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THE ACT OF 27th SEPTEMBER, 1990
ON ELECTIONS TO THE PRESIDENCY
OF THE REPUBLIC OF POLAND

As published in
Dziennik Ustaw, No. 67, item 398

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[not available in English] → Dz.U. No. 70, item 443 (1991) (art. 36)
Dz.U. No. 121, item 770 (1997) (art. 47)
[enclosed]
[not important, minor amendments]

Chapter 1 GENERAL PROVISIONS

Article 1

This Act shall specify the principles of and procedure for the election of a President of the Republic of Poland.

Article 2

1. The elections shall be general: the right to vote shall be vested in each Polish citizen being at least 18 years of age on the election day.

Para. 2 is repealed.

Article 3

The following persons shall have no right to vote:

- 1) those deprived of public rights by a final ruling of a court;
- 2) those deprived of their electoral rights by a ruling of the Tribunal of State;
- 3) those entirely or partially deprived of legal capacity by a final ruling of a court by reason of mental illness or mental retardation.

Article 4

The election shall be equal: voters shall participate in the election on the principle of the equality of rights.

Article 5

The election shall be direct: the electors shall elect the President directly; votes shall be cast only in person.

Article 6

The election shall be held by secret ballot; the polling station shall have separate curtained space guaranteeing secrecy for voting; ballot papers shall be inserted into a sealed ballot-box.

Article 7

The elections shall be ordered by the Marshal of the Sejm no sooner than 4 months and no later than 3 months before the expiry of the term of office of the current President and, in the event of vacation of the office of President - no later than the 14th day following such vacation.

Article 8

1. The order for the elections of the President shall specify the date of the elections which shall be on a day which is not a day of work and which shall be within 60 days of the date of the proclamation of the elections.

2. The order shall also fix the calendar of elections in which the time-limits for performance of particular electoral activities shall be specified.

3. The order shall be announced in the Journal of Laws of the Republic of Poland [*Dziennik Ustaw Rzeczypospolitej Polskiej*] no later than 7 days after the proclamation of the elections.

Article 8a

The term of office of the President shall last for five years beginning with the day of his accession to office, which shall be the day of taking the oath in the presence of the National Assembly.

Article 8b

1. If, in the election referred to in Article 7, none of the candidates for President has obtained an absolute majority of votes validly cast, the second round of voting shall be held on the 14th day following the first ballot.

2. In the second round of voting, the two candidates who have been given sequentially the highest number of votes in the first ballot and have not withdrawn their candidatures shall participate.

3. The candidate who has obtained the higher number of votes validly cast in the second round of voting shall be considered elected.

4. If only one of the candidates, referred to in para. 2, shall remain on the list before the second round of voting, then the candidate who has obtained the next highest number of votes in the first ballot and has not withdrawn his candidature shall be allowed to participate in the second round of voting.

Chapter 2 ELECTORAL COMMISSIONS

Article 9

The election shall be conducted by:

- 1) the National Electoral Commission, appointed pursuant to separate provisions;
- 2) voivodeship electoral commissions;
- 3) district electoral commissions.

Article 10

The duties of the National Electoral Commission shall include:

- 1) the supervision of observance of electoral law;

- 2) the registration of candidates for the Presidency and publication of data concerning the candidates named on the electoral list;
- 3) the ordering of the printing of ballot papers;
- 4) the appointment of voivodeship electoral commissions;
- 5) the consideration of complaints against the activities of voivodeship electoral commissions;
- 6) the establishment of the results of voting and the result of the election to the Presidency;
- 7) the publication of the results of the voting and of election of the President;

Item 8) is repealed.

2. In performing its tasks, specified in para. 1, the National Electoral Commission shall issue, if needed, guidelines and interpretations to electoral commissions.

Article 11

The duties of the voivodeship electoral commission shall include:

- 1) the supervision of observance of electoral law by district electoral commissions;
- 2) the assurance, in cooperation with the voivode and executive committees of the commune, of the organization of elections in the area of the voivodeship;
- 3) the appointment of district electoral commissions;
- 4) the consideration of complaints against the actions of district electoral commissions;
- 5) the assurance of delivery of ballot papers to district electoral commissions in the voivodeship;
- 6) the establishment of the aggregate results of voting for the candidates in the area of the voivodeship and transfer thereof, together with records of district electoral commissions, to the National Electoral Commission;
- 7) the performance of other duties provided for by this Act.

Article 12

Decisions of the National Electoral Commission and of voivodeship electoral commissions, referred to in Article 10, para. 1, points (1) and (5), and para. 2, as well as Article 11, points (1) and (4), shall be final and binding upon subordinate electoral commissions.

Article 13

The duties of the district electoral commission shall include:

- 1) the conduct of voting in the polling district;
- 2) the assurance, on the election day, of the observance of electoral law in the place of, and during, the vote;
- 3) the establishment of the results of voting and transfer thereof to the appropriate voivodeship electoral commission.

Article 14 is repealed.

Article 15

1. Voivodeship electoral commissions shall be appointed by the National Electoral Commission no later than the 45th day before the election day.

2. A voivodeship electoral commission shall be composed of 10 judges designated by the Minister of Justice from amongst the judges recommended by the boards of appellate, voivodeship and district courts.

3. The commission, referred to in para. 1, sitting in full composition within 7 days of its appointment, shall elect a chairman and two deputies from amongst its own members and shall appoint a secretary of the commission.

4. The composition of the commission shall immediately be made public in customary manner.

Article 16

1. District electoral commissions, composed of 7-11 persons, shall be appointed from amongst voters no later than the 25th day before the election day, by the voivodeship electoral commission at the request of the appropriate council of commune.

2. District electoral commissions for polling districts created on Polish seagoing ships and abroad shall be appointed from amongst voters by captains of those ships and consuls, respectively. Rules, procedure and time for appointment of such commissions shall be specified by the National Electoral Commission, in agreement with, respectively, the Minister of Transport and Maritime Economy and the Minister of Foreign Affairs.

3. The district electoral commission, sitting in full composition, shall immediately elect a chairman and his deputy from amongst its members.

Article 17

The National Electoral Commission shall establish its own regulations and regulations for voivodeship and district electoral commissions, specifying, in particular:

- 1) the procedure of their work;
- 2) the method of exercising supervision over work of voivodeship and district commissions.

