

ESCE

Electoral System Change in Europe since 1945



Electoral System Change in Europe since 1945: Poland

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With thanks to:





Section 1: Overview of Polish Electoral System Changes since 1945

From 1956 to 1985, deputies to the Sejm (Polish lower house) were elected entirely in quasi-competitive elections in SMDs. Candidates from certain approved workers' organisations registered with the authorities were able to compete with the Polish United Workers' Party (PZPR) in elections to the Sejm.¹ In 1985 the law was modified to include a wider range of parties, some of which were Catholic-based organisations.² In conjunction with the SMD system of election, the new law made provision for up to 15 per cent of seats to be allocated according to a party list system.³ Ostensibly, therefore, a multi-party system was in operation, in that a number of parties, other than the PZPR, competed for seats in the Sejm. At the same time, as late as 1989 these other parties remained in obeisance to the PZPR, and recognised its leading role in society at least until 1989.⁴ A new law on elections to the Sejm was endorsed in April 1989, which slightly modified the existing mixed system by reducing the percentage of mandates elected through party lists from 15 per cent to 10 per cent.⁵ The rest of the seats remained contested in SMDs, through a two-round system, and the new law provided that at least one 'independent' candidate must be elected to each region.⁶ In the event that no candidate reached the 50% threshold, there were to be re-run elections between those 2 or more candidates that received the highest number of votes.⁷ While this law provided conditions whereby independent and opposition candidates could compete (so long as they were operational 'nationwide' and had secured sufficient supporting signatures)⁸, there were restrictions on the number of seats to be allocated to each of the main parties, as had been agreed during the Round Table negotiations.⁹ This system cannot, therefore, be considered as free or fair, but rather transitional. In 1991 the Polish Parliament introduced a new law, replacing the 1989 mixed system with a two-tier open-list system of PR. Since 1991, there have been several relatively minor amendments to the system – with the number of districts (and, consequently the average district magnitude) and seat allocation formulae being amended several times – the most significant of these changes was the abolition of the national upper tier in 2001. Furthermore, party and coalition thresholds at the district and nationwide levels were introduced into Polish electoral law, in 1993 and such thresholds (with minor amendments) have remained in place since then.

¹ Article 33, 1956 Law

² Article 51, 1985 Law

³ Article 11, 1985 Law

⁴ Interview with former Prime Minister, Leszek Miller (30 September 2010); interview with former speaker of the Sejm in 1988, Jerzy Urban (28 September 2010)

⁵ Article 9, 1989 Law

⁶ Article 39(1), 1989 Law

⁷ Article 78(4); 78(5), 1989 Law

⁸ Article 40(2)

⁹ Article 39(1)



Section 2: Relevant Electoral System changes in Poland since 1945

Table 1. Summary of Polish Electoral Laws and Amendments since 1945

Law	Amendment	Date of enactment	Location	Relevant to the research
<p>Law of 7 April 1989, Regulations on elections to the Sejm of the Polish People's Republic, X parliamentary term, 1989-1993.</p> <p>Journal of Laws 1989 Nr 19, item 102, 1989-04-08.</p>		08.04.1989	<p>http://g.ekspert.infor.pl/p_dane/akty_pdf/DZU/1989/19/102.pdf#zoom=90</p> <p>in English</p> <p>http://www2.essex.ac.uk/elect/database/legislationAll.asp?country=poland&legislation=pl89</p>	Maybe
	<p>Decree of 12 June 1989 on amendments to the Law - Regulations on elections to the Sejm of the Polish People's Republic, X parliamentary term, 1989-1993.</p> <p>Journal of Laws, Nr 36, 198 of 13 June 1989</p>	13.06.1989	<p>http://g.ekspert.infor.pl/p_dane/akty_pdf/DZU/1989/36/198.pdf#zoom=90</p>	
<p>Law of 28 June 1991. Regulations on elections to the Sejm of the Polish Republic.</p> <p>Journal of Laws Nr 59, item 252 of 3 July 1991</p>		03.07.1991	<p>http://g.ekspert.infor.pl/p_dane/akty_pdf/DZU/1991/59/252.pdf#zoom=90</p> <p>in English</p> <p>http://www2.essex.ac.uk/elect/database/legislationAll.asp?country=poland&legislation=pl91</p>	Yes
<p>Decision of the Constitutional Court of 2 October 1991 on the interpretation of Article 81, para. 5 of the Law of 28 June 1991 Regulations on elections to the Sejm of the Polish Republic.</p> <p>Journal of Laws, Nr 90, item 407 of 11 October 1991.</p>		10.10.1991	<p>http://g.ekspert.infor.pl/p_dane/akty_pdf/DZU/1991/90/407.pdf#zoom=90</p>	
<p>Decision of the Constitutional Court of 21 August 1991 on the interpretation of Article 8 of the</p>		21.08.1991	<p>http://g.ekspert.infor.pl/p_dane/akty_pdf/DZU/1991/81/36</p>	



