

**THE ACT**  
**of 23 JANUARY 2004**  
**ON ELECTIONS TO THE EUROPEAN PARLIAMENT**

Dziennik Ustaw of 2004, No. 25, item. 219

and as amended by  
Dziennik Ustaw of 2006 r. No. 218, item 1592  
Dziennik Ustaw of 2007, No. 25, item 162  
Dziennik Ustaw of 2007 r. Nr 112, item 766

**Unofficial translation**

**NATIONAL ELECTORAL OFFICE**  
**WARSZAWA**  
**2008**

**CHAPTER 1**  
**General principles**  
**Article 1.**

This Act regulates the principles and methods of the conduct of elections to the European Parliament in the Republic of Poland, and conditions for holding the mandate of a deputy to the European Parliament, its expiration and forfeit.

**Article 2.**

The election of deputies to the European Parliament shall be free, universal, direct, proportional and held by secret ballot. The voter shall only vote once in elections to the European Parliament.

**Article 3.**

1. 54 deputies shall be elected to the European Parliament in the Republic of Poland.
2. Deputies to the European Parliament shall be elected for a five-year term in office.

**Article 4.**

The deputies to the European Parliament shall represent the Member States of the European Union. They shall not be bound by any instructions nor be dismissible.

**Article 5.**

The mandate of a deputy to the European Parliament may not be performed jointly with the post or functions described in provisions of European Union law.

**Article 6**

1. The mandate of a deputy to the European Parliament may not be performed simultaneously with the mandate of a deputy to the Sejm nor a senator.
2. The deputy to the European Parliament may not be simultaneously, in the Republic of Poland, a member of the Council of Ministers nor a Secretary of the State and shall not occupy any post nor fulfil functions which, in accordance with the provisions of the Constitution of the Republic of Poland, may not be simultaneously performed with the mandate of a deputy to the Sejm or a senator.

**CHAPTER 2**  
**Electoral rights**  
**Article 7.**

1. Every citizen of Poland, who is at least 18 years old on the day of the vote, shall have the right to elect deputies to the European Parliament.
2. The following persons shall not have the right to vote:
  - 1) those deprived of public rights by a final ruling of the court;
  - 2) those deprived of electoral rights by a final ruling of the Tribunal of State;
  - 3) those deprived of legal capacity by a final ruling of a court.

#### **Article 8.**

1. 1. The right to elect deputies to the European Parliament within the Republic of Poland shall also be conferred on a citizen of the European Union who is not a citizen of Poland who has reached the age of at least 18 years on the day of the vote and, pursuant to the law, who is a permanent resident of the Republic of Poland and is listed in a permanent register of voters, set out in the Act of 12 April 2001 on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland (Journal of Laws of the Republic of Poland No. 46, item 499 as amended [2],) hereinafter the “register of voters”.
2. A person will not have the right to vote if deprived of electoral rights in elections to the European Parliament in a Member State of the European Union of which he or she is a citizen.

#### **Article 9.**

1. The person shall be eligible for elections to the European Parliament held in the Republic of Poland, if he or she has the right to elect deputies to the European Parliament and has reached the age of at least 21 years on the day of the vote, has not been punished for a crime done intentionally and prosecuted by indictment, and is a resident of the Republic of Poland or of another Member State of the European Union, of which he or she is a citizen for at least 5 years .
2. Ineligible to stand for election are those persons with regard to whom a valid court judgement/adjudication stating the loss of eligibility has been passed, as referred to in Article 21a, paragraph 2 of the Act of 18 October 2006 on Disclosure of Information on Documents of the Organs of State Security for the Years of 1944 to 1990 and the Contents of Those Documents (Journal of Laws N. 218, item 1592 and No. 249, item 1832 and of 2007, No. 25, item 162).

### **CHAPTER 3**

#### **The issue of an order on elections**

#### **Article 10.**

1. Elections to the European Parliament shall be held in the Republic of Poland during the election term in observance of European Union law.
2. Elections to the European Parliament, conducted in the Republic of Poland, shall be ordered by the President of the Republic of Poland by order, issued no later than 90

days prior to the day of the vote and shall assign the date of elections to a non-working day, during the election term, set out in paragraph 1 above.

#### **Article 11.**

1. The order of the President shall be published and announced in the Journal of Laws of the Republic of Poland (Dziennik Ustaw) no later than on the 5th day after the proclamation of the elections.
2. In the proclamation set out in paragraph 1 above, the President of the Republic shall, after obtaining the opinion of the National Electoral Commission, specify the days on which the time limits for the completion of the election procedures under this Act expire. The proclamation shall specify the number of deputies to the European Parliament elected in the Republic of Poland.
3. The National Electoral Commission, within 14 days following the announcement, set out in paragraph 1, shall publish in an announcement the proclamation, set out in paragraph 1, along with information on electoral constituencies as well as locations of constituency electoral commissions.

### **CHAPTER 4**

#### **Electoral commissions**

#### **Article 12.**

Elections shall be conducted by:

- 1) The National Electoral Commission established under the Act of 12th April 2001 – Act on Elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland, hereinafter the “Act on Elections to the Sejm and the Senate”;
- 2) Constituency Electoral Commissions;
- 3) Regional Electoral Commissions;
- 4) Ward Electoral Commissions.

#### **Article 13.**

1. The duties of the National Electoral Commission shall include, in particular:
  - 1) the supervision of observance of electoral law;
  - 2) the appointment of constituency and regional electoral commissions and the dissolution of constituency, regional and ward electoral commissions upon the conclusion of their statutory duties;
  - 3) the consideration of complaints against the actions of constituency electoral commissions;
  - 4) the creation of specimens of official forms and printed materials relating to elections, as well as specimens of seals of constituency and ward electoral commissions;
  - 5) the establishment and publication of the voting and election results pursuant to specific provisions of this Act;
  - 6) the performance of other statutory duties.

2. The National Electoral Commission shall establish the territorial range of activity for regional electoral commissions within the area of a given constituency electoral commission, as well as their location.
3. The National Electoral Commission shall establish regulations for constituency, regional and ward electoral commissions, specifying the rules and procedure of work, the method of performing duties, and the method of supervising observance of electoral law.
4. The National Electoral Commission shall issue guidelines binding upon lower ranking electoral commissions and shall issue interpretations to organs of government and local government administration as well as the subordinate organs thereof that perform duties in relation to the conduct of elections, as well as to election committees and radio and television broadcasters.
5. The National Electoral Commission shall rescind any resolution of a constituency electoral commission passed contrary to law or inconsistent with its guidelines and shall refer any such case to the appropriate commission for reconsideration or shall itself take a decision on the matter.
6. The National Electoral Commission may, for the term of elections, establish its own inspection unit and specify its duties, or charge the inspection unit of a regional electoral commission with such duties. Article 27, paragraphs 1 and 3 – 5 shall apply to persons nominated to the inspection unit.

#### **Article 14.**

The National Electoral Commission has the right to establish rules and procedures for the use of electronic systems in determining the voting and election results, as well as the methods of transmitting and processing voting data and the results of the elections via electronic network.

#### **Article 15.**

The National Electoral Commission shall publish a statistical study containing detailed information on the voting and election results and shall provide access to the voting and election results, processed in electronic form, at cost price.

#### **Article 16.**

1. The duties of the Constituency Electoral Commission shall include:
  - 1) the supervision of the implementation of electoral law;
  - 2) the registration of constituency lists of candidates for deputies to the European Parliament;
  - 3) the ordering of the printing of ballot papers;
  - 4) the establishment and announcement of results of the vote in an electoral constituency;
  - 5) the consideration of complaints against actions of regional electoral commissions;

- 6) the assurance, in co-operation with the Voivodes (Heads of Voivodeships) and bodies of the appropriate units of local administration, that elections are properly conducted;
- 7) the performance of other tasks laid down in this Act or those assigned by the National Electoral Commission.

2. A constituency electoral commission shall rescind any resolution of a regional electoral commission passed contrary to law or inconsistent with the guidelines of the National Electoral Commission and shall refer any such case to the appropriate commission for reconsideration or shall itself take a decision on the matter.

3. A constituency electoral commission shall adopt resolutions within its authority.

### **Article 17.**

1. The constituency electoral commission shall be composed of 7 to 9 judges, and ex officio, as its chairperson, the Voivodship Electoral Commissioner, appointed pursuant to the Act of 16 July 1998 on elections to the Sejm of the Republic of Poland and to Senate of the Republic of Poland. A retired judge, no older than 70 years of age, may also be also appointed to the commission.

2. The judges to the commission, besides persons performing the functions of an electoral commissar, shall be designated by the Minister of Justice, no later than on the 52nd day before Election Day, in the number agreed with the National Electoral Commission no later, than on the 52nd day before Election Day.

3. The National Electoral Commission shall appoint constituency electoral commissions no later than on the 48th day before Election Day.

4. If the electoral commissioner is not able to preside over the commission, the commission shall elect a chairperson from among its members.

5. The first meeting of the commission shall be convened, on behalf of the National Electoral Commission, by the head of the local unit of the National Electoral Office, with jurisdiction over the location of the commission.

6. The commission shall elect two deputy chairs during its first meeting. The head of the appropriate local unit of the National Electoral Office having jurisdiction or a person designated by him or her shall be appointed secretary. The secretary shall participate in the activities of the commission in an advisory capacity.

7. The composition of constituency electoral commissions shall be promptly published in a customary manner.

8. The National Electoral Office shall ensure the provision of services as well as technical and administrative assistance to the constituency electoral commissions.

### **Article 18.**

1. Membership in the Constituency Electoral Commission shall expire due to the following:

- 1) resignation from the commission;
- 2) reasons provided in Article 26, paragraph 2;
- 3) death of a member of the Commission;
- 4) dismissal of a designated member under Article 17, paragraph 2 by the National Electoral Commission pursuant to a motion of the Minister of Justice.

2. A vacancy on the Electoral Commission shall be filled in accordance with provisions on appointment. Article 17, paragraph 7, shall be applied accordingly.

### **Article 19.**

1. The duties of Regional Electoral Commission shall include:

- 1) the supervision of the implementation of electoral law;
- 2) the assurance of delivery ballot papers to the ward electoral commissions;
- 3) the assurance, in co-operation with bodies of the appropriate local administration units, that elections are properly conducted;
- 4) the consideration of complaints against actions of ward electoral commissions;
- 5) the establishment and announcement of the voting results and submission of results to the appropriate constituency electoral commission;
- 6) the performance of other tasks laid down in this Act or those assigned by the constituency electoral commission or the National Electoral Commission.

2. Should the competent commune bodies fail to timely discharge their duties, in observance of the law, such as the creation or modification of election wards, appointment or changes in composition of ward electoral commissions – the respective regional electoral commission shall call on these bodies to discharge the above duties in observance of the law and within a stipulated time limit. If no effects are achieved, the regional electoral commission shall immediately assume the said duties and shall inform the appropriate constituency electoral commission of this fact.

3. A regional electoral commission shall adopt resolutions within its authority.

### **Article 20.**

1. The Regional Electoral Commission shall be composed of 5 judges, and, ex officio, as its chairperson, the Voivodship Electoral Commissioner, appointed pursuant to the Act of 16 July 1998 – on elections to the Sejm of the Republic of Poland and to Senate of the Republic of Poland. A retired judge, no older than 70 years of age, may also be appointed to the commission.

2. Article 17, paragraphs 2-8 and Article 18 above shall apply to the establishment of the regional electoral commission, its dissolution and organisation of work. The commission shall elect one deputy chairperson.

### **Article 21.**

The regional electoral commission may, for the term of elections, establish its own inspection unit and specify its duties. Article 27, paragraphs 1 and 3 – 5 shall apply to the persons nominated to the inspection unit.

#### **Article 22.**

The regional electoral commission may appoint plenipotentiaries, in a course and manner specified by the National Electoral Commission, to discharge duties, set out in Article 116, paragraph 2.

#### **Article 23.**

The National Electoral Commission shall specify the area of the appropriate electoral constituency where the constituency electoral commission shall also discharge the duties of the regional electoral commission.

#### **Article 24.**

The duties of ward electoral commission shall include, in particular:

- 1) the conduct of voting in the election ward;
- 2) the supervision of the observance of electoral law at the time and place of the vote;
- 3) the establishment and announcement of the voting results in the wards and their delivery to the appropriate regional electoral commission.

#### **Article 25.**

Article 48, paragraphs 1-8, Article 49 and Article 50 of the Act of 16 July 1998 – on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland and the relevant executive decisions shall apply to the establishment and dissolution of the ward electoral commissions, as well as the organisation of their work.

#### **Article 26.**

1. One person may only be a member of one electoral commission. Candidates for deputies to the European Parliament, agents (of election committees) and financial agents as well as poll observers cannot be members of a commission.
2. Members of commissions shall forfeit their membership on the day of signing a written consent for nomination as candidate for deputy to the European Parliament, or as an agent, or poll observer, set out in paragraph 1.
3. Members of commissions are prohibited from participating in an election campaign for any candidate for deputy to the European Parliament or any list of candidates.

#### **Article 27.**



1. A member of an electoral commissions shall be entitled to:

1) a per diem allowance and reimbursement of travel and accommodation expenses;

2) lump sum allowances:

- as regards the members of constituency and regional electoral commission: for the time of discharging duties as member of a commission,

- as regards the members of ward electoral commissions: for the time of conducting voting and determining voting results.