Article 18

The National Electoral Commission shall determine:

- 1) specimen seals for electoral commissions;
- 2) specimen forms for records of voting;
- 3) specimen records for result of elections;
- 4) a specimen ballot paper.

Article 19

1. Persons, being members of electoral commissions, shall perform their functions voluntarily; they shall be entitled to a per diem allowance and compensation for travel expenses, subject to the rules, and in amounts, established by the Prime Minister at the request of the National Electoral Commission.

2. Persons, being members of electoral commissions, may be given by their employers leave from work for the period of fulfillment of their responsibilities; in such cases, they shall be entitled to a lump-sum compensation for lost wages, subject to the rules, and in amounts, established by the Prime Minister at the request of the National Electoral Commission.

3. Any person, being a member of an electoral commission, shall have the benefit of the legal protection provided to public functionaires.

Article 20

The National Electoral Commission shall dissolve voivodeship and district commissions upon the conclusion of their statutory tasks.

Article 21

1. Services of the National Electoral Commission and voivodeship electoral commissions shall be ensured, respectively, by the National Electoral Office and voivodeship electoral offices appointed pursuant to separate provisions.

2. Services and technical and material resources for district electoral commissions shall be ensured, as a duty ascribed to the commune, by the head of the commune or mayor (president of town).

3. Duties prescribed in para. 2, shall apply, respectively, to captains of Polish seagoing ships and consuls.

Chapter 3 POLLING DISTRICTS

Article 22

1. For the purpose of the election, polling districts, comprised of 1000 - 3000 inhabitants, shall be created.

2. In cases justified by local conditions, polling districts may be established for smaller or larger numbers of inhabitants than those specified in para. 1.

3. Polling districts may be established in hospitals, social welfare establishments as well as in penal institutions and places of pre-trial detention.

4. Polling districts may be established on Polish seagoing ships if there are at least 20 voters present on board and there is an opportunity to transmit to the electoral commission appropriate for the location of the shipowner the results of the voting immediately upon its conclusion.

5. Polling districts may be established for Polish citizens staying abroad.

Article 23

1. Consecutive numbers, boundaries of polling districts as well as the locations of district electoral commissions shall be specified by the voivodeship electoral commission at the request of the appropriate executive committee of the commune.

2. The polling districts on Polish seagoing ships shall be established by voivodeship electoral commissions appropriate for the location of the shipowner, at the request of the shipowner, made no later than the 5th day before the election day.

3. The polling districts for Polish citizens staying abroad shall be established by the Minister of Foreign Affairs, in agreement with the National Electoral Commission, who shall specify the locations of district electoral commissions. The results of voting in these districts shall be transmitted to the voivodeship electoral commission in Warsaw.

Article 24

1. Information on the consecutive numbers and the boundaries of polling districts, as well as on the location of district electoral commissions shall be made public by the appropriate executive committees of the commune posting announcements no later than the 35th day before the election day.

2. The obligation, referred to in para. 1, in respect of polling districts established abroad, shall lie with consuls.

Chapter 4 ROLL OF VOTERS

Article 25

1. Any person having the right to vote shall be entered in the roll of voters.

2. A voter may only be entered in one roll of voters.

Article 26

1. A roll of voters shall include persons referred to in Article 2, according to their place of residence.

2. The roll of voters shall specify the surname and forenames of the voter, the name of the father of the voter, the date of birth and place of residence of the voter.

3. Rolls of voters shall be drawn up by executive committees of the commune as a duty ascribed within the framework of governmental administration. The costs of creation, maintenance and provision of accessibility of the roll of voters shall be borne by the State budget, from its election funds.

Article 27

1. A roll of voters shall be made in 2 copies, separately for each polling stations.

2. The roll of voters, referred to in para. 1, shall be delivered, on the day preceding elections, to the chairman of the appropriate district electoral commission.

Article 28 is repealed

Article 29

The National Electoral Commission shall, in agreement with the Minister of Internal Affairs, establish a specimen roll of voters, the procedure for its creation and updating, a specimen notification concerning the inclusion of a voter in a roll of voters of another polling district and a specimen certificate confirming the right to vote.

Article 30

1. Persons deprived of their electoral rights shall be deleted from the roll of voters.
2. The Minister of Justice shall specify the procedure for transferring information on the persons referred to in para. 1.

Article 31

1. A voter without permanent place of residence shall, upon his own request made to the authority drawing up the roll of voters, no later than the 7th day before the election day, be added to the roll of voters relevant for his present place of stay.
2. The provisions of para. 1 shall apply, respectively, to the persons referred to in Article 2, para. 2.

Article 32

1. Soldiers performing basic or periodic terms of military service, those serving as candidates for professional soldiering, soldiers performing military training and exercises, as well as conscripts performing their military service in civil defence units outwith their place of residence, shall be entered, upon their request, in the roll of voters - chosen by them - created for the locality in which they are performing their service. Any such request shall be submitted between the 14th and 7th day before the election day.

2. The provisions of para. 1 equally apply to policemen serving in quartered units.

3. Commanders of military units, civil defence units and police units shall be under a duty to ensure, respectively, soldiers, conscripts and policemen an opportunity to exercise the rights specified in the provisions of para. 1.

4. The Minister of National Defence and the Minister of Internal Affairs shall, in agreement with the National Electoral Commission, determine the procedure for performance of the duties referred to in para. 3.

Article 33

A certificate confirming the right to vote in a place of stay on the election day shall be given, upon request, by an authority drawing up the roll of voters to a voter who has changed his place of stay after the roll of voters has been drawn up.

Article 34

An authority which has created the roll of voters shall delete from the roll those persons:

- 1) who have been given a certificate confirming their right to vote;
- 2) whom they have been officially notified have been entered in the roll in another polling district.

Article 35

1. Electors present on board Polish seagoing ships, continuing their voyage during the period from the day of ordering the elections to the day of elections, shall be entered in the roll of voters drawn up by captains of the ships.

2. Such inclusion shall be done upon request of the voter, made no later than the 3rd day before the election day. Such request shall specify a surname, forenames, father's name and date of birth.

3. The National Electoral Commission, in agreement with the Minister of Transportation and Marine Economy, shall determine the procedure for the creation of the roll referred to in para. 1.

