

INTERIM REPORT
10 – 24 September 2019

27 September 2019

I. EXECUTIVE SUMMARY

Parliamentary elections will take place on 13 October to elect 100 members of the upper chamber (*Senat*) and 460 members of the lower chamber (*Sejm*). The elections will take place under a partially revised electoral legal framework, and amidst other significant legislative changes which have contributed to a polarized political environment.

The Election Code underwent substantial revision in January 2018, which included changes in campaign finance rules, the composition and competencies of election management bodies, and election day procedures. Some changes are in line with prior ODIHR recommendations, including provisions on citizen observation. Many stakeholders criticized certain aspects of the electoral reform and described a rushed legislative procedure without meaningful consultation.

Elections are administered at the national, constituency and precinct level. Since the announcement of elections, the National Election Commission has held regular public sessions, has adopted and published various decisions, and together with the National Election Office is conducting voter education. Lower-level commissions were established within the legal deadlines.

Voter registration is passive and, in addition to a permanent national register, lists are maintained on the municipal level by local authorities. Citizens of at least 18 years of age have the right to vote, unless this right is revoked by a court decision, including on the basis of mental disability, despite repeated criticisms by the Human Rights Commissioner and international organizations.

Based on nominations by electoral committees representing political parties, coalitions and groups of voters, Constituency Election Commissions have registered 5,145 candidates for the *Sejm* and 280 candidates for the *Senat*. While the Election Code requires that each gender be represented by at least 35 per cent of candidates on each constituency list, it has no requirements regarding the placement of candidates by gender within the lists. For these elections, women head 46 of 236 candidate lists.

The official election campaign started on 9 August and will last until 24 hours before election day. The campaign is taking place in a competitive environment and is characterized by a high degree of polarization. Most contestants' platforms focus on social protection, standards of living as well as cultural and ideological values. Only one electoral committee, so far, has made gender equality an integral component of their campaign. Many stakeholders noted instances of homophobic and nationalist rhetoric.

Campaigns are financed by public and private funds. Anonymous donations, as well as contributions from foreign sources, legal entities and third parties are prohibited. Contestants must declare private donations and loans, however, there is no reporting requirement before election day.

The Constitution guarantees the freedom of expression and prohibits censorship, but defamation remains a criminal offense and serves as the basis of recent litigation against journalists. Many ODIHR LEOM interlocutors opined that polarization of the media environment deepened following

changes relating to media regulation and the management of the public broadcaster, which is widely perceived as biased in favour of the ruling party. On 18 September, the ODIHR LEOM began monitoring election coverage in five national television channels and five newspapers.

II. INTRODUCTION

Following an invitation from the Permanent Mission of the Republic of Poland to the United Nations Office and International Organizations in Vienna, and based on the recommendation of a Needs Assessment Mission conducted from 17 to 20 June 2019, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established a Limited Election Observation Mission (LEOM) on 10 September. The ODIHR LEOM, headed by Ambassador Jan Petersen, consists of ten experts based in Warsaw and ten long-term observers deployed on 17 September across Poland. Observers are drawn from 14 OSCE participating States. In line with ODIHR's methodology, the LEOM will not carry out a comprehensive or systematic observation of election day proceedings but intends to visit a limited number of polling stations on election day.

III. BACKGROUND AND POLITICAL CONTEXT

Poland is a semi-presidential republic with a government led by the prime minister, who is confirmed by the parliament, and a directly-elected president serving as head of state. Legislative power is vested in a bicameral parliament comprising an upper chamber (*Senat*) with 100 members and a lower chamber (*Sejm*) with 460.

The previous parliamentary elections in October 2015 resulted in the Law and Justice (*Prawo i Sprawiedliwość*, PiS) party securing a majority of seats in both chambers and forming a government.¹ The then-ruling Civic Platform (*Platforma Obywatelska*, PO) party came in second, becoming the primary opposition party. In the 2018 local elections, PiS won the largest number of seats in most regional parliaments, but lost to independent or PO candidates in major cities and towns.² Among elected members to the *Sejm* and *Senat*, 125 and 13, respectively, including the speaker of the *Sejm*, and only 2 of 23 government ministers are women.

