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Subslug: [Text of ``Law Governing Sejm Elections Scheduled for 19 September,`` dated 28 May 1993]

FULL TEXT OF ARTICLE:

1. [Text of ``Law Governing Sejm Elections Scheduled for 19 September,`` dated 28 May 1993]
2. [Text] The law governing elections to the Sejm passed by the Sejm at its last session, on Friday, 28 May 1993, ordering elections to the Chamber of Deputies for 19 September 1993, was signed by President Lech Walesa as early as last Tuesday, 1 June, at 1230 hours. It was published in DZIENNIK USTAW No. 45, Item 205, dated 2 June 1993, and it will take effect, with the provisos specified in Article 168, 14 days from its publication-that is, on 17 June.
3. * * *
4. Law of 28 May 1993 Governing Elections to the Sejm of the Polish Republic
5. Chapter 1 General Principles
6. Article 1.1. Elections of deputies to the Sejm of the Polish Republic are universal, direct, popular, and proportional, and based on secret balloting.
7. 1.2. Election Day falls on a nonbusiness day during the month preceding the expiration of the term of the Sejm of the Polish Republic or, in the event of dissolution of the Sejm, on a nonbusiness day not earlier than three and not later than four months

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following the expiration of the term of the Sejm.

8. Article 2. Deputies to the Sejm of the Polish Republic are elected according to the principle of proportionality, so that:

9. 1) 319 deputies are elected from district lists of candidates in multiseat electoral districts.

10. 2) 69 deputies are elected from national candidate lists.

11. Article 3.1. In the apportionment of seats in electoral districts, allowance is made solely for district lists of candidates nominated by those electoral committees whose lists received at least 5 percent of valid votes on the national scale.

12. 3.2. District lists of candidates for deputies nominated by the electoral committees referred to in Article 77, Paragraph 2 (electoral coalition) are taken into consideration when apportioning seats in the electoral districts if their lists received at least 8 percent of valid votes on the national scale.

13. Article 4. In apportioning seats among national lists of candidates for deputies, allowance is made solely for the lists of those electoral committees whose district lists of candidates for deputies received at least 7 percent of all valid votes cast nationwide.

14. Article 5.1. The electoral committees representing registered organizations of ethnic minorities may be exempted from one of the requirements mentioned in Article 3, Paragraph 1 or in Article 4 if they submit to the State Electoral Commission a related declaration not later than five days before Election Day.

15. 5.2. The State Electoral Commission immediately confirms receipt of the declaration referred to in Paragraph 1. The declaration is binding on electoral commissions.

16. Article 6. If the requirement specified in Article 3, Paragraph 1 or Paragraph 2 is not met by the district lists of candidates for deputies nominated by any electoral committee, or if some of those requirements are met by the lists nominated by just one electoral committee, seats in the electoral districts are apportioned with allowance for the lists of candidates nominated by electoral committees that received at least 3 percent of valid votes on the national scale. Lists of candidates nominated by electoral coalitions are taken into consideration if they received at least 5 percent of valid votes on the national scale.

17. Article 7.1. If the requirement specified in Article 4 is not

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met by a national list of candidates for deputies nominated by any electoral committee, seats are apportioned with allowance solely for the lists of the first three electoral committees whose district lists of candidates for deputies, meeting the requirements specified correspondingly in Article 3 or Article 6, received in sequence the three highest percentages of valid votes on the national scale.

18. 7.2. In the event that the requirements of Article 3 or Article 6 are met by the national lists of fewer than three electoral committees, seats are apportioned with allowance only for the national lists of candidates nominated by those committees.

19. Article 8. Every voter has one ballot.

20. Article 9. The term of the Sejm lasts four years from Election Day.

21. Article 10.1. The president of the Polish Republic orders elections and designates their date pursuant to Article 1, Paragraph 2. The president's order is made public and announced in DZIENNIK USTAW RZECZYPOSPOLITEJ POLSKIEJ not later than within five days afterward.

22. 10.2. In the order referred to in Paragraph 1, the president specifies, upon consulting the State Electoral Commission, the deadlines for the performance of the electoral activities envisaged in the law (electoral calendar).

23. Article 11.1. In the event of dissolution of the Sejm by the president or by a Sejm resolution, not later than within five days afterward, the president orders elections to the Sejm and designates their date pursuant to Article 1, Paragraph 2. The president's order is made public and announced in DZIENNIK USTAW RZECZYPOSPOLITEJ POLSKIEJ not later than within five days afterward.

24. 11.2. The provisions of Article 10, Paragraph 2 apply correspondingly.

25. Chapter 2 Voting Rights of Citizens

26. Article 12. The right to vote belongs to people possessing Polish citizenship who are at least 18 years old on Election Day (active voting right).

27. Article 13. The following people do not have the right to vote:

28. 1) Those deprived of civil rights by a valid judicial verdict.

29. 2) Those deprived of voting rights by a ruling of the Tribunal

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of State.

30. 3) People totally or partially incapacitated according to a valid judicial ruling owing to mental illness or mental retardation.

31. Article 14. To be elected to the Sejm, a person must be a Polish citizen with voting rights, provided that on Election Day he or she has reached age 21 and his permanent domicile has been on the territory of the Polish Republic for at least five years.

32. Chapter 3 Voters' Registry and Voters' List

33. Article 15.1. The gmina [township] keeps a permanent voters' registry, a task commissioned by the national government.

34. 15.2. The voters' registry serves to prepare lists of voters for elections of the president of the Polish Republic, elections to the Sejm and the Senate, and elections to gmina councils, as well as to prepare lists of persons authorized to participate in national or local referendums.

35. 15.3. The voters' registry is available for public inspection at gmina offices.

36. 15.4. The sample format of the registry and the procedure for maintaining and updating it, as well as for making it accessible to the public, is determined by the State Electoral Commission in consultation with the minister for internal affairs.

37. Article 16.1. The voters' registry is made up of people with voting rights who are permanent residents of the gmina.

38. 16.2. The registry specifies the voter's name and surname, his father's name, his date of birth, and his address.

39. 16.3. Voters registered with the gmina as permanent residents are included ex officio in the voters' registry.

40. 16.4. Voters who are permanent residents of the gmina but have not registered with it as permanent residents are included in the voters' registry if they submit to the gmina office a related application containing the data referred to in Paragraph 2 and specifying their permanently registered address outside gmina territory.

41. 16.5. The decision to include or not include in the voters' registry a person referred to in Paragraph 4 is issued by the village head or the burgomaster (or mayor) within three days from the submission of the application, upon assuring that it is immediately

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handed to the applicant.

42. 16.6. The inclusion of the name of a voter in the voters' registry is communicated to the gmina office with which the applicant referred to in Paragraph 4 is registered as a permanent resident in order to assure the deletion of his or her name from the voters' registry in that other gmina.

43. 16.7. Refusal to include the applicant's name in the voters' registry of the concerned gmina may be appealed to the proper district court of record. The provisions of Article 19 apply correspondingly.

44. Article 17. The names of people deprived of their voting rights are expunged from the voters' registry pursuant to notification from courts of record or the Tribunal of State, transmitted under a procedure defined by the minister for justice in consultation with the State Electoral Commission.

45. Article 18.1. Anyone may lodge with a gmina office a claim concerning inaccuracies in the voters' registry, especially concerning:

46. 1) Omission of a voter's name in the registry.

47. 2) Inclusion in the registry of a person who has no voting rights.

48. 3) Inaccurate data on persons included in the registry.

49. 4) Inclusion in the registry of a person who is not a permanent resident of the concerned gmina.

50. 18.2. The village head or burgomaster (or mayor) is obliged to consider the claim within three days after it is filed and to issue a ruling on the matter.

51. 18.3. The ruling, together with its rationale, is immediately handed to the claimant and, if it also concerns other persons, to those persons as well.

52. Article 19.1. A ruling that disallows a claim or results in deletion from the registry of voters can be appealed by the claimant or by the person whose name was deleted within three days after the ruling is delivered. The appeal may be made through the mediation of the village head or burgomaster (or mayor) to the proper local district court. The village head or burgomaster (or mayor) immediately transmits to that court the appeal, together with information on the original ruling and the dossier of the case. The

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village head or burgomaster (or mayor) may also immediately alter or waive his ruling if he considers the claim to be entirely justified.

53. 19.2. The court, in a bench of one judge, considers the appeal in nonlitigious proceedings within three days from its lodging. A copy of the court's ruling is provided to the appellant and another to the village head or burgomaster (mayor). There is no legal recourse from the court's ruling.

54. Article 20.1. People with voting rights are included in the list of voters.

55. 20.2. A voter's name may be entered in just one list.

56. Article 21.1. The list of voters is prepared at the gmina office not later than 14 days before Election Day.

57. 21.2. Two copies of the list are prepared for each polling ward, according to the domiciles of the voters.

58. 21.3. The list contains the data referred to in Article 16, Paragraph 2.

59. Article 22.1. A voter who is temporarily living in the area of another gmina for a period of time that includes Election Day can be added to the list of voters upon his or her request, submitted not later than 10 days before Election Day.

60. 22.2. The provisions of Paragraph 1 apply correspondingly to a voter lacking a permanent address who is temporarily living in the area of the gmina.

61. Article 23.1. Military personnel performing basic or periodic military service as well as serving as candidates for the career military or participating in military exercises or training, and personnel performing alternative basic service in civil defense outside their permanent domiciles, are added upon their own request to a particular list of voters for the locality in which they are serving. The request is submitted between 21 and 14 days before Election Day.

62. 23.2. The provisions of Paragraph 1 apply correspondingly to police personnel from barracked units.

63. 23.3. Commanding officers of military, civil defense, and police units are obliged to make it possible for their personnel to exercise the rights ensuing from Paragraph 1.

64. 23.4. The minister for national defense and the minister for

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internal affairs shall define, upon consulting the National Electoral Commission, the manner in which commanding officers are to implement the obligations referred to in Paragraph 3.

65. Article 24.1. Lists of voters in hospitals, welfare establishments, penitentiaries, and detention areas, as well as at branches of those institutions, are prepared on the basis of lists of people to be present there on Election Day.

66. 24.2. Lists of the people referred to in Paragraph 1 shall be transmitted by the directors of the concerned institutions to the gmina offices not later than 10 days before Election Day.

67. Article 25. Whenever a person referred to in Article 22, Paragraph 1 or Articles 23 or 24 is added to a list of voters, the gmina office pertinent to that person's permanent domicile is notified accordingly.

68. Article 26.1. A voter who changes his domicile receives on demand, on the basis of the registry of voters, certification of his or her right to vote in the new place, as does a voter whose name was added to the list of voters.

69. 26.2. Upon receiving official notification of addition to a list of voters in another polling ward, the gmina office deletes from its own list of voters the name of the person who was issued a certification of his or her right to vote.

70. Article 27.1. The list of voters is available for public inspection at the gmina office.

71. 27.2. The village head or burgomaster (mayor) notifies voters by the customary procedure about the preparation of the list of voters and the time and place it can be viewed in public.

72. Article 28. Claims about inaccuracies in the list of voters may be filed. The provisions of Articles 18 and 19 apply correspondingly, with the proviso that the claims be considered and complaints lodged with the district court within two days.

73. Article 29. The State Electoral Commission will determine, upon consulting the minister for internal affairs, the format of the list of voters and the procedure for preparing and updating it, as well as the format of the notice of addition of a voter's name to the list of voters in another polling ward and the format of the certification of the right to vote.

