



# Presidential elections in Poland 2020 – a case study in relation to the rule of law

On February 5, 2020, [the Speaker of the Polish Sejm ordered the election of the President](#) of the Republic for May 10, 2020, and on March 13, [the Decree of the Minister of Health on the declaration of an epidemic emergency in the territory of the Republic of Poland](#) was published.

Despite the worsening epidemic situation and tragic news from the countries most affected by the first wave of the coronavirus pandemic, those in power sought to hold presidential elections on an unchanged date. Public emotions were in favour of the United Right and its presidential candidate Andrzej Duda, as confirmed by [election polls in May 2020](#). The pandemic election campaign itself was of a different nature. Most of the candidates had to limit their meetings with voters, but not the incumbent President – Andrzej Duda, who not only had the public media at his disposal, but was able to campaign effectively thanks to his position. For example, paying visits – in Garwolin he visited a hospital, in Ciechanow a food bank, in Jedlicze he supervised the bottling of [disinfectant liquid](#). [He was also supported by the Prime Minister](#).

It was also a time of greater confidence in the government, which was a reflection of [global trends](#). The uncertain future associated with the pandemic was also a reason for holding elections as soon as possible. That's why those in power were looking for ways to hold elections at this time. To make this happen, [they began to change the election law](#), and over time even acted unlawfully.

These unlawful activities are discussed in our report.

## **When did Poczta Polska S.A. (Polish Postal Service) become the organiser of correspondence elections?**

Amendments to the election code that would have allowed elections to be held by mail – intended, according to those in power, to ensure health security – took place in violation of law-making standards.

First, provisions for voting by mail for selected groups of voters were introduced hurriedly – on March 28, 2020, at 2 a.m. (!) as an amendment to [the anti-crisis shield law](#) (Article 40) processed by the Sejm the day before ([legislative process](#)). The amendment concerned the possibility of voting by mail for those in quarantine and over the age of sixty. Leaving aside the manner of the procedure, the timing of the amendment itself was inconsistent with the Constitutional Court's jurisprudence indicating that changes which may affect the outcome of elections can be made a minimum of six months before the elections. The change in voting for the elderly group could have had a significant impact on the



outcome of the presidential election. According to an exit poll done by Ipsos in 2019, [55% of voters in this age group are Law and Justice voters](#)

On April 6, 2020, the Sejm passed [a law](#) regulating how the May 10, 2020 elections are to be held. It turned out that the election was to be by mail in its entirety, not just for some voters. The designated operator (Poczta Polska S.A.) was to be responsible for delivering ballots to voters and election commissions. However, the Senate played an important role in the whole [legislative procedure](#), as it has one month to consider laws submitted by the Sejm and to propose amendments to them. The ruling party realised that if the Senate legally proceeded with the law for 30 days, it might not take effect until a day or two before the scheduled election date. Therefore, there was no realistic possibility of holding elections on the May 10, 2020 deadline.

Such a scenario, however, did not discourage those in power. Despite the fact that the Senate was still proceeding with the law, on April 16, 2020, Prime Minister Mateusz Morawiecki, acting without a legal basis, ordered Poczta Polska S.A. to organise correspondence elections:

*I instruct Poczta Polska S.A. (...) to carry out COVID-19 countermeasures consisting in taking and implementing the necessary steps to prepare for the holding of the 2020 election of the President of the Republic of Poland by correspondence, in particular, by preparing the organisational structure, providing the necessary infrastructure and acquiring the necessary material human resources. ([Decision of the Prime Minister dated April 16, 2018, mark: BPRM.4820.2.3.2020](#))*

The basis for issuing this order, as it was later explained (this is not clear from the decision) was to be Article 99 of yet another law, [dated April 16, 2020](#), on special support instruments in connection with the spread of the SARS-CoV-2 virus. ([Legislative process](#))

The regulation read as follows:

*Article 99. The designated operator within the meaning of the Act of November 23, 2012 – The Postal Law, upon submission of its application in electronic form, shall receive data from the PESEL register, or from any other register or registry at the disposal of a public administration body, if such data are needed to perform tasks related to the organisation of the election of the President of the Republic of Poland or to perform other duties imposed by government administration bodies. The data referred to in the first sentence shall be transmitted to the designated operator, in electronic form, within no more than 2 working days from the date of receipt of the request. The designated operator is authorised to process the data only for the purpose for which it received the data.*

The problem is that on April 16, 2020, it was not legally possible to organise fully correspondence elections, because there was still no corresponding law establishing them (the Law on Special Rules for Conducting General Elections for the President of the Republic of Poland ordered in 2020).