Since coming to power in 2015, the governing majority introduced a number of changes to laws regulating the courts and prosecutorial service, as well as the public media.³ While the principle of separation of powers between the executive, legislature and judiciary is enshrined in the Constitution, many ODIHR LEOM interlocutors criticized the recent legislative measures as undermining the independence of the judiciary, echoing concerns expressed previously by several international organizations.⁴ In 2016, the European Commission launched an investigative inquiry

¹ The *Sejm* comprises seats held by PiS (235), PO (138), the association Kukiz15 (42), *Nowoczesna* (28), the Polish People's Party (PSL, 16), and the German Minority (1). The *Senat* comprises 71 seats held by the PiS, 34 seats held by the PO, and one member elected from each of the PSL and four voters' committees

² In the May 2019 European Parliament elections, PiS won 27 seats, PO-led coalition won 22, and *Wiosna*, a party registered in 2018, won 3 seats.

³ Changes included, but were not limited to, a new procedure for the election of the president of the Constitutional Tribunal, authorizing the president of the republic to appoint an "acting president", a term not recognized by the Constitution; the terms of several members of the National Council of the Judiciary, responsible for judicial appointments, were prematurely terminated, and the structure amended so that these 15 of 25 members are appointed by the *Sejm* rather than by judges; the role of minister of justice was merged with the prosecutor general; a new National Media Council (NMC) responsible for determining the leadership of national and regional public broadcasters comprises a majority of PiS appointees who are party members.

⁴ See for example the [2017 ODIHR Opinion on Certain Provisions of the Draft Act on the Supreme Court of Poland](#) and the [2017 Opinion of the Council of Europe's European Commission For Democracy Through Law \(Venice Commission\)](#).

into adherence to the principle of rule-of-law, following changes to the Constitutional Tribunal and the management structure of public broadcasters, and in December 2017 to initiated Article 7 of the Treaty on European Union (Lisbon Treaty), a procedure to suspend certain rights of a member state.⁵

The political climate is marked by heightened polarization, notable corruption and misconduct allegations against government officials, as well as the assassination of the Mayor of Gdansk in January 2019. On 9 August 2019, following allegations of abuse of state resources for private purposes, the speaker of the *Sejm* resigned and a new speaker was elected the same day.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Poland is party to major international and regional instruments related to the holding of democratic elections.⁶ Parliamentary elections are regulated by the Constitution, Election Code and other relevant legislation.⁷ The National Election Commission (NEC) has the authority to issue binding instructions for election commissions and officials, as well as clarifications pertaining to election regulations for broadcasters, governmental authorities, and electoral committees.

The Election Code underwent substantial revision in January 2018, which included changes in campaign finance rules, the composition and competencies of election management bodies, and election day procedures. Some of the changes, such as the expansion of judicial remedies against the decisions of election administration and the introduction of provisions on citizen election observation, are in line with prior ODIHR recommendations.⁸ A number of other recommendations remain unaddressed, including the abolishment of criminal liability for defamation. Certain aspects of the 2018 electoral reform were criticized by many ODIHR LEOM interlocutors, who described a rushed legislative procedure without meaningful consultations. In particular, changes to the composition of the NEC, which will take effect after these elections, were described by some as jeopardizing the neutrality and impartiality of the election administration.⁹

Members of the *Senat* and *Sejm* are elected for four-year terms. Members of the *Senat* are elected through a first-past-the-post system in 100 single-mandate constituencies. The candidate who receives the largest number of votes is elected. In total, 460 members of the *Sejm* are elected through a proportional open list system from 41 multi-member constituencies. Electoral committees whose lists receive at least five per cent of valid votes nationwide (eight per cent for coalitions)

⁵ The procedure was initiated following passage of a bill which lowered the mandatory retirement age of Supreme Court Judges and granted the president with discretionary power to prolong judicial terms; these provisions were later suspended, and were found by the European Court of Justice to violate European law (see judgment in *Commission v Poland*, 24 June 2019, case no. C-619/18). See also paragraph 12 of the [2019 UN Committee on the Elimination of Racial Discrimination concluding observations](#) (advance version), which recommended, the authorities to take “effective steps to guarantee the independence of the judiciary and the National Public Prosecutor from political interference”.

⁶ Including the 1966 International Covenant on Civil and Political Rights, 1979 Convention for the Elimination of All Forms of Discrimination against Women, 1965 Convention on the Elimination of All Forms of Racial Discrimination, the 2003 Convention Against Corruption, 2006 Convention on the Rights of Persons with Disabilities, 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and the 1995 Framework Convention for the Protection of National Minorities.