74. Article 30.1. Polish citizens who reside abroad and have valid Polish passports have their names added to the list of voters

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prepared by the proper local consul of the Polish Republic.

75. 30.2. The addition to the list of voters is based on an application lodged in person, in writing, or by telephone, telegraph, or telecopy. The application should contain name and surname, father's name, date of birth, current address, and number and place and date of issue of the Polish passport. The application may be lodged not later than three days before Election Day.

76. 30.3. The State Electoral Commission, upon consulting the minister for foreign affairs, shall define the procedure for preparing and updating the list of voters referred to in Paragraph 1.

77. 30.4. Claims concerning the list of voters with regard to the people referred to in Paragraph 1 are considered by the local consul. There can be no legal recourse from his ruling.

78. 30.5. The preparation of voters' lists for voters on Polish seagoing vessels is correspondingly governed by the provisions of Paragraphs 1-4, with the proviso that the list be prepared by the captain of the ship by a procedure defined by the State Electoral Commission in consultation with the minister for transportation and navigation.

79. Article 31. The list of voters is transmitted on the eve of Election Day to the chairman of the ward electoral commission.

80. Article 32. The ward electoral commission adds to the list of voters on Election Day:

81. 1) The names of people presenting certifications of their right to vote, upon appending those certifications to the list.

82. 2) The names of people overlooked in the list, if those people show documentary proof that they are permanent residents in the area of the polling ward and the gmina office confirms that it has not received any notification of their forfeiture of the right to vote.

83. 3) The names of Polish citizens who reside permanently abroad, on the basis of valid Polish passports, upon recording the number of the passport in the 'Comments' rubric.

84. Chapter 4 Voting

85. Article 33. Voting can be done only in person.

86. Article 34. Only a voter whose name is entered on the list of voters or added thereto pursuant to the provisions of Article 32 may vote.

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87. Article 35.1. Voting is performed on the premises of the ward electoral commission continuously between 0600 and 2200 hours.

88. 35.2. Voting at foreign polling wards takes place between 0800 and 2000 hours local time. If normally the voting would not be completed on Election Day, abroad, it is conducted one day before Election Day in Poland.

89. Article 36.1. Before the commencement of voting, the ward electoral commission checks to see whether the urn is empty, whereupon it closes it and affixes thereto the seal of the commission as well as determining the number of the ballots received.

90. 36.2. Once the urn is sealed, it may not be opened until the voting is ended.

91. 36.3. Upon commencement of the voting and until its end, at least three members of the ward electoral commission should be in attendance on the premises of the polling ward, and one of those three members should be the commission chairperson or vice chairperson.

92. Article 37.1. Before commencing to vote, the voter shows to the ward electoral commission documentary proof of his or her identity.

93. 37.2. A voter whose name is recorded in the list of voters but who lacks documentary proof of identity may have his identity confirmed by two credible witnesses known to members of the commission.

94. 37.3. The voter receives a ballot from the commission and acknowledges it by signing his or her name in the appropriate rubric on the list of voters.

95. 37.4. The ward electoral commission issues ballots that are, in addition, provided with its own seal.

96. Article 38. A voter who votes abroad is given a ballot only after showing a valid Polish passport to the ward electoral commission.

97. Article 39.1. Upon receiving the ballot, the voter proceeds to an area assuring secrecy of balloting, located on the polling premises.

98. 39.2. The voter votes for a particular list of candidates by placing an 'X' in the square to the left of the name of one of the candidates from that list on the ballot, thereby showing electoral

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preference.

99. 39.3. The voter inserts the completed ballot in the voting urn so that the imprinted side will not be visible.

100. Article 40. An incapacitated voter, at his or her request, may be assisted at voting by another person, with the exception of the confidential representative.

101. Article 41.1. Voting may not be interrupted. Should an extraordinary occurrence make voting temporarily impossible, the ward electoral commission may interrupt or prolong it or postpone it until the following day. Such a decision must be immediately made public and transmitted to the district electoral commission as well as to the village head or burgomaster (mayor).

102. 41.2. In the event of the interruption or postponement of voting, the commission seals the slot in the voting urn and places the urn for safekeeping with the chairperson. Before resuming voting, the commission checks to see that the seal was not violated and prepares a documentary record thereof.

103. Article 42.1. Electioneering on Election Day on voting premises or inside the building housing the voting premises is prohibited.

104. 42.2. Only official electoral announcements, in particular those referred to in Articles 86 and 93, may be posted inside the polling premises.

105. 42.3. Confidential representatives, on the basis of a certification issued to them by the committee representative referred to in Article 80, Paragraph 3, may be present on the polling premises while the ward electoral commission performs all of its activities.

106. Article 43. Admission to polling premises is prohibited to people carrying weapons.

107. Article 44.1. The chairperson of the ward electoral commission is responsible for the maintenance of law and order during the voting; to that end, he has the right to demand of people who violate law and order that they vacate the polling premises.

108. 44.2. Upon demand by the chairperson of the ward electoral commission, the commanding officer of the local police precinct is obliged to provide necessary assistance. In that event, the provisions of Article 43 do not apply.

109. Chapter 5 Electoral Districts and Polling Wards

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110. Article 45.1. With the object of conducting elections, multiseat electoral districts, hereinafter referred to as 'electoral districts,' are established.

111. 45.2. Three to 17 deputies are elected in each electoral district.

112. 45.3. An electoral district comprises the area of one voivodship, with the exception of the Warsaw and Katowice voivodships, in which an electoral district occupies a part of the voivodship; the boundaries of those electoral districts may not cross gmina boundaries.

113. 45.4. The division into electoral districts and the number of deputies to be elected from each district are determined in accordance with a uniform norm of representation as reckoned by dividing the country's total population by the number of deputies to be elected in electoral districts.

114. Article 46.1. The division into electoral districts, the numbering and boundaries of those districts, and the number of deputies to be elected from each district, as well as the sites of the district electoral commissions, are specified in the supplement to the present law.

115. 46.2. Information on an electoral district is provided to the district's voters in the form of an announcement by the State Electoral Commission not later than 52 days before Election Day. Posters and reprints of that announcement are distributed by the directors of the proper local voivodship electoral offices.

116. Article 47.1. The State Electoral Commission submits to the Sejm recommendations for altering the boundaries of electoral districts and the number of deputies to be elected from them if so necessitated by changes in the basic administrative division of the country or the country's population.

117. 47.2. The recommendations referred to in Paragraph 1 are submitted by the State Electoral Commission to the Sejm not later than nine months before the expiration of the Sejm's term. The Sejm alters the division into electoral districts not later than six months before the expiration of its term.

118. Article 48. Voting takes place in polling wards consisting of 500 to 3,000 inhabitants each, as established within gmina boundaries. In cases warranted by local conditions, polling wards consisting of a greater or a smaller number of inhabitants may be established.

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119. Article 49.1. Polling wards are established in hospitals and welfare establishments if those shall contain at least 50 voters on Election Day.

120. 49.2. Polling wards are established for voters living in penitentiaries and houses of detention as well as in outside branches of those institutions. Failure to establish such wards is justifiable only in a warranted case upon the recommendation of the director of the penitentiary or house of detention.

121. Article 50.1. Polling wards are established on the recommendation of the State Electoral Commission by the gmina council upon determining the boundaries and identifying number of the ward as well as the site of the ward electoral commission.

122. 50.2. Resolutions on matters referred to in Paragraph 1 are immediately conveyed to the proper district electoral commission.

123. Article 51.1. Polling wards for Polish citizens sojourning abroad are established by the minister for foreign affairs in consultation with the State Electoral Commission, upon designating the sites of ward electoral commissions. The provisions of Article 50, Paragraph 2 apply correspondingly.

124. 51.2. Polling wards for voters aboard Polish seagoing vessels voyaging during a period that includes Election Day are established by the minister for transportation and navigation in cooperation with the State Electoral Commission upon the request of the shipowner, submitted not later than 30 days before Election Day. Such wards are established if there are at least 15 voters aboard a ship and if it is possible to transmit the results of the vote immediately after its end to the proper electoral commission. The provisions of Article 50, Paragraph 2 apply correspondingly.

125. 51.3. The polling wards referred to in Paragraph 1 belong in the electoral district proper for the Downtown Warsaw gmina.

126. 51.4. The polling wards referred to in Paragraph 2 belong in the electoral district proper for the address of the shipowner.

127. Article 52.1. Information on the boundaries and identifying numbers of polling wards and the addresses of the ward electoral commissions is made public in the form of wall posters by the State Electoral Commission, not later than 35 days before Election Day.

128. 52.2. The obligation referred to in Paragraph 1 concerning the polling wards created abroad rests on consuls, with the proviso that that obligation be fulfilled not later than 21 days before Election Day.

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129. 52.3. The creation of a polling ward aboard a Polish seagoing ship is immediately communicated by the ship captain to the voters.

130. Chapter 6 Electoral Commissions

131. Article 53. Elections are conducted by:

132. 1) The State Electoral Commission.

133. 2) District electoral commissions.

134. 3) Ward electoral commissions.

135. Article 54.1. Members of electoral commissions forfeit their membership in the commissions on the day on which they sign their consent to candidacy for Sejm deputies.

136. 54.2. Commission members may not act in the capacity of the committee representative referred to in Article 80, Paragraph 3 or as confidential representatives.

137. 54.3. Commission members may not campaign on behalf of lists of candidates for deputies or individual candidates.

138. Article 55.1. Members of electoral commissions are eligible for:

139. 1) Per diem and refunds of traveling expenses,

140. 2) Lump-sum remuneration for the time spent on organizing the elections and on determining the balloting and electoral results,

141. in accordance with the guidelines and amounts defined by the chairman of the Council of Ministers in consultation with the State Electoral Commission.

142. 55.2. In connection with the exercise of the duties referred to in Paragraph 1, Point 2), members of the commissions, other than the State Electoral Commission, are entitled to an unpaid work release for up to three days, upon retaining their rights to all of the attendant benefits, as if for time worked.

143. 55.3. The guidelines and amounts of the remuneration of members of the State Electoral Commission are determined by the speaker of the Sejm.

144. Article 56. Members of electoral commissions benefit from the legal protection available to civil servants.

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145. A. The State Electoral Commission

146. Article 57. The State Electoral Commission is a permanent agency proper for matters relating to the preparation, organization, and conduct of elections.

147. Article 58. The purposes of the State Electoral Commission include, in particular:

148. 1) Oversight of adherence to electoral laws.

149. 2) Adoption of organizational measures relating to the preparation and conduct of elections.

150. 3) Cooperation with proper agencies of the national and local government administration, with the object of efficient preparation and conduct of elections.

151. 4) Consideration of complaints about the activities of district electoral commissions.

152. 5) Registration of national lists of candidates for deputies.

153. 6) Determination of combined results of balloting for district lists of candidates and identification of the lists eligible for the apportionment of seats in electoral districts.

154. 7) Determination of the results of elections of deputies from national lists of candidates.

155. 8) Determination of formats of official forms and electoral prints, as well as of formats of the seals of district and ward electoral commissions.

156. 9) Oversight of the maintenance and updating of registries of voters and of the preparation of lists of voters.

157. 10) Announcement of the results of elections to the Sejm.

158. 11) Provision of certificates of election to deputies.

159. 12) Submission of electoral reports to the Sejm.

160. 13) Appointment of district electoral commissions and dissolution of district and ward electoral commissions after those execute their statutory duties.

