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Law on Sejm Elections

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[Law dated 28 June governing the electoral law to the Sejm of the Republic of Poland]

[Text]

Chapter 1. General Principles

Article 1. Elections of deputies to the Sejm of the Republic of Poland are popular, direct, equal, and free, and conducted by secret ballot.

Article 2. Under the principle of proportionality, 460 deputies are elected to the Sejm of the Republic of Poland, with the reservation that:

- 1) 391 deputies are elected from district lists of candidates in multiseat electoral districts;
- 2) 69 deputies are elected from national lists of candidates linked to district lists of candidates.

Article 3. Every voter has one vote.

Article 4. 1. The term of office of the Sejm commences on the day of its first session and continues until the deputies gather for the first session of the subsequent term of office of the Sejm.

4. 2. The president of the Republic of Poland orders elections not later than four months prior to the expiration of the Sejm's term of office, on designating election day on a legal nonwork day during the last month of the expiring term of office of the Sejm. The president's order is published in *DZIENNIK USTAW RZECZYPOSPOLITEJ POLSKIEJ* not later than 115 days before election day.

4. 3. In the order referred to in Paragraph 2, the president simultaneously designates the days on which the activities of the electoral calendar prescribed in the present law expire.

Article 5. 1. In the event of dissolution of the Sejm the president orders, not later than seven days from the date of the dissolution order, new elections to the Sejm, on designating them on a legal work-free day within four months from the date the order to dissolve the Sejm is issued.

5. 2. The president's order is published in *DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ "MONITOR POLSKI"* not later than 100 days prior to election day; in this event the provisions of Article 4, Paragraph 3, apply correspondingly.

Chapter 2. Voting Rights of Citizens

Article 6. 1. The right to vote belongs to persons with Polish citizenship who completed 18 years of age on election day (electoral franchise).

6. 2. The right to vote also belongs to persons whose Polish citizenship has not been corroborated and who are not citizens of another country, provided that they have been

permanently residing on the territory of the Polish Republic for at least five years.

Article 7. The following persons are not eligible to vote:

- 1) Those deprived of public rights by a valid judicial ruling;
- 2) Those deprived of voting rights by a ruling of the Tribunal of State;
- 3) Those declared entirely or partially incapacitated by a valid judicial ruling owing to mental illness or mental retardation.

Article 8. To be elected to the Sejm a person must be a Polish citizen who is eligible to vote, if on election day he/she has completed 21 years of age and if he/she has been permanently residing on the territory of the Polish Republic for at least five years.

Chapter 3. Voters' List

Article 9. 1. Names of persons eligible to vote are recorded on the voters' list.

9. 2. A voter's name may be recorded on only one voters' list.

Article 10. 1. The voters' list is prepared according to the updated registry of voters in a gmina, kept by the gmina office pursuant to guidelines defined in separate regulations.

10. 2. Persons deprived of voting rights are deleted from the voters' list in accordance with notices from courts of law or from the Tribunal of State, transmitted by a procedure specified by the minister of justice.

Article 11. 1. The voters' list is prepared in two copies, separately for each electoral ward, according to the addresses of the voters.

11. 2. The voters' list specifies the voter's name and surname, father's name, date of birth, and address.

11. 3. The voters' list is prepared by the gmina office not later than 14 days before election day, as a task [instructed by the state].

Article 12. 1. Military personnel performing basic or periodic military service, serving as candidates for the career military, or undergoing exercises and military retraining, as well as labor-brigade members doing substitute military service in civil defense outside their home districts are registered on request in the voters' list they select, prepared for the locality in which they are serving. The request is submitted 21 to 14 days prior to election day.

12. 2. The provisions of Paragraph 1 apply correspondingly to police personnel from barracked units.

12. 3. Commanders of military, civil-defense, and police units are obligated to provide military, labor-brigade, and police personnel with the conditions for exercising the rights ensuing from Paragraph 1.

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12. 4. The minister of national defense and the minister of internal affairs, upon consulting the State Electoral Commission, shall specify the manner in which the commanders are to perform their obligations referred to in Paragraph 3.

Article 13. A voter lacking an address is registered on the voters' list proper for the locality of his/her actual sojourn upon his/her request submitted to the gmina office preparing said list not later than seven days prior to election day.

Article 14. 1. Voters' lists for hospitals, social care institutions, penitentiaries, and detention centers are prepared by the concerned gmina offices on the basis of rosters of persons whose period of residence in these institutions includes election day.

14. 2. Rosters of the persons referred to in Paragraph 1 are transmitted by directors of the institutions to the gmina offices not later than 14 days prior to election day.

Article 15. 1. Information about the inclusion in voters' lists of persons residing temporarily not longer than two months in a given electoral ward as well as of the military, labor-brigade, and police personnel referred to in Article 12, and the persons staying at hospitals, social care homes, penitentiaries, and detention centers is transmitted to the gmina offices proper for the permanent addresses of these persons, so that their names may be struck out from their home voters' lists.

15. 2. A voter who changes his address after the voters' list is prepared receives on demand from the gmina office preparing that list a certificate of the right to vote that authorizes him to vote in his new electoral ward on election day.

15. 3. The gmina office that prepared the list of voters deletes from that list the persons who were issued certificates of the right to vote owing to their change of address as well the persons concerning whom it has received official notice that they were registered in another electoral district.

Article 16. 1. The voters' list is kept by the gmina office and open for public viewing.

16. 2. The village head or burgomaster or city mayor notifies voters by the customary means of the preparation of the voters' list and of the place and time of its availability for public viewing.

Article 17. 1. Polish citizens sojourning abroad who can show a valid Polish passport are registered on the voters' list prepared by the local consulate of the Republic of Poland.

17. 2. The registration is performed on the basis of an application received from the interested party verbally, in writing, by telephone, by telegraph, or by telefax. The application should contain name and surname, father's name, place of sojourn of the voter, and the number and

place and date of issue of the valid Polish passport. The application can be submitted at the latest three days before election day.

17. 3. The State Electoral Commission shall, in cooperation with the minister of foreign affairs, define the manner in which the voters' list referred to in Paragraph 1 is to be prepared and updated.

Article 18. 1. Any citizen can submit to a gmina office, verbally or in writing, a claim about any irregularities in the preparation of the voters' list, and in particular concerning:

- 1) Omission of a voter on the voters' list;
- 2) Registration on the voters' list of a person who lacks the right to vote;
- 3) Inclusion in the voters' list of improper data about the voters registered.

18. 2. The village head or burgomaster or city mayor is obligated to consider the claim within 48 hours from the date of its submission and take a decision concerning revisions of the voters' list.

18. 3. The decision is handed immediately to the claimant and, when it concerns other persons, to those other persons as well.

18. 4. Claims regarding a voters' list which concerns persons referred to in Article 17, Paragraph 1, are considered by the local Polish consul. The consul's decisions on these claims are final.

Article 19. 1. A decision which disregards the claim or results in a deletion from the voters' list may be appealed within 48 hours thereafter by the claimant or the person deleted from said list to the proper district court through the mediation of the village head or the burgomaster or the city mayor. The appeal should be filed together with a copy of the decision in question and the dossier of the case.

19. 2. The court considers the appeal in nonlitigious proceedings, in a bench of one judge and two lay-judges, within three days from the date of filing. A copy of the court's ruling is handed to the appellant and to the village head or burgomaster or city mayor who prepared the voters' list. The court's ruling is final.

Article 20. The State Electoral Commission specifies, in cooperation with the Minister of Internal Affairs, the sample voters' list, the manner of preparation and updating of the list, the sample notice of registration of a voter on the voters' list of another electoral district, and the sample certificate of the right to vote.

Article 21. The voters' list is transmitted not later than on the eve of election day to the chairman of the proper ward electoral commission.

Article 22. The ward electoral commission adds to the voters' list on election day:

1) Persons presenting certificates of the right to vote, on attaching such certificates to the voters' list:

2) Persons omitted on the voters' list if, by showing a notation in their identity cards, they can prove that they are registered permanent residents of the electoral ward concerned, and if the gmina office confirms that it had not been notified of the loss of their right to vote.

Chapter 4. Voting

Article 23. Voting can be done only in person.

Article 24. Voting can be done only by a voter who is registered on the voters list, as well as by voters added to that list pursuant to the provisions of Article 22.

Article 25. 1. Voting takes place on the premises of the ward electoral commission without any intermission, between 0600 and 2000 hours.

25. 2. In special cases, especially those warranted by a request of voters, the ward electoral commission may, upon consulting the district electoral commission, fix an earlier hour for the commencement of voting.

25. 3. Voting in electoral wards abroad takes place between 0600 and 2000 hours local time. If local time is such that voting would be completed on the day following the election day in Poland, voting is conducted on the day preceding election day.

Article 26. 1. Before balloting commences, the ward electoral commission checks to see that the voting urn is empty, whereupon it closes it and affixes thereto the commission's seal and determines the number of the ballots received.

26. 2. Once the urn is sealed, it may not be opened until the balloting is over.

26. 3. From the moment balloting commences until it ends, at least three persons belonging to the ward electoral commission should be present on the voting premises, with at least one of these persons being the commission chairperson or his/her deputy.

Article 27. 1. Before balloting, the voter shows the ward electoral commission a document serving to verify his/her identity.

27. 2. A voter who is registered on the voters' list but lacks a document serving to verify his/her identity may call upon two credible witnesses known to the commission's members to confirm his identity. The commission's ruling on the confirmation of identity is final.

27. 3. The voter receives from the commission a ballot. To prevent multiple balloting, the voter confirms receipt of the ballot by signing his name in the appropriate column on the voters' list.

27. 4. The ward electoral commission issues a ballot that is additionally provided with the commission's own seal.

Article 28. A voter who votes abroad receives a ballot only upon showing the ward electoral commission a valid Polish passport.

Article 29. 1. On receiving a ballot a voter enters a site that is screened off to assure secrecy of balloting, on the electoral premises.

29. 2. On the ballot containing district lists of candidates for deputies the voter votes for a particular list by placing an "X" in the box to the left of the name of one of the candidates on that list, which thereby points to that candidate's priority in winning the mandate.

29. 3. Next, the voter casts the ballot into the voting urn, on folding it so that its printed side would not be visible.

Article 30. A disabled person may, at his/her request, be assisted in voting by other persons, with the exception of representatives of political parties.

Article 31. 1. Voting may not be interrupted. Should extraordinary happenings make voting temporarily impossible, the ward electoral commission may discontinue, prolong, or postpone it to the following day. This decision should be immediately made public and conveyed to the district electoral commission and the village head or the burgomaster or the city mayor.

31. 2. In the event of interruption or postponement of voting, the commission seals the aperture of the voting urn and transmits it to the commission's chairperson for safekeeping. Before balloting is recommenced, the commission verifies in writing that the seals remain inviolate.

Article 32. 1. Electioneering in electoral premises is prohibited on election day.

32. 2. Only official notices, and in particular those referred to in Articles 73 and 78, may be posted in electoral premises.

32. 3. On election day, during all the activities of the ward electoral commission, representatives of electoral committees may be present on voting premises upon showing a certificate issued by an authorized member of the electoral committee.

Article 33. Access to voting premises is prohibited to persons who bear arms.