⁷ These are the Law on Political Parties, Law on Broadcasting, Law on Assemblies, and the Penal Code.

⁸ See all [previous ODIHR election reports](#) on Poland.

⁹ The new NEC composition will include one nominee from each of the Constitutional Tribunal and Supreme Administrative Court, with the remaining seven members appointed by political parties in proportion to their representation in the *Sejm*. In addition, the amendments enable the Minister of the Interior and Administration to nominate candidates for the head of the National Election Office, the executive administrative body within the NEC.

participate in seat distribution. Electoral committees registered by recognized national minorities are exempt from any threshold requirement.¹⁰

V. ELECTION ADMINISTRATION

Elections are primarily administered by the NEC and National Election Office (NEO), 41 Constituency Election Commissions (CEC), and 27,089 Precinct Election Commissions (PECs). On 17 September, one week in advance of the legal deadline, the Ministry of Foreign Affairs established an additional 320 PECs in diplomatic representations and other designated locations in 92 countries. To date, all legal deadlines of the national election administration have been met and all technical electoral preparations are ongoing.

The NEC is a permanent structure composed of nine active or retired judges appointed by the president, with three members nominated from each of the Constitutional Tribunal, Supreme Court, and Supreme Administrative Court. Since the retirement of the previous chairperson in March 2019, the position has remained vacant. All current members of the NEC are men; there are no legal requirements for the representation of each gender in election commissions. The NEC is responsible for overseeing the implementation of the election legislation, maintenance and update of the voter list, registration of electoral committees, oversight of campaign finance, and announcement of final election results. Since the announcement of elections, the NEC has held regular public sessions, and has adopted and published various decisions, including on the formation of CECs, appeals of CEC decisions on candidate registration, and numerous instructions to lower commissions.

The NEO is a permanent body established by the NEC to carry out all administrative, financial and logistical arrangements for elections. The head of the NEO is selected by the NEC upon nomination from the Minister of Interior and Administration. The head of the NEO also serves as the secretary of the NEC. The NEO has 49 delegate offices around the country to support the election administration, and for the first time, appointed from among the local public employees some 2,600 election officers, who are responsible for training PECs and other logistical preparations. The NEC and NEO publish extensive voter information on their website as well as in traditional and social media, and this is supplemented by information published on the websites of municipalities.

CECs are temporary bodies and were established by the NEC by 26 August. CECs consist of 5 to 11 members and are responsible for registering candidate lists and candidates, supervising the work of PECs, and establishing results within their respective constituencies. CECs are chaired by election commissioners, who, in early 2018, were appointed by the NEC for a five-year term upon the nomination of the Ministry of Interior and Administration.

On 23 September, election commissioners established 27,089 PECs to oversee election day procedures. PECs comprise from 7 to 13 members, depending on the number of voters assigned to the precinct. Recent amendments to the Election Code increased the maximum size of a precinct from 3,000 to 4,000 inhabitants. The two electoral committees established by parties which currently have seats in the *Sejm* (PiS and the Polish People's Party) were automatically eligible to have a member. Additional PEC members were determined by applications from the remaining electoral committees, using a lottery, if necessary. In cases where there were insufficient nominations from electoral committees, PEC members were assigned from a pool of citizen applicants. Information on the application procedure for citizen PEC members was made available

¹⁰ The Law on National and Ethnic Minorities and Regional Languages recognizes the Armenian, Belarusian, Czech, German, Jewish, Lithuanian, Russian, Slovak and Ukrainian minorities.

through the media, local administration and the NEC, and the election administration reported no difficulties related to recruitment to the ODIHR LEOM.

The Election Code contains provisions facilitating voting by persons with physical disabilities or limited mobility, including by proxy or postal voting, provided that a voter possesses a disability certificate.¹¹ In addition, special arrangements are required in polling stations to facilitate voting by persons with physical disabilities or visual impairments, including an accessible layout and the provision of Braille ballot guides.