161. 14) Consideration of periodic reports from the National

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Electoral Office on changes in the basic administrative division of the country as well as on changes in the population of electoral districts.

162. 15) Exercise of other statutory duties.

163. Article 59.1. The State Electoral Commission issues directives binding upon lower-level electoral commissions as well as clarifications for national and local government bodies and their subordinate units exercising duties relating to the conduct of elections.

164. 59.2. The State Electoral Commission waives resolutions of district electoral commissions that were adopted in violation of laws in force or contrary to the directives of the State Electoral Commission, and it transmits the related matters for reconsideration to the concerned commissions.

165. 59.3. The State Electoral Commission determines its own procedural rules and those of the district and ward electoral commissions, defining in particular:

166. 1) Operating guidelines and procedures.

167. 2) The method of exercise of duties.

168. 3) The method of exercise of oversight of adherence to electoral laws.

169. 59.4. The State Electoral Commission may establish its own inspection team and define its objectives during electoral periods.

170. Article 60.1. The State Electoral Commission defines the guidelines and procedure for utilizing an electronic system for the transmission and processing of data on the results of balloting and those of elections.

171. 60.2. The minister for communications, on the recommendation of the State Electoral Commission, defines the guidelines and requirements for utilizing, for electoral purposes, telecommunications facilities and systems as well as the public telecommunications network.

172. Article 61. The State Electoral Commission is authorized to use an official seal as construed by the regulations governing state seals. The diameter of the seal is 35 mm.

173. Article 62.1. The membership of the State Electoral Commission consists of:

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174. 1) Three justices of the Constitutional Tribunal, nominated by the chairman of that tribunal.

175. 2) Three justices of the Supreme Court, nominated by the chief justice of the Supreme Court.

176. 3) Three justices of the Superior Administrative Court, nominated by its chief justice.

177. 62.2. The persons referred to in Paragraph 1 are appointed to membership in the State Electoral Commission by the president of the Polish Republic.

178. 62.3. Members of the State Electoral Commission elect from among themselves its chairperson and two vice chairpersons.

179. 62.4. Information about members of the State Electoral Commission is made public and announced in DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ MONITOR POLSKI.

180. Article 63.1. Changes in the membership of the State Electoral Commission take place owing to:

181. 1) Resignation from membership.

182. 2) Recommendation of the chairperson for the nomination of a judge as a new member.

183. 3) Expiration of the term of a justice of the Constitutional Tribunal or cessation of his or her official status.

184. 4) Death.

185. 63.2. Replacement of departing members is conducted pursuant to the provisions governing their appointment.

186. B. The District Electoral Commission

187. Article 64.1. The purposes of the district electoral commission include, in particular:

188. 1) Oversight of adherence to electoral law by ward electoral commissions.

189. 2) Consideration of complaints about the activities of ward electoral commissions.

190. 3) Registration of district lists of candidates for deputies in

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a given electoral district.

191. 4) Ordering the printing of electoral announcements and providing them to ward electoral commissions.

192. 5) Determining the results of the balloting and of the elections of deputies in the district.

193. 6) Assuring, in cooperation with the proper national and local government administrations, the appropriate preparation and conduct of elections in the electoral district.

194. 7) Exercising other duties, whether statutory or recommended by the State Electoral Commission.

195. 64.2. The district electoral commission may organize its own inspection team and define its duties during the electoral period.

196. Article 65.1. The membership of the district electoral commission consists of 11 to 15 judges from the proper local appellate, voivodship, and district courts, nominated by the minister for justice not later than 52 days before Election Day.

197. 65.2. The State Electoral Commission appoints to membership in the district electoral commission the people referred to in Paragraph 1 not later than 48 days before Election Day.

198. 65.3. The first meeting of the commission, upon authorization by the State Electoral Commission, is organized by the director of the voivodship electoral office proper for the site of the commission.

199. 65.4. At their first meeting, the members of the commission elect from among themselves the chairperson and two vice chairpersons.

200. 65.5. The commission appoints as the commission secretary the director of the voivodship electoral office or a person he or she designates. The commission secretary attends meetings of the commission in an advisory capacity.

201. 65.6. Information on members of the commission is immediately made public by the customary procedure.

202. Article 66.1. Changes in the membership of the district electoral commission take place owing to:

203. 1) Resignation from membership.

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204. 2) A recommendation of the minister of justice.
205. 3) Cessation of official status of a judge-member.
206. 4) Death.
207. 66.2. Replacement of departing members is conducted pursuant to the provisions governing their appointment.
208. C. The Ward Electoral Commission
209. Article 67. The purposes of the ward electoral commission include:
 210. 1) Conduct of voting in the polling ward.
 211. 2) Oversight of adherence to electoral law on polling premises during voting hours on Election Day.
 212. 3) Determination of the results of the balloting in the ward and their public announcement.
 213. 4) Transmission of balloting records for the ward to the district electoral commission.
214. Article 68.1. The ward electoral commission is appointed by the gmina board from among voters not later than 21 days before Election Day, with allowance for proposals made by electoral committees.
215. 68.2. The membership of the commission ranges from five to nine persons.
216. 68.3. The first meeting of the commission is organized by the village head or burgomaster (mayor).
217. 68.4. At their first meeting, the members of the commission elect from among themselves the chairperson and the vice chairperson.
218. 68.5. Information about the members of the commission is immediately made public by the customary procedure.
219. Article 69.1. Ward electoral commissions for the polling wards established abroad or on board Polish seagoing ships are appointed from among voters by consuls and ship captains, respectively.
220. 69.2. The operating guidelines, procedures, and terms of office of those commissions are determined by the State Electoral Commission in consultation with, correspondingly, the minister for foreign affairs and the minister for transportation and navigation.

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221. Article 70. Replacement of departing members of the ward electoral commission is conducted pursuant to the provisions governing their appointment.

222. D. Electoral Offices

223. Article 71.1. The organization and technical conditions of the conduct of elections are assured on a permanent basis by:

224. 1) The National Electoral Office.

225. 2) The voivodship electoral offices attached to voivodship administrations.

226. 71.2. The offices referred to in Paragraph 1 implement the electoral objectives ensuing from the present law and other laws.

227. Article 72.1. The purposes of the National Electoral Office include, in particular:

228. 1) Assuring the fulfillment of the duties of the State Electoral Commission and rendering its services.

229. 2) Cooperating with government agencies and other entities with the object of accomplishing electoral objectives.

230. 3) Taking organizational measures intended to streamline the preparation and conduct of elections.

231. 4) Providing information on the provisions of the electoral law.

232. 5) Providing information on and, within its competences, assistance in the work undertaken by the bodies of the Sejm and the Senate.

233. 6) Assuring the proper operation of the computer systems used in organizing the elections.

234. 72.2. The principles of the organization and operations of the National Electoral Office are defined in its statute, conferred by the speaker of the Sejm on the recommendation of the State Electoral Commission.

235. Article 73.1. The director of the National Electoral Office is appointed and recalled by the speaker of the Sejm on the recommendation of the State Electoral Commission.

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236. 73.2. The director of the National Electoral Office acts as the secretary of the State Electoral Commission and attends its meeting in an advisory capacity.

237. 73.3. The director of the National Electoral Office operates with funds especially appropriated for that purpose in the state budget, under the line item concerning the National Electoral Office.

238. 73.4. The director of the National Electoral Office is governed by the provisions concerning people appointed to executive positions in the government, and the employees of the office are governed by the provisions of the Law on Employees of State Offices, with allowance for Paragraphs 5 and 6.

239. 73.5. With respect to the employees of the National Electoral Office, the regulations referred to in Article 2, Point 1), Article 4, Paragraph 3, and Article 22, Paragraph 2 of the Law of 16 September 1982 on Employees of State Offices (DZ.U. No. 31, Item 214, 1982; No. 35, Item 187, 1984; No. 19, Item 132, 1988; No. 4, Item 24, and No. 34, Items 178 and 182, 1989; No. 20, Item 121, 1990; No. 55, Item 234, No. 88, Item 400, and No. 95, Item 425, 1991; No. 54, Item 254, and No. 90, Item 451, 1992) are issued by the speaker of the Sejm.

240. 73.6. The powers ensuing from Article 30, Paragraph 1 and Article 31, Paragraph 1 of the law referred to in Paragraph 5 are vested in, with respect to employees of the National Electoral Office, the director of the National Electoral Office.

241. Article 74.1. The purposes of the voivodship electoral office include, in particular:

242. 1) Assuring the implementation of objectives of the district electoral commission and providing it with services.

243. 2) Cooperating with national and local government bodies in the exercise of electoral duties.

244. 3) Organizing, pursuant to the directives of the State Electoral Commission, the application of computer technology to electoral activities.

245. 4) Undertaking various organizational and analytic projects ensuing from the scope of activities of the State Electoral Commission and the National Electoral Office.

246. 74.2. The guidelines for the organization and operations of voivodship electoral offices are defined by the director of the National Electoral Office in consultation with the proper minister

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for administrative affairs.

247. 74.3. The scope of activities and operating procedure of the voivodship electoral office and guidelines for its cooperation with the organizational units of the voivodship administration are defined by the statute of that office, conferred by the voivode in consultation with the director of the National Electoral Office.

248. Article 75.1. The employment relationship with the director of the voivodship electoral office is established and terminated by the voivode in consultation with the director of the National Electoral Office.

249. 75.2. The director of the voivodship electoral office is responsible for the activities of his office before the director of the National Electoral Office.

250. 75.3. The director of the voivodship electoral office operates with funds allocated from the state budget to the budget of the voivode.

251. 75.4. The director and employees of the voivodship electoral office are governed by the provisions of the Law on Employees of State Offices concerning persons employed in the voivodship administration.

252. 75.5. As construed by the law referred to in Paragraph 4, the official superior of the director of the voivodship electoral office is the voivode, and the official superior of the employees of that office is its director.

253. Article 76.1. Material and other assistance for the activities of the ward electoral commission is provided, as a state-commissioned task, by the village head or burgomaster (mayor).

254. 76.2. The obligations specified in Paragraph 1 concerning the commissions referred to in Article 69 are performed by, correspondingly, the consul and the ship captain.

255. Chapter 7 Nominating the Lists of Candidates for Deputies

256. Article 77.1. The right to nominate lists of candidates for deputies belongs to political parties and political and social organizations, as well as to voters. Electoral activities on behalf of the parties and political and social organizations are performed by the entities legally empowered to represent them. In the case of voters, electoral activities on their behalf are performed by the electoral committees they establish.

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257. 77.2. The parties and organizations referred to in Paragraph 1 may form electoral coalitions for nominating joint lists of candidates for deputies. Electoral activities on behalf of a coalition are performed by an electoral committee established for that purpose.

258. 77.3. The electoral committees referred to in Paragraph 1 are correspondingly governed by the provisions of the Law of 28 July 1990 on Political Parties (DZ.U. No. 54, Item 312), with the exception of Article 4, as well as by the provisions of other legislation concerning the activities of political parties.

259. 77.4. With regard to exercising the duties ensuing from the law, the electoral committee referred to in Paragraph 2 is a legal entity.

260. 77.5. The electoral committees referred to in Paragraphs 1 and 2 are disbanded by the entities that established them, upon immediately notifying the State Electoral Commission.

261. 77.6. The expression ``electoral committee'' is also construed here to mean the statutory bodies of the parties and organizations referred to in Paragraph 1.

