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Electoral Law to the 10th Sejm for the years 1989-1993

Chapter One

General Principles

Art. 1. Elections to the Sejm of the Polish People's Republic are conducted in accordance with the Constitution.

Art. 2. 1. The elections are universal; every citizen who on the day of the elections has attained the age of 18 is entitled to vote regardless of his sex, nationality, race, religion, education, period of residence in a given polling district, social background, profession and wealth.

2. The following persons do not have a right to vote:

1) those who are fully or partially incapacitated by a valid court verdict due to psychiatric illness,

2) those deprived of public rights by a valid court verdict,

3) those deprived of electoral rights by a valid verdict of the State Tribunal.

Art. 3. Every citizen who is entitled to vote and who on the day of elections attains the age of 21 may be elected to the Sejm.

Art. 4. The elections are equal; the voters take part in the voting on equal principles.

Art. 5. The elections are direct; the voters choose the deputies directly; the voting must be conducted in person.

Art. 6. The elections are by secret ballot: polling stations must be equipped with polling booths to ensure the secrecy of voting; the ballots are cast into a sealed ballot-boxes.

Art. 7. The Sejm's term of office begins on the day when elections have ended.

Art. 8.1. The elections are convened by the Council of State not later than one month before the termination of the Sejm's term of office.

2. The order on convening the elections determines the date of the elections for a statutory holiday not later than two months after the termination of the Sejm's term of office. The order also determines the electoral timetable which specifies the dates of particular electoral activities.

3. The order on convening elections is announced in the official gazette announcing current legislation at least 45 days before the day of the elections.

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Art. 9. 1. The deputies are elected:

- 1) in constituencies,
- 2) from a national ticket.

2. The number of deputies elected from a national ticket is determined by the Council of State, but the number may not be higher than 10% of the general number of deputies.

3. The order on the number of deputies elected from a national ticket will be announced in a manner and date specified in art. 7 law 3.

Chapter 2

Constituencies

Art. 10. With a view to conducting elections constituencies covering the area of a voivodship or its part are established.

Art. 11. 1. From 2 to 5 deputies are elected within a constituency.

2. The number of deputies elected within particular constituencies is determined according to the number of residents of a given constituency.

Art. 12. 1. The number of constituencies, their borders and registration numbers, as well as number of registration numbers of seats within individual constituencies, are determined by the Council of State.

2. The Council of State appoints the headquarters of constituency electoral commissions.

3. The Council of State's resolution on matters referred to in paras 1 and 2, is announced in the Dziennik Ustaw of the Polish People's Republic and is published by posting not later than 40 days before election day.

[...]

Chapter 5

Electoral Commissions

Art. 28. In order to hold the elections the following electoral commissions are set up:

- 1) The State Electoral Commission
- 2) constituency electoral commissions
- 3) district electoral commissions.

[...]

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Chapter 6Proposing Candidates For Deputies

Art. 39. 1. On the basis of the agreement reached as a result of the round-table meeting, the Council of State shall define for each constituency the number of seats destined for candidates who are members of the Polish United Workers' Party, the United Peasant Alliance, the Democratic Alliance, and also candidates who are members of the PAX Association, the Christian Social Union (UChS) and the Polish Lay Catholics Union (PZKS). In each constituency, at least one seat will be designated for independent candidates.

2. The provisions mentioned in paragraph 1 shall be incorporated in a resolution of the Council of State passed in keeping with Article 12.

Art. 40. In keeping with the agreement mentioned in Article 39.1, the constituency electoral commission shall indicate the designation of each seat next to its number and shall immediately inform the electorate about it.

1. Candidates for deputies elected in constituencies may be nominated by:

1) the central and voivodship leadership of the PZPR, ZSL and SD, PAX, UChS and PZKS,

2) national and voivodship leadership of social and professional organizations operating nationwide; these organizations shall confirm the candidacy with the signatures of at least 3,000 constituents,

3) registered voters from a given constituency numbering at least 3,000.

2. When nominating a candidate for deputy, it is necessary to give his name, age, profession, place of work and place of residence and the seat number for which he shall run.

Art. 42. 1. A registered voter may participate in nominating one candidate for each seat in a given constituency.

2. A registered voter backing a candidacy with his signature shall legibly write his name, age, address and ID serial number.

Art. 43. The statements proposing a candidate referred to in Art. 41.1.3 may be submitted by the three registered voters who were the first to sign the nomination (plenipotentiaries of the nominating group).

