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Postal or electronic voting? The analysis of the preferred voting methods in the context of failed electoral reform in Poland

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Abstract

Purpose

The article discusses reasons for the failure of the 2020 postal-vote election reform in Poland and examines opinions of Poles on voting methods. The main goal is to answer the following research question: which of the alternative voting methods – postal or electronic – would Poles prefer?

Design/methodology/approach

The approach is quantitative and based on the statistical analysis of voters' attitudes towards alternative voting methods, in particular postal voting.

Findings

The main finding is that out of all voting methods available, most Poles favor electronic voting as a potential alternative to voting in person. On a general level, the conclusions from the Polish case highlight the need to establish special requirements and standards for democratic elections during emergency situations. The unsuccessful implementation of all-postal voting in Poland is an example of how changes to the law should not be made, especially when public health and democratic standards are at stake.

Practical implications

The paper presents practical implications and recommendations for state authorities and electoral administration while implementing electoral reforms, extending the list of available voting channels, and running elections – especially in extraordinary situations.

Originality

This paper adds to the knowledge on alternative voting channels, including their implementation during a pandemic. The Polish case is also relevant for other countries as regards safe and democratic elections during emergency situations. Policymakers are expected to benefit from the insight, since the results originate in public opinion polls and identify voting channels favored by citizens.

Keywords: electoral law reform, e-voting, pandemic, Poland, postal-voting, remote voting

Introduction

The rapid development of technology has had an impact not only on our daily lives, but also on the functioning of public institutions. On the one hand, the Internet makes services faster and more accessible, and on the other, traditional ways of doing things become less attractive and more difficult. One of the significant consequences of using electronic tools in democratic processes is the greater participation of citizens and the increase in the level of legitimacy of political decisions. Michels and De Graaf (2017) indicate that participatory processes influence citizens' inclusion in political actions by shaping skills, attitudes and civic virtues, improving the rationality of decisions based on public deliberation, and finally increasing the legitimacy of political decisions. The tools of electronic democracy can thus provide a recipe for countering democratic deficit vis-à-vis the citizens.

The Covid-19 SARS-CoV-2 pandemic significantly accelerated the technological revolution. The pandemic presented many social, economic and political challenges, as it pushed the world into cyberspace to ensure social distancing. At the same time, cyberspace allowed for the continuation of activities which could otherwise not be performed due to the lockdown. While people successfully continued their activities online (e.g. trade, education, public services), Polish government was faced with the challenge of how to carry out the presidential election scheduled in spring or summer 2020. Although around fifty countries

postponed their elections (IDEA, 2020), the Polish government continued preparations for this election due to take place in the first half of 2020. To make the election possible, the government attempted to reform the electoral law with the aim of introducing all-postal voting.

The article discusses reasons for the failure of the electoral reform in Poland while focusing on opinions expressed by Poles on their preferred ways of voting. Being aware that the electoral reform involved a number of irregularities and negligence, both in terms of the legislative procedure and (mis)organization of the voting, the authors emphasize voters' opinions on remote voting methods (mainly postal voting and electronic voting) which could potentially ensure social distancing and safety. Hence, we pose the following research question: which of the alternative electoral methods – postal or electronic – would Poles prefer?

Considering the limited range of political participation tools in Poland (especially in elections), we expected to find high support for alternative voting methods among Poles. Therefore, our main hypothesis was that Poles prefer electronic voting as an alternative to the voting in person. The support for the implementation of electronic methods of voting (i-voting or e-voting machines at polling stations) may arise from growing number of e-government applications available for Polish citizens, as confirmed by international reports (UN e-Gov, 2020). Since all-postal voting was the priority of the Polish government, major attention has been given to this channel of voting. As far as support for various forms of postal voting is concerned, we assumed that there might be some differences observed in certain subgroups (depending on demographics, i.e. sex, age, education, domicile). To verify the assumption, we applied a quantitative strategy based on statistical analysis as our main research method.