262. Article 78.1. An electoral committee may nominate one district list of candidates for deputies, hereinafter referred to as the ``district list,' ' in every electoral district, as well as one national list of candidates for deputies, hereinafter referred to as the ``national list.' '

263. 78.2. A person may offer his or her candidacy in one electoral district and on one district list as well as on one national list.

264. 78.3. No person may be simultaneously a candidate for the Sejm and for the Senate.

265. A. Nominating the District Lists of Candidates for Deputies

266. Article 79.1. A district list has to be supported by the signatures of at least 3,000 voters who are permanent residents of the given electoral district.

267. 79.2. The electoral committee that has, on meeting the requirements of Paragraph 1, registered district lists for at least one-half of electoral districts is authorized to nominate additional lists without having to support them with signatures of additional voters.

268. 79.3. The duty of supporting the nomination of a district list

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with signatures of voters does not apply to the electoral committee of a party, organization, or electoral coalition that has, directly following the previous elections, reported to the Sejm Presidium the existence of its own caucus of deputies with at least 15 deputies as members.

269. 79.4. The nomination of district lists by the electoral committees meeting the requirements of Paragraphs 2 and 3 takes place on the basis of a certification of the State Electoral Commission, issued at the request of the interested electoral committee, when that request is submitted at least 40 days before Election Day. The information referred to in Paragraph 3 is transmitted by the Sejm Presidium to the State Electoral Commission within 10 days from the day the elections are ordered.

270. 79.5. In the event of dissolution of the Sejm, the provisions of Paragraph 3 apply to the electoral committees that, on the day of that dissolution, are meeting the requirement of that paragraph.

271. Article 80.1. The district list is presented to the district electoral commission at least 40 days before Election Day.

272. 80.2. The number of candidates on the list may not be fewer than three or greater than twice the total number of deputies to be elected in a given electoral district.

273. 80.3. The district list is presented in writing by a representative of the electoral committee, hereinafter referred to as the 'committee representative,' or by a person authorized thereby. Appended to the thus-presented list is a document from the electoral committee certifying the appointment of the committee representative and giving his name, surname, and exact address.

274. 80.4. If the district list is presented by a person authorized by the representative of the electoral committee, the provisions of Paragraph 3 apply correspondingly.

275. Article 81.1. The presented district list should contain:

276. 1) The appellation of the electoral committee, with allowance for the appellation, acronym, and logo of the parties or organizations forming that committee, and specifying its exact address; in the case of an electoral committee formed by individual voters, a minimum of 15 names and addresses of the cofounders of that committee should be reported.

277. 2) The names, surnames, ages, occupations or professions, and addresses of the candidates, and, in the event of candidates nominated by electoral committees formed by voters, their party

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affiliations. The names of the candidates are placed on the list in a sequence to be determined by the electoral committee.

278. 81.2. In the presented list, the committee representative may specify the acronym of the electoral committee with which the registered list is to be marked on official announcements and ballots.

279. 81.3. The committee representative may also request that the names or acronyms—not more than 40 print characters—of parties or organizations supporting particular candidates be printed on the list next to those candidates. The request is presented together with the list.

280. 81.4. In the case of a list presented by an electoral committee formed by voters, the names of individual candidates should be marked by the appellations or acronyms of the parties of which they are members. The provisions of Paragraph 3 apply correspondingly.

281. 81.5. Along with each list presented, the following documents should be appended:

282. 1) A certified extract from party or organization membership records, as registered with a proper court of law and, in the case of an electoral coalition and an electoral committee formed by voters, a document certifying the existence of that coalition or committee, signed by three persons accepting responsibility for the accuracy of the data contained in that document.

283. 2) Petitions by the voters who support the list, comprising at least 3,000 signatures, or the certification of the State Electoral Commission referred to in Article 79, Paragraph 4.

284. 3) A signed declaration of consent from each candidate to nomination on the district list.

285. 4) A signed declaration of each candidate as to whether he or she had ever been an employee or secret informant of the Office of Public Security, the Ministry of Public Security, the Security Service of the Ministry of Internal Affairs, or military special services, in particular, the Military Information Directorate, the Military Internal Service, the Second Directorate of the General Staff of the People's Polish Army, or the Intelligence Department of the Frontier Protection Troops.

286. Article 82.1. The appellation, acronym, and logo of the electoral committee referred to in Article 81 should sufficiently differ from the appellations, acronyms, and logos of other electoral committees.

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287. 82.2. if, following the acceptance of a presented list, another received presentation contains the same or insufficiently different appellation or acronym of the electoral committee, the electoral commission views it as defective and designates a time limit of three days to remedy it. In the event of failure to remedy that defect, the commission refuses to register the list.

288. 82.3. The electoral commission, under the procedure specified in Paragraph 2, brands as defective a list presented by an electoral committee whose appellation does not reflect the appellations and acronyms of the parties or organizations forming that committee.

289. Article 83.1. The district electoral commission immediately registers a district list presented in accordance with the provisions of the present law, upon keeping a written record of the registration. One copy of the registration is handed to the committee representative and another transmitted to the State Electoral Commission.

290. 83.2. If the presented list is defective, the commission asks the committee representative to eliminate the defect(s) within three days. If that is not done, the commission declines to register the list in its entirety or with respect to individual candidates. In the latter case, the list, with the proviso of the provisions of Article 80, Paragraph 2, is registered only in the part thereof that was not declined by the commission.

291. 83.3. The rulings of the district electoral commission referred to in Paragraph 2 and in Article 82, Paragraphs 2 and 3 are immediately conveyed to the committee representative. The representative has the right to appeal them to the State Electoral Commission within three days afterward. There is no legal recourse from a ruling issued upon considering that appeal.

292. Article 84.1. The State Electoral Commission assigns by lottery, on the basis of records of the registration of district lists, not later than 35 days before Election Day, the same identifying number to the lists of an electoral committee that were registered in more than one electoral district. The committee representatives are notified about the date of the lottery.

293. 84.2. Lots for the first few numbers are cast with respect to the lists of electoral committees referred to in Article 79, Paragraph 3, when those lists are registered in all of the electoral districts. In the next sequence, lots are cast for the numbers of the lists of other electoral committees that also registered their lists in all of the electoral districts. Finally, lots are cast for the numbers of the remaining lists of electoral committees.

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294. 84.3. The State Electoral Commission immediately notifies the district electoral commissions and the committee representatives about the thus-determined identifying numbers of their district lists.

295. Article 85.1. Upon receiving the notification referred to in Article 84, Paragraph 3, the district electoral commission, with allowance for the sequence of list numbers determined by the procedure specified in Article 84, shall cast, not later than 17 days before Election Day, lots for the numeration of the lists of electoral committees that were registered in only one electoral district. The committee representatives are notified of the date of the lottery.

296. 85.2. The district electoral commission immediately notifies the committee representatives about the identifying numbers of the district lists as determined by casting lots as referred to in Paragraph 1.

297. Article 86.1. The district electoral commission orders the printing of announcements about the registered district lists, containing information on the numbers, appellations, and acronyms of electoral committees, as well as personal data on the candidates named in the presented lists.

298. 86.2. A copy of the announcement referred to in Paragraph 1 is transmitted to the proper local director of the voivodship electoral office, who attends to having it printed and put up in poster form in the area of the electoral district not later than eight days before Election Day. One copy of the announcement is immediately transmitted to the State Electoral Commission.

299. Article 87.1. The district electoral commission expunges from a registered district list the name of a candidate for deputy who is deceased, has forfeited the right to be elected, or has submitted in writing a withdrawal of his consent to candidacy.

300. 87.2. If the deletion of the name of a candidate from the list owing to his or her death causes fewer than three candidate names to remain on the list, the commission notifies the committee representative about the possibility of nominating a new candidate. The list can be thus complemented not later than 10 days before Election Day.

301. 87.3. if the deletion of the name of a candidate from the list is due to a reason other than his or her death, or if the list could not be complemented prior to the deadline specified in Paragraph 2, so that fewer than three candidate names are mentioned on the list,

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the commission invalidates the registration of that list. There can be no legal recourse from such a ruling of the commission.

302. 87.4. In the event that the electoral committee referred to in Article 77, Paragraph 1 or 2 is disbanded, the district electoral commission invalidates the registration of the list presented by that committee.

303. 87.5. The deletion of the candidate and the rulings referred to in Paragraphs 2-4 are immediately communicated by the district electoral commission to the committee representative, the State Electoral Commission, and the voters.

304. B. Voter Support for the Nominations of District Lists of Candidates for Deputies

305. Article 88.1. A voter may provide written support for more than one district list. Withdrawal of the provided support is ineffective.

306. 88.2. A voter providing support for a district list affixes his or her signature next to his or her legibly written name and surname, address, and the registration number of his or her I.D. card or passport.

307. 88.3. The petition containing voter signatures should include on each page the appellation of the electoral committee nominating the list, the number of the electoral district for which the list is nominated, and the signature of the committee representative.

308. 88.4. A sample format of the petition containing voter signatures is defined by the State Electoral Commission.

309. Article 89.1. The district electoral commission, when accepting a submitted district list, verifies in the presence of the committee representative the accuracy with which the required number of voter signatures was gathered. It numbers sheets with voters' signatures, affixes to each sheet its seal, and issues to the committee representative a receipt for the list.

310. 89.2. If the properly gathered number of signatures is smaller than the statutory minimum, the commission declines to accept the district list upon specifying the problems identified and returns the sheets with signatures to the committee representative.

311. 89.3. The ruling referred to in Paragraph 2 may be appealed by the committee representative to the proper local voivodship court within three days afterward. The voivodship court in a bench of three judges considers the appeal in nonlitigious proceedings within two days. There can be no legal recourse from its verdict.

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312. 89.4. The accepted sheets with voters' signatures are stored by the commission in sealed packets, which can be unsealed and made available only when so needed in proceedings before the organs of the administration of justice, in the presence of a member of the district electoral commission; the date of that action is immediately communicated to the committee representative.

313. Article 90.1. In the event of justified doubts as to the accuracy of the data contained in the voters' petition or the credibility of the signatures, the district electoral commission suspends the registration of the district list and, in a manner it determines, verifies within three days the accuracy of the data or the credibility of the signatures on the basis of available official documents, including registries of voters and official registries of residents as well as, if the need arises, depositions by voters. The committee representative is immediately notified of any such suspension of registration of the list and initiation of clarifying proceedings.

314. 90.2. If the conducted proceedings establish that the presented list did not receive the support of the statutory minimum number of voters' signatures, the commission declines to register the list and immediately notifies the committee representative accordingly.

315. 90.3. The ruling referred to in Paragraph 2 may be appealed by the committee representative to the proper local voivodship court within three days afterward. The voivodship court considers the appeals within three days in a bench of three judges in nonlitigious proceedings. The date on which the court holds its session is communicated to the district electoral commission and the committee representative. There can be no legal recourse against the verdict of the court.

316. C. Reporting the National Lists of Candidates for Deputies

317. Article 91.1. The national list is reported to the State Electoral Commission not later than 20 days before Election Day.

318. 91.2. The entity authorized to report the national list is an electoral committee that has registered district lists in at least one-half of electoral districts or that meets the requirements of Article 79, Paragraph 3.

319. 91.3. The electoral committee of an ethnic minority organization is authorized to present a national list if it has registered district lists in at least five electoral districts or if it meets the requirements of Article 79, Paragraph 3.

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320. 91.4. A national list is reported in writing by a committee representative. The report states the appellation and address of the electoral committee and the name, surname, and exact address of the committee representative.

