



International Foundation
for Electoral Systems

Election FAQs: Poland

Parliamentary Elections

October 15, 2023

Europe and Eurasia

International Foundation for Electoral Systems

2011 Crystal Drive | Floor 10 | Arlington, VA 22202 | USA | www.IFES.org

Publication Date: 10 12, 2023

Frequently Asked Questions (FAQs)

Election Snapshot	1
When is Election Day?	Error! Bookmark not defined.
Why are this year’s parliamentary elections important?.....	1
Who are citizens voting for on Election Day?	2
What is the electoral system?	2
What is the legal framework for conducting the elections?	3
Who is eligible to run as a candidate?	3
Are there reserved seats for women? What is the gender balance within the candidate list?	3
What are the campaign expenditure and donation limits?.....	3
What is Poland’s election management body? What are its powers?	4
Who can vote in these elections?	5
How many registered voters are there?.....	5
What provisions are in place that support the equal rights of women, persons with disabilities, and other marginalized groups?	5
Is out-of-country voting allowed?	6
Who can observe on Election Day? How can they get accreditation?	6
Where are vote counting and tabulation held?	6
How will election disputes be adjudicated?	7
Resources	8
About IFES in Poland	8
Disclosure.....	8

Election Snapshot

- Election Day: October 15, 2023
- Registered voters: 29,097,503
- Polling stations: 31,080
- Seats: 460 in the lower house (Sejm) and 100 in the upper house (Senate)
- Candidates
 - 5,431 candidates are running for the Sejm
 - 332 candidates are running for the Senate
- Campaign expenditure and donation limits: Private citizens may donate no more than USD 9,833 to an electoral committee over the course of the campaign period. No single expenditure limit is prescribed by law; rather, each election committee is subject to a different cap depending on the total number of candidates on its Sejm candidate list and on the number of Senate constituencies it is contesting.
- By the October 10 deadline, 608,127 Polish citizens had requested to vote abroad.

When are the elections taking place?

Elections to both houses of the Parliament, the *Sejm* (lower house) and Senate (upper house), will take place on October 15, 2023; polls will be open from 7:00 a.m. to 9:00 p.m. local time.

Why are this year's parliamentary elections important?

The Law and Justice Party (*Prawo i Sprawiedliwość*, or PiS), along with its partners in the United Right governing coalition, is seeking an unprecedented third term as the majority party in the Polish Parliament. A third term under a PiS majority could have major ramifications for democracy in Poland, as observers have expressed concern about PiS's willingness to take illiberal measures and defy UN and EU standards for governance.¹ An OSCE observation report following the most recent parliamentary elections in 2019 found profound issues around transparency, media bias, and judicial independence, all of which served to bolster the ruling PiS's electoral prospects in that election.²

The election will also have serious implications for Poland's relationship with the EU and its support for Ukraine in its war against Russia. The European Court of Justice struck down several components of PiS-championed judicial reform legislation in June, the latest in a series of confrontations and tensions between the EU and PiS amid concerns of democratic backsliding.³ Despite this and other EU decisions, the PiS has continued to pursue judicial changes that the EU says violate its norms, resulting in hundreds of millions of euros in fines levied against Poland.⁴ Moreover, with the far-right Confederation coalition of parties showing strength in polls, PiS has taken a more critical stance towards Ukraine in a bid to dampen Confederation's nationalist

¹ Krzysztof Bledowski. (June 8, 2023). "Is Poland's Democracy in Danger?" *Carnegie Europe*.

² (February 14, 2020). "ODIHR Limited Election Observation Mission Final Report." *OSCE/ODIHR*.

³ Reuters. (June 5, 2023). "Top EU Court Strikes Down More of Poland's Judicial Overhaul." *VOA*.

⁴ Nicolas Camut. (June 5, 2023). "EU court finds Poland guilty in rule-of-law dispute." *Politico*

appeal, and some observers suspect the shift may represent not merely a short-term political calculation but a more fundamental policy change on the ruling government's part.⁵

Concurrently with the parliamentary elections, Polish citizens will be taking part in a national referendum, with four questions related to the admission of immigrants from Western Asia and North Africa, increasing the retirement age, border control with Belarus, and selling of state assets to foreign entities. The referendum has been criticized as a tool for the ruling PiS party to boost engagement from its voters and hurt the opposition Civic Platform's electoral prospects; criticism has particularly focused on what many have called the leading phrasing of the questions.⁶

Who are citizens voting for on Election Day?