Article 34. 1. The chairman of the ward electoral commission is responsible for maintaining peace and order during the balloting. To this end, he/she has the right to demand of persons disturbing peace and order that they vacate the electoral premises.

34. 2. On the demand of the chairman of the ward electoral commission, the commander of the local police precinct is obligated to provide needed assistance.

34. 3. In the event of a disturbance of peace in electoral premises, the provision of Article 33 does not apply.

Chapter 5. Electoral Districts and Electoral Wards

Article 35. 1. In order to conduct the elections, the national territory is subdivided into multiseat electoral districts, hereinafter referred to as "electoral districts," comprising the areas of one or several voivodships or parts of a voivodship.

35. 2. The subdivision into electoral districts, their numbering and boundaries, and the number of deputies elected in each district, as well as the sites of the district electoral commissions, are defined in the Supplement to the present law.

Article 36. 1. The boundaries of electoral districts and the number of deputies elected in each district are determined according to a uniform representation standard.

36. 2. The representation standard is determined for electoral districts by dividing the country's population by the number of the deputies elected in electoral districts, that is, by 391.

36. 3. The number of deputies elected in any electoral district as referred to in Paragraph 1 may not be smaller than seven deputies.

Article 37. 1. The State Electoral Commission presents to the Sejm recommendations concerning changes in the boundaries of electoral districts and in the number of deputies elected therein insofar as such a need arises owing to changes in the basic territorial division of the country or in the population of individual electoral districts.

37. 2. The recommendations referred to in Paragraph 1 are presented by the State Electoral Commission to the Sejm not later than 12 months prior to the expiration date of the Sejm's term of office. The Sejm implements changes in the subdivision of the country into electoral districts not later than 9 months prior to the expiration of its term of office.

Article 38. Information on subdivision into electoral districts in the part thereof concerning these districts is communicated to voters in the form of announcements on posters whose printing and affixing are ordered by the proper voivodes, not later than 90 days prior to election day.

Article 39. Voting is conducted in electoral wards comprising from 500 to 3000 inhabitants each, formed on the area of the gmina. In cases warranted by local conditions, electoral wards comprising a smaller or greater number of inhabitants may be formed.

Article 40. 1. Electoral wards are established in hospitals and social care homes if they house at least 50 voters each for a period comprising election day.

40. 2. Electoral wards are established for voters residing in penitentiaries and detention centers. Failure to establish such a ward may occur solely in warranted cases upon the request of the director of the penitentiary or detention center.

Article 41. 1. Electoral wards are established by the gmina council on the recommendation of the village head or the

burgomaster or the city mayor, upon determining the boundaries and numbering of the wards and the sites of the ward electoral commissions.

41. 2. Resolutions concerning the matters referred to in Paragraph 1 are immediately conveyed to the proper district electoral commission.

Article 42. 1. Electoral wards for Polish citizens sojourning abroad are established by the minister of foreign affairs in coordination with the State Electoral Commission, on designating the sites of the ward electoral commissions.

42. 2. The electoral wards referred to in Paragraph 1 are part of the electoral district proper for Warsaw-Downtown Gmina.

Article 43. 1. Information on the boundaries and numbering of electoral wards and the sites of the ward electoral commissions is made public by the village heads, burgomasters, and city mayors, by putting up posters not later than 35 days prior to election day.

43. 2. The obligation referred to in Paragraph 1 rests on consuls with respect to the electoral wards formed abroad, with the proviso that this obligation should be implemented not later than 21 days prior to election day.

Chapter 6. Electoral Commissions

Article 44. Elections are conducted by:

- 1) The State Electoral commission;
- 2) District electoral commissions;
- 3) Ward electoral commissions.

Article 45. 1. Members of electoral commissions forfeit their membership on the day when they sign a consent form for candidacy to the post of a Sejm deputy.

45. 2. Members of electoral commissions may not exercise the role of general or ward representatives of electoral committees.

45. 3. Members of electoral commissions may not, during an electoral campaign, engage in electioneering in favor of specific candidates or candidate lists.

Article 46. 1. Members of electoral commissions are entitled to receive per diems and reimbursement of traveling expenses in accordance with the guidelines and amounts specified by the Chairman of the Council of Ministers in coordination with the State Electoral Commission.

46. 2. Members of electoral commissions are paid a lump-sum salary for the time spent on conducting the voting and determining the results of the balloting and the elections, in accordance with the guidelines and amounts specified by the chairman of the Council of Ministers in coordination with the State Electoral Commission.

46. 3. In connection with the performance of the activities referred to in Paragraph 2, members of electoral commission are entitled to a 3-day unpaid work release from their

normal occupations and professions upon retaining the right to all the attendant job benefits for that time.

46. 4. The guidelines for and amounts of the remuneration of members of the State Electoral Commission are determined by the speaker of the Sejm.

46. 5. The provisions of Paragraph 2 do not apply to members of the State Electoral Commission.

Article 47. Members of electoral commissions are entitled to the legal protection provided for civil servants.

A. The State Electoral Commission

Article 48. The State Electoral Commission is a permanent body proper in matters of the preparation, organization, and conduct of elections.

Article 49. The purposes of the State Electoral Commission include, in particular:

- 1) Monitoring adherence to the electoral law;
- 2) Taking the necessary organizational measures relating to the preparation and conduct of elections;
- 3) Cooperating with the proper offices of the general and local government administration with the object of an efficient preparation and conduct of elections;
- 4) Appointing district electoral commissions;
- 5) Examining complaints about the activities of district electoral commissions;
- 6) Registering national lists of candidates for deputies;
- 7) Monitoring the updating of voters' lists and the preparation of these lists;
- 8) Examining periodic reports of the National Electoral Office on changes in the basic territorial division of the country and in the population of electoral districts;
- 9) Determining sample ballots and official forms and electoral prints as well as sample seals of district and ward electoral commissions;
- 10) Determining and announcing the final results of elections to the Sejm;
- 11) Issuing to elected Sejm deputies certificates of election;
- 12) Reporting to the Sejm on elections;
- 13) Implementing other tasks specified in the present law.

Article 50. 1. The State Electoral Commission performs its duties by acting directly or supervising the lower-level electoral commissions established for the period of elections.

50. 2. To accomplish its duties, the State Electoral Commission adopts resolutions and issues guidelines and clarifications binding on the lower-level electoral commissions and the offices of the central and local government administrations, as well as on their subordinate units which perform tasks relating to the conduct of elections.

50. 3. The State Electoral Commission establishes its own operating rules as well as the rules binding on district and ward electoral commissions, upon specifying in particular:

- 1) Operating principles and procedure of the commissions;
- 2) Manner of implementation of their objectives;
- 3) Manner of exercising supervision over adherence to electoral law.

50. 4. To assure supervision over adherence to electoral law, the State Electoral Commission may establish its own inspection team.

Article 51. 1. The State Electoral Commission determines the guidelines and procedure for utilizing the electronic system for the transmission and processing of data on the results of balloting and elections.

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

Article 52. 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.

Article 53. 1. The membership of the State Electoral Commission consists of:

- 1) Three justices of the Supreme Court indicated by the Chief Justice of the Supreme Court;
- 2) Three justices of the Constitutional Tribunal indicated by the Chief Justice of the Constitutional Tribunal;
- 3) Three justices of the Superior Administrative Court indicated by the chief justice of the Superior Administrative Court.

53. 2. The president appoints the persons referred to in Paragraph 1 to membership in the State Electoral Commission.

53. 3. Members of the State Electoral Commission elect among themselves the chairman and two deputy chairmen.

53. 4. The membership of the State Electoral Commission is made public and announced in DZIENNIK URZĘDOWY RZECZYPOSPOLITEJ POLSKIEJ "MONITOR POLSKI."

Article 54. 1. Changes in the membership of the State Electoral Commission occur owing to:

- 1) Resignation;
- 2) A recommendation by the chief justice who had originally recommended a justice for membership in the Commission;
- 3) Expiration of the term of office of a member of the Constitutional Tribunal or cessation of employment as a judge.

4) Demise.

54. 2. Membership in the State Electoral Commission is complemented in accordance with the provisions governing its establishment.

Article 55. 1. The permanent National Electoral Office is established.

55. 2. The National Electoral Office assists the State Electoral Commission in accomplishing its objectives, providing support services thereto.

55. 3. The director of the National Electoral Office holds the post of Secretary of the State Electoral Commission and attends its sessions in an advisory capacity.

55. 4. The guidelines for the organizational structure and activities 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.

55. 5. The National Electoral Office operates on the basis of funds allocated from the state budget in the line item concerning the Chancellery of the Sejm.

B. The District Electoral Commissions

Article 56. 1. The purposes of district electoral commissions include in particular:

- 1) Supervising the adherence to provisions of electoral law by ward electoral commissions;
- 2) Examining complaints about the activities of ward electoral commissions;
- 3) Registering district lists of candidates for deputies;
- 4) Ordering the printing of electoral announcements and providing them to ward electoral commissions;
- 5) Determining the results of the balloting and elections in the electoral district;
- 6) Assuring the proper preparation and conduct of elections in cooperation with the proper voivode and the village heads, burgomasters, and city mayors;
- 7) Executing other duties specified in the present law or recommended by the State Electoral Commission.

56. 2. A district electoral commission may establish its own inspection team with the object of monitoring the activities of ward electoral commissions.

Article 57. 1. The membership of a district electoral commission consists of 12 judges from locally proper appellate, voivodship, and district courts, indicated by the presiding judges of these courts.

57. 2. The State Electoral Commission appoints to membership in district electoral commissions the persons referred to in Paragraph 1 on the basis of a notice presented by the minister of justice, not later than 85 days prior to election day.

57. 3. The first session of the district electoral commission is convened, on behalf of the State Electoral Commission, by the voivode proper for the site of the district electoral commission.

57. 4. At their first meeting the members of the district electoral commission elect from among themselves a chairman and two deputy chairmen.

57. 5. The district electoral commission appoints a commission secretary on the recommendation of the director of the voivodship electoral office proper for the site of the district electoral commission. The commission secretary attends sessions of the commission in an advisory capacity.

57. 6. The membership of the district electoral commission is immediately made public by the conventional techniques.

Article 58. 1. Support services in implementing the purposes of the district electoral commission are provided by the permanent voivodship electoral office operating under the voivodship court, proper for the site of the commission.

58. 2. The director of the voivodship electoral office is appointed and recalled by the voivode in consultation with the director of the National Electoral Office.

58. 3. The organizational structure and operating procedure of the voivodship electoral office are defined by the voivode on the recommendation of the director of the National Electoral Office.

58. 4. The voivodship electoral office operates on the basis of funds allocated from the state budget in the line item concerning the budget of the voivode.

Article 59. 1. Changes in the membership of the district electoral commission follow the procedure prescribed for the appointment of its members. 2. District electoral commissions are dissolved by the State Electoral Commission after accomplishing their prescribed purposes.

C. Ward Electoral Commissions

Article 60. The purposes of ward electoral commissions include:

- 1) Conducting balloting in the ward;
- 2) Monitoring, on election day, adherence to electoral law at the time and place of balloting;
- 3) Determining the results of balloting in the ward and making them public as well as transmitting balloting records to the proper district electoral commission.