<p>Law of 28 June 1991, Regulations on elections to the Sejm of the Polish Republic.</p> <p>Journal of Laws Nr 81, item 364 of 11 September 1991.</p>			4.pdf#zoom=90	
<p>Decision of the Constitutional Court of the 15 October 1992 on the interpretation of Article 100, para. 2 of the law of 28 June 1992 [sic] – Regulations on the elections to the Sejm of the Polish Republic.</p> <p>Journal of Laws Nr 79, item 404 of 27 October 1991.</p>		10.11.1992	http://g.ekspert.infor.pl/p_dane/akty_pdf/DZU/1992/79/404.pdf#zoom=90	
<p>Law of the 28 May, 1993 Regulations on the elections to the Sejm of the Polish Republic.</p> <p>Journal of Laws Nr 45, item 205 of 2 June 1993</p>		15.06.1993	http://g.ekspert.infor.pl/p_dane/akty_pdf/DZU/1993/45/205.pdf#zoom=90 in English: http://www2.essex.ac.uk/elect/database/legislationAll.asp?country=poland&legislation=pl93	Yes
<p>Decision of the Constitutional Court of 14 July 1993 on establishing a universally binding interpretation of the amendments to Article 124, para. 1 of the Law of 28 May, 1993 - Regulations on the elections to the Sejm of the Polish Republic together with Article 81, para. 5, point 4 of the same law with regard to Article 189 of the Constitution.</p> <p>Journal of Laws Nr 66, item 318 of 23 July 1993</p>		23.07.1993	http://g.ekspert.infor.pl/p_dane/akty_pdf/DZU/1993/66/318.pdf#zoom=90	
	<p>Law of 6 March 1997 on amendments to the Law – Regulations on the elections to</p>	16.05.1997	http://g.ekspert.infor.pl/p_dane/akty_pdf/DZU/1997/47/29	Yes



	the Sejm of the Polish Republic. Journal of Laws Nr 47, item 297 of 16 May 1997. ¹⁰		7.pdf#zoom=90	
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Section 3: Details of previous electoral systems and electoral system changes.

3.1 The 1991 Electoral System

In 1991 the Polish Parliament introduced a new law, replacing the 1989 mixed system with a two-tier open-list system of PR. 460 candidates were to be elected to the Sejm, of which 391 were elected at the district level, and 69 were elected through nationwide party lists.¹¹ Districts were determined according to population size, and a minimum of 7 mandates were to be allocated to each electoral district.¹² Party lists at the district level were to contain at least 10 candidates, while the national lists were to contain at least 35 candidates.¹³ Candidates could only compete in the national party lists if they had been nominated at the district level also.¹⁴

Assembly size. 460 seats.

Districts and district magnitude. An appendix to the law specified the number of seats to be allocated in each of the electoral districts. The law provided that the State Electoral Commission could propose amendments (to reflect growth or decrease in constituencies' population) to this fixed district magnitude. These proposed changes were to be submitted to the Sejm for consideration no less than 12 months before the end of a parliamentary term, and were to be decided by the Sejm no less than 9 months before the end of a parliamentary term.

Nature of votes that can be cast. District party lists were to be open: Voters were to indicate with 'X' one preferred candidate. Voters voted once only, at the district level, and on the basis of these results, seats were allocated at the second tier.

Party threshold. While there was no threshold for parties proposing candidates in the district list elections, parties competing in the nationwide list elections needed to secure a minimum of 5 per cent of all votes cast in the district elections, or have won at least 5 seats (out of a total of 391, that is 1.3% of all mandates) in the district elections, to be eligible for mandates.

