

## Who won Poland's 'referendum war' and how will it affect the October election?

*A three part referendum was held in Poland on 6 September, which included a proposal to introduce single-member 'first past the post' constituencies in Polish parliamentary elections. Aleks Szczerbiak writes that the referendum, which was called by the ruling Civic Platform party and was supposed to benefit charismatic 'anti-system' political independent Paweł Kukiz, ended in fiasco with fewer than one-in-ten Poles turning out to vote – well below the required 50 per cent turnout for the vote to be legally binding. Instead, aided by Poland's popular new right-wing President, Andrzej Duda, the referendum allowed the opposition Law and Justice party to successfully refocus the debate onto socio-economic issues, particularly the government's deeply unpopular pension reforms, ahead of parliamentary elections in October.*



Former Polish President Bronisław Komorowski, who was backed by the ruling centrist Civic Platform (PO) party, initiated the 6 September referendum as a panic move, following his shock defeat in the first round of May's presidential election. In spite of having been well ahead in every poll during the campaign, Mr Komorowski finished behind Andrzej Duda, the candidate of the right-wing Law and Justice (PiS) party, the main opposition grouping.

The referendum would ask Poles whether they: supported introducing single-member electoral constituencies (known by the Polish acronym 'JOW') to the Sejm, Poland's more powerful lower chamber of parliament; and were in favour of maintaining the current system of funding political parties from the state budget and introducing a presumption in favour of the taxpayer in disputes over taxation law.

Mr Komorowski called the referendum in an effort to win over supporters of the charismatic rock star and social activist Paweł Kukiz, who came from nowhere to finish third with more than 20 per cent of the votes in the first round of the presidential election. Mr Kukiz's signature issue and main focus of his earlier social activism was his strong support for the replacement of the current list-based proportional electoral system with UK-style single-member electoral constituencies, which he saw as the key to renewing Polish politics. Running as an independent 'anti-system' candidate, Mr Kukiz had peeled away many disillusioned Civic Platform voters. In the event, Mr Komorowski lost the election to Mr Duda, but left the September referendum as his unwanted political legacy.



Paweł Kukiz. Credits: Beemwej / Wikimedia Commons (CC BY-SA 4.0)

### No boost for Mr Kukiz

It was assumed initially that Mr Kukiz would be the greatest beneficiary from the referendum as it would ensure that his signature issue of electoral reform, which opinion surveys suggested Poles supported overwhelmingly, became the main focus of political debate during the summer, thus providing him with momentum in the run-up to the October 25th parliamentary election. It was also felt that the referendum could help Civic Platform, which had always

supported single-member constituencies and, along with the majority of Poles, opposed state party funding.

Indeed, introducing first-past-the-post was, at one time, a key element of the party's programme and it was largely due to this issue that Mr Kukiz had supported Civic Platform in the 2005 and 2007 parliamentary and presidential elections; although he now refers to it as a 'party of swindlers' following its subsequent failure to introduce electoral reform for the Sejm. At the same time, it was assumed that Mr Komorowski's referendum would be problematic for Law and Justice, which was out of step with public opinion in both opposing single-member constituencies and supporting state party funding.

In fact, the September referendum did not provide Mr Kukiz with the boost that many commentators expected. He had a disastrous summer with a series of political blunders and endless rows within his camp overshadowing attempts to mobilise support for the referendum through a concert tour. Mr Kukiz was also squeezed out of the wider political debate as the conflict between the two major parties re-asserted itself as the main axis of competition. Ironically, instead of the electoral reform issue dominating the election campaign it was the parliamentary poll that overshadowed the referendum.

### Re-defining the debate

Moreover, Law and Justice managed to re-define the terms of the referendum debate by calling for additional questions to be added on: reversing the government's controversial decisions to raise the retirement age and lower the compulsory school starting age from 7 to 6; and on restricting the sale of state-owned forest land. Law and Justice tried to contrast the way that it wanted to broaden out the referendum to include matters of interest to ordinary Poles – exemplified by the fact that six million people signed petitions calling for referendums on these issues, but had been ignored by the government – with Mr Komorowski's panicked manoeuvre of calling referenda on abstract, systemic questions for purely short-term tactical reasons.

An August IBRiS poll for the 'Rzeczpospolita' newspaper found that 67 per cent of respondents wanted the September poll extended to include additional questions on these subjects, while only 30 per cent were against. The Civic Platform-led government's deeply unpopular 2012 pension reform increasing in the retirement age to 67 (from 65 for men and 60 for women) was a particularly salient issue, and Law and Justice's promise to reverse it was one of the party's main election pledges.

Law and Justice's call to widen the referendum became one of the main topics of political debate during the summer. Indeed, in his first major initiative following his inauguration as President on 6 August, Mr Duda proposed an additional referendum on these three subjects to be held on the same day as the parliamentary election. Although, interestingly, his proposed question on lowering the retirement age

linked this to the number of years that entitlements had been accrued and did not specify that it should be returned to 65 and 60, although this specific pledge remained one of Law and Justice's campaign promises.