Article 36

1. Electors being abroad shall be entered in the roll of voters to be created by the territorially appropriate consulates of the Republic of Poland.

2. Such inclusion shall be done, upon application made in person, either orally, in writing, by phone, by cable or telefax. Such application shall specify the voter's surname, forenames, father's name, date of birth and place of stay. Applications may be made no later than the 3rd day before the election day.

3. The National Electoral Commission, in agreement with the Minister of Foreign Affairs, shall determine the procedure for the creation of the roll referred to in para. 1.

Article 37

No later than the 15th day before the election day, the authority referred to in Article 26, para. 3 shall make the rolls of voters open to public inspection in its office for a period of five days, five hours daily, at times convenient to electors, making the place and hours of inspection known to electors.

Article 38

1. Anyone may lodge, in the authority which has created the roll of voters, a complaint about any inaccuracy in the creation of the roll, during the period when the roll is open to public inspection.

2. Complaints shall be lodged either in writing or orally for the record.

3. The time-limit for consideration of a complaint shall be 48 hours from its submission.

4. Upon consideration of a complaint, the authority which has created the roll of voters shall:

- 1) complement or rectify the roll; or
- 2) delete from the roll the person whom the complaint concerns, serving such decision, with reasons given, on that person; or
- 3) refuse to uphold a complaint, serving such decision, with reasons given, on the person who has lodged the complaint.

Article 39

1. Any decision which refuses to uphold a complaint or results in a deletion from the roll of voters may be appealed, by the complainant or by the person deleted from the roll of voters, with a district court appropriate for the area for which the roll was created. A copy of the contested decision shall be appended to the appeal.

2. The court, by a bench of one judge, shall examine the matter by way of non-litigious procedure within 3 days of the date on which the appeal was lodged. The court's decision shall be served both on the person who lodged the appeal and on the authority which created the roll. There shall be no appeal from the decision of the court.

3. Complaints about the roll of voters concerning the persons referred to in Article 35, para. 1 and Article 36, para. 1, shall be considered by, respectively, captains of ships or consuls. The decisions taken in such cases shall be final.

Chapter 5

NOMINATING THE CANDIDATES FOR PRESIDENCY

Article 40

1. The right to nominate candidates for the President of the Republic of Poland shall be vested in:

- 1) political and social organizations;
- 2) voters.

2. Any nomination of a candidate shall be supported by the personal signatures of at least 100,000 voters.

3. Candidates for the Presidency may be nominated during a period of 20 days from the day of the announcement of the order by the Marshal of the Sejm for the election of the President:

Article 41

1. Any nomination of a candidate for the President shall contain:

- 1) forenames, surname, age, educational background, profession, workplace, place of residence of the nominated candidate, along with his affiliation with a political or social organization, if any;
- 2) the name of the subject submitting the nomination and the forename, surname and address of an agent acting on his behalf;

- 3) a list of voters supporting the nomination, which shall contain legibly written forenames, surnames, ages, home addresses and identification or passport or military passbook numbers of voters supporting the nomination, along with their personal signature; each page of the list shall contain the heading: "I support the candidacy of (name of the candidate) for the Presidency".
2. Support for a candidate, affirmed by a signature, may not be withdrawn.
3. To each nomination shall be appended a written consent indicating acceptance by the candidate of standing for election to the Presidency.

Article 42

1. The National Electoral Commission shall register the candidates for the Presidency if their nominations have been submitted pursuant to the provisions of this Act, having made an official record of registration of the candidate and notifying the agent referred to in Article 41, para. 1, subpara. 2.

2. If the submitted nomination is defective, the National Electoral Commission shall refuse to register the candidate and shall immediately summon the agent to have such defect removed within the time-limit specified by the Commission.

3. In the event that the agent finds the Commission's ruling unreasonable, he may appeal to the Supreme Court within the time-limit of 2 days of the date of refusal to register the candidate.

Article 43

1. After the expiry of the time-limit referred to in Article 40, para. 3, the National Electoral Commission shall draw up an electoral list containing, in alphabetical order, the forenames, surnames, age, educational background, profession, workplace and place of residence of the properly nominated and registered candidates.

2. Upon request of the agent, the electoral list may also specify the candidate's affiliation with a political or social organization.

3. No later than the 15th day before the election day, the National Electoral Commission shall make the data referred to in paras. 1 and 2 known to voters by posting up announcements.

Article 44

The National Electoral Commission shall delete from the electoral list the name of any candidate who has withdrawn his acceptance to stand for election, died or forfeited his eligibility. Information on such deletion shall immediately be made public by the National Electoral Commission.

Article 45

1. Any agent referred to in Article 41, para. 1, subpara. 2, shall have the right to appoint one poll observer to the National Electoral Commission, to voivodeship electoral commissions and to district electoral commissions.

2. The agent shall issue to poll observers an authorization on an official form pursuant to a specimen provided by the National Electoral Commission.

3. Appointments referred to in para. 1 shall be addressed to the appropriate electoral commission no later than the 10th day before the election day. The appointment shall specify the forename, surnames and place of residence of the poll observer and shall be appended by a document testifying his powers.

4. The appointment shall authorize the poll observer to participate in electoral activities pursuant to the provisions of this Act.

Chapter 6 BALLOT PAPER

Article 46

The National Electoral Commission shall, after creation of the electoral list, order the printing of the needed number of ballot papers and, jointly with voivodship electoral commissions, shall ensure delivery of them to district electoral commissions.

Article 47

1. On the ballot paper shall be placed, in alphabetical order, the surnames and forenames of the registered candidates for the Presidency.

2. The ballot papers shall be sealed with the seal of the National Electoral Commission.

3. Each ballot paper shall provide information on the manner of voting and on the requirements for the validity of voting.

4. The ballot paper shall be printed on one side only.

Article 48

The rules for making, and the procedure for delivery of, ballot papers for polling districts created on Polish seagoing ships and abroad shall be established by the National Electoral Commission in agreement with, respectively, the Minister of Transportation and Maritime Economy and the Minister of Foreign Affairs.

Chapter 7 VOTING

Article 49

Voting shall be held in the polling station of the district electoral commission in the course of one day, without break, between 6 a.m. and 8 p.m.