¹⁰ Ustawa z dnia 6 marca 1997 r. o zmianie ustawy - Ordynacja wyborcza do Sejmu Rzeczypospolitej Polskiej. Dziennik Ustaw Nr 47 pozycja 297 z 16 maja 1997

¹¹ Article 2, 2(1), 2(2), 1991 Law

¹² Article 36(1-3), 1991 Law

¹³ Article 76(5), 1991 Law

¹⁴ Article 76(4), 1991 Law



Allocation of seats to parties at the lower tier. Seats were allocated according to what equates with the Hare quota, although the procedure described in the law differs slightly, in that instead of successively allocating seats according to a quota, the number of seats to be allocated was devised directly by applying a formula. In terms of outcome and remainders, however, the formula and quota procedure amount to precisely the same in practice. First, the total number of votes cast for each party was to be multiplied by the number of available mandates in each district and then the resultant product was to be divided by the total number of votes cast in each respective district. This quotient was then to be rounded up to the nearest whole number, and on this basis seats were to be allocated. In the event that some mandates remained unallocated, then these were to be awarded to those parties with the largest remainders [before the number had been rounded up], with equal consideration to those parties that had not already been allocated seats. In the event that more mandates were allocated to a party than there were candidates, then these were to be allocated to the party/parties, with the highest quotient(s). Coalitions were to be allocated mandates on the same basis as parties.

Allocation of seats to parties at the upper tier. The law provided that these 69 mandates were to be allocated according to a modified form of Sainte-Laguë (Millard). The formula began with 1.4 instead of 1, therefore the divisors were 1.4, 3, 5, 7 (etc.). By applying the divisor of 1.4 instead of 1, the overall effect is to reduce the chances that the smallest parties would secure seats. A further provision also reduced the chances for smaller parties: In the event that divisors were to produce the same quotients across parties, then the party that was to be allocated the mandate was to be the one that had secured the most votes in the nationwide party list elections. In the event that the parties in question each received the same number of votes in the party list elections, then the seat was to be allocated to the party that had gained the most mandates in the electoral district elections. If more mandates were to be allocated to a party than candidates on their party list, then these seats were to be awarded to other parties with the highest quotients.

Allocation of seats to candidates. Seats awarded to a party were to be allocated to candidates according to their ranking when preference votes had been taken into account. In the event that two candidates were to receive the same number of preference votes, then the candidate placed higher on the list by the Party was to win the seat. Evidently, therefore, the method of candidate selection relies entirely on the electorate's preferences, except in the case of a tie-breaker. National party lists were entirely closed: seats were to be allocated according to the order in which the party had ranked candidates, excluding, of course, those that had won mandates in the district elections.



Table 2: Allocation of seats at district level in 1991

Electoral district	1991
1. Capital city of Warsaw	17
2. Warsaw region (województwo)	8
3. Płock region	10
4. Łódź region	12
5. Piotrków region	7
6. Konin region	9
7. Radom region	8
8. Kielce region	11
9. Częstochowa region	8
10. Opole region	10
11. Wrocław region	12
12. Wałbrzych region	8
13. Jelenia Góra region	11
14. Zielona Góra region	11
15. Kalisz region	7
16. Toruń region & Włocławek region	11
17. Bydgoszcz region	11
18. Poznań region	14
19. Gorzów region	10
20. Szczecin region	10
21. Koszalin region & Słupsk region	9
22. Gdańsk region	15
23. Olsztyn region & Elbląg region	13
24. Ciechanów region, Ostrołęka region & Łomża region	12
25. Białystok region & Suwałki region	12
26. Siedlce region & Biała Podlaska region	10
27. Zamość region & Chełm region	7
28. Lublin region	10
29. Rzeszów region	13
30. Krosno region & Przemyśl region	9
31. Nowy Sącz region	7
32. Tarnów region	7
33. Kraków region	13
34. Bielsko Biała	9
35. Katowice region [East:	10



CEC HQ: Sosnowiec]	
36. Katowice region [Central: CEC HQ: Katowice]	17
37. Katowice region [West: CEC HQ: Gliwice]	13

3.2 The 1993 Electoral Reform

Districts and district magnitude. The number of electoral districts was increased from 37 to 52 while the number of mandates, 391, remained the same. The law consequently amended the provision that each district would elect a minimum of 7 deputies, and instead provided that this was to be between 3 and 17. As before the precise magnitude for each district was fixed in the appendix to the law. This significantly reduced the average district magnitude from 10.6 to 7.5 (see Table 3, Poland district magnitude 1991-2011). The number of candidates that could be proposed on the district party lists was also changed: the minimum number of candidates was 3, which in most districts was considerably fewer than the number of seats to be contested. The maximum number of candidates was also reduced to a figure of twice the number of seats to be contested.

