

Date Printed: 01/05/2009

JTS Box Number: IFES_16

Tab Number: 14

Document Title: RESOLUTION OF THE STATUTE OF THE NATIONAL
ELECTORAL COMMISSION

Document Date: 1998

Document Country: POL

Document Language: ENG

IFES ID: EL00336



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**RESOLUTION
OF THE NATIONAL ELECTORAL COMMISSION
of the Republic of Poland
of 29th December 1995
On the Statute of the National Electoral Commission**

*(With amendments made by the resolution
of the National Electoral Commission of August 12, 1998)*

Under the Article 17 of the Act of 27 September 1990 - on election of the President of the Republic of Poland (Journal of Laws No. 67, item 398 and No. 79, item 465, of 1993 No. 45, item 205 and of 1995 No. 95, item 472); Article 59 para. 3 of the Act of 28 May 1993 - on elections to the Sejm of the Republic of Poland (Journal of Laws N. 45, item 205 and of 1995, No. 132, item 640); Article 1 para. 1 of the Act of 10 May, 1991 - on elections to the Senate of the Republic of Poland (Journal of Laws of 1994 No. 54, item 224 and of 1997, No.70, item 443 and No. 98, item 604); Article No. 44 of the Act - on referendum (Journal of Laws No. 99, item 99), and Article 22, para. 1 of the Act of 16 July 1998 - on election to the commune councils, district councils and voivodeship councils (Journal of Laws No. 95, item 602) – the National Electoral Commission decides as follows:

§ 1. The present resolution lays down the Statute of the National Electoral Commission, as enclosed in an Appendix.

§ 2. The provisions of the resolution of the National Electoral Commission of 13 December 1993 on the Statute of the National Electoral Commission (Official Gazette „Monitor Polski” of 1994, No. 2, item 7, and of 1995 No. 39, item 471) shall expire.

§ 3. The resolution shall enter into force on the day of its passage.

Chairman of the National Electoral Commission

F. RYMARZ

***F Clifton White Resource Center
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STATUTE OF THE NATIONAL ELECTORAL COMMISSION

Chapter 1

General provisions

§ 1. 1. The above Statute shall establish principles of the work of the National Electoral Commission, referred to as „Commission” as well as the method of realisation of its statutory duties.

2. Whenever in this Act references are made to the referendum, this shall be understood as a referendum mentioned in the Article 1 of the Act on referendum.

3. Whenever in this Act references are made to lower rank electoral bodies, this shall be understood as:

- 1) Voivodeship electoral commissions, created to conduct election of the President of the Republic of Poland;
- 2) Constituency electoral commissions, created to conduct elections to the Sejm and the Senate;
- 3) Voivodeship electoral Commissions, created to conduct referendum;
- 4) Voivodeship Electoral Commissioners and deputies of the Voivodeship Electoral Commissioners, appointed to conduct elections to the commune councils, district councils and voivodeship councils.

§ 2. 1. The Commission shall examine and collegially decide on all the questions being subject of its domain.

2. The Commission shall create rules in compliance with existing acts of law, announce them in the Official Gazette of the Republic of Poland „Monitor Polski” and shall made them public.

§ 3. 1. The Commission shall act on the basis of periodic schedules and schedules of work connecting realisation of specific tasks.

2. The draft schedules, referred to in para. 1 shall be prepared and submitted to the Commission by the Secretary of the Commission.

Chapter 2.

The Organisation of the Commissions work

§ 4. 1. The Chairman of the Commission shall direct the work of the Commission, especially:

- 1) represents the Commission in the outward contacts;
- 2) calls meetings of the Commission and presides them;
- 3) signs, in the name of the Commission: resolutions, guidelines, interpretations and motions of the Commission, certificates of election of Deputies to the Sejm and of Senators, appointment documents of Voivodeship Electoral Commissioners and deputies of the Voivodeship Electoral Commissioners, as well as any other documents issued outwards, with exclusion of matters mentioned in § 13;
- 4) supervises implementation of resolutions and guidelines issued by the Commission;
- 5) gives orders to the National Electoral Office to perform specific tasks and supervises their implementation;
- 6) Realise other tasks imposed by the Commission.

2. In the event of temporary absence of the Chairman of the Commission, his function shall be discharged by one of his deputies.

§ 5. Deputies of the Chairman, members or Secretary of the Commission as well as a committee, created out of Commission's members to realise specified tasks, may be obliged by Commission to discharge some of Commission's duties.

§ 6. The Secretary of the Commission shall be obliged, in particular:

- 1) to submit the draft of the resolutions, guidelines and interpretations of the Commission, as well as any other documents prepared by the National Electoral Office;
- 2) to submit to the Commission any protests lodged against decisions of appropriate lower rank electoral commissions, as well as complaints concerning their activities – to get the decision of the Commission;
- 3) to manage the work of the inspection of the National Electoral Commission;
- 4) to prepare draft agreements with the chief organs of the State Administration on the creation – according to their domain - of the necessary acts of law concerning elections and referendum;
- 5) to address to the Voivodes and to the administration of the communes any matters concerning elections and referendum;
- 6) to organise – as a realisation of Commission's decision – meetings and trainings of lower rank election organs.

Chapter 3.

Meetings of the Commission

§ 7. The Commission shall meet on the dates of meeting established by the schedule of their work; the Secretary of the Commission shall notify

members on the meeting in a proper time (except extraordinary meetings), to give them time for looking into the matters being subject of the meeting.

§ 8. 1. Members of the Commission shall be obliged to be active in the meetings and other activities of the Commission.