## How did Poczta Polska S.A. obtain voter data, although it had no right to do so?

On the evening of April 22, 2020, the social networking site Twitter was electrified by the news that Poczta Polska S.A. had demanded that voits, mayors and presidents of cities (further „mayors”) hand over their voter registers. It provided the Prime Minister's decision cited above as the legal basis. [\[Sample letter for review\]](#)

News of the letter from Poczta Polska S.A. also alarmed civil society organisations. On April 23, 2020, the Stefan Batory Foundation, the Panoptikon Foundation, the Helsinki Foundation for Human Rights and the Citizens Network Watchdog Poland addressed [an Appeal to mayors regarding the non-disclosure of voter lists](#). The organisations pointed out that as of April 23, 2020, there is no statutory basis for transferring the data to the postal operator, and such a basis is required by the Constitution.

The appeal was sent to all gminas and cities and to the attention of the President of the Data Protection Authority. It also included a reference to an [opinion by the Cracow Institute of Criminal Law](#). A few days later, a [legal opinion](#) was additionally sent by the Stefan Batory Foundation, also to all gminas.

## How did the public institutions that are supposed to obey the law or uphold it behave?

Citizens who counted on their constitutional rights being protected by the institutions of the state established for this purpose were sorely disappointed.

Their first disappointment came from the President of the Data Protection Authority. The body, upholding the right to privacy, denied responsibility. [A statement appeared](#) on the office's website, in which PUODO (President of the Personal Data Protection Office) shifted responsibility to the State Election Commission, presented convoluted legal considerations on the facts, and did not once write about the fact that the data should not be shared. This was enough for the statement to be used as an interpretation favourable to Poczta Polska.

The second institution that failed citizens was the State Election Commission. It, too, gave [an evasive interpretation](#), focusing mainly on how Poczta Polska's requests should be signed.

The voivodes took the stage. Taking advantage of insinuations from PUODO and PKW (State Election Commission), they began demanding that gminas hand over voter data to Poczta Polska. In doing so, they referred to the decision of the Prime Minister ([Decision of the Prime Minister dated April 16, 2018, BPRM.4820.2.3.2020](#)), although many experts stressed that it could not be the basis for processing voter data. Some gminas (comunes), responding to questions about handing over voter data to Poczta Polska, stressed that organising elections is a task mandated by the government administration. Perhaps by doing so, they wanted to indicate that pressure was being exerted on them. There is unofficial information that this could be the case, including the suggestion that mayors will be replaced by government commissioners.



Undoubtedly, it was not only specific mayors who broke the law by handing over data from the voter registers without a legal basis for doing so. This was an organised activity in which any participant can point to other participants in these activities as either misleading or liable. Gminas to the prime minister, voivodes, PUODO and PKW; voivodes to the prime minister, PUODO and PKW; PUODO to PKW, and PKW only wrote about having to sign data requests. It did not say at all that the voter census data had to be released. So, are its hands clean? Even the prime minister shortly after the ultimately unsuccessful elections claimed that his decision, which everyone involved in breaking the law considered the basis for releasing voter census data, was about a different issue. In his [decision addressed to the Gmina of Mosina](#), issued on May 27, 2020 (just over two weeks after the missed elections), the Prime Minister wrote:

*The decision in question by the Prime Minister was addressed exclusively to Poczta Polska S.A., and only to Poczta Polska S.A. does it impose tasks and obligations. However, it does not concern the legal interest of the Gmina of Mosina – for at no point was it addressed to the Gmina of Mosina, nor did it impose any rights or obligations on it.*

So no one is guilty, there is not even a shadow of a legal basis for the transfer of voter register data, but the rights of several million citizens have been violated? Who is to be held responsible for this? Who is responsible for the fact that Polish institutions operate this way? How can citizens change this?

### The scale of the phenomenon

The Citizens Network Watchdog Poland asked 2,477 gminas whether they had handed over voter census data to Poczta Polska at a time when it had no authority to organise elections. The corresponding regulations on mail-in elections for all voters took effect on May 9, 2020. This means that the transfer of data before that date had no legal basis.