2. Members of the National Electoral Commission and chairpersons of constituency and regional electoral commissions who act officially as Voivodship Electoral Commissioners shall not be entitled to the lump sum allowances set out in paragraph 1, subparagraph 2.

3. Members of electoral commissions shall be entitled to a maximum of 5 days' leave from work without pay from their employers for the time designated for conducting voting, during which time they shall retain their rights to social insurance benefits and benefits resulting from work relations.

4. Members of electoral commissions shall have the benefit of legal protection provided to public officials and shall bear responsibility within the same capacity as public officials.

5. Members of a commission shall be entitled to compensation in the amount provided by the rules on social insurance benefits of employees for accidents at work or occupational diseases, if they encounter an accident while discharging the duties of the commission.

### **Article 28.**

The Minister responsible for public administration after seeking the opinion of the National Electoral Commission shall, issue a directive specifying the amount and rules for issuing the per diem and lump sum allowances set out in Article 27, paragraph 1 above, to which they are entitled, as well the reimbursement of travel and accommodation expenses, and the method for reducing lump sum allowances for members of constituency and regional electoral commissions who fail to participate in part of the commission's tasks, and also the manner of granting leave from work set out in Article 27, paragraph 3. The said directive shall specify the amount and rules for issuing the allowances and lump sum allowances as well as reimbursement of travel and accommodation expenses, and also the manner of granting leave from work for persons nominated to the inspection unit, set out in Article 13, paragraph 6, and Article 21.

### **Article 29.**

Services and technical and material assistance for the work of the ward electoral commissions and the performance of tasks connected with the organisation and conducting of elections on the territory of a commune shall be ensured, as a duty

ascribed to the commune, by the head of the commune, the mayor (president of a town).

### **Article 30.**

1. The organisational entities responsible for State and communal property shall be responsible for providing, free of charge, any accommodation designated by:

- 1) the head of the appropriate local unit of the National Electoral Office—and intended for seats of constituency and regional electoral commissions;
- 2) the head of a commune or mayor (president of town)  
- and intended for seats of ward electoral commissions.

2. Accommodation designated as the seat of a given constituency and ward electoral commission should be accessible to disabled persons.

3. The seats of electoral bodies may also be located in accommodation belonging to bodies other than those set out in paragraph 1, upon agreement with the administrators of such accommodation.

4. Paragraphs 1 – 3, and Article 29 shall apply, accordingly, to captains of Polish maritime vessels and consuls.

### **Article 31.**

The head of a commune or mayor (president of town) shall ensure that the accommodation of ward electoral commissions is suitable for disabled voters. The relevant executive decisions issued under Article 52 of the Act of 16 July 1998 – on elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland, shall apply to such accommodation.

## **CHAPTER 5**

### **Roll of voters**

#### **Article 32.**

1. Persons with the right to elect deputies to the European Parliament in the Republic of Poland shall be registered in the roll of voters.
2. A person may only be registered on one roll of voters.

#### **Article 33.**

1. The commune shall be charged with the duty of maintaining and updating the roll of voters on an ongoing basis.

2. The roll of voters shall be subdivided into two parts: A and B.

3. Part A of the roll shall include citizens of Poland. It shall list: the surname and names, father's name, the identity card (PESEL) number, and the address of the elector.

4. Part B of the roll shall include citizens of the European Union who are not nationals

of Poland, and who have the right to elect deputies to the European Parliament in the Republic of Poland. This part of the roll shall list: the surname and names, father's name, citizenship of the Member-State of the European Union, number of passport or other identity document and the address of the elector in the commune.

5. The roll of voters shall be prepared in two copies, separately for each electoral ward, according to the place of residence of voters, no later than on the 14th day before the Election Day.

6. A copy of the roll of voters shall be delivered to the chairperson of the ward electoral commission on the day preceding the vote.

#### **Article 34.**

1. A disabled voter may, no later than on the 10th day before the election, apply to the office of the commune, to be entered on the roll of voters in the chosen electoral ward of those electoral wards that have polling stations, set out in Article 31, paragraph 1, situated on the territory of the commune appropriate to the place of residence of the voter.

2. The application, set out in paragraph 1 above shall indicate: surname and names, father's name, the identity document (PESEL) number, and the address of the elector.

#### **Article 35.**

1. Article 19 of the Act on Elections to the Sejm and the Senate of the Republic of Poland shall apply accordingly to voters temporarily residing on the territory of a given commune for a period including Election Day, as well as voters of no place of residence who reside on the territory of the commune.

2. The roll of voters in hospitals and social welfare institutions shall be prepared pursuant to Article 20, paragraph 1 and 2 of the Act on Elections to the Sejm and the Senate.

3. The roll of voters in penal institutions and remand centres shall be prepared pursuant to Article 20, paragraph 3 to 5 of the Act on Elections to the Sejm and the Senate.

4. Article 21 of the Act on elections to the Sejm and the Senate and the relevant executive decisions shall apply to: soldiers engaged in basic or temporary military service; those serving as candidates for professional military service or those undertaking military training and exercises, as well as lifeguards engaged in military service in civil defence units outside their place of residence; police serving in quartered units; functionaries of the Bureau of Government Security; border guards; State fire brigades, as well as prison guards put up in barracks.

5. Listing persons set out in paragraphs 1-4 in a given roll of voters shall be immediately notified to the commune administration with jurisdiction over the permanent residence or their last registration of permanent stay.

#### **Article 36.**

1. Voters aboard Polish maritime vessels at sea on Election Day shall be entered on the roll of voters prepared by the captain of the ship.
2. Such inclusion shall be made, upon application by the concerned person submitted no later than on the 5th day before Election Day. Such application shall specify the voter's surname, forenames, father's name, date of birth, identity document (PESEL) number or valid passport number, and the address of residence. In the case of a citizen of the European Union who is not a national of Poland, the application shall specify the number of the appropriate valid identity document as well as the place and date of issue thereof and also the place of registration of the elector into the register of voters.
3. Article 38, paragraph 1, shall apply accordingly to voters on board Polish maritime vessels; the certificate being issued by the captain of the ship who has prepared the roll of voters.
4. The Minister responsible for the marine economy, in agreement with the National Electoral Commission, shall issue a directive specifying the procedure for preparing and updating the roll of voters set out in paragraph 1, as well as the method of notifying commune offices about persons who permanently reside on the territory of Poland that are included in the roll of voters, and the method of issuing certificates confirming the right to vote.

#### **Article 37.**

1. Polish citizens residing abroad who possess valid Polish passports, and citizens of the European Union that are not nationals of Poland, who possess a valid passport or any other identity document, shall be entered on the roll of voters prepared by the consul with appropriate jurisdiction.
2. The said inclusion on the roll of voters shall be made on application by the concerned person either orally, or in writing, by telephone, telegraph or fax. Such an application shall specify the voter's name, forenames, father's name, date of birth and the place of residence, the number of his or her valid Polish passport, and the date and place of issue thereof, and if concerns citizens of European Union who are not nationals of Poland– the number of respective valid identity document as well as the place and date of issue thereof and also the place of registration of the voter in the register of voters. Applications may be made no later than on the 5th day before Election Day.
3. Article 38 shall apply accordingly to voters set out in paragraph 1, and the certificate shall be issued by the consul who has prepared the roll of voters.
4. The Minister responsible for foreign affairs, in agreement with the National Electoral Commission, shall issue a directive specifying the procedure for creating and updating the roll of voters set out in paragraph 1, as well as the method of notifying commune offices about persons who reside permanently on the territory of Poland, who are included in the roll of voters, and the method of issuing certificates confirming their right to vote.

#### **Article 38.**

1. A voter who changes his or her place of residence before Election Day shall obtain, upon his or her request, a certificate confirming the right to vote on Election Day at the new place of residence.
2. The certificate confirming the right to vote on Election Day at the new place of residence shall be issued pursuant to Article 23 of the Act on Elections to the Sejm and to the Senate of the Republic of Poland.

### **Article 39.**

1. The roll of voters shall be open to inspection, upon written motion, at the office of the commune or the seat of the office that prepared it.
2. The head of the commune (mayor, president of a town) or the office that prepared the roll of voters shall notify voters, in the customary manner, of the preparation of the roll of voters and of the time and place of access thereto.

### **Article 40.**

1. Each person may submit complaints concerning inaccuracies in the roll of voters to the head of commune, mayor (president of town) or to the body that prepared the list, in particular concerning:
  - 1) the omission of an elector from the register;
  - 2) the inclusion, in the register, of a person not possessing electoral rights;
  - 3) incorrect details about persons included in the register.
2. The complaint shall be submitted orally or in writing to a protocol.
3. The head of a commune, mayor (president of a town) shall be obliged to examine the complaint within 3 days following its delivery and to issue a decision.
4. The decision, together with its justification, shall be immediately delivered to the applicant, and if it concerns others – also to such persons.
5. A decision rejecting a complaint or one that results in deletion from the electoral register may be appealed to the appropriate regional court. The appeal shall be delivered via the head of a commune, mayor (president of the town) within 3 days following the receipt of the decision.
6. The head of the commune, mayor (president of the town) shall immediately submit the appeal to the court along with the decision and files of the case. The head of the commune, mayor (president of the town), when approving the claim, may immediately change or quash the earlier decision if the appeal is justified.
7. The court shall examine the complaint set out in paragraph 5, in non-litigious proceedings, within 3 days following its delivery. A copy of the court decision shall be delivered to the person who submitted the complaint to the head of commune or mayor (president of the town). There shall be no legal recourse against the court decision.
8. Complaints concerning the roll of voters with respect to persons, set out in Article 36, paragraph 1 and Article 37 paragraph 1 shall be considered respectively, by the captain of the ship or the consul. There shall be no legal recourse against the said decisions.

## **Article 41.**

The Minister responsible for public administration shall, on request of the National Electoral Commission, specify, by directive:

- 1) the methods for maintaining and opening the roll of voters to public inspection, in particular concerning:
  - a) a specimen example of a roll;
  - b) the methods of updating it;
  - c) a specimen application by a person to view the roll,
  - d) Specimens of lists of voters staying in hospitals, social welfare establishments, penal institutions and places of remand, where polling wards are created;
  - e) a specimen notification informing a person that his or her name has been entered in a roll in another polling ward;  
- taking into account, during the preparation of the roll of voters, the distinctness of communes with the statute of a town as well as wards in a hospital, social welfare establishment, penal institution and places of remand, and also cases of inclusion or deletion from the roll, and also the place, time and method of making the roll available to the public;
- 2) a specimen of a certificate confirming the right to vote, which shall include personal data enabling identification of the person possessing a certificate, and the method of issuing such certificate.

## **CHAPTER 6 Polling wards Article 42.**

1. Voting in elections shall take place:
  - 1) in permanent polling wards established under the Act of 16 July 1998 on Elections to commune councils, district councils and voivodeship councils;
  - 2) at polling wards created in hospitals and social welfare establishments;
  - 3) at polling wards created in penal institutions and places of remand;
  - 4) at polling wards created abroad;
  - 5) at polling wards created aboard Polish maritime vessels.
2. Polling wards may be established in hospitals and social welfare establishments as well as in penal institutions and places of remand. Article 30, paragraphs 1-3 of the, who shall apply accordingly.
3. Changes in the division into election wards, should such necessity result from changes in the boundaries of a commune or changes in the number of inhabitants on the territory of a election ward of a commune, are executed pursuant to the principles

and procedures specified in provisions of the Act, mentioned in paragraph 1, subparagraph 1 above, no later than 45 days before Election Day.

#### **Article 43.**

1. Polling wards shall be established for Polish citizens abroad.
2. The Minister responsible for foreign affairs shall, upon consulting the National Electoral Commission, issue an order creating the wards set out in paragraph 1 above, and shall specify the seats of the ward electoral commissions.
3. The wards set out in paragraph 1 shall constitute a part of the appropriate Constituency Electoral Commission for the capital City of Warszawa.
4. Polling wards shall be established for voters aboard Polish maritime vessels continuing their voyage for a period including Election Day if there are at least 15 voters aboard, and provided that it is possible to transmit the results of voting immediately after its conclusion.
5. Under the above Act, the expression: "Polish maritime vessel" shall mean a ship that is exclusively the property of a Polish ship owner, has its seat in Poland, bears the flag of Poland, and is under the command of a Polish captain.
6. The polling wards set out in paragraph 4 shall be established by a directive of the Minister responsible for the marine economy in agreement with the National Electoral Commission, at the request of the shipowner, made no later than 30 days before Election Day.
7. The wards set out in paragraph 4 shall constitute a part of the electoral constituency where the ship owner has its seat.

#### **Article 44.**

1. Information on the number and boundaries of polling wards, as well as on the location of the ward electoral commissions, shall be made public, in an announcement, by the head of a commune (mayor, president of a town) no later than on the 30th day before Election Day.
2. As regards polling wards established abroad, consuls shall be charged with the duty set out in paragraph 1. Such duty shall be discharged no later than on the 21st day before Election Day.
3. The captain of a ship shall inform voters of the establishing of a polling ward.

### **CHAPTER 7**

#### **Electoral Constituencies**

#### **Article 45.**

For the purposes of elections, multi mandate electoral constituencies shall be established, hereinafter "electoral constituencies".

#### **Article 46.**

The division into electoral constituencies, the number and boundaries thereof, as well as the seats of constituency electoral commissions, shall be specified in an Appendix to this Act.