2. If members of the Commission cannot attend the meeting, the Chairman or Secretary of the Commission should be properly informed of such fact, possibly before on.

3. The Secretary of the Commission and persons representing the National Electoral Office, proposed by him, shall participate in the Commission's meetings on the permanent base.

§ 9. 1. Other persons, invited by the Chairman, may attend the Commission's meetings.

2. On the motion of a member of the Commission, the meeting of the Commission or a part of it may be conducted in the presence of the Commission's members only.

§ 10. 1. The meeting of the Commission shall be valid if it is attended by at least 5 members, including the Chairman or his deputy.

2. The resolutions, declarations and other decisions of the Commission shall be reached in an open vote by a simple majority. The Chairman's vote shall decide in case of a tie.

§ 11. 1. The election of the Chairman of the Commission and his deputies shall be conducted in an open vote, unless the Commission decides otherwise. In case of a tie, the election shall be repeated.

2. On a motion of any of the members, the election shall be conducted in secrecy.

§ 12. 1. Minutes of the Commission's meeting shall be drawn up, specifying in particular:

- 1) agenda of the meeting;
- 2) forenames and names of participants;
- 3) concise contents of the speeches;
- 4) resolutions approved.

2. The resolutions, guidelines and explanations approved by the Commission shall be enclosed with the minutes.

3. The Chairman and the Secretary of the Commission shall sign the minutes.

§ 13. All the persons being members of the Commission, present at the meeting, shall sign the following documents:

1) in election of the President of the Republic of Poland:

- a) reports of registration candidates, election list of candidates, a record of voting and a record of results of election;
- b) resolutions concerning nomination and registration of candidates;
- c) an announcement of the results of the vote and of the election;
- d) a report on the election;

2) in elections to the Sejm and to the Senate of the Republic of Poland:

- a) reports on the registration of national lists of candidates; an official record on established aggregated results of voting for constituency lists throughout the entire country; a record of election of deputies to the Sejm from the national lists of candidates;
- b) decisions issued as a result of examining protests lodged against decisions of the constituency electoral commissions;
- c) decisions connected with the submission and registration of national lists of candidates;
- d) resolutions on repeat establishment of election results in electoral constituencies;
- e) an announcement on results of the elections;
- f) reports on elections;

3) in referendum:

- a) resolutions on invalidation of the voivodeship electoral commissions resolutions;
- b) a report on the result of a referendum;
- c) an order, referred to in the Article 34, para 2 of the Act on referendum;
- d) a report on proceeding of the referendum;

4) in elections to the municipal councils, district councils and voivodeship councils:

- a) an announcement on aggregated results of the elections conducted in the entire country;
- b) an information on proceeding and results of the elections.

§ 14. The documents, referred to in § 13, certificates confirming the election of deputies and senators, appointments of Voivodeship Electoral Commissioners and Deputies of the Voivodeship Electoral Commissioners, and – according to the decision of the Chairman of the Commission – other documents issued by the Commission, shall bear the imprint of the seal of the Commission.

Chapter 4

The supervision of observance of electoral law

§ 15. 1. The Commission, while supervising the observance of electoral law shall issue guidelines and explanations, as well as information explaining the rules of electoral law.

2. The Commission shall:

- inspect activities of lower rank electoral organs as well as organs of the State and local self-government administration which realise tasks connected with of elections or referendum;
- nullify resolutions and other decisions of electoral organs, made against law or Commission's guidelines, and shall decide on their re-examination;
- examine complaints lodged against activities of those electoral organs.

3. The Commission may demand the lower rank electoral organs to submit periodic information on realisation of their tasks.

4. The Commission shall analyse questions connected with employment of electoral law and shall submit their findings to the appropriate organs of the State.

§ 16. 1. In realisation of the tasks, referred to in § 15, para. 2, the Commission may create an Inspection of the National Electoral Commission, later called "inspection", composed out of personnel of the National Electoral Office; it may also employ personnel of the main organs of the State, delegated to its disposal on a motion of the Secretary of the Commission, or use other persons, proposed by him.

2. The Commission takes the decision on creation of the inspection immediately after an order on holding the elections or referendum has been given.

§ 17. 1. Persons realising inspection tasks shall act within the outlines established by the Commission; they shall possess identity papers signed

by the Chairman of the Commission, with an imprint of Commission's seal.

2. Persons forming the staff of inspection shall have the right to inquiry into documentation of lower rank electoral organs and of precinct electoral commissions, as well as into documentation connected with elections and referendum, which are in possession of the State and local self-government administration and their subordinated organs. Those persons may attend the seating of electoral organs, excluding those connected with establishing election results; they have the authority to give actual explanation to those organs.

3. The reports on activity of the inspection shall be immediately submitted to the Commission.

4. The Commission may award persons forming inspection staff as well as other persons with financial rewards in recognition of remarkable good work, done in preparation and conduct of elections or referendum.

Chapter 5

Special provisions and final provisions

§ 18. 1. If there is a necessity to make changes in the composition of the Commission, the Chairman of the Commission shall immediately notify such fact to the President of the Republic of Poland.

2. Where the changes, mentioned in para. 1, shall refer to the Chairman of the Commission or his deputy, the Commission shall immediately, after completing its members, elect a new Chairman or his deputy. The rules of § 11 of this resolution shall apply.

3. The information on changes concerning the post of the Chairman or the Deputy-chairman shall be, according to the report from the Commission's meeting, publicly announced in a press-communicate.

§ 19. The Chairman of the Commission shall issue identity cards to the members of the Commission, confirming their membership and their function in the Commission, and shall issue identity cards to the Voivodeship Electoral Commissioners and their Deputies.

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