As of the beginning of November 2022, 2467 gminas responded to the question, 6 did not respond, and 4 answered ambiguously. 16% (398) of gminas and cities reported that they transferred voter data to Poczta Polska. Another 3% (73) of offices indicated that they transferred data, but the data file was protected by a password that was not provided. 81% (1996) of gminas did not provide data at all.

An analysis of data from individual voivodeships showed that the most frequent transfer of voter census data to Poczta Polska was made by gminas from the voivodeships of Lubelskie (43.19%) and Podlaskie (41.53%) and, the least frequent, from Dolnośląskie (2.96%) and Śląskie (3.59%).

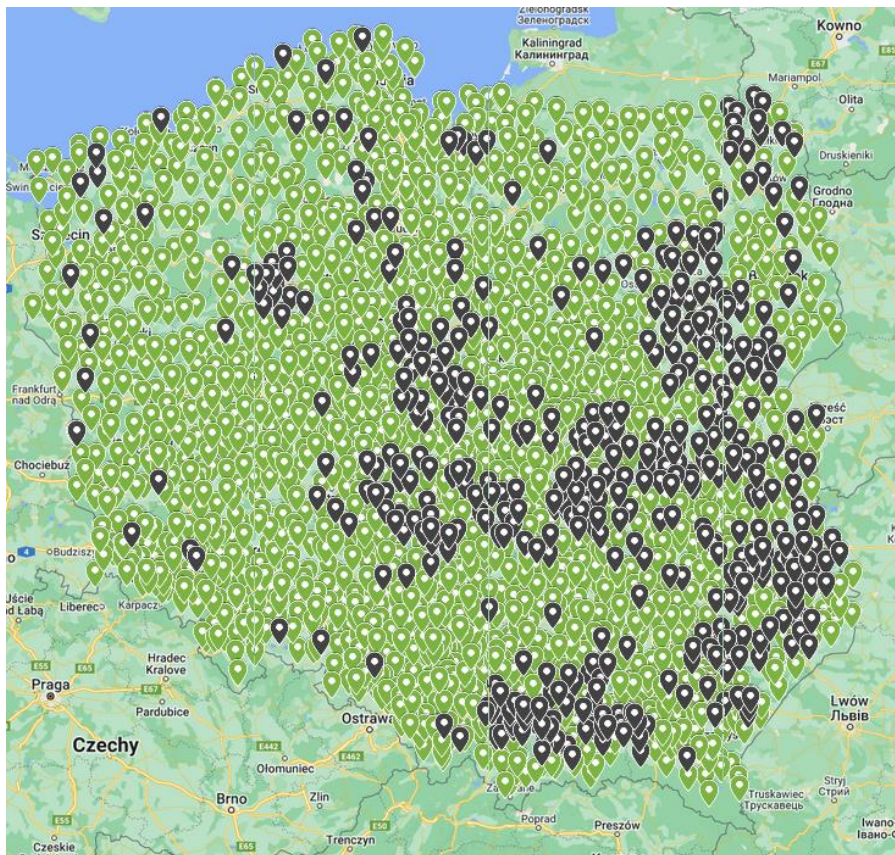
In the table below, we present detailed data on the submission of data to Poczta Polska by gminas. In the middle column, we present the number of gminas that submitted data by voivodeship, with the percentage in parentheses that these gminas accounted for in relation to all offices from a given voivodeship that sent us responses. In the last column we present the number of gminas that responded to the application in the voivodeship, the data in parentheses is the number of all gminas in the voivodeship. We have also added information on what percentage of responses from a particular voivodeship we were able to collect as of the beginning of November 2022.