321. 91.5. At least 69 candidates must be named on a national list.

322. 91.6. Only candidates registered on the district lists of a given electoral committee may be named on a national list. Next to their names are specified the numbers of the electoral districts for which the district lists were registered.

323. Article 92.1. The reporting and the registration of a national list are governed, correspondingly, by the provisions of Article 83, Paragraphs 1 and 2, and by Article 87. The ruling of the State Electoral Commission may be appealed by the committee representative to the Supreme Court within three days afterward. The Supreme Court considers the appeal within three days from the date it is lodged, in nonlitigious proceedings, upon correspondingly applying the provisions of the code of civil procedure. There can be no legal recourse from the verdict of the Supreme Court.

324. 92.2. If, as a result of the proceedings referred to in Paragraph 1 and Article 83, Paragraph 3, Article 89, Paragraph 3, and Article 90, Paragraph 3, the electoral committee is deemed to meet the requirements for nominating a national list, the State Electoral Commission accepts that list as if it were presented before the deadline.

325. Article 93.1. Following the registration of national lists, the State Electoral Commission makes public, in the form of an announcement, information on the registered national lists, containing their numbers, the appellations and acronyms of electoral committees, the total number of candidates, and data on the 69 candidates on each list; the number of the national list is the number of the district list determined by casting lots as specified in Article 84.

326. 93.2. The announcement referred to in Paragraph 1 is made public not later than eight days before Election Day, by publishing it in a national daily, and copies thereof are provided to all ward electoral commissions.

327. D. Confidential Representatives

328. Article 94.1. The committee representative may delegate one confidential representative to each ward electoral commission in the area of the electoral district in which the district list presented by him was registered.

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329. 94.2. The committee representative issues to confidential representatives a certification following the format defined by the State Electoral Commission.

330. Chapter 8 Ballots

331. Article 95. Upon registering the district lists, the district electoral commission orders the printing of ballots and assures their transmission to the ward electoral commissions by the procedure defined by the State Electoral Commission.

332. Article 96. The following information is provided on the ballot, in this order: designations of the lists registered in a given electoral district, containing list numbers and appellations or acronyms of electoral committees. Under the designation of each list are given the names and surnames of all of the candidates registered on that list.

333. Article 97.1. Concise information on voting procedure is printed on each ballot.

334. 97.2. The seal of the proper district electoral commission is printed on the ballot.

335. 97.3. The ballot may be imprinted on one side only. The size and kind of type should be the same for the designations of all of the lists and the names of candidates.

336. 97.4. The sample format of the ballot is determined by the State Electoral Commission.

337. Article 98. The rules for the preparation of ballots and the procedure for their transmission to the polling wards created abroad and on Polish seagoing ships are determined by the State Electoral Commission upon consulting, correspondingly, the minister for foreign affairs and the minister for transportation and navigation.

338. Chapter 9 Determining the Results of the Balloting in Polling Wards

339. Article 99. Immediately after the balloting is ended, the ward electoral commission determines the results of the balloting in the ward. Confidential representatives may be present.

340. Article 100.1. The commission determines, on the basis of the list of voters, the number of persons authorized to vote and the number of voters who were provided with ballots.

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341. 100.2. The commission determines the number of unused ballots and places those ballots in sealed packets.

342. 100.3. The chairperson, in the presence of the commission, opens the voting urn, whereupon the commission counts the ballots contained therein.

343. 100.4. Ballots that are torn completely in half or into more parts are not taken into consideration in the counting referred to in Paragraph 3.

344. 100.5. If the number of ballots in the urn exceeds the number of ballots that were issued, the commission states in a written record the probable cause of that disparity.

345. Article 101. After determining the number of ballots issued, the ward electoral commission begins to count the ballots cast for individual district lists as well as for individual candidates from those lists.

346. Article 102.1. A ballot is considered invalid if an 'X' is placed in the squares to the left of the names of two or more candidates from different lists, or if no 'X' is placed in the square to the left of the name of any candidate from any list.

347. 102.2. Ballots other than the officially prescribed ballots imprinted with the seal of the ward electoral commission are invalid.

348. 102.3. If an 'X' is placed in the squares to the left of the names of two or more candidates from the same list, that is considered a vote validly cast in favor of the concerned district list, with priority in election given to the candidate for deputy whose name comes first on that list.

349. 102.4. Write-ins of additional list numbers and appellations or names, as well as any other write-ins, do not affect the validity of the ballot.

350. Article 103. The ward electoral commission prepares, in duplicate, a record of balloting in the ward.

351. Article 104.1. The record of balloting in the ward specifies the number of:

352. 1) Persons eligible to vote.

353. 2) Voters who were issued ballots.

354. 3) Ballots cast.

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355. 4) Invalid ballots.

356. 5) Valid ballots.

357. 6) Valid ballots cast for each of the district lists (overall number of votes cast for the candidates on that list).

358. 7) Valid ballots cast for individual candidates on each district list.

359. 104.2. The record moreover specifies the number of received but unused ballots.

360. 104.3. The record specifies the starting and ending time of the balloting and discusses the orders and decisions issued as well as any other major circumstances relating to the course of the balloting.

361. 104.4. The record is signed by all of the members of the ward electoral commission who were present during its preparation. The commission's seal is affixed to the record.

362. 104.5. Confidential representatives have the right to enter their comments in the record, upon specifying any accusations made.

363. Article 105. Immediately after preparing the record, the ward electoral commission makes public the results of the balloting on district lists, with allowance for the data referred to in Article 104, Paragraph 1.

364. Article 106.1. The chairperson of the ward electoral commission immediately transmits to the district electoral commission, in a sealed envelope, one copy of the record of the balloting in the ward.

365. 106.2. The procedure for the transmission and reception of the records referred to in Paragraph 1 is determined by the State Electoral Commission.

366. 106.3. The guidelines and procedure for transmitting to the proper district electoral commission the results of the balloting from the polling wards referred to in Article 51 are determined by the State Electoral Commission upon correspondingly consulting the minister for foreign affairs and the minister for transportation and navigation.

367. 106.4. The State Electoral Commission may define the guidelines and procedure for an earlier transmission of data from the record by means of a public telecommunications network or an electronic data

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transmission system.

368. Article 107.1. Upon completing the activities referred to in Article 106, the chairperson of the ward electoral commission immediately transfers to the village head or burgomaster (mayor) the balloting documents.

369. 107.2. Documents from foreign polling wards and wards aboard Polish seagoing ships are correspondingly stored by consuls and ship captains.

370. Chapter 10 Determining the Results of Elections in an Electoral District

371. Article 108.1. The district electoral commission determines, on the basis of the records referred to in Article 106, Paragraph 1, the results of the balloting for individual district lists and prepares, in duplicate, a record of the results of the balloting in the electoral district.

372. 108.2. If the proper district electoral commission finds it impossible to learn about the results of the balloting at polling wards abroad and aboard Polish seagoing ships within 36 hours after the end of the balloting referred to in Article 35, Paragraph 1, such balloting is considered as nonexistent. That fact is noted in the record of the balloting in the electoral district, upon specifying the concerned polling wards and the eventual reasons that the results of the balloting could not be made available.

373. 108.3. The record specifies the number of:

374. 1) Persons eligible to vote.

375. 2) Voters provided with ballots.

376. 3) Ballots cast.

377. 4) Invalid ballots.

378. 5) Valid ballots.

379. 6) Valid ballots cast for each of the district lists.

380. 7) Valid ballots cast for individual candidates from each of the district lists.

381. 108.4. The record is signed by all of the members of the commission who were present at its preparation. The commission's seal is affixed to the record.

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382. 108.5. During the determination of the results of the balloting and the preparation of the record, committee representatives may be present. They have the right to add their comments to the record, upon specifying particular accusations.

383. 108.6. The chairperson of the district electoral commission immediately transmits to the State Electoral Commission the recorded data on the number of valid ballots and those validly cast for each of the district lists as well as for individual candidates on each of those lists, by a procedure defined by the State Electoral Commission through the mediation of a public telecommunications network or an electronic data transmission system.

384. 108.7. The record referred to in Paragraph 1 is immediately transmitted by the chairperson of the district electoral commission to the State Electoral Commission by the procedure defined by the latter.

385. Article 109.1. On the basis of the data referred to in Article 108, Paragraph 6, the State Electoral Commission makes a preliminary determination of the number of valid votes and of those validly cast for the district lists of individual electoral committees on the national scale as well as for the lists that meet the requirements for participation in the apportionment of seats in electoral districts. The corresponding information is made public.

386. 109.2. Upon receiving election records from electoral districts, the State Electoral Commission makes a record of the overall results of voting for district lists on the national scale and establishes, with allowance for Article 5, Paragraph 1, which lists meet the eligibility requirements for the apportionment of seats in electoral districts, upon accordingly notifying in writing the district electoral commissions. The corresponding information is made public.

387. Article 110.1. Upon receiving the notification referred to in Article 109, Paragraph 2, the district electoral commission apportions seats among the eligible district lists as follows:

388. 1) The number of valid votes cast for each of those lists in an electoral district is divided successively by 1, 2, 3, 4, and so forth, until the quotients thus derived can be used to rank as many successively greater numbers as there exist seats to be apportioned among the lists.

389. 2) Each list is assigned as many seats as there are successively larger numbers applying to it among the series of quotients determined above.

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390. 110.2. If the quotients for several lists equal the last of the numbers ranked in the above-described manner and there are more of these lists than there are seats available, priority is given to the lists with the greatest numbers of votes cast for them. Should an equal number of votes be cast for two or more lists, priority is determined according to the number of polling wards at which more votes were cast for a given list.

391. Article 111.1. Seats due for a given district list are assigned to candidates in succession according to the maximum number of votes they received.

392. 111.2. If two or more candidates win an equal number of votes, making them eligible for a seat from a given list, priority is given to the sequence in which their names are placed on the list.

393. Article 112. If there remain any vacant seats in an electoral district, the number of deputies elected from national lists is increased in proportion to the number of those seats.

394. Article 113.1. After the electoral results in an electoral district are determined, the district electoral commission prepares, in duplicate, a record of the elections of deputies in the electoral district.

395. 113.2. The record specifies the number of deputies elected in the district as well as the number of:

396. 1) Eligible voters.

397. 2) Voters who were issued ballots.

398. 3) Ballots cast.

399. 4) Invalid ballots.

400. 5) Valid ballots.

401. 6) Valid ballots cast for each of the district lists.

402. 7) Seats to be apportioned to each list.

403. 8) Valid ballots cast for individual candidates on each district list.

404. 9) The names and surnames of the deputies elected from each district list.

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405. 113.3. In the event referred to in Article 112, the record specifies the number of remaining seat vacancies in the district.

406. 113.4. The record is signed by all of the commission members present at its preparation, and the commission's seal is affixed thereto.

407. 113.5. When determining the electoral results and preparing the record, committee representatives may be present, and they have the right to add their comments to the record, upon specifying particular accusations.

408. 113.6. The provisions of Article 108, Paragraph 2 apply correspondingly.

409. Article 114. The district electoral commission immediately makes public the balloting and electoral results in the electoral district, with allowance for the data referred to in Article 109, Paragraph 2 and Article 113, Paragraphs 2 and 3.

410. Article 115.1. The chairperson of the district electoral commission transmits, by means of the public telecommunications network or an electronic data transmission system, to the State Electoral Commission, following the latter's guidelines, the information on the record of elections of deputies in the electoral district.