Article 50

1. A voter shall, before casting a vote, produce to the district electoral commission a document which shall give proof of his identity.
2. A voter entered in the roll of voters, who has no document proving his identity, may rely upon the testimony of two trustworthy persons known to members of the commission. The decision of the commission as to verification of identity shall be final.
3. A voter who has submitted to the commission a certificate confirming his right to vote shall be allowed to cast a vote upon first being entered in a roll of voters. The certificate confirming the right to vote shall be appended to the roll of voters.

Article 51

1. After concluding the actions referred to in Article 50, a voter shall receive a ballot paper from the commission. The commission shall, simultaneously, tick off his name on the roll of voters.
2. A voter shall, upon receiving a ballot paper, go to a place guaranteeing secrecy for voting in the polling station.

Article 52

A voter shall personally cast a vote for one of the candidates whose name has been listed on the ballot paper by putting an "x" mark on the right-hand side thereof, adjacent to his name.

Article 53

A voter shall insert his ballot paper into the ballot-box which shall be located in an accessible and visible place in the polling station.

Article 54

Handicapped persons may be assisted in voting by other persons who shall not be members of the district electoral commission nor poll observers.

Article 55

Persons bearing arms shall be forbidden entry to the polling station.

Article 56

1. The district electoral commission shall, before voting begins, ensure that the ballot-box is empty, that rolls of voters and the necessary number of ballot papers are available and also that the polling station contains a suitable number of readily accessible locations assuring secrecy of voting and thereafter the ballot-box shall be locked and sealed with the commission's seal.

2. The ballot-box shall not be opened from the moment it is sealed until the conclusion of voting.

Article 57

1. At least 3 persons from the district electoral commission, one of them being the commission chairman, the deputy chairman or the secretary, shall be present at all times from the commencement of voting until its results are established.

2. Poll observers shall have the right to be present in the polling station on the election day, on the basis of an authorization issued by an agent referred to in Article 41, para. 1, subpara. 2.

Article 58

1. The chairman of the district electoral commission shall safeguard the secrecy of voting and the maintenance of public order and peace during the voting.

2. The chairman of the district electoral commission shall have the right to demand that any person disturbing order and peace shall leave the polling station.

3. On the request of the chairman of the district electoral commission, the commandant of the nearest police station shall be obliged to provide any necessary assistance.

4. In the event of disturbance of order in the polling station, the provisions of Article 55 shall not apply.

Article 59

1. When, due to extraordinary events, voting is temporarily impossible, the chairman of the district electoral commission or a person representing him may interrupt, prolong or adjourn the voting until the following day.

2. Any decision referred to in para. 1 shall be made known to the public in the locally customary manner and immediately delivered to the executive committee of the commune, the voivodship electoral commission and, via the latter, to the National Electoral Commission.

3. The commission shall, in the event of any interruption or adjournment of voting, seal the ballot-box and deposit it with the chairman who shall be responsible for its safekeeping. The commission shall, before the resumption of voting, confirm in an official record that the seals thereof have remained intact.

Article 60

The district electoral commission may order an early termination of the voting if all the voters entered in the roll of voters have cast their votes. The chairman of the district electoral commission shall immediately notify the voivodship electoral commission of any order to terminate the voting.

Chapter 8 DETERMINING THE RESULTS OF VOTING

Article 61

1. Immediately after the voting has been concluded, the chairman of the district electoral commission shall, in the presence of members of the commission and polling observers, count and secure the unused ballot papers and shall open the ballot-box, whereupon the commission shall determine:

- 1) the number of voters entitled to vote;
- 2) the number of voters who took part in the voting;
- 3) the number of valid votes;
- 4) the number of invalid votes;
- 5) the number of valid votes cast for each individual candidate.

2. The determination referred to in para. 1 shall be done on the basis of the roll of voters and the ballot papers inserted by voters into the ballot-box.

Article 62

1. The commission shall deem invalid any vote:

- 1) which has been cast on a ballot paper other than that officially provided;
- 2) which has been cast on a ballot paper on which the voter has put the "x" mark adjacent to the names of more than one candidate;
- 3) which has been cast on a ballot paper on which the voter has not put the "x" mark adjacent to the name of any candidate.

2. The validity of a vote shall not be affected by the writing in of any additional names or making other remarks on the ballot paper.

3. Ballot papers completely torn shall not be taken into consideration in determining the results of voting.

Article 63

1. The district electoral commission shall immediately draw up, in two copies, the record of voting.

2. The record of voting shall contain the data referred to in Article 61, para. 1, as well as information on:

- 1) the time of commencement and conclusion of voting;
- 2) the number of ballot papers provided to the electoral commission and the number of unused ballot papers;
- 3) the probable cause of any discrepancy between the number of voters who had received their ballot papers and the number of ballot papers found by the commission in the ballot-box;
- 4) orders and decisions issued by the commission, as well as other matters related to the conduct of voting;
- 5) any complaints lodged by candidates' poll observers;
- 6) any reservations by members of the commission as to the conduct of voting.

3. The record shall be signed by the members of the electoral commission who were present during its making. The record shall be stamped with the seal of the commission.

Article 64

The district electoral commission shall, after drawing up the record, immediately make public the results of voting referred to in Article 61, para. 1.

Article 65

1. The chairman of a district electoral commission shall immediately deliver, in a sealed envelope, a copy of the record of voting in a district to the appropriate voivodeship electoral commission according to the procedure prescribed by the National Electoral Commission.

2. The district electoral commission shall append to the record its explanation concerning any complaints lodged by candidates' poll observers.

Article 66

1. The voivodeship electoral commission shall establish, upon receipt of the records from all the polling districts, the aggregated results of voting in the voivodeship and shall draw up a report in 2 copies. The provisions of Article 61, para. 1, Article 63, paras. 2 and 3, and Article 64 shall apply accordingly.

2. The record of aggregated results of voting in the voivodeship shall be immediately delivered by the voivodeship electoral commission to the National Electoral Commission in a sealed envelope, together with the records for all district electoral commissions. The provisions of Article 65, para. 2 shall apply accordingly.

3. The procedure for delivery and acceptance of records from voivodeship electoral commissions shall be prescribed by the National Electoral Commission.