Voivodeship	number of gminas that transferred voter data to Poczta Polska (% in relation to all offices from a given voivodeship that sent us responses)	number of gminas that responded to the request for information (the number of all gminas in the voivodeship) and what % of responses it is.
Dolnośląskie	5 (2.96%)	169 (169) = 100%
Kujawsko-Pomorskie	26 (18.06%)	144 (144) = 100%
Lubelskie	92 (43.19%)	213 (213) = 100%
Lubuskie	4 (4.88%)	82 (82) = 100%
łódzkie	56 (31.64%)	176 (177) = 99%
Małopolskie	56 (30.77%)	181 (182) = 99%
Mazowieckie	79 (25.16%)	311 (314) = 99%
Opolskie	3 (4.23%)	71 (71) = 100%
Podkarpackie	29 (18.13%)	160 (160) = 100%
Podlaskie	49 (41.53%)	118 (118) = 100%
Pomorskie	10 (8.13%)	123 (123) = 100%
Śląskie	6 (3.59%)	167 (167) = 100%
Świętokrzyskie	9 (8.82%)	102 (102) = 100%
Warmińsko-Mazurskie	9 (7.76%)	116 (116) = 100%
Wielkopolskie	31 (13.72%)	225 (226) = 99%
Zachodniopomorskie	7 (6.19%)	113 (113) = 100%

Information on how each gmina responded to the order to send data to Poczta Polska can be found on a [map](#) created by our volunteer. In green are the gminas that did not hand over the data. In black are the gminas that handed over voter data to Poczta Polska and for which we have filed a criminal complaint with the prosecutor's office.





by google maps

### Why was the law broken?

We write about what the voivodeship schedule looks like for a reason. The issue of data transfer stirred the emotions of many voters and the media. They wanted to know if their gminas had provided data or what the situation was in their region. Many people looked for regularities, such as whether the transmission of data is related to the geographic distribution of political preferences. To some extent, this can be seen on the [map](#), which has around one million views as of November 2022.

However, we would not be tempted to make conclusions beyond our documented knowledge ourselves. Meanwhile, Dr. Jaroslaw Kantorowicz of the University of Leiden has taken an interest in our data. In an article titled [Reverse Party Favoritism in Times of Pandemics: Evidence from Poland](#), he describes how he used data on the transfer of voter census data to check whether the transfer of data may have been influenced by the party affiliation or political sympathies of mayors or their environment. In a brief description of his article, Dr. Kantorowicz writes:

*There is extensive empirical literature indicating financial favouritism for those local governments that are tied to the central government. There is much less evidence of the reverse process, that is, local governments' unfunded loyalty to the central government. (...) Using a set of standard (...) regression*



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*models and a discontinuous regression model, I show that the political affiliation of mayors with the central government leads to about 20-25 percentage points higher probability of transferring voter census data to Poczta Polska.*

If this is the case, it is worth taking this fact into account in criminal cases of exceeding powers. This is because it has implications for assessing to what extent mayors were misled (although this is hard to believe with such a high-profile debate as the one surrounding the data transfer), and to what extent they lacked the competence to assess the situation, succumbed to pressure, or knowingly violated their authority.

### **Division of responsibilities**

As we have already written about diluted responsibility, gminas that handed over voter data cited the fact that the organisation of elections is a "commissioned task of government administration", letters received from voivodes, interpretations of PKW and PUODO, and the decision of the Prime Minister. Below are some representative examples.

*- On April 24, a completed and signed application of Poczta Polska S.A. was received by this office, together with a copy of the decision of the Prime Minister No. BPRM.4820.2.3.2020 dated April 16, 2020*

*- The PKW, in its position dated April 23, 2020, marked ZPOW-421-10/20, confirmed that the application filed under Article 99 of the above-mentioned law is the basis for the transfer of the voter register.*

*- The President of UODO also took a position confirming that Article 99 of the aforementioned law is the basis for the transfer of the voter register.*

*- On April 27, 2020, the Voivode of Lubelskie, by letter No. PN.40.1.2020, issued an order to fulfill the legal obligation and provide Poczta Polska with the requested data. [Mayor of the City of Annopol](#) (Lubelskie)*

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*(...) guided by the rationale of the available information and statements of the PKW and the Chief Inspector of Personal Data Protection, as well as the decision of the Prime Minister (...) the Gmina of Fałków provided data from the voter register (...) [the Voigt of the Gmina of Fałków](#) (Świętokrzyskie)*

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*(...) on the basis of the order of the Voivode of Mazowieckie dated 27.04.2020, mark: BW-I.68.10.2020.JRP (...) such information was provided to (...) [the Mayor of the City of Sochaczew](#) (Mazowieckie)*

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*(...) the data of persons from the voter register drawn up by the gmina of Rzepin were, at the request of Poczta Polska S.A., made available on the basis of (...) guidelines sent by the Voivode of Lubuskie [Mayor of Rzepin](#) (Lubuskie)*

