

Sejm of the Republic of Poland



Electoral law

According to the Constitution, the Sejm is composed of 460 Deputies chosen for a 4-year term of office. There are 100 Senators who are also elected for 4 years. Terms of offices of the Sejm and the Senate begin on the day on which the Sejm assembles for its first sitting and continue the day preceding the assembly of the Sejm of the succeeding term of office. Elections to the Sejm are ordered by the President of the Republic no later than 90 days before the expiry of its term of office.

Elections to the Sejm are universal, equal, direct and are conducted by secret ballot. Polish citizen who, no later than on the day of vote has attained 18 years of age, has the right to vote in elections and, anyone having the right to vote, who, no later than on the day of the elections, has attained the age of 21 years, is eligible to be elected to the Sejm. Persons who, by a final judgment of a court, have been subjected to legal incapacitation or deprived of public or electoral rights, shall have no right to vote.

The division of the country into constituencies, their boundaries and the number of Deputies to the Sejm to be elected in each constituency, are specified by statute. The number of deputies to the Sejm to be elected in constituencies is 460.

The duties of the organization and conduct of elections at the national level, and the supervision of the lawfulness of holding thereof, are entrusted to the National Electoral Commission. The Commission is a permanent organ, appointed by the President of the Republic, to be composed of 9 members, including 3 judges of the Constitutional Tribunal, 3 judges of the Supreme Court, and 3 judges of the Supreme Administrative Court.

At a lower level, there are constituency electoral commissions (composed of judges) appointed separately for individual elections by the National Electoral Commission, and district electoral commissions appointed (from amongst voters by the executive committees of the communes) for the conduct of voting in the polling districts.

Candidates for Deputies may be nominated by election committees of political parties and by voters. The principle of proportionality requests that lists of candidates are submitted.

Voters, being at least 15 in number, may establish an election committee and, then, after having collected at least 1,000 signatures of citizens in support of the setting up of their committee, must notify the National Electoral Commission about this fact. The election committee may perform electoral activities after the National Electoral Commission has

made a decision to accept the notification. The function of an election committee of a political party is performed by an organ of the party, authorized to represent it. A list of candidates should be submitted, in each constituency, to the constituency electoral commission. A constituency list must be supported, by the signatures of a least 5,000 voters residing permanently in a given constituency. This requirement does not apply to an election committee which has registered constituency lists in at least half of all constituencies.

The existing Act on Elections to the Sejm of Republic of Poland and to the Senate of the Republic of Poland guarantees freedom for conduct of electoral campaigning. However it requires that the material used for election agitation does not contain false information. Any candidate for a Deputy to the Sejm or an election agent may apply to the regional court for an appropriate measure (e.g. the confiscation of such materials, an order to rectify the information, an order to apologise to the person libelled) and such a petition should be examined in a short period of time.

The provisions of law guarantee the election committees access to the radio and television assigning - on equal terms - the time for broadcasting of election programmes without payment to election committees. Moreover, each election committee may broadcast paid election advertisements, and rates charged for the broadcast time are identical for each election committee.

Expenditures related to the organization and conduct of elections are covered by the state budget. The financing of election campaigning is public. The expenses of election committees on electoral campaigning are met from their own resources. Financial resources of the election committee of a political party may be derived only from an Election Fund of that party, while funds may be donated to a coalition election committee and an election committee of voters only by natural persons who are Polish citizens.

Within the period of 3 months following the election day, each election committee should draw up a financial report and submit it to the National Electoral Commission which publishes any such report in the Official Journal of the Republic of Poland "Monitor Polski".

The election is held on a non-working day. Voting is held in the polling station of the district electoral commission. National Electoral Commission establishes the aggregated results of voting throughout the entire country and determines, which election committees have crossed the electoral threshold (5 per cent, and 8 per cent for coalition election committees).

Thereafter, the constituency electoral commissions conduct the allotment of seats proportionally among the constituency lists, and seats are obtained by candidates in the lists according to the total number of votes cast for them on a given list. The Supreme Court determines the validity of elections, after having considered electoral protests (which may be lodged by any voter), if any, and acting by the whole bench of the Chamber of Administration, Labour and Social Security.