**CHAPTER 8**  
**Election Committees**  
**Article 47.**

1. Voters and political parties shall have the right to submit lists of candidates for deputies to the European Parliament .
2. Political parties may form election coalitions in order to submit joint lists of candidates for deputies to the European Parliament.

**Article 48.**

Election committees shall, in the name of political parties, election coalitions and voters, engage in electoral activities, in particular the nomination of candidates for deputies to the European Parliament, and shall exclusively conduct the election campaign on their behalf.

**Article 49.**

1. The organ of a political party that is authorised to represent a party in its external relations shall act as the election committee of that political party.
2. The organ of the political party, set out in paragraph 1 above, shall be obliged to notify the National Electoral Commission of its intention to submit candidates for deputies to the European Parliament, and also provide information regarding:
  - 1) the agent of the election committee – who is authorised, with regard to Article 84, to act for and in the name of the election committee;
  - 2) the financial agent of the election committee set out in Article 84.
3. The notification set out in paragraph 2 above, may be provided within the period that begins on the day of publication of the proclamation of elections and ends on the 50th day before the vote.
4. The notification set out in paragraph 2, shall also include the following data:
  - 1) the name of the election committee, in conformity with Article 52, paragraph 1, as well as a short name and the address of the seat of the committee and the registration number of the political party in the register of political parties, administered by the Regional Court in Warsaw;
  - 2) the name (names), surname, address of residence and identity card (PESEL) number of the agent set out in paragraph 2, subparagraph 1;
  - 3) the name (names), surname, address of residence and identity card (PESEL) number of the financial agent set out in paragraph 2, subparagraph 2.



5. The following documents shall be enclosed with the notification set out in paragraph 2:

- 1) the declaration of the agents set out in paragraph 2 accepting the power of attorney, and additionally, in the case of a financial agent – also a statement, that he or she has fulfilled the obligations set out in Article 84, paragraphs 2 and 3;
- 2) a lawful copy of the register of political parties;
- 3) an excerpt from the statute of the political party specifying party organs authorised to represent the party in external relations.

### **Article 50.**

1. A political party may only be a member of one election coalition.

2. Election activities conducted in the name of an election coalition shall be performed by the election committee, hereinafter “the election committee of a coalition”, established by the organs of political parties being members of that coalition, authorised to represent those parties in external relations.

3. The election committee of a coalition may be established within the period commencing with the publication day of the order on elections and ending on the 50th day before the vote.

4. The election committee of a coalition shall consist of at least 10 persons, nominated by organs of the political parties set out in paragraph 2 above.

5. The election committee of a coalition shall appoint:

- 1) the agent of the election committee – who is authorised, with regard to Article 84, to act for and in the name of the election committee;
- 2) the financial agent of the election committee set out in Article 84.

6. The agent set out in paragraph 5, subparagraph 1, shall notify the National Electoral Commission, no later than on the 50th day before the vote, that the election committee of a coalition has been established.

7. The notification set out in paragraph 6 shall also include the following data:

- 1) the name of the election committee, in conformity with Article 52, paragraph 2 and Article 53, paragraph 2 as well as its short form and the address of the seat of the committee and the registration numbers of the political parties that comprise the election coalition, committee and the registration number of the political parties in the register of political parties, administered by the Regional Court in Warsaw;
- 2) the name (names), surname, address of residence and identity card (PESEL) number of the agent set out in paragraph 5, subparagraph 1;
- 3) the name (names), surname, address of residence and identity card (PESEL) number of the financial agent set out in paragraph 5, subparagraph 2.

8. The following documents shall be enclosed with the notification set out in paragraph 6 above:

- 1) a copy of the agreement establishing a coalition that includes the following: names, surnames, addresses of residence and identity cards (PESEL) numbers of the persons set out in paragraph 4 above;
- 2) the declaration of the agents set out in paragraph 5 above accepting the power of attorney, and additionally, in the case of a financial agent – also a statement that s/he fulfils all the obligations set out in Article 84, paragraphs 2 and 3;
- 3) a lawful copy of evidence of the registration of the political parties that form the coalition;
- 4) excerpts from the statutes of the political parties forming the coalition, which shall indicate the party organs, authorised to represent the party externally.

### **Article 51.**

1. Citizens that have electoral rights, at least 15 in number, shall have the right to create an election committee of voters, by submitting a written declaration of the creation of the committee, entering their names, surnames, addresses of residence and (PESEL) numbers of their identity cards.

2. The election committee of voters shall establish:

- 1) the agent of the election committee – who is authorised, with regard to Article 84, to act for and in the name of the election committee;
- 2) the financial agent of the election committee set out in Article 84.

3. The agent and the financial agent shall be nominated from among the persons that create an election committee of voters.

4. After collecting at least 1,000 signatures of citizens, eligible to vote, who support the creation of the committee, the agent set out in paragraph 2, subparagraph 1, shall notify the National Electoral Commission that the election committee has been created. This notification shall be delivered no later than the 50th day before the vote.

5. The notification set out in paragraph 4 shall also include the following data:

- 1) the name of the election committee, given in conformity with Articles 52, paragraph 3 and Article 53, paragraphs 2 and 3, as well as a short name and the address of the seat of the committee;
- 2) the name (names), surname, address of residence and identity card (PESEL) number of the agent set out in paragraph 2, subparagraph 1;
- 3) the name (names), surname, address of residence and identity card (PESEL) number of the financial agent set out in paragraph 2, subparagraph 2.

6. The following documents shall be enclosed with the notification set out in paragraph 4 above:

- 1) a declaration of the creation of an election committee, set out in paragraph 1;
- 2) the declaration of the agents set out in paragraph 2 accepting power of attorney, and additionally, in the case of the financial agent – also a statement that s/he fulfils all the obligations set out in Article 84, paragraphs 2 and 3;

3) the list set out in paragraph 4 of at least 1,000 signatures of citizens, including the following data: names, surnames, addresses of residence and identity card (PESEL) numbers, as well as the handwritten signatures.

### **Article 52.**

1. The name of the election committee of a political party shall contain the words: “election committee” and the name of the political party. The name of the election committee of a political party may also include a short form of the party name.
2. The name of the election committee of a coalition shall contain the words: “election committee of a coalition” and the name of the election coalition.
3. The name of an election committee of voters shall contain the words: “election committee of voters” and a description different from the names of other committees.

### **Article 53.**

1. The name, its short form and emblem of an election committee shall be legally protected.
2. The name, its short form, and the emblem of an election committee of a coalition and that of an election committee of voters must be clearly distinguishable from the names, short form names and emblems of other election committees of a coalition and election committees of voters.
3. The name and its short form of an election committee of voters must be clearly distinguishable from the names and short names of political parties and social organisations that have been entered into the register maintained by the appropriate evidential administration.

### **Article 54.**

1. When the notification:

- 1) set out in Article 49, paragraph 2;
- 2) set out in Article 50, paragraph 6;
- 3) set out in Article 51, paragraph 4;
  - meets all the requirements under this Act, the National Electoral Commission, within 3 days following its delivery, shall decide on its acceptance. The decision shall be delivered to the agent immediately.

2. In the event the said notification has any defects, the National Electoral Commission shall, within three days following delivery, call upon the agent to remedy any such defects within five days. In the event a defect has not been removed within the time limit, the Commission shall refuse to accept the notification. The decision of the National Electoral Commission, with reasons given, shall be delivered immediately to the agent.

3. An agent may appeal to the Supreme Court against a decision of the National Electoral Commission rejecting the notification. The appeal shall be made within three

days of the date of the refusal to accept the notification.

4. The Supreme Court, sitting with a bench of three judges, shall examine the petition and issue its ruling within five days in non-litigious proceedings. There shall be no legal recourse against a ruling of the Supreme Court. The ruling shall be submitted to the agent and to the National Electoral Commission. If the Supreme Court grants the petition, the National Electoral Commission shall immediately take a decision to accept the notification.

#### **Article 55.**

1. The committee shall acquire legal personality to exercise the duties arising from this Act on the day of the decision of the National Electoral Commission to accept the notification set out in Article 49, paragraph 2.

2. An election committee of a coalition and an election committee of voters shall acquire legal personality to exercise the duties arising from this Act on the day of the decision of the National Electoral Commission to accept the notification set out in Article 50, paragraph 6, or in Article 51, paragraph 4.

#### **Article 56.**

The responsibility for liabilities:

- 1) of an election committee of a political party shall be borne by the political party which established that election committee;
- 2) of an election committee of a coalition shall be borne jointly and severally by the political parties that are members of that election committee;
- 3) of an election committee of voters shall be borne jointly and severally by the persons who are members of that election committee.

#### **Article 57.**

The National Electoral Commission shall publish information on its receipt of the notification, set out in Article 49, paragraph 2, Article 50, paragraph 6 and Article 51, paragraph 4, in the Official Gazette "Monitor Polski", and shall make such information public.

#### **Article 58.**

1. An election committee, with regard to paragraphs 2 and 3, shall be dissolved by virtue of law:

- 1) after acceptance of its election report by the National Electoral Commission;
- 2) after the expiry of the time-limit for lodging a complaint set out in Article 97, paragraph 1; or
- 3) after a ruling, set out in Article 97, paragraph 2, which upholds a complaint lodged against the decision of the National Electoral Commission to reject an election report.

2. The election committees that have the right to obtain the subject allocation set out in Article 100, paragraph 1, shall be dissolved by virtue of law after six months following the day of receiving the allocation.

3. An election committee may be dissolved before Election Day pursuant to the provisions concerning its creation. The National Electoral Commission shall be immediately notified of the dissolution of a committee, and if the dissolution of the committee has occurred after the registration of candidates for deputies to the European Parliament – the proper constituency electoral commission should also be notified.

## **CHAPTER 9**

### **Submission of lists of candidates**

#### **Article 59.**

1. An election committee shall have the right to submit, in every electoral constituency, only one constituency list of candidates for deputies to the European Parliament, hereinafter “the constituency list”.

2. The number of candidates for deputies to the European Parliament submitted by the constituency list may not be lower than 5 nor greater than 10.

3. A candidate may stand for election in one electoral constituency and only from one constituency list.

4. Political parties that participate in an election coalition shall have no right to individual submission of a constituency list of candidates.

#### **Article 60.**

1. A constituency list shall be supported, according to Article 61, paragraphs 1 and 2, by the signatures of at least 10,000 voters who permanently reside in a given electoral constituency.

2. An election committee, which has met the requirements under paragraph 1 above and registered constituency lists in at least half of the electoral constituencies shall have the right to submit further lists without signatures of voters supporting them.

3. The submission of constituency lists by election committees which have met the requirements under paragraph 2 above, shall be valid if confirmed by a certificate of the National Electoral Commission, issued on a motion of the election committee concerned, submitted no later than 40 days before Election Day.

#### **Article 61.**

1. A voter may give written support to more than one constituency list. The withdrawal of support given has no effect.

2. A voter who supports a constituency list shall place his or her signature beside his or her legibly written surname and forename, address of permanent residence and the number of his or her identity card (PESEL).

3. Every page of signatures shall include thereon the name of the election committee

submitting the list, the number of the electoral constituency where the list is submitted and the annotation:

“I support the list of candidates for deputies to the European Parliament, submitted by:.....

(name of an election committee)

in the electoral constituency No: .....

(number of constituency)

in elections of deputies to the European Parliament held on:.....

(day, month, year)”.

### **Article 62.**

1. The collection of signatures of persons who support a constituency list may be conducted in a place, time and manner that exclude any threat, deceit or pressure brought to obtain such signatures.
2. It shall be forbidden to collect signatures of support for a constituency list within military units and other units subordinated to the Minister of National Defence and in civil defence units as well as in quartered police units subordinate to the Minister appropriate for internal affairs.
3. It shall be forbidden to grant remuneration for collecting or signing a constituency list.

### **Article 63.**

1. A constituency list shall be submitted to the constituency electoral commission by 12 PM at the latest, on the 40th day before Election Day.
2. The constituency list shall be submitted personally in writing by an election agent or a person authorised by him or her, hereinafter “the person submitting the list”. If submitted by a person authorised by an agent, it should include a document confirming the granting of authorization specifying its scope as well as the personal data of the person authorised, specifically: his or her name (names), surname, address of residence and identity card (PESEL) number.

### **Article 64.**

1. The submission of a constituency list of candidates must meet the requirements of Article 144, paragraph 1-5 of the Act on Elections to the Sejm and the Senate of the Republic of Poland. Article 144, paragraph 5, subparagraph 3 of the Act on Elections to the Sejm and the Senate of the Republic of Poland shall not apply to a candidate who is not a citizen of the Republic of Poland.
2. Every submitted list must include the statement of a candidate that he or she is eligible to stand for elections, as set out in Article 9.
3. In the event that a national of the European Union, who is not a citizen of the Republic of Poland, is nominated as a candidate to the European Parliament, he or she is required to include with the written consent to stand in elections:

1) a declaration stating, that:

a) he or she has is entered into the register of voters in a commune of which he or she is a permanent resident;

b) he or she is not nominated to stand in elections to the European Parliament in any other Member State of the European Union;

2) a certificate, issued by the appropriate body of a Member State of the European Union, stating that he or she has not been deprived of the right to be nominated in elections to the European Parliament in this Member State, or that the appropriate body has no information on the deprivation of such rights.

4. After submitting the constituency list it is inadmissible to insert additional names of candidates or to exchange candidates, or to change the order in which their names have been placed on the list, or to change a denotation with the name or short form of the name of the party of which he or she is a member.