4. Copies of these records, along with all the documents concerning the voting shall be delivered by the chairmen of, respectively, district and voivodeship electoral commissions to the heads of the commune (mayors) and the heads of voivodeship electoral offices.

5. The National Electoral Commission shall determine, in consultation with the Director General of the State Archives, a time-limit for retention of and the manner of delivery to the appropriate state archives of the documents pertaining to voting and elections, referred to in para. 4.

Chapter 9
ESTABLISHMENT OF RESULTS OF VOTING
AND OF ELECTION OF THE PRESIDENT

Article 67

Immediately after receiving the records from all the voivodeship electoral commissions, the National Electoral Commission shall establish the results of voting for presidential candidates and shall draw up the record of voting.

Article 68

1. On the basis of the results specified in the record of voting, the National Electoral Commission shall establish the record of results of the Presidential elections.

Paras. 2-5 are repealed.

Article 69

1. The results of voting and the results of elections shall be made public by the National Electoral Commission in the form of an announcement.

2. In the case referred to in Article 8b, para. 1, the National Electoral Commission shall additionally announce the forenames and surnames of the candidates standing for election in repeat voting.

3. The announcement by the National Electoral Commission on the results of voting and elections shall be subject to publication in the Journal of Laws of the Republic of Poland [*Dziennik Ustaw Rzeczypospolitej Polskiej*].

Article 70

1. A repeat vote shall be held according to the procedures prescribed in this Act, with the proviso that:

- 1) the voting shall be held on the basis of the same roll of voters;
- 2) the voting shall take place only on national territory.

Para. 2 is repealed.

3. The National Electoral Commission shall make public in the form of an announcement the results of a repeat vote and the result of elections. The announcement by the National Electoral Commission shall be subject to publication in the Journal of Laws of the Republic of Poland [*Dziennik Ustaw Rzeczypospolitej Polskiej*].

Article 71

The National Electoral Commission shall submit a report on the elections to the Supreme Court.

Chapter 10
VALIDITY OF THE ELECTIONS OF PRESIDENT

Article 72

1. A protest against the validity of the elections of President may be lodged by reason of violation of the provisions of this Act or on the basis of allegation of offence committed against the elections if such violation or offence might have effected the results of the elections.

2. A protest against the validity of the election of President may be lodged by a voter whose name, on the day of election, was on the roll of voters in one of the polling districts.

3. The right to lodge a protest shall also be vested in subjects who have nominated candidates and in electoral commissions.

Article 73

1. Any protest shall be lodged with the Supreme Court in writing no later than the 3rd day after the date of making the results of the elections public by the National Electoral Commission.

2. In respect of voters in the polling district created on Polish seagoing ship or abroad, the requirements specified in para. 1 shall be deemed fulfilled if the protest has been lodged with either the captain of Polish ship or the competent consul.

3. A person lodging a protest shall particularize the complaints and furnish or indicate the evidence on which he bases such complaints.

Article 74

1. The Supreme Court shall refuse to hear a protest lodged either after the expiry of the time-limit specified in Article 73, para. 1 or by a person not entitled to do so.

2. If a protest does not fulfill the requirements defined in Article 73, para. 3, the Supreme Court shall allow 3 days for rectifying it.

3. If the protest has not been rectified within the specified time-limit, the Supreme Court may refuse to hear it.

4. If a protest includes allegations of an offence committed against the elections, the Supreme Court shall immediately notify the Prosecutor General.

Article 75

1. The Supreme Court shall, by a bench of 3 judges, examine the protest, applying the provisions of the Code of Civil Procedure appropriate for non-litigious proceedings.

2. The participants in the proceedings shall be, by virtue of statute, the appropriate electoral commission, the Prosecutor General and a representative of the National Electoral Commission.

Para. 3 is repealed.

Article 76

1. The Supreme Court shall determine the validity of election of the President, acting by the whole bench of the Chamber of Administration, Labour and Social Security, on the basis of a report submitted by the National Electoral Commission and after examination of the protests lodged.

2. The Supreme Court shall take the decision referred to in para. 1 in the form of a resolution adopted no later than the 20th day following the election day, at a sitting attended by the Prosecutor General and the Chairman of the National Electoral Commission.

3. The resolution of the Supreme Court shall be immediately submitted to the Marshal of the Sejm and shall also be communicated to the National Electoral Commission and published in the Journal of Laws of the Republic of Poland [*Dziennik Ustaw Rzeczypospolitej Polskiej*].

Article 76a

1. In case of the adoption by the Supreme Court of a resolution stating the invalidity of the election of the President, new elections shall be held under the principles and procedure prescribed in this Act.

2. The order of the Marshal of the Sejm on new election shall be made public and announced in the Journal of Laws of the Republic of Poland [*Dziennik Ustaw Rzeczypospolitej Polskiej*] no later than the 5th day after the announcement of the Supreme Court's resolution referred to in para. 1.

Chapter 11 ELECTION CAMPAIGN

Article 77

1. It shall be prohibited on the polling day and during the 36 hour period preceding that day to convene rallies, organize marches and demonstrations, give speeches, distribute leaflets and perform any other kind of canvassing in favour of the candidates.

2. All forms of canvassing in a polling station shall be prohibited.

Article 78

1. The conduct of election campaigning in workplaces by methods disturbing their ordinary functioning shall be forbidden.

2. It shall be forbidden to carry out election campaigning in the areas of military units and other units subordinated to the Minister of National Defence, and in civil defence units as well as in quartered police units.

Article 79

1. Election posters, inscriptions and leaflets bearing clear indication of their origin or indicating by whom they were posted up, shall be protected by law.

2. The provisions of Article 63a of the Misdemeanour Code shall not apply to election posters.

3. It shall be forbidden to affix election posters outside and inside the polling stations and the buildings of government and local-government administration and courts.

4. The provision of para. 3 shall not apply to election announcements issued by electoral commissions in accordance with this Act.

5. Election posters and inscriptions may be affixed to the walls of building and structures other than those specified in para. 3, as well as fences only with the consent of the owner or administrator.

Article 80

1. If posters, inscriptions, leaflets or other forms of election propaganda and agitation contain false or inaccurate details and information, any concerned person shall have the right to petition the district court to issue an injunction, or any other appropriate temporary order, against dissemination of such details and information.