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Art. 44. 1. The right to propose the national list of candidates shall be vested in the national leadership of the PZPR, ZSL, SD, PAX, UChS, PZKS and PRON, acting jointly.

2. The number of candidates on the national list is identical to the number of seats reserved for candidates on that list. The candidates are listed in alphabetical order, giving their family name, Christian names, age, profession, place of work and place of residence.

Art. 45. 1. Candidates for deputies shall be submitted to electoral commissions at the latest on the 25th day before the elections.

2. Each candidacy shall be accompanied by the candidate's statement in writing to the effect that he agrees to run in the elections.

3. A candidacy may be proposed in one constituency or on the national list.

Art. 46. 1. An appropriate constituency electoral commission shall register the nomination of a candidate for a given seat proposed in compliance with the provisions of this law, shall make a protocol of the registration of the nomination and notify the nominating organization or groups about it.

2. If the nomination is defective, the electoral commission shall refuse to register it and will immediately ask the nominating party or the plenipotentiaries of the nominating group to remove the deficiencies by a deadline set by the commission.

3. Upon finding the position of the constituency electoral commission to be unfounded, the nominating party may lodge an appeal to the State Electoral Commission. The appeal must be lodged within two days of the refusal to accept a nomination. The ruling of the State Electoral Commission in this matter shall be final.

Art. 47. 1. After the expiry of the deadline mentioned in Art. 45.1, constituency electoral commissions shall make a register of properly nominated candidates separately for each seat.

2. In constituencies, candidates for each seat are listed in alphabetical order, giving their family name, Christian name, age, profession, place of work and place of residence.

Art. 48. At the latest, on the 15th day prior to election day, appropriate electoral commissions shall publish the particulars of the candidates by posting bills.

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Art. 49. An appropriate electoral commission shall delete from the register of candidates nominated in constituencies or on the national list, the name of a candidate who died, lost his eligibility or cancelled his consent to run in the elections. The commission shall notify voters about the deletion without delay.

Art. 50. 1. A candidate for deputy may name an observer to sit on the constituency electoral commission and on each district electoral commission in the constituency from which he is seeking a seat. Candidates may jointly propose one observer. [...]

3. The constituency commission shall be notified about the name of the observer mentioned in paragraph 1, on the 10th day prior to election day at the latest. The candidate shall give the names and addresses of the proposed observers and name the commissions on which they are to sit.

Chapter 7

Ballot Papers

Art. 51. 1. Following the closing of the electoral register, the State Electoral Commission orders the printing of the necessary number of ballots and ensures their distribution to district electoral commissions.

2. Once the constituency electoral commissions close the list of candidates for particular seats, they order - in a manner established by the State Electoral Commission the printing of the necessary number of ballots and ensure their distribution to district electoral commissions.

Art. 52. In the ballot papers carrying the candidates from the national list, their family and first names are written down in alphabetical order.

Art. 53. 1. A separate ballot paper is printed for each of the seats in a given constituency.

2. The constituency ballot papers carry the number attributed to each particular seat, and family and first names of the candidates found on the candidates' roll.

[...]

Chapter 8

Polling

Art. 56. 1. The polling takes place at the polling station from 6 a.m. to 10 p.m. incessantly.

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Art. 57. The district electoral commission, in agreement with the constituency electoral commission, can order an earlier end to the polling if all the registered voters have cast their votes.

Art. 58. 1. If due to extraordinary events the polling was made partly impossible, the district electoral commission, in agreement with the constituency electoral commission, can break off, extend the time of or adjourn the polling until the next day. The relevant decision should be made generally known in the manner corresponding with the custom established in a given locality, and notified to the local government bodies of general jurisdiction.

[...]

Art. 60. Since the moment the polling starts until its results have been calculated, all the time at least three members of the district electoral commission, including the commission's chairman, his deputy or secretary, should be present at the polling station. Observers at the count have the right to remain at the polling station on election day in virtue of the authorization given to them by the constituency electoral commission.

Art. 61. 1. The Chairman of the district electoral commission looks after the secrecy of the ballot, keeps order during the polling and can issue the relevant instructions to maintain order.

2. On the request of the commission's chairman, the local government bodies of general jurisdiction will provide him with guards.

Art. 62. On election day, campaigning at the polling station is forbidden.

Art. 63. 1. Before he casts his vote, the elector shows his identity card to the district electoral commission.

[...]

Art. 64. 1. Having met the requirements of Art. 63, the elector receives a ballot from the commission. In order to prevent multiple voting, a given elector's name on the roll is ticked off.