Article 61. 1. The ward electoral commission is appointed by the proper gmina council, not later than 21 days prior to election day, from among voters, on taking into account the recommendations of electoral committees.

61. 2. A ward electoral commission in an electoral ward established abroad is appointed from among voters by the local Polish consul. The related procedure, guidelines, and

schedule of appointment are determined by the State Electoral Commission in consultation with the the minister of foreign affairs.

61. 3. The ward electoral commission consists of the chairman, the deputy chairman, and four to eight members.

61. 4. The membership of the ward electoral commission is immediately made public by the usual method.

61. 5. Support services and assistance to the ward electoral commission in accomplishing its objectives are provided by the village head or the burgomaster or the city mayor.

61. 6. The obligations referred to in Paragraph 5 apply correspondingly to the services and assistance to be provided to directors of penitentiaries, detention centers, hospitals, and social care centers, as well as to consuls.

Article 62. 1. Changes in the membership of the ward electoral commission follow the procedure prescribed for appointments to such membership.

62. 2. The ward electoral commission is dissolved by the district electoral commission after accomplishing its prescribed objectives.

Chapter 7. Nominating the Lists of Candidates for Deputies

Article 63. 1. The right to nominate district lists of candidates for deputies belongs to voters, political parties and organizations, and social organizations, who and which establish for this purpose national or local electoral committees, hereinafter referred to as "electoral committees."

63. 2. 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 No. 312)—with the exception of Article 4 thereof—and by the provisions of other laws concerning political parties.

Article 64. 1. District lists of candidates for deputies are nominated by the electoral committees meeting the requirements defined in the present chapter.

64. 2. National lists of candidates for deputies are nominated by the electoral committees which have registered lists of candidates in at least five electoral districts.

Article 65. 1. The electoral committees which intend to nominate lists of candidates in more than one electoral district notify accordingly the State Electoral Commission not later than 75 days prior to election day.

65. 2. The notice referred to in Paragraph 1 is presented in writing and signed by three persons authorized by the electoral committee to make declarations on matters relating to its activities. The notice should specify:

1) The full name of the electoral committee (and eventually its acronym) along with its site and exact address;

2) The full names of the political or social parties and organizations, or of their electoral coalition, forming the

electoral committee, or a description of the group of voters associating themselves to establish the electoral committee;

3) A list of members of the electoral committee;

4) Name, surname, and address of the person representing the electoral committee vis-a-vis the electoral commissions.

65. 3. The name of the electoral committee referred to in Paragraph 2, Point 1, should distinguish it from other electoral committees.

65. 4. The notice referred to in Paragraph 2 may also contain a sample logo or logos of the electoral committee, such as would distinguish it from other electoral committees.

65. 5. The political or social parties or organizations forming a joint electoral committee (an electoral coalition), which intend to nominate a national list of candidates may not establish separate electoral committees for nominating district lists of candidates.

Article 66. 1. The State Electoral Commission, on receiving the notice mentioned in Article 65, Paragraph 2, acknowledges its receipt in writing and publishes information on such notices in a national daily.

66. 2. In the event that the notice is defective the State Electoral Commission immediately summons the representative of the electoral committee to rectify the errors in the notice within 48 hours. If said errors are not rectified, the State Electoral Commission declines to receive the notice. A decision on the matter together with a rationale is immediately handed to the concerned electoral committee representative.

66. 3. The decision of the State Electoral Commission referred to in Paragraph 2 may be appealed by the representative of the electoral committee to the Supreme Court within 48 hours from the date it is issued.

66. 4. The Supreme Court considers the matter in a bench of three justices in nonlitigious proceedings within 3 days from the date the appeal is lodged. The Supreme Court arrives at a ruling and issues it, together with a rationale, to the appellant and the State Electoral Commission. The ruling of the Supreme Court is final.

Article 67. 1. Not later than 63 days prior to election day the State Electoral Commission casts lots for identifying numbers to be assigned to the lists of candidates for deputies nominated on behalf of the electoral committee referred to in Article 65.

2. The State Electoral Commission immediately notifies the proper district electoral commissions and the representatives of electoral committees of the resulting identifying numbers of lists of candidates for deputies.

A. Nominating the District Lists of Candidates for Deputies

Article 68. 1. A district list of candidates for deputies is nominated to the district electoral commission not later

than 55 days prior to election day. 68. 2. The district list of candidates for deputies is nominated by the representative of the electoral committee or by a person he authorizes, hereinafter referred to as "the representative."

68. 3. The number of candidates for deputies nominated on the list may not be fewer than three candidates, but it may not exceed the overall number of deputies standing for election in the given electoral district.

68. 4. District lists of candidates should specify the name, surname, age, occupation, and address of each candidate. Names of candidates are placed on the list in the sequence determined by the electoral committee nominating the list.

68. 5. Each list of nominations should be accompanied by written declarations of consent of the candidates for deputies to candidacy on the given list of candidates.

68. 6. The representative of the electoral committee or a person he authorizes is empowered to provide explanations concerning the nominated list of candidates.

68. 7. When presenting a list nominated the representative is obligated to provide the appellation of the list (in an abbreviated or acronym form that does not exceed 40 print characters) which is to be printed on the ballot next to the identifying number of the list.

68. 8. The representative may also ask to designate on the list for individual candidates the names or abbreviations of names of the political or other parties or organizations supporting a given candidate. The related request is presented in writing prior to the expiration of the time limit for nominating district lists of candidates for deputies.

Article 69. 1. The nominated district list of candidates for deputies should be signed by the representative of the electoral committee or by a person he authorizes.

69. 2. The nominated district list of candidates for deputies, registered in the name of the electoral committee, as mentioned in Article 65, is accompanied by a written authorization of the list's representative, signed by the representative of the electoral committee.

69. 3. The nominated list of candidates for deputies for a single electoral district is accompanied by a notice that correspondingly meets the requirements of Article 65, Paragraphs 2-4.

69. 4. The district list of candidates for deputies should be supported by personal signatures of at least 5,000 voters resident in the given electoral district.

69. 5. A candidate may stand for election from only one district list and in only one electoral district.

69. 6. The representative proposes designating the district list of the electoral committee by an appellation or its abbreviation and by an identifying number cast by lots pursuant to Article 67 and assigned to the lists nominated by the given committee.

Article 70. 1. If the combined number of voters supporting district lists of candidates for deputies nominated by the

same electoral committee exceeds 50,000, or if the given electoral committee registers its district lists in at least five electoral districts, the presentation by the representative of a certificate from the State Electoral Commission attesting that the requirement of Article 69, Paragraph 4, does not apply to the district lists reported on behalf of that electoral committee will suffice to register the lists in additional electoral districts.

70. 2. As regards an electoral committee formed by an organization representing a national minority, the rights defined in Paragraph 1 apply once lists of candidates in at least two electoral districts are registered, or once at least 20,000 signatures of voters supporting a list of candidates registered in a single electoral district are gathered.

Article 71. 1. The proper district electoral commission immediately registers the district list of candidates for deputies nominated in accordance with the provisions of the present law, prepares a record thereof, and notifies correspondingly the representative of the electoral committee or of the list.

71. 2. If the list of nominations contains major errors that cannot be eliminated, the commission refuses to register it upon indicating the causes of its refusal and immediately notifies thereof the list's representative.

71. 3. If the list of nominations displays other errors, the commission immediately calls on the representative to rectify them within three days. If the indicated errors are not rectified within three days, the electoral commission refuses to register the list in its entirety or with respect to individual candidates. In the latter case, the list is registered with respect only to those candidates who pass the muster, provided that the requirements of the present law are satisfied.

71. 4. The representative has the right to appeal within three days to the State Electoral Commission the decision to refuse registering the list of individual candidates thereon. The ruling on the appeal is final.

Article 72. 1. After registering all the district candidates for deputies, the district electoral commission casts lots, not later than 42 days prior to election day, for the assignment of identifying numbers to the registered lists, with allowance for the sequence of numbers determined pursuant to Article 67.

72. 2. The district electoral commission immediately notifies the electoral committee representatives about the identifying numbers thus assigned to the lists of candidates for deputies registered in a given electoral district.

Article 73. 1. The district electoral commission orders the printing of posters containing information on registered lists of candidates, their appellations, and identifying numbers, as well as the personal information reported on the candidates.

73. 2. The posters referred to in Paragraph 1 should be transmitted to the proper voivodship electoral offices, which attend to putting them up on the area of a given

electoral district not later than 30 days prior to election day. At the same time, one copy of each poster is transmitted to the State Electoral Commission.

Article 74. 1. The district electoral commission deletes from the registered list the names of candidates who:

- 1) Forfeit their eligibility;
- 2) Withdraw consent to candidacy;
- 3) Pass away.

74. 2. If deleting from the registered district list the name of a candidate who has passed away results in leaving fewer than three names of candidates for deputies on the list, the representative may nominate a new candidate within three days afterward. The list is thus complemented not later than 10 days prior to election day. The provisions of Article 69, Paragraph 4, do not apply here.

74. 3. If deleting the name of a candidate from the list is due to a cause other than that mentioned in Paragraph 1, Point 3, or if the list is not complemented within the time limit referred to in Paragraph 2, and there are fewer than three names of candidates on the list, the district electoral commission invalidates the registration of that list. Its ruling on this matter is final.

74. 4. The district electoral commission immediately notifies voters and the representative about deletion of candidates and the decisions referred to in Paragraphs 2 and 3.

Article 75. 1. After the registration of the district lists of candidates, but not later than 38 days prior to election day, representatives of the concerned electoral committees may submit a joint declaration to the district electoral commission concerning the summation of the votes to be cast for their lists in the electoral district, as the rationale for the joint participation of these lists in the allocation of seats in the Sejm (blocs of lists of candidates).

75. 2. The declaration referred to in Paragraph 1 must be in writing. Unless the representatives decide otherwise in the declaration, the seats to be apportioned to joint candidate lists are allocated in direct proportion to the number of votes cast for each of these lists.

75. 3. Information on such blocs of particular lists of candidates is made available to voters by means of the posters referred to in Article 73.

B. Reporting of National Lists of Candidates for Deputies

Article 76. 1. An electoral committee may nominate to the State Electoral Commission a national list of candidates for deputies not later than 35 days prior to election day.

76. 2. An electoral committee which has registered district lists of candidates in at least five electoral districts is eligible to nominate a national list of candidates.

76. 3. An electoral committee formed by an organization representing a national minority as referred to in Article 70, Paragraph 2, has the right to nominate a national list of

candidates for deputies regardless of the number of district lists of candidates it has registered.

76. 4. The candidates nominated on a national list may be only those who have been registered on district lists of candidates for deputies reported on behalf of a given electoral committee. The national list presented for registration should provide information on the identifying numbers of the districts and the appellations and identifying numbers of the district lists on which the concerned candidates were registered.

76. 5. A national list of candidates must contain at least 35 candidates, and a national list nominated by an electoral committee referred to in Article 70, Paragraph 2, must contain at least 10 candidates.

76. 6. When nominated for registration, a national list of candidates for deputies should specify the appellation or acronym of the reporting electoral committee, and it should be signed by an electoral-committee representative who is authorized to make the related declarations.