411. 115.2. The record referred to in Article 113 is immediately transmitted in a sealed envelope by the chairperson of the district electoral commission to the State Electoral Commission, following the latter's guidelines. The other electoral documents are kept by the director of the voivodship electoral office proper for the site of the commission.

412. Article 116.1. Upon receiving the records referred to in Article 115, Paragraph 2, the State Electoral Commission verifies the accuracy with which electoral results were determined in electoral districts.

413. 116.2. In the event that inaccuracies in determining the electoral results are established, the State Electoral Commission orders that those results be rechecked. The provisions of Articles 110-115 apply correspondingly.

414. Chapter 11 Determining Electoral Results for National Lists of Candidates for Deputies. Announcing the Results of Elections to the Sejm

415. Article 117. The State Electoral Commission, upon receiving the

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records from the district electoral commissions and verifying the accuracy with which the results of elections in electoral districts were determined, establishes, with allowance for the provisions of Article 5, Paragraph 1, which national lists meet the eligibility requirements for the apportionment of seats pursuant to Article 4 or Article 7.

416. Article 118.1. The State Electoral Commission apportions seats among eligible national lists, with allowance for Article 112, as follows:

417. 1) The number of valid votes cast for all of the district lists of a given electoral committee is divided successively by 1, 2, 3, 4, and so forth, until the quotients thus derived can be ordered into a series of as many successively greater numbers as there are seats available for apportionment among the national lists.

418. 2) To each list are assigned as many seats as there are applicable corresponding successively greater numbers from among the above-derived series of quotients.

419. 118.2. If the quotients derived for several lists equal the last of the numbers sequenced in the above manner and there are more lists than available seats, priority is given to the lists of electoral committees that won more seats in the districts. If the lists of two or more electoral committees won the same number of seats in districts, priority in awarding a seat is decided by the greater number of votes won nationwide by the lists of a given electoral committee.

420. Article 119.1. The seats apportioned to a given national list are awarded to candidates according to the sequence in which their names are printed on the list, upon omitting those candidates who already won seats in electoral districts.

421. 119.2. If the number of seats available for a given list is greater than the number of candidates on that list, the remaining seats are assigned to other lists, with priority given to the highest quotients.

422. Article 120. The State Electoral Commission prepares a record of elections of deputies from national lists of candidates for deputies, in which it reports:

423. 1) The roster of registered national lists.

424. 2) The number of valid votes cast for all of the district lists in the nation.

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425. 3) The number of valid votes nationwide for the district lists of every individual electoral committee that has registered a national list, along with the percentile proportion of that number in relation to the number of votes cast for all of the district lists in the nation.

426. 4) The roster of the national lists eligible for the apportionment of seats.

427. 5) The number of seats apportioned to discrete national lists.

428. 6) The names and surnames of elected deputies, along with the numbers and appellations of the national lists on which they were elected, plus the numbers of the electoral districts in which they were candidates.

429. Article 121.1. The State Electoral Commission, upon preparing the record referred to in Article 120, makes public, in the form of an announcement, the results of elections to the Sejm. The announcement includes basic information from the records of those elections of deputies in electoral districts and from national lists.

430. 121.2. The announcement referred to in Paragraph 1 is immediately published in a national daily as well as in DZIENNIK URZADOWY RZECZYPOSPOLITEJ POLSKIEJ MONITOR POLSKI.

431. 121.3. The State Electoral Commission publishes a statistical report containing detailed information on the results of the balloting and elections to the Sejm.

432. 121.4. The State Electoral Commission, in consultation with the general director of State Archives, specifies the time period of the storage of the state documents on balloting and elections referred to in Article 107 and Article 115, Paragraph 2 and the procedure for transferring them to the proper state archives.

433. Article 122. The State Electoral Commission issues certificates of election to the deputies.

434. Article 123. The State Electoral Commission submits to the speaker of the Sejm and to the Supreme Court a report on the elections not later than within seven days after making the announcement referred to in Article 121, Paragraph 1.

435. Chapter 12 Validity of Elections

436. Article 124.1. The validity of national or district elections or of the election of particular deputies may be protested on the grounds of an electoral crime or a violation of the provisions of the

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present law governing balloting and the determination of balloting and electoral results.

437. 124.2. If the protest is based on the accusation of an electoral crime or a violation by the State Electoral Commission of the provisions of the present law concerning the determination of balloting and electoral results, the protest may be lodged by any voter.

438. 124.3. A protest against the validity of elections in a district or of the election of a particular deputy may be lodged by a voter whose name on Election Day was present in the list of voters for a polling ward in the area of the concerned electoral district.

439. 124.4. The right to lodge a protest also belongs to a representative of an electoral committee.

440. 124.5. In the event a protest is lodged against the validity of national or district elections or of the election of particular deputies, the provisions of the Law on the Responsibilities and Rights of Deputies continue to apply to the concerned deputy or deputies until the case is resolved in the manner defined in Article 128.

441. Article 125.1. The protest is submitted in writing to the Supreme Court not later than within seven days after the electoral results are announced by the State Electoral Commission in DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ MONITOR POLSKI. Mailing the protest before that deadline at a Polish postal office is tantamount to submitting it to the Supreme Court.

442. 125.2. With regard to voters sojourning abroad or aboard a Polish seagoing ship, the requirements of Paragraph 1 are deemed met if the protest was filed with, respectively, the local Polish consul or the ship captain. If the protest is to merit consideration, the voter is obliged to append to the protest a notice naming his or her representative resident in the home country or a person authorized to receive notices on the voter's behalf in the home country. 125.3. The protester should specify accusations in the protest and present or point to the evidence on which those accusations are based.

443. Article 126.1. The Supreme Court considers the protest in a bench of three justices in nonlitigious proceedings, upon applying correspondingly the provisions of the Code of Civil Procedure, and it issues an opinion in the form of a ruling on the protest.

444. 126.2. The opinion should assess the validity of the accusations contained in the protest and, should they be found valid, a judgment as to whether the electoral crime or a violation of the

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provisions of the present law could or did influence the electoral results.

445. 126.3. The parties to the proceedings are, by virtue of law, the protester, the chairperson or a vice chairperson of the concerned electoral commission, and the prosecutor general.

446. Article 127.1. The Supreme Court refrains from acting on a protest lodged by an unauthorized person as construed by Article 124, Paragraphs 2-4, or not meeting the requirements of Article 125. An extension of the deadline for lodging the protest is inadmissible.

447. 127.2. The Supreme Court refrains from acting on a protest concerning a matter with regard to which the present law provides for the possibility of filing a complaint or an appeal with a court of law or the State Electoral Commission before Election Day.

448. 127.3. If a protest contains an accusation of an electoral crime, the Supreme Court immediately notifies the prosecutor general.

449. Article 128.1. The Supreme Court, in a bench of the entire Administrative, Labor, and Social Insurance Chamber, decides, on the basis of an electoral report presented by the State Electoral Commission, as well as on the basis of opinions issued upon examining protests, the validity of national and district elections as well as of the elections of particular deputies against which or whom a protest was lodged. The related proceedings are governed correspondingly by Articles 18 and 19 of the Law of 20 September 1984 on the Supreme Court (DZ.U. No. 26, Item 153, and No. 53, Item 306, 1990; and No. 83, Item 371, No. 100, Item 443, and No. 113, Item 491, 1991).

450. 128.2. The decision referred to in Paragraph 1 is made by the Supreme Court in the form of a resolution not later than within 90 days following Election Day, at a session attended by the prosecutor general and the chairman of the State Electoral Commission.

451. 128.3. In resolving to invalidate elections in general or the election of a particular deputy, the Supreme Court at the same time orders the expiration of the related mandates and the conduct of new elections or the resumption of specified electoral activities.

452. 128.4. The resolution of the Supreme Court is immediately conveyed to the president and the speaker of the Sejm, as well as to the State Electoral Commission, and published in DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ MONITOR POLSKI.

453. 128.5. The expiration of the mandates referred to in Paragraph 3 takes place on the day on which the resolution of the Supreme Court

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is made public.

454. Article 129.1. In the event that the Supreme Court adopts the resolution referred to in Article 128, Paragraph 3, new elections or specified electoral activities are carried out within three months after the publication of the resolution, following the guidelines and procedure specified in the present law.

455. 129.2. The president's order specifying new elections or particular electoral activities is made public and published in DZIENNIK USTAW RZECZYPOSPOLITEJ POLSKIEJ not later than within 10 days after the publication of the Supreme Court resolution referred to in Paragraph 1.

456. 129.3. The provisions of Article 10, Paragraph 2 apply, correspondingly, with the proviso that the deadlines for implementing electoral activities may be shorter than specified in the present law.

457. 129.4. Voting in the new elections is held only on Polish national territory.

458. 129.5. The results of the new elections and of resumed electoral activities are reported by the State Electoral Commission in the announcement referred to in Article 121, Paragraphs 1 and 2. The announcement, moreover, names the persons who have, as a result of the new elections or resumed electoral activities, forfeited their mandate, upon specifying the number of the electoral district and the number and appellation of the list of candidates.

459. 129.6. The expiration of the mandates referred to in Paragraph 5 takes place on the day on which the announcement of the State Electoral Commission is published in DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ MONITOR POLSKI.

460. 129.7. The announcement referred to in Paragraph 5 is immediately transmitted to the speaker of the Sejm.

461. Article 130. In the event that the Supreme Court resolves to invalidate elections and its resolution is published in DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ MONITOR POLSKI, the provisions of Article 11 apply correspondingly.

462. Chapter 13 Expiration of the Mandate of a Deputy and Complementation of Sejm Membership

463. Article 131.1. A deputy's mandate expires owing to:

464. 1) His refusal to swear the deputy's oath.

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465. 2) The loss of his right to stand for elections.

466. 3) The renunciation of his mandate.

467. 4) His death.

468. 5) The occupation of or appointment to the post of a justice of the Constitutional Tribunal, a justice of the Tribunal of State, a justice of the Supreme Court, the chairman of the National Bank of Poland, the citizens' rights spokesman, the chairman of the Supreme Chamber of Audits, an ambassador, or a voivode.

469. 131.2. The expiration of the deputy's mandate is established by the speaker of the Sejm.

470. 131.3. The expiration of the mandate of a deputy holding on Election Day one of the posts mentioned in Paragraph 1, Point 5) takes place unless the deputy presents to the speaker of the Sejm, within seven days after the certificate of election referred to in Article 122 is issued, a declaration of resignation from the post held; the expiration of the mandate of a deputy appointed during his or her term of office to one of the posts mentioned in Paragraph 1, Point 5) takes place on the day of the appointment.

471. Article 132.1. In the event of the expiration of the mandate of a deputy elected from a district list of candidates, the speaker of the Sejm decides to replace him or her with the next candidate from the same list who received in the elections the second-largest number of votes. In the presence of a tie, the candidate named first on the district list is selected.

472. 132.2. A candidate may yield his right to the mandate to another candidate from the same list who has won the next largest number of votes. The declaration of renunciation of that right should be presented to the speaker of the Sejm within seven days after the decision referred to in Paragraph 1 is delivered.

473. 132.3. If replacing a deputy by the procedure referred to in Paragraphs 1 and 2 is not possible owing to a lack of candidates to whom the mandate could be transferred, the seat in question remains vacant until the end of the term.

474. 132.4. For the expiration of the mandate of a deputy elected from a national list of candidates, the provisions of Paragraphs 1-3 apply correspondingly, with the proviso that priority to transfer the mandate depends on which of the remaining candidates is named first on that list.