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*gminas of the Warmińsko-Mazurskie Voivodeship were obliged and urged by the supervisory authority, i.e. the Voivode of Warmińsko-Mazurskie, to hand over voter data to Poczta Polska S.A. Considering the above and the current regulations, the data was transferred in encrypted form. [Voit of the Gmina of Gronowo Elbląskie](#) (Warmińsko-Mazurskie)*

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*The legal basis for the transfer of data was Article 99 of the Law of April 16, 2020 on special support instruments in connection with the spread of the SARS-CoV-2 virus (Journal of Laws of 2020, item 695). In deciding whether to transfer the data from the voter registers, the position of the State Election Commission and the Voivode of Lubelskie sent to the gminas was also taken into account.*

*It should be noted that the task of elections, including the compilation of voter registers, is carried out by the voit of the gmina as a task delegated to the government administration. [Secretary of the Gmina of Baranów](#) (Lubelskie)*

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*It should be pointed out that the application submitted was subject to evaluation (...) in light of the (...) rules of administrative procedure. Namely, in the case of possession of the requested data, having the basis for the transfer of data, and as such the authority here considered Article 99 of the Law on Counteracting COVID-19, and the absence of a legal basis for refusing to perform the action in accordance with the party's request, the authority was obliged to resolve the request in favour of the party. The transfer of data constituted a material and technical act. In the case of a refusal to provide data, the authority should indicate the legal basis for the refusal to provide data, as well as indicate to the party the possibility of challenging this action. [Mayor of the City of Biała](#) (Opolskie)*

When we read the responses of mayors, we were struck by the attitude of the voivodes. They used the enigmatic statements of the PKW and PUODO, adding to their firmness. Some of them concluded authoritatively that, in their view, the transfer of voter register data is the *legal obligation of local governments*.

As an example, below we have presented [excerpts from a letter from the Voivode of Mazowieckie](#). The false claims are in bold:





1. Pursuant to Article 99 of the Act of April 16, 2020 on special support instruments in connection with the spread of the SARS-CoV-2 virus (Journal of Laws, item 695), **the postal operator (Poczta Polska) is authorised to obtain personal data** indicated in the aforementioned provision of the law **from local government bodies.**

2. **The basis for Poczta Polska's actions is the obligation imposed by the order (decision) of the Prime Minister of April 16, 2020** on special solutions related to the prevention, counteracting and combating of COVID-19, other infectious diseases and emergencies caused by them (Journal of Laws, item 374, as amended). According to paragraph 2 of the aforementioned article (according to the legal status as of the date of the order), orders are issued by administrative decision and are immediately enforceable upon delivery or announcement, and do not require justification.

3. The Chairman of the State Election Commission took a position on this issue (in a letter dated April 23, 2020, marked ZPOW-421-10/20, addressed to the election commissioners) and indicated the formal and legal requirements to be met by the application of Poczta Polska submitted under the aforementioned Article 99 of the Law of April 16, 2020. – "The basis for the issuance of voter register data by the gmina may only be an application signed with an electronic signature by a person authorised to represent the designated operator. The application should be accompanied by a copy of the government administration's decision to impose an obligation on the designated operator that involves obtaining data from the voter register."

4. The President of the Office for Personal Data Protection, in a statement dated April 24, 2020 (available on the UODO website) informed that there is a legal basis for sharing personal data with a postal operator, as long as the request meets the requirements regarding the form.

(...)

**I believe that providing Poczta Polska with the requested data is a legal obligation of local governments.**

The responsibility for breaking the law is spread over many institutions. Is this reason enough to justify the actions of the mayors who provided the data? Are they justified in that they were actively encouraged to break the law? Should their actions go unpunished? Do the authorities have legal advisors and data protection specialists? Have the opinions of social organisations been reviewed? What was the real reason for the decision to break the law?



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## Responsibility and punishment

From the beginning of May 2020 to September 2022, the Citizens Network Watchdog Poland filed 470 notices with district prosecutors about a crime committed by mayors who transferred voter data to Poczta Polska without a legal basis for such action.

Prosecutors' offices are reluctant to initiate proceedings. If they do, it is usually under a court order and quickly discontinued. In three cases, after two years of intense pressure on the justice authorities, we succeeded in filing a subsidiary indictment. In one of them – the gmina of Wapno - [there has already been a final verdict](#). In the other two – Lubień, Tokarnia – the hearing is set for November 30, 2022.