Article 77. 1. The registration of national lists of candidates for deputies is correspondingly governed by the provisions of Article 71, Paragraphs 1-3. Decisions to refuse the registration of a national list or of individual candidates on that list may be appealed by the electoral-committee representative within three days afterward to the Supreme Court, which considers the appeal within three days in nonlitigious proceedings upon applying the corresponding provisions of the Code of Civil Procedure. The ruling of the Supreme Court is final.

77. 2. If it becomes necessary to revise the registered national list of candidates, the provisions of Article 74 apply accordingly.

77. 3. Registered national lists of candidates are correspondingly governed by the provisions of Article 75, Paragraphs 1 and 2, with the reservation that the time limit specified in Article 75, Paragraph 1, expires 30 days prior to election day.

Article 78. 1. After registering all the national lists of candidates for deputies the State Electoral Commission makes public an announcement containing information on these lists, their identifying numbers, the appellations or acronyms of electoral committees, the total number of candidates nominated on these lists, and information on not more than 70 candidates per list.

78. 2. The announcement referred to in Paragraph 1 is made public not later than 21 days prior to election day, by being published in a national daily.

78. 3. The announcement referred to in Paragraph 1 is transmitted to all ward electoral commissions.

C. Ward Representatives

Article 79. 1. Representatives of all electoral committees may designate one ward representative each to the proper ward electoral commission upon issuing them suitable

certificates in accordance with the sample form defined by the State Electoral Commission.

79. 2. The list of the designated ward representatives referred to in Paragraph 1 is transmitted by the electoral-committee representative to the district electoral commission not later than 7 days prior to election day. The list should specify the names and surnames of the ward representatives and name the ward electoral commissions to which the ward representatives are to be assigned.

79. 3. The district electoral commission attends to notifying the ward electoral commissions about the designated ward representatives not later than on the eve of election day.

79. 4. If the need arises to replace a designated ward representative after the expiration of the time limit referred to in Paragraph 2, the electoral-committee representative notifies accordingly the proper ward electoral commission and the district electoral commission not later than on the eve of election day.

Chapter 8. Nominating Petitions for Reporting District Lists of Candidates for Deputies

Article 80. 1. A voter who signs the nominating petition for a district list of candidates for deputies also jots down his/her name, surname, address, and number of identity card or other documents serving to verify his/her identity.

80. 2. Every page signatures in the nominating petition should contain the appellation of the electoral committee nominating the district list of candidates for deputies, on specifying the identifying number of the electoral district for which the list of candidates is nominated.

80. 3. The proper electoral commission receiving the nomination verifies in the presence of the electoral-committee representative that the number of signatures on the nominating petition for the district list meets the requirements and issues to said representative a confirmation in writing. After counting the signatures of voters the commission stores the lists of these signatures in a safe place, in closed and sealed packets.

80. 4. A voter may sign nominating petitions for more than one district list of candidates.

Article 81. 1. In the event of justified doubts as to the credibility of voters' signatures, the district electoral commission has the right to verify them.

81. 2. Finding that the number of signatures is below the required number results in refusal to accept for registration a district list of candidates, or in invalidating its registration for a given electoral district. The related decision is immediately communicated by the commission to the electoral-committee representative.

81. 3. Doubts as to the credibility of the signatures may be announced not later than 45 days prior to election day.

81. 4. The decision referred to in Paragraph 2 may be appealed within three days afterward by the electoral-committee representative to the territorially proper voivodship court.

81. 5. The voivodship court examines the appeal referred to in Paragraph 4 within 24 hours in nonlitigious proceedings, in a bench of three judges. The court's ruling is final.

Chapter 9. Ballots

Article 82. The ballot for district lists of candidates for deputies specifies the identifying numbers and appellations of all the lists of candidates registered in a given electoral district, along with the names and surnames of all the candidates registered on each of the district lists, plus the information referred to in Article 68, Paragraph 8.

Article 83. The ballot should provide concise information about the voting procedure and the consequences of faulty balloting (requirements for the validity of the ballot).

Article 84. 1. The ballot may be imprinted on one side only. The size and type of font should be the same for all the lists of candidates for deputies.

84. 2. The seal of the proper district electoral commission is imprinted on the ballot.

84. 3. Sample ballots and the procedure for preparing and delivering ballots to ward electoral commissions are determined by the State Electoral Commission.

Chapter 10. Determining the Results of Balloting in Electoral Wards

Article 85. Immediately after the balloting is ended the ward electoral commission determines the results of balloting in the ward. Ward representatives of electoral committees may be present during that determination.

Article 86. 1. The commission determines on the basis of the voters' list the number of eligible voters and the number of voters who were issued ballots.

86. 2. The commission determines the number of unused ballots and places these ballots in sealed packets.

86. 3. The commission chairman, in the presence of the commission, opens the voting urn and thereupon counts the ballots it contains.

86. 4. Ballots torn completely in half or into more parts are not considered when determining the balloting results.

86. 5. Should the number of ballots in the urn exceed the number referred to in Paragraph 1, the commission states in a written record the probable cause of this discrepancy.

Article 87. After the number of ballots cast is determined, the ward electoral commission begins to count the number of ballots cast for every individual district list of candidates for deputies, as well as for every individual candidate on these lists.

Article 88. 1. If, on the ballot for district lists of candidates, the symbol "X" is marked in the boxes to the left of the names of two or more candidates from different lists, or if

no such symbol is marked in the box next to the name of any candidate on any list, the ballot is considered invalid.

88. 2. Also invalid are:

- 1) Ballots other than those officially determined;
- 2) Ballots lacking the seal of the ward electoral commission.

88. 3. If the symbol "X" is marked in the box to the left of the names of more than one candidate on the same list, the ballot is considered valid with respect to the concerned district list, but the vote is considered as cast in favor of the candidate for deputy whose name is printed first on that list.

88. 4. Write-ins of additional identifying numbers, of list appellations, or of candidate names on the ballots, as well as other handwritten notation or markings on the ballot entail no legal consequences and do not affect the validity of the ballot.

Article 89. 1. The ward electoral commission prepares two copies of the record of the balloting for district lists of candidates.

89. 2. The record should specify the number of ballots dispensed, the number of unused ballots, and the number of:

- 1) Eligible voters;
- 2) Voters who were issued ballots;
- 3) Ballots cast;
- 4) Valid ballots;
- 5) Invalid ballots;
- 6) Valid ballots cast separately for each list (combined number of votes cast for candidates on a given list, for each list);
- 7) Valid ballots cast for individual candidates on each list.

89. 3. The record specifies the time of commencement and ending of balloting and discusses the instructions and rulings issued as well as other major circumstances relating to the course of the balloting.

89. 4. The record is signed by all the members of the ward electoral commission present during its preparation. The record is stamped with the seal of the commission.

89. 5. Ward representatives of electoral committees have the right to incorporate their comments in the record, on making their criticisms specific.

89. 6. Immediately after the record is prepared the ward electoral commission makes public the results of the balloting for district lists of candidates.

Article 90. 1. The chairman of the ward electoral commission transmits to the district electoral commission data on balloting records by means of a public telecommunication network or through electronic data transmission, and at

the same time immediately dispatches to the district electoral commission in a sealed envelope a copy of the record of the balloting for district lists of candidates.

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

Article 91. 1. Upon completing the activities mentioned in Article 90, Paragraph 1, the chairman of the ward electoral commission transmits immediately to the proper village head or burgomaster or city mayor documents concerning the balloting.

91. 2. Documents from the electoral wards referred to Article 42 are stored by the local Polish consuls.

Chapter 11. Determining the Election Results in an Electoral District

Article 92. 1. The district electoral commission, on the basis of the information referred to in Article 90, Paragraph 1, determines the preliminary results of elections in the electoral district, whereupon, on the basis of the balloting records received from ward electoral commissions, it begins to determine the number of votes cast for discrete district lists of candidates for deputies as well as to determine the final election results for the electoral district.

92. 2. Representatives of the electoral committees which had nominated the lists of candidates for deputies in the electoral district may be present when determining the results of balloting and elections in the district.

Article 93. 1. Upon determining the number of votes cast in the district for individual district lists, the district electoral commission prepares, on a suitable form, in two copies, a compilation of the number of valid votes cast for discrete district lists and of the overall number of these votes.

93. 2. On the basis of the compilation referred to in Paragraph 1 the district electoral commission begins to determine the number of Sejm seats to be apportioned to discrete district lists. To this end, separately for each list, the number of the valid votes cast for each list in the electoral district is multiplied each time by the number of the deputies to be elected in the district and next the resulting mathematical product is divided by the overall number of ballots cast for all the district lists. The quotient thus derived (in round numbers) shows the number of the Sejm seats to be allocated to a given district list of candidates in an electoral district.

93. 3. If, after completing the procedure referred to in Paragraph 2 separately for every individual district list of candidates, some Sejm seats still remain to be apportioned, the remaining seats are allocated to those district lists of candidates for which the computed quotients show the highest values after the decimal point, upon also making allowance for those lists which have not yet been allocated any seat.

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93. 4. If more seats are assigned to a district list than there are the candidates registered on that list, the vacant seats are assigned to other district lists, with priority given to the lists with the highest quotients, in descending order.

93. 5. In the event of "bloc" lists (Article 75), when determining the assignment of seats among discrete district lists, the number of votes cast for these lists is considered to be the overall number of votes for a single list.

Article 94. 1. After the number of seats for every individual district list of candidates is determined in accordance with Article 93, the district electoral commission allocates the seats linked to a given list in an electoral district to the candidates for deputies from that list in accordance with the principles defined in Article 95. 2. Before commencing the allocation of seats to candidates from discrete lists, the chairman of the district electoral commission reports to the State Electoral Commission, through the mediation of a public telecommunications network or an electronic transmission network, on preliminary results of elections in the district concerning the apportionment of seats among the district lists.

Article 95. 1. Seats assigned to a given district list are allocated to the candidates who won the highest number of votes, in descending order.

95. 2. If two or more candidates win the same number of votes authorizing them to be awarded a seat for a given list, the seat is awarded to the candidate whose name comes first on the list.

Article 96. In the event of "bloc" lists (Article 75) first the number of seats to be apportioned to each list is determined according to the rules defined in Article 93, Paragraphs 2 and 3), and then the provisions of Article 95 are applied correspondingly with respect to each list, with allowance for the declaration referred to in Article 75, Paragraphs 1 and 2.

Article 97. 1. Following the final determination of election results in the electoral district, the district electoral commission prepares two copies of the records on elections of deputies to the Sejm in the electoral district.

97. 2. The record should specify the number of the deputies being elected in the district, as well as the number of:

- 1) Eligible voters;
- 2) Voters who were issued ballots;
- 3) Ballots cast;
- 4) Invalid ballots;
- 5) Valid ballots;
- 6) Valid ballots cast for each list;
- 7) Seats apportioned to each list;
- 8) Valid ballots cast for individual candidates from each district list;

9) Names and surnames of the deputies who were allocated seats, upon specifying the identifying numbers of the lists from which they were allocated them.

97. 3. The provisions of Article 89, Paragraphs 4 and 5, apply accordingly.

97. 4. The record is accompanied by the compilation referred to in Article 93.