Party threshold. A new restriction was introduced, whereby only parties that secured at least 5 per cent of all votes cast (across the country) were to be allocated mandates in the district party list elections. For coalitions, this threshold was 8 per cent. Parties and coalitions were both required to secure at least 7 per cent of all votes cast in the district list elections to be eligible for mandates in the nationwide party list elections. Parties representing ethnic minorities were to be exempt from this restriction, provided they had registered as such before an election.

Allocation of seats to parties at the lower tier. The new law replaced the Hare quota with the d'Hondt formula for allocating mandates. This new law reflected the system in operation from 1918 until 1935, when the method for allocating mandates was the d'Hondt formula. Thus the total number of votes cast for a party was to be divided, successively, by the series of numbers 1,2,3,4, and seats allocated to those parties with the largest quotients. A slight change was introduced, whereby in the event mandates remained unallocated after the first tier of the elections, then these were to be added to the number of mandates for distribution at the second tier.

Allocation of seats to parties at the upper tier. In this tier, the formula for distributing seats was changed from modified Sainte-Laguë (Millard) to D'Hondt.

No other change.

3.3 The 2001 Electoral Reform.

In 2001 the law on elections to the Sejm was again redrafted, changing the formula for allocating seats from d'Hondt back to modified Sainte-Laguë. The second tier elections of 69



deputies in nationwide lists were scrapped and instead all 460 seats were to be contested through district lists.

Districts and district magnitude. Once again, the law provided that each district was to elect a minimum of 7 deputies.¹⁵ The number of districts was reduced from 52 to 41 (see Table 3, Poland district magnitude 1991-2011). Parties were to propose on their lists no fewer than the number of seats to be contested in the district and a maximum of twice this figure.¹⁶

Party threshold. The same threshold that had applied to the first tier elections (5 per cent of all votes cast nationwide for parties and 8 per cent for coalitions) remained,¹⁷ as did the exemption clause for parties representing ethnic minorities.¹⁸ Whereas before there was provision for any unallocated seats to be transferred to the second tier, given that this was no longer possible, the new law added provision for reduced thresholds: In the event that none or only one of the parties/coalitions competing reached these thresholds, then the thresholds were to be reduced to 3 per cent and 5 per cent (of all votes cast nationwide) respectively.¹⁹

Allocation of seats to parties at the lower tier. The formula for allocating mandates was once again changed, this time from d'Hondt back to a modified form of Sainte-Laguë. The sequence of odd-numbered divisors was the same as in 1991, with the first divisor raised to 1.4. In the event that quotients for parties were the same and there were insufficient mandates for all, the parties that had received the most votes, nationwide, were to receive the mandate in question. In the event that parties received the same number of votes nationwide, then the party that received more widespread support in more electoral districts was to be allocated the mandate. The same system of preference voting remained, whereby voters could indicate one candidate they preferred from the list and candidates were allocated seats according to this ranking. In the event that two candidates from the same party list were to receive the same number of votes, then the law provided that the candidate with more votes in more electoral wards within the constituency was to be allocated the seat. In the event that this figure was also the same, then lots would be drawn to determine the outcome.

No other change.

3.4 The 2002 Electoral Reform

Allocation of seats to parties at the lower tier. The formula for allocating mandates was again changed back from modified Sainte-Laguë to d'Hondt, requiring that the number of votes cast for each party should be successively divided by 1,2,3,4 etc. and the parties with the highest quotients were to receive mandates.

No other change.

¹⁵ Article 136(2), 2001 Law

¹⁶ Article 143(2), 2001 Law

¹⁷ Article 133, 2001 Law. The provision regarding the 7 per cent threshold for participation in the second tier elections was no longer relevant.

¹⁸ Article 134, 2001 Law.

¹⁹ Article 135, 2001 Law



3.5 The 2005 Electoral Reform

Districts and district magnitude. The only amendments introduced in this act were those concerning alterations to the 2001 law's appendix, relating to the fixed number of mandates to be allocated to each district. Since the number of districts remained static, as did the number of seats, the average district magnitude remained static at 11.2. The same range of district magnitude (7-19) was also maintained, but simply modified slightly the boundaries of some districts and the allocation of mandates to some districts (See Table 3, Poland district magnitude 1991-2011)

No other change.

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