#### **Article 65.**

1. While receiving a submission, the constituency electoral commission shall, in the presence of the person submitting a list, examine whether it conforms to Article 64 and shall issue a written receipt of the submission. The National Electoral Commission shall provide a specimen receipt.

2. The commission shall number and affix its seal on every page of list of signatures.

3. After examination of the accuracy of the data provided in the list of signatures, the commission shall retain the signatures in sealed packages. Access to the packages and unsealing them may take place only for the purposes of legal proceedings in courts or the organs of the office of the public prosecutor and in the presence of a member of the constituency electoral commission; the person who submitted the list shall be notified immediately of the date of proceedings.

#### **Article 66.**

1. The constituency electoral commission shall register a constituency list submitted pursuant to this Act and shall make a record of the registration. A copy of such record shall be provided to the person who submitted the list and shall be delivered to the National Electoral Commission.

2. If the submission has defects other than the lack of the required number of signatures of voters, then the commission shall summon the person who submitted the list to have such defects removed within three days. If the defects are not removed within this time limit, the commission shall refuse to register the list either wholly or in respect of certain candidates. If the commission refuses to register only certain candidates, the list shall be registered with its contents free of defects, if there are at least 5 nominated candidates on the list.

3. A decision of a constituency electoral commission to refuse registration set out in

paragraph 2, together with the justification for refusal, shall be immediately delivered to the person submitting the list. The person submitting the list has the right to appeal such a decision with the National Electoral Commission within three days of delivery thereof. There shall be no legal recourse against the decision of the National Electoral Commission.

#### **Article 67.**

1. If the number of validly recorded signatures of voters who support a constituency list is less than the required number under this Act, the constituency electoral commission shall summon the person submitting the list to complete the list of signatures, if the time limit set out in Article 63 paragraph 1, has not elapsed. The time limit for completing the list is set out in Article 63, paragraph 1.
2. If the list is not completed by the time limit set out in Article 63, paragraph 1, or such time has elapsed, the constituency electoral commission shall refuse registration of the constituency list. The decision, with justification, shall be immediately delivered to the person submitting the list.
3. The decision, set out in paragraph 2 above, may be appealed with a constituency court having jurisdiction within three days of delivery thereof. The constituency court, by a bench of 3 judges, shall consider the appeal in non-litigious proceedings. There shall be no legal recourse against the decision of the court. If the court deems the complaint valid, the constituency electoral commission shall immediately register the list.

#### **Article 68.**

1. If there is reasonable doubt as to the reliability of data included in the list of signatures, or the credibility of signatures, the constituency electoral commission shall verify, within three days, the number and reliability of signatures by reference to officially accessible documents, including the electoral register and the official register of residents, and also, if necessary, clarification by voters. The person who submitted the list shall be immediately notified of the onset of explanatory proceedings.
2. If as a result of verification it is determined that the list lacks the officially required signatures of support, the constituency electoral commission shall declare its refusal to register the constituency list submitted and provide its reasons. The decision, together with justification, shall be immediately delivered to the person who submitted the list.
3. The person who submitted the list may appeal the declaration set out in paragraph 2, within three days of the delivery thereof, with a court having jurisdiction. The court, by bench of 3 judges, shall consider the complaint in non-litigious proceedings and shall give a decision. There shall be no legal recourse against the decision of the court. If the court determines the complaint to be valid, the constituency electoral commission shall immediately register the constituency list.

#### **Article 69.**



1. The National Electoral Commission shall, on the basis of protocols confirming the registration of constituency lists, establish by random draw, no later than 30 days before the Election Day, a single number for the lists of a given election committee registered in more than one electoral constituency.
2. Article 150 and Article 151 of the Act on Elections to the Sejm and the Senate of the Republic of Poland shall apply accordingly to the procedure of randomly drawing the numbers of constituency lists.

#### **Article 70.**

1. The constituency electoral commission shall prepare an announcement on the constituency lists registered, including information on the numbers, names and short names of election committees and details of the candidates included on the lists submitted, along with the contents of the statement set out in Article 7, paragraph 1 of the Act of 18 October 2006 on Disclosure of Information on Documents of the Organs of State Security for the Years 1944 – 1990 and the Contents of Those Documents in the part specified in Article 13, of that Act.
2. The announcement, set out in paragraph 1 above, shall be delivered to the head of a unit of the National Electoral Office with jurisdiction, who shall ensure its printing and posting within the constituency no later than on the tenth day before Election Day. A copy of the announcement shall be immediately sent to the National Electoral Commission.

#### **Article 71.**

1. The constituency electoral commission shall delete from the registered constituency list the name of a candidate for a deputy to the European Parliament who has died, forfeited his or her eligibility or submitted to the commission a written statement of withdrawal of his or her acceptance of candidacy.
2. If the name of a candidate was deleted from the registered list due to his or her death resulting in fewer than 5 candidates on the list, the commission shall inform the person who submitted the list that a new candidate may be submitted. The list may be supplemented no later than on the fifteenth day before Election Day; Article 60 shall not apply in this case.
3. If the deletion of a candidate has occurred for reasons other than the death of a candidate or if the list has not been completed within the time limit set out in paragraph 2 above, and there are fewer than 5 candidates, the commission shall nullify the registration of the list. There shall be no legal recourse against a decision in this case.
4. In the event an election committee is dissolved pursuant to Article 58, paragraph 3, the constituency electoral commission shall nullify the registration of the list of that committee. The second sentence of paragraph 3 above shall apply accordingly.
5. The constituency electoral commission shall immediately notify the person who submitted the list and the National Electoral Commission, as well as voters, in the

form of an announcement, of the deletion of a candidate and decisions arising from paragraphs 2-4.

#### **Article 72.**

1. The election agent or a person authorised by him or her may appoint one poll observer to every ward electoral commission and regional electoral commission acting on the territory of the electoral constituency in which a constituency list submitted by him or her has been registered.
2. The election agent or a person authorised by him or her shall issue to election observers a certificate pursuant to the specimen provided by the National Electoral Commission.
3. The election agent or a person authorised by him or her shall hold the post of an election observer at the National Electoral Commission.

### **CHAPTER 10**

#### **Election campaign**

#### **Article 73.**

1. The election campaign shall commence on the day that the decision to order elections issued by the President of the Republic is proclaimed and shall end 24 hours before Election Day on the territory of the Republic of Poland.
2. Political parties and voters may engage in activities set out hereunder as of day that the decision set out in paragraph 1 above, is proclaimed. Any activities before this day shall be invalid.
3. Articles 87-90 of the Act on Elections to the Sejm and the Senate of the Republic of Poland shall apply to the rules, forms and venues for electoral agitation during an election campaign.

#### **Article 74.**

1. If distributed election materials, also in the press within the meaning of press law, especially posters, brochures, slogans and announcements or other forms of election propaganda and agitation, contain any false information, the candidate for a deputy to the European Parliament, or an agent of any concerned election committee shall have the right to petition the constituency court to issue a ruling:

- 1) prohibiting publication of such information;
- 2) confiscating such materials;
- 3) requiring such information to be rectified;
- 4) requiring the publishing of a reply to statements infringing on individual rights;
- 5) requiring an apology to the person libelled.

2. The constituency court shall consider a petition set out in paragraph 1 within 24 hours in non-litigious proceedings. The court may consider the case in the reasonable absence of the petitioner or participant if they have been properly notified of the time

of the proceedings. A ruling that terminates proceedings in a case shall be notified immediately by the court to the person concerned, set out in paragraph 1, and any person duly obliged to observe the ruling of the court.

3. The ruling of a district court may be appealed with a court of appeal within 24 hours, which shall consider it within 24 hours. There shall be no legal recourse against the ruling of a court of appeal and it shall be subject to immediate execution.

4. A rectification, answer, or apology shall be published within 48 hours at the expense of the person so obliged. The court shall specify the daily newspaper, within the meaning of the press Act, for the publication, and the time limit for its publication.

5. If the rectification, reply, or apology is not published, the court, on the motion of a person concerned, shall order publication by a writ of execution, at the expense of the person obligated to do so.

#### **Article 75.**

The exercise of rights under this Act shall not prevent any wronged or injured person from asserting his or her rights under other statutes.

#### **Article 76.**

The head of a commune, mayor (president of town) shall, immediately after beginning of the election campaign, designate the necessary number of places on the territory of a commune, devoted to affixing, free of charge, official election announcements and posters of election committees and shall publish the list of such places.

#### **Article 77.**

From the end of election campaign up to the end of voting it shall be forbidden to announce the outcomes of pre-election surveys (public opinion polls) on probable voting behaviour and election results to the European Parliament in the European Union.

#### **Article 78.**

1. Election committees shall have the right to broadcast their election programmes on radio and television in the form of broadcasts and election programmes.

2. The total airtime for broadcasting election materials shall be:

1) on nationwide channels – 15 hours broadcasted by the Polish Television Joint-stock Company from 17:00 to 23:00 and 20 hours by the Polish Radio Joint-stock Company;

2) on every regional channel - 10 hours broadcasted by the Polish Television Joint-stock Company and 20 hours by regional broadcasting companies, set out in Article 26, paragraph 2, subparagraph 2 of the Act of 29 December 1992 on Radio and Television (Journal of Laws of the Republic of Poland No. 101, item 1114 of 2001, as amended).

3. An election committee shall have the right to broadcast its election materials on:

- 1) nationwide channels – if it has registered constituency lists in at least 9 (nine) electoral constituencies;
- 2) on regional channels – if it has registered a constituency list in at least one electoral constituency.

4. Airtime for broadcasting election materials set out in paragraph 2, subparagraph 1, shall be divided into equal parts amongst the election committees so entitled on the basis of information submitted by the National Electoral Commission, specifying the election committees that have registered their constituency lists in at least nine election constituencies.

5. Airtime for broadcasting election material set out in paragraph 2, subparagraph 2, shall be divided proportionally according to the number of constituency lists registered by them amongst the election committees so entitled, on the basis of the information concerning registered constituency lists provided by the constituency electoral commissions with jurisdiction in the area covered by regional programmes.

6. Article 180, paragraphs 2-4, Article 181, paragraphs 1 to 4 and Articles 185 and 186 of the Act on Elections to the Sejm and the Senate of the Republic of Poland shall apply accordingly to the matters set out in paragraph 1 above.

7. The National Broadcasting Council, after seeking the opinion of the National Electoral Commission, and the management of the Polish Television Joint-stock Company, Polish Radio Joint-stock Company and regional broadcasting companies as well as its own Programme Council - shall specify by way of order:

- 1) the total airtime for broadcasting election materials on each of the national and regional channels;
- 2) the overall division of airtime for broadcasting election materials  
- in consideration of the need to equally divide airtime for broadcasting election materials among election committees.

8. The National Broadcasting Council, after seeking the opinion of the National Electoral Commission shall determine, by way of order, the rules of procedure for dividing broadcasting time for election materials, the scope of their registration, their method of preparation and broadcast, taking in account the type and kind of election programme data carrier, and also the methods of publishing information on the timetable for broadcasting such programmes.

### **Article 79.**

1. No later than on the 18th day before Election Day the editors-in-chief of the respective national television channels, including Television Polonia and regional programmes, and also radio programmes, in the presence of the persons who submitted the lists, shall draw the sequence of election programmes to be broadcast each day.

2. A decision on the division of broadcasting time set out in Article 182, paragraphs 1

and 2, may be subject to complaint by the person who submitted a list to the National Electoral Commission. The complaint shall be lodged no later than within two days after the issuing of the decision. The National Electoral Commission shall immediately consider the complaint and shall issue a decision. There shall be no legal recourse against the decision of the National Electoral Commission.

#### **Article 80.**

1. No later than 24 hours before the day of broadcast, the election materials of an election committee shall be delivered to Polish Television Joint-stock, Polish Radio Joint-stock and regional broadcasting companies set out in Article 26, paragraph 2, subparagraph 2 of the Act of 29 December, 1992 on Radio and Television.

2. The time length of election materials delivered by election committees shall not exceed the time limit under Article 78, paragraphs 7 and 8.

3. The Polish Television Joint-stock, Polish Radio Joint-stock and regional broadcasting companies, set out in Article 26, paragraph 2, subparagraph 2 of the Act of 29 December, 1992 on radio and television, shall immediately instruct an election committee to shorten materials delivered thereby that exceed airtime allotted for such broadcasts. If such instruction has no effect, the broadcast of election materials shall be terminated upon the expiry of the time limit allotted to a given committee.

#### **Article 81.**

Article 94 of the Act on Elections to the Sejm and the Senate of the Republic of Poland and the appropriate regulations pursuant thereto shall apply to the presentation of information, explanation and communications connected with the elections on television and radio stations.

#### **Article 82.**

A political party which has established an election committee or participated as a member of an election coalition from the day of accepting the notification, set out in Article 49, paragraph 2 and Article 50, paragraph 6, until Election Day, may perform and finance all agitation to disseminate the programme goals of a political party, exclusively pursuant to the rules, forms and venues set out by this Act

### **CHAPTER 11**

#### **Financing of the election campaign**

#### **Article 83.**

The financing of an election campaign shall be made public.

#### **Article 84.**

1. The financial agent shall assume responsibility and shall manage the financial resources of an election committee.
2. The following persons cannot be a financial agent:
  - 1) a candidate for deputy to the European Parliament;
  - 2) an election agent;
  - 3) a public official within the meaning of Article 115 § 13 of the Criminal Code;
  - 4) a person with no permanent residence in the Republic of Poland.
3. A person may only be a financial agent for one committee.