VI. VOTING RIGHTS AND VOTER REGISTRATION

Citizens at least 18 years of age have the right to vote, unless this right is revoked by decision of a court or state tribunal, including on the basis of mental disability, despite a previous ODIHR recommendation. The Human Rights Commissioner has previously called on the authorities to review the Constitution, the Civil Code and other acts related to the legal incapacitation of persons with disabilities in order to, among other things, lift the restriction on voting rights.¹²

Voter registration is passive. A permanent register of voters, based on data from the national population register, is maintained by municipalities under the supervision of the NEC together with the respective delegate offices of the NEO. Preliminary voter lists were established on 23 September, and included a total of 29,968,050 voters nationwide.¹³

Voter lists are not published, but voters may verify their inclusion in the voter list at their local municipality, and until 8 October an eligible voter can apply to be included in the voter list at a place of temporary stay.¹⁴ In addition, by 10 October, eligible voters residing abroad can register in one of the designated diplomatic representations and other locations.¹⁵ Alternatively, by 11 October, voters who will be away from their registered precinct on election day can apply to their municipality or a polling station abroad for an Absentee Voting Certificate, which can be used to cast a ballot at any polling station in the country or abroad.¹⁶

VII. CANDIDATE REGISTRATION

The right to stand in *Sejm* and *Senat* elections is granted to citizens with the right to vote and who have reached 21 and 30 years of age by election day, respectively. Citizens sentenced to imprisonment for an intentional offence or fiscal crimes, as well as those disenfranchised by a court decision on the basis of mental disability, are deprived of the right to be elected. The right to stand may also be revoked by a court decision on the basis of a lustration law related to the activities of security services between 1944 and 1990.

Electoral committees representing political parties, coalitions or groups of voters have the exclusive right to nominate candidates. Eighty-eight electoral committees successfully registered with the

¹¹ Recent amendments narrowed the eligibility for postal voting, eliminating the option of for voters abroad.

¹² See also paragraph 52 of the [2018 UN Committee on the Rights of Persons with Disabilities concluding observations](#), in which the Committee called on the authorities to “[r]epeal all provisions that deny persons with psychosocial or intellectual disabilities and persons deprived of legal capacity their right to vote and all other political rights”.

¹³ The exact number of voters for these elections will be determined 5 days before election day.

¹⁴ In such cases, the municipality where the voter is registered is notified of the voter’s request to be included in another voter list.

¹⁵ To date, some 50,000 voters have registered for out-of-country voting.

¹⁶ The template for the Absentee Voting Certificate is provided by the NEC. Votes cast by AVC are counted at and allocated to the respective polling station, except all votes cast abroad which are allocated to the Śródmieście constituency of Warsaw.

NEC by the 26 August deadline.¹⁷ The electoral committees subsequently applied to CECs for registration of candidates and lists, accompanied by at least 5,000 supporting signatures for candidate lists for the *Sejm* and 2,000 signatures for *Senat* candidates. CECs rejected a total of 31 candidate lists, largely for failing to obtain the minimum required valid signatures, and registered 5,145 candidates (236 candidate lists) for the *Sejm* and 280 candidates for the *Senat*. Electoral committees appealed 18 decisions on refusal to the NEC, and in all cases the decision of the CEC was upheld (see Complaints and Appeals).

Five electoral committees registered candidate lists for the *Sejm* in more than half of constituencies. As a result, their candidate lists were registered in all other constituencies without requiring supporting signatures.¹⁸ These five electoral committees were also guaranteed the first five positions on the ballot, followed by four electoral committees which successfully registered candidates in more than one constituency.¹⁹ The lottery allocation of order on the ballot paper took place on 13 September, and was also broadcast live.

While the Election Code requires that each gender be represented by at least 35 per cent of candidates on each constituency list, it has no requirements regarding the placement of candidates by gender within the lists. For these elections, approximately 42 per cent of *Sejm* candidates and 16 per cent of *Senat* candidates are women. Women head 46 of 236 *Sejm* candidate lists.

VIII. ELECTION CAMPAIGN

The official campaign period started from the announcement of the elections, on 9 August, and will last until 24 hours before election day. The campaign environment is competitive and highly polarized. While the overall tone of the campaign thus far has mostly been moderate, several ODIHR LEOM interlocutors opined that some contestants' campaign messages are inflammatory, including nationalist and homophobic rhetoric, and provoke a sense of threat and elicit negative emotions towards certain issues or groups.²⁰

Campaign activities of the nationwide contestants commenced with large-scale conventions, organized in different cities. The party leaders, including some public officials, feature in campaign activities across the country.²¹ With the exception of PiS, which maintains a visible presence throughout the country, billboards and posters are used to a limited extent, with most electoral committees and individual candidates relying on traditional and social media to amplify their reach. Nationwide contestants actively campaign on the local level, distributing leaflets, organizing meetings with voters, as well as press conferences.²² By law, persons deprived of legal capacity are prohibited from forming or joining public associations or initiating public assemblies.