2. The district court shall examine a petition referred to in para. 1 within 24 hours, in non-litigious proceedings, by a bench of one judge. A ruling which terminates the proceedings in the case shall be immediately served by the court on the person concerned referred to in para. 1, on the appropriate voivodeship electoral commission and on the person or organization under a duty to comply with the court's ruling.

3. Any such ruling of the district court may, within 24 hours, be subject to appeal to the voivodeship court which shall be obliged to examine it within 24 hours according to the procedure prescribed in para. 2. The lawful ruling of the voivodeship court thereon shall be immediately complied with.

Article 81

1. Irrespective of the provisions of Articles 31-33 of the Act of 26 January 1984 - The Press Law (Dziennik Ustaw No. 5, item 24 of 1984; No. 41, item 324 of 1988; No. 34, item 187 of 1989 and No. 29, item 173 of 1990), false or inaccurate information pertaining to the elections and connected with the election campaign, when issued in the press or non-periodical publications, shall be subject to rectification. The time-limit for such rectification shall be 48 hours.

2. In the event of a refusal to publish the rectification, the concerned person shall have the right to request the district court to issue an appropriate injunction, and that court shall be obliged to examine the case within 24 hours, by a bench of one judge, in non-litigious proceedings. A ruling which terminates the proceedings in the case shall be immediately served by the court on the plaintiff and on the party required to publish the rectification. Within 24 hours any such ruling of the district court may be subject to appeal to the voivodeship court which shall be obliged to examine it within 24 hours.

The lawful ruling of the voivodeship court thereon shall be immediately complied with.

3. As regards the rectification of information published in publications other than daily newspapers, the court shall specify a daily newspaper in which the rectification must be published, at the expense of the person so obliged, within 48 hours.

4. In the event of refusal or failure to publish the rectification by a person so obliged or any person indicated in the court's ruling, the court shall order, on the concerned person's request, that the publication of rectification be enforced by a writ of execution within a time-limit specified in the court's ruling.

Article 82

The exercise of the rights under this Act shall not prevent any other injured party from seeking redress by virtue of other statutes.

Article 83

1. Candidates shall have free and equal access to the state radio and television.

2. The National Electoral Commission shall, in agreement with the National Committee for Radio Broadcasting and Television, specify the detailed principles for presentation of election programmes and declarations by registered candidates and their specified representatives on state radio and television.

3. Election information, communiqués, appeals and slogans announced in the printed media or on radio or on television at the expense of a candidate or a subject which nominates the candidate shall include an indication by whom they are paid and shall fulfill the requirements provided for in the Act referred to in Article 81, para. 1.

Chapter 12

FINANCING OF THE ELECTIONS

Article 84

1. Costs related to the elections shall be covered by the State Budget, subject to the proviso in para. 2.

2. Costs related to the nomination of candidates and to their electoral campaign shall be met from the resources of those subjects which nominate candidates.

Article 85

1. Legal persons and individuals may donate funds for the purposes of the election campaign of a registered candidate.

2. The funds donated for the purposes of an election campaign by legal persons may be derived exclusively from profits.

3. The provision of para. 2 shall also apply to the non-reimbursable provision of services.

Article 86

Funds donated for election purposes may not be derived from:

- 1) the State Budget;
- 2) the budgets of local agencies of government administration or other state organizational units;
- 3) the budgets of communes and self-government councils, and municipal unions;
- 4) the funds of state economic entities and other legal entities in which the State Treasury is a majority shareholder;
- 5) foreign sources.

Article 87

1. An agent referred to in Article 41, para. 1, subpara. 2, may organize raising of funds for election purposes.
2. No permit is required for the organization of a public collections.

Article 88

1. The financing of an election campaign shall be open.
2. A report on the expenditures covered by the State Budget shall be made public by the Minister of Finance within 3 months of the election day.
3. The agents referred to in Article 41, para. 1, subpara. 2 shall submit to the chairman of the National Electoral Commission, within 2 months of the election day, financial reports containing information on expenses connected with the conduct of the election campaign and on sources of funds obtained for financing the election campaign.
4. The reports referred to in paras. 2 and 3 shall be open to public inspection.

Chapter 13 TRANSITIONAL AND FINAL PROVISIONS

Article 89

The first elections referred to in Article 1 shall be held on national territory in the polling districts established pursuant to Article 15, para. 1 of the Act of 8 March, 1990 on Elections to the Councils of Communes (Dziennik Ustaw, No. 16, item 96).

Article 90

All written documents, judicial and administrative proceedings in election matters shall be without payment.

Article 91

This Act shall enter into force on the day of its promulgation.

Translation: Albert Pol
Assistance: Andrew Caldwell M.A.,
of The Middle Temple, barrister

z 1996 r. Nr 34, poz. 146 i z 1997 r. Nr 43, poz. 272) w art. 4 w ust. 2 w pkt 3 wyrazy „podmiotom gospodarczym” zastępuje się wyrazem „przedsiębiorcom”.

Art. 45. W ustawie z dnia 28 lipca 1990 r. o działalności ubezpieczeniowej (Dz. U. z 1996 r. Nr 11, poz. 62 oraz 1997 r. Nr 43, poz. 272, Nr 88, poz. 554 i Nr 107, poz. 685) wprowadza się następujące zmiany:

1) w art. 61 w ust. 2 pkt 1 otrzymuje brzmienie:

„1) nabyciu udziałów bądź akcji przedsiębiorcy, jeżeli przekraczają one 10% wartości nominalnego kapitału akcyjnego (zakładowego) tego przedsiębiorcy,”;

2) użyte w art. 37e w ust. 1 oraz w art. 89a w ust. 2 w różnych przypadkach wyrazy „podmiot gospodarczy” zastępuje się użytym w odpowiednich przypadkach wyrazem „przedsiębiorca”.

Art. 46. W ustawie z dnia 12 września 1990 r. o szkolnictwie wyższym (Dz. U. Nr 65, poz. 385, z 1992 r. Nr 54, poz. 254 i Nr 63, poz. 314, z 1994 r. Nr 1, poz. 3, Nr 43, poz. 163, Nr 105, poz. 509 i Nr 121, poz. 591, z 1996 r. Nr 5, poz. 34 i Nr 24, poz. 110 oraz z 1997 r. Nr 28, poz. 153, Nr 96, poz. 590 i Nr 104, poz. 661) w art. 23 w ust. 2 w pkt 4 wyrazy „podmiotów gospodarczych” zastępuje się wyrazem „przedsiębiorców”.