#### **Article 85.**

1. An election committee may raise and spend funds for election purposes only.
2. An election committee of a political party may raise and spend funds as of the day the National Electoral Commission adopts a resolution accepting the notification on the intention of submitting candidates for deputies to the European Parliament.
3. An election committee of a coalition and an election committee of voters may raise and spend funds as of the day the National Electoral Commission adopts a resolution on the receipt of a notification of the creation of an election committee of a coalition or an election committee of voters
4. It shall be prohibited:
  - 1) for an election committee to raise funds after the day of the election;
  - 2) for an election committee to spend funds after the day of the submission of the report set out in Article 93.

#### **Article 86.**

1. The funds of an election committee of a political party may be derived only from the Election Fund of the political party concerned, established pursuant to the Act of 27 June 1997 on Political Parties (Journal of Laws of the Republic of Poland No. 79, item 857 of 2001, No. 154 item 1802 of 2002, No. 127, item 1089 and No. 57, item 507 of 2003) hereinafter "Election Fund".
2. The funds of an election committee of a coalition may only come from Election Funds of parties forming given election coalition.
3. An election committee of voters may accept funds only from natural persons, with reference to paragraphs 4, 6 and 7 as well as Article 100.
4. An election committee of voters shall not accept funds from:
  - 1) natural persons who do not have a place of residence on the territory of the Republic of Poland, excluding Polish citizens residing in another Member State of the European Union;
  - 2) foreigners, who have a place of residence on the territory of the Republic of Poland and are not nationals of the European Union;

5. An election committee may not accept in-kind contributions, save for services rendered free of charge such as distributing election posters and brochures, by entities other than entrepreneurs.
6. An election committee may take out bank loans exclusively for purposes connected with the election.
7. The guarantor of a loan, set out in paragraph 6 above, may only be a natural person, where the guaranteed amount may not exceed the advance of the sum, mentioned in Article 88, paragraph 4, of the total amount of contribution made by a natural person. The limitation of the amount of guarantee given shall not apply to persons being members of an election committee of voters.
8. An election committee may not accept financial resources transferred from abroad.

#### **Article 87.**

1. The transfer of financial resources and in-kind contributions belonging to a committee for the benefit of another committee shall be prohibited.
2. It shall be forbidden to organise public collections to raise funds for an election committee.

#### **Article 88.**

1. The financial resources of an election committee may only be held in a bank account. The resolution of the National Electoral Commission on acceptance of notification, set out in Article 49, paragraph 2, Article 50, paragraph 6 and Article 51, paragraph 4, is the basis for opening a committee bank account, being entered into the register of the national economy (REGON) as well as obtaining a tax identification number (NIP) pursuant to law on records and identification of taxpayers and payers.
2. The bank account agreement established on behalf of an election committee must include a clause regarding the statutory methods of depositing funds for the benefit of an election committee and eligible sources of raising funds by a committee, as well as the permitted period for making deposits.
3. Financial contributions must be made only by cheque, bank transfer, or credit card.
4. The total amount of the sums contributed by an individual for one election committee of a coalition or an election committee of voters cannot exceed twenty times the minimum monthly wage of a worker, established by separate provisions, in force on the day before the announcement of elections.

#### **Article 89.**

1. An election committee may not exceed the expenditure limit on election campaigning calculated as the sum of 0.30 PLN on each elector in the country included in the register of voters.
2. The National Electoral Commission shall, within 14 days of ordering the election, publish an announcement in the Official Gazette of the Republic of Poland "Monitor Polski" and make public the number of registered voters across the nation at the end of the annual quarter preceding the day the order on elections is proclaimed

### **Article 90.**

1. If an election committee of a political party contributes more funds for the election campaign than the expenditures incurred, the excess campaign funds shall be transferred to the Election Fund of that political party.
2. If an election committee of a coalition contributes more funds for the election campaign than the expenditures incurred, then its excess campaign funds should be transferred to the Election Funds of parties that created the coalition established pursuant to the Act on political parties, in proportions determined by a coalition agreement; if no such provisions are included in the coalition agreement, the excess funds shall be transferred to a charitable institution.
3. If an election committee of voters contributes more funds, including allocations from the State budget, set out in Article 100, paragraph 1, for election campaigns than the expenditures incurred, the excess campaign funds shall be transferred to a charitable institution.

### **Article 91.**

The Minister responsible for public finances, after seeking the opinion of the National Electoral Commission, shall issue a regulation specifying the method and procedure of keeping the accounts by election committees, including forms of documentation and evidence of receipts, disbursements and financial liabilities of an election committee, specimens of reports on receipts, disbursements and financial liabilities of election committees as well as the scope of information to be included, along with a list of documents that shall be added to the report to enable verification of the information provided.

### **Article 92.**

The Act of 27 June 1997 on Political Parties shall apply to any issues concerning the financing of election committees of political parties not regulated hereunder.

### **Article 93.**

1. The financial agent shall submit to the National Electoral Commission, within four months following Election Day a report, hereinafter “election report”, on receipts, disbursements and financial liabilities of the committee, including bank loans, specifying the conditions set forth by lending institutions, along with a written opinion of a competent auditor concerning the report.
2. The National Electoral Commission shall appoint competent auditors from amongst candidates submitted by the National Council of Auditors in a number agreed with the National Electoral Commission.
3. The cost of preparing the opinion and reports, set out in paragraph 1, shall be financed from the state budget under the Budget public finance and financial institutions section.



#### **Article 94.**

1. The National Electoral Commission shall publish the election reports of election committees in the Official Gazette of the Republic of Poland "Monitor Polski" within a month following the date set out in Article 93, paragraph 1.
2. The National Electoral Commission shall facilitate access to the list of contributions made by individuals for the benefit of an election committee of voters, on the motion and rules provided by the Act on protection of personal data of 29 August 1997 (Journal of Laws No. 101, item 926 and No. 153, item 1271 of 2002).
3. The remaining documents enclosed with an election report shall be made accessible to:
  - 1) political parties;
  - 2) election committees, who took part in a given election;
  - 3) associations and foundations, which in their charter provide actions connected with the analysis of election campaigning finances
    - within the period for submitting complaints against election reports.

#### **Article 95.**

1. The National Electoral Commission shall, within four months following the day on which an election report is submitted:
  - 1) accept the report without reservation;
  - 2) accept the report and indicate its defects, or
  - 3) shall reject if it is found that:
    - a) contributions or expenditures of the resources of an election committee were made in violation of Article 85 or the limit set out in Article 89, paragraph 1;
    - b) public collection of funds was organized in violation of Article 87, paragraph 2;
    - c) an election committee of a political party or election committee of a coalition accepted financial resources from sources other than the Election Fund;
    - d) an election committee of voters accepted or transferred financial resources or in-kind contributions in violation of Article 86, paragraphs 3 to 8.
    - e) a committee of a political party or an election committee of a coalition accepted in-kind contributions in violation of Article 86, paragraph 5.
2. If there are any doubts as to the correctness of an election report, the National Electoral Commission shall demand that the given committee remove any defects or submit explanations within a specified time limit.
3. In the course of its assessment of an election report, the National Electoral Commission may order the preparation of expert reports or opinions.
4. In the course of its assessment of an election report, the National Electoral Commission may demand assistance from State organs.

### **Article 96.**

1. Within seven days following the publication of an election report:

- 1) political parties;
- 2) committees which took part in a given election;
- 3) associations and foundations which in their charter include tasks connected with the analysis of election campaign financing –  
have the right to submit to the National Electoral Commission their substantiated reservations in writing to the election reports of committees.

2. The National Electoral Commission shall, within 60 days following submission of the reservations set out in paragraph 1 above, respond in writing.

### **Article 97.**

1. In the event, the National Electoral Commission rejects an election report of an election committee, its financial agent may lodge, within the seven days following delivery of the decision rejecting the report, a complaint to the Supreme Court against the decision of the National Electoral Commission.

2. The Supreme Court shall examine the complaint and shall issue a ruling in a case within the 60 days following the delivery of a complaint. The resolution of the Supreme Court shall be submitted to the financial agent concerned and to the National Electoral Commission.

3. The Supreme Court, by a bench of three judges, shall examine such a complaint in non-litigious proceedings.

4. There shall be no legal recourse against the ruling of the Supreme Court.

5. If the Supreme Court admits a complaint submitted by a financial agent, the National Electoral Commission shall immediately accept the election report.

### **Article 98.**

The National Electoral Commission shall publish in the Official Gazette of the Republic of Poland "Monitor Polski" and make public in the form of an announcement information on accepted and rejected reports of election committees.

### **Article 99.**

1. If the election report has not been submitted within the time limit under Article 93, paragraph 1, or if the National Electoral Commission has rejected the report or the complaint, set out in Article 97, paragraph 1, the right to allocation set out in Article 100, paragraph 1 is denied.

2. Articles 93-97 shall apply accordingly to an election report submitted after the expiration of the prescribed period.

### **Article 100.**

1. A political party, whose election committee participated in elections or a political party that is a member of a coalition election committee or an election committee of voters has the right to an allocation from the State Budget, hereinafter “a subject allocation”, for each mandate of a deputy to the European Parliament. The expenditures connected with the subject allocation shall be covered by sections of the State Budget for the Budget, public finances and financial institutions.
2. The amount of a subject allocation shall be determined using to the formula:

$$D_p = \frac{W}{L} \times M$$

Where:

- $D_p$  – is the amount of the subject allocation entitled;
- $W$  – is the sum in PLN (Polish Zloty) equal to the number of voters that has voted;
- $L$  - is the total number of deputies elected in the Republic of Poland to the European Parliament;
- $M$  – is the number of seats won by a given election committee.

3. The subject allocation shall be limited to the amount of expenditures shown in an election report, accepted by the National Electoral Commission.
4. The subject allocation due to a political party that is a member of an election coalition shall be divided among the parties forming such a coalition in proportions determined in the agreement establishing the election coalition. The agreed proportion shall not be changed. If the political parties creating the coalition failed to specify such proportions in the agreement creating the coalition, the subject allocation due to a coalition shall be transferred to each of parties in equal parts.
5. The subject allocation shall be transferred by the Minister responsible for public finance to a bank account indicated by the entities set out in paragraph 1 above, on the basis of information on entities having the right to obtain a subject allocation and on the number of seats gained by the election committee in question provided by the National Electoral Commission. The allocation shall be paid within nine (9) months following the day of the Election Day.
6. In the event of a division, merger or dissolution of a political party, its rights to the subject allocation shall be resolved pursuant to Article 37 of the Act on political parties.

### **Article 101.**

1. Financial resources or in-kind contributions accepted by an election committee in violation of Article 85, paragraph 4, subparagraph 1, Article 86, Article 87 or Article 88 shall be forfeited for the benefit of the State Treasury. In the event such a benefit has been used up or lost, its equal value shall be forfeited.
2. Paragraph 1 above shall not apply to financial benefits granted to an election committee in violation of this Act if the committee did not accept or returned the

financial benefits to the donor within 30 days of the donation being made.

3. The District Court in Warsaw shall have jurisdiction over cases of forfeit of financial resources or in-kind contributions, set out in paragraph 1 above.

4. The National Electoral Commission shall file a motion to the court concerning the decision on the forfeit of financial resources or in-kind contributions.

5. The Code of Civil Procedure shall apply to cases of forfeit of financial benefits.

## **CHAPTER 12**

### **Ballot papers**

#### **Article 102.**

Articles 155 to 157 and Article 159 of the Act on Elections to the Sejm and the Senate of the Republic of Poland shall apply accordingly to the ballot papers.

#### **Article 103.**

1. If a constituency electoral commission has deleted a candidate from the list of candidates for reasons set out in Article 71, after printing the ballot papers, the name of such a candidate shall remain on the ballot paper. Information on the deletion and on the conditions of validity of the process of voting with such a ballot paper shall be published in the form of an announcement and posted in election stations on Election Day.

2. Paragraph 1 above shall apply when the commission nullifies the registration of a constituency list for reasons set out in Article 71, paragraphs 3 or 4.

## **CHAPTER 13**

### **Voting procedure and validity of the vote**

#### **Article 104.**

Voting shall be carried out on official ballot papers.

#### **Article 105.**

1. A voter shall, before casting the vote, produce to the ward electoral commission a document giving proof of his or her identity.

2. A voter, after fulfilling the obligation set out in paragraph 1 above, shall receive a ballot paper, stamped with the electoral commission seal, from the commission. A voter shall confirm the receipt of the ballot paper with his or her signature in the section of the roll of voters designated for such purpose.

3. A voter voting abroad shall obtain the ballot paper only after producing a valid Polish passport or, in the case of a citizen of the European Union, who is not a citizen of Poland –by producing other valid identity document.

4. Upon receiving the ballot paper, a voter shall proceed forthwith to the election station booth guaranteeing secrecy during voting.

5. A voter shall insert his or her ballot paper into the ballot box, in such manner that the printed side thereof shall not be visible.

### **Article 106.**

1. Voting shall take place at the polling stations of the ward electoral commission, hereinafter "election stations", within one day and without a break, from 8.00 a.m. to 10.00 p.m.
2. Voting in wards established in hospitals and social welfare institutions, penal institution and remands may be concluded earlier than described in paragraph 1 above, if all voters have cast their votes. The ward electoral commission may order the conclusion of voting earlier, after consultation with the manager of the hospital or social welfare or penal institution, and remand, and shall notify voters, the head of the commune, mayor (president of town) and the relevant regional electoral commission.
3. Voting in the wards aboard Polish ships or abroad shall be held from 8 a.m. to 10 p.m. local time. If voting were to be concluded on the day following Election Day in Poland, then voting shall be held on the preceding day.