¹⁷ These include the ruling PiS and the opposition Civic Coalition (*Koalicja Obywatelska*, KO), consisting of PO, Modern, Polish Initiative and the Green Party, as well as three other electoral committees that represent informal blocs led by the Polish People's Party (PSL), the Democratic Left Alliance (SLD) and the Confederation of Freedom and Independence (Confederation).

¹⁸ These include (in the order on the ballot) PSL, PiS, Confederation, SLD, KO.

¹⁹ These include (in the order on the ballot) The Right, Disappointed Pensioners Action, Coalition of Non-partisan Self-government Representatives, and Effective Piotr Liroy-Marzec. One additional electoral committee, representing German minority successfully registered a candidate list in Opole.

²⁰ Paragraph 16 of the 2019 CERD concluding observations recommended the authorities to "take all necessary measures to firmly combat racist hate speech and incitement to violence, including on the Internet, and publicly condemn and distance itself from racist hate speech by public figures, including politicians and media officials".

²¹ The law does not strictly regulate the campaign activities of public officials, but obliges leave from office when campaigning. On 11 September, the parliament was suspended until after the elections.

²² ODIHR LEOM observed eight campaign events of Confederation, KO, *Lewica* and PiS in Gdansk, Gdynia, Katowice, Konin, Kraków, Sosnowiec, Warsaw and Wadowice.

Most contestants' platforms focus on social protection and standards of living, as well as cultural and ideological values. Campaign messages are also generally tailored to local issues, addressing specific concerns of voters in different cities. Most contestants address similar policy areas, such as health, energy, regional and sustainable development, and the opposition Civic Coalition (*Koalicja Obywatelska*, KO) emphasizes its plans to reverse "anti-democratic" reforms of the current government. The PiS emphasizes its achievements and promises higher wages, while highlighting its commitment to traditional family structures and national and religious identity against the imposition of what it terms "LGBT ideology". Several ODIHR LEOM interlocutors stated that the Catholic Church often espouses similar messages, stopping short of encouraging citizens to vote for certain parties.

With the exception of the party *Lewica*, which has made gender equality an integral component of its campaign, issues related to women's rights and gender equality do not regularly feature in the campaign to date, and when present, are limited to family issues and reproductive rights. One party, Confederation, explicitly targets men voters and openly campaigns against gender equality.

IX. CAMPAIGN FINANCE

Campaign finance is primarily regulated by the Election Code and the Law on Political Parties. Election campaigns are financed by private and public sources: voter electoral committees are financed from private donations or loans, while party and coalition electoral committees are financed from designated electoral funds of political parties. Political parties that received more than three per cent of the total number of votes cast or coalitions that received more than six per cent of the votes cast in the previous *Sejm* elections are entitled to annual public funding.²³ In addition, each political party, coalition or voters' electoral committee which obtains at least one seat in the *Sejm*, *Senat*, or European Parliament is eligible for a subsequent state subsidy.²⁴

Candidates can contribute to their electoral committee up to 45 times the minimum monthly income, equivalent to approximately PLN 101,250. Individuals can donate to an electoral committee up to 15 times the minimum monthly income, or approximately PLN 33,750. Anonymous donations, as well as contributions from foreign sources and legal entities, are prohibited. The Election Code requires that all campaigns are financed through electoral committees, excluding potential contributions from third parties; a sanction on unauthorized campaigning was repealed by recent amendments. Electoral committees may accept in-kind contributions to their campaigns only from individuals, who may volunteer to distribute election materials, assist in offices, make available vehicles free of charge, and give access to private spaces for displaying campaign materials. Spending limits are calculated based on the number of registered voters and the number of mandates contested by the electoral committee. An electoral committee which fields candidates in all constituencies will be able to spend up to PLN 26.1 million in *Sejm* elections and PLN 5.7 million in *Senat* elections.²⁵

The NEC exercises oversight over campaign financing for parliamentary elections. All electoral committees are required to declare on their websites loans and private donations exceeding one minimum monthly salary within seven days of their receipt. There is no reporting requirement before election day. Electoral committees must submit financial reports on their campaign incomes

²³ From 2016 to 2019, ten political parties were recipients of annual public funding. In total, approximately PLN 58 million was allotted for such funding each year, equivalent to some EUR 13.2 million (EUR 1 is some PLN 4.38).

