

NOTES

ON THE SENATE



SENATE
OF THE REPUBLIC
OF POLAND

How are senators elected?

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SENATORS ARE ELECTED IN ACCORDANCE WITH PROCEDURE SET OUT in the Constitution of the Republic of Poland of 2 April 1997 and the Act of 5 January 2011 – the Election Code. Senators are elected for a 4-year term of office, unless the President or the Sejm decides to reduce this term of office, in specific circumstances.

SENATORS ARE ELECTED by direct by universal, direct and secret ballot. **THE UNIVERSALITY** of elections to the Senate has two aspects. Every Polish citizen who has attained the age of 18 years has **ACTIVE ELECTORAL RIGHTS**, irrespective of his or her sex, nationality, racial identity, religion or the length of residence in Poland. Every Polish citizen who has attained the age of 30 years and is eligible to vote also has **PASSIVE ELECTORAL RIGHTS**, i.e. he or she has the right to stand as a candidate in elections.

THE PRINCIPLE OF DIRECT ELECTIONS relates to the manner in which senators are elected. It means that citizens make their ultimate decision themselves, without the involvement of any intermediaries. Such elections are also referred to as “one-stage elections”.

THE PRINCIPLE OF SECRECY refers only to the act of voting. It means that a citizen is free to vote on any candidate of his or her choice. A voter casts a vote in an unrestrained manner, knowing that he or she will not suffer any consequences of his or her decisions.

THE SENATE IS COMPOSED OF 100 SENATORS ELECTED IN 100 SINGLE-MEMBER CONSTITUENCIES. Every election committee may propose only 1 candidate in a given constituency and the voter may only vote on 1 candidate. The candidate who obtains the largest number of votes (**MAJORITY RULE**) wins a seat in the Senate. Senators have been elected in single-member constituencies since 2011. Previously, senators were elected by a plurality bloc voting method in 40 multi-member constituencies (with between 2 and 4 seats for each constituency).

ELECTIONS ARE CONVENED BY THE PRESIDENT OF THE REPUBLIC OF POLAND not later than 90 days before the end of the 4-year term of office of the Sejm and the Senate. The elections are held on a non-working day, 30 days before the end of the 4-year term of office of the Sejm and the Senate. Elections to the Senate are held on the same day as elections to the Sejm. The President announces his decision in the “Journal of Laws” (Official Journal of the Republic of Poland). In addition, the President sets the days on which specific activities associated with the organisation of elections are to be performed. This schedule is called the electoral calendar.

CANDIDATES FOR SENATORS MAY BE NOMINATED by electoral committees acting on behalf of political parties or voters. Every nomination must be sup-

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ported by the signatures of at least 2,000 voters. A candidate may stand for election in only one constituency. A candidate may not simultaneously stand for election to the Senate and the Sejm.

A senatorial candidate born before 1 August 1972 is obliged to submit a **STATEMENT ON WORK OR SERVICE IN STATE SECURITY BODIES** or cooperation with them in the period from 22 July 1944 to 31 July 1990 (**VETTING DECLARATION**). If a senator is found to have submitted a false vetting declaration, his or her term of office is automatically brought to an end.

THE VALIDITY OF ELECTIONS TO THE SENATE is ascertained by the Supreme Court, which is also competent to examine election-related complaints against any senators.

If a senator's term of office expires, **BY-ELECTIONS** are held, but only in the territory of Poland. By-elections are not held, however, when a senator's term of office expires less than 9 months before the end of the Senate's term of office.

THE OFFICE OF SENATOR IS INCOMPATIBLE WITH THE OFFICE OF: Member of the European Parliament, and with the functions of the President of the National Bank of Poland, President of the Supreme Audit Office, Commissioner for Human Rights and Ombudsman for Children and their deputies, the President of the Institute of National Remembrance, President of Data Protection Office, ambassador and with membership in the Monetary Policy Council and the National Broadcasting Council. Neither may it be combined with employment in the Chancellery of the Sejm, Chancellery of the Senate, Chancellery of the President of the Republic of Poland or with employment in government administration (with the exception of ministers and deputy ministers). The mandate of a senator may not be exercised by a councillor, president of the city, wójt (governor of a group of villages), mayor, judge, prosecutor, civil servant, soldier on active military service, police officer or a functionary of State protection services.

Mirosław Granat