### **Article 107.**

1. A voter shall cast his or her vote for one constituency list only by putting an "x" mark in the box on the ballot paper on the left-hand side thereof, adjacent to the name of one candidate on the list and by so doing shall indicate priority for such candidate in the allocation of seats.
2. If, on the ballot paper an "x" mark has been put on the left-hand side thereof adjacent to the names of two or more candidates from different lists, or an "x" mark has not been put in the box on the left-hand side adjacent to the name of any candidate of any list, then such a vote shall be deemed invalid.
3. If, on the ballot paper the "x" mark has been put on the left-hand side thereof adjacent solely to the name of a candidate of a constituency list that has been invalidated, such a vote shall be deemed invalid.
4. If, on the ballot paper the "x" mark has been placed on the left-hand side thereof, adjacent solely to the name of a candidate of only one constituency list, whose name has been deleted from the list, then such vote shall be valid and given for the list.
5. If, on the ballot paper the "x" mark has been put on the left-hand side thereof adjacent to the names of two or more candidates from the same constituency list, such a vote shall be deemed validly cast for the list indicated, with assignment of priority in obtaining seats for that candidate whose name on the list is placed first in sequence.
6. The validity of a vote shall not be affected by the writing in of any additional names or descriptions or making any other remarks on the ballot paper.

### **Article 108.**

1. Only a voter, whose name is included on the roll of voters, or a voter added to the roll pursuant to paragraphs 2 and 3, may cast a vote.
2. The ward electoral commission shall add on Election Day to the roll of voters:

- 1) a person who submits a certificate of the right to vote, appending such certificate to the roll of voters;
  - 2) a person omitted from the roll of voters who proves permanent residence on the territory of given electoral ward, provided that the office of a commune has confirmed that it has not received a notice of the forfeiture of voting rights by this person or a notice of the inclusion of that person on the roll of voters of another ward,
  - 3) a person crossed out from the roll of voters of given electoral ward because of inclusion on the roll of voters of a hospital or social welfare institution, if that person submits a document confirming that he or she has left the hospital or social welfare institution on the day preceding Election Day.
  - 4) A Polish citizen residing abroad, voting in Poland on the basis of a valid Polish passport, on submission of a document confirming permanent residence abroad. In such case the commission shall insert the number of the passport and the place and date of its issue in the section "remarks" on the voting list, and shall insert on the last blank page of the passport, devoted for annotations, the imprint of its seal and the date of the vote.
3. Paragraph 2 above shall also apply to the arrival of a person at a hospital or social welfare institution on the day preceding Election Day.

#### **Article 109.**

Articles 61 to 66 and Article 69 of the Act on Elections to the Sejm and the Senate of the Republic of Poland shall apply accordingly to the voting procedure.

### **CHAPTER 14**

#### **Establishment of results of voting and of elections in electoral wards and in electoral constituencies**

#### **Article 110.**

The ward electoral commission, immediately after voting has been concluded, shall establish the results of voting in the ward.

#### **Article 111.**

1. The commission shall establish, on the basis of the actual roll of voters, the number of persons entitled to vote and the number of voters to whom ballot papers were delivered.
2. The commission shall establish the number of unused ballot papers and then shall place them into sealed packages.

#### **Article 112.**

1. Upon performing the tasks, set out in Article 111, the chairperson, assisted by the commission, shall open the ballot box, following which the commission shall count the ballot papers contained therein.

2. Ballot papers torn completely into two or more pieces shall not be included in the count set out in paragraph 1.
3. Should the number of ballot papers taken from the ballot box be smaller or exceed the number of ballot papers delivered, the commission shall indicate the probable cause of such discrepancy.

### **Article 113.**

Ballot papers, taken out the ballot box, other than officially established or those without the seal of the ward election commission shall be invalid.

### **Article 114.**

When establishing the results of the vote in a ward, the ward electoral commission shall calculate the number of:

- 1) invalid ballot papers, set out in Article 113;
- 2) valid ballot papers;
- 3) valid votes, set out in Article 107, paragraph 2 and 3;
- 4) valid votes cast for all the constituency lists;
- 5) valid votes cast for each of the lists of candidates;
- 6) 6valid votes cast for individual candidates from each of those lists.

### **Article 115.**

1. Upon performing the tasks, set out in Article 111-114, the ward electoral commission shall prepare, in two copies, the record of voting in the ward.
2. The record, set out in paragraph 1 above, shall specify consecutively the number of:
  - 1) voters entitled to vote;
  - 2) ballot papers received by the ward electoral commission;
  - 3) voters to whom ballot papers were issued;
  - 4) unused ballot papers;
  - 5) invalid ballot papers;
  - 6) valid ballot papers;
  - 7) invalid votes;
  - 8) valid votes cast for all the constituency lists;
  - 9) valid votes cast on each of the constituency lists;
  - 10) valid votes cast for individual candidates.
3. The record shall specify the time of commencement and conclusion of voting and a summary of the orders and decisions issued as well as other matters related to the conduct of voting.
4. The report shall be signed and all of its pages initialled by all members of the ward electoral commission present during its drafting. The seal of the commission shall be affixed on the record.

5. Agents have the right to enter comments for the record, specifying precise complaints. The annotation on comments being entered shall be included in the record.
6. Paragraph 5 above shall apply accordingly to members of the ward electoral commission; paragraph 5 shall not exempt members of the duty to sign the record.
7. The National Electoral Commission shall establish the specimen of the record, set out in paragraph 1 above.

#### **Article 116.**

1. If there is a plenipotentiary of the regional electoral commission appointed, the ward electoral commission shall immediately deliver him or her a copy of the record of the vote in the ward.
2. The plenipotentiary of the regional electoral commission shall immediately examine the accuracy of the results of voting in the ward and shall confirm to the ward commission the accuracy of established results or indicate arithmetic inaccuracies in the established results. The ward electoral commission is obliged to explain and correct the report and render accessible the corrected report to the voters, in a manner set out in Article 117.
3. The form of the transfer and receipt of the record, as well as method of proceeding with a copy of the record, set out in paragraph 1, shall be established by the National Electoral Commission.

#### **Article 117.**

1. The ward electoral commission shall immediately publish the results of the vote by posting them at their location, in a place accessible to the public, including data set out in Article 115, paragraph 2.
2. The publication of results, set out in paragraph 1, shall not be done before commencement of voting in other Member States of the European Union.
3. In meeting the requirements of paragraph 2, The National Electoral Commission shall make public and notify the ward electoral commission of information concerning the exact hour when information on the results, set out in paragraph 1, may be provided to the public.

#### **Article 118.**

1. The Chairperson of the ward electoral commission shall immediately deliver to the appropriate regional electoral commission, in a sealed envelope, a copy of the record of voting in the ward and shall enclose the explanation of the commission, of comments, set out in Article 115, paragraphs 5 and 6, placed in the voting record. Agents may be present during delivery of the record.
2. The results of the vote and the records of voting from ward electoral commissions established abroad shall be delivered to the appropriate constituency electoral commission for the Capital City of Warsaw—and from electoral wards established on the Polish sea-ships to the constituency electoral commission appropriate for the seat



of the ship owner.

3. The rules and method of delivery and receipt of the results of the vote and records of the vote from the wards, set out in paragraph 1, and also the rules and method of delivery and of the receipt of the results of the vote and records of the vote set out in paragraph 2, shall be determined in a resolution, by the National Electoral Commission.

#### **Article 119.**

After having received the record of voting in the ward, the regional electoral commission shall immediately examine the accuracy of the results of voting in the ward. If there are inaccuracies in the results established, then the commission shall order the ward electoral commission to recalculate them and shall notify the appropriate constituency electoral commission of this fact. Article 111-114 shall apply accordingly.

#### **Article 120.**

Upon performing the tasks set out in Articles 118 and 119, the chairperson of the ward electoral commission shall immediately, in a manner established by the National Electoral Commission, transfer the documents concerning the voting and the seal of the commission, to the head of the commune, mayor (president of town), accordingly.

#### **Article 121.**

1. The regional electoral commission shall, on the basis of the records establish the results of voting for the territory over which it has jurisdiction and shall prepare, in two copies, the record of the results of voting in the electoral region.
2. The aggregate numbers, set out in Article 115, paragraph 2, shall be specified in the record.
3. All members of the commission present at its establishment shall sign the record. The seal of the commission shall be affixed on the record.
4. The agents may be present at the establishment of voting results and drafting of the record and shall have the right to make comments for the record, specifying precise complaints.
5. The chairperson of the regional electoral commission shall immediately furnish the appropriate constituency electoral commission with data from the record, concerning the number of valid votes and votes validly cast for each constituency list, and validly cast for each of the candidates on each list, according to the procedure prescribed by the National Electoral Commission. The agents may be present during the furnishing of the recorded data.
6. The chairperson of the regional electoral commission shall immediately deliver the record of the results of voting, along with records of voting in the electoral wards, to the constituency electoral commission, according to the procedure prescribed by the National Electoral Commission. The remaining documents concerning the elections shall be retained by the head of the unit of the National Electoral Office with

jurisdiction over the seat of the commission.

7. The specimen of the record of results of voting shall be prescribed by the National Electoral Commission.

### **Article 122.**

1. After having received the record of voting from the chairpersons of regional electoral commissions, the constituency electoral commission shall immediately assess the accuracy of the results of voting, prepared by regional electoral commissions.

2. If there are inaccuracies in the establishment of results, set out in paragraph 1, then the commission shall order the regional electoral commission to recalculate them.

### **Article 123.**

1. The constituency electoral commission shall, on the basis of the records delivered by regional electoral commissions on the results of voting for the territory of their jurisdiction, shall establish the results of voting for each of the constituency lists and shall prepare, in two copies, the record of the results of the vote in the electoral constituency.

2. If the appropriate constituency electoral commission does not receive the results of the vote from electoral wards established abroad or on the board of the Polish sea-ships within 24 hours after the end of the vote, set out in Article 106, paragraph 3, the voting in those wards shall be deemed null and void. Such fact shall be inscribed in the record of the vote in the electoral constituency, specifying electoral wards and probable reasons.

3. The aggregate numbers of the appropriate figures from the records of the result of the vote shall be specified in the record.

4. All members of the commission present at its establishment shall sign the record. The seal of the commission shall be affixed on the record.

5. The agents or their plenipotentiaries may be present at the establishment and creation of the record and shall have the right to make comments on record, specifying precise complaints.

6. The chairperson of the constituency electoral commission shall immediately furnish the National Electoral Commission with the data from the record on the number of valid votes and votes validly cast for each constituency list, and validly cast for each of the candidates on each list, under the procedure prescribed by the National Electoral Commission. Persons, specified in paragraph 5, may be present at such furnishing of recorded data.

7. The chairperson of the constituency electoral commission shall immediately deliver the record of results of voting to the National Electoral Commission, under the procedure prescribed by the Commission. The remaining documents concerning the elections shall be retained by the head of the unit of the National Electoral Office with jurisdiction over the seat of the commission.

8. The specimen of the record of results of voting in the electoral constituency shall be prescribed by the National Electoral Commission.

### **Article 124.**

1. The National Electoral Commission may determine the duty, method and rules on submitting, during the voting, of numerical data, set out in Article 111, paragraph 1.
2. After receiving the records of the results of voting, set out in paragraph 1, from all the ward electoral commissions, the National Electoral Commission shall make public the number of persons included in the rolls of voters as well as number of voters, to whom ballot papers were given.

## **CHAPTER 15**

### **Establishment and announcement of the results of elections**

#### **Article 125.**

1. After receiving the results of the vote from all electoral constituencies the National Electoral Commission shall determine the aggregate results of voting across the nation and which of the lists meet the requirements for entitlement to participate in the allocation of seats, and then it shall divide all the seats among election committees in accordance with the aggregate number of valid votes cast for constituency lists of the respective election committee, and shall proceed to establish the number of seats among each of the constituency lists of each election committee which has gained the seats, and to distribute the seats to specific candidates.
2. Only those constituency list of elections committees shall participate in allotment of the seats, which have gained at least five (5%) percent of valid votes cast across the nation.

#### **Article 126.**

The National Electoral Commission shall prepare a summary table, on the basis of the records, set out in Article 123, paragraph 1, containing the aggregate number of the valid votes cast across the nation and also valid votes cast for constituency list of each respective election committee in all the constituencies, and shall prepare a list of election committees, of which constituency lists have met the requirement, set out in Article 125, paragraph 2, as well as committees, which constituency lists do not meet the requirement.

#### **Article 127.**

1. The National Electoral Commission shall allocate all the seats among entitled election committees in the following manner:
  - 1) The aggregate number of votes validly cast for constituency lists of each of the election shall be divided successively by 1; 2; 3; 4. and so on by sequence of numbers up to a point, where from the quotients thus obtained it is possible to establish a sequence of successively highest numbers as there are deputies to the European Parliament elected in the Republic of Poland.
  - 2) Every election committee shall be allotted as many seats as it has received highest

consecutive numbers attributed by the sequence of quotients obtained in the manner prescribed above.