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475. Chapter 14 The Electoral Campaign

476. Article 133. The electoral campaign commences on the day on which elections are publicly ordered by the president and ends 24 hours before Election Day.

477. Article 134. The provisions of the present law may not be interpreted so as to violate, during an electoral campaign, the obligation of the mass media to present objective information on events and occurrences in this country and abroad.

478. Article 135.1. Voter rallies organized with the object of gathering signatures in support of lists of candidates for deputies or convened and held as part of an electoral campaign waged on behalf of lists and candidates for deputies are not subject to the provisions of the Law of 5 July 1990 on Rallies (DZ.U. No. 51, Item 297).

479. 135.2. Any voter can gather signatures in support of nominating petitions on behalf of lists of candidates for deputies and disseminate electoral programs, electioneer on behalf of lists and candidates for deputies, and organize voter rallies.

480. 135.3. Signatures in favor of the petitions referred to in Paragraph 2 may be gathered at a place and time and in a manner precluding the application of any pressure whatsoever to extort the signatures.

481. Article 136. Starting on the 12th day before Election Day and until the end of the elections, the publicization of the results of preelectoral studies (polls) of public opinion concerning the expected voter behavior and electoral results is prohibited; that applies also to the results of voter polls conducted on Election Day.

482. Article 137.1. All electoral posters, inscriptions (slogans), or flyers containing explicit designations of the sponsor or distributor are subject to legal protection.

483. 137.2. The provisions of Article 63a of the Code of Petty Offenses do not apply to the affixing of electoral wall posters.

484. Article 138.1. Electoral posters and slogans may be affixed to the walls of buildings and partitions only upon obtaining the consent of the owner or administrator of the real estate.

485. 138.2. The affixing of electoral posters and slogans to the exterior and interior walls of national and local government buildings and the judiciary, as well as on the territory of military units, civil defense units, and barracked police units, is hereby

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prohibited.

486. 138.3. A gmina council may prohibit affixing posters or slogans to certain public buildings as well as to specified parts of public areas for reasons relating to landmark and environmental protection.

487. 138.4. The installation of facilities for making public announcements relating to campaigning for the elections has to follow the mandatory laws governing order in public places. The provisions of Article 137 apply correspondingly.

488. 138.5. Posters should be affixed in such a manner that they can be later removed without any damage.

489. 138.6. The police (or municipal watchmen) are obliged to remove posters and slogans that were affixed in a manner that could endanger the life or health of the public, the safety of property, or the security of road traffic.

490. 138.7. The proper electoral committees are obliged to remove, within 30 days after the elections, electoral posters and slogans or facilities for making public announcements installed with the object of electoral campaigning.

491. 138.8. The governing board of a gmina resolves to remove the electoral posters, slogans, and facilities for making public announcements that were not removed by the proper electoral committees within the deadline referred to in Paragraph 7, upon charging the expenses of the removal to the proper electoral committees.

492. Article 139.1. If the posters, slogans, flyers, verbal comments, and other forms of electioneering contain inaccurate data and information, any interested person has the right to file, with a voivodship court, a request for:

493. 1) Confiscation of such materials.

494. 2) A prohibition against the publication of such data and information.

495. 3) An order to issue a rectification of the information.

496. 4) An order for an apology to the libeled person.

497. 5) An order to donate up to 20 million zlotys to a charitable institution.

498. 6) An assessment to the defendant of up to 20 million zlotys,

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payable to the plaintiff as compensation.

499. 139.2. The voivodship court considers the motion referred to in Paragraph 1 within 24 hours, in nonlitigious proceedings, in a bench of three judges. The court may also consider the case in the event of a justified absence of the plaintiff or the defendant after they were notified by the proper procedure about the date of the hearing. The court's ruling is immediately transmitted to the interested party referred to in Paragraph 1, to the proper district electoral commission, and to the party obliged to implement it. The ruling may be appealed within 24 hours afterward to an appellate court, which is obliged to consider the appeal within 24 hours. There is no legal recourse from the decision of the appellate court, and it is subject to immediate execution.

500. 139.3. Inaccurate data or information concerning elections and relating to the electoral campaign, when published in the press, is subject to being rectified within 48 hours.

501. 139.4. As regards rectifications of the data or information published in newspapers and periodicals other than dailies, the court specifies the daily in which the rectification is to be published at the expense of the defendant within 48 hours.

502. 139.5. In the event of refusal or failure to publish the rectification by the defendant or by a party specified in the court's ruling, the court orders, on the motion of the plaintiff, the publication of the rectification in executive proceedings at the expense of the defendant.

503. 139.6. In the matters referred to in Paragraphs 1-5, the provisions of Article 133 do not apply.

504. Article 140.1. Electioneering on the territory of workplaces or public institutions in a manner or in ways interfering with their normal operation is prohibited.

505. 140.2. Electioneering on the territory of military units and other organizational units under the jurisdiction of the minister for national defense, as well as in civil defense units and barracked police units, is prohibited.

506. Article 141. The organization of parades and demonstrations on Election Day is prohibited.

507. Article 142.1. Starting on the 15th day prior to Election Day and ending with the last day of the electoral campaign, Polish Television, Inc., and Polish Radio, Inc., hereinafter referred to as "Polish Television" and "Polish Radio," shall broadcast free of

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charge the electioneering programs prepared by electoral committees, pursuant to the provisions of the present law.

508. 142.2. An electoral committee has the right to broadcast gratis electioneering programs on the following channels:

509. 1) National channels, if it has registered a national list of candidates for deputies.

510. 2) Regional channels, if it has registered a district list of candidates for deputies in at least one electoral district.

511. 142.3. The total time of gratis broadcasting of electioneering programs is:

512. 1) On national channels: 15 hours on Polish Television and 30 hours on Polish Radio.

513. 2) On regional channels: 10 hours on Polish Television and 15 hours on Polish Radio.

514. 142.4. The boards of governors of the corporations referred to in Paragraph 1 stipulate, upon consulting the appropriate program council:

515. 1) Time allotted for the gratis broadcasting of electioneering programs on every one of the national and regional channels.

516. 2) Overall timetable with respect to Point 1) for the period starting 15 days prior to Election Day and ending with the last day of the electoral campaign.

517. Information on the related decisions is made public in the form of a communique published in a national daily, at least 30 days prior to Election Day.

518. Article 143.1. The directors of the appropriate national television and radio channels allot the time slots for broadcasting gratis the electioneering programs of electoral committees referred to in Article 142, Paragraph 2, Point 1), upon dividing the allotted time equally among the eligible electoral committees on the basis of information provided by the State Electoral Commission on the registered national lists of candidates for deputies.

519. 143.2. The sequence of the daily broadcasting of electioneering programs is determined by the directors referred to in Paragraph 1 by casting lots in the presence of representatives of the eligible electoral committees, not later than 18 days prior to Election Day.

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520. Article 144.1. The directors of local branches of Polish Television as well as the governing boards of regional radio stations allot time slots for the gratis broadcasting of the electioneering programs of electoral committees referred to in Article 142, Paragraph 2, Point 2), upon dividing that time among the eligible electoral committees in proportion to the number of the district candidates for deputies they registered according to the information on registered district lists provided by the district electoral commissions proper for the area to which the regional channel extends.

521. 144.2. The provisions of Article 143, Paragraph 2, apply correspondingly.

522. Article 145.1. Irrespective of the time allotted for the gratis broadcasting of its electioneering programs, any electoral committee may, exclusively during the period starting on the 15th day prior to Election Day and ending with the last day of the electoral campaign, broadcast paid commercials on public and nonpublic radio and television. The combined time of paid commercials may not exceed 15 percent of the total time limit allocated to an electoral committee for the gratis broadcasting of electioneering programs.

523. 145.2. Station operators may not refuse broadcasting the paid commercials referred to in Paragraph 1.

524. 145.3. The fees charged for broadcasting the paid commercials referred to in Paragraph 1 may not exceed 50 percent of the fees charged for commercial advertising, and they must be the same for any advertiser and determined according to the price list mandatory on the day on which elections are ordered.

525. 145.4. The commercials referred to in Paragraph 1 are governed by the regulations concerning advertising on television and radio channels, with the proviso of Paragraph 5.

526. 145.5. The time earmarked for broadcasting paid electioneering commercials is not included in the permissible time limit for commercial advertisements, which is specified in other laws.

527. Article 146. The decisions referred to in Article 143, Paragraph 1, and Article 144, Paragraph 1, may be appealed by the representative of the electoral committee within 48 hours afterward to the State Electoral Commission. There can be no legal recourse from the ruling of the State Electoral Commission.

528. Article 147. The electoral information, communiques, appeals, and slogans published in the print media and publicized on television or radio at the expense of an electoral committee, a political party,

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or another social organization sponsoring lists of candidates for deputies, and also at the expense of the candidates themselves must contain the name of the sponsor and meet the requirements of Article 137, Paragraph 1.

529. Article 148. On matters relating to the conduct of the electoral campaign by means of radio and television programs which are not governed by the provisions of the present law, the provisions of the Law of 29 December 1992 on Radio and Television Broadcasting (DZ.U., No. 7, Item 34, 1993) apply.

530. Article 149. The exercise of the rights ensuing from the present law does not restrict the possibility of the institution of lawsuits by wronged or harmed persons under other applicable laws, and in particular under the Criminal Code, the Civil Law Code, and the Press Law, against persons whose commission or omission of particular actions during the electoral campaign infringed upon personal or property rights of others.

531. Chapter 15 Financing of Elections

532. Article 150.1. The expenditures on organizing the preparations for elections and on the conduct of elections are funded from the state budget.

533. 150.2. The following expenditures are funded from the state budget:

534. 1) The activities of the State Electoral Commission and the National Electoral Office as provided for in the present law.

535. 2) The activities of the lower-level electoral commissions and the provision of services thereto by the organizational bodies and units designated for this purpose.

536. 3) The election-related activities of national agencies and their subordinate central offices and organizational units, as well as of other government agencies.

537. 4) The election-related activities recommended by the national government to the gminas.

538. 5) The gratis broadcasting of the electioneering programs of electoral committees on Polish Television and Polish Radio pursuant to the provisions of Article 142.

539. 6) The rights of electoral committees to receive subsidies in connection with their expenditures on the electoral campaign, pursuant to the provisions of Article 155.

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540. 150.3. A report on the expenditures funded from the state budget as referred to in Paragraph 2 is made public by the State Electoral Commission within five months after Election Day.

541. 150.4. The state budget, moreover, each year allocates funding for the activities of the State Electoral Commission, the National Electoral Office, and the voivodship electoral offices, as well as for the maintenance and updating of permanent gmina registries of voters by village heads, burgomasters, and mayors.

542. 150.5. The guidelines for the financial planning of the expenditures referred to in Paragraph 2 and Paragraph 4 and for their implementation are defined by budgetary regulations.

543. Article 151. The election-related expenditures of electoral committees are defrayed from their own funding sources.

544. Article 152. Electoral committees may organize public fund-raising drives for electioneering purposes, under the guidelines and procedure defined in the regulations governing public fund-raising.

545. Article 153.1. An electoral committee may not use for electioneering purposes funds deriving from:

546. 1) The state budget, with the exception of the case referred to in Article 155.

547. 2) State organizational units.

548. 3) Budgets of local government units, municipal associations, and other communal legal entities, and local-government dietines.