Art. 47. W ustawie z dnia 27 września 1990 r. o wyborze Prezydenta Rzeczypospolitej Polskiej (Dz. U. Nr 67, poz. 398 i Nr 79, poz. 465, z 1993 r. Nr 45, poz. 205, z 1995 r. Nr 95, poz. 472 oraz z 1997 r. Nr 70, poz. 443) w art. 86 w pkt 4 wyrazy „podmiotów gospodarczych” zastępuje się wyrazem „przedsiębiorców”.

Art. 48. W ustawie z dnia 12 października 1990 r. o Straży Granicznej (Dz. U. Nr 78, poz. 462, z 1991 r. Nr 94, poz. 422, z 1992 r. Nr 54, poz. 254, z 1993 r. Nr 12, poz. 52, z 1994 r. Nr 53, poz. 214, z 1995 r. Nr 4, poz. 17, Nr 34, poz. 163 i Nr 104, poz. 515, z 1996 r. Nr 106, poz. 496 i Nr 124, poz. 583 oraz z 1997 r. Nr 28, poz. 153 i Nr 88, poz. 554) w art. 12 w ust. 1 wyrazy „samodzielne podmioty gospodarcze” zastępuje się wyrazami „samodzielnymi przedsiębiorcami”.

Art. 49. W ustawie z dnia 23 listopada 1990 r. o łączności (Dz. U. z 1995 r. Nr 117, poz. 564, z 1996 r. Nr 106, poz. 496 oraz z 1997 r. Nr 43, poz. 272, Nr 88, poz. 554 i Nr 106, poz. 675) w art. 42 w ust. 1 i 2 wyrazy „podmiotu gospodarczego” zastępuje się wyrazem „przedsiębiorcy”.

Art. 50. W ustawie z dnia 5 stycznia 1991 r. — Prawo budżetowe (Dz. U. z 1993 r. Nr 72, poz. 344, z 1994 r. Nr 76, poz. 344, Nr 121, poz. 591 i Nr 133, poz. 685, z 1995 r. Nr 78, poz. 390, Nr 124, poz. 601 i Nr 132, poz. 640, z 1996 r. Nr 89, poz. 402, Nr 106, poz. 496, Nr 132, poz. 621 i Nr 139, poz. 647 oraz z 1997 r. Nr 54, poz. 348 i Nr 79, poz. 484) użyte w art. 19 w ust. 3, w art. 19a w ust. 1, w art. 26 w pkt 2 w lit. b), w art. 27 w ust. 1 oraz w art. 29 w ust. 5 dwukrotnie w różnych przypadkach i liczbach wyrazy „podmiot gospodarczy” zastępuje się użytym w odpowiednich przypadkach i liczbach wyrazem „przedsiębiorca”.

Art. 51. W ustawie z dnia 12 stycznia 1991 r. o utworzeniu Komitetu Badań Naukowych (Dz. U. Nr 8,

poz. 28, z 1993 r. Nr 52, poz. 240, z 1995 r. Nr 30, poz. 152, z 1996 r. Nr 106, poz. 496 oraz z 1997 r. Nr 24, poz. 118, Nr 75, poz. 469, Nr 80, poz. 500 i Nr 96, poz. 590) użyte w art. 8 w ust. 2 w pkt 3 i w art. 14 w ust. 2 w pkt 4 w różnych przypadkach wyrazy „podmioty gospodarcze” zastępuje się użytym w odpowiednich przypadkach wyrazem „przedsiębiorcy”.

Art. 52. W ustawie z dnia 12 stycznia 1991 r. o podatkach i opłatach lokalnych (Dz. U. Nr 9, poz. 31 i Nr 101, poz. 444, z 1992 r. Nr 21, poz. 86, z 1994 r. Nr 123, poz. 600, z 1996 r. Nr 91, poz. 409 i Nr 149, poz. 704 oraz z 1997 r. Nr 5, poz. 24 i Nr 107, poz. 689) w art. 5 w ust. 3 w zdaniu wstępnym wyrazy „podmiotu gospodarczego” zastępuje się wyrazem „przedsiębiorcy”.

Art. 53. W ustawie z dnia 19 kwietnia 1991 r. o izbach aptekarskich (Dz. U. Nr 41, poz. 179 i Nr 105, poz. 452 oraz z 1997 r. Nr 43, poz. 272) w art. 76 wyrazy „Podmioty gospodarcze prowadzące” zastępuje się wyrazami „Przedsiębiorcy prowadzący”.

Art. 54. W ustawie z dnia 20 lipca 1991 r. o Państwowej Inspekcji Ochrony Środowiska (Dz. U. Nr 77, poz. 335 i z 1996 r. Nr 106, poz. 496) użyte w art. 23 w ust. 2 oraz w art. 29 w pkt 1 i 2 w różnych przypadkach wyrazy „podmioty gospodarcze” zastępuje się użytym w odpowiednich przypadkach wyrazem „przedsiębiorcy”.

Art. 55. W ustawie z dnia 26 lipca 1991 r. o warunkach wykonywania międzynarodowego transportu drogowego (Dz. U. Nr 75, poz. 332, z 1992 r. Nr 75, poz. 369 i z 1997 r. Nr 80, poz. 501) wprowadza się następujące zmiany:

1) w art. 1 w ust. 1 wyrazy „krajowe podmioty gospodarcze” zastępuje się wyrazami „krajowych przedsiębiorców”;

2) w art. 16 w ust. 1 wyrazy „Zagraniczne podmioty gospodarcze, wykonujące” zastępuje się wyrazami „Zagraniczni przedsiębiorcy wykonujący”;

3) w art. 23 w ust. 2 wyrazy „Podmioty gospodarcze prowadzące” zastępuje się wyrazami „Przedsiębiorcy prowadzący”;

4) użyte w art. 1 w ust. 1, w art. 11 w ust. 1, w art. 12, w art. 13 oraz w art. 19 w pkt 1 w różnych przypadkach i liczbach wyrazy „zagraniczny podmiot gospodarczy” zastępuje się użytymi w odpowiednich przypadkach i liczbach wyrazami „zagraniczny przedsiębiorca”;

5) użyte w art. 6 w ust. 1 w zdaniu wstępnym i w art. 7 w ust. 1 w zdaniu wstępnym w różnych przypadkach wyrazy „podmiot gospodarczy” zastępuje się użytym w odpowiednich przypadkach wyrazem „przedsiębiorca”.