Alternative voting methods as a subject of research and practice

For years, the interest in alternative voting methods (Southwell and Burchett, 2000; Venice Commission, 2002; Norris, 2004; Funk, 2006; Krimmer and Volkamer, 2007; Alvarez *et al.*, 2012; Zbieranek, 2013; Krasnowolski, 2015; Alomari, 2016; Hassell, 2017; Musiał-Karg, 2017; McAllister and Muller, 2018; Estonian National Electoral Committee; Musiał-Karg and Kapsa, 2019a, 2019b; Townsley and Turnbull-Dugatreb, 2019; Kassen, 2020; OSCE, 2020) has been growing, since they are considered to increase voter turnout, as well as to reduce organizational barriers to voting. Alternative voting methods attract interest of many countries which have considered to use them not only under ordinary circumstances, but also during emergency situations, as they countervail uncertainty and difficulties or inability to hold elections (Krimmer *et al.*, 2020; James, 2020). Of course, even in difficult situations, elections via postal or internet voting must respect all principles of freedom and fairness, and must be as reliable as traditional voting (Zissis *et al.*, 2012).

All voting methods other than voting in person at the polling station are considered as alternative voting methods. The main idea behind them is to make voting more convenient. By doing so, one may increase voter turnout and reduce the costs and complexities of voting bureaucracy. Nowadays, the use of electronic communication tools increases the number of solutions that allow for broader participation of citizens in electoral and political decision-making processes. The combination of direct and representative democracy in collective decision-making is generally referred to as participatory democracy (Aragonès and Sánchez-Pagés, 2009). The use of information and communication technologies (ICT) and computer-mediated communication (CMC) have strengthened the involvement of citizens and supported cooperation between political actors in democratic communication, without time or space constraints as a new type of democracy, referred to as digital democracy (Hacker and van Dijk, 2000).

Alternative methods of voting include (1) postal voting; (2) early voting; (3) voting by proxy; (4) home and institution based voting (e.g. mobile ballot box); and (5) e-voting (U.S. Election Assistance Commission, 2008; Zbieranek, 2013; OSCE, 2020). E-voting means voting

via electronic tools, e.g. Internet, telephone, television, digital platforms. In this article, we concentrate on two main types: electronic voting (e-voting) and internet voting (i-voting). Although these are modern solutions attractive for users, in most cases they remain prospective tools of political participation, as the majority of countries which consider their implementation have not yet completed a pilot phase (Estonia is one of best-known examples of online voting in 2005). Postal voting is used in many states, typically to enfranchise groups that might not otherwise have access to polling stations, such as hospital patients, people staying abroad and people with disabilities. The alternative is also offered to voters who are temporarily away on the election day or simply choose to vote this way out of convenience.

If the election is to be held in extraordinary situation, individual countries need to take specific steps. Firstly, they need to decide whether to postpone the election, and if not, how to run a safe vote (James, 2020). While postponing the election could be the most feasible decision from the people's health perspective, it could undermine voters' trust in democratic institutions, and elections themselves. Thus, when deciding to hold elections, different legal, technical and safety factors should be taken into consideration to ensure normal operation and continuity of state institutions, in order to prevent disenfranchisement of voters. According to Robert Krimmer, David Duenas-Cid and Iuliia Krivonosova (2020), three main scenarios are possible when the government decides to run the election amid a threat for public health. The government can: 1. carry on but add special health protection measures; 2. use postal voting; and 3. use internet voting. Undoubtedly, remote voting ensures social distancing, but in the short term, voting by mail (despite limitations it involves) seems to be more feasible.

Opinion of Poles on alternative voting methods

The results below originate from the 2018 survey which solicited feedback on different forms of voting, mainly electronic voting. The issues concerned apply not only to the intention of using alternative voting methods (postal voting, e-voting, i-voting, voting by proxy, mobile ballot box), but also their availability to different voter groups and risks related to voting other than in the polling station. In the context of the topic discussed in the article, it should be stressed that the spring 2018 survey did not coincide with any elections (importance of survey timing was described by Pierson, 2004). Furthermore, during the survey, there were no imminent elections and, unlike in the pandemic period, respondents did not encounter any extraordinary circumstances that could affect their opinions. Additionally, the study covered a larger sample, and it was implemented shortly before the pandemic, which further justifies its use in this analysis.