²⁴ This subsidy is calculated on the basis of their campaign expenses proportionate to the number of mandates obtained, not exceeding the spending limits.

²⁵ The final expenditure limit will be determined based on the number of voters registered for these elections.

and expenditures to the NEC within 3 months from the date of the elections.²⁶ These reports are published by the NEC within 30 days and any political party, electoral committee, or civil society organizations engaged in campaign finance analysis may submit objections to the published reports within 30 days. The reporting electoral body has 60 days to respond to such objections. Rejection of the financial report by the NEC may be appealed to the Supreme Court within 14 days.

X. MEDIA

The Constitution guarantees the freedom of expression and prohibits censorship. Defamation remains punishable under the Criminal Code with up to one year of imprisonment, or up to three years in cases concerning the head of the state, and the ODIHR LEOM noted cases of recent criminal litigation initiated by or against media outlets and journalists. In May 2019, a journalist was sentenced by a court on criminal defamation charges, a decision that was condemned by the OSCE Representative for Freedom of the Media (RFoM).²⁷

Television is the primary source of political information, followed by the online and print media. The public television *Telewizja Polska (TVP)* attracts the largest number of viewers, followed by the private *TVN* and *Polsat*.²⁸ The *TVP* operates 7 national channels (including main channels *TVP1*, *TVP2*, and the news channel *TVP Info*), and 16 regional channels. The public radio (*Polskie Radio*) operates 8 national and some 20 regional and local radio stations. The public television and radio broadcasters are funded by the broadcasting tax imposed on every household and company that owns a television or radio set, in addition to considerable state support.²⁹ Many ODIHR LEOM interlocutors raised concerns regarding a perceived deterioration in the quality of an otherwise diverse media market, due to increased polarization.³⁰

Amendments to the Broadcasting Act in January 2016 entitled the Treasury Minister to appoint and dismiss senior management of the public broadcasters.³¹ According to ODIHR LEOM interlocutors, the ensuing managerial changes resulted in the departure of more than 200 journalists from the public broadcasters. In June 2016, further amendments established a National Media Council (NMC), comprised of five political appointees; two NMC members also represent PiS in the *Sejm*, and are currently seeking reelection. The NMC was granted the authority to appoint and dismiss the management of the public broadcasters. Many ODIHR LEOM interlocutors described a perceived and increased bias of the public broadcasters in favor of PiS, particularly following recent changes in the editorial management.

The National Broadcasting Council (NBC) is a separate body, mandated by the Constitution to safeguard freedom of speech and public interest. The NBC informed the ODIHR LEOM that, unlike in previous elections, it will not monitor campaign coverage in the media and will only react

²⁶ In addition, political parties receiving public funding are obliged to submit annual finance reports to NEC by 31 March each year. Failure to report or irregularities may result in revocation of public funding.

²⁷ See the [6 June 2019 statement](#) of the OSCE RFoM: “This sentence also demonstrates, once more, that defamation laws should be decriminalized”.

²⁸ According to a [2018 report](#) of the National Broadcasting Council, *TVP*, *TVN* and *Polsat* accounted for some 75 per cent of the viewership.

²⁹ In 2019, the public broadcasters, which function as a single entity, are [budgeted](#) to receive PLN 1.2 billion in state funding.

³⁰ The country has dropped significantly from 18th place in [2015](#) to 59th place in [2019](#) in the global Press Freedom Index prepared by the [Reporters without Borders](#).

³¹ See the [30 December 2015 statement](#) of the OSCE RFoM, which noted “deep concern about a proposed law in Poland that gives the government direct control over management positions in the public service broadcasters”.

to complaints brought to its attention.³² The NBC is tasked with allocating free airtime on the public broadcasters and organizing electoral debates on *TVP*. On 24 September, *TVP* determined the allocation of free airtime on national public television and radio stations to five *Sejm* and two *Senat* electoral committees that compete in at least half of the constituencies.³³ Regional channels of *TVP* will also allocate free airtime to *Sejm* and *Senat* candidates, in proportion to their participation in the respective region.

On 18 September, the ODIHR LEOM began monitoring primetime coverage on five television stations (public *TVP1* and *TVP Info*; private *TVN*, *TVN24* and *Polsat*) and in five daily newspapers (*Fakt*, *Gazeta Polska Codziennie*, *Gazeta Wyborcza*, *Rzeczpospolita* and *Super Express*).³⁴ The ODIHR LEOM is also following election-related content in social media.