97. 5. Immediately after preparing the record mentioned in Paragraph 2, the district electoral commission makes public the election results in the electoral district.

Article 98. The record referred to in Article 97 is, together with appendices, immediately transmitted by the chairman of the district electoral commission to the State Electoral Commission by a procedure defined by the latter. Other election documents are stored by the director of the voivodship electoral office proper for the seat of the district electoral commission until such time as suitable instructions arrive from the State Electoral Commission.

Chapter 12. Determining Election Results for National Lists of Candidates for Deputies Announcing the Results of Elections to the Sejm

Article 99. On the basis of the reports on preliminary results of the elections to the Sejm referred to in Article 94, Paragraph 2, as transmitted by the district electoral commissions, the State Electoral Commission makes public these results concerning the allocation of seats among district lists in electoral districts.

Article 100. 1. The State Electoral Commission, upon receiving the records from the district electoral commissions, and upon verifying the correctness with which the results of elections in electoral districts were determined, commences to allocate seats among national lists of candidates for deputies.

100. 2. The seats to be allocated among the national lists of candidates for deputies are apportioned among those lists, nominated by electoral committees, which won seats for deputies in at least five electoral districts, or whose related district lists won overall at least 5 percent of the valid ballots cast for all the district lists in all the electoral districts.

100. 3. In the case of "bloc" national lists (Articles 75 and 77), when determining the allocation of seats among discrete national lists, the overall number of votes cast for the district lists linked to discrete and "bloc" national lists is considered to be the number of votes cast for a single list. After the overall number of seats to be allocated to the "bloc" lists is determined, the allocation of seats among these lists is performed in accordance with the principles defined in Article 101.

100. 4. The provisions of Paragraph 2 do not apply to the national lists of candidates for deputies nominated by the electoral committees referred to in Article 76, Paragraph 3.

Article 101. 1. Seats are allocated to discrete national lists of candidates for deputies in relation to the overall number of votes cast for the district lists linked to a given national

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list of candidates. The State Electoral Commission apportions the seats among the discrete national lists of candidates for deputies as follows:

1) The number of valid ballots cast for the district lists of a given electoral committee which has registered a national list is divided successively by 1.4 (one and four-tenths); 3; 5; 7.... and so forth through a sequence of odd numbers until the moment when the quotients thus derived can be used to rank successively as many highest numbers as there are seats to be allocated among the national lists of candidates for deputies.

2) Each national list of candidates is assigned as many seats as there are successively highest numbers for that list from among the sequence of quotients determined above.

101. 2. If for several lists the quotients are equal to the last of the numbers ranked in the manner given above, and if there are more of those lists than there are seats available for apportionment, priority should be given to the national list of the electoral committee which has won the most seats in the districts. If two or more electoral committees won the same number of seats in districts, priority is given to the committee which wins a greater number of votes nationwide for the district lists it has reported.

101. 3. Seats to be allocated for a given national list of candidates for deputies are won by the candidates from that list in the sequence in which their names are placed on the list—on excluding the candidates who have already won seats in electoral districts.

101. 4. If a national list is assigned more seats than the number of candidates registered on that list, the remaining vacant seats are assigned to other lists, with priority given to the lists with the highest successive quotients.

101. 5. The State Electoral Commission prepares a separate record of elections of deputies from national lists of candidates for deputies. In that record it reports:

- 1) The number of votes cast for discrete lists;
- 2) A roster of national lists of candidates for deputies together with the number of votes casts in districts for the lists of discrete electoral committees, on specifying the districts in which these lists won seats and the proportion of votes they won nationwide, and also on naming the electoral committees whose lists are eligible for the allocation of seats among national lists of candidates for deputies;
- 3) The number of seats allocated to discrete national lists of candidates for deputies;
- 4) Names and surnames of the deputies who were allocated seats, on specifying the identifying numbers of the national lists from which they won these seats and and of the electoral districts in which they had stood for elections.

Article 102. 1. The State Electoral Commission, after allocating seats among national lists of candidates for deputies, makes public in the form of an announcement the final results of elections to the Sejm.

102. 2. The announcement referred to in Paragraph 1 must contain basic information from the election records reported by the district electoral commissions (Article 97) and from the record of elections of deputies from national lists of candidates for deputies (Article 101, Paragraph 4).

102. 3. The announcement referred to in Paragraph 2 is immediately published at the expense of the State Electoral Commission in a national daily and printed in *DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ* "MONITOR POLSKI."

102. 4. The State Electoral Commission publishes a statistical report containing specific information on the results of the balloting and elections to the Sejm.

102. 5. The State Electoral Commission determines the mode of the transmission, storage, and accessing of election documents, and in particular of those referred to in Article 91, Article 98, and Articles 100-101.

Article 103. The State Electoral Commission issues certificates of election to the elected deputies to the Sejm.

Article 104. The State Electoral Commission presents to the Sejm at its first session a report on the elections.

Chapter 13. Validity of Elections

Article 105. 1. On the basis of the report on the elections presented by the State Electoral Commission, the Sejm affirms the validity of elections of deputies if said elections are not contested.

105. 2. In the event the election of a deputy is contested, he/she has the right to participate in the work of the Sejm until the matter is resolved.

Article 106. 1. The election of a deputy or the validity of elections may be contested on the ground of violation of the provisions of the present law concerning balloting, the determination of the results of balloting or elections, or the perpetration of an electoral crime, if said violation or crime may have affected the results of elections.

106. 2. A protest against the election of a deputy or deputies in an electoral district may be lodged by a voter who had been, on election day, registered on the list of voters in one of the electoral wards in the area of the electoral district in question.

106. 3. The protest against the results of elections from national lists of candidates for deputies may be lodged by any voter.

106. 4. If the grounds for the protest are an accusation of an electoral crime, or of a violation by the State Electoral Commission of the provisions of the present law concerning balloting or the determination of the results of balloting or elections, the protest may be lodged by any voter.

106. 5. The Supreme Court does not act on any protests concerning matters with regard to which the present law provides for the possibility of lodging a complaint with or

appealing to a court of law or the State Electoral Commission, respectively, before election day.

Article 107. 1. The protest is presented in writing to the Supreme Court not later than within 7 days from the day on which the final results of elections are made public by the State Electoral Commission. The mailing of the protest at a Polish post office within that time limit is tantamount to lodging it with the Supreme Court.

107. 2. The date on which final results of elections to the Sejm are made public is the day on which the announcement referred to in Article 102, Paragraph 2, is published in a national daily.

107. 3. With regard to the voters mentioned in Article 42, Paragraph 1, the requirements referred to in Paragraph 1 are considered as satisfied if the protest is presented to the local Polish consul.

107. 4. The protester should formulate in his/her written protest accusations or present or indicate the evidence on which he/she bases his/her accusations.

Article 108. 1. The Supreme Court does not act on protests lodged by persons who are not eligible under Article 106, or if the protests are lodged following the expiration of the time limit specified in Article 107, Paragraph 1.

108. 2. If a protest does not meet the requirements referred to in Article 107, Paragraph 1, the Supreme Court does not act on it.

108. 3. If the protest contains an accusation of an electoral crime, the Supreme Court immediately notifies accordingly the Prosecutor General.

Article 109. 1. The Supreme Court considers the protest in a bench of three justices, in nonlitigious proceedings, upon accordingly applying the provisions of the Code of Civil Procedure.

109. 2. The parties in the proceedings are, by virtue of law, the protester, the chairman of the concerned electoral commission or his deputy, and the Prosecutor General.

109. 3. The Supreme Court forms an opinion on the protest and transmits it, together with the dossier of the case, to the Sejm.

Article 110. 1. On examining the accusations contained in the protest and the opinion of the Supreme Court the Sejm decides on the validity of the election of the deputy.

110. 2. In declaring the election of the deputy to be invalid the Sejm at the same time decides on the conduct of by-elections and the extent of the invalidation.

Article 111. 1. By-elections are held by the procedure and in accordance with the guidelines prescribed in the present law, within three months from the date the Sejm passes a resolution for conducting the by-elections.

111. 2. The president's order for by-elections is announced not later than 10 days after the Sejm passes the resolution referred to in Paragraph 1.

111. 3. In ordering the by-elections the president specifies the election timetable, in which he may specify, with respect to discrete electoral activities, shorter time limits than those prescribed in the present law.

Article 112. Balloting in by-elections is conducted solely on national territory.

Chapter 14. Expiration of a Deputy's Mandate and Complementation of the Membership of the Sejm

Article 113. 1. A deputy's mandate expires owing to:

- 1) Invalidation of his/her elections;
- 2) Refusal to swear the deputy's oath;
- 3) Loss of electoral rights;
- 4) Resignation of mandate;
- 5) Demise.

113. 2. The expiration of a deputy's mandate is confirmed by the Sejm.

Article 114. 1. In the event of the expiration of mandate of a deputy elected from a district list of candidates the Sejm, in confirming the expiration of the mandate, passes a resolution for replacing the deputy with a candidate from the same list who won the next highest number of votes and has not forfeited his/her electoral rights. If there is a tie, the preferred candidate is the one who won the higher number of votes on the district list. In the case of a national list of candidates, the preferred candidate is the one named first on the list.

114. 2. A candidate may relinquish his/her priority right to occupy the seat in favor of another candidate from the same list who won the next highest number of votes. The declaration of relinquishment of priority should be presented to the speaker of the Sejm within seven days from the date the candidate is notified of being awarded the seat.

114. 3. If, in the event of expiration of a deputy's mandate, the adoption of a Sejm resolution to replace him/her with another candidate from the same list is impossible owing to absence of eligible candidates, the seat in question remains vacant until the end of the term of office.

Chapter 15. The Electoral Campaign and Its Funding

Article 115. The electoral campaign begins on the day the president's order designating the date of elections is issued and is subject to termination 24 hours prior to election day.

Article 116. 1. Voter meetings organized with the object of gathering nominating petitions for lists of candidates for deputies and convened and held as part of the electoral campaign waged on behalf of these candidates are not subject to the provisions of the law of 5 July 1990 Concerning Assemblies (Dz.U., No. 51, Item No. 297).

116. 2. Any voter can collect nominating signatures for the lists of candidates for deputies presented by electoral

committees and disseminate electoral programs, electioneer in favor of the lists of candidates or individual candidates for deputies, and also organize voter rallies.

116. 3. The signatures for nominating petitions referred to in Paragraph 2 may be collected at a place and time and in a manner precluding the application of any pressures whatsoever intended to extort signatures.

Article 117. Starting with the 7th day prior to election day, until balloting is ended, the publicization of the findings of pre-election polls of public opinion concerning the expected conduct of voters and results of elections is prohibited, and so is the publicization of the findings of voters' polls conducted on election day.

Article 118. 1. All election posters, graffiti (slogans), or flyers containing an explicit notation of their origin or identifying their distributor are subject to legal protection.

118. 2. The affixing of election posters is exempt from the provisions of Article 63a of the Code of Petty Offenses.

Article 119. 1. Election posters and graffiti (slogans) may be affixed to walls of buildings and to partitions solely with the consent of the owner or administrator of the real estate.

119. 2. Affixing election posters and slogans outside and inside the buildings of central and local government administrations and courts of law, as well as on the territory of military units, civil defense units, and barracked police units, is prohibited.