Methodology

The 2018 survey involved 1717 Poles. It was a quota-based sample taking into account the demographics of the population. In each province, the size of the sample was proportional to the total population, while taking into consideration sex and age. Respondents had a choice between paper and electronic versions of a questionnaire with questions and statements referring to their participation in elections and political preferences, use of the Internet, as well as a number of statements on alternative voting methods. Below we present mean figures regarding opinions on introducing additional voting methods in elections in Poland, on availability of alternative voting methods for different groups of voters as well as opinions on postal voting as a method available for various groups of voters (also taking into account the demographic characteristics of the respondents).

Answers were placed on the Likert scale, and respondents could choose one of five possible options ("definitely yes" or "there should be such a possibility for everyone" – 5 points, "rather yes" or "there should be such a possibility only for sick, disabled, and elderly people" – 4 points, "hard to say" – 3 points, "rather no" or "there should be such a possibility for people

abroad" – 2 points, "definitely no" or "no such possibility should be available" - 1 point). Answers to research questions necessitated statistical analyses of descriptive data together with Mann-Whitney U test, $\chi 2$ tests and Fisher's exact test. The strength of the effects noted was measured by the Cramer's V coefficient. There were also demographic traits used to perform a detailed analysis of differences between respondents.

Results

The analysis starts with the examination of convergence between responses given in the survey and the following statement: "*I do not want any additional voting methods to be available/introduced (e.g. Internet voting, postal voting) in elections in Poland. Voters should vote in polling stations only by casting their ballots into the ballot box.*" According to the Likert scale, the average response rate was relatively low (only 2.24). It means that most of the respondents did not agree with the statement (up to 61.34% negative responses) and actually wanted additional voting methods to be available in Poland which is related to the fact that in Poland the range of voting methods has been very limited. This has made it difficult for voters to cast ballots anywhere else but directly in a polling station on the election day.

A more detailed analysis of opinions about different forms of voting (based on the statement: "*Referring to the following forms of voting, please refer to the presented possibilities by marking X for the chosen option: There should be such a possibility for everyone/ There should be such a possibility only for the sick, disabled, the elderly/ There should be such a possibility for people staying abroad/ There should be no such possibility/ It's hard to say")* shows that the most preferred voting methods are: Internet voting (average 4.24) and electronic voting at a polling station (average 4.17). Postal voting (average 3.19) was ranked 4th out of 5 options (two other options were: voting by proxy and voting at home - members of the election commission come with a portable ballot box). Interestingly, only 28.36% of respondents supported postal voting for all eligible, whereas 23.63% of them believed that no such possibility should be available at all. By comparison, 62.8% and 59.2% supported respectively i-voting and e-voting at the polling station as an option for all voters. A graphic presentation of the data is included in figure 1.

Figure 1. Availability of alternative voting methods for different groups of voters

A wider research indicates that voting via the Internet may become an increasingly attractive method especially in extraordinary circumstances. A study of public opinions on the implementation of e-voting as an alternative way of participating in elections in Poland testifies of strong support for this option (Musiał-Karg and Kapsa, 2019). Also studies by Germann, Serdült (2017) have already shown that voting online has the potential to make voting more convenient than postal voting (even if the convenience of participation in election via i-voting has a very limited impact on the rise of turnout). Even though, the advantages of e-voting include reducing the information costs of participation by providing relevant information at the time people are actually casting their vote as well as improving and streamlining the process of electoral administration, by increasing the efficiency, speed and accuracy of recording and counting votes (Norris, 2004).

In the context of the electoral law reform introducing all-postal voting in Poland, it is worth to analyze whether different groups of voters express different preferences. The demographic characteristics of respondents in relation to their preferred voting method (see Table 1) allows us to describe supporters and opponents of postal voting in Poland. It also identifies which options of postal voting are the most popular among particular groups of respondents. Such information may be helpful for those who govern as regards the implementation of specific solutions.