2. Where, several election committees have achieved quotients equal to the last number from among the numbers arranged in the manner prescribed above, and there are more such committees than the number of seats to be allocated, priority shall be given to the election committees with the highest total number of votes cast for constituency lists of those committees. Where an identical number of votes have been cast for two or more election committees, the number of electoral wards in which a larger number of votes was cast for a given committee shall determine priority.

### **Article 128.**

1. Upon performing the tasks, set out in Articles 126 and 127, the National Electoral Commission shall prepare the record of the result of the vote for the entire Republic and of the general division of seats among election committees.

2. The record, set out in paragraph 1 above, shall specify the aggregate number of:

- 1) voters entitled to vote;
- 2) voters to whom ballot papers were issued;
- 3) invalid ballot papers;
- 4) valid ballot papers;
- 5) invalid votes;
- 6) valid votes cast for all the constituency lists;
- 7) valid votes cast on each of the constituency lists of each election committee;
- 8) seats for each of the election committees entitled to participate in allotment of the seats.

3. The record shall specify election committees whose constituency lists meet the condition, set out in Article 125, paragraph 2, as well as election committees, whose list do not fulfil that condition. A summary table, specified in Article 126, shall be amended to the report.

### **Article 129.**

1. After determining the number of the seats for each of the election committee, the National Electoral Commission shall prepare a summary table specifying:

- 1) the aggregate number of valid votes cast for constituency lists of each of the election committees, whose constituency list meets the requirement, set out in Article 125, paragraph 2, and
- 2) the number of valid votes cast for each of the constituency lists of each of the election committee, set out in paragraph 1.

2. On the basis of the summary table, set out in paragraph 1, the National Electoral Commission shall proceed to establish the number of seats for each of the constituency

list. To this effect, separately to each of the election committee, the number of valid votes cast in favour of the constituency list consecutively in each of the electoral constituency shall be multiplied each time by the number of seats accrued to the given committee, and the product thus obtained is divided into the number of valid votes cast in all the constituencies in favour of the constituency lists of that election committee. The value of the whole number (ahead of comma) of the quotient such obtained gives the number of seats gained by a given constituency list.

3. Where, after the procedure set out in paragraph 2, with respect to all the constituency lists of a given election committee, not all the seats accrued to this committee have been allocated, the remaining seats shall be allocated to the constituency lists of that committee, whose quotients show, after comma, successively, the largest remainders, taking into account also such constituency lists which have not thus far gained any seats.

### **Article 130.**

1. The seats allocated to given constituency list shall be distributed to its candidates according to their ranking in votes obtained.

2. Where, two or more candidates from the same constituency list are found to have received an equal number of votes, priority shall be determined by consecutive number of candidates on the list.

### **Article 131.**

1. After determining the result of the elections in each of the electoral constituency, the National Electoral Commission shall prepare a report of the election of deputies to the European Parliament.

2. The report shall include, separately for each election constituency, the specification of constituency lists registered in the constituency as well as the specification of lists, which have met the requirements set out in Article 125, paragraph 2, as well as the number of:

- 1) voters entitled to vote;
- 2) voters to whom ballot papers were issued;
- 3) invalid ballot papers;
- 4) valid ballot papers;
- 5) invalid votes;
- 6) valid votes cast for each of the constituency lists;
- 7) valid votes cast for each of the candidates on each constituency lists;
- 8) seats for each of the constituency lists which meet the requirements set out in Article 125, paragraph 2;

as well as the surnames and forenames of deputies to the European Parliament included in separate lists.

### **Article 132.**

The National Electoral Commission shall announce the results of elections of deputies to the European Parliament and shall publish them in the Journal of Law (Dziennik Ustaw) of the Republic of Poland in an announcement. The announcement shall comprise information, set out in Article 128, paragraph 2, and Article 131, paragraph 2.

### **Article 133.**

1. The National Electoral Commission shall submit to the President of the Republic and the Marshal of the Sejm a report on the election and shall issue election certificates to the deputies to the European Parliament, no later than on the 14th day after publication of the announcement, set out in Article 132.

2. The Marshal of the Sejm, immediately after publication of the announcement, set out in Article 132, shall submit to the Chairperson of the European Parliament a notification on the election of deputies to the European Parliament and other documents required.

All members of the commission present at its establishing shall sign the record. The commission seal shall be affixed on the record.

## **CHAPTER 16**

### **Elections protests. Validity of elections**

#### **Article 134.**

1. A protest against the validity of elections or the validity of the election in a constituency or the election of a deputy to the European Parliament may be lodged on the basis of:

- 1) allegations of an offence committed against the election, set out in Chapter XXXI of the Criminal Code, which influences the conduct of the vote, or on establishment of the results of the vote, or on establishment of the results of elections, or
- 2) a violation of this Act regarding the conduct of the vote, or on establishment of the results of the vote, or on establishment of the results of elections.

2. The Supreme Court shall examine the protests and shall determine the invalidity, in a resolution, of the elections or of the election of a deputy to the European Parliament.

#### **Article 135.**

1. If an offence committed against the elections or a violation by the National Electoral Commission of the provisions of this Act regarding voting, establishment of the results of voting or results of elections gives grounds for lodging a protest, it may be lodged by any voter.

2. A protest against the validity of elections in a constituency or against the election of a deputy to the European Parliament may be lodged by any voter whose name was listed on the roll of voters of any electoral ward of the appropriate electoral

constituency on Election Day.

3. The right to lodge a protest shall also be vested in a chairperson of the appropriate election commission as well as in an agent of an election committee.

#### **Article 136.**

1. A protest shall be lodged with the Supreme Court in writing no later than on the 7th day after the date of the announcement of the election results in the Journal of Laws (Dziennik Ustaw) of the Republic of Poland by the National Electoral Commission. The mailing of such protest within the above time limit at a post office in Poland shall be treated as lodging it with the Supreme Court.

2. A person lodging a protest shall specify the complaints and furnish or indicate the evidence on which such complaints are based.

3. In respect of voters abroad or aboard Polish ships, the requirement specified in paragraph 1 shall be deemed fulfilled if the protest has been lodged with either the consul having jurisdiction or the captain of the Polish ship. The voter shall include with the protest a notification of authorisation of his or her plenipotentiary residing in Poland or plenipotentiary residing in Poland who is authorised to receive delivery, failing which the examination of such protest shall be discontinued.

#### **Article 137.**

1. The Supreme Court shall, by a bench of 3 judges, examine the protest in non-litigious proceedings, and shall give its opinion in the matter, formulated in a decision.

2. The opinion set out in paragraph 1 above should present a conclusion as to the validity of the allegations specified in the protest, and if such allegations are confirmed, a judgement as to whether the offence influenced the results of the elections.

3. The participants in the proceedings shall be, by virtue of statute, the person lodging the protest, the head of the appropriate electoral commission or his or her deputy, and the Prosecutor General.

#### **Article 138.**

1. The Supreme Court shall refuse to hear a protest lodged by a person not entitled to do so pursuant to Article 135, or a protest that fails to comply with the requirements set out in Article 136. The changing of the time limit for lodging a protest is inadmissible.

2. The Supreme Court shall refuse to hear a protest that concerns a case in which, under this Act, it would have been possible to lodge, before Election Day, a complaint or an appeal to the court or to the National Electoral Commission.

3. The Supreme Court shall immediately notify the Prosecutor General if a protest includes allegations of an offence committed against the elections.

#### **Article 139.**

1. The Supreme Court shall, by a bench of the whole Chamber of Administration, Labour and Social Insurance examine the protests on the basis of judgements resulting from the examination of the protests
2. The Supreme Court shall take decisions set out in paragraph Article 134, paragraph 2, in the form of a resolution adopted no later than on the 90th day after Election Day, at a sitting attended by the Prosecutor General and the Chairperson of the National Electoral Commission.
3. The Supreme Court, following a decision invalidating the election in a constituency or the election of a deputy to the European Parliament, may decide to repeat elections or undertake other electoral procedures, specifying the procedure from which election activity is to commence anew.
4. The resolution of the Supreme Court, set out in Article 134, paragraph 2, shall be immediately submitted to the President of the Republic and to the Marshal of the Sejm, and to the National Electoral Commission.
5. The resolution of the Supreme Court, set out in Article 134, paragraph 2, shall be announced in the (Journal of Laws (Dziennik Ustaw) of the Republic of Poland).

#### **Article 140.**

1. In the case of the adoption by the Supreme Court of a resolution on the invalidity of elections in a constituency or invalidity of the election of a deputy to the Electoral Parliament, the repeat elections or electoral activities shall be conducted pursuant to the rules and procedure provided in this Act.
2. The order of the President of the Republic on a repeat election or conduct of defined electoral activities shall be made public and announced in the Journal of Laws (Dziennik Ustaw) of the Republic of Poland no later than on the 5th day after the day of announcement of the Supreme Court resolution set out in Article 139, paragraph 3. Article 11, paragraphs 2 and 3, shall apply accordingly.
3. The results of repeat elections or conducted electoral activities shall be published by the National Electoral Commission in an announcement. The announcement shall also specify the persons who have lost their seats, indicating the number of the electoral constituency and the number and name of the constituency list.
4. The announcement, set out in paragraph 3 above, shall be published in the Journal of Laws (Dziennik Ustaw) of the Republic of Poland and shall be immediately submitted to the Marshal of the Sejm.
5. The Marshal of the Sejm shall, immediately after publication of an announcement, set out in paragraph 3, submit to the Chairperson of the European Parliament a notification on the election of a deputy to the European Parliament and other documents required by the European Parliament.

### **CHAPTER 17**

#### **Expiration of the seat. Forfeiture of the seat**

#### **Article 141.**

The seat of a deputy to the European Parliament shall expire as a result of:



- 1) death;
- 2) resignation from the seat.

#### **Article 142.**

1. The forfeiture of a seat of a deputy to the European Parliament shall be a result of:

- 1) forfeiture of eligibility or lack of eligibility on the day of the vote;
- 2) the holding on the day of the vote by the deputy of a post or function, or appointment during the term of the European Parliament to a post or function, set out in Article 5 and Article 6, paragraph 2, save for paragraph 2.
- 3) election to the Sejm or to the Senate;
- 4) invalidation of an election of a deputy to the European Parliament;

2. The seat of a deputy to the European Parliament who, on the day of the vote holds a post or function, or who during his or her term in office has been appointed to a post or function set out in Article 5 and Article 6, paragraph 2, shall become vacant, if he or she fails to submit to the Marshal of the Sejm, within fourteen days following the announcement by the National Electoral Commission of the results of elections to the European Parliament or appointment to the post or function, set out in Article 5 and Article 6, paragraph 2, - a declaration on his or her resignation from such post or function.

3. A deputy to the European Parliament, who during his or her term in office has assumed the seat of a deputy to the Sejm of the Republic of Poland, shall forfeit his or her mandate to the European Parliament on the day of the publication of the results of the elections to the Sejm or to the Senate of the Republic of Poland.

4. Where, a deputy to the European Parliament received the mandate of a deputy to the Sejm of the Republic of Poland on the basis of Article 179 of the Act on Elections to the Sejm and to the Senate of the Republic of Poland, he or she shall forfeit the mandate of a deputy to the European Parliament on the day of the issue of the decision of the Marshal of the Sejm on assigning the mandate of a deputy to the Sejm of the Republic of Poland.

#### **Article 143.**

1. The Marshal of the Sejm shall certify a vacancy in the seat of a deputy in an ordination.

2. The ordination set out in paragraph 1 shall be published in the Official Gazette of the Republic of Poland "Monitor Polski".

3. The above ordination shall be immediately delivered to the National Electoral Commission.

4. The Marshal of the Sejm shall certify to the Chairperson of the European Parliament a vacancy in the seat of a deputy to the European Parliament.

## **Article 144.**

1. In the event of a vacancy in the seat of a deputy to the European Parliament, declared by the Chairperson of the European Parliament, or forfeit of the mandate, the Marshal of the Sejm, save for the case set out in Article 142, paragraph 1, subparagraph 4, shall, on the grounds of the announcement, set out in Article 132, notify the candidate from the same constituency list, entitled pursuant to Article 130, of his or her priority right to the seat.
2. A candidate may forfeit his or her priority right to the seat for the benefit of the next entitled candidate from the same list. A statement of resignation shall be submitted to the Marshal of the Sejm within seven days following delivery of the notification set out in paragraph 1 above.
3. In the case where the filling of a vacant seat to the European Parliament pursuant to the procedure specified in paragraph 1 above would be impossible because of lack of candidates on the list, the Marshal of the Sejm shall notify, in an announcement set out in Article 132, a candidate from another constituency list of this same election committee, who has gained the highest number of votes in the elections but has not gained a seat, of his or her priority right to the seat.
4. The Marshal of the Sejm shall decide on the filling of the seat. Article 143, paragraphs 2 to 4 shall apply accordingly.

## **CHAPTER 18**

### **Financing of elections by the State Budget**

#### **Article 145.**

1. Expenses related to the organisation and conduct of elections shall be covered by the State Budget.
2. Article 129 of the Act on Elections to the Sejm and to the Senate shall apply accordingly.

## **CHAPTER 19**

### **Penal provisions**

#### **Article 146.**

Any person who, in elections to the European Parliament campaigns:

- 1) on the premises of government or local government administration offices as well as seats of courts and prosecutor offices;
- 2) in work places in a manner and form disrupting the normal functioning thereof;
- 3) on the premises of military units and other units subordinated to the Minister of National Defence, and in civil defence units as well as quartered units subordinated to the Minister responsible for internal affairs;
- 4) on the premises of election stations or within the vicinity of the building, in which the election station has its seat;
- 5) on the premises of elementary schools or secondary schools directed to pupils with

no election rights  
- may be fined.