2. Having received his ballot, the elector proceeds to the polling booth set up in the polling station.

Art. 65. 1. Voting for candidates in Sejm constituencies, the elector does not cross out the name of the candidate for whom he votes.

2. If more than one name on the roll is left uncrossed, the elector's vote becomes invalid.

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Art. 66. When voting for candidates from the national list of candidates, the elector votes on those candidates whose names he does not cross out on the ballot.

Chapter 9

Counting voting returns in polling district

Art. 69. District electoral commissions count voting returns in their polling districts immediately after conclusion of the voting. The counting of voting returns can be watched by observers.

Art. 70. 1. The chairman of the district electoral commission open the ballot box, whereupon the commission counts separately for the particular seats in the given constituency and for the national list of candidates, the following numbers of ballot papers:

1) the number of ballot papers returned, that is, the number of voters who took part in the voting,

2) the number of ballot papers returned which are recognized as invalid, that is, the number of invalid votes,

3) the number of ballot papers returned which are recognized as valid, that is, the number of valid votes.

2. Ballot papers which were torn up completely are not included in the count.

Art. 71. 1. Votes returned in ballot papers different from official ones, and in cases of ballot papers envisaging names of candidates for seats in constituencies, those ballots in which more than one name has been left uncanceled, are invalid.

2. Writing other names or other words in ballot papers has no legal implications and does not affect the validity of the vote.

Art. 72. When the number of valid votes has been determined, the commission proceeds to count the following numbers:

1) in a constituency, the number of votes cast for candidates for each seat.

2) for the national list, the number of votes cast for each of the candidates.

Art. 73. 1. The district electoral commission draws up two copies of voting returns in the district:

1) for deputies elected in the constituency;

2) for deputies elected from the national list.

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2. In the voting returns, the following numbers are to be envisaged:

- 1) the number of people with the right to vote, that is, of people on the roll of registered voters,
- 2) the number of ballot papers returned,
- 3) the number of invalid votes,
- 4) the number of valid votes,
- 5) the number of votes cast for each candidate; voting returns for constituencies envisage the respective numbers described in subparagraphs 2 to 5 above separately for each seat.

3. The voting returns state the time of starting and the time of concluding the voting, and they describe regulations and decisions along with all other significant circumstances.

4. The voting returns are signed by all persons sitting on the district electoral commission attending the drawing up of the voting returns. The voting returns are to be supplied with the commission's seal.

5. Observers have a right to have their remarks concerning specific charges included in the voting returns.

6. Immediately after drawing up the voting returns the district electoral commission publishes the election returns.

Art. 74. 1. The chairman of the district electoral commission immediately sends one copy of each of the voting returns, each in a sealed envelope, to the relevant constituency electoral commission.

2. Procedures for the transfer and acceptance of voting returns are established by the State Electoral Commission.

[...]

Art. 75. 1. Having carried out the actions described in art. 74.1, the chairman of the district electoral commission immediately supplies the relevant local government body of general jurisdiction with the following documents concerning the voting: the ballot papers returned (separated between valid and invalid ones), the rolls of registered voters, and the other copies of the voting returns.

[...]

4. The government bodies described under subparagraphs 1-3 above keep the election records sent to them pending instructions from the Council of State. The records can be opened for inspection with the Council of State's consent.

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Chapter 10

Calculating election results

Art. 76. 1. The constituency electoral commission, referring to voting returns received from district electoral commissions, determines the following election results:

- 1) the votes cast for each deputy elected in the constituency,
- 2) the votes cast in the constituency for deputies on the national list.

2. Observers can attend the counting of the voting returns.

Art. 77. The constituency electoral commission draws up, in two copies, voting returns for deputies elected in the constituency and from the national list. Provisions of art. 73.2-5 apply.

Art. 78. 1. Referring itself to voting returns for deputies elected in the constituency, the constituency electoral commission calculates election returns for particular seats.

2. Observers can attend the calculation of the election results.

3. Candidates for deputies who, within the seat for which they were registered, polled more than one half of all valid votes, are elected.

4. When none of the candidates for a seat polled the required number of votes, a repeat voting is ordered to fill the seat.

5. In the repeat voting, two candidates who polled the most votes one after the other, and, when that order cannot be established, all candidates who polled the same numbers of votes each, run for the seat.

Art. 79. 1. The constituency electoral commission draws up two copies of voting returns of deputies from the constituency including the following information:

1) names and surnames of the elected deputies for each seat,

2) numerical symbols of seats for which repeat votings will be held, and names and surnames of persons running as candidates in those votings.