As for the verdict, the court, in addition to conditional discontinuance of the proceedings for one year of probation, ruled a PLN 2,000 monetary payment to the Fund for Victims' Aid and Post-Penitentiary Assistance. The voivode of the gmina of Wapno has not appealed the verdict. The District Prosecutor's Office in Wągrowiec has decided on such a step. At a hearing on July 28, 2022, the District Court in Poznań upheld the first-instance court's ruling.

## Rule of law

However, the most important achievement of this operation is the content of the court orders ordering the investigation. When we began our activities, we assumed that we were acting to prevent impunity. It is a detriment to public life. Meanwhile, we were given hope that regardless of the rule of law crisis, several courts uphold it. In these orders, issued in a politically sensitive case, the judges inform about the principles of the Constitution and the requirement of integrity in the actions of public officials: We share selected parts of the resolutions. In presenting their excerpts, we limit ourselves to commonly known facts. This is because it is not about stigmatising specific prosecutors not fulfilling their duties, but showing specific problems.

### **Order of the District Court in Wągrowiec, II Kp 214/20 dated September 9, 2020:**

*The starting point of the court's consideration is the content of Article 7 of the Constitution of the Republic of Poland, which states that public authorities act on the basis and within the limits of the law.*

### **Order of the District Court in Wągrowiec, II Kp 228/20 dated October 12, 2020:**

*Since, as is clear from the above, the transfer of data was an unlawful act, the court also assessed the question of intent to commit the crime.*



(...)

*The law (...) distinguishes between intentional acts (committed with direct or possible intent), unintentional acts (conscious and unconscious), and so-called combined subjective acts.*

*He commits a criminal act **intentionally** who, first, is aware of the realisation of the elements (intellectual element) and has the intention to commit it (volitional element), i.e. wants to commit it – direct intention, or, being aware of the realisation of the elements, foreseeing the possibility of committing such an act, consents to it – alternative intention.*

*On the other hand, an **unintentional** act is committed by one who, without intending to commit a criminal act, commits it due to a violation of the rules of prudence that he foresaw (so-called conscious unintentionality). This liability is therefore based on the perpetrator's presumption that he will avoid committing this crime.*

*On the other hand, a criminal act is unconsciously unintentionally committed by a person who neither has the intention nor the awareness, but should and could have foreseen that the consequence of his violation of the rules of prudence would be the commission of a criminal act by him.*

(..)

*The court cannot accept the practice of issuing a procedural decision expressing an assessment of the existence of an error without conducting any proceedings in this regard.*

**Order of the District Court in Chodzież, II Kp221/20 dated on January 29, 2021:**

*Exceeding authority includes any action that goes beyond the limits set by the law or its essence. Includes violation of the law or denial of the law, i.e., taking actions that go beyond the authority or taking actions within the scope of authority but unlawful, performing an action that is not within the authority of a public official, or performing an action for which there was no legal or factual basis in a particular case (...)*

*According to Article 2 of the Constitution of the Republic of Poland of April 2, 1997, the Republic of Poland is a democratic state governed by the rule of law, realising the principles of social justice.*

*Article 7 of the cited Constitution stipulates that public authorities act on the basis and within the limits of the law.*


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*On April 6, 2020 the Sejm of the Republic of Poland enacted the Law on Special Rules for Conducting General Elections for the President of the Republic of Poland ordered in 2020. The law was promulgated in the Journal of Laws on May 8, 2020 under item 827, and came into force on May 9, 2020. As of that date, it was possible to make the voter register available to the postal operator (...).*

*From the above, it is clear that it was only since May 9, 2020 that it was possible to share the voter register with Poczta Polska S.A. The authority (...) acted in an unauthorised manner. At the same time, the submitter of the data could, and had an obligation to, be guided by the applicable laws in this regard.*

**Order of the District Court in Nysa, II Kp 582/20 dated on March 9, 2021:**

*It should be emphasised that since a public authority can only act on the basis of the law and within the limits of the law, the mere assumption that there is authority to act is not sufficient to assume its legality. There is also no presumption of legality of decisions issued by executive authorities, and therefore every public body should verify whether it has a legal basis for its actions. This is its duty precisely so as not to expose itself to charges of failing to fulfil its duties or exceeding its powers. In this case, as evidenced by the collected documentary evidence, the authority had reason to doubt whether there was a legal basis for the data transfer.*