Art. 56. W ustawie z dnia 26 lipca 1991 r. o podatku dochodowym od osób fizycznych (Dz. U. z 1993 r. Nr 90, poz. 416 i Nr 134, poz. 646, z 1994 r. Nr 43, poz. 163, Nr 90, poz. 419, Nr 113, poz. 547, Nr 123, poz. 602 i Nr 126, poz. 626, z 1995 r. Nr 5, poz. 25 i Nr 133, poz. 654, z 1996 r. Nr 25, poz. 113, Nr 87, poz. 395, Nr 137, poz. 638, Nr 147, poz. 686 i Nr 156, poz. 776 oraz z 1997 r. Nr 28, poz. 153, Nr 30, poz. 164, Nr 71, poz. 449, Nr 85, poz. 538 i Nr 96, poz. 592) użyte w art. 13 w pkt 8 w lit. a), w art. 24 w ust. 3 oraz w art. 41

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wego przewyższa wysokość wierzytelności zabezpieczonej zastawem rejestrowym, zastawnik jest zobowiązany do uiszczenia kwoty nadwyżki w terminie 14 dni od dnia przejęcia.”;

4) w art. 24 po ust. 2 dodaje się ust. 3 w brzmieniu:

„3. Sprzedaż przedmiotu zastawu rejestrowego, o której mowa w ust. 1, ma takie same skutki, jak sprzedaż w postępowaniu egzekucyjnym.”;

5) w art. 26 po wyrazach „może żądać” dodaje się wyrazy „od dłużnika, nawet jeżeli nie jest ~~on~~ zastawcą”;

6) art. 28 otrzymuje brzmienie:

„Art. 28. Jeżeli zastawnikiem jest bank zagraniczny, jego wierzytelność może być zaspokojona w walutach obcych, jeżeli przewiduje to umowa zastawnicza. Zaspokojenie następuje za pośrednictwem banku, który na podstawie odrębnych przepisów jest upoważniony do skupu i sprzedaży walut obcych, wskazanego przez zastawnika.”;

w art. 37 w ust. 2 po wyrazie „lub” dodaje się wyrazy „zastawcy i”;

w art. 39 w ust. 3 po wyrazach „ust. 2” dodaje się wyrazy „lub nieprawidłowo wypełniony albo nie opłacony”;

w art. 40 w ust. 2 skreśla się wyrazy „zmianę oraz”;

w art. 41:

a) ust. 2 otrzymuje brzmienie:

„2. Wpis do rejestru zastawów polega na wprowadzeniu do tego rejestru danych zawartych w postanowieniu sądu niezwłocznie po jego wydaniu. Jednak wykreślenie zastawu rejestrowego następuje po uprawomocnieniu się postanowienia.”;

b) ust. 5 otrzymuje brzmienie:

„5. Od postanowienia w przedmiocie wpisu do rejestru zastawów przysługuje apelacja.”;

c) art. 48 pkt 3 otrzymuje brzmienie:

3) art. 53 otrzymuje brzmienie:

«Art. 53. Księgi banków, wyciągi z tych ksiąg podpisane przez te banki i opatrzone ich pieczęcią oraz wszelkie w ten sam sposób wystawione oświadczenia zawierające zobowiązania, zwolnienie z zobowiązań, zrzeczenie się praw lub pokwitowanie odbioru należności bądź stwierdzające udzielenie kredytu, jego wysokość i warunki spłaty mają moc prawną dokumentów urzędowych oraz stanowią podstawę do dokonania wpisów w księgach wieczystych, w szczególności wpisu hipoteki umownej oraz rejestrach publicznych.» ”;

12) w art. 50:

a) w ust. 1 wyrazy „3 miesięcy” zastępuje się wyrazami „6 miesięcy”;

b) w ust. 2 wyrazy „3 miesięcy” zastępuje się wyrazami „6 miesięcy”.

Art. 86. Ilekroć w przepisach ustaw innych niż wymienione w niniejszym rozdziale jest mowa o rejestrach: handlowym, przedsiębiorstw państwowych, stowarzyszeń, fundacji oraz o ewidencji działalności gospodarczej, rozumie się przez to Krajowy Rejestr Sądowy.

Art. 87. Minister Sprawiedliwości ogłosi w Dzienniku Ustaw Rzeczypospolitej Polskiej jednolity tekst ustawy z dnia 6 grudnia 1996 r. o zastawie rejestrowym i rejestrze zastawów, z uwzględnieniem zmian wynikających z przepisów ogłoszonych przed dniem wydania jednolitego tekstu.

Art. 88. Ustawa wchodzi w życie w terminie i na zasadach określonych ustawą — Przepisy wprowadzające ustawę o Krajowym Rejestrze Sądowym, z wyjątkiem:

1) przepisów art. 6, art. 19 ust. 4, art. 48, art. 54, art. 83 i art. 87, które wchodzi w życie po upływie 14 dni od dnia ogłoszenia,

2) przepisów art. 85, które wchodzi w życie z dniem 1 stycznia 1998 r.

Prezydent Rzeczypospolitej Polskiej: *A. Kwaśniewski*

770

USTAWA

z dnia 20 sierpnia 1997 r.

Przepisy wprowadzające ustawę o Krajowym Rejestrze Sądowym.

Rozdział 1

Przepisy ogólne

1. Ustawa o Krajowym Rejestrze Sądowym wchodzi w życie z dniem 1 stycznia 2001 r.

Art. 2. 1. Sprawy wszczęte z wniosku przedsiębiorcy o dokonanie pierwszego wpisu do ewidencji działalności gospodarczej, a nie zakończone do dnia wejścia w życie ustawy o Krajowym Rejestrze Sądowym, organ ewidencyjny przekazuje właściwemu sądowi rejo-