2. Provisions of art. 73.4 apply

3. Observers have a right to have their remarks concerning specific charges included in the voting returns.

(k)

Art. 80. 1. The chairman of the constituency electoral commission immediately sends one copy of each of the voting returns drawn up by the commission, and of the election results from the constituency, along with all other relevant documents concerning the election, in a sealed envelope, to the State Electoral Commission.

2. Procedures for the transfer and acceptance of voting returns and election results and the other relevant election documents are established by the State Electoral Commission; they are then kept pending instructions from the Council of State.

Art. 81. 1. The State Electoral Commission, referring itself to election results received from all constituency electoral commissions, determines in an official record the election results and results of elections of deputies from the national list.

2. Candidates from the national list who polled more than one half of all valid votes are elected.

Art. 82. The State Electoral Commission publishes an official notice concerning voting returns and Sejm election results - by constituencies and from the national list.

Art. 83. 1. Constituency electoral commissions, immediately after calculating election results, publish the numerical symbols of seats and names and surnames of persons running as candidates in repeat votings.

2. Repeat votings are held on the fourteenth day after the first round of voting, in keeping with the procedure established in this law, with the following provisions:

1) the ballot is carried out on the basis of the same roll of registered voters,

2) the ballot is carried out only within the boundaries of the state,

3) names and surnames of candidates for deputies are written in one ballot paper for each particular seat,

4) candidates for deputies who poll the largest numbers of valid votes are elected for the relevant seats.

3. The State Electoral Commission publishes an official notice on returns of the repeat voting and on the election results.

Art. 84. State Electoral Commission notices on voting returns and election results are to be published in Dziennik Urzędowy Polskiej Rzeczypospolitej Ludowej Monitor Polski.

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Art. 85. The State Electoral Commission supplies elected Sejm deputies with certificates of having been elected.

Art. 86. The State Electoral Commission submits its report on the election during the Sejm's inaugural meeting.

Chapter 11

Validity of Elections

Art. 87. The validity of elections is established by the Sejm on the basis of election records submitted by the State Electoral Commission.

Art. 88. 1. An objection can be lodged to the election of a deputy on the grounds of this law having been violated, or if an offence has been committed against the elections, in case of this violation or offence having an effect on the election results.

2. The objection against the election of deputies within a constituency can be lodged by an elector whose name on the day of elections was on the election rolls in one of the polling districts within the constituency concerned.

3. If the objection is made on the grounds of an offence having been committed against the elections, or if it concerns the national list of candidates, it can be lodged by any elector.

4. Electoral commissions are also authorised to lodge an objection.

Art. 89. 1. An objection is lodged in writing with the Supreme Court, not later than after 7 days of the announcement of election results by the State Electoral Commission.

[...]

3. The objection lodged should contain the charges and evidence upon which the charges are based.

Art. 90. 1. The Supreme Court will not institute any proceedings if objection has been lodged upon the expiry of the deadline specified in Art. 89, para 1, or by a person unauthorised to do this, under Art. 88.

2. If the objection lodged does not meet the requirements specified in Art. 89, para 3, the Supreme Court gives the plaintiff 7 days for supplementing his objection.

3. If the objection has not been supplemented within the deadline set, the Supreme Court is free not to institute any proceedings.

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4. If the objection lodged is based upon charges of an offence having been committed against the elections, the Supreme Court will immediately notify on this matter the General Prosecutor of the Polish People's Republic.

Art. 91. 1. The Supreme Court jury reviewing the objection is composed of three judges and upon hearing it, applies accordingly the regulations of the Code of Civil Procedure.

2. The participants in the proceedings instituted under this law are as follows: the plaintiff, the relevant electoral commission and the General Prosecutor of the Polish People's Republic.

3. The Supreme Court formulates an opinion regarding the objection and presents it, together with the dossier, to the Sejm.

Art. 92. 1. Having reviewed the charges specified in the objection, and the opinion of the Supreme Court, the Sejm will pronounce its judgement regarding the validity of the election of the deputy.

2. In establishing that the election of deputy is invalid, the Sejm determines simultaneously matters regarding the calling of by-elections and the scope of invalidity.

Chapter 12

Art. 93. 1. A seat in Parliament expires for the following reasons:

- 1) the invalid election of a deputy;
- 2) the refusal to be sworn in as deputy,
- 3) the loss of right to be elected,
- 4) death,
- 5) resignation from the seat.

2. The expiration of a seat in Parliament is determined by the Sejm.

Art. 94. 1. In cases in which a seat in a given constituency is vacant or has expired, the Sejm will conduct by-elections not later than six months after the determination of this fact.