A total of 460 seats in the lower house of Parliament, or *Sejm*, and 100 seats in the upper house, or Senate, will be elected. As of September 7, 5,431 candidates are registered to run for the *Sejm*, 2,248 of whom are running as independent candidates unaffiliated with any party. 332 candidates are registered to run for the Senate, 103 of them as independent candidates.⁷

As of September 7, 41 electoral committees, formed by parties, coalitions, and voter groups, have fielded candidate lists, 10 for both the *Sejm* and Senate, 1 for only the *Sejm*, and 30 for only the Senate.⁸

What is the electoral system?

Poland is a semi-presidential parliamentary republic with a bicameral Parliament comprised of the lower house, or *Sejm*, and the upper house, or Senate. Members of the *Sejm* are elected from 41 multi-member constituencies, with the number of members elected from each constituency ranging from 7 to 20 based on population.⁹ In order for a contending candidate list to receive seats following the election, it must receive at least 5% of the vote nationally; coalition lists must receive at least 8% of the national vote.¹⁰ Candidate lists registered by recognized national minorities are exempt from the minimum vote threshold requirement.¹¹

Members of the Senate are elected from 100 single-member constituencies.¹² Senators are elected based on a first-past-the-post system, with the candidate who receives the most votes in a given constituency winning the election. Constituencies are equal in population and

⁵ Adam Jasser and Wojciech Przybylski. (August 23, 2023). "Ukraine in EU Path Threatened by Elections in Slovakia and Poland." *Visegrad Insight*.

⁶ Wojciech Kosci. (August 17, 2023). "Poland's ruling party throws the opposition a referendum curveball." *Politico*.

⁷ "Candidates in the elections to the *Sejm* and Senate in 2023." National Election Commission.

⁸ "Committees in the elections to the *Sejm* and Senate in 2023." National Electoral Commission.

⁹ Electoral Code of Poland, Section 3, Chapter 2.

¹⁰ Electoral Code of Poland, Section 3, Chapter 1, Article 196.

¹¹ Electoral Code of Poland, Section 3, Chapter 1, Article 197.

¹² Electoral Code of Poland, Section 4, Chapter 1, Article 256.

What is the legal framework for conducting the elections?

Poland's elections are organized and conducted in accordance with the Constitution of Poland and the 2011 Electoral Code, which was most recently amended by Parliament in 2023. The amendments enacted a number of OSCE recommendations, including creating a central registry of voters and simplifying the process of becoming a Constituency Election Commission (CEC) member; however, the OSCE has also expressed concern that the process for approving the amendments lacked transparency.

Other pieces of legislation relevant to the 2023 elections include the 1990 Law on Assemblies (last amended in 2016) and the 1997 Political Parties Act (last amended in 2015). These laws are supplemented by guidance and decisions from the National Election Commission (NEC) and lower-level election commissions.

Who is eligible to run as a candidate?

Polish citizens who are 21 years of age or older and who are not either serving a prison sentence or considered disabled by a court decision may run for the Sejm; for the Senate, the minimum age is 30.¹³ The right to nominate candidates is reserved for election committees organized by political parties, coalitions, and registered voter groups.¹⁴

Are there reserved seats for women? What is the gender balance within the candidate list?

Poland's Electoral Code requires that at least 35% of candidates on a candidate list for the Sejm must be women.¹⁵ Some parties have indicated that they have additional internal party requirements for the proportion of women and other marginalized groups within their candidate lists, although the National Election Commission does not publish data on specific gender balance within lists. As of September 11, 2023, 132 of 460 seats in the Sejm (28%) and 24 of 100 Senate seats (24%) are held by women.¹⁶

What are the campaign expenditure and donation limits?

Poland's campaign finance regulations are enshrined mainly in the Electoral Code and the Political Parties Act. Per these regulations, the total amount an individual may contribute to an election committee, starting the day before the announcement of elections and concluding the day before Election Day, is capped at 15 times the minimum wage for private citizens (EUR 9,150, or USD 9,833.33) and at 45 times the minimum wage for candidates (EUR 27,450, or USD 29,500.38).¹⁷ Only citizens who reside permanently within Poland may donate to election

¹³ Electoral Code of Poland, Section 1, Chapter 2, Article 11.

¹⁴ Electoral Code of Poland, Section 3, Chapter 3, Article 204.

¹⁵ Electoral Code of Poland, Section 3, Chapter 3, Article 211.

