important institution proposed by the OBWE – social, independent national election observers, who are supposed to supervise the transparency of voting.

The panel of student-postgraduates were characterized by a large thematic diversity. The first topic was moderated by Mr Rażny (UMK) and was related to the changes in the Italian electoral law, the draft of the statewide list in the EP elections as well as the issue of transparent ballot boxes. The sociological analysis of the „ide-

al candidate” in the local government elections presented by Dr. A. Hrehorowicz (UMK) piqued a great interest of the audience. The second of the student-postgraduates’ panels was moderated by Jacek Kraszewski – the Director of the Delegation of the National Electoral Office in Włocławek, and involved the issue of election in comparative terms. The speakers talked about the parliamentary elections in Hungary in 2018, Asian electoral systems, electoral rights of women in Saudi Arabia as well as electoral coercion in Australia. During the last panel, led by Dr. M. Serowaniec (UMK), the topics revolved around the electoral pre-campaign, alternative voting methods, amendment of the Polish Electoral Administration and electoral campaign in the so-called „New media.”

This year’s conference proved to be a successful continuation of the „electoral conferences” cycle, started in 2013. As in previous years, it gathered both representatives of the world of science and practitioners of electoral law which in return resulted in interesting conclusions and allowed to look at electoral law in a broader perspective. All in all, for the moment lets hope that the continuation of this valuable undertaking will take place in the upcoming years.

LISTA STAŁYCH RECENZENTÓW / THE LIST OF THE PERMANENT REVIEWERS

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prof. Gilbert Paul Carrasco (Willamette University of Law in Salem, Oregon)
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dr Tadeusz Felski (Kancelaria Adwokacka Adw. Tadeusz Felski i Adw. Ewa Piróg-Wolska)
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