An important predictor influencing voting methods preferences is age. The support for postal voting as an accessible solution for all voters was higher in the age group 18-44 than in older groups. Postal voting as an option for everyone enjoyed most support in the age group 35-44, and least support among those over the age of 65. The introduction of postal voting for elderly, sick and disabled people, had the highest support in the group of the youngest respondents of up to 24 years of age. However, in the other groups the support spread out very proportionally at 20-22%. In the oldest group respondents most often chose "It should not be allowed" (27%), and only 21.7% of them supported postal voting as an option available for elderly, disabled or sick people. Results concerning the relationship between age and the opinion about the introduction of postal voting in its different options are surprising, since many postal voting solutions increase the comfort of voting for the elderly. However, results of the study show that the majority of elderly people does not show interest in postal voting. Such results may indicate that the oldest respondents are in favor of traditional participation in elections, which means that they are likely to prefer to cast votes in their polling stations or by other means, such as proxy voting or with the use of a mobile ballot box. The oldest group of respondents is not in favor of electronic voting either (Musiał-Karg and Kapsa, 2019b). Among all age groups, their score was the lowest in both electronic voting and other forms of eparticipation.

While examining the relationship between the support for postal voting and the education level, we can see a positive correlation, especially in the context of the introduction of postal voting for all eligible people. The support for postal voting increased proportionally with the level of education. An opposite relationship was characteristic of those who answered, "hard to say". Interestingly, in the sub-group of the lowest education level, the proportion of "hard to say" answers was at least twice as high as that of the other options. This may indicate that the least-educated respondents do not have an established view on the electoral process, and they do not have (often due to their young age) much experience in universal voting. Thus, they are undecided while expressing their opinions. In contrast, people with a higher level of education have more specific preferences and they are more open to alternative voting methods. The other studies show that among better educated people there is strong support for e-voting (Solvak and Vassil, 2016; Musiał-Karg and Kapsa, 2019b) and these people are in favor of alternative voting methods for all eligible citizens, not only for selected groups. Our survey shows the linear relationship between education and the level of support for postal-voting in its most universal form (excluding uneducated people) - the higher the education level is, the higher the support. We may acknowledge that better educated people being more mobile are more open to change (including new forms of voting). They also seem to be more aware of the needs of the different voters who otherwise may be excluded from the election process (older people, sick people, and people staving abroad).

There is a positive correlation between domicile and the support for postal voting for all eligible to vote in our research. We observe that this option of postal voting was most often preferred in cities of population over 500,000 and in cities with the population over 100,000. It should be noted that around 24% of respondents living in rural areas and a similar percentage of citizens in cities with the population less than 20,000 supported all-postal voting. At the same time, very similar results in these groups of respondents were noted regarding their opinions on whether postal voting should be introduced at all. Interestingly, responses pertaining to this option in each sub-group were second in terms of the level of support except for respondents from cities of less than 20,000 inhabitants, where this option received the highest support. It is difficult to draw any specific conclusions regarding the reasons for the situation. However, regardless of the domicile or other demographic features, opinions on alternative voting methods indicate that both electronic voting and Internet voting are popular as options for everyone, and have twice as many supporters as postal voting. Therefore, there is not

necessarily correspondence between living in rural areas and support for traditional voting methods (the same applies to alternative methods).

 Concluding the demographic analysis, it is worth pointing out that no gender differentiation was found regarding almost all responses.

Table 1. Postal voting and demographics

The analysis of the opinions on alternative voting methods is completed by responses to the following question: *"If you had a choice, how would you prefer to vote in elections?"* Respondents could choose two options, out of which the one they put first was the most preferred.

