

## **Changes to Polish Electoral Law since 1989**

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The report on the changes to Polish electoral law is structured in the following way: the first paragraph is a short description of the regulations introduced in 1989, shortly after the Round Table negotiations. The subsequent paragraphs provide information on the changes to Polish electoral law until 2011 by dividing them into four categories below.

### **Polish Electoral Law in 1989**

Electoral law introduced on 7.04.1989 was one of the results of the Round Table negotiations. The electoral regulations were designed to function in one particular period between 1989 and 1993. They introduced, in comparison to the period of the Polish People's Republic (PRL) many new elements. First of all, the law reestablished the Senat which had been abolished in 1946. It also established a set of rules related to:

1. The way in which candidates were registered
2. Voting techniques/mechanisms
3. Rules for the calculation of the election results and
4. Electoral district system.

As for the first category, candidates for the Sejm and Senat could be put forward by political parties (in practice by all political factions that were signatories of the Patriotic Movement for National Rebirth), all-Poland social and professional organizations (under the condition of gathering at least 3000 signatures for each candidate) and by groups of at least 3000 voters from a particular electoral district. Furthermore, candidates were put forward separately for each of the seats (there was no limit as to the number of

candidates for each seat) in the alphabetical order. Regarding the second point, a voter, for both Sejm and Senat, had to choose a candidate for each seat (there were from 2 to 5 seats in each of the electoral districts for the Sejm, at least one of them had to be reserved for a non-partisan candidate) by crossing off all his/her rivals and leaving on the list candidates whose number would not be higher than the number of available seats. According to the Round Table agreements the elections, if necessary, would have two voting rounds. After the first stage only the candidates who would receive more than 50% of the votes would become members of the Parliament. In the second round, if none of the candidates had received an absolute majority of votes, two with the highest results would have been competing for a particular seat. In the case of the Senate elections, each district was a voivodship, which means that there were 49 of them, and had assigned a particular number of seats for which the candidates were competing: 2 for each of the voivodships except for warszawski and katowicki where voters would choose 3 candidates. This particular regulation was functioning until 2001.

One has to emphasize the fact that the first elections organized after the Round Table were completely free only for the Senat: 60% (276) of the seats in the Sejm was reserved for the coalition (i.e. PZPR, ZSL and SD), 5% (23) for the members of Christian associations (PAX, PZKS and UChS), 35% (161) for non-partisan candidates. It was also brought into agreement that up to 10% of the candidates would be elected from the national electoral list, the rest in 108 electoral districts whose borders could not cross voivodships' borders.

### **Candidate Registration**

Since 1991 only electoral committees can register candidates for the elections to the Sejm and Senat. From 1991 candidates have not been registered individually, they have to be put forward as a part of a particular list. In order for the list to be registered the committees had to gather 5000 signatures, in 1991-1993, and 3000 signatures in 1993-2001. As to the Senat, from 1991 to 2011 each candidate had to gather at least 3000 signatures of voters living in the given electoral district, in order to take part in the elections. In 2011 together with the introduction of single-member districts into the Senat electoral system regulations, the number of signatures has been reduced to 2000. Since

2011 the number of both women and men cannot comprise less than 35% of the total number of candidates for the Sejm registered on a particular list.

### **Voting Techniques/Mechanisms**

Since 1991 voters have been voting primarily for the lists and indicating their candidate preference. Both actions are executed by putting “x” next to the candidate’s name.

### **Rules for the Calculation of the Election Results**

From 1991 the electoral laws which regulated the elections to Sejm were using three different methods of seat allocation: Hare-Niemeyer’s (in 1991), d’Hondt’s (1993-2001 and since 2002) and a modified Sainte-Laguë’s with first divisor equal 1,4 (2001-2002). Since 1993 electoral thresholds have been 5% for non-coalition electoral committees and 8% for coalition committees. In 1991-1993 the requirement for taking part in the seats allocation in the Sejm was the acquirement of seats in at least 5 electoral districts linked with the national list or acquiring at least 5% of votes in the whole country. In 1993-2001 in the allocation took part only all-Poland lists that had acquired at least 7% of the votes in the whole country. In 1991-1993 the distribution of seats from the national list was conducted according to the modified Sainte-Laguë and from 1993, d’Hondt method.

### **Electoral Districts**

Since 1991 the basis for the number of Sejm members elected from each of the electoral districts has been determined by the number of their inhabitants. In 1991-1993 an electoral district was a voivodship, part of a voivodship or a number of voivodships. In 1993-2001 an electoral district was comprised of one voivodship, except for two most populous ones: warszawskie (two districts) and katowickie (3 districts). Since 2001 the area of an electoral district of the both Sejm and Senat has been equal to the area of the whole voivodship or its part with a restriction that it cannot cross powiats’ borders. According to the Sejm electoral law introduced in 1991 there were 37 electoral districts and according to the one enacted in 1993, 52. Until 2001 391 Sejm members were elected from the electoral districts and 69 in the all-Polish electoral list. The law from

2001 liquidated the national list and has introduced 41 electoral districts in which the total number of 460 Sejm members would be elected. In the Senat elections the number of districts in the same period was 40. In 2011, however, this number has been changed for 100.

The report has been prepared on the basis of:

Przywara Michał (2012), *System wyborczy do Sejmu i do Senatu RP po 1989 roku – ciągłość i zmiany* [Sejm and Senat Electoral Systems after 1989: Continuity and Changes], Warsaw: Wydawnictwo Sejmowe.

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