**Order of the District Court in Suwałki, II Kp 48/21 dated on March 9, 2021:**

*It should be pointed out that in carrying out the mandated tasks, the Voigt (...) did not act in a vacuum. He certainly had knowledge of the fact that many local government bodies did not provide voter register data to the postal operator, pointing to the lack of a legal basis, and the issue has been the subject of extensive public debate.*

Of separate note is the described decision of the Prime Minister of April 16, 2020, instructing Poczta Polska to prepare elections for the President of the Republic by correspondence on May 10, 2020, and the PUODO proceedings.

As for the Prime Minister's decision on which all the events described were based, the Prime Minister quickly began to act as if it was not there and as if he meant something completely different from what everyone understood. After all, how do we understand the summary of the great propaganda effort around the legitimacy of this decision, at the end of April 2020, and then – a month later – the surprise that someone might treat this decision as applicable to gminas? Quite quickly, this decision was appealed to the Voivodeship Administrative Court in Warsaw by the Ombudsman. The court found that the decision grossly violated the law and had no legal basis. However, what is most alarming is what citizens are learning about at the



time of writing this report. Well, according to [Onet.pl](https://www.onet.pl), the Prime Minister Mateusz Morawiecki was fully aware that he could not order Poczta Polska to organise the elections. He knew that if he made such a decision, he would have to face criminal liability, accountability to the State Tribunal, the collapse of the government and personal financial responsibility. If mayors exceeded their powers, how much did the prime minister exceed them? And the question is who will be more effectively held accountable? Certainly, the fact that the Prime Minister broke the law is not a mitigating circumstance for breaking the law by others.

As for the President of the Data Protection Authority, on the other hand, he not only washed his hands of this matter at a crucial moment when he should have been protecting the data of voters, but also stubbornly refused to address the complaints of citizens. [In the case of an active citizen](#) supported by the Citizens Network Watchdog Poland, the administrative court indicated that since the President of UODO is supposed to oversee compliance with data protection law in Poland and investigate violations of data protection laws, it is reasonably questionable that he is unwilling to initiate and fairly investigate the transfer of voter registry data. Thus, this case also has a follow-up.

### Summary

The issue of accounting for the abuses that took place in the May 10, 2020 missed elections will require the effort of the civil society organisations and public institutions for many years. The more facts come to light, the more the deliberate abuse of money, positions and power becomes apparent. If civil society, the media and the courts do not bring consequences to the guilty, the sense of impunity will perpetuate. Therefore, it is necessary to systematically reveal new facts, to ensure that consequences are drawn against everyone who participated in this massive overstepping of authority. Cut the ties of solidarity between interacting entities. Because how will the mayor of a rural gmina feel if he faces punishment, and the Prime Minister will not face such punishment? Everyone should know that such a scenario is possible. What will be the best vaccine against a repeat of the situation? What is happening also needs to be reminded, explained. Let this be a lesson for more officers who bask in power.

### Epilogue

On October 20, 2022, a new – containing just five articles - [bill](#) came to light.

- **Article 1** *The law determines the legality of the actions of the voivode, mayor or president of a city to provide (...) the postal operator (...) with a voter register in connection with the general election for President of the Republic of Poland ordered in 2020.*



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- **Article 2** *No crime was committed by the voivode, mayor or president of a city, who (...) provided the designated operator with a register of voters in connection with the general election for the President of the Republic of Poland ordered in 2020.*
- **Article 3** *Proceedings for the offense of taking the actions referred to in Article 1, initiated and not concluded by a final judgment before the date of entry into force of this law, shall be discontinued.*
- **Article 4** *A conviction for the offense of taking the actions referred to in Article 1 shall be erased by operation of law.*
- **Article 5** *The law enters into force on the day following the date of promulgation.*

The bill has been referred to the first reading ([legislative proces](#)). It was to be considered at the session of the Sejm on November 3-4, 2022. However, it disappeared from the agenda. It is difficult to predict what its fate will be. The Sejm has referred the law to consultations with local government organisations. It appears that the United Right wants to share responsibility for this bill with the associations of local governments, which will have to choose whether the interests of their members or the rule of law are more important in the law-making process.

*State of play as on November 18, 2022*