549. 4) State enterprises and private enterprises in which shares are owned by the State Treasury, local government units, municipal associations, and other communal legal entities.

550. 5) Entities subsidized by the State Treasury.

551. 6) Foreign nationals, as construed by the Foreign Exchange Law.

552. 153.2. The provisions of Paragraph 1 apply correspondingly to nonmonetary assets.

553. Article 154.1. The funding of participation in electoral committees is subject to public disclosure.

554. 154.2. An electoral committee whose district list has been

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registered is obliged to prepare a financial report specifying its funding sources--in particular, the bank loans obtained and the terms on which they were obtained--as well as donations exceeding the equivalent of 10 months of average monthly wages in six basic branches of manufacturing and the expenditures on electioneering activities.

555. 154.3. The State Electoral Commission, upon consulting the minister for finance, determines the sample format of the financial report and the detailed scope of the information it is to contain.

556. 154.4. Electoral committees make their financial reports public within three months after Election Day, in a national daily newspaper, upon correspondingly notifying in writing the State Electoral Commission.

557. 154.5. Representatives of the electoral committees formed by voters are obliged to keep records of documents relating to the funding of their electoral campaigns for 12 months after Election Day.

558. Article 155.1. An electoral committee that meets the requirements referred to in Article 154, Paragraph 2 and Paragraph 4 has the right to receive from the state budget a subsidy in connection with its expenditures on the electoral campaign; the amount of the subsidy is proportional to the number of the deputies elected from the lists of that electoral committee.

559. 155.2. The total amount of the subsidy is fixed at 20 percent of the aggregate expenditures earmarked in the state budget for the organization of the preparations for and conduct of the elections.

560. 155.3. The subsidy for an electoral committee is reckoned as follows: The total amount of the subsidy referred to in Paragraph 2 is divided by 560 and multiplied by the number of deputies elected from the candidate lists of that committee.

561. 155.4. The subsidy is deposited by the minister of finance in the bank account specified by the electoral committee on the basis of the scheduled budget appropriations referred to in Paragraph 2 and the information received from the State Electoral Commission on the electoral committees eligible for the subsidy and the number of deputies elected from the lists of those committees.

562. Article 156. In the event there is a surplus of the funds obtained for the electoral campaign and with allowance for the subsidy referred to in Article 155, Paragraph 1, the representative of an electoral committee formed by voters is obliged to assign that surplus for socially useful purposes. The related information is made

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public by the committee representative in a national daily not later than within nine months after Election Day, and the State Electoral Commission is correspondingly notified.

563. Chapter 16 Special Provisions, Amendments to Binding Provisions, and Interim and Final Provisions

564. Article 157. Whoever violates the injunctions defined in Article 136, Article 140, and Article 145, or affixes electoral posters and slogans in violation of the guidelines of Article 138, is liable for a fine.

565. Article 158.1. Whoever does not fulfill the obligation of preparing and publicizing the financial report referred to in Article 154 or who provides inaccurate data therein is subject to the penalty of imprisonment for up to two years or a fine.

566. 158.2. Whoever violates the obligation of transmitting the surplus funds referred to in Article 156 for socially useful purposes is subject to the penalty of imprisonment for up to two years or a fine.

567. Article 159. Proceedings in the cases referred to in Article 157 are governed by the regulations concerning proceedings in cases of petty offenses.

568. Article 160. All election-related writings and judicial and administrative proceedings are fee-exempt.

569. Article 161.1. Whenever the present law refers to the expiration of the deadline for filing a complaint or an appeal with a court of law or an electoral commission, that deadline is to be construed as the day on which the complaint or appeal is filed with a court of law or an electoral commission.

570. 161.2. If the deadline for an action referred to in the present law falls on a legal nonbusiness day, it expires on the first business day afterward.

571. Article 162.1. The State Electoral Commission existing on the effective date of the present law becomes the State Electoral Commission as construed by the present law.

572. 162.2. The National Electoral Office and the voivodship electoral offices existing on the effective date of the present law become, correspondingly, the National Electoral Office and the voivodship electoral offices, as construed by the present law.

573. Article 163.1. Voivodship electoral offices also exercise

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duties ensuing from the Law of 8 March 1990 Governing the Elections to Gmina Councils (DZ.U. No. 16, Item 96, 1990; and No. 53, Item 227, 1991) as relating to the conduct of elections to gmina councils.

574. 163.2. The guidelines for exercising the duties referred to in Paragraph 1 are defined by the general electoral commissioner in consultation with the director of the National Electoral Office.

575. Article 164. The following amendments are incorporated in the Law of 8 March 1990 Governing the Elections to Gmina Councils (DZ.U. No. 16, Item 96, 1990; and No. 53, Item 227, 1991):

576. 1) In Article 24, Paragraphs 1 and 2, Article 25, Paragraphs 1 and 2, Article 30, Article 38, Paragraphs 2 and 3, Article 61, Paragraphs 1 and 2, Article 62, Paragraph 3, Article 81, Paragraph 2, Article 94, Article 102, Paragraph 6, Article 103, Article 104, Article 105, and Article 110, Paragraph 3, the expression 'general electoral commissioner' is deleted and 'State Electoral Commission,' as used in appropriate cases, inserted in lieu thereof.

577. 2) In Article 17, Paragraph 3 is amended as follows:

578. '17.3. The lists of voters are prepared on the basis of the gmina registry of voters, maintained pursuant to the guidelines defined in separate regulations.'

579. 3) Article 18 is amended as follows:

580. 'Article 18. The State Electoral Commission determines, upon consulting the minister for internal affairs, the sample format of the list of voters and the procedure for maintaining and updating it.'

581. 4) Article 23 is amended as follows:

582. 'Article 23. The elections are conducted by:

583. '1) The State Electoral Commission, established pursuant to separate regulations.

584. '2) Voivodship electoral commissioners.

585. '3) Territorial (gmina, urban) electoral commissions.

586. '4) Ward electoral commissions.'

587. 5) Article 28 is expunged.

588. 6) Article 29 is expunged.

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589. 7) In Article 34, Paragraph 4, the expression ``general electoral commissioner'' is struck out and ``members of the State Electoral Commission'' is inserted in lieu thereof.

590. 8) In Article 36, the expression ``general electoral commissioner'' and the comma are struck out, and the adjective ``voivodship'' is replaced by the adjective ``voivodship.''

591. 9) Article 37 is amended as follows:

592. ``Article 37.1. Services to the State Electoral Commission and to voivodship electoral commissioners are provided by, correspondingly, the National Electoral Office and the voivodship electoral offices, established under separate regulations.

593. ``37.2. Services and supplies needed for the activities of territorial and ward electoral commissions are rendered, as government-commissioned tasks for the gmina, by the village head or burgomaster (mayor).''

594. 10) Article 38, Paragraph 1, is amended as follows:

595. ``Article 38.1. The State Electoral Commission determines its house rules and the operating procedure of voivodship electoral commissioners.''

596. 11) In Article 39, Paragraph 1, the expression ``of the general electoral commissioner and'' is deleted.

597. Article 165. In the Law of 27 September 1990 on Electing the President of the Polish Republic (DZ.U. No. 67, Item 398, and No. 79, Item 465), the following amendments are incorporated:

598. 1) Article 9 is amended as follows:

599. ``Article 9. The elections are conducted by:

600. ``1) The State Electoral Commission, which is established under separate regulations.

601. ``2) Voivodship electoral commissions.

602. ``3) Ward electoral commissions.''

603. 2) Article 14 is deleted.

604. 3) In Article 16:

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605. a) In Paragraph 2, the second sentence is amended as follows:

606. ``The guidelines, procedure, and timetable for appointing those commissions are determined by the State Electoral Commission upon correspondingly consulting the minister for transportation and navigation and the minister for foreign affairs.``

607. b) In Paragraph 3, the expression ``of the chairperson`` is replaced by ``of the chairperson and the vice chairperson,`` and the remaining expressions are deleted.

608. 4) Article 20 is amended as follows:

609. ``Article 20. The voivodship and the ward electoral commissions are disbanded by the State Electoral Commission after accomplishing their statutory purposes.``

610. 5) Article 21 is amended as follows:

611. ``Article 21.1. Services to the State Electoral Commission and the voivodship electoral commissions are provided correspondingly by the National Electoral Office and the voivodship electoral offices, established under separate regulations.

612. ``21.2. Services and supplies needed for the activities of ward electoral commissions are provided by the village head or burgomaster (mayor) as a government-recommended duty.

613. ``21.3. The obligations referred to in Paragraph 2 apply correspondingly to the captains of Polish seagoing ships and to consuls.``

614. 6) Article 27 is amended as follows:

615. ``Article 27.1. The roster is prepared in duplicate, separately for each polling ward.

616. ``27.2. The roster referred to in Paragraph 1 is transmitted on the eve of Election Day to the chairperson of the concerned ward electoral commission.``

617. 7) Article 28 is deleted.

618. 8) Article 29 is amended as follows:

619. ``Article 29. The State Electoral Commission, in consultation with the minister for internal affairs, defines the sample format of the list of voters, the procedure for preparing and updating it, the sample format of the notice of inclusion of a voter in the list of

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another polling ward, and the sample format of the certificate of the right to vote.''

620. 9) In Article 35, Paragraph 3 is amended as follows:

621. ``25.3. The State Electoral Commission, in consultation with the minister for transportation and navigation, defines the procedure for preparing the list referred to in Paragraph 1.''

622. 10) In Article 36, Paragraph 3 is amended as follows:

623. ``36.3. The State Electoral Commission, in consultation with the minister for foreign affairs, defines the procedure for preparing the list referred to in Paragraph 1.''

624. 11) Article 48 is amended as follows:

625. ``Article 48. The guidelines for the preparation and procedure for the transmittal of ballots to the polling wards established aboard Polish seagoing ships and abroad are determined by the State Electoral Commission in consultation with, correspondingly, the minister for transportation and navigation and the minister for foreign affairs.''

626. 12) In Article 66:

627. a) In Paragraph 4, the expression ``to the voivodes'' is struck out and ``to the directors of voivodship electoral offices'' is inserted in lieu thereof.

628. b) The following Paragraph 5 is added:

629. ``66.5. The State Electoral Commission, in consultation with the director general of State Archives, defines the time limit for the storage of the balloting and other electoral documents referred to in Paragraph 4 and the procedure for transmitting those documents to the proper state archives.''

630. Article 166.1. In the first elections to the Sejm ordered under the present law, Polish citizens permanently residing abroad may participate by voting abroad, upon showing a document authorizing the issuance of a Polish passport or on the basis of other documents proving the identity of those persons.

631. 166.2. The minister for foreign affairs, in consultation with the minister for internal affairs, shall define the kind of documents referred to in Paragraph 1 and the procedure for verifying them by the consuls.

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632. Article 167. The Law of 28 June 1991 Governing Elections to the Sejm of the Polish Republic (DZ.U. No. 59, Item 252) is hereby rendered null and void, with the caveat of Article 168, Point 2).

633. Article 168. The present law takes effect 14 days after its publication, with the proviso that:

634. 1) Article 164 takes effect on 27 November 1993, whereupon Article 163 ceases to apply on that day.

635. 2) Changes in the membership of the Sejm and the Senate elected in the elections of 27 October 1991 are governed by the provisions of the Law of 28 June 1991 Governing Elections to the Sejm of the Polish Republic.

636. NOTE: The Supplement ''List of Electoral Districts'' to the present law will be published in one of the next issues of RZECZPOSPOLITA.

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