119. 3. The village head or the burgomaster or the city mayor may prohibit, by means of an executive order, the affixing of posters and slogans to certain public buildings or specified parts of public areas for reasons relating to the protection of landmarks or environment.

119. 4. The installation of private sound-magnifying facilities with the object of waging the electoral campaign is subject to the applicable regulations governing public order.

119. 5. Posters should be affixed in a manner facilitating their subsequent removal without causing damage.

119. 6. The police are obligated to remove posters and slogans affixed in a manner that may endanger life or health, safety of property, or road traffic.

Article 120. 1. In the event that election posters, slogans, flyers, or other forms of electioneering contain untrue or imprecise data and information, any concerned person has the right to lodge with a district court a request for ruling in favor of the confiscation of such materials or issuing a prohibition or some appropriate temporary order against the publication of such data and information.

120. 2. The district court considers the request referred to in Paragraph 1 within 24 hours, in nonlitigious proceedings in a bench of one judge. The ruling that terminates the proceedings in such a case is immediately communicated by the court to the complainant referred to in Paragraph 1, the proper district electoral commission, and the person or organization obligated to execute the court's ruling. The

ruling of the district court can be appealed within 24 hours to the voivodship court, which is obligated to consider the appeal within 24 hours also. A valid court ruling is subject to immediate execution.

Article 121. 1. Electoral campaigning is prohibited on the area of workplaces and public institutions in a manner and forms interfering with their normal operations.

121. 2. Electoral campaigning is prohibited on the area of military units and other organizational units under the jurisdiction of the minister of national defense as well as among civil-defense units and barracked police units.

Article 122. 1. Electoral committees which registered lists of candidates for deputies are guaranteed equal access to state mass media, pursuant to the provisions of the present law.

122. 2. The Polish Press Agency and Polish Radio and Polish Television present, on principles of equality and without charging a fee, during the period between 50 and 31 days prior to election day, the program assumptions of the electoral committees nominating the lists of candidates for deputies in more than one electoral district.

122. 3. In the last 30 days prior to election day, until the ending of the electoral campaign, Polish Radio and Polish Television grant to the electoral committees which had registered lists of candidates in more than one electoral district, free time slots on national or regional programs for their campaign broadcasts.

122. 4. The chairman of the Committee for Radio and Television shall determine not later than 65 days prior to election day:

1) The terms and scope of the gratis use of the services of Polish Radio and Polish Television to produce the campaign broadcasts referred to in Paragraph 3 and Article 124, Paragraph 1;

2) A price list and rules for using additional services rendered by Polish Radio and Polish Television with the object of notifying voter audiences.

122. 5. The representative referred to in Article 123, Paragraph 2, shall, not later than 65 days prior to election day, notify the representatives of electoral committees about the technical specifications defined by Polish Radio and Polish Television to which must correspond the election broadcasts produced outside these institutions, and he also shall specify the terms and conditions for the utilization of the equipment adapting these broadcasts to the broadcasting standards mandatory at Polish Radio and Polish Television.

122. 6. During the period referred to in Paragraphs 2 and 3 Polish Radio and Polish Television are obligated, in their background programs about the electoral campaign, to present in equal proportions information on the activities of the various electoral committees which registered their candidate lists in more than one electoral district.

Article 123. 1. In national programs of Polish Radio and Polish Television the combined time of disseminating gratis campaign broadcasts for the period starting 30 days before election day and ending with the day on which the electoral campaign is terminated, may not be:

1) Shorter than 25 hours or longer than 30 hours, for Polish Television;

2) Shorter than 50 hours or longer than 60 hours, for Polish Radio.

123. 2. The allocation of broadcasting time among the electoral committees referred to in Article 70 is performed by the representative for campaign broadcasts, appointed not later than 75 days prior to election day by the chairman of the Committee for Radio and Television.

123. 3. The representative referred to in Paragraph 2 rules on the allocation of broadcasting time, after consulting a council, not later than 48 days prior to election day.

123. 4. The council referred to in Paragraph 3 consist of representatives of the electoral committees referred to in Article 70, one each from each committee.

Article 124. 1. In regional programs of Polish Radio and Polish Television the combined time allocated at no charge for campaign broadcasts, for the entire period starting 30 days prior to election day and ending with the day on which the electoral campaign is terminated, may not be:

1) Shorter than 8 hours or longer than 10 hours, in Polish Television.

2) Shorter than 25 hours or longer than 30 hours, in Polish Radio.

124. 2. The allocation of broadcasting time among electoral committees which had registered lists of candidates for deputies in the electoral districts to which extends the radius of the radio or television broadcasting of a given Polish Radio or Polish Television station, is performed by regional representatives for campaign broadcasts, appointed, not later than 70 days prior to election day, by the management of the regional stations.

124. 3. Broadcasting time is allocated among electoral committee in proportion to the number of the candidates they register.

124. 4. The representative referred to in Paragraph 2 rules on the allocation of broadcasting time after consulting a council, not later than 38 days prior to election day.

124. 5. The council referred to in Paragraph 4 consists of the representatives of the electoral committees referred to in Paragraph 2, one each from each committee.

Article 125. 1. Irrespective of the broadcasting time granted to it at no fee, any electoral committee which has registered a list of candidates for deputies may additionally broadcast for a fee, twice daily, via Polish Radio or Polish Television, electoral programs lasting for one minute.

125. 2. The combined time of the electoral broadcasting referred to in Paragraph 1 may not exceed 10 minutes of the combined time assigned to a given electoral committee for broadcasting electoral programs at no fee.

125. 3. The director of the national program of Polish Radio or Polish Television and the directors of regional centers of Polish Radio or Polish Television may not refuse broadcasting for a fee the electoral programs referred to in Paragraph 1.

125. 4. The amount of the fees charged for electoral broadcasts as referred to in Paragraph 1 may not exceed 50 percent of fees charged for broadcasting commercials and must be the same for all and determined according to the price list binding on the day on which elections were ordered.

125. 5. The programs referred to in Paragraph 1 are broadcast on the same principles as those applied to commercials by Polish Television.

125. 6. Broadcasting time slots for the programs referred to in Paragraph 1 are determined by the representatives referred to in Article 123, Paragraph 2, and Article 124, Paragraph 2.

Article 126. The decisions of the chairman of the Committee for Radio and Television and of the representatives referred to in Article 123, Paragraph 2, and Article 124, Paragraph 2, may be appealed within 48 hours afterward to the State Electoral Commission. The ruling of the State Electoral Commission is final.

Article 127. Electoral committees have the right to utilize the archival resources of Polish Radio or Polish Television, on following the rules applicable in these institutions.

Article 128. Information, press releases, and electoral appeals and slogans published in the mass media (the print media, or radio, or television) at the expense of an electoral committee, a political party, or another social organization supporting candidates for deputies, and also at the expense of these candidates themselves, must specify the name of the payer and meet the requirements of Article 118, Paragraph 1.

Article 129. 1. Irrespective of the provisions of Articles 31-33 of the Press Law of 24 January 1984 (Dz.U., No. 5, Item No. 24, 1984; No. 41, Item No. 324, 1988; and No. 34, Item No. 187, 1989), untrue or clearly imprecise information concerning the elections and linked to the electoral campaign, when published in the press and in nonperiodical publications, requires immediate rectification, and the time limit for publishing the rectification is 48 hours.

129. 2. In the event of refusal of rectification, the complainant has the right to request a district court to issue an appropriate ruling, and the court is obligated to consider the request within 24 hours in nonlitigious proceedings in a bench of one judge. The related ruling of the court is immediately conveyed to the complainant and to the person obligated to publish the rectification. The ruling of

the district court can be appealed, but within 24 hours, to the voivodship court, which is obligated to consider the appeal within 24 hours also. A valid ruling of the court is subject to immediate execution.

129. 3. As regards the rectification of reports printed in periodical publications, the court names the daily newspaper in which the rectification is to be published, at the expense of the defendant, within not more than 48 hours.

129. 4. In the event of refusal or failure to publish the rectification by the defendant or by a party named in the court's ruling, on the motion of the complainant the court orders publishing the rectification in executive proceedings as detailed in the court's ruling.

Article 130. The exercise of the rights ensuing from the present law does not restrict the possibility of the filing of claims for the exercise of these rights by wronged or injured parties pursuant to the provisions of other laws, and in particular of the Penal Code, the Civil Code, and the Press Law—against persons whose actions during the electoral campaign infringed upon the personal or property rights of others.

Article 131. 1. The expenses of nominating lists of candidates and waging the electoral campaign on their behalf are defrayed from the funds of the electoral committees nominating these lists.

131. 2. Legal entities and individuals may donate funds for the electoral campaign to representatives of electoral committees.

131. 3. The funds donated by legal entities for the electoral campaign can only derive from profits. This also applies to the provision of services at no charge.

131. 4. Fund for the electoral campaign may not be donated if they derive from:

- 1) The state budget and state organizational units;
- 2) The budgets of gminas [townships], local government unions, and municipal associations;
- 3) State economic entities;
- 4) Foreign sources.

Article 132. 1. Representatives of electoral committees may organize public collections of funds for the electoral campaign.

132. 2. The organization of a public collection does not require a permit.

Article 133. 1. The funding of the electoral campaign is made public.

133. 2. An electoral committee which has registered lists of candidates in more than one electoral district submits, within three months from election day, to the State Electoral Commission a financial report containing information on the expenditures incurred in waging the electoral campaign and on the sources of the funds obtained for that purpose.

133. 3. The obligation referred to in Paragraph 1 [i.e., Paragraph 2], also applies to the electoral committee which has registered its list of candidates in only one electoral district. That committee submits its financial report to the appropriate district electoral commission.

133. 4. The State Electoral Commission shall determine the format of the financial report to be submitted by electoral committees.

133. 5. The reports referred to in Paragraph 2 are made public and published in *DZIENNIK URZEDOWY RZECZYPOSPOLITEJ POLSKIEJ* "MONITOR POLSKI," while the reports referred to in Paragraph 3 are made available for public inspection.

Article 134. 1. The expenses referred to in Article 131, Paragraph 1, may not exceed, for any registered district list of candidates in an electoral district, the equivalent of 60 times the average monthly wage paid in the six basic subdivisions of the manufacturing sector for the month preceding the announcement of the president's order designating the date of elections.

134. 2. In the event the ceiling for the expenses referred to in Paragraph 1 is exceeded, the Treasury office proper, locally for the seat of the electoral committee imposes a fine amounting to five times the amount exceeded.

134. 3. The ruling imposing the fine and the collection of that fine from the representative of the electoral committee are governed by the corresponding regulations concerning the levying and collection of taxes from physical persons.

Article 135. 1. The State Electoral Commission or a district electoral commission may, on its own initiative or on the proposal of the concerned electoral committee, apply to the locally proper Treasury office with a request to audit the expenditures relating to the electoral campaign waged by electoral committees.

135. 2. The audit referred to in Paragraph 1 is conducted after the proper electoral commission receives a financial report submitted by the electoral committee, or in the event of failure to receive that report within the legally defined time limit.

135. 3. Expenditures of electoral committees are audited in conformity with the corresponding regulations governing tax audits.