¹⁶ (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

¹⁷ Electoral Code of Poland, Section 1, Chapter 15, Article 134.

committees; donations from citizens abroad, legal entities, and anonymous sources are not permitted.¹⁸

Poland's Political Parties Act also specifies the availability of public financing for parties based on prior electoral performance. The electoral committee of any party which received at least 3% of the vote in the most recent Sejm election, or of any coalition which received at least 6% of the vote, is entitled to receive public funds.¹⁹ The amount of the funds provided varies based on the number of votes the party or coalition received in the most recent Sejm election.²⁰ Furthermore, a one-time subsidy is awarded to each party, coalition, or voter's group with at least one seat in the Sejm, Senate, or European Parliament, again depending on the number of seats.²¹

There is no single limit on the amount an election committee can spend during the campaign period. Rather, each election committee is subject to a different cap depending on the total number of candidates on its Sejm candidate list and on the number of Senate constituencies it is contesting.²² However, the Electoral Code does prohibit election committees from spending more than 80% of their individual expenditure cap on campaign advertising.²³

What is Poland's election management body? What are its powers?

Poland's elections are managed under a three-tiered election management system consisting of the National Election Commission (NEC), 41 constituency election commissions, and 31,080 precinct or district election commissions. The NEC is a permanent body composed of 9 members: 2 judges from the Constitutional Tribunal and the Supreme Administrative Court and 7 members appointed by political parties based on their level of representation in the Sejm.²⁴ It is responsible for overseeing implementation of election legislation, providing the overall framework for organization of national elections, and issuing decisions and guidance to lower-level commissions.²⁵ Prior to Electoral Code amendments approved in March of 2023, the NEC was composed entirely of members of the judiciary; the 2023 parliamentary elections will be the first for the NEC under its new configuration.

Constituency election commissions (CECs) are temporarily organized no more than 48 days prior to Election Day; each commission has 9 members appointed by the NEC. CECs are responsible handling registration of candidate lists, dealing with complaints and appeals from precinct election commissions, and ensuring the implementation of the NEC's decisions. As with the NEC, the composition and requirements for CEC membership were changed following the March 2023 amendments; previously, CEC members were required to be current or retired judges with university law degrees, requirements that no longer apply.²⁶

¹⁸ (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

¹⁹ Political Parties Act, Chapter 4, Article 28.

²⁰ Political Parties Act, Chapter 4, Article 29.

²¹ (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

²² (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

²³ Electoral Code of Poland, Section 1, Chapter 15, Article 136.

²⁴ (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

²⁵ Electoral Code of Poland, Section 2, Chapter 1, Article 160.

²⁶ (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

Precinct election commissions (PECs), also sometimes referred to as district election commissions, serve as the level of election management closest to the ground. They are established no more than 21 days before Election Day, and each one consists of 9 members nominated by electoral committees contesting elections in the relevant region. The PECs manage polling stations and are responsible for supervising the voting process and for counting ballots. The March 2023 amendments lowered the minimum threshold for the establishment of a PEC from 500 to 200 voters; as a result, there will be 6,000 – 10,000 more PECs for the 2023 parliamentary elections than in prior elections.²⁷

Who can vote in these elections?

Citizens over the age of 18 have the right to vote, provided they have not been found to be disabled by a court decision.²⁸ Voters are automatically registered and, following the adoption of Electoral Code amendments in March 2023, a central register is maintained by the Ministry for Digitalization based on information provided by municipal governments.²⁹

Voters who will be temporarily away from their place of permanent residence at the time of voting may request an absentee voting certificate from the municipality at which they are registered as a permanent resident; the certificate, if issued, permits the voter to cast a ballot at any polling station in the country.³⁰

How many registered voters are there?

As of June 30, 2023, the most recently available data, Poland had 29,097,503 voters registered for the 2023 parliamentary elections.

What provisions are in place that support the equal rights of women, persons with disabilities, and other marginalized groups?

Persons with disabilities may designate a proxy voter if they are deemed to have a degree of disability impairing their ability to go to the polling station and cast their ballot.³¹ They may also, when at the station, request assistance from another person who is not a member of the precinct election commission or an authorized poll observer.³² Voters with disabilities also have the right to free transport to and from the polling station if public transportation is lacking, and they may apply to vote by mail, subject to approval from the municipal government.³³

To support the representation of women in parliament, Poland's Electoral Code requires that at least 35% of candidates on a candidate list for the Sejm must be women.³⁴ Similarly, candidate

²⁷ (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

²⁸ Electoral Code of Poland, Section 1, Chapter 2, Article 10.