Table 2. Voting preferences

Table 2 clearly shows that the method which entails the perceived highest risk of electoral fraud is the least preferred. As their first choice, postal voting was marked by only 0.28% of the surveyed. Apart from voting in person (60%), electronic voting received the highest score, including voting via the Internet (33%). Similar preferences were noted regarding the second choice. Electronic voting was number one (36.96%) followed by voting in person (16.38%). Although postal voting scored 7.4% (as the 2nd choice method), this is still relatively low in comparison to other voting methods. The low support for postal voting can be the result of not only perceived risks associated with different voting methods but also a result of convenience concerns (e.g. e-voting compared to voting at polling station). Moreover, in the case of Poland, it can be associated with a low trust in the Polish Post (in case of postal voting, state postal service would be responsible for delivery of mailings to voters) (PIBJA, 2019). That opinion was confirmed in the survey by rating the risk of fraud related to voting other than in polling stations. Postal voting had the highest score (average 3.2). Even electronic voting, which is often accused of being technically dubious and unsecured, had a lower average score (3.15), whereas the use of voting machines in polling stations is assessed as the least prone to electoral fraud (average 2.59) among all voting options presented.

Results of the survey in the context of the unsuccessful electoral reform

It needs to be emphasized that when the pandemic started, Poland had a very limited voting options repertoire. The pandemic has revealed the lack of special procedures or poor preparation to hold elections in extraordinary circumstances. Despite the need of having well-prepared election laws (Rose-Ackerman, 2007) and good organization of voting, the solution hastily adopted in Poland required several other conditions, such as 'the postal service should effectively operate during the pandemic, ballots should be delivered to voters abroad, and voters had to trust the postal service in the country and abroad' (Krimmer *et al.*, 2020). Since these requirements have not been met, the presidential election scheduled on 10th May and expected to use exclusively postal voting was not held (PKW, 2020). Moreover, the Polish government neglected basic requirements while trying to introduce all-postal voting (Musiał-Karg and Kapsa, 2020):

- legal and technical conditions for all-postal voting in Poland did not comply with legal requirements and democratic election principles (Zissis *et al.*, 2012; López-Pintor, 2010), e.g. the criterion of generality (Polish citizens living in countries with lockdown could not vote) which implies equal treatment under and by the law (Buchanan and Congleton, 1998, p. 8), and secrecy (envelopes were so thin that anyone could easily read through them; Pierzgalski and Stępień, 2017; House of Commons, 2004);

- an unconstitutional amendment was adopted during the ongoing election process (Venice Commission, 2002);

- the National Electoral Commission was excluded from the electoral process;
- the Polish Post was engaged, although it could not provide a trusted postal service (Krimmer and Volkamer, 2007);
- lack of information campaign to instruct citizens about new voting solutions and procedures;
- non-transparent public spending;
- failure to implement all-postal voting within ca 2 months (it took Switzerland 30 years to test and develop postal voting; Luechinger *et al.*, 2006; Germann and Serdült, 2017); and
- failure to prepare the election process in a way that does not put voters and election officers health at risk (Opinion, 2020).

Moreover, international organizations and institutions, such as the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Venice Commission, the European Commission expressed their concerns about plans of the ruling parties in Poland to change the electoral law and hold the presidential election amid the pandemic. The organizations warned that the election might not meet international democratic standards (Martin-Rozumiłowicz, 2020).

The final argument against postal voting stems from research results presented above. Although Poles wanted additional voting methods to be available during the election, they did not indicate postal voting as the most preferred method (instead they preferred e-voting). It may be a result of the low level of trust in this method of voting, as well as a result of negative experiences with postal voting in Poland in the past. When voting by post was offered in the 2015 election, less than 0.2% of eligible voters used the method. Moreover, it turned out that postal voters had made a number of procedural errors which rendered their votes invalid (CBOS, 2015). Therefore, since 2018, this method has been available for people with disabilities only. In this context, the decision to introduce all-postal voting (without any information campaign) in the 2020 election could be perceived as very risky. Instead of keeping the situation under control, the government's decisions stimulated concerns and uncertainty, and a number of people threatened to boycott the election. Since the public started to wobble, opinion polls reflected significant uncertainty regarding postal voting; 55% of voters would not vote in the election (United Surveys, 2020) and 46% would not vote via mail (CBOS, 2020).