135. 4. Representatives of electoral committees are obligated to keep documents connected to the funding of the electoral campaign for at least 6 months after election day.

Chapter 16. Special, Interim, and Final Provisions

Article 136. 1. Whoever affixes election posters and slogans in violation of the provisions of Article 116 or violates the provisions of Article 121 is subject to the penalty of a fine.

136. 2. Proceedings in the cases referred to in Paragraph 1 are governed by the regulations on proceedings in cases of petty offenses.

Article 137. 1. The expenses of the organization of preparations for elections and of the conduct of elections are defrayed from the state budget.

137. 2. In connection with elections, the state budget earmarks funds relating to:

1) Implementation of the objectives of the State Electoral Commission as prescribed in the present law and the provision of support services thereto by the National Electoral Office;

2) Implementation of other electoral objectives by the central and local agencies of state administration;

3) Implementation of the purposes of the district electoral commissions and the provision of support services thereto by voivodship electoral offices;

4) Operations of ward electoral offices and the implementation of centrally assigned electoral duties by village heads, burgomasters, or city mayors;

5) The provision of free broadcasting time at no charge and assistance in the production of campaign broadcasts by Polish Radio and Polish Television pursuant to Articles 122-124.

137. 3. Each year the state budget earmarks funds for the operation of the State Electoral Commission, the National Electoral Office, and voivodship electoral offices, as well as for the conduct and updating of permanent registers of voters by village heads, burgomasters, and city mayors, and, during the electoral campaign, for the activities of Polish Radio and Polish Television.

137. 4. A report on the expenditures defrayed from the state budget as relating to the conduct of elections is made public by the State Electoral Commission within four months from election day.

Article 138. The corresponding provisions of laws governing the establishment, revision, and dissolution of employment relationship and the remuneration and other benefits based on that relationship apply to persons employed by the National Electoral Office and the voivodship electoral offices. Also applicable thereto are the provisions of laws governing the rights and responsibilities of persons appointed to executive posts in the state administration under special regulations, and the provisions of the law on employees of state offices.

Article 139. All writings and judicial and administrative proceedings concerning electoral matters are fee-exempt.

Article 140. 1. The provisions of Article 37 do not apply to the first elections ordered on the basis of the present law.

140. 2. In the first elections to the Sejm ordered on the basis of the present law, Polish citizens who are permanent foreign residents and prove their Polish citizenship by showing document other than a valid Polish passport are admitted to voting.

Article 141. 1. The State Electoral Commission that was established under the Law of 7 April 1989 Governing

Elections to the 10th Sejm of the People's Republic of Poland for the years 1989-93 (Dz.U., No. 19, Item No. 102; and No. 36, Item No. 198) is hereby abolished.

141. 2. In the first elections to the Sejm conducted pursuant to the provisions of the present law the president shall, within seven days from the date of publication of the present law, appoint the persons referred to in Article 53 to membership in the State Electoral Commission and convene its first session.

Article 142. 1. The voivodship electoral offices established under the present law also perform duties ensuing from the Law of 8 March 1980 Governing Elections to Gmina Councils (Dz.U., No. 16, Item No. 96) relating to the conduct of elections to gmina councils.

142. 2. The guidelines for performing the duties referred to in Paragraph 1 are established by the General Elections Commissioner in consultation with the director of the National Electoral Office.

Article 143. Computerized findings on the results of balloting and elections remain unofficial in nature until their corroboration by the concerned electoral commissions in the form of records prepared in accordance with the provisions of the present law.

Article 144. Whenever the present law refers to the expiration of the time limit for lodging a complaint or an appeal with a court of law or an electoral commission, it should be construed to mean the day on which the complaint or appeal is lodged with a court or a commission.

Article 145. 1. In the Law of 10 May 1991 Governing Elections to the Senate of the Republic of Poland the following amendments are incorporated:

1) In Article 12:

a) In Paragraph 1 the reference to "Article 69 and Article 71" is deleted;

b) In Paragraph 2 "referred to in the Sejm Electoral Law" is deleted;

2) In Article 18, Paragraph 2 the references to "Articles 118-125" are replaced with references to "Articles 105-112";

3) In Article 21, Paragraph 1, the reference to "Articles 129-149" is replaced with a reference to "Articles 115-135."

145. 2. The president of the Republic of Poland shall order the publication of the text of the Law Governing Elections to the Senate of the Republic of Poland in a form incorporating the amendments referred to in Paragraph 1.

Article 146. The Law of 7 April 1989 Governing Elections to the 10th Sejm of the People's Republic of Poland for the years 1989-93 (Dz.U., No. 19, Item No. 102; and No. 36, Item No. 198) is hereby declared null and void.

Article 147. The present law takes effect on the day of its publication.

Supplement to the Law dated 28 June 1991—
Parliamentary Electoral Law of the Polish Republic
(Item No. 252).

List of Electoral Districts

Electoral District No. 1, Warsaw. Number of deputies to be elected in the district: 17. Seat of the District Electoral Commission: Warsaw.

Electoral District No. 2, Warsaw Voivodship (excluding the capital city of Warsaw). Number of deputies to be elected in the district: 8. Seat of the District Electoral Commission: Legionowo.

Electoral District No. 3, Plock and Skierniewice Voivodships. Number of deputies to be elected in the district: 10. Seat of the District Electoral Commission: Plock.

Electoral District No. 4, Lodz Voivodship. Number of deputies to be elected in the district: 12. Seat of the District Electoral Commission: Lodz.

Electoral District No. 5, Piotrkow Trybunalski Voivodship. Number of deputies to be elected in the district: 7. Seat of the District Electoral Commission: Piotrkow Trybunalski.

Electoral District No. 6, Konin and Sieradz Voivodships. Number of deputies to be elected in the district: 9. Seat of the District Electoral Commission: Konin.

Electoral District No. 7, Radom Voivodship. Number of deputies to be elected in the district: 8. Seat of the District Electoral Commission: Radom.

Electoral District No. 8, Kielce Voivodship. Number of deputies to be elected in the district: 11. Seat of the District Electoral Commission: Kielce.

Electoral District No. 9, Czestochowa Voivodship. Number of deputies to be elected in the district: 8. Seat of the District Electoral Commission: Czestochowa.

Electoral District No. 10, Opole Voivodship. Number of deputies to be elected in the district: 10. Seat of the District Electoral Commission: Opole.

Electoral District No. 11, Wroclaw Voivodship. Number of deputies to be elected in the district: 12. Seat of the District Electoral Commission: Wroclaw.

Electoral District No. 12, Walbrzych Voivodship. Number of deputies to be elected in the district: 8. Seat of the District Electoral Commission: Walbrzych.

Electoral District No. 13, Jelenia Gora and Legnica Voivodships. Number of deputies to be elected in the district: 11. Seat of the District Electoral Commission: Jelenia Gora.

Electoral District No. 15, Kalisz Voivodship. Number of deputies to be elected in the district: 7. Seat of the District Electoral Commission: Kalisz.

Electoral District No. 16, Torun and Wloclawek Voivodships. Number of deputies to be elected in the district: 11. Seat of the District Electoral Commission: Torun.

Electoral District No. 17, Bydgoszcz Voivodship. Number of deputies to be elected in the district: 11. Seat of the District Electoral Commission: Bydgoszcz.

Electoral District No. 18, Poznan Voivodship. Number of deputies to be elected in the district: 14. Seat of the District Electoral Commission: Poznan.

Electoral District No. 19, Gorzow and Pila Voivodships. Number of deputies to be elected in the district: 10. Seat of the District Electoral Commission: Gorzow.

Electoral District No. 20, Szczecin Voivodship. Number of deputies to be elected in the district: 10. Seat of the District Electoral Commission: Szczecin.

Electoral District No. 21, Koszalin and Slupsk Voivodships. Number of deputies to be elected in the district: 9. Seat of the District Electoral Commission: Koszalin.

Electoral District No. 22, Gdansk Voivodship. Number of deputies to be elected in the district: 15. Seat of the District Electoral Commission: Gdansk.

Electoral District No. 23, Olsztyn and Elblag Voivodships. Number of deputies to be elected in the district: 13. Seat of the District Electoral Commission: Olsztyn.

Electoral District No. 24, Ciechanow, Ostroleka, and Lomza Voivodships. Number of deputies to be elected in the district: 12. Seat of the District Electoral Commission: Ostroleka.

Electoral District No. 25, Bialystok and Suwalki Voivodships. Number of deputies to be elected in the district: 12. Seat of the District Electoral Commission: Bialystok.

Electoral District No. 26, Siedlce and Biala-Podlaska Voivodships. Number of deputies to be elected in the district: 10. Seat of the District Electoral Commission: Siedlce.

Electoral District No. 27, Zamosc and Chelm Voivodships. Number of deputies to be elected in the district: 7. Seat of the District Electoral Commission: Zamosc.

Electoral District No. 28, Lublin Voivodship. Number of deputies to be elected in the district: 10. Seat of the District Electoral Commission: Lublin.

Electoral District No. 29, Rzeszow and Tarnobrzeg Voivodships. Number of deputies to be elected in the district: 13. Seat of the District Electoral Commission: Rzeszow.

Electoral District No. 30, Krosno and Przemysl Voivodships. Number of deputies to be elected in the district: 9. Seat of the District Electoral Commission: Przemysl.

Electoral District No. 31, Tarnow Voivodship. Number of deputies to be elected in the district: 7. Seat of the District Electoral Commission: Tarnow.

Electoral District No. 32, Nowy Sacz Voivodship. Number of deputies to be elected in the district: 7. Seat of the District Electoral Commission: Nowy Sacz.

Electoral District No. 33, Krakow Voivodship. Number of deputies to be elected in the district: 13. Seat of the District Electoral Commission: Krakow.

Electoral District No. 34, Bielsko-Biala Voivodship. Number of deputies to be elected in the district: 9. Seat of the District Electoral Commission: Bielsko-Biala.

Electoral District No. 35, the part of Katowice Voivodship comprising the following gminas: Babice, Bobrowniki, Boleslaw, Chrzanow, Klucze, Libiaz, Lazy, Mierzecice, Ogrodzieniec, Olkusz, Pilica, Psary, Siewierz, Tapkowice, Trzebinia, Wolbrom, and Zarnowiec, and towns and cities: Bedzin, Bukowno, Chrzanow, Czeladz, Dabrowa Gornicza, Jaworzno, Libiaz, Lazy, Ogrodzieniec, Olkusz, Poreba, Siewierz, Slawkow, Sosnowiec, Trzebinia, Wolbrom, and Zawiercie. Number of deputies to be elected in the district: 10. Seat of the District Electoral Commission: Sosnowiec.

Electoral District No. 36, the part of Katowice Voivodship comprising the following gminas: Bojszowy, Kobior, Wry, and the towns and cities: Bierun, Bytom, Chorzow, Katowice, Ledziny, Laziska Gorne, Mokolow, Myslowice, Piekary Slaskie, Ruda Slaska, Siemianowice Slaskie, Swietochlowice, Tychy, and Zabrze. Number of deputies to be elected in the district: 17. Seat of the District Electoral Commission: Katowice.