#### **Article 147.**

1. Any person who, in elections to the European Parliament shall collect signatures on a list of support for a list of candidates by resorting to threats, deceit or duress brought to obtain such signatures

- may be fined from 1,000 to 10,000 PLN.

2. Similar penalty shall apply to any person, who collects signatures of support for a candidate or a list of candidates on the premises of military units and other units subordinated to the Minister of National Defence and in civil defence units as well as in quartered units subordinated to the Minister responsible for internal affairs.

3. A person who grants remuneration for collecting or signing a list supporting candidates

- may be fined from 10,000 to 50,000 PLN

#### **Article 148.**

Any person who, conducting election campaigning connected with elections to the European Parliament:

1) affixes election posters and slogans to the walls of buildings, fences, on lanterns, electric and telecommunication devices and other devices without the consent of the owner or administrator of the property;

2) violates existing law on the maintenance of public order by installing his or her private announcement devices devoted to the election campaign;

3) affixes posters and slogans making it impossible to remove without causing damage

- may be fined.

#### **Article 149.**

1. Any person conducting election campaigning connected with elections to the European Parliament, who fails to insert a clause indicating the origin of election material

- may be fined.

2. Similar penalty shall apply to any person acting as an editor in the meaning of the press law, who fails to ensure that election materials, announcements, appeals or election slogans disseminated at the cost of election committees by way of press, television or radio broadcast, contain a message specifying the source and payer of such endorsement.

#### **Article 150.**

Any person, conducting election campaigning connected with elections to the European Parliament, who without the permission of the election agent of an election committee organizes meetings with candidates, distributes election programmes of candidates or election committees and their agitation materials in the form of advertisements during the election campaign via mass-media, as well as posters, pamphlets or brochures in mass outlay or via a free hotline  
- may be fined.

#### **Article 151.**

Any person, conducting election campaigning connected with elections to the European Parliament, who organizes meetings, marches and demonstrations, delivers speeches, distributes brochures or any other forms of agitation for candidates and lists of candidates within the period beginning from the end of election campaign up to conclusion of voting  
- may be arrested or fined.

#### **Article 152.**

Any person, conducting election campaigning connected with elections to the European Parliament, who organizes raffles, lotteries or contests rewarded in money or in articles, if their value is higher than the value of articles used normally in advertising or promotion  
- may be fined from 5,000 to 50,000 PLN

#### **Article 153.**

Any person, conducting election campaigning connected with elections to the European Parliament, who serves or supplies alcoholic beverages free of charge or at their prevailing net prices, no higher than the normal purchase price or the cost of production  
- may be arrested or fined.

#### **Article 154.**

Any person, conducting election campaigning connected with elections of deputies to the European Parliament, who from the end of the election campaign until the conclusion of voting publishes the results of opinion polls on the probable behaviour of voters and election results, as well as election opinion polls held on Election Day  
- may be fined from 500,000 to 1,000,000 PLN

#### **Article 155.**

Any elector who, votes in the same elections to the European Parliament more than once  
may be fined.

### **Article 156.**

Any person who, in connection with elections to the European Parliament organizes the public collection of funds,

- may be fined from 1,000 to 100,000 PLN.

### **Article 157.**

Any person who, in connection with elections to the European Parliament shall transfer financial or in-kind resources of an election committee to another election committee -

- may be fined or arrested or both.

### **Article 158.**

1. A financial agent of an election committee who, in connection with elections to the European Parliament fails to deposit financial resources into a bank account -

- may be fined or arrested.

2. A similar punishment shall apply to any person, who fails to insert a stipulation in the bank-account agreement concluded by him on behalf of an election committee, concerning methods of making contributions, provided by this Act, and on admissible sources of funds received by an election committee, as well as on the admissible date of such transfer.

### **Article 159.**

Any person who, conducting election campaigning connected with elections to the European Parliament:

1) receives financial or in-kind resources for an election committee or spends the financial resources of an election committee for purposes other than connected with the election;

2) receives financial or in-kind resources for an election committee or spends financial resources of an election committee before the day, from which such action is possible, as provides this Act;

3) receives financial or in-kind resources for an election committee after Election Day;

4) spends the financial resources of an election committee after the day of the submission of a financial report;

5) spends the financial resources of an election committee in violation of expense limits established for election committees;

6) transfers to an election committee of voters, or receives funds or in-kind contributions from sources other than individuals

- may be arrested or fined.

### **Article 160.**

Any person who, in connection with elections to the European Parliament receives or spends on election campaigning financial resources from sources other than the Election Fund of a political party which established the election committee, or from the Election Funds of political parties which established a coalition election committee

- may be arrested or fined.

### **Article 161.**

Any person who, in connection with elections to the European Parliament having information on the sources of financial or in-kind resources, receives the resources for the benefit of an election committee of voters or assigns the financial resources of an election committee of voters for the purposes of the election campaign, obtained from:

- 1) an individual with no place of residence on the territory of the Republic of Poland, excluding citizens of Poland living in another Member State of the European Union;
- 2) a foreigner resident on the territory of the Republic of Poland who is not a citizen of the European Union.

- may be arrested or fined.

### **Article 162.**

Any person who, in connection with elections to the European Parliament receives or assigns for the purposes of the election campaign in-kind contributions other, than unpaid services of distributing elections posters and brochures by entities other than entrepreneurs,

- may be arrested or fined.

### **Article 163.**

1. A financial agent who, in connection with elections to the European Parliament fails to discharge the duty:

- 1) of transferring the excess of financial resources contributed over expenditures incurred to a charitable institution;
- 2) of preparing and submitting an election report to the National Electoral Commission or providing false incomplete information in the report

- may be fined, arrested or sentenced to a prison term not exceeding two years.

2. Similar punishment shall apply to any person, who prevents a financial agent or obstructs the discharge of his or duties, set out in paragraph 1.

### **Article 164.**

Any person who, in connection with elections to the European Parliament prevents or obstructs an auditor from preparing an opinion or report concerning the election report -may be fined, arrested or sentenced to a prison term not exceeding two years.

#### **Article 165.**

1. In the case of punishment under Article 148 for committed misdemeanour, the court shall declare the forfeit of objects that served or were designated for committing a misdemeanour, or shall declare smart money up to 1,500 PLN to be paid.
2. In the case of punishment under Article 152, Article 156, Article 159, Article 160, Article 161 and Article 163, paragraph 1, subparagraph 1 for a committed misdemeanour or crime, the court shall declare the forfeit of objects being the object of the misdemeanour or crime.
3. The forfeit of objects, set out in paragraphs 1 and 2 above shall be declared, even if the objects were not a property of the perpetrator.
4. In the event, the declaration of the forfeit of objects, set out in paragraph 2 is impossible, the court shall declare a payment of money equal in value.

#### **Article 166.**

The provisions on procedure in cases of misdemeanour shall be applicable to proceedings in matters set out in Articles: 146; 148-151; 153; 155 and 157-162.

### **CHAPTER 20**

#### **Special provisions**

#### **Article 167.**

Any written documentation, judicial and administrative proceedings in election matters are free of any administrative and court fees.

#### **Article 168.**

Any documentation, required under this Act, written in a language other than Polish, shall be submitted together with a Polish translation thereof.

#### **Article 169.**

1. The documents pertaining to elections shall be delivered to the State Archives and may be made accessible.
2. The Minister responsible for culture and protection of the national heritage, shall issue an order, on the motion of the National Electoral Commission submitted in consultation with the Director of the State Archives, determining the manner of delivery, maintaining and making available documentation pertaining to elections, especially the period, after which they have to be delivered to the State Archives, the protection of the submitted and preserved documents and of their data, as well as entities which having access to such documents.

### **Article 170.**

Whenever in this Act references are made to non-litigious proceedings in courts, the appropriate provisions of the Code of Civil Procedure on non-litigious proceedings shall apply.

### **Article 171.**

1. Whenever in this Act references are made to the expiry of a time limit for lodging a complaint or an appeal to the court or an electoral body, or to the commune office, a consul or a captain of a sea ship, this shall be understood as the day of filing a complaint or appeal with the court or with the electoral body or with the commune office, a consul or a captain of a sea ship.

2. If the expiry of time limit for performance of an action specified in the Act falls on a day that is statutorily not a day of work, the time limit shall expire on the first working day after that day.

3. If this Act does not provide otherwise, the electoral actions described in the election calendar as well as the actions set out in paragraph 1 shall be performed within the working hours of courts, electoral bodies, commune offices and consular offices.

### **Article 172.**

Whenever in this Act references are made to the identity number PESEL, it should be understood, in respect of citizens of the European Union not being nationals of Poland – the number of passport or other identity document.

### **Article 173.**

Whenever in this Act references are made to the duty of publication, it should be also understood as a duty to render accessible in the official electronic publication – the Bulletin of Public Information.

### **Article 174.**

Whenever this Act refers to:

- 1) citizens of the European Union who are not nationals of Poland - up to 30th April 2004 this shall be understood to mean not only citizens of the European Union, but also citizens of: the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Slovenia and the Republic of Slovakia.
- 2) Member States of the European Union - up to 30th April 2004 this shall be understood not only Member States of the European Union, but also citizens of: the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of



Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Slovenia and the Republic of Slovakia.

### **Article 175.**

1. The Minister responsible for public finances shall, by order, raise the quota set out in Article 89, paragraph 1, relative to the price increase, if the consumer price index increases by more than five percent.

2. The consumer price index, set out in paragraph 1 above, shall be established on the basis of an announcement of the President of the Central Statistical Office, published quarterly, by the 20th of the first month of the annual quarter, in the Official Gazette of the Republic of Poland "Monitor Polski" .

## **CHAPTER 21**

### **Amendments in the provisions in force and final provisions**

#### **Articles 176 – 185**

The above Act of law amends the following acts of law: the Act of 26 March 1982 on the Tribunal of the State; the Act of 27 September 1990 on Election of the President of the Republic of Poland; the Act of 11 April 1997 on Disclosure of Work or Service in the Organs of State Security and Collaboration with such organs in the years 1944-1990 by Persons Performing Public Functions; the Act of 6 June 1997- the Penal Code; the Act of 27 June 1997 on Political Parties; the Act of 29 August 1997 on Protection of Personal Data; the Act of 16 June 1998 on Elections to Commune Councils, District Councils and Voivodeship Councils; the Act of 12 April 2001 on Elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland – and the Act of 22 November 2002 on the Supreme Court.

### **Article 186.**

This Act shall enter into force on 1 March 2004.

**PRESIDENT OF THE REPUBLIC OF POLAND**

Appendix to the Act of 23rd January 2004  
on Elections to the European Parliament

## **LIST OF CONSTITUENCIES**

Constituency No 1 - covers the territory of the Pomorskie Voivodeship

The location of the Constituency Electoral Commission: Gdansk

Constituency No 2 - covers the territory of the Kujawsko-Pomorskie Voivodeship  
The location of the Constituency Electoral Commission: Bydgoszcz

Constituency No 3 - covers the territory of the Podlaskie and Warminsko-Mazurskie Voivodeship  
The location of the Constituency Electoral Commission: Olsztyn

Constituency No 4 - covers the territory of part of the Mazowieckie Voivodeship: Capital City of Warszawa and following districts: Grodzisk, Legionow, Nowy Ddwor, Otwock, Piaseczno, Pruszkow, Zachodnio Warszawski and Wolomin.  
The location of the Constituency Electoral Commission: Warszawa

Constituency No 5 - covers the territory of part of the Mazowieckie Voivodship: the following districts: Ciechanow, Gostynin, Mlawa, Plock, Plonsk, Przasnysz, Sierpc, Sochaczew, Zuzomin, Zyrardow, Bialobrzegi, Grojec, Kozienice, Lipsk, Przysucha, Radom, Szydlowiec, Zwolen, Garwolin, Losice, Makow, Minsk, Ostroleka, Ostrow, Pultusk:, Siedlce, Sokolow, Wegrow, Wyszkwow and also towns: Plock, Radom, Ostroleka and Siedlce.  
The location of the Constituency Electoral Commission: Warszawa

Constituency No 6 - covers the territory of the Lodzkie Voivodeship  
The location of the Constituency Electoral Commission: Lodz

Constituency No 7 - covers the territory of the Wielkopolskie Voivodeship  
The location of the Constituency Electoral Commission: Poznan

Constituency No 8 - covers the territory of the Lubelskie Voivodeship  
The location of the Constituency Electoral Commission: Lublin

Constituency No 9 - covers the territory of the Podkarpacie Voivodeship  
The location of the Constituency Electoral Commission: Rzeszow

Constituency No 10 - covers the territory of the Malopolskie and Swietokrzyskie Voivodeship  
The location of the Constituency Electoral Commission: Krakow

Constituency No 11 - covers the territory of the Slaskie Voivodeship  
The location of the Constituency Electoral Commission: Katowice

Constituency No 12 - covers the territory of the Dolnoslaskie and Opolskie Voivodeship  
The location of the Constituency Electoral Commission: Wroclaw

Constituency No 13 - covers the territory of the Lubuskie and Zachodnio-Pomorskie

Voivodeship

The location of the Constituency Electoral Commission: Gorzow Wielkopolski