Despite the fact that all-postal voting was adopted by the parliament on 8th May, the election was not held on 10th May, since it was not possible to vote for candidates (PKW, 2020). Two days later, the Sejm adopted a new law on the 2020 presidential election which introduced a hybrid solution based on voting at polling stations and postal voting on demand. Finally, the election was postponed to 28th June and 12th July 2020.

Conclusion

The Covid-19 SARS-CoV-2 pandemic made state governments aware that organizing safe elections could turn out to be problematic. When deciding to run elections, the governments, and electoral and administration bodies should adapt the process to extraordinary conditions and react to their impact on the whole electoral cycle. Undoubtedly, important steps include ensuring sufficient financial, technical, infrastructural and human resources, undertaking risk assessment, and avoiding major changes to the electoral law (James, 2020). The process should be designed to ensure long term procedures that support democratic and safe elections in extraordinary circumstances. Willingness to hold safe elections despite lockdown increases interest in alternative voting methods. During the 2020 crisis, all-postal voting was successfully used in the second round of local elections in Bavaria and municipal

elections in the Swiss canton of Geneva, where voting by mail was used next to traditional voting for many years (IDEA, 2020a; République et canton de Genève, 2020). Nevertheless, the case of Poland may serve as an example of how electoral procedures should not be changed in an emergency situation. Implementation of all-postal voting requires not only changes to the law, but also adequate organization and logistics effort, as well as reliable postal services, recruitment of electoral officers to count the ballots (IDEA, 2020a), and an access to a reliable database with voters postal addresses (Krimmer *et al.*, 2020). These legislative and organizational challenges for democratic governance should not only be manageable during crisis but also in ordinary circumstances.

Considering the use of alternative voting methods, we may conclude that steps should be taken to guarantee the accessibility of safe voting for all eligible voters. The findings of this study show that alternative voting methods can be useful not only during a global crisis but also in regular circumstances. The research indicates that out of all remote voting methods, the majority of Poles favor e-voting (introduction of which has not been officially considered). It may be compared to the experience of Switzerland and Estonia where high support for e-voting was expressed before the method was implemented and used for the first time. Then - over time - the positive attitude declined (Solvak and Vassil, 2016). While examining opinions for postal voting, it is evident that it has neither been popular among various sub-groups (which differ by their demographic features) nor in the context of security and possible electoral fraud. The analysis of opinions of Poles on postal voting shows that the method is highly appreciated by both men and women of 35-44 years of age, with higher education, and living in cities of over 500,000 inhabitants. However, this group also appreciates other alternative methods. At the same time, opponents to postal voting included both men and women of 45 to 54 years of age, with secondary education, and living in cities of 200-500 000 inhabitants. However, these are not typical groups that are most often targeted while adopting electoral procedures. The analysis leads to the recommendation that the government should consider extending the list of alternative voting methods.

It needs to be noted that, regardless of circumstances, alternative voting methods strengthen the principle of generality by providing citizens with additional options to cast their votes. However, such solutions must be adequately prepared and regulated, and above all timely implemented for their effective accomplishment. The solution adopted in Poland raised more doubts regarding its implementation than possible benefits of using it during pandemic. Moreover, those governing while adopting the new law, didn't take into account opinions of Poles on preferred voting methods which was e-voting rather than postal-voting. Yet another issue was that new electoral arrangements were adopted when the election procedure was in progress, which should not take place.

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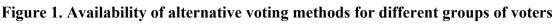




Table 1. Postal voting and demographics

Table 2. Voting preferences

f you had a choice, how would you prefer to vote in elections?	1 st choice	2 nd choice
person at the polling place	60.27%	16.38%
ectronically (via the Internet)	32.47%	36.96%
at home, so that members of the election commission come to me with a portable	0.84%	6.07%
election ballot box		
postal	0.28%	7.42%
by proxy	0.17%	3.26%
I never vote	1.07%	0.6%
hard to say	1.13%	5.46%
hard to say		