XI. COMPLAINTS AND APPEALS

Legal redress is provided throughout the electoral process both to voters and electoral contestants. Any person may request a municipality to correct inaccuracies in the respective voter list and appeal rejections to the local court. Decisions of the NEC to refuse registration of an electoral committee may be appealed to the Supreme Court. Decisions of CECs on rejected candidates and candidate lists may be appealed to the NEC and further to the Supreme Court. A candidate or an electoral committee representative may seek an injunction from a regional court to retract false information disseminated in campaign materials. Complaints challenging election results may be filed with the Supreme Court within seven days from their announcement. The Supreme Court is also mandated to validate election results to the *Sejm*, within 90 days.³⁵

In these elections, no appeals were filed against NEC decisions regarding the registration of electoral committees. CECs issued 67 decisions denying registration to candidate lists and candidates due to the insufficient number of valid supporting signatures. These decisions primarily concerned two electoral committees, following a letter from the NEC requesting a more thorough verification.³⁶ Eighteen CEC decisions were appealed to the NEC, which dismissed three appeals due to late or incorrect submission, and upheld all other decisions. Eight NEC decisions were further appealed to the Supreme Court, which upheld all NEC decisions. The relevant decisions of election commissions, as well as appeals to and judgments of the Supreme Court, were posted by the NEC on its website in a timely manner.

³² See also the [14 December 2017 statement](#) of the OSCE RFoM, which criticized the NBC for imposing a fine of PLN 1.48 million on *TVNSA* for coverage on *TVN24* of opposition demonstrations in Warsaw in December 2016. NBC cancelled the fine in January 2018.

³³ Each *Sejm* electoral committee has received three hours on *TVP* and six hours on public radio. Each *Senate* electoral committee received 2.5 hours on *TVP* and 5 hours on public radio. Free advertisements will be aired daily from 28 September until the end of the campaign.

³⁴ All the TV channels are monitored from 17:00 to 23:00.

³⁵ A new Extraordinary Control and Public Affairs Chamber was introduced to the Act on the Supreme Court in December 2017. It has jurisdiction to hear, among others, disputes against the validity of elections. See also the [2017 Venice Commission Opinion](#), which noted concern that “judges appointed by a [National Council on Judiciary] dominated by the current political majority would decide on issues of particular importance, including the regularity of elections, which is to be decided by the Extraordinary Chamber,” as well as the [2017 ODIHR Opinion on Certain Provisions of the Draft Act on the Supreme Court of Poland](#).

³⁶ In a letter to CECs on 4 September 2019, the NEC referred to instances of invalid supporting signatures submitted by the electoral committee of Non-partisan Self-government representatives in Tarnów and Piotrków Trybunalski and requested CECs to verify all support signatures submitted by this committee in the database of social security numbers. In Gdansk, this additional verification led to a reversal of an earlier decision granting registration to the committee’s list. The same letter also requested careful scrutiny of candidates nominated by the electoral committee of Piotr Liroy-Marzec due to instances of ineligible candidates on its lists in Tarnów and Konin.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

In line with previous ODIHR recommendations, recent amendments to the Election Code provide for citizen observation of the electoral process. Associations which are, per their founding documents, active in democracy, civil rights and civil society development, have the right to appoint observers to CECs and PECs, and these observers do not require an accreditation from the NEC or respective CEC.³⁷ Citizen observers, in addition to party and candidate proxies, may follow most aspects of election preparations and election day procedures; however, unlike proxies, citizen observers may not enter comments on PEC protocols nor follow the transport and handover of protocols and election materials to higher commissions. For the first time in national elections, a number of civil society organizations informed the ODIHR LEOM of plans to recruit and train observers in different regions of the country. Some organizations also plan to monitor the campaign coverage in the media, including in social media.

XIII. ODIHR LEOM ACTIVITIES

The ODIHR LEOM commenced its work on 10 September. The Head of Mission has met with the Ministry of Foreign Affairs, the NEC and NEO, the National Broadcasting Council, the Commissioner of Human Rights, as well as representatives of political parties, media and civil society. Ten long-term observers have been briefed and deployed as of 17 September and have established contacts with electoral stakeholders at the regional level.

*The English version of this report is the only official document.
An unofficial translation is available in Polish.*

³⁷

ODIHR observers were accredited in a timely manner by the NEC.