In the event, the Senate – Poland's second parliamentary chamber, which had to approve Mr Duda's proposal and where the ruling party has a majority – voted down the initiative by 53 votes to 35. Civic Platform representatives accused the President of failing to present the legal and financial consequences of his proposals, and argued that the questions were both too general and failed to meet the criteria set out in the Polish Constitution of being issues of



Poland's President Andrzej Duda, elected in May 2015. Credits: Radosław Czarniecki / Wikimedia commons (CC-BY-SA 4.0)

major state importance. They also claimed that holding the referendum and parliamentary election simultaneously would create numerous logistical problems.

Moreover, prime minister and Civic Platform leader Ewa Kopacz accused Mr Duda of being a partisan President who, by calling a referendum only on those issues proposed by one political option, was failing to represent the interests of all Poles. She urged him to undertake consultations with other parties and consider expanding the range of questions to include topics that were problematic for Law and Justice, such as Church-state relations.

However, by blocking Mr Duda's referendum, Civic Platform left itself open to charges of hypocrisy and scuppering civic initiatives supported by millions of Polish citizens. Law and Justice pointed out that virtually all of the arguments used by the ruling party against the President's referendum proposal had been dismissed by them when Mr Komorowski's initiative was being considered, in spite of the fact that it was so obviously an electoral ruse.

They claimed that the decision to call the additional referendum was a show of respect for widely-supported civic initiatives by an active and engaged head of state, dubbing the ruling party the 'Anti-civic Platform'. On the other hand, had the Senate agreed to Mr Duda's referendum then the political costs for Civic Platform would have been even greater, forcing the party to spend much of the rest of the election campaign defending its extremely unpopular pension reforms.

### **An expensive opinion poll**

In the end, the September referendum turned into a fiasco and was scuppered by a miniscule turnout of only 7.8 per cent. Although only one of the four nationwide referendums held in post-communist Poland has secured the 50 per cent constitutional turnout threshold required to be valid (the 2003 EU accession referendum), this was spectacularly low even by Polish standards; one member of the Polish Electoral Commission described it as 'one of the most expensive public opinion polls in Europe'. Although the overwhelming majority of those who turned out to vote supported single-member electoral constituencies (79 per cent) and opposed state party funding (83 per cent), these kinds of issues are clearly too esoteric to generate any real interest among most Poles.

There was also no public information campaign to inform citizens what the referendum was about and encourage them to vote. An August survey conducted by the CBOS polling agency found that nearly half of respondents did not even know what questions were going to be asked. Moreover, the proximity of the upcoming parliamentary election meant that parties were reluctant to spend their campaign funds on mobilising supporters to participate in a referendum which none of them, except for Mr Kukiz's movement, really had much of an interest in.

While Civic Platform felt obliged to, formally at least, support its former President's initiative, the party lacked enthusiasm for the referendum and, in the end, almost completely gave up promoting it, fearing that if it was too closely associated then low turnout would be interpreted as snub for the ruling party.

### **Is Mr Duda the key?**

The 'referendum war' did not, therefore, turn out the way that many commentators expected. Instead of providing Mr Kukiz with an opportunity to run a high profile mobilisation of his supporters on his signature issue, it was a wasted opportunity for the rock-star-cum-politician, coming at a critical time when he is trying to regain momentum after a disastrous summer. Although Mr Kukiz could conceivably still use the 1.8 million voters who turned out to support single-member electoral constituencies as a potential base on which to build support for his 'Kukiz '15' electoral committee, recent events suggest that he lacks the political skills to do this effectively.

The September referendum outcome was also problematic for Civic Platform. Although it attempted to blame Mr Kukiz for the disastrously low turnout, it was a Civic Platform-backed President who proposed the referendum and party-dominated Senate that approved it so, whether it liked it or not, the ruling party was associated with an expensive fiasco foisted on the nation purely as an (as it turned out, unsuccessful) electoral tactic. However, while rejecting Mr Duda's additional referendum proposal left the ruling party open to charges of 'anti-civiness', closing down the issue

at the beginning of September in the hope that voters will move on to other matters was clearly the lesser evil.

More broadly, the 'referendum war' exemplifies the way that Civic Platform has been constantly on the back foot throughout the campaign and, in particular, its failure to develop an effective strategy to deal with Mr Duda: on the one hand, arguing that he deserves respect as the democratically elected head of state but also, sensing the danger that he poses to the party's electoral prospects, constantly sniping at him.

In contrast, Law and Justice retained the political initiative: defusing a potentially extremely problematic electoral reform referendum by re-focusing the debate onto socio-economic issues where it had a clear advantage over the ruling party. Moreover, although, Mr Duda acted in a partisan way when proposing an additional referendum, his actions could be defended as flowing logically from his election pledge to be an active President supporting civic initiatives.

While this inevitably meant that he attracted controversy and criticism from his political opponents, for the moment at least Mr Duda is enjoying something of a political honeymoon and the public appears willing to give him the benefit of the doubt. Whether he retains his popularity, and how he and Law and Justice draw upon it during the remainder of the campaign, could well be the key to determining the outcome of the upcoming parliamentary election.

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*Note: This article originally appeared at Aleks Szczerbiak's [personal blog](#). It gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

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