²⁹ (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

³⁰ (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

³¹ Electoral Code of Poland, Section 1, Chapter 7, Article 54.

³² Electoral Code of Poland, Section 1, Chapter 6, Article 53.

³³ "Information about the rights of voters with disabilities." National Election Commission.

³⁴ Electoral Code of Poland, Section 3, Chapter 3, Article 211.

lists associated with a recognized national minority are not subject to the same minimum vote thresholds to win seats as other parties and coalitions are.³⁵

Is out-of-country voting allowed?

Yes. Polish citizens living abroad must register actively to vote—as opposed to the passive registration for in-country citizens—and may apply to vote online, by mail, or in-person at a consulate or embassy.³⁶ The Ministry of Foreign Affairs is responsible for creating polling stations at consulates and embassies. For the purposes of counting votes, votes cast abroad are allocated to the fourth constituency of the Warsaw municipality.³⁷ By the October 10 deadline, 608,127 Polish citizens had succeeded in registering to vote outside of the country.

Who can observe on Election Day? How can they get accreditation?

The Electoral Code of Poland permits international and domestic observers to be accredited by the National Election Commission (NEC), and for international observers to be invited to observe by the Ministry of Foreign Affairs.³⁸ Observers may be present throughout the voting process, during the tabulation of ballots, and at meetings of all levels of election commissions. Candidates and parties may also appoint proxies to serve as observers at polling stations and at election commission meetings. Following the adoption of amendments to the Electoral Code in March 2023, candidate proxies may be paid an allowance in order to act as observers, and they may record the voting process, but the Code mandates that all such recordings be transmitted to local election administration authorities and deleted subsequently from the observers' own devices.³⁹ The OSCE/ODIHR is sending ten two-person, long-term observer teams, supplemented by over 100 members of European national parliaments, the OSCE Parliamentary Assembly, and the Parliamentary Assembly of the Council of Europe serving as short-term observers for this election. Numerous domestic organizations will be observing the electoral process ahead of and during the day of voting.

Where are vote counting and tabulation held?

Votes are counted and tabulated at each polling station by the appropriate precinct election commission (PEC); the results are then used to create a protocol which is conveyed to the appropriate constituency election commission (CEC).⁴⁰ The CEC in turn checks all vote counts received from PECs for inaccuracies or inconsistencies; the results are then collated into a CEC protocol, which is transmitted in a sealed envelope to the National Election Commission (NEC).⁴¹

³⁵ Electoral Code of Poland, Section 3, Chapter 1, Article 197.

³⁶ Electoral Code of Poland, Section 1, Chapter 5, Article 35.

³⁷ (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

³⁸ Electoral Code of Poland, Section 1, Chapter 6, Article 50.

³⁹ (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

⁴⁰ Electoral Code of Poland, Section 3, Chapter 6, Articles 229 – 230.

⁴¹ Electoral Code of Poland, Section 3, Chapter 6, Articles 231.

How will election disputes be adjudicated?

Any decision made by an election commission may be appealed to the appropriate higher-level commission, up to the National Election Commission (NEC) itself. Complaints or electoral disputes related to the final results of the election are referred directly to the Supreme Court and may be made by any voter, election commission chairperson, or electoral committee within seven day of the announcement of final results.⁴² The Supreme Court must then deliver a decision regarding the validity of the elections being disputed within 90 days of the dispute being lodged with the Court.⁴³

⁴² (10 July, 2023). "ODIHR Needs Assessment Mission Report." OSCE/ODIHR.

⁴³ Electoral Code of Poland, Section 3, Chapter 6, Articles 244.

Resources

- [Constitution of Poland](#)
- [Electoral Code of Poland](#)
- [Political Parties Act](#)
- [Poland National Election Commission](#)
- [IFES Poland Election Guide](#)

About IFES in Poland

Although IFES does not currently have programming in Poland, it has worked over the past decade through its Regional Europe Office (REO) to support human rights and elections professionals across the Europe and Eurasia region. IFES's REO also provides workshops and tools to build the capacity of stakeholders, including civil society organizations, journalists, and public oversight institutions, in countries where it does not have current programs underway.

Disclosure

These FAQs reflect decisions made by the Central Election Commission as of October 11, 2023, to the best of our knowledge. This document does not represent any International Foundation for Electoral Systems policy or technical recommendations.