2. By-elections are not held during a period of six months preceding the termination of the Sejm's term of office.

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Art. 95. 1. By-elections are conducted in a manner specified in the present law during a period of three months after the Sejm's resolution to conduct by-elections:

2. A resolution taken by the Council of State to conduct by-elections is announced not later than ten days after the Sejm's resolution to conduct by-elections.

3. In ordering by-elections, the Council of State determines the electoral timetable which may set shorter dates for particular electoral activities than envisaged in the present law.

4. By-elections are conducted only on Polish territory.

Chapter 13

Detailed and final regulations

[...]

Art. 97. Candidates for deputies have access to state mass media on principles determined in the round table documents.

Art. 98. Voters' gatherings organised for the purposes of proposing candidates for deputies and announced and convened during an electoral campaign are not subject to the regulations of the March 29 1962 law on gatherings (Dz. U. No. 20, item 89, from 1971 No. 12, item 115, from 1982 No. 14, item 113 and from 1985 No. 36, item 167.)

[...]

Art. 101. The bill becomes law on the day of its announcement.

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Law On Elections To Senate

Art. 1

1. The elections to the Senate are held in accordance with the regulations governing elections to the Sejm, unless this law says otherwise.

2. Elections to the Senate are held jointly with the elections to the Sejm.

Art. 2

1. Senators are elected within constituencies.

2. The area of a voivodship is a constituency in the elections to the Senate.

Art. 3

Two senators are elected within a single constituency; in the constituencies covering the area of the Warsaw voivodship and the Katowice voivodship, three senators are elected for each.

[...]

Art. 5

1. With a view to holding elections to the Senate, voivodship electoral commissions are established on the basis specified for constituency electoral commissions.

2. In elections to the Senate, voivodship electoral commissions perform the same tasks as constituency electoral commission in elections to the Sejm.

3. The State Electoral Commission, and district electoral commissions established for elections to the Sejm, perform the same tasks during elections to the Senate.

Art. 6

Vested with the right to propose candidates for senators are:

1) the supreme and voivodship authorities of national political, civic and professional organisations; these organisations support their proposed candidate by the signature of at least 3,000 registered voters,

2) registered voters from a given constituency, numbering at least 3,000.

Art. 7

A candidate cannot run in elections to the Sejm and to the Senate simultaneously.

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Art. 8

A voivodship electoral commission draws up one list of candidates to the Senate placing on this list, in alphabetic order, all the correctly proposed candidates.

Art. 9

A single ballot paper shall be printed for each constituency.

Art. 10

1. In voting for senators, electors leave un-crossed on the ballot the names of those candidates they vote for.

2. If the number of un-crossed names on the ballot is greater than the number of senators elected within the constituency concerned, the ballot is considered invalid.

Art. 11

1. As elected to the Senate from a two-seat constituency, recognized are those two candidates who have won in succession the largest numbers of votes, on condition, however, that each of them has received more than a half of the valid votes.

2. As elected to the Senate from a three-seat constituency, recognized are those three candidates who have won in succession the largest numbers of votes, on condition, however, that each of them has received more than a half of the valid votes.

Art. 12

1. If none of the candidates has received the required number of votes or if the required number of votes has been cast on a smaller number of candidates than the number of senators to be elected in a given constituency, repeat elections should be organized.

2. Repeat elections should be held also in a situation where two or more candidates have received the same number of votes and it is impossible to establish the succession discussed in Art. 11

Art. 13

1. In the case, as defined in Art. 12 para. 1, in repeat elections contest, there can be a maximum of twice as many candidates as the number of vacant seats, with the reservation however that the contest can take place between those people who have received in succession the largest number of votes, and if such succession cannot be established - between all those who have received the same number of votes.

2. In the case as defined in Art. 12 para 2, in the repeat elections, the contest will be between those people who have won the same number of votes.

Art. 14

The validity of the election of senators is stated by the Senate on the basis of the State Electoral Commission's report on the elections.

Art. 15

1. The senator's seat expires as a result of:

- 1) the invalidity of the senator's election,
- 2) his refusal to be sworn in as senator,
- 3) the loss of right to be elected,
- 4) death,
- 5) resignation from the seat in the Senate.

2. The expiration of the seat in the Senate is stated by the Senate.

Art. 16

In case the seat in the Senate remains vacant or expires, the Senate passes a resolution to hold by-elections.

Art. 17

The bill becomes law on the day of its publication.

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