Electoral District No. 37, the part of Katowice Voivodship comprising the following gminas: Bestwina, Brzeszcze, Czechowice-Dziedzice, Gaszowice, Gieraltowice, Godow, Gorzyce, Krupski Mlyn, Krzanowice, Krzyzanowice, Kuznia Raciborska, Leszczyny, Lubomia, Lyski, Miedzna, Mszana, Nedza, Ornontowice, Pawlowice, Pietrowice Wielkie, Pilchowice, Pszczyna, Rudnik, Rudziniec, Sosnowice, Suszec, Swierklaniec, Swierklany, Toszek, Tworog, Wielowies, Zbroslawice, Zebrzydowice, and towns and cities: Brzeszcze, Czechowice-Dziedzice, Gliwice, Jastrzebie-Zdroj, Kuznia Raciborska, Leszczyny, Orzesze, Pszczyna, Pyskowice, Raciborz, Rybnik, Tarnowskie Gory, Toszek, Knurów, Wodzislaw Slaski, and Zory. Number of deputies to be elected in the district: 13. Seat of the District Electoral Commission: Gliwice.

Law on Elections to Senate

91A50180A Warsaw *DZIENNIK USTAW* in Polish
No. 58, Item No 246, 2 Jul 91 pp 769-771

[Law dated 10 May governing elections to the Senate of the Republic of Poland]

[Text] Article 1. 1. Elections to the Senate of the Republic of Poland take place upon a corresponding application of the provisions of the Law Governing Elections to the Sejm of the Republic of Poland, unless the present law specifies otherwise.

1. 2. Elections to the Senate take place concurrently with elections to the Sejm.

1. 3. The term of office of the Senate begins and ends at the same time as the term of office of the Sejm.

Article 2. 1. One hundred senators are elected by majority rule in the electoral districts.

2. 2. An electoral district for the Senate is the area of a voivodship.

2. 3. Two senators apiece are elected from each electoral district with the exception of the districts comprising the area of the Warsaw and Katowice voivodships, from which three senators per district are elected.

Article 3. The electoral wards formed for Polish citizens abroad are part of the electoral district comprising the area of Warsaw Voivodship.

Article 4. Elections to the Senate are conducted by:

- 1) The State Electoral Commission.
- 2) The voivodship electoral commissions.
- 3) The ward electoral commissions.

Article 5. 1. The State Electoral Commission, established pursuant to the Law Governing Elections to the Sejm, assures the preparation, organization, and conduct of elections to the Senate, and in particular it:

- 1) Appoints voivodship electoral commissions.
- 2) Considers complaints about the activities of voivodship electoral commissions.
- 3) Announces the results of elections to the Senate.
- 4) Issues certificates of election to elected senators.
- 5) Presents to the Senate a report on the elections.

5.2. The provisions of Articles 49-51 of the Law Governing Elections to the Sejm apply correspondingly.

Article 6. 1. The purposes of the voivodship electoral commissions include in particular:

1) Consideration of complaints about activities of ward electoral commissions with regard to the conduct of elections to the Senate.

2) Registration of candidates for the senators to be elected in the electoral district.

3) Ordering the printing of election announcements and providing them to ward electoral commissions.

4) Determining the results of the balloting and the results of the elections of senators in the electoral district.

6. 2. The provisions of Articles 56 and 58 of the Law Governing Elections to the Sejm apply correspondingly.

Article 7. 1. The voivodship electoral commission consists of seven to nine judges of the locally proper voivodship and district courts, named by the presiding judges of these courts.

7. 2. The State Electoral Commission appoints to membership in the voivodship electoral commissions the persons referred to in Paragraph 1, on the basis of a recommendation presented by the minister of justice not later than 85 days prior to election day.

7. 3. The first meeting of a voivodship electoral commission is convened, upon authorization by the State Electoral Commission, by the local voivode.

7. 4. The voivodship electoral commission elects at its first meeting, from among its members, a chairman and two deputy chairmen.

7. 5. The voivodship electoral commission appoints a commission secretary on the recommendation of the director of the local voivodship electoral office. The commission secretary attends the commission's meetings in an advisory capacity.

7. 6. The membership of the voivodship electoral commission is immediately made public by the conventional means.

7. 7. Changes in the membership of the voivodship electoral commission follow the procedure prescribed for appointing its members.

7. 8. The voivodship electoral commission is dissolved by the State Electoral Commission after it completes its prescribed objectives.

Article 8. The ward electoral commissions established to conduct elections to the Sejm perform the same duties with regard to elections to the Senate. Article 9. The right to nominate candidates for senators belongs to voters, political parties and organizations, and social organizations, which establish electoral committees for this purpose. The provisions of Articles 63-66 of the Law Governing Elections to the Sejm apply correspondingly.

Article 10. 1. Nominations of candidates for senators in an electoral district are reported to the proper voivodship electoral commission not later than 55 days prior to election day.

10. 2. An electoral committee may report nominations for only as many candidates for senators as are elected in an electoral district.

10. 3. Nominations of candidates for senators are handled by the representative of the electoral committee. The nomination must meet the requirements defined in Article 65, Paragraphs 2-4, of the Sejm Electoral Law. Each nominating petition must be supported by the personal signatures of at least 3,000 voters resident in a given electoral district.

10. 4. When nominating a candidate for a senator, his/her name, surname, age, occupation, and address should be given.

10. 5. Each nomination should be accompanied by a candidate's written declaration of consent to candidacy in the given electoral district.

10. 6. A candidate may stand for elections in only one electoral district.

Article 11. Standing for elections concurrently to both Sejm and the Senate is not possible.

Article 12. 1. The registration of candidates for senators is correspondingly governed by the provisions of Articles 69 and 71 of the Sejm Electoral Law.

12. 2. Information on registered candidates for senators is made public by the voivodship electoral commission in the form of the announcement referred to in Article 70 of the Sejm Electoral Law.

Article 13. The ballot for candidates for senators in a given electoral district lists in alphabetical order the names of registered candidates and the names of the electoral committees which had nominated them.

Article 14. On the ballot for candidates for senators the voter casts his vote for particular candidates by placing an "X" in the boxes to the right of the names of at most as many candidates as there are senators to be elected in the given electoral district.

Article 15. 1. If the "X" is placed in the boxes to the right of the names of more candidates than there are senators to be elected in a given electoral district, or if no "X" is placed in any box at all, the ballot is considered invalid.

15. 2. Write-ins of additional names or adding any other notation or strike-outs on the ballot do not entail any legal consequences and do not affect the validity of the ballot.

Article 16. The results of the balloting for candidates for senators in the electoral wards referred to in Article 3 are transmitted to the voivodship electoral commission proper for the electoral district comprising the area of Warsaw Voivodship.

Article 17. 1. The two candidates who, one after another, won the two highest totals of valid votes in a two-seat electoral district are considered as having been elected to the Senate.

17. 2. The three candidates who, one after another, won the three highest totals of votes in a three-seat electoral district are considered as having been elected to the Senate.

17. 3. If two or more candidates score the same number of votes entitling them to a Senate seat, and if there are more of these candidates than there are Senate seats available, the tie is resolved by awarding the seat to the candidate who won more votes in a greater number of electoral wards, and if the number of these wards is equal, the tie is resolved by drawing lots by the chairman of the voivodship electoral commission in the presence of commission members and electoral-committee representatives. The course of the drawing is noted in the record of election results.

Article 18. The validity of a senator's election is affirmed by the Senate.

18. 2. The provisions of Articles 118-125 of the Sejm Electoral Law apply correspondingly.

Article 19. 1. A senator's term expires owing to:

- 1) Invalidation of the senator's election.
- 2) Refusal to swear oath.
- 3) Loss of voting rights.
- 4) Resignation from office.
- 5) Demise.

19. 2. The expiration of a senator's term of office is affirmed by the Senate.

Article 20. 1. In the event that a senator's term of office expires, the Senate passes, within not later than six months, a resolution for holding by-elections. No by-elections are held during the last six months preceding the expiration of the term of office of the Senate.

20. 2. By-elections are conducted by the procedure and on the principles prescribed in the present Law, within three months from the date of the Senate's passage of a resolution in favor of by-elections.

20. 3. The president's order designating the date of by-elections is announced not later than within ten days after the Senate passes the resolution in favor of by-elections.

20. 4. In ordering the by-elections the president specifies the electoral timetable, in which he may define for certain activities shorter time limits than those prescribed by law.

20. 5. Voting in by-elections is held only on national territory.

Article 21. 1. The Senate electoral campaign and its funding are governed by the corresponding provisions of Articles 129-149 of the Sejm Electoral Law, with the reservation ensuing from the provisions of the present Article.

21. 2. In regional programs of Polish Radio and Polish Television the combined gratis broadcasting time allocated at their regional centers to the electoral committees which had registered candidates for senators may not be:

- 1) Shorter than three hours or longer than five hours, for Polish Television.
- 2) Shorter than eight hours or longer than 12 hours, for Polish Radio.

21. 3. The expenditures relating to the nomination of candidates for senators and to their electoral campaign may not exceed the equivalent of 20 times the average monthly wage paid in the six principal domains of the manufacturing sector in the month preceding the presidential order designating the election day.

Article 22. The Law of 7 April 1989 Governing Elections to the Senate of the People's Republic of Poland (Dz.U., No. 19, Item No. 103) is hereby declared null and void.

Article 23. The present law takes effect on the same day as the law governing elections to the Sejm of the Republic of Poland.

Resolutions on Changes to Senate Regulations

Resolution to Articles 36, 46, 47

91EP0631A Warsaw MONITOR POLSKI in Polish
17 Jun 91 Item No 128 p 158

{Resolution of the Senate of the Republic of Poland dated 23 May on changes to the Provisional Senate Regulations}

{Text} Article 1. In the Resolution of the Senate of the Republic of Poland dated 23 November 1990—Provisional Senate Regulations (MONITOR POLSKI, 1991 No. 2, Item No. 11)—changes shall be made as follows:

1) In Article 36:

a) Following Paragraph 5, a new Paragraph 6 shall be added as follows:

"36. 6. The results of roll call votes executed through the use of an electronic device and the results of roll call votes executed through the use of voting cards shall be published in the stenographic transcript."

b) The current Paragraph 6 shall be designated Paragraph 7.

2) Article 46 shall read as follows:

"Article 46. 1. Following the close of debate or the appearance of a committee's reporter, the president of the Senate shall announce that the Senate shall begin voting. As of that moment, one may take the floor only for submission or justification of a formal motion on the method or order of voting.

46. 2. Voting shall take place with the use of an electronic device to record the individual positions of voting senators and is based on:

1) Simultaneous pressing of the device's button and raising the hand (open vote), or

2) Pressing the device's button upon a roll call in alphabetical order and concurrent disclosure on a lighted board of the position of individual senators (roll call vote).

46. 3. On the motion of the president of the Senate or on the motion of at least 20 senators and in the event of a breakdown in the electronic device, voting shall take place without the use of such equipment and is based on:

1) Raising the hand, with a concurrent order by the president of the Senate to the secretary of the Senate to count the votes (open vote), or

2) Use of voting cards signed with the senator's given name and surname (roll call vote).

46. 4. A roll call vote shall be taken on the motion of the president of the Senate